

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

BAOWEN CHEN,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE “A”,

Defendants.

Civil Action No.: 2:26-cv-00344

DECLARATION OF BAOWEN CHEN

I, Baowen Chen, declare and state as follows:

1. I am over 18 years of age. I have personal knowledge of the facts set forth herein. I make this declaration in support of Plaintiff’s *Ex Parte* Motion for Entry of a Temporary Restraining Order (the “*Ex Parte* Motion for TRO”) and, if called as a witness, I could and would competently testify as follows:
2. I am the creator of the works at issue in this action.
3. I am a product designer and photographer from Huazhou City, Guangdong, China. My works are original photographs of my “Caution Desk Sign” desktop sign product, which depict its distinctive humorous rate-list text, its alternating black-and-red lettering with dotted leader lines, and its overall composition.

4. I am the official source of products, which are sold online, associated with my works, such as the “Caution Desk Sign” desk sign shown below:



5. I am the owner of the United States copyright registration(s) that protect the creative content of my works, including United States Copyright Registration No(s). VA 2-487-100 (the “Work-in-Suit”). True and correct copies of the registration certificates are attached to the Complaint as Exhibit A.
6. I control the quality of all materials and content that are featured in my work.
7. Substantial time, money, and other resources have been expended in developing, advertising, licensing, and otherwise promoting my work. As a result, the Work-in-Suit is widely recognized and exclusively associated by consumers, the public, and the trade as being associated with my name.
8. The success of my work has resulted in significant infringement of my copyrights. I implemented an anti-pirating program to investigate suspicious

websites and online marketplace listings identified in proactive internet sweeps. Various marketplace listings have been identified on multiple platforms, including the internet stores identified in Schedule “A” attached to the Complaint (the “Defendant Internet Stores”), which were offering for sale, selling, and importing unauthorized products derived from the Work-in-Suit (the “Infringing Products”) to consumers in this judicial district and throughout the United States.

9. I have conducted investigations related to internet-based infringement of my work. The investigations show that Defendants are using the Defendant Internet Stores to sell Infringing Products from foreign countries such as China to consumers in the United States. I, or someone working under my direction, analyzed the Defendant Internet Stores and determined that Infringing Products were being offered for sale to consumers in the United States, including Indiana. The Defendants and their websites do not conduct business with me and do not have the right or authority to use the Work-in-Suit for any reason. True and correct copies of screenshot printouts showing the active Defendant Internet Stores reviewed and images of infringing products received by consumers of the State of Indiana are attached to the Complaint as Exhibit B.
10. Upon information and belief, Defendants facilitate sales by designing the Defendant Internet Stores so that they appear to unknowing consumers to be

authorized online retailers, outlet stores, or wholesalers selling genuine or authorized products. Many of the Defendant Internet Stores look sophisticated and accept payment in U.S. dollars via credit cards and/or PayPal. The Defendant Internet Stores often include images and design elements that make it difficult for consumers to distinguish such sites from an authorized website. Defendants further perpetuate the illusion of legitimacy by offering “live 24/7” customer service and using indicia of authenticity and security that consumers have come to associate with authorized retailers, including the McAfee® Security, VeriSign®, Visa®, MasterCard®, and PayPal® logos. I have not licensed or authorized Defendants to use the Work-in-Suit.

11. Upon information and belief, Defendants use other unauthorized search engine optimization (SEO) tactics and social media spamming so that the Defendant Internet Stores’ listings show up at or near the top of relevant search results to direct consumers to Infringing Products. Further, Defendants utilize similar illegitimate SEO tactics to propel new internet stores to the top of search results after others are shut down.
12. Defendants go to great lengths to conceal their identities and often use multiple fictitious names and addresses to register and operate their network of Defendant Internet Stores. Upon information and belief, Defendants regularly create new websites and/or online marketplace accounts on various platforms using the identities listed in Schedule “A” to the Complaint, as well

as other unknown fictitious names and addresses. Such Defendant Internet Store registration patterns are one of many common tactics used by the Defendants to conceal their identities, the full scope and interworking of their massive illegal operation, and to avoid being shut down.

13. Even though Defendants may operate under multiple fictitious names, there are numerous similarities among the Defendant Internet Stores. For example, many of the Defendant Internet Stores have similar layouts, even though different aliases may be used to register the respective internet stores. Also, unauthorized products for sale in the Defendant Internet Stores bear similar indicia suggesting that the products were manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated. The Defendant Internet Stores also include other notable common features, including use of the same Defendant Internet Store registration patterns, unique shopping cart platforms, accepted payment methods, check-out methods, meta data, illegitimate SEO tactics, HTML user-defined variables, domain redirection, lack of contact information, identically or similarly priced items, similar hosting services, similar name servers, and the use of the same text and images.
14. In addition to operating under multiple fictitious names, Defendants in this case and defendants in other similar cases against online infringers use a variety of other common tactics to evade enforcement efforts. For example,

Defendants will often register new online marketplace accounts under new aliases once they receive notice of a lawsuit. They also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection.

15. Defendants typically operate multiple credit card merchant accounts and PayPal accounts behind layers of payment gateways so that they can continue operation despite any enforcement efforts to make them judgment proof. Upon information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their PayPal accounts to off-shore bank accounts outside the jurisdiction of this Court.
16. Monetary damages alone cannot adequately compensate me for the ongoing infringement because monetary damages fail to address the loss of control of and damage to my reputation, goodwill, and control over the nature of the derivative works made using my copyrighted material. Furthermore, monetary damages are difficult, if not impossible, to completely ascertain due to the inability to fully quantify the monetary damage caused to my reputation and goodwill by acts of infringement.
17. My goodwill and reputation are irreparably damaged by the Infringing Products. I am further irreparably harmed by the unauthorized use of my work because infringers take away my ability to control the nature and quality of products bearing the Work-in-Suit or that are derived from my copyrights.

18. I am further irreparably damaged due to a loss of exclusivity. The copyright rights in my work are meant to be exclusive rights.
19. The marketing and distribution of the Work-in-Suit and derivative works are aimed at growing and sustaining sales. When infringers use the Work-in-Suit without authorization, the exclusivity associated with the Work-in-Suit, as well as my reputation, are damaged and eroded, resulting in a loss of unquantifiable future sales.
20. Uncontrolled profiteering and pirating of the Work-in-Suit create the impression that the copyright rights associated with the Work-in-Suit may be infringed with impunity. The Work-in-Suit is distinctive and signifies to consumers that the products are authorized by me and are manufactured to my high-quality standards. When infringers use the Work-in-Suit on goods without authorization, the exclusivity of my products and my reputation are damaged and eroded, resulting in a loss of unquantifiable future sales. The devaluing of the intellectual property associated with the Work-in-Suit cannot be compensated for financially since it erodes my ability to monetize the Work-in-Suit.
21. I will suffer immediate and irreparable injury, loss, or damage if an *ex parte* Temporary Restraining Order is not issued in accordance with Federal Rule of Civil Procedure 65(b)(1).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: July 28, 2026

A handwritten signature in black ink that reads "Baowen Chen". The signature is written in a cursive, flowing style.

Baowen Chen