

7. While it is likely that a significant number of Defendant Internet Stores included in Schedule A are operated by the same individual and/or entity, it is not until the third-party marketplaces produce registration data for these stores that Plaintiff is able to discover the true identity or identities of the individuals and/or entities operating the Defendant Internet Stores.

8. Given the likelihood that many Defendant Internet Stores, if not all, are operated by the same individuals and/or entities, and for purposes of judicial efficiency, Plaintiff asserts that joinder of all Defendants is proper at this stage, as severing the case would mean that multiple stores with the same operator would be adjudicated piecemeal and/or would need to be re-joined at a later date.

INTRODUCTION

9. This action has been filed by Iowa State to combat the online trademark infringement and counterfeiting activity of Defendants, who trade upon Plaintiff's valuable reputation and goodwill by offering for sale and selling unauthorized and unlicensed products using counterfeit versions of Plaintiff's federally registered trademarks.

10. Plaintiff, Iowa State University of Science and Technology, is the owner of the federally registered ISU Trademarks, listed in the table below – true and correct copies of which are attached hereto as **Exhibit 1** (collectively, "ISU Trademarks").

TRADEMARKS			
REG. NO.	MARK	CLASS(ES) OF GOODS & SERVICES	REG. DA
282,820	CYCLONES	IC 041: Providing College Sport Exhibition Events and Recreational Programs, Providing Dramatic and Musical Events and Providing College Level Educational Courses.	Jun. 19, 1
280,973	ISU	IC 041: Providing College Sport Exhibition Events and Recreational Programs, Providing Dramatic and Musical Events and Providing College Level Educational Courses.	Jun. 5, 1
280,974	IOWA STATE	IC 041: Providing College Sport Exhibition Events and Recreational Programs, Providing Dramatic and Musical Events and Providing College Level Educational Courses.	Jun. 5, 1

TRADEMARKS

REG. NO.	MARK	CLASS(ES) OF GOODS & SERVICES	REG. D.
759,951	CYCLONES	IC 025: men's, women's, boys and girls pants, tops, shorts and hats	Mar. 23,
741,407		IC 025: shirts, T-shirts, sweatshirts, pants, shorts, sweaters, jackets, headwear [, and socks].	Dec. 22,
785,621	IOWA STATE	IC 025: shirts, T-shirts, sweatshirts, pants, shorts, sweaters, jackets, headwear, and socks.	Aug. 3, 1
750,204		IC 025: shirts, T-shirts, sweatshirts, [pants, shorts, sweaters, jackets,] headwear,[and socks]. First Use Anywhere: May 01, 1984 First Use in Commerce: May 01, 1984	Feb. 2, 1
747,175	ISU	IC 025: shirts, T-shirts, sweatshirts, pants, shorts, sweaters, jackets, headwear, and socks.	Jan. 19, 1
799,429	IOWA STATE UNIVERSITY	IC 025: shirts, T-shirts, sweatshirts, pants, shorts, sweaters, jackets, headwear [, and socks].	Oct. 19,
854,930		IC 041: providing college sport exhibition events and recreational programs. First Use Anywhere: May 01, 1983 First Use in Commerce: May 01, 1983	Sep. 20,
100,444		IC 025: clothing, namely, T-shirts, sweatshirts, skirts, knit shirts, sweaters, tank tops, jerseys, vests, caps, hats, pants, shorts, gloves, mittens, ties, suspenders, scarves, socks, ponchos, jackets, coats, knitted coats and sweaters, jogging and warm-up suits, athletic jerseys, head wear and painters' caps; children's and infant clothing, namely, infant and children's shirts, shorts, pants, jackets, baby cloth bibs, and infant footwear; sleepwear, namely, nightshirts, pajamas and baby bunting; and footwear, namely, sneakers. IC 041: [[educational services, namely, providing courses of instruction at the college level; organizing college and university sporting exhibitions and events; providing recreational sporting activities]].	Sep. 23,

