

1 Richard D. McCune (State Bar No. 132124)
2 rdm@mccunewright.com
3 **MCCUNE WRIGHT AREVALO, LLP**
4 18565 Jamboree Road, Suite 550
Irvine, California 91761
Telephone: (909) 557-1250
Facsimile: (909) 557-1275

5 Derek Y. Brandt*
6 dyb@mccunewright.com
7 Leigh M. Perica*
8 lmper@mccunewright.com
9 Connor P. Lemire*
10 cpl@mccunewright.com
MCCUNE WRIGHT AREVALO, LLP
231 North Main Street, Suite 20
Edwardsville, IL 62025
Telephone: (618) 307-6116
Facsimile: 618-307-6161

11 * Applications *Pro Hac Vice* to be Submitted
12 Attorneys for Plaintiff

13 **UNITED STATES DISTRICT COURT**
14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

15
16 ML PRODUCTS INC.

17 Plaintiff,

18 v.

19 NINESTAR TECHNOLOGY CO.
20 LTD.; NINESTAR CORP.; ASTER
21 GRAPHICS, INC.; BILLIONTREE
22 TECHNOLOGY USA, INC.;
MOUNTAIN PEAK, INC.; V4INK
INC.; and DOES 1 through 125,
inclusive,

23 Defendants.

Case No.: 21-cv-1930

COMPLAINT AND DEMAND FOR JURY TRIAL

- 1. Violations of the Lanham Act, 15 U.S.C. § 1051 *et seq.*;
- 2. Violations of California Bus. & Prof. Code § 17200, *et seq.*;
- 3. Violations of Cal. Bus. & Prof. Code § 17500, *et seq.*

1 NOW COMES Plaintiff ML Products Inc., with knowledge as to its own actions and
2 events, and upon information and belief as to other matters, and alleges as follows against
3 Defendants Ninestar Technology Co., Ltd., Ninestar Corp., Aster Graphics, Inc.,
4 BillionTree Technology USA, Inc., Mountain Peak, Inc., V4INK Inc., and Does 1-125
5 (together, “Defendants”):

6 **I.**

7 **NATURE OF THE ACTION**

8 1. This is a case about unfair competition. Defendants, who are sellers of third-
9 party printer ink and toner cartridges on the Amazon.com online sales platform, have
10 successfully deployed numerous false, deceptive, unfair, or otherwise unlawful tactics in
11 order to inflate their retail sales at the expense of sales by Plaintiff ML Products Inc., a
12 competing third-party ink and toner seller. Third-party ink and toner cartridges generate an
13 estimated \$350 million or more in annual sales on Amazon. Sellers, including ML Products
14 and Defendants, compete for those sales. Defendants, however, have dominated the market
15 through their deceptive and unlawful actions as described herein, and ML Products Inc.
16 has as a result been cheated out of millions of dollars in sales

17 2. Sales on Amazon are driven to an overwhelming extent by a product’s
18 placement among the relevant products in Amazon’s organic search results based on
19 keyword searching. As relevant here, consumers search Amazon for ink and toner
20 compatible with their printer and then purchase a product from among those offered by
21 sellers. The ink/toners offered in the search results typically include the Original
22 Equipment Manufacturer (OEM) brand for the relevant printer along with third-party
23 private label brands, such as those sold by Plaintiff and/or Defendants. Amazon uses an
24 algorithm to prioritize the items offered in the organic search results for each keyword
25 search. A limited number of products appear on the first page of search results and other
26 competing products on sequential pages thereafter. Most shoppers never look beyond
27 Amazon’s first page of search results and most purchases are made from among the first
28

1 few listings in the organic search results. A listing appearing at the top of the organic search
2 results is, accordingly, critical to sales.

3 3. Defendants’ tactics, individually and collectively, are designed to manipulate
4 Amazon’s algorithm into artificially elevating their listings to higher priority positions in
5 the organic search results for keywords relating to ink and toner. Defendants employ these
6 tactics so that their products appear higher up and on the first page or pages of search results
7 and thus garner greater sales while at the same time bumping down their competitors’
8 products and thus decreasing their competitors’ sales. These tactics have been successful.
9 Academic research has demonstrated that Amazon rating manipulation has a large causal
10 effect on sales.

11 4. To achieve these inflated sales, which are made at the expense of honest
12 sellers like Plaintiff, Defendants employ some or all of the following tactics:

- 13 • commissioning fake product reviews;
- 14 • compensating customers for product reviews or to change or remove
15 negative product reviews;
- 16 • manipulating sales rank by accepting fake orders that Defendants
17 themselves pay for;
- 18 • use of “ghost” accounts to manufacture the false impression of interest in
19 or sales of products, to inflate product ratings, and/or to manipulate the
20 “helpful” voting for (likely false) positive reviews of Defendants’
21 products; and
- 22 • reusing older product listings (and their accompanying review history)
23 with new product offerings in order falsely to capitalize on past sales and
24 review history for new products.

25 5. Each of the tactics outlined above employs a deception to manipulate the
26 Amazon algorithm, designed to elevate the product in question to a higher ranking and an
27 earlier position in Amazon’s organic search results. Used together, the tactics have an even
28 greater effect—but even that is not the full extent of Defendants’ deception.

1 Defendants for sales. ML Products is organized under the laws of the State of California
2 and its principal place of business is in Thousand Oaks, California.

3 **B. Defendants**

4 9. Collectively, Defendants, and/or entities under Defendants' control, account
5 for an estimated 70 percent or more of the third-party ink and toner sales on Amazon
6 through use of the practices complained of throughout this Complaint.

7 10. Defendant Ninestar Technology Co., Ltd. ("Ninestar U.S.") is a business
8 engaged in the online sale to consumers of replacement toner and ink cartridges on
9 Amazon. Ninestar U.S. is organized under the laws of the State of New Jersey and has its
10 principal place of business in Chino, California. Ninestar U.S. is a wholly owned subsidiary
11 of Defendant Ninestar Corp.

12 11. Defendant Ninestar Corp. ("Ninestar China" and, together with Ninestar U.S.,
13 the "Ninestar Defendants") is a business engaged in the online sale to consumers of
14 replacement toner and ink cartridges on Amazon. Ninestar China is organized under the
15 laws of China and has its principal place of business in Zhuhai, China.

16 12. Ninestar U.S. and Ninestar China own, operate, and/or control, directly or
17 indirectly, a number of ostensibly separate "brands" of replacement toner and ink which
18 are offered for sale in the United States on Amazon. These brands, including a number of
19 shell corporations affiliated therewith, are alter egos of Ninestar U.S. and Ninestar China.
20 Ninestar U.S., Ninestar China, and these alter ego corporate affiliates and brands are related
21 entities under common ownership and control and are all part of a common enterprise that
22 the Ninestar Defendants refer to as "Ninestar" and/or the "Ninestar Group." The Ninestar
23 Group accounts for an estimated \$160 million or more in annual sales of third-party ink
24 and toner on Amazon.

25 13. Defendant Aster Graphics, Inc. ("Aster") is a business engaged in the online
26 sale to consumers of replacement toner cartridges on Amazon. Aster is organized under the
27 laws of the State of California and has its principal place of business in Riverside,
28 California. Aster owns, operates, and/or controls, directly or indirectly, a number of

1 ostensibly separate “brands” of replacement toner and ink which are offered for sale in the
2 United States on Amazon. These brands, including a number of shell corporations affiliated
3 therewith, are alter egos of Aster. Aster and these alter ego corporate affiliates and brands
4 are related entities under common ownership and control and are all part of a common
5 enterprise referred to herein as the “Aster Group.” The Aster Group accounts for an
6 estimated \$50 million in annual sales of third-party ink and toner on Amazon.

7 14. Defendant BillionTree Technology USA, Inc. (“BillionTree”) is or was a
8 business engaged in the online sale to consumers of replacement toner and ink cartridges
9 on Amazon. BillionTree was organized under the laws of the State of California and had
10 its principal place of business in the City of Industry, California. BillionTree owned,
11 operated, and/or controlled, directly or indirectly, a number of ostensibly separate “brands”
12 of replacement toner and ink which are still offered for sale in the United States on Amazon
13 but now operated by Mountain Peak, Inc. BillionTree was dissolved on March 3, 2020, and
14 Mountain Peak, Inc. took over as the business operating BillionTree’s brands and shell
15 companies. All allegations made against BillionTree in this complaint are also made
16 against Mountain Peak, and vice versa.

17 15. Defendant Mountain Peak, Inc. (“Mountain Peak”) is a business engaged in
18 the online sale to consumers of replacement toner and ink cartridges on Amazon. Mountain
19 Peak is organized under the laws of the State of California and has its principal place of
20 business in the City of Industry, California. Mountain Peak was incorporated in California
21 on February 2, 2017. Mountain Peak is the successor to BillionTree and now operates the
22 BillionTree business. Mountain Peak owns, operates, and/or controls, directly or indirectly,
23 the numerous BillionTree “brands” of replacement toner and ink which are offered for sale
24 in United States on Amazon. These brands, including a number of shell corporations
25 affiliated therewith, are alter egos of BillionTree and Mountain Peak. All allegations made
26 against BillionTree in this complaint are also made against Mountain Peak, and vice versa.
27 BillionTree, Mountain Peak, and these alter ego corporate affiliates and brands are related
28 entities under common ownership and control and are all part of a common enterprise

1 referred to herein as the “BillionTree Group.” The BillionTree Group accounts for an
2 estimated \$25 million in annual sales of third-party ink and toner on Amazon.

3 16. Defendant V4INK, Inc. (“V4INK”) is a business engaged in the online sale to
4 consumers of replacement toner and ink cartridges on Amazon. V4INK is organized under
5 the laws of the State of California and has its principal place of business in Diamond Bar,
6 California. V4INK owns, operates, and/or controls, directly or indirectly, a number of
7 ostensibly separate “brands” of replacement toner and ink which are offered for sale in the
8 United States on Amazon. These brands, including a number of shell corporations affiliated
9 therewith, are alter egos of V4INK. V4INK and these alter ego corporate affiliates and
10 brands are related entities under common ownership and control and are all part of a
11 common enterprise referred to herein as the “V4INK Group.” The V4INK Group accounts
12 for an estimated \$20 million in annual sales of third-party ink and toner on Amazon.

13 **C. Doe Defendants**

14 17. Doe Defendants 1 through 25 represent presently unknown corporate or brand
15 affiliates, or straw sellers owned, operated, or controlled by the Ninestar Defendants, who
16 participate or participated in the Ninestar Group’s schemes as described herein or as may
17 be discovered during the pendency of this action.

