

**AEGIS LAW**  
Patrick M. Jones (AZ #033248)  
222 S. Mill Ave., Suite 800  
Tempe, AZ 85281  
Tel: (312) 404-3225  
Email: [pjones@aegislaw.com](mailto:pjones@aegislaw.com)

and

Caroline Devereux  
601 S. Lindbergh Blvd.  
Frontenac, MO 63131  
Tel: (314) 454-9100  
E: [CDEVEREUX@AEGISLAW.COM](mailto:CDEVEREUX@AEGISLAW.COM)

*COUNSEL TO PLAINTIFF*

**I.**

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF ARIZONA**

<b>45Footwear LLC,</b>	)	<b>Case No. 24-</b>
<b>Plaintiff,</b>	)	<b>Judge:</b>
<b>vs.</b>	)	<b>Magistrate:</b>
<b>The Entities Listed on Schedule A,</b>	)	
<b>Defendants.</b>	)	

**COMPLAINT**

Plaintiff files this Complaint for, *inter alia*, trademark infringement, copyright infringement and counterfeiting, copyright infringement, unfair competition and false designation of origin, and cybersquatting, and on personal knowledge as to Plaintiff’s own activities and on information and belief as to the activities of others:

**The Parties**

1. Plaintiff 45Footwear, LLC (the “Plaintiff”) is a limited liability company

1 organized under the laws of the State of Wyoming. Plaintiff is the licensee of pending Trademark  
2 application (Serial No. 98619985) adding the category of 015 –  
3 Footwear (the “Mark”) to the existing TRUMP trademarks,  
4 including category 025 – Clothing (U.S. Reg. No. 5,080,397).



5  
6 2. Plaintiff is also the licensee of copyright VA 2-393-  
7 558 (the “Copyright”), covering six images of the NEVER SURRENDER HIGH TOP  
8 SNEAKERS (the “Sneakers”).

9 3. Copies of the existing, registered TRUMP trademark, the application for the new  
10 Mark covering footwear, and the Copyright registration are attached as Exhibit A, which has  
11 been filed under seal for the reasons set forth herein.

12 4. Plaintiff, through its affiliate and licensor, DTTM Operations LLC, has the valid  
13 and exclusive rights to enforce the Mark and Copyright.

14 5. Plaintiff sold 1,000 pairs of the limited edition Sneakers directly through its  
15 website located at <https://gettrumpsneakers.com/>. No other party is authorized to use the Mark or  
16 the Copyright to sell footwear of any kind.<sup>1</sup>

17 6. The Sneakers were assembled in and will ship from the United States; any similar  
18 items imported into the United States are not authentic Sneakers.

19 7. The Defendant Entities listed on Schedule A (to be filed under seal pending Court  
20  
21

22 \_\_\_\_\_  
23 <sup>1</sup> A small number of Defendants also sold the TRUMP low-top sneaker (a/k/a the “Red Wave” in  
24 red, or the “POTUS 45”, in white), which were not limited editions and infringes only the  
25 TRUMP trademark and not the copyright. For simplicity, these are including within the defined  
26 terms “Sneakers” and are distinguished on Schedule A.

1 order) are believed to be individuals, unincorporated business associations, and business entities  
2 who, upon information and belief, reside primarily outside of the United States.

### 3 **JURISDICTION AND VENUE**

4  
5 8. This is an action for trademark and copyright infringement, and unfair  
6 competition and false designation of origin arising under the Trademark Act of 1946, 15 U.S.C.  
7 §§1051, et seq., as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473  
8 (October 12, 1984), the Anti-Counterfeiting Consumer Protection Act of 1996, Pub. L. 104-153  
9 (July 2, 1996), and the Prioritizing Resources and Organization for Intellectual Property Act of  
10 2007, H.R. 4279 (October 13, 2008) (the “Lanham Act”), and “cybersquatting” pursuant the  
11 Anti-cybersquatting Consumer Protection Act, 15 U.S.C. §1125(d)(2)(A) (the “ACPA”).<sup>2</sup>

12  
13 9. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§1331,  
14 1332 and 1338(a) and (b); and 15 U.S.C. §§1116 and 1121.

15 10. This Court has personal jurisdiction over Defendants in that they transact business  
16 in the State of Arizona, including sales to and/or the targeting of online advertising to consumers  
17 located in Arizona, as well as, in many cases, hosting their websites in Arizona, and thus have  
18 purposefully availed themselves of jurisdiction in Arizona, and *in rem* jurisdiction over the  
19 Defendants to the extent that they maintain websites hosted in this District pursuant to the terms  
20 of the ACPA (at set forth in Schedule A, designating infringement as “cyber”).  
21

22  
23  
24 <sup>2</sup> For the convenience of the Court and the Defendants, Plaintiff has designated which of the  
25 Plaintiff’s intellectual property each of the Defendants has infringed on Schedule A. Plaintiff  
26 reserves the right to amend Schedule A if it discovers additional evidence of infringement or a  
clerical mistake.

