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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

TAYLOR SHAYE DESIGNS LLC,

Plaintiff,

v.

SHEIN DISTRIBUTION CORP.,

Defendant.

Civil Action No. 1:23-cv-624

Jury Trial Demanded

COMPLAINT

Plaintiff Taylor Shaye Designs LLC (“Plaintiff”) files this Complaint against Defendant Shein Distribution Corp. (“Defendant”) for copyright infringement arising under the U.S. Copyright Act, 17 U.S.C. § 101, et seq.

THE PARTIES

1. Plaintiff is a Louisiana limited liability company with a principal place of business at 18063 Old Reserve Dr., Prairieville LA 70769.

2. Defendant is a Delaware corporation with a place of business at 5402 E. 500 S., Whitestown, IN 46075.

JURISDICTION AND VENUE

3. Plaintiff brings this action for copyright infringement under the U.S. Copyright Act, 17 U.S.C. § 501, et seq. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Defendant because it does business in this judicial district, has committed statutory torts within this judicial district, and/or has sufficient contacts to subject it to personal jurisdiction in this judicial district.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(a) because Defendant may be found in this judicial district since it does business in this judicial district, has committed statutory torts within this judicial district, and/or has sufficient contacts to subject it to personal jurisdiction in this judicial district.

FACTUAL BACKGROUND

6. Plaintiff is a designer and retailer/wholesaler of jewelry that is known for its fashionable and affordable jewelry designs.

7. Plaintiff designed and sells an earring in the shape of boots that is calls its Let's Go Girls design (the "LGG Design"). A photograph of the LGG Design is below:



8. The LGG Design is protected with the U.S. Copyright Office as Copyright Registration No. VA 2-318-693. A copy of the certificate of registration for U.S. Copyright Registration No. VA 2-318-693, which is in full force and effect, is filed herewith as **Exhibit A**. The effective date of Copyright Registration No. VA 2-318-693 is August 24, 2022.

9. Shein is a Chinese online fast fashion retailer that is known for selling inexpensive apparel, jewelry, and other accessories. Upon information and belief, Defendant is the U.S. sales and distribution arm of the global Shein conglomerate.

10. Defendant, either directly or through an affiliate, operates a distribution center located at 5402 E. 500 S., Whitestown, IN 46075.

11. Defendant's products are offered and sold throughout the United States, including to residents of the State of Indiana.

12. One such product sold by Defendant was a product that copied the LGG Design (the "Infringing Product"), a photograph of which is below:



13. As the copyright owner of the LGG Design, Plaintiff has the exclusive rights to: (a) reproduce the LGG Design; (b) prepare derivative works based upon the LGG Design; and (c) distribute copies of the LGG Design.

14. Defendant has clearly used, copied, and/or created derivative works based upon the LGG Design.

15. Defendant's use of the LGG Design is without the permission or consent of Plaintiff.

16. Defendant's use, copying, and distribution of the Infringing Product infringes the copyright in the LGG Design and violates Plaintiff's exclusive rights therein.

COUNT I: DIRECT COPYRIGHT INFRINGEMENT

17. Plaintiff incorporates by reference paragraphs 1-16 and re-alleges them as if stated herein.

18. Without consent, authorization, approval, or license, Defendant (directly or through intermediaries) knowingly, willingly, and unlawfully copied the LGG Design and manufactured and/or distributed the Infringing Product.

19. Defendant's (and/or its intermediaries') copying, use, and distribution of the Infringing Product violates Plaintiff's exclusive rights under 17 U.S.C. § 106.

20. The infringement of the copyright in the LGG Design was knowing and willful.

21. Defendant has realized unjust profits, gains, and advantages as a proximate result of the infringement.

22. The infringement of the copyright in the LGG Design has caused Plaintiff damages.

COUNT II: VICARIOUS COPYRIGHT INFRINGEMENT

23. Plaintiff incorporates by reference paragraphs 1-22 and re-alleges them as if stated here.

24. To the extent that the Infringing Product was created and/or distributed by an intermediary, such as an affiliated Shein company or other third party, Defendant is, at a minimum, vicariously liable for the infringement of the LGG Design.

25. Upon information and belief, Defendant knowingly induced, participated in, aided and abetted in, and profited from the sale of the Infringing Product.

26. Upon information and belief, Defendant is vicariously liable for the infringement alleged herein because it has the right and ability to supervise the infringing conduct and because it had a direct financial interest in the infringing conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for judgment in her favor granting the following relief:

- a. A finding that Defendant has directly infringed and/or vicariously infringed Plaintiff's copyright in the LGG Design;
- b. A finding that Defendant's infringement of the LGG Design was willful;
- c. An award of maximum statutory damages pursuant to 17 U.S.C. § 504(c);
- d. An award of full costs and attorneys' fees pursuant to 17 U.S.C. § 505;
- e. An order permanently enjoining Defendant and its respective officers, agents, servants, employees, and attorneys, and those persons acting in privity or concert with them, from committing further acts of infringement of the LGG Design; and
- f. Such other and further relief as this Court may deem just and proper.

Respectfully submitted,

s/Bradley M. Stohry
Bradley M. Stohry

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