18 18. Doe Defendants 26 through 50 represent presently unknown corporate or
19 brand affiliates, or straw sellers owned, operated, or controlled by Aster, who participate
20 or participated in the Aster Group’s schemes as described herein or as may be discovered
21 during the pendency of this action.

22 19. Doe Defendants 51 through 75 represent presently unknown corporate or
23 brand affiliates, or straw sellers owned, operated, or controlled by BillionTree, who
24 participate or participated in the BillionTree Group’s schemes as described herein or as
25 may be discovered during the pendency of this action.

26 20. Doe Defendants 76 through 100 represent presently unknown corporate or
27 brand affiliates, or straw sellers owned, operated, or controlled by V4INK, who participate
28

1 or participated in the V4INK Group's schemes as described herein or as may be discovered
2 during the pendency of this action.

3 21. Doe Defendants 101 through 125 represent presently unknown other sellers
4 to consumers of replacement ink and toner cartridges on Amazon who employ the same or
5 similar unlawful conduct attributed to the Defendants as described herein.

6 **III.**

7 **JURISDICTION AND VENUE**

8 22. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331. This
9 Court also has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28
10 U.S.C. § 1367.

11 23. This Court has personal jurisdiction over Defendants Ninestar U.S., Aster,
12 BillionTree, and V4INK, by virtue of those parties doing business in this Judicial District
13 and because those Defendants are headquartered in California. These Defendants have also
14 engaged in statutory violations within the State of California and this District.

15 24. This Court has personal jurisdiction over Defendant Ninestar China because,
16 together with its wholly-owned subsidiary Ninestar U.S. and with the other members of
17 the Ninestar Group, it has participated in conduct complained of herein within this Judicial
18 District and in the State of California. Ninestar China owns and operates, among other shell
19 companies and brands, Lemero Corp. and ICartridge Crop., which are registered entities in
20 California and conduct business in California, including offering for sale third-party toner
21 and ink cartridges on Amazon. Ninestar China has choreographed, directed, or overseen
22 the creation and use of various corporate entities and brands for purposes of selling toner
23 and ink in California, and has caused the filing with California authorities of various
24 corporate records and registrations necessary to carry out the schemes described herein.
25 The actions of each of these shell companies and brands as complained of throughout this
26 Complaint are carried out at the direction of, and for the benefit of, Ninestar China.

27 25. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.
28 Defendants have conducted, and continue to conduct, business in this District, and a

1 substantial part of the acts and omissions giving rise to the claims occurred, at least in part,
2 within this District. Most of Defendants are headquartered here, maintain offices or
3 facilities here, market, advertise, and sell the subject products here, and otherwise
4 conducted extensive business, within this District.

5 **IV.**

6 **FACTUAL ALLEGATIONS**

7 **A. Appearing at the Top of Organic Search Results Is Key to Retail Success on**
8 **Amazon**

9 26. Amazon is the world's largest online retailer, with a market share that far
10 exceeds that of its competitors. Through its Amazon.com online platform, Amazon
11 dominates the online retail sales market, controlling between 50-70% of all online retail
12 sales in the United States. Amazon holds an even larger market share of multi-seller online
13 retail platforms. Over six million independent, third-party sellers rely on Amazon's online
14 retail platform to sell their own products. Amazon also hosts 1.7 million active third-party
15 sellers from around the world,¹ about 32 times more than the 54,000 third-party sellers that
16 Walmart.com hosts.² A 2020 survey estimated that about 37% of Amazon's third-party
17 sellers, representing over 850,000 sellers, rely on Amazon as their sole source of income.³

18
19 ¹ Number of Sellers on Amazon Marketplace, MARKETPLACE PULSE,
20 <https://www.marketplacepulse.com/amazon/number-of-sellers> (last visited Sept. 30, 2021); see also
21 Online Platforms and Market Power, Part 6: Examining the Dominance of Amazon, Apple, Facebook,
22 and Google: Hearing Before the Subcomm. on Antitrust, Commercial and Admin. Law of the H. Comm.
23 on the Judiciary, 116th Cong. (2020) at 5 (statement of Jeff Bezos, CEO, Amazon.com, Inc.) (“There are
24 now 1.7 million small and medium-sized businesses around the world selling in Amazon's stores.”).

25 ² Walmart's Fulfillment Service for Sellers Not Seeing Adoption, MARKETPLACE PULSE,
26 <https://www.marketplacepulse.com/articles/walmarts-fulfillment-service-for-sellers-not-seeing-adoption>
27 (last visited Nov. 12, 2021).

28 ³ The State of the Amazon Seller JUNGLESCOUT, (2020),
https://www.junglescout.com/lp/brand/?utm_source=google&utm_medium=cpc&utm_campaign=JS-DS-EN-USA-S_B-Brand&utm_adgroup=Jungle_Scout-EM&utm_term=jungle%20scout&utm_matchtype=Exact&gclid=CjwKCAiAvriMBhAuEiwA8Cs5lcbAOrN-rcLK2O9y32tEmRSZLvIX8AOdwtl03-NvOpVpOCW0vPY-OxoCXWEQAvD_BwE
(last visited Nov. 12, 2021).

1 27. Most of the products sold on Amazon are sold by third-party sellers rather
2 than by Amazon itself. In 2018, Amazon reported that customers spent \$160 billion on
3 items from third-party sellers, which was 58 percent of all sales on the site. More than 1
4 million sellers joined Amazon marketplaces around the world that year.⁴ This growth in
5 retail online shopping has only accelerated. Since the onset of the COVID19 pandemic,
6 Amazon says that it has added 50 million Prime members and has made profits of over \$26
7 billion, more than the previous three years combined.⁵

8 28. In 2018, the *Washington Post* reported that more than half of all online product
9 searches start on Amazon, citing survey data from the digital marketing firm BloomReach.
10 As it concluded: landing among the first ten results on an Amazon search can mean “an
11 explosion in sales.”⁶

12 29. When a consumer enters a keyword search in the Amazon search bar, Amazon
13 displays a results list that contains “sponsored” results and “organic” results. “Sponsored”
14 results are product listings for which the seller has paid Amazon to list the product in
15 response to certain search keywords. Sponsored results typically appear at or near the top
16 of the list. Consumers generally understand that sponsored results appear at the top of the
17 list only because the seller has paid to have those listings appear there. Many consumers
18 are thus skeptical of sponsored listings. Consumers have a strong preference for products
19 listed in Amazon’s “organic” search results. The organic results comprise a list of products
20 that Amazon’s algorithm believes will drive consumer sales. The algorithm returns a list
21

22
23 ⁴ Her Amazon Purchases Are Real. The Review Are Fake. (Nicole Nguyen Nov. 20, 2019)
24 <https://www.buzzfeednews.com/article/nicolenguyen/her-amazon-purchases-are-real-the-reviews-are-fake> (Last visited Nov. 12, 2021).

25 ⁵ Fake Reviews and Inflated Ratings Are Still a Problem for Amazon (Nicole Nguyen. June 13, 2021)
26 <https://www.wsj.com/articles/fake-reviews-and-inflated-ratings-are-still-a-problem-for-amazon-11623587313> (Last visited Nov. 12, 2021)

27 ⁶ How merchants use Facebook to flood Amazon with fake reviews (Elizabeth Dwoskin and Craig
28 https://www.washingtonpost.com/business/economy/how-merchants-secretly-use-facebook-to-flood-amazon-with-fake-reviews/2018/04/23/5dad1e30-4392-11e8-8569-26fda6b404c7_story.html (Last visited Nov. 12, 2021).

1 of products related to the customer’s search using, among other criteria, sales volume, sales
2 conversion rate, and the products with a combination of the highest star ratings and the
3 greatest number of star ratings. Each product is denominated by its own unique Amazon
4 Standard Identification Number (ASIN) and accompanied by an average customer review
5 rating of one to five stars and, usually, text and/or video or image product reviews
6 purportedly authored by consumers who purchased the product.

7 30. According to the *Wall Street Journal*, when people search for products on
8 Amazon, almost two-thirds of all product clicks come from the first page of search results.
9 Amazon’s search system rankings can thus “make or break” a product, because Amazon’s
10 search bar is “the most common way for U.S. shoppers to find items online, and most
11 purchases stem from the first page of search results, according to marketing analytics firm
12 Jumpshot.”⁷ Indeed, according to a 2018 article published by Search Engine Journal,
13 Amazon’s own data concludes that:

- 14 • 70 percent of Amazon customers never click past the first
15 page of search results;
- 16 • 35 percent of Amazon shoppers click on the first product
17 featured on a search page;
- 18 • The first three items displayed in search results account for
19 64 percent of clicks; and
- 20 • 81 percent of clicks are on brands on the first page of search
21 results.⁸

25 ⁷ Amazon Changed Search Algorithm in Ways That Boost Its Own Products (Dana Mattioli, Sept. 16,
26 2019) [https://www.wsj.com/articles/amazon-changed-search-algorithm-in-ways-that-boost-its-own-
products-11568645345](https://www.wsj.com/articles/amazon-changed-search-algorithm-in-ways-that-boost-its-own-products-11568645345) (Last visited Nov. 12, 2021).

27 ⁸ Amazon’s Search Engine Ranking Algorithm: What Marketers Need to Know (Loren Baker, Aug. 14,
28 2018), available at [https://www.searchenginejournal.com/amazon-search-engine-ranking-algorithm-
explained/265173/](https://www.searchenginejournal.com/amazon-search-engine-ranking-algorithm-explained/265173/) (last visited Nov. 12, 2021).

1 31. Accordingly, for sellers on Amazon, it is critical to retail sales that the seller’s
2 product appear at or near the top of the list of results and on the first page. Most consumers
3 will never look beyond that page.

4 32. This is even more true in the market for third-party private label ink and toner
5 sold on Amazon. Replacement ink and toner cartridges are sold on Amazon as both OEM-
6 branded ink and toner and third-party, or private label, branded products. The OEM-
7 branded ink and toner products—*e.g.*, Canon, Hewlett Packard, Brother, etc.—are
8 compatible with the various models of name-brand printers that the OEMs sell.

9 33. Replacement ink and toner is a lucrative source of sales for the OEMs. As
10 OEM manufacturers introduce new hardware to the market along with compatible
11 replacement ink and toner, third-party private label sellers race to keep up with replacement
12 cartridges that are compatible with the new offerings.

