

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND
Baltimore Division**

BULLESEYEBORE, INC.,)	
)	
Plaintiff,)	.
)	
v.)	Civil Action No. 1:24-cv-00246-RDB
)	
LANDBASE TRADING CO. LTD, and)	
)	
MANNER TRADING CO . LTD, and)	
)	
Maoyun Zhou, and)	
)	
Yanbo Zhao, and)	
)	
Xujing Song, and)	
)	
Igonda Network Technology Co., Ltd., and)	
)	
Jamya, Ltd., and)	
)	
Umall Technology, S.A.R.L., and)	
)	
Software International Group, LLC., and	0	
)	
Dongguan Hengjia E-Commerce Co., Ltd., and)	
)	
Nanchang Tianta Network Technology Co., Ltd.,)	
and)	
)	
Larryhot Trading Co., Limited, and)	
)	
DOES 1-12,)	
)	
Defendants.)	

.

Declaration of Andrew C. Aitken
in Support of Plaintiff's Second Motion for Temporary Restraining Order

I, Andrew C. Aitken, being over the age eighteen and competent to testify to the matter set forth herein, declare and state as follows:

1. I am an attorney having an address is at 6710 Democracy Blvd., Suite 555, Bethesda, Md 20814. I am a member in good standing of the bars of Maryland and the District of Columbia and admitted to practice before the US District Courts in Maryland, the District of Columbia, Colorado, and the court of appeals for the 4th Circuit, the 6th Circuit, and the Federal Circuit. I am also admitted to the practice before the US Patent and Trademark Office.

2. I represent Plaintiff Bullseyebore Inc. ("Bullseyebore") in the above-captioned matter.

3. I make this declaration in support of Plaintiff Bullseyebore's Second Motion for Temporary Restraining Order and other Relief and this declaration is based upon personal knowledge, or when so qualified, on information and belief, and such statements are true and accurate to the best of my belief.

4. Exhibit A attached hereto is a true and correct copies of website screen captures from 14 of the Defendants' Web Stores as set forth in Schedule A to the Second Amended Complaint and show the unauthorized use of Plaintiff's copyrighted photographs of its Bullseyebore product and improper use of its trademarks.

5. These additional infringers include the Web Store entities as identified as Defendants 22 to 36 in Schedule A to the Second Amended Complaint.

6. Other defendants were discovered from reports to Plaintiff by consumers that

had purchased counterfeit products and then complained to Plaintiff.

7. Yet other defendants were identified by PayPal as associated with the Web Stores that were identified in Schedule A of the Amended Complaint.

8. With respect to the Defendants 22-36 identified in Schedule A to the Second Amended Complaint, their unauthorized use of Plaintiff's images constitutes infringement of Plaintiff's copyrights and falsely suggest that each Defendants will provide Plaintiff's genuine Bullseyebore Products in response to purchase orders made though these interactive websites. Many of the Defendants in Schedule A to the Second Amended also infringe the Bullseyebore Trademarks.

9. Six of the Fourteen New Defendants' websites also use Plaintiff's Videos which use Plaintiff's Trademarks and this use constitutes trademark infringement under 35 USC 1125, Section 43(a). All of the New Defendant Web Stores depict Bullseyebore products that bear Plaintiff's trademark or use the term "Core" and infringe Plaintiff's common law trademark rights. Defendants' websites falsely advertise and represent or suggest that they will provide Plaintiff's genuine Bullseyebore Products in response to purchases made on the interactive websites.

10. Other design elements of the accused websites are highly similar or identical to each other including, identical text used to describe the products, similar page layouts, arrangement of graphics, payment authorization links, and substantially similar prices.

11. On information and belief, two newly identified Web Stores are owned by Jamya Ltd. and two are owned by Umall Technology, S.A.R.L.

12. The Bullseyebore Product is subject to US Patents Nos. US7992311 B2 (The '311 Patent) and US No. US10150167B2 (The '167 Patent) and pending patent applications which have been assigned to Bullseyebore.

13. Plaintiff has applied for a US trademark registrations for the Bullseyebore logo marks depicted above and applications U.S. Nos. 98353255 and 98369472 are currently pending.

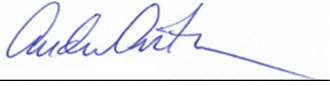
14. Plaintiff also created a series of videos featuring the Bullseyebore Product that were published on its webpage, YouTube and on Instagram (Plaintiff's Videos). While Plaintiff has not yet secured a copyright registration for Plaintiff's Videos, it owns the common law copyright in the videos. Plaintiff's Videos include the display of its Bullseyebore Trademarks

15. In this circumstances, it is submitted that the notice requirements of Rule 65 should be excused in view of the clear infringement of both copyright and trademarks and the danger of the destruction of evidence. Further, since the evidence strongly suggests that these foreign-based Defendants are defrauding consumers, if advance notice is given, it is likely that the existing Web Stores will be closed, new stores will be opened, and sales will continue to be diverted from Plaintiff Bullseyebore, Inc. from alternative new sites. In addition, any funds that remain in PayPal or merchant accounts that were improperly gained from the infringement will likely be removed from the reach of the U.S. courts if the Defendants are provided notice. Ten of Defendants Web Stores do not provide any information regarding in the identity of the owner. The remaining Web Stores that are owned by Landbase Training and Manner Trading and, in view of the shared director are related and are likely commonly controlled and, on further information and belief, are connected to Chinese suppliers. In view of the similarities of the sites, on information and belief, all are related in a counterfeiting conspiracy scheme.

I declare under penalty of perjury under the laws of the State of Maryland that the

foregoing is true and correct to the best of my knowledge and belief.

Signed and dated this 28th day of February, 2024, in Bethesda, Maryland.



Andrew C. Aitken