TRADEMARKS

REG. NO.	MARK	CLASS(ES) OF GOODS & SERVICES	REG. D.
100,445		IC 025: clothing, namely, T-shirts, sweatshirts, shirts, knit shirts, blouses, sweaters, tank tops, jerseys, vests, caps, hats, belts, pants, shorts, gloves, mittens, ties, suspenders, scarves, socks, ponchos, jackets, coats, knitted coats and sweaters, bandannas, jogging and warm-up suits, athletic jerseys, head wear and painter's caps; children's and infant clothing, namely, infant and children's shirts, shorts, pants, jackets, baby cloth bibs, and infant footwear; sleepwear, namely, nightshirts, pajamas and baby bunting; and footwear, namely, shoes, sandals and sneakers. IC 041: [[educational services, namely, providing courses of instruction at the college level; organizing college and university sporting exhibitions and events; providing recreational sporting activities]].	Sep. 23,
100,446		IC 025: clothing, namely, T-shirts, sweatshirts, skirts, knit shirts, sweaters, tank tops, jerseys, vests, caps, hats, pants, shorts, gloves, mittens, ties, suspenders, scarves, socks, ponchos, jackets, coats, knitted coats and sweaters, jogging and warm-up suits, athletic jerseys, head wear and painters' caps; children's and infant clothing, namely, infant and children's shirts, shorts, pants, jackets, baby cloth bibs, and infant footwear; sleepwear, namely, nightshirts, pajamas and baby bunting; and footwear, namely, sneakers. First Use Anywhere: March 06, 1995 First Use in Commerce: March 06, 1995 IC 041: [[educational services, namely, providing courses of instruction at the college level; organizing college and university sporting exhibitions and events; providing recreational sporting activities]]. First Use Anywhere: March 06, 1995 First Use in Commerce: March 06, 1995	Sep. 23,
102,361		IC 025: clothing, namely, T-shirts, sweatshirts, skirts, knit shirts, blouses, sweaters, tank tops, jerseys, vests, caps, hats, belts, pants, shorts, gloves, mittens, ties, suspenders, scarves, socks, ponchos, jackets, coats, knitted coats and sweaters, bandannas, jogging and warm-up suits, athletic jerseys, head wear and painters' caps; children's and infant clothing, namely, infant and children's shirts, shorts, pants, jackets, baby cloth bibs, and infant footwear; sleepwear, namely, nightshirts, pajamas and baby bunting; and footwear, namely, shoes, sandals and sneakers. IC 041: [[educational services, namely, providing courses of instruction at the college level; organizing college and university sporting exhibitions and events; and providing recreational sporting activities]].	Sep. 30,