13 34. Although third-party ink and toner comprises hundreds of millions of dollars
14 of sales each year on Amazon, there is very little basis beyond star and review ratings by
15 which consumers can differentiate among competing brands of third-party ink and toner,
16 unlike name-brand OEM ink and toner. For sellers of ink and toner, sponsored listings are
17 generally considered to be a “loss leader,” because the cost of sponsorship is greater than
18 the profits one reasonably would expect to earn from the sponsored listings. For these
19 reasons, consumers on Amazon choose from among third-party brands almost entirely on
20 the basis of which ones appear first in the search results and which have the best star ratings.
21 Oftentimes, consumers do not even recall the brand they chose after buying it. “Reviews
22 are more important than a brand,” says Fred Diman, CEO of Potoo Solutions, a firm that
23 consults with ecommerce companies. “There’s major brands that are being crushed by
24 small direct-to-Amazon or direct-to-consumer brands.”⁹ It is this search priority ranking
25 determined by the Amazon algorithm that Defendants have consistently manipulated in
26 order unfairly to achieve sales on Amazon.

27 _____
28 ⁹ What Do Amazon’s Star Ratings Really Mean?, available at <https://www.wired.com/story/amazon-stars-ratings-calculated/> (last visited Nov. 12, 2021).

1 **B. The Defendants Use Deception and Unfair Practices to Manipulate the Amazon**
2 **Algorithm and Achieve Sales, to the Detriment of Plaintiff.**

3 35. Ninestar, Aster, BillionTree, and V4INK have used a number of deceptive
4 tactics to manipulate the Amazon search results algorithm and to falsely advertise their ink
5 and toner replacement cartridges. Many of the tactics they have employed are common
6 amongst the bad actors on the Amazon platform because of their effectiveness, and have
7 been documented by news outlets that report on these behaviors. Set out below are
8 illustrations of some of these tactics, but the reality is that Defendants unleash an ever-
9 changing barrage of deceptive tactics in order to game the Amazon algorithm. Round and
10 round they go, and as soon as Amazon catches up to one black-hat tactic, Defendants switch
11 to another.

12 36. One of Defendants' primary deceptive tactics is selling the same ink or toner
13 disguised under multiple different brand names. Amazon permits a seller to list a product
14 only once. But because Amazon allows other sellers to sell competing similar products,
15 Defendants operate multiple selling accounts, under various different names, and use these
16 accounts to sell the same ink or toner under different brand names. Defendants create the
17 (deceptive) appearance of different sellers competing against each other for sales of the
18 same third-party ink or toner product when, in fact, these purportedly different sellers form
19 an interrelated web all operating for the benefit of a single enterprise. This deception
20 provides each such enterprise (*i.e.*, the Ninestar Group, the Aster Group, etc.) with a
21 number of unfair advantages over honest sellers who follow Amazon's policies. By selling
22 the same item under different brand names using different seller accounts, Defendants
23 generate more opportunities for their products to land at the top of the organic search
24 results. They also give themselves an opportunity to occupy more than a single spot in the
25 search rankings, which simultaneously pushes down the listings of their actual competitors.
26 Finally, these multiple listings permit Defendants to take greater risks in flaunting
27 Amazon's policies, as the suspension of a single seller account will not eliminate all of the
28 enterprise's sales under other seller accounts.

1 37. The Ninestar Group, for instance, uses a fleet of ostensibly separate sellers to
2 sell replacement ink and toner under some *nineteen* different brand names. Here, for
3 instance, are two ostensibly competing remanufactured “63XL” ink cartridges, one using
4 the “Mytoner” brand, and the other using the “Ziprint” brand (red circles added for clarity;
5 not part of the original image):

6  MYTONER Remanufactured Ink Cartridge f
7 63 Ink for Officejet 3830 4650 4652 4655
8 4520 4512 4516 Deskjet 1112 2130 2132
9 Printer (Black,Color,2-Pack)
10 Visit the MYTONER Store
11 ★★★★★ 791 ratings
12 Price: ~~\$39.99~~ & FREE Returns
Brand MYTONER
Color 63xl ink black and color
Compatibility Options Remanufactured
Page Yield 480
Compatible Devices Officejet 3830 4650 4652 4655 5255 5258 E
1112 2130 2132 3630 3632 3637 Printer

13  ZIPRINT Remanufactured Ink Cartrid
14 63XL 63 XL Ink Cartridge use with O
15 Envy 4520 4512 Deskjet 3630 3632
16 Printer (1 Black,1 Tri-Color)
17 Visit the ZIPRINT Store
18 ★★★★★ 1,042 ratings | 3 answered questions
19 Price: ~~\$39.99~~ & FREE Returns
20 Brand ZIPRINT
21 Color 63xl ink cartridges black and color
22 Compatibility Options Remanufactured
23 Page Yield 480
24 Compatible Devices HP Envy 4520 4512 4522 4516 Pr
25 3834 4652 4654 4655 Printer: HP

1 38. Although these appear to be competing offerings, documents available from
2 the U.S. Patent and Trademark Office reveal that the owner of the trademarks for the
3 Mytoner and Ziprint brands is a single entity: Zhuhai Ninestar Management Technology,
4 Ltd., a member of the Ninestar Group (red circles added for clarity; not part of the original
5 images):

6 [TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TE

8 MYTONER

9
10 Word Mark MYTONER
Goods and Services IC 002. US 006 011 016. G & S: Coating composition in the nature of paint for industrial applications; C
FIRST USE IN COMMERCE: 20160501
11 Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
12 Serial Number 87537957
Filing Date July 21, 2017
13 Current Basis 1A
Original Filing Basis 1A
Published for Opposition November 21, 2017
14 Registration Number 5396428
Registration Date February 6, 2018
15 Owner (REGISTRANT) Zhuhai Ninestar Management Co., Ltd. CORPORATION CHINA 5A, Building 1 No. 38
Attorney of Record Sherry Wu
16 Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

17 [TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

18 ZIPRINT

19
20 Word Mark ZIPRINT
Goods and Services IC 002. US 006 011 016. G & S: Toners; Filled ink cartridges for printers; Filled toner cartridges; Photocopier toner; Printer
20090508
21 Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
22 Serial Number 90519520
Filing Date February 9, 2021
23 Current Basis 1A
Original Filing Basis 1A
Published for Opposition October 12, 2021
24 Owner (APPLICANT) ZHUHAI NINESTAR MANAGEMENT CO., LTD. limited company (Ltd.) CHINA ROOM 105-67604 (CENTR
Attorney of Record PRAKASH NAMA
25 Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

1 39. Using shell companies and multiple brands to sell the same product creates
2 the illusion of competition among these brands even though each sale is orchestrated by
3 and for the benefit of Ninestar. (Aster, BillionTree, and V4INK do the same.) More
4 importantly, though, this practice crowds out the listings of honest sellers: even if one
5 Ninestar replacement ink cartridge deserved one spot at or near the top of the organic search
6 results, each additional Ninestar offering at or near the top of the results pushes another
7 honest seller’s product lower in the organic results, where it becomes less and less visible
8 to buyers and likely never to have the opportunity to win sales.

9 40. Defendants further ensure that their multiple identical products rise to the top
10 of the search rankings by using a number of different “cheat code” techniques intended to
11 manipulate the Amazon algorithm into artificially awarding them priority in the organic
12 search results. These deceptive tactics include: commissioning fake product reviews;
13 compensating customers for favorable reviews or to change negative reviews; accepting
14 fake orders or orders that they paid for in order to manipulate sales rank; manipulating the
15 “helpful” voting for reviews; and reusing old product listings with new offerings to falsely
16 portray sales and review history for the new product.

17 41. These tactics build upon and enhance each other. For example, by accepting
18 orders that they have paid for, Defendants not only increase their sales rank, but also
19 increase their conversion rate and decrease their return rate—metrics that Amazon tracks
20 and uses to prioritize organic search results. The widespread use of fake reviews also
21 artificially increases Defendants’ conversion rate. Using these cheat codes in conjunction
22 with their crowding strategy, Defendants artificially boost multiple different listings to the
23 limited number of top spots in the organic search results, effectively shutting out of the
24 market any seller not using these tactics. Unless Amazon punishes the cheating seller, the
25 seller continues to benefit through high sales and honest sellers continue to be pushed
26 unfairly out of the market. Ironically, the more this leads to actual sales, the higher the
27 product is then rated and ranked in organic search results by Amazon’s algorithm: a
28 feedback loop fueled by deception.

1 42. Following are examples of each Defendant's deceptive and unfair conduct.
2 These deceptions, by their nature, are designed to remain hidden and opaque. Only
3 discovery in this lawsuit will lift the veil on the totality of Defendants' conduct.

4 **The Ninestar Group**

5 43. The Ninestar Group sells third-party private label toners and inks on Amazon
6 for printer brands HP, Canon, Brother, Dell, Xerox, and others. It does so through a group
7 of shell companies, seller accounts, and brands that it owns and controls, including at least:
8 Ninestar Management Co., Ltd., Zhuhai Seine Technology Co. Ltd., Zhuhai Ninestar
9 Management Co., Ltd., ICartridge Corp., Zhuhai Seine Technology Co., Ltd., Ninestar
10 Image Inc., Lemero Corp., Plenty Talent Corp., Zhuhai Kingway Group Holdings, Ltd.,
11 Kingway Image Co., Ltd., Ourway Image Tech Co., Ltd., E-Z Ink, Inc., and Kingjet Image
12 Co.

13 44. Ninestar China's 2019 Consolidated Financial Statements list Ninestar Image
14 Tech Limited, Ninestar Technology Company Ltd., Ninestar Image Company Limited,
15 Lexmark International LLC, Topjet Technology Co., Ltd., Pro Image Tech Limited, and
16 Imaging Lab Tech Limited all as subsidiaries of Ninestar China.

17 ***Ninestar Alter Ego Sellers***

18 45. The Ninestar Group sells or, in the time relevant to this action, has sold ink
19 and toner on Amazon under approximately nineteen different brand names. Each of these
20 brands and their sham sellers are actually just alter egos of Ninestar, created or acquired by
21 it in order to offer the same product under multiple listings, thus crowding the field on
22 Amazon and creating the illusion of competition for sales of those products. In fact, a sale
23 of any one of those "competing" products is a sale by Ninestar.

