

8. In addition to the popular video game, a variety of licensed Poppy Playtime products are available, including stuffed toys, posters, and clothing (collectively, the “Poppy Playtime Products”).

9. Poppy Playtime Products are distributed and sold to consumers directly through Plaintiff’s website at poppyplaytime.com, as well as through authorized retailers in the United States, including retailers in Illinois.

10. Plaintiff has used the POPPY PLAYTIME trademark and other trademarks for many years in connection with the Poppy Playtime video game and related line of Poppy Playtime Products and has continuously sold products under the POPPY PLAYTIME trademark and other trademarks (collectively, the “POPPY PLAYTIME Trademarks”). As a result of this long-standing use, strong common law trademark rights have amassed in the POPPY PLAYTIME Trademarks. Plaintiff’s use of the marks has also built substantial goodwill in and to the POPPY PLAYTIME Trademarks. Plaintiff has registered the below POPPY PLAYTIME Trademarks with the United States Patent and Trademark Office.

Registration No.	Trademark
7,157,530	POPPY PLAYTIME
7,572,536	SMILING CRITTERS
7,662,706	CATNAP
7,683,545	HUGGY
7,392,878	BOXY BOO
7,523,931	MOMMY LONG LEGS

11. The above U.S. registrations for the POPPY PLAYTIME Trademarks are valid, subsisting, and in full force and effect. The registrations for the POPPY PLAYTIME Trademarks constitute *prima facie* evidence of their validity and of Plaintiff's exclusive right to use the POPPY PLAYTIME Trademarks pursuant to 15 U.S.C. § 1057 (b). True and correct copies of the United States Registration Certificates for the above-listed POPPY PLAYTIME Trademarks are attached hereto as **Exhibit 1**.

12. The POPPY PLAYTIME Trademarks are distinctive when applied to the Poppy Playtime Products, signifying to the purchaser that the products come from Plaintiff and are manufactured to Plaintiff's quality standards. Whether Plaintiff manufactures the products itself or contracts with others to do so, Plaintiff has ensured that products bearing the POPPY PLAYTIME Trademarks are manufactured to the highest quality standards.

13. The POPPY PLAYTIME Trademarks are famous marks, as that term is used in 15 U.S.C. § 1125(c)(1) and have been continuously used and never abandoned. The innovative marketing and product designs of the Poppy Playtime Products have enabled the Poppy Playtime brand to achieve widespread recognition and fame and have made the POPPY PLAYTIME Trademarks some of the most well-known marks in the video game industry. The widespread fame and significant goodwill associated with the Poppy Playtime brand have made the POPPY PLAYTIME Trademarks a valuable asset of Plaintiff.

14. Plaintiff has expended substantial time, money, and other resources in advertising and promoting the POPPY PLAYTIME Trademarks. Poppy Playtime Products have also been the subject of extensive unsolicited publicity resulting from their fame and innovative designs. As a result, products bearing the POPPY PLAYTIME Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being high-quality products