TRADEMARKS

REG. NO.	MARK	CLASS(ES) OF GOODS & SERVICES	REG. D.
098,407		IC 025: clothing, namely T-shirts, sweatshirts, skirts, knit shirts, blouses, sweaters, tank tops, jerseys, vests, caps, hats, belts, pants, shorts, gloves, mittens, ties, suspenders, scarves, socks, ponchos, jackets, coats, knitted coats and sweaters, bandannas, jogging and warm-up suits, athletic jerseys, head wear and painters' caps; children's and infant clothing, namely infant and children's shirts, shorts, pants, jackets, baby cloth bibs, and infant footwear; sleepwear, namely nightshirts, pajamas and baby bunting; and footwear, namely shoes, sandals and sneakers. First Use Anywhere: March 06, 1995 First Use in Commerce: March 06, 1995 IC 041: [[educational services, namely, providing courses of instruction at the college level; organizing college and university sporting exhibitions and events; providing recreational sporting activities]]. First Use Anywhere: March 06, 1995 First Use in Commerce: March 06, 1995	Sep. 16,
100,448		IC 025: clothing, namely, T-shirts, sweatshirts, skirts, knit shirts, blouses, sweaters, tank tops, jerseys, vests, caps, hats, belts, pants, shorts, gloves, mittens, ties, suspenders, scarves, socks, ponchos, jackets, coats, knitted coats and sweaters, bandannas, jogging and warm-up suits, athletic jerseys, head wear and painters' caps; children's and infant clothing, namely, infant and children's shirts, shorts, pants, jackets, baby cloth bibs, and infant footwear; sleepwear, namely, nightshirts, pajamas and baby bunting; and footwear, namely, shoes, sandals and sneakers. IC 041: [[educational services, namely, providing courses of instruction at the college level; organizing college and university sporting exhibitions and events; and providing recreational sporting activities]]. IC 041: [[educational services, namely, providing courses of instruction at the college level; organizing college and university sporting exhibitions and events; providing recreational sporting activities]].	Sep. 23,
558,219	CYCLONES	IC 024: flags, banners and pennants made of cloth and fabric.	Dec. 10, 2
509,596		IC 041: Educational services, namely, providing courses of instruction at the college level; organizing and sponsoring intramural, intercollegiate and exhibition athletic and sporting events, namely, basketball, cross country, football, track and field, golf, gymnastics, soccer, softball, swimming and diving, tennis, volleyball, wrestling, archery, badminton, ballroom dance, baseball, bass anglers, boxing, bowling, broomball, canoe and kayak, crew, cricket, curling, cycling, disk golf, dodge ball, euchre, equestrian, fencing, flag football, flying, foosball, Hapkido, Judo, ice hockey, Karate, Kumdo, lacrosse, martial arts, motocross, motorcycle, mountaineering and climbing, paintball, 9-ball pool, racquetball, rodeo, rugby, running, sailing, Nordic ski, ski and snowboarding, skateboarding, table tennis, Tae Kwon Do, trap and skeet, triathlon, playing flying disk games, water polo, water-ski, weight lifting, and other related sports; providing dramatic theatrical and musical floor shows provided at performance venues; entertainment in the nature of live musical performances; entertainment in the nature of live theatrical performances; providing college level educational courses.	Apr. 21,

TRADEMARKS

REG. NO.	MARK	CLASS(ES) OF GOODS & SERVICES	REG. D.
503,577	I STATE	IC 041: Educational services, namely, providing courses of instruction at the college level; organizing and sponsoring intramural, intercollegiate and exhibition athletic and sporting events, namely, basketball, cross country, football, track and field, golf, gymnastics, soccer, softball, swimming and diving, tennis, volleyball, wrestling, archery, badminton, ballroom dance, baseball, bass anglers, boxing, bowling, broomball, canoe and kayak, crew, cricket, curling, cycling, disk golf, dodge ball, euchre, equestrian, fencing, flag football, flying, foosball, Hapkido, Judo, ice hockey, Karate, Kumdo, lacrosse, martial arts, motocross, motorcycle, mountaineering and climbing, paintball, 9-ball pool, racquetball, rodeo, rugby, running, sailing, Nordic ski, ski and snowboarding, skateboarding, table tennis, Tae Kwon Do, trap and skeet, triathlon, playing flying disk games, water polo, water-ski, weight lifting, and other related sports; providing dramatic theatrical and musical floor shows provided at performance venues; entertainment in the nature of live musical performances; entertainment in the nature of live theatrical performances; providing college level educational courses.	Apr. 7, 2010
551,729		IC 025: Clothing, namely, T-shirts, sweatshirts, skirts, knit shirts, blouses, sweaters, tank tops, jerseys, vests, caps, hats, belts, pants, shorts, gloves, mittens, ties, suspenders, scarves, socks, ponchos, jackets, coats, knitted coats and sweaters, bandannas, jogging and warm-up suits, athletic jerseys, head ware and painters' caps; children's and infant clothing, namely, infant and children's shirts, shorts, pants, jackets, baby cloth bibs, and infant footwear; sleepwear, namely, nightshirts, pajamas and baby bunting; and footwear, namely, shoes, sandals and sneakers.	Dec. 23, 2010
540,324	I STATE	IC 025: Clothing, namely, T-shirts, sweatshirts, skirts, knit shirts, blouses, sweaters, tank tops, jerseys, vests, caps, hats, belts, pants, shorts, gloves, mittens, ties, suspenders, scarves, socks, ponchos, jackets, coats, knitted coats and sweaters, bandannas, jogging and warm-up suits, athletic jerseys, headwear and painters' caps; children's and infant clothing, namely, infant and children's shirts, shorts, pants, jackets, baby cloth bibs, and infant footwear; sleepwear, namely, nightshirts, pajamas and baby bunting; and footwear, namely, shoes, sandals, and sneakers.	Dec. 2, 2010