24 46. In 2017, Ninestar expanded its brand ownership by acquiring majority interest
25 in Topjet (E-Z Ink, Valuetoner, GPC Image, LxTek, Shidono, ejet, Uniwork) and majority
26 interest in Kingway (Kingway, Kingjet, Starink). Ninestar acquired complete ownership of
27 both Topjet and Kingway in 2020.

28

1 Zhuhai Avenue, Xiangzhou District, Zhuhai Guangdong P.R. China 519060) on the
2 “contact us” page is another registered address of Ninestar China, which is also the address
3 Ninestar Management Co., Ltd. lists on its trademark registration of their Mytoner brand.¹⁴
4 Some of the “separate” brands listed above are likewise registered to and owned by these
5 same entities. This is true, for instance, of the brand Myik, which is also registered to
6 Ninestar Management Co., Ltd., at the same address in Zhuhai City, Guangdong, China.
7 The U.S. trademark for Ziprint was originally registered to that same entity, at that same
8 address, though it is now registered to Zhuhai Ninestar Management Co., Ltd. These
9 various brands thus have common ownership and are not actually competing brands.

10 49. Ninestar’s 2020 Annual Report lists both ICartridge Corp. and Lemero as
11 subsidiaries of Ninestar. ICartridge Corp. owns the myCartridge brand. Even though
12 myCartridge and Lemero hold themselves out as “competitors” they share the same
13 business address, a post office box at 12523 Limonite Ave., Suite 440-2351, Mira Loma,
14 California, 91752. Additionally, these “competitors” share the same brand ambassador
15 Novak Djokovic (Lemero ASIN: B07RFRYW54. myCartridge ASIN: B071G4PGWR):



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¹⁴ <https://en.ninestargroup.com/contact.html>

1 50. The corporate interrelationships of others of these brands, some of which
2 ostensibly are owned by other legal entities, are less transparent, though still exist. Each is
3 an alter ego of Ninestar.

4 51. One way to illustrate these various corporate interrelationships is to examine
5 the numerous ostensibly competing brands of third-party ink and toner on Amazon that are
6 compatible with popular printers. The following examples (in addition to the 952XL
7 “competing” products depicted above) elucidate many such relationships and demonstrate
8 that all of these interwoven brands, sham corporations, and straw sellers are simple stand-
9 ins for Ninestar. While these examples (and the following relationships) can be discerned
10 through a public document investigation, the full scope of the practice can be ascertained
11 only by discovery in this action.

12 **NINESTAR EXAMPLE PRODUCT #1: Brother TN-227 Compatible Toner**

13 52. Ninestar offers for sale on Amazon toner replacements compatible with the
14 popular Brother TN-227 under at least ten different brand names, including Lemero,
15 myCartridge, OA100, Ziprint, Myik, Teino, INKNI, Mytoner, E-Z Ink, and Valuetoner.
16 These ostensibly competing products, which dominate the search results for this toner, are
17 actually all Ninestar product offerings.

18 53. As noted above, like the Ninestar brand itself, two of these brands—Ziprint
19 and Myik—are owned by Ninestar Technology Company, Ltd., the New Jersey entity with
20 a principal place of business in Chino, California.

21 54. Also like the Ninestar brand, the U.S. trademarks for Ziprint, Mytoner, and
22 Myik are registered, at least in part, to Ninestar Management Co., Ltd., at No. 63,
23 Mingzhubei Road, Qianshan, Zhuhai City, Guangdong China 519075.

24 55. The U.S. trademarks for two of the other brands—Lemero and Teino—are
25 ostensibly owned by an entity called Zhuhai Seine Technology Co. Ltd., the registered
26 address of which is the same as that of Ninestar Management Co., Ltd., at No. 63,
27 Mingzhubei Road, Qianshan, Zhuhai City, Guangdong China 519075.

28

1 56. The trademark for INKNI is owned by Pro Image Tech Limited. Pro Image
2 tech is listed as a subsidiary of Ninestar China in the Ninestar 2019 Consolidated Financial
3 Statements. .

4 57. The U.S. trademark for OA100 is also owned, at least in part, by Zhuhai Seine
5 Technology Co. Ltd., the registered address of which is the same as that of Ninestar
6 Management Co., Ltd., at No. 63, Mingzhubei Road, Qianshan, Zhuhai City, Guangdong
7 China 519075.

8 58. The brand myCartridge is ostensibly owned by an entity called iCartridge
9 Corp., a California company. According to records available from the California Secretary
10 of State, iCartridge Corp. was initially registered to the address 6700 Citrine Court, Mira
11 Loma, California, 91752 (by an individual named William Dai). This is a residential
12 address. It also is the same address at which Lemero initially was registered (and by the
13 same individual). iCartridge Corp.’s address was later updated to 12523 Limonite Ave.,
14 Ste. 440-2531, Mira Loma, California. This is the address of a UPS Store, i.e., a
15 commercial post office drop box. Lemero, too, was later updated to this very same post
16 office box address. The Ninestar Group’s Plenty Talent Corp. (which is affiliated with the
17 HiPage brand) shares this same address. Statements of Business Information for iCartridge
18 Corp. and Lemero that are on file with the Secretary of State both were signed on May 22,
19 2020 by an individual named Weiming Dai, who also is listed as agent for service of
20 process for each. Further, articles of incorporation for both iCartridge Corp. and Lemero
21 list William Dai as the “incorporator.” William Dai happens also to be the CEO, the
22 signatory on the statement of business information, and the agent for service of process of
23 Ninestar Technology Company, Ltd., i.e., Ninestar U.S. iCartridge, Lemero, and Ninestar
24 U.S. recently all filed corporate “Statement of Information – No Change” forms with the
25 Secretary of State on the identical date (June 21, 2021).

26 59. The brands E-Z Ink; and Valuetoner also offer “competing” toner
27 replacements for the Brother TN227. These, too, are brands controlled by Ninestar. E-Z
28

1 Ink and Valuetoner are owned by Topjet, which Ninestar has controlled since 2017 and
2 now owns outright.

3 60. Each of these brands, while ostensibly competing for sales of replacement
4 toner compatible with the Brother TN227 is actually a Ninestar stand-in and alter ego.

5 **NINESTAR EXAMPLE PRODUCT #2: Canon 046H Compatible Toner**

6 61. As another example, Ninestar offers for sale on Amazon toner replacements
7 compatible with the Canon 046H under at least four different brand names, including
8 Ziprint, Lemero, Teino, and Ejet. As above, these ostensibly competing products, which
9 dominate the search results for this toner, are actually all Ninestar product offerings.

10 62. The details regarding Ziprint, Lemero, and Teino are set out above. Ejet is
11 owned by Topjet, which Ninestar has controlled since 2017 and now owns outright.

12 63. Each of these brands, while ostensibly competing for sales of replacement
13 toner compatible with the Canon 046H is actually a Ninestar stand-in and alter ego.

14 **NINESTAR EXAMPLE PRODUCT #3: Canon PGI-250xl 251xl Compatible Ink**

15 64. As another example, Ninestar offers for sale on Amazon ink replacements
16 compatible with the Canon PGI-250xl or 251xl under at least seven different brand names,
17 including Lemero, myCartridge, Teino, E-Z Ink, GPC Image, Kingjet, and Starink. As
18 above, these ostensibly competing products, which dominate the search results for this
19 toner, are actually all Ninestar product offerings.

20 65. The details regarding Lemero, myCartridge, Teino, and E-Z Ink are set out
21 above. GPC Image is owned by Topjet, which Ninestar has controlled since 2017 and now
22 owns outright. Kingjet and Starink are owned by Kingway, which Ninestar has controlled
23 since 2017 and now owns outright. The U.S. trademarks for Kingjet and Starink are both
24 registered to Ourway Image Tech Co., Ltd., a California entity with a registered address of
25 17800 Castelton Street, City of Industry, California 91748.

26 66. Each of these brands, while ostensibly competing for sales of replacement ink
27 compatible with the Canon PGI-250xl or 251xl is actually a Ninestar stand-in and alter
28 ego.

1 **NINESTAR EXAMPLE PRODUCT #4: Canon PGI-280xxl 281xxl Compatible Ink**

2 67. As another example, Ninestar offers for sale on Amazon ink replacements
3 compatible with the Canon PGI-280xl or 281xl under at least twelve different brand names,
4 including Ziprint, Myik, Lemero, myCartridge, Teino, INKNI, E-Z Ink, GPC Image,
5 Uniwork, Kingway, Kingjet, and Starink. As above, these ostensibly competing products,
6 which dominate the search results for this toner, are actually all Ninestar product offerings.

7 68. The details regarding many of these brands are set out above. Like Kingjet
8 and Starink (discussed above), the brand Kingway is also owned by Kingway, which
9 Ninestar has controlled since 2017 and now owns outright. The U.S. trademarks for
10 Kingway, Kingjet, and Starink, moreover are or were initially registered to entities sharing
11 the address Room 1501, Grand Millenium Plaza (Lower Block), 181 Queen’s Central,
12 Hong Kong, China. The brand Uniwork was acquired when Ninestar purchased Topjet in
13 2017.

14 69. Each of these brands, while ostensibly competing for sales of replacement ink
15 compatible with the Canon PGI-280xl or 281xl is actually a Ninestar stand-in and alter
16 ego.

17 **NINESTAR EXAMPLE PRODUCT #5: HP 202x Compatible Toner**

18 70. As another example, Ninestar offers for sale on Amazon toner replacements
19 compatible with the HP 202x under at least nine different brand names, including: Ziprint;
20 Lemero; OA100; Valuetoner; GPC Image; LxTek; Uniwork; Kingjet; and Starink. As
21 above, these ostensibly competing products, which dominate the search results for this
22 toner, are actually all Ninestar product offerings.

23 71. The details regarding many of these brands are set out above. Kingway, and
24 Starink, are owned by Kingway, which Ninestar has controlled since 2017 and now owns
25 outright. In addition, Uniwork and LxTek are owned by Topjet, which Ninestar has also
26 controlled since 2017.

27 72. Each of these brands, while ostensibly competing for sales of replacement
28 toner compatible with the HP 202x is actually a Ninestar stand-in and alter ego.

1 73. When a consumer searches for toner or ink on Amazon, the Ninestar Group
2 shell companies and brands lead the consumer to believe she is choosing from among
3 independently competing companies or brands. In reality, the choice is from among a large
4 number of offerings of the same product sold by and for the benefit of Ninestar. No matter
5 which of the “different” brands the consumer chooses to purchase, Ninestar wins the
6 business and makes the sale.