1 11. Venue is proper in this District pursuant to 28 U.S.C. §1391 in that the  
2 Defendants are entities or individuals subject to personal jurisdiction in this District. Venue is  
3 also proper in the District because a substantial part of the events or omissions giving rise to the  
4 claims occurred in this District because Defendants host their websites that conducted the sales  
5 of the Sneakers in Arizona, and directly target business activities towards consumers in the State  
6 of Arizona.  
7

### 8 **BACKGROUND**

9 12. In early 2024, Plaintiff developed the design of the Sneakers and created a  
10 website, [www.gettrumpsneakers.com](http://www.gettrumpsneakers.com), to sell the Sneakers using the Mark and created and own  
11 the rights to the images that are subject to the Copyright. A screenshot of the Plaintiff’s website  
12 is attached as Exhibit A.  
13

14 13. The Mark was first used in commerce on Feb. 17, 2024.

15 14. Many of the Defendants conduct their operations through fully interactive  
16 commercial websites hosted independently by GoDaddy.com (based in Tempe, AZ),  
17 namecheap.com (based in Phoenix, AZ) or similar website-hosting providers, or through various  
18 e-commerce sites, such as Shopify, Meta (Facebook and Instagram), YouTube, Amazon, eBay,  
19 Wish, Alibaba, Ali Express, Shopify, Shoplazza, etc. (the “Infringing Webstores”).  
20

21 15. Prior to filing the Complaint, Plaintiff confirmed that each Defendant targets  
22 consumers in the United States, including Arizona, with online advertising, has offered to sell  
23 and, on information and belief, has sold counterfeit sneakers using the Mark and/or Copyright  
24 (the “Counterfeit Sneakers”) to consumers within the United States, including Arizona.  
25 Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b).  
26

16. Many of the Defendants do not disclose their identities on their websites and even

1 in their website registrations by using GoDaddy.com-affiliate Domains By Proxy and/or third  
2 party service providers like Withheld for Privacy ehf, and the full scope of their counterfeiting  
3 operations in an effort to deter Plaintiff and consumers from learning Defendants' true identities  
4 and the exact interworking of Defendants' illegal counterfeiting operations.  
5

6 17. Defendants' advertising, marketing, and sale of the Counterfeit Sneakers in  
7 violation of Plaintiff's Mark is causing irreparable damage to the Plaintiff, the Mark, and the  
8 TRUMP brand. Each of the Defendants named in Schedule A prominently displayed the Mark  
9 and/or the Copyright as if they were selling authentic Trump Sneakers.

10 18. The creation of the Sneakers is a recent development. Nonetheless, dozens of  
11 unlicensed counterfeiters are already selling Counterfeit Sneakers, some of which were recently  
12 confiscated by the U.S. Customs and Border Protection, Field Operations, Orlando Trade  
13 Enforcement Team, from a shipment that initiated in Viet Nam, as shown here:  
14



23 19. Plaintiff has expended substantial time, money, effort, and other resources  
24 developing, advertising, and otherwise promoting the Mark and the Copyright to sell the  
25 premium, limited edition Sneakers for \$399 per pair. Many Defendants are selling Counterfeit  
26

1 Sneakers for as little as \$99, if they are in fact selling any product at all.

2           20. The Trump brand has been widely covered by the press as including more than  
3 3,000 trademarks. Upon information and belief, at all times relevant hereto, Defendants in this  
4 action have had full knowledge of Plaintiff's ownership of the Mark, including its exclusive right  
5 to use and license such intellectual property and the goodwill associated therewith.  
6

7           21. Prior to filing the Complaint, Plaintiff retained an experienced online fraud  
8 investigator who identified businesses and individuals promoting and selling Counterfeit  
9 Sneakers before any authentic Sneakers have even been shipped by the Plaintiff.

10           22. Plaintiff's counsel reviewed the initial list of potential defendants and excluded  
11 any that did not show clear evidence of infringement or did not sell to consumers located in  
12 Arizona or use social media to target and/or sell to consumers located in the United States and  
13 Arizona.  
14

15           23. Defendants' use of the Mark and Copyright in connection with the advertising,  
16 marketing, distribution, offering for sale and sale of the Counterfeit Sneakers is likely to cause  
17 and has caused confusion, mistake, and deception by and among consumers causing irreparable  
18 harming Plaintiff.

19           26. Defendants also deceive unknowing consumers by using the Mark and Copyright  
20 without authorization within the web addresses, content, text, and/or meta tags of the listings on  
21 Infringing Webstores in order to attract various search engines crawling the Internet looking for  
22 websites relevant to consumer searches.  
23

24           27. Upon information and belief, Defendants will continue to register or acquire  
25 domain names and webstores for the purpose of selling Counterfeit Sneakers that infringe the  
26 Mark and the Copyright unless they are enjoined by the Court.

1 28. Plaintiff has no adequate remedy at law.