TRADEMARKS

REG. NO.	MARK	CLASS(ES) OF GOODS & SERVICES	REG. D.
117,362		IC 025: clothing, namely, T-shirts, sweatshirts, shirts, knit shirts, blouses, sweaters, tank tops, jerseys, vests, caps, hats, belts, pants, shorts, gloves, mittens, ties, suspenders, scarves, socks, ponchos, jackets, coats, knitted coats and sweaters, bandannas, jogging and warm-up suits, athletic jerseys, head wear and painter's caps; children's and infant clothing, namely, infant and children's shirts, shorts, pants, jackets, baby cloth bibs, and infant footwear; sleepwear, namely, nightshirts, pajamas and baby bunting; and footwear, namely, shoes, sandals and sneakers. IC 041: [[educational services, namely, providing courses of instruction at the college level; organizing college and university sporting exhibitions and events; providing recreational sporting activities]]. IC 041: Educational services, namely, providing courses of instruction at the college level; organizing and sponsoring intramural, intercollegiate and exhibition athletic and sporting events, namely, basketball, cross country, football, track and field, golf, gymnastics, soccer, softball, swimming and diving, tennis, volleyball, wrestling, archery, badminton, ballroom dance, baseball, bass anglers, boxing, bowling, broomball, canoe and kayak, crew, cricket, curling, cycling, disk golf, dodge ball, euchre, equestrian, fencing, flag football, flying, foosball, Hapkido, Judo, ice hockey, Karate, Kumdo, lacrosse, martial arts, motocross, motorcycle, mountaineering and climbing, paintball, 9-ball pool, racquetball, rodeo, rugby, running, sailing, Nordic ski, ski and snowboarding, skateboarding, table tennis, Tae Kwon Do, trap and skeet, triathlon, playing flying disk games, water polo, water-ski, weight lifting, and other related sports; providing dramatic theatrical and musical floor shows provided at performance venues; entertainment in the nature of live musical performances; entertainment in the nature of live theatrical performances; providing college level educational courses.	Mar. 27,