7 74. As detailed below, this deceptive use of more than one seller account is a
8 violation of Amazon rules and provides an unfair advantage to Ninestar at the expense of
9 honest sellers like Plaintiff.

10 75. Despite Ninestar’s attempts to conceal its ownership and control of the shell
11 companies and brands, the corporate records pertaining to the shell companies, trademark
12 registrations of the brands, and various public documents all lead back to Ninestar.
13 Ninestar’s purpose in creating these shell companies and brands is to falsely portray
14 competition among numerous “sellers” and to crowd non-Ninestar sellers out of the search
15 results, all while driving toner and ink purchases to Ninestar.

16 76. On information and belief, Ninestar U.S. and Ninestar China act in concert
17 with each other and with the other shell companies and brands under fictitious names
18 within the Ninestar Group in order to engage in the conduct complained of in this
19 Complaint.

20 77. Ninestar U.S. and Ninestar China are jointly and severally responsible for the
21 conduct of the Ninestar Group complained of herein, including the conduct of the shell
22 companies and fictitious brand entities, which they operate as a single enterprise by
23 commingling resources, assets, operations, commercial activities, incur expenses and
24 achieve profits jointly for the benefit of the combined enterprise, its owners and officers.
25 Numerous of these shell companies share addresses and registration details as described
26 herein. Although they purport to be separate corporations, many appear to have no
27 employees at all. Public records disclose, for instance, that although Ninestar Technology
28 Company, Ltd. received a Paycheck Protection Program (“PPP”) loan in 2020, none of the

1 following “separate” entities did so: Lemero Corp., ICartridge Corp., Ninestar Image, Inc.,
2 Plenty Talent, Corp., and Ourway Image Tech Co.

3 ***Ninestar False Advertising***

4 78. In addition to flooding the marketplace with brands, Ninestar also manipulates
5 the Amazon search algorithms with incentivized reviews, fake reviews, or other tactics as
6 described in this complaint.

7 79. For instance, one of Ninestar’s brands, Valuetoner, which is owned by
8 Ninestar China subsidiary Topjet, sells a replacement cartridge for the HP 61XL ink.
9 Several customers disclose in their reviews for the Valuetoner ink (ASIN: B07STHBJX1)
10 that the seller offered them compensation in exchange for the updating or deleting their
11 negative review (highlighting added):

12 **Customer Review**



13 Jay D

14 ★★☆☆☆☆ **Inconsistent**

15 Reviewed in the United States on November 14, 2020

16 **Verified Purchase** | **Early Reviewer Rewards** (What's this?)

17 Inconsistent print quality. If you're printing barcode i don't think they're great for that, otherwise ok.

18 **Edit:** The seller tries to manipulate reviews by offering a full refund and bonus for removing your bad review. Keeps emailing me. Lost another star.

19 **Customer Review**



20 brittany t

21 ★☆☆☆☆ **Doesn't work/company harrassment**

22 Reviewed in the United States on December 30, 2019

23 **Verified Purchase** | **Early Reviewer Rewards** (What's this?)

24 Stopped working after a hour. Printer stopped recognizing it. **Company keeps harassing me to change review for a refund. Tell them leave me alone. Thanks**

Customer Review

 TexasGrl

★☆☆☆☆ Replacement cartridges not recognized by printer

Reviewed in the United States on June 15, 2020

Verified Purchase

Second Edit: I finally installed the cartridge the seller replaced and my printer refuses to recognize the cartridge at all. I'm off to Walmart in the middle of a project to buy HP ink. I guess I am just out the money for this one. The error message reads: Used or Counterfeit cartridge installed. The ink indicator shows zero ink in the color cartridge.

EDIT: Seller saw my negative review and emailed me to offer new cartridges in return to remove negative review. They sent new cartridges out. I have not used up the manufacturers cartridges I had to buy at Walmart so I haven't installed them yet. They assured me they fixed the problem I had with the first cartridges and the replacements will work perfectly. I am raising the rating because they reached out to me to make things right. I'm adding stars for customer service. After I install the replacements, and if the quality of the print is up to par, I will come back and change the rating again.

Didn't install them until they were a month past the return date, which I didn't know was a thing. The blue drops big splotches of ink all over my page. I contacted the seller and they never responded. I can't use them, I can't return them. Seller won't respond so I'm just out the money. Don't risk it. It's like throwing cash in the trash can.

80. The product review for an e-jet product (another Ninestar brand), noted that the company offered a gift card in exchange for a review of a product that Ninestar knew the customer did not need (highlighting added):

 Kindle Customer

★☆☆☆☆ Does not work with my printer...

Reviewed in the United States on October 28, 2020

Verified Purchase

I have a HP Officejet 3830 and every time I want to print, I have to run the troubleshooter which then pushes the job through. This was not an issue until I installed the ink cartridges from this purchase. Prints fine after that, but is a serious pain to have to take extra steps for every single print job. Won't purchase again.

EDIT

The company reached out to me to offer a refund on the defective product. They found the issue and have made changes to make sure it no longer happens. I am changing the rating to reflect the excellent customer service and will give them another try in hopes of product improvement.

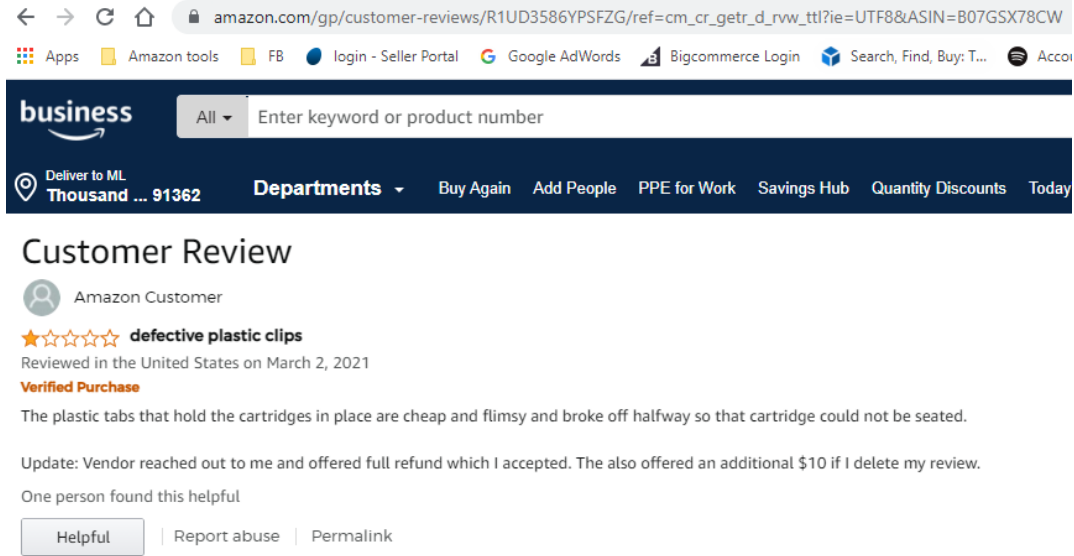
EDIT AGAIN

The company has since reached out to offer another gift card for me to review a product that I have not purchased. They specifically noted that while they knew I did not need it and had not bought it, that they would send me money to post a positive review and "help them out". I declined that offer and changed my rating for this product back to 1 star. Buyer beware.

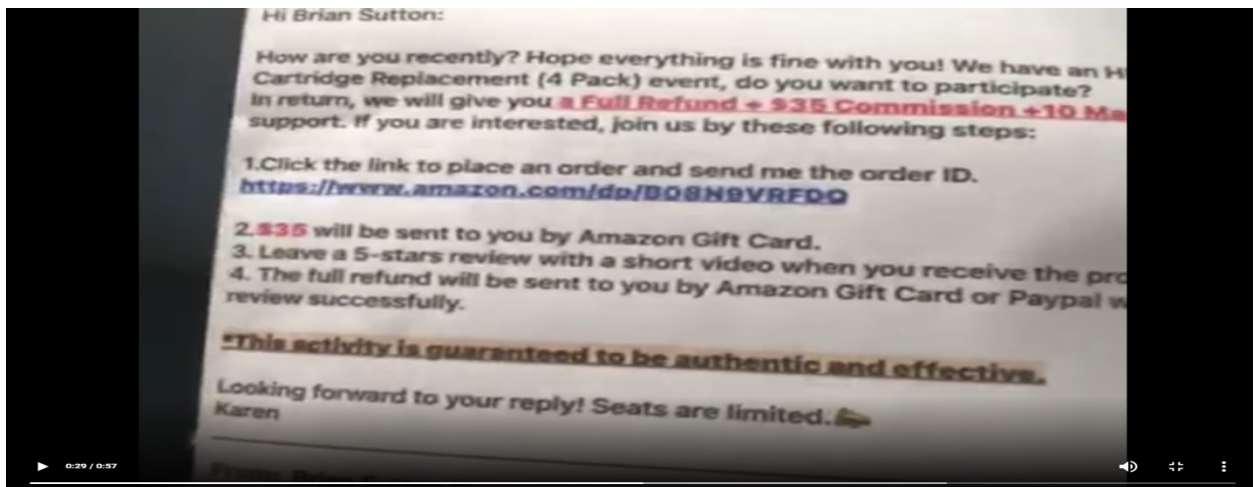
One person found this helpful

|

81. The vendor for another Ninestar brand, E-Z Ink, (ASIN: B07GSX78CW) offered a customer \$10.00 to delete a negative review:



82. Ninestar sent letters offering customers money for posting 5-star reviews on Amazon for their LxTek brand HP 902XL Ink (ASIN: B08N9VRFDQ):



83. As further detailed below, Amazon does not permit sellers to incentivize or compensate purchasers for reviews of the seller's products. In fact, Amazon does not even allow sellers to communicate with purchasers outside of the Amazon messaging platform, which does not share customer contact information. By communicating directly with

1 customers Ninestar has circumvented Amazon rules. By incentivizing customer reviews,
2 Ninestar further violates Amazon rules and falsely advertises its products.¹⁵

3 84. These are not the only indicia that Ninestar used false ratings and reviews or
4 otherwise manipulated the Amazon algorithm. Another leading indicator relates to the
5 statistically inexplicable volume of reviews and elevated product ratings enjoyed by
6 Defendants' products on Amazon.