2 **COUNT ONE**

3 **FEDERAL TRADEMARK COUNTERFEITING AND INFRINGEMENT**

4 **(15 U.S.C. §1114)**

5 29. The Plaintiff repeats and realleges the foregoing allegations above as if fully set  
6 forth herein.

7 30. The Mark and the goodwill of the business associated with it and the Plaintiff's  
8 business in the United States and throughout the world are of great and incalculable value. The  
9 Mark is highly distinctive and has become universally associated in the public mind with Trump  
10 and now, the Sneakers.

11  
12 31. Without the Plaintiff's authorization or consent, and having knowledge of the  
13 Plaintiff's well-known and prior rights in the Mark and the fact that Defendants' Counterfeit  
14 Sneakers are sold using a mark which is identical or confusingly similar to the Mark, the  
15 Defendants have manufactured, distributed, offered for sale and/or sold the Counterfeit Sneakers  
16 to the consuming public in direct competition with Plaintiff's sale of genuine Sneakers, in or  
17 affecting interstate commerce.

18  
19 32. Defendants' use of copies or approximations of the Mark in conjunction with the  
20 Counterfeit Sneakers is likely to cause and is causing confusion, mistake and deception among  
21 the general purchasing public as to the origin of the Counterfeit Sneakers, and is likely to deceive  
22 the public into believing the Counterfeit Sneakers being sold by Defendants originate from, are  
23 associated with or are otherwise authorized by the Plaintiff, all to the damage and detriment of  
24 the Plaintiff's reputation, goodwill and sales.

25  
26 33. The Plaintiff has no adequate remedy at law and, if Defendants' activities are not

1 enjoined, the Plaintiff will continue to suffer irreparable harm and injury to its goodwill and  
2 reputation.

3  
4 **COUNT TWO**

5 **UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN**

6 **(15 U.S.C. §1125(A))**

7 34. The Plaintiff repeats and realleges the foregoing allegations above as if fully set  
8 forth herein.

9 35. The Counterfeit Sneakers sold and offered for sale by Defendants are of the same  
10 nature and type as the Plaintiff's products sold and offered for sale by the Plaintiff, i.e., Trump-  
11 brand hi top sneakers and, as such, Defendants' use is likely to cause confusion to the general  
12 purchasing public.

13  
14 36. By misappropriating and using the Marks, genuine product images and trade  
15 names, Defendants' misrepresent and falsely describe to the general public the origin and source  
16 of the Counterfeit Sneakers and create a likelihood of confusion by consumers as to the source of  
17 such merchandise.

18 37. Defendants' unlawful, unauthorized and unlicensed manufacture, distribution,  
19 offer for sale and/or sale of the Counterfeit Sneakers creates express and implied  
20 misrepresentations that the Counterfeit Sneakers were created, authorized or approved by the  
21 Plaintiff, all to Defendants' profit and to the Plaintiff's great damage and injury.

22  
23 38. Defendants' aforesaid acts are in violation of Section 43(a) of the Lanham Act, 15  
24 U.S.C. §1125(a), in that Defendants' use of the Plaintiff's Marks, genuine product images and  
25 trade names, in connection with their goods and services in interstate commerce, constitutes a  
26 false designation of origin and unfair competition.









1 supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with  
2 Plaintiff;

3 (iv) further infringing the Mark and damaging Plaintiff's goodwill and  
4 competing unfairly with Plaintiff in any manner;

5 (v) shipping, delivering, holding for sale, distributing, returning, transferring,  
6 or otherwise moving, storing, or disposing of in any manner products or inventory not  
7 manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale,  
8 and that bear the Mark or any reproductions, counterfeit copies, or colorable imitations  
9 thereof;

10 (vi) using, linking to, transferring, selling, exercising control over, or  
11 otherwise owning or operating the Infringing Webstores, listings, or any other domain  
12 name that is being used to sell or is the means by which Defendants could continue to sell  
13 Counterfeit Sneakers;

14 (vii) operating and/or hosting websites at the Infringing Webstores and any  
15 other domain names registered or operated by Defendants that are involved with the  
16 distribution, marketing, advertising, offering for sale, or sale of any product bearing the  
17 Plaintiff's Mark or any reproduction, counterfeit copy, or colorable imitation thereof that  
18 is not a genuine product or not authorized by Plaintiff to be sold in connection with the  
19 Mark; and

20 (viii) registering any additional domain names that use or incorporate any of the  
21 Mark;

22 2. That Defendants, within ten (10) days after service of judgment with notice of  
23 entry thereupon them, be required to file with the Court and serve upon the Plaintiff's a written  
24  
25  
26



1 Tempe, AZ 85281  
2 Tel: (312) 404-3225  
3 Email: [pjones@aegislaw.com](mailto:pjones@aegislaw.com)

4 and

5 Caroline Devereux  
6 601 S. Lindbergh Blvd.  
7 Frontenac, MO 63131  
8 Tel: (314) 454-9100  
9 Email: [cdevereux@aegislaw.com](mailto:cdevereux@aegislaw.com)

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26