TRADEMARKS

REG. NO.	MARK	CLASS(ES) OF GOODS & SERVICES	REG. D.
066,363		IC 025: clothing, namely, T-shirts, tops, sweatshirts, skirts, dresses, knit shirts, blouses, sweaters, tank tops, beachwear, loungewear, undergarments, jerseys, vests, caps, hats, belts, pants, shirts, gloves, mittens, ties, suspenders, scarves, socks, ponchos, jackets, coats, rainwear, knitted coats and sweaters, bandannas, jogging and warm-up suits, athletic jerseys, head wear and painters caps, children's and infant clothing, namely, nightshirts, pajamas and baby bunting; footwear, namely, shoes, sandals, boots, and sneakers. IC 041: Educational services, namely, providing courses of instruction at the college level; organizing intramural, intercollegiate and exhibition athletic and sporting events, namely, basketball, cross country, football, track and field, golf, gymnastics, soccer, softball, swimming and diving, tennis, volleyball, wrestling, archery, badminton, ballroom dance, baseball, bass anglers, boxing, bowling, broomball, canoe and kayak, crew, cricket, curling, cycling, disk golf, dodge ball, euchre, equestrian, fencing, flag football, flying, foosball, Hapkido, Judo, ice hockey, Karate, Kumdo, lacrosse, martial arts, motocross, motorcycle, mountaineering and climbing, paintball, 9-ball pool, racquetball, rodeo, rugby, running, sailing, Nordic ski, ski and snowboarding, skateboarding, table tennis, Tae Kwon Do, trap and skeet, triathlon, playing flying disk games, water polo, water-ski, weight lifting, and other related sports; providing dramatic theatrical and musical floor shows provided at performance venues; entertainment in the nature of live musical performances; entertainment in the nature of live theatrical performances; providing college level educational courses.	Dec. 6, 2010
127,961		IC 025: clothing, namely, T-shirts, tops, sweatshirts, skirts, dresses, knit shirts, blouses, sweaters, tank tops, beachwear, loungewear, undergarments, jerseys, vests, caps, hats, belts, pants, shirts, gloves, mittens, ties, suspenders, scarves, socks, ponchos, jackets, coats, rainwear, knitted coats and sweaters, bandannas, jogging and warm-up suits, athletic jerseys, head wear and painters caps, children's and infant clothing, namely, nightshirts, pajamas and baby bunting; footwear, namely, shoes, sandals, boots, and sneakers. First Use Anywhere: October 21, 2010 First Use in Commerce: November 20, 2010	Apr. 17, 2011
750,204		IC 025: T-shirts, sweatshirts, knit shirts, tank tops, vests, caps being headwear, hats, shorts, socks, jackets, head wear, children's and infant clothing, namely, infant and children's shirts, baby cloth bibs; footwear, namely, shoes, sandals and sneakers. First Use Anywhere: September 28, 2017 First Use in Commerce: September 28, 2017 IC 041: Organizing college and university sporting exhibitions and events. First Use Anywhere: September 28, 2017 First Use in Commerce: September 28, 2017	Jun. 11, 2018
100,446		IC 041: Providing College Sport Exhibition Events and Recreational Programs, Providing Dramatic and Musical Events and Providing College Level Educational Courses.	Sep. 23, 2010

11. In an effort to deceptively profit from the ISU Trademarks, Defendants utilize Defendant Internet Stores, designed to give the impression that they are legitimate licensees or resellers of authentic products manufactured or authorized by Iowa State (hereinafter “ISU Products”), with Defendants’ ultimate intention being to deceive unknowing consumers into purchasing products which are unauthorized and infringe upon the ISU Trademarks (hereinafter the “Counterfeit ISU Products”).

12. Defendants create ecommerce stores operating under one or more aliases that are advertising, offering for sale, and selling Counterfeit ISU Products to unknowing consumers. Defendants’ activities, occurring at the same time and in the same retail space and manner as one another, blend together to create a single negative impression on consumers such that they constitute the same occurrence or series of occurrences. Defendants attempt to avoid and mitigate liability by operating under one or more aliases to conceal both their identities and the full scope and interworking of their counterfeiting operation. Plaintiff is forced to file this action to combat Defendants’ counterfeiting of Plaintiff’s registered trademarks, as well as to protect unknowing consumers from purchasing Counterfeit ISU Products over the Internet.

13. Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, and tarnishment of its valuable ISU Trademarks as a result of Defendants’ actions and is thus seeking injunctive and monetary relief.

THE PLAINTIFF

14. Iowa State University was founded on March 22, 1858. Originally established as the Iowa Agricultural College and Model Farm, it later became one of the nation’s first land-grant institutions and officially opened its doors to students in 1869. Today, ISU is a major public land-grant research university in Ames, Iowa, known for its strong programs in engineering, agriculture,

15. In addition to its contributions to academia and research, ISU participates in Division I intercollegiate athletics as the Cyclones, with 16 varsity teams across 10 different sports competing in the NCAA's Big 12 athletic conference.

17. The ISU Products are sold and distributed through a worldwide network of authorized licensees, distributors, and retailers, and through Plaintiff's official website at

18. The ISU Trademarks are inherently distinctive, valid, subsisting, and in full force and effect. Plaintiff has used the ISU Trademarks exclusively and continuously. The ISU Trademarks qualify as famous marks and are incontestable under 15 U.S.C. §§ 1115(b) and 1065. The trademark registrations constitute *prima facie* evidence of their validity and of Iowa State's exclusive right to use the ISU Trademarks pursuant to 15 U.S.C. § 1057(b).