7 85. OEM-brand replacement ink/toner typically is the top-selling brand for any
8 given printer. That is, not surprisingly, Hewlett-Packard brand inks typically lead sales on
9 Amazon for replacement ink compatible with Hewlett-Packard brand printers—and
10 frequently by a significant margin. Despite these greater sales (and thus greater opportunity
11 for reviews), however, the volume of reviews and product ratings for Ninestar's competing
12 third-party ink and toner products frequently outpace the OEM offering by a statistically
13 unexplainable margin.

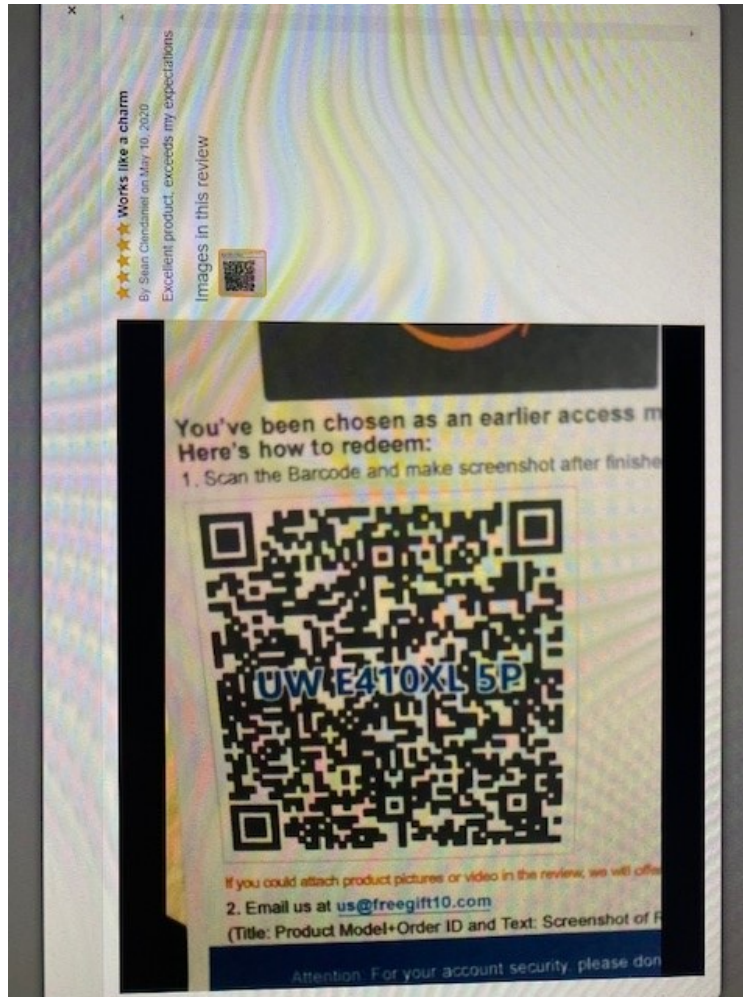
14 86. Reviews and ratings for Hewlett-Packard's 902XL ink (compatible with a
15 number of HP OfficeJet printers) are illustrative. Amazon sells the OEM-brand HP 902XL
16 ink (ASIN: B01BYKD628), while Ninestar's LxTek brand sells the compatible third-party
17 private label HP 902XL ink (ASIN: B08WCSLVJY). The LxTek brand first became
18 available on February 9, 2021. Between that date and September 30, 2021, LxTek sold
19 20,145 HP 902XL units on Amazon as compared to the OEM brand, which sold 143,446
20 units over the same time period. Notwithstanding that its sales represent just 14 percent of
21 the OEM-brand sales, the LxTek product amassed 513 positive product reviews on
22 Amazon while the OEM-brand had only 157 positive reviews.

23 87. This is not merely an anomaly, as there are many such examples. The OEM-
24 brand HP 414A toner (ASIN: B07R5W5H4L) has sold 101,735 units on Amazon and
25 garnered just 30 positive reviews. Meanwhile, Ninestar brand GPC Image HP 414A toner
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27 ¹⁵ Amazon operates a product review program called "Vine," which allows sellers to submit their products
28 for review by registered Vine participants. While those reviewers are compensated, this is unlike the
under-the-table reviews Ninestar commissioned in the examples above. In fact, Vine reviews tend on the
whole to be more negative than ordinary uncompensated reviews.

1 has just 3,548 unit sales and yet has amassed 108 positive reviews. That is, despite selling
2 only 3.5 percent of the OEM-brand sales, Ninestar’s product has more than triple the
3 number of positive reviews. Put another way, this is more than 100 times the number of
4 positive reviews one would expect to see for the Ninestar product.

5 88. A reviewer of a Uniwork product (another Ninestar brand) disclosed exactly
6 how Ninestar is able to achieve such high rates of reviews. The review for the product
7 (ASIN: B084MGX33T) includes a photo of a QR code that when scanned leads the
8 customer directly to the review page and instructs the customer how to leave a review in
9 exchange for an Amazon gift card:



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26 89. According to the consumer rights group “Which?”, the existence of an
27 unusually high number of reviews relative to other products in a category is indicative of
28 review manipulation. Other red flags include reviews containing images and video, “a

1 common request from sellers who incentivize positive reviews,” overly positive reviews
2 and ratings, and reviews posted en masse at or around the same time.¹⁶

3 90. Ninestar is also engaged in the use of false “helpful” votes on reviews. A
4 comparison of the helpful vote data from the OEM Hewlett-Packard HP 564XL (ASIN:
5 B004LQZTKK) and the Ninestar brand GPC Image HP 564XL (ASIN: B01H6XZVI4)
6 demonstrates this. Over the last two years the OEM has averaged sales of 10,000 units per
7 month of HP 564XL while GPC Image HP 564XL has averaged sales of 200 units per
8 month. Despite the discrepancy in sales the OEM has 151 helpful votes for 5-star reviews
9 while GPC Image has 385 helpful votes for 5-star reviews. One particular GPC Image 5-
10 star review has 188 helpful votes while the highest amount of helpful votes for an OEM
11 5-star review is 17.

12 91. Ninestar’s acts are false and have deceived consumers. As a result of these
13 acts, ML Products Inc. has lost sales of competing products.

14 92. Through the conduct described herein, Ninestar and its controlled brands and
15 shell companies sell more than \$160 million per year worth of replacement ink and toner
16 on Amazon, accounting for nearly 50 percent of the market for same.

17 **The Aster Group**

18 93. The Aster Group sells replacement toners on Amazon for printer brands HP,
19 Canon, Brother, and others. It does so through a group of corporate shell companies and
20 brands that it owns and controls, including at least: Intercon International Corp., Revol
21 Trading, Inc., and Eco Imaging Inc.

22 ***Aster Alter Ego Sellers***

23 94. The Aster Group sells or, in the time relevant to this action, has sold ink and
24 toner on Amazon under under at least seven different brand names. Each of these brands
25 and their sham sellers are actually just alter egos of Aster, created or acquired by it in order
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27 ¹⁶ How to spot a fake review (Hannah Downes. Sept. 14, 2021)
28 <https://www.which.co.uk/reviews/online-shopping/article/online-shopping/how-to-spot-a-fake-review-aiDaS3e1ivfr> (Last visited Nov. 12, 2021).

1 to offer the same product under multiple listings, thus crowding the field on Amazon and
 2 creating the illusion of competition for sales of those products. In fact, a sale of any one of
 3 those “competing” products is a sale by Aster.

4 95. The ostensibly competing brands owned or controlled by the Aster Group
 5 include, at least, the following:

6 Arcon	True Image	Amstech	Cool Toner
7 Aztec	Toner Bank	Victoner	

8 96. One way to illustrate these various corporate interrelationships is to examine
 9 the numerous ostensibly competing brands of third-party toner on Amazon that are
 10 compatible with popular printers. The following examples elucidate many such
 11 relationships and demonstrate that all of these interwoven brands, sham corporations, and
 12 straw sellers are simple stand-ins for Aster. While these examples (and the following
 13 relationships) can be discerned through a public document investigation, the full scope of
 14 the practice can be ascertained only by discovery in this action.

15 **ASTER EXAMPLE PRODUCT #1: Hewlett Packard CF248A Compatible Toner**

16 97. Aster offers for sale on Amazon toner replacements compatible with the
 17 Hewlett Packard CF248A under at least four brand names, including Arcon, Amstech, Cool
 18 Toner, and Toner Bank. These ostensibly competing products, which dominate the search
 19 results for this toner, are actually all Aster product offerings.

20 98. The U.S. Trademark for the brand Arcon is registered to an entity called
 21 Intercon International Corp. Intercon International Corp. was registered with the California
 22 Secretary of State on November 14, 2012.

23 99. The brand Cool Toner is registered to an entity called Eco Imaging Inc. dba
 24 Cool Toner. Eco Imaging Inc.’s Statement of Business Information was signed by Claire
 25 Huang, who is the same individual that signed Intercon International Corp.’s Statement of
 26 Business Information. Huang is listed as an accountant for each of the entities on their
 27 Statements of Business Information.
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1 100. Intercon International Corp. and Eco Imaging Inc. dba Cool Toner filed
2 Statement of Information “No-Change” notices with the Secretary of State on virtually
3 identical dates in November 2020. Corporate records on file with the Secretary of State’s
4 office for both also list “SUNDOC FILINGS (C2173790)” as their agent for service of
5 process, which is the same agent listed in the corporate filings of Aster Graphics, Inc.,
6 itself.

7 101. The U.S. trademarks for Aster and the brands Arcon, True Image, Toner Bank,
8 Cool Toner, and Catch Supplies were all arranged by the same two attorneys at the Law
9 Offices of Steve Qi & Associates.

10 102. The Amstech trademark was registered on July 18, 2017, the same day as
11 Arcon and True Image. One week before that and a day prior to Cool Toner on July 10,
12 2017, the Aztec trademark was registered.

13 103. Each of these brands, while ostensibly competing for sales of replacement
14 toner compatible with the Hewlett Packard CF248A is actually an Aster stand-in and alter
15 ego.

16 **ASTER EXAMPLE PRODUCT #2: HP 201X (CF400X) and 202X Compatible Toner**

17 104. As another example, Aster offers for sale on Amazon toner replacements
18 compatible with the HP 201X (CF400X) under at least four brand names, including Arcon,
19 True Image, Aztec, and Catch Supplies. Aster offers for sale on Amazon toner
20 replacements compatible with the HP202x under at least four brand names, including
21 Arcon, True Image, Amstech, and Toner Bank. These ostensibly competing products,
22 which dominate the search results for these toners, are actually all Aster product offerings.

23 105. Like Aster’s own registered trademark (and Cool Toner’s trademark), the U.S.
24 trademark for the brand True Image was registered by attorney Zixuan Zhou, which likely
25 is a pseudonym for Thomas Z. Zhou, the attorney who registered trademarks for Arcon and
26 Toner Bank. The signatory on True Image’s corporate registration, Huai Fu, is a member
27 of the Aster Board of Directors. Like Intercon International Corp. and Eco Imaging dba
28 Cool Toner, the corporate Statement of Business Information for True Image was signed

1 by Claire Huang (and on the identical date of November 28, 2017). In addition, True
2 Image’s filed a Statement of Information “No-Change” notice with the Secretary of State
3 on November 16, 2020—the identical date that Intercon International Corp. made its No-
4 Change filing (and 3 days after Eco Imaging’s filing). Finally, like Aster, Intercon
5 International Corp., and Eco Imaging dba Cool Toner, corporate filings for True Image list
6 “SUNDOC FILINGS (C2173790)” as its agent for service of process.

7 106. As with Arcon and Toner Bank, the U.S. trademark for the brand Catch
8 Supplies was registered by the aforementioned Thomas Z. Zhou. The brand is registered to
9 Catch Supplies, Inc., which—like Aster, Intercon International Corp., True Image, and
10 Cool Toner—nominated SUNDOC FILINGS as its agent for service of process. Catch
11 Supplies’ corporate Statement of Business Information was signed by Dan Huang (Intercon
12 International, True Image, and Eco Imaging were signed by Claire Huang), and like those
13 others, its Statement of Information “No Change” form was filed with the Secretary of
14 State in November 2020.

15 107. The Amstech trademark was registered on July 18, 2017, the same day as
16 Arcon and True Image. One week before that and a day prior to Cool Toner on July 10,
17 2017, the Aztec trademark was registered.

18 108. Each of these brands, while ostensibly competing for sales of replacement
19 toner compatible with the HP 201X (CF400X) and the HP 202X is actually an Aster stand-
20 in and alter ego.

21 109. When a consumer searches for toner on Amazon, the Aster Group shell
22 companies and brands lead the consumer to believe she is choosing from among
23 independently competing companies or brands. In reality, the choice is from among a large
24 number of offerings of the same product sold by and for the benefit of Aster. No matter
25 which of the “different” brands the consumer chooses to purchase, Aster wins the business
26 and makes the sale.

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1 110. As detailed below, this deceptive use of more than one seller account is a
2 violation of Amazon rules and provides an unfair advantage to Aster at the expense of
3 honest sellers like Plaintiff.

4 111. Despite Aster's attempts to conceal its ownership and control of the shell
5 companies and brands, the corporate records pertaining to the shell companies, trademark
6 registrations of the brands, and various public documents all lead back to Aster. Aster's
7 purpose in creating these shell companies and brands is to falsely portray competition
8 among numerous "sellers" and to crowd non-Aster sellers out of the search results, all while
9 driving toner purchases to Aster.

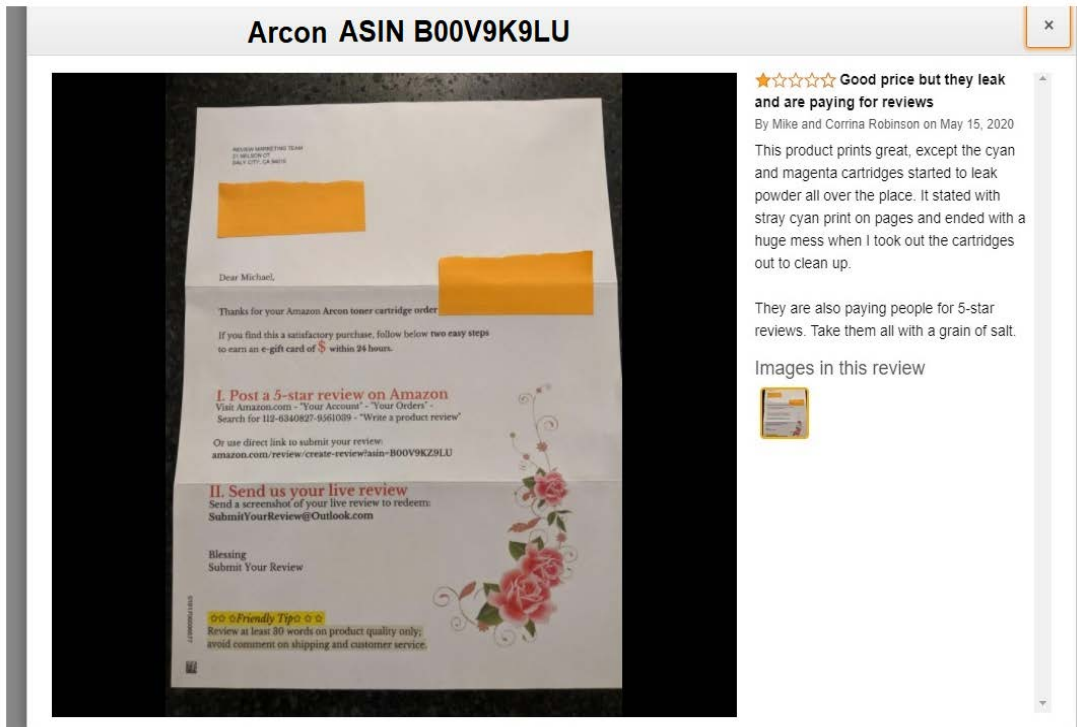
10 112. On information and belief, Aster acts in concert with the other shell companies
11 and brands under fictitious names within the Aster Group in order to engage in the conduct
12 complained of in this Complaint.

13 113. On information and belief, Aster is jointly and severally responsible for the
14 conduct of the Aster Group complained of herein, including the conduct of the shell
15 companies and fictitious brand entities, which it operates as a single enterprise by
16 commingling resources, assets, operations, commercial activities, incur expenses and
17 achieve profits jointly for the benefit of the combined enterprise, its owners and officers.
18 Numerous of these shell companies share addresses and registration details as described
19 herein. Although they purport to be separate corporations, many appear to have no
20 employees at all. Public records disclose, for instance, that although Aster Graphics, Inc.
21 received a Paycheck Protection Program ("PPP") loan in 2020, none of the following
22 "separate" entities did so: Intercon International Crop., Revol Trading, Inc., Amstech
23 Limited, Eco Imaging, Inc., and Catch Supplies, Inc.

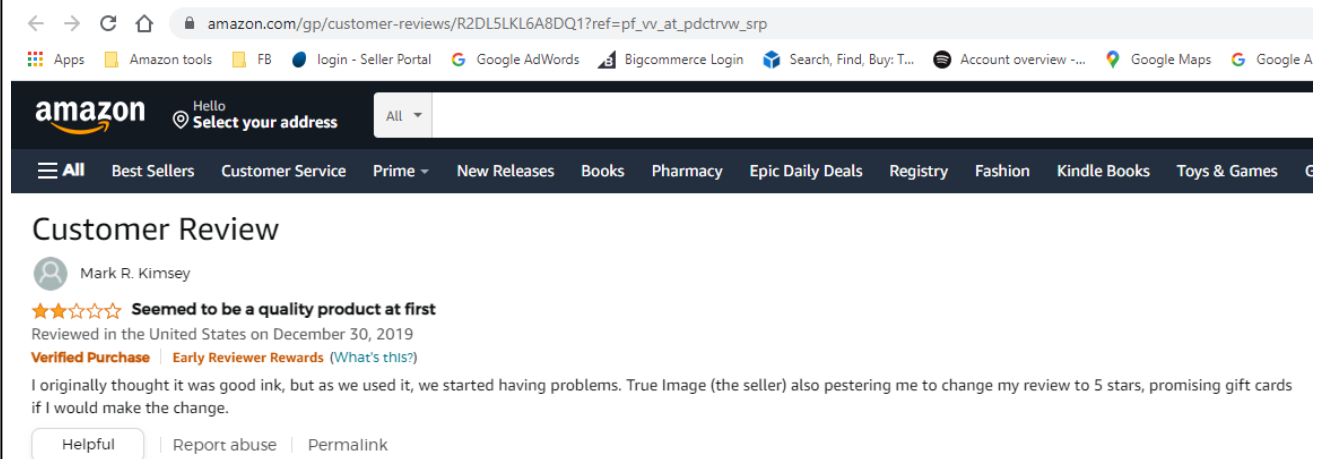
24 ***Aster False Advertising***

25 114. In addition to flooding the marketplace with brands, Aster also manipulates
26 the Amazon search algorithms with incentivized reviews, fake reviews, or other tactics as
27 described in this complaint.
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1 115. Aster compensated customers for favorable reviews and instructed customers
2 how to write reviews.



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16 116. Customer reviews for Aster products reveal that Aster has pestered customers
17 about truthful negative reviews, attempting to bribe them into removing or changing those
18 reviews:



amazon.com/gp/customer-reviews/RCZNAZ429LJXF/ref=cm_cr_getr_d_rvw_ttl?ie=UTF8&ASIN=B06XRD1RL9

Apps Amazon tools FB login - Seller Portal Google AdWords Bigcommerce Login Search, Find, Buy: T... Account overview ... Google Maps

business All Enter keyword or product number

Deliver to ML Thousand ... 91362 Departments Buy Again Add People PPE for Work Savings Hub Quantity Discounts Today's Deals Workplace Essentials Gift Cards

Customer Review

John Creighton

★★★★☆ I would give this 5 stars BUT poor customer service

Reviewed in the United States on November 3, 2020

Verified Purchase | Early Reviewer Rewards (What's this?)

This product is a good value for your money, BUT one of the ink cartridges leaves a streak down the paper every time and has done so from the beginning. I saw in another review that others had the same problem but they said customer service was very helpful to get them a free replacement. When I reached out to customer service I received no answer and nobody has got back to me since. I'm willing to forgive product defects as it happens occasionally but only if the company corrects the problem adequately: I CANNOT forgive poor customer service.

UPDATE

Customer service only reached out to me after I posted my initial review. They offered a refund or replacement which was appreciated and I chose to give them another shot and opted for the replacement. I received the replacement in a timely manner; however, because I am a business owner and my business involves a lot of printing for invoicing customers and quoting jobs, I had already ordered new cartridges from a different company. I ordered them in December 2020 and they have worked perfectly ever since and are still producing consistent results so that I am able to print professional documents. I agreed to update my review once I had the chance to try out the new cartridges that they sent me, but have not had the chance to test them because, as I said, the cartridges from the other company have not run out yet.

In the mean time, they have relentlessly bothered me about updating my review to a 5 star based on their "outstanding customer service" or deleting my review altogether. They even went to the extent of trying to buy my review by sending 2 phone charging cables (low quality) on 2 different occasions. If this company truly had outstanding customer service then it wouldn't have taken a 2 star review to get them to follow up on my attempts to contact them.

I would have changed this to a 3 star based on their eventual efforts to make things right and possibly even a 4 star if the new cartridges turned out to be of good quality; HOWEVER, based on their repeated attempts to get me to give them 5 stars or delete the review, I will stay true to my honest opinion of this company and product.

Helpful

Report abuse

Permalink

117. One customer updated her review to note having received repeated emails “offering to bribe me so that I would change my review.” Aster offered \$30 and then a \$50 gift card.

Ree

★★★★☆ When this company doesn't like what you say they harass you into deleting it

Reviewed in the United States on February 4, 2020

Verified Purchase

THIS IS AN UPDATE: July 6, 2020. Just to let everyone know. I have been getting emails from this company to either change my review to make it a 5 star review or to delete altogether. The said they would pay me \$30 if I would do this. Then several emails later the bribe went up to a \$50 gift card to change my review. I have refused and also turned this company in to Amazon for being disreputable. Yet I am still

Getting these emails offering to bribe me so that I would change my review. I have left my original review intact because I felt it was fair and accurate. I hope no one else gets harassed like This. The following is my original review.

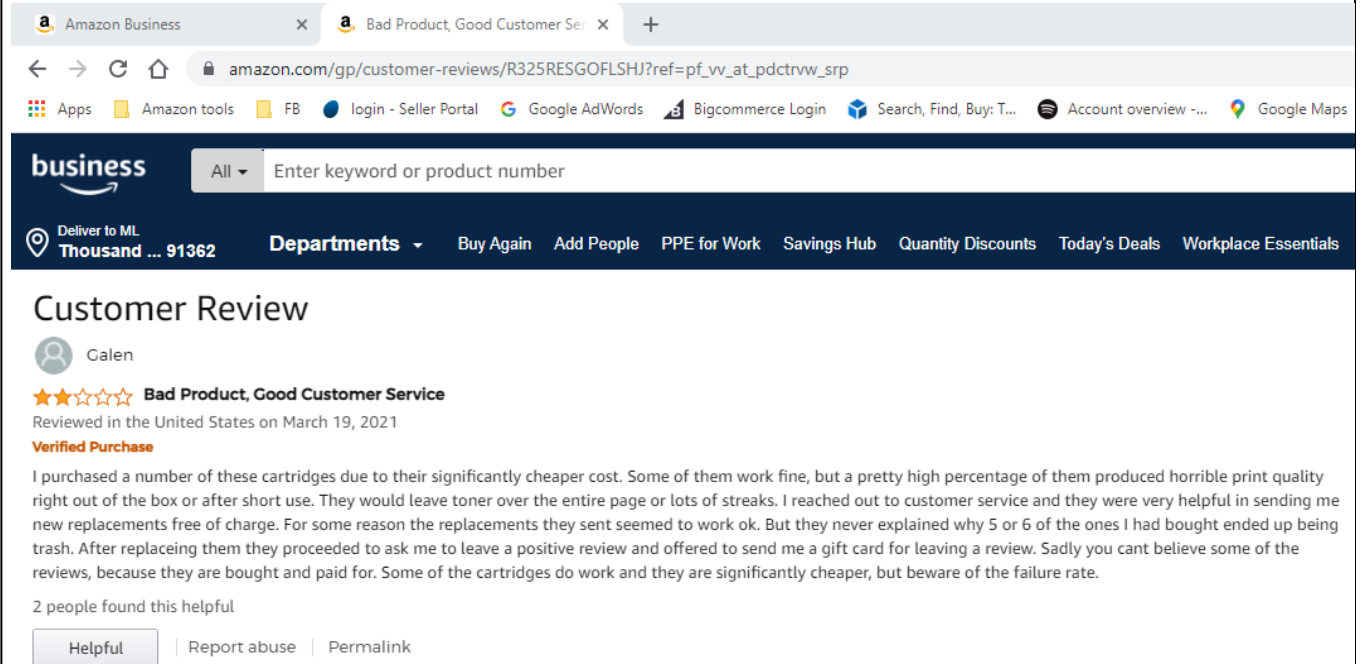
As will all toner it doesn't last long enough. This is for our home printer and basically we print sporadically, recipes, a very few personal letters. Not much

8 people found this helpful

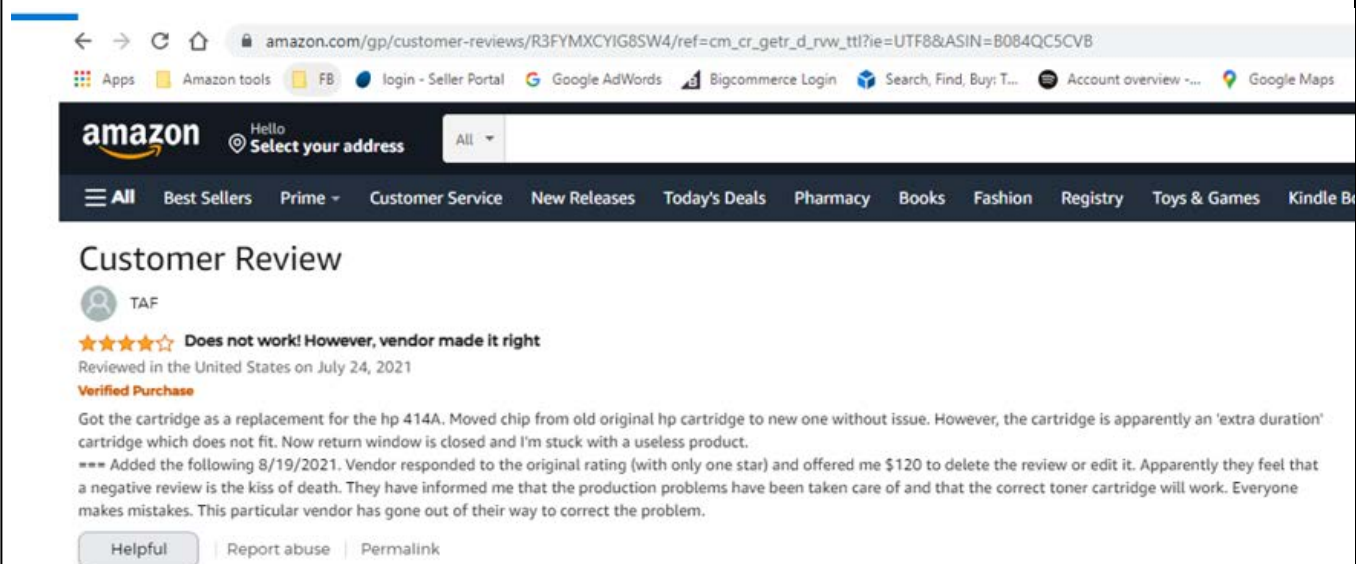
Helpful

Report abuse

1 118. Another customer was offered a gift card for a review and stated, “you can’t
2 believe some of the reviews, because they are bought and paid.”:



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14 119. Another customer revealed that they were offered \$120 to delete a negative
15 review:



1 120. As further detailed below, Amazon does not permit sellers to incentivize or
2 compensate purchasers for reviews of the seller’s products. In fact, Amazon does not even
3 allow sellers to communicate with purchasers outside of the Amazon messaging platform,
4 which does not share customer contact information. By communicating directly with
5 customers Aster has circumvented Amazon rules. By offering to compensate customers for
6 favorable reviews (or for removal of negative reviews) Aster further violates Amazon rules
7 and falsely advertises its products.

8 121. These are not the only indicia that Aster used false ratings and reviews or
9 otherwise manipulated the Amazon algorithm. Another leading indicator relates to the
10 statistically inexplicable volume of reviews and elevated product ratings enjoyed by
11 Defendants’ products on Amazon.

12 122. OEM-brand replacement toner typically is the top-selling brand for any given
13 printer. That is, not surprisingly, Hewlett-Packard brand toners typically lead sales on
14 Amazon for replacement toner compatible with Hewlett-Packard brand printers—and
15 frequently by a significant margin. Despite these greater sales (and thus greater opportunity
16 for reviews), however, the volume of reviews and product ratings for Aster’s competing
17 third-party toners and toner products frequently outpace the OEM offering by a statistically
18 unexplainable margin.

19 123. Reviews and ratings for Hewlett-Packard’s 414A toner (compatible with a
20 number of HP OfficeJet printers) are illustrative. Amazon sells the OEM-brand HP 414A
21 toner (ASIN: B07R5W5H4L), while Aster’s True Image brand sells the compatible third-
22 party private label HP 414A toner (ASIN: B083FF4B1X). The True Image brand has sold
23 8,761 HP 414A units on Amazon as compared to the OEM brand, which has sold 101,735
24 units. Notwithstanding that its sales represent just 8.6 percent of the OEM-brand sales, the
25 True Image product has amassed 387 positive product reviews on Amazon while the OEM-
26 brand has only 30 positive reviews. This is not merely an anomaly, as there are many such
27 examples.

28

1 124. Another deceptive tactic used by Defendants is to repurpose an old product
2 listing to the listing for a brand new product, in order to falsely reflect the old product's
3 sales history, review history, and product rating, thus ensuring a higher organic search
4 result from the time the new product is launched. Here, Aster repurposed an old listing for
5 its Toner Bank brand HP 202x-compatible toner. This is evident for two reasons. First, the
6 OEM HP 202x was not introduced to the market until September 2017, while the Toner
7 Bank third-party offering (which necessarily lagged behind that product release) purports
8 to have been available since August 2016. This indicates that the product listing from an
9 old product has been reused here by Toner Bank. Second, reviews attached to the listing—
10 which, again, is for an HP-compatible toner—refer to how well the *Brother* product works
11 (red and blue text added for clarity; not part of the original image):
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OEM HP 202X Toner hadn't existed until Sep. 2017

Additional Information

ASIN	OEM HP 202X Listing	B074KRP89L
Date First Available		September 5, 2017

The OEM HP 202x Toners weren't introduced into the market until Sept. 2017. Can't be selling HP 202x in 2016 when it didn't even exist at that time.

Additional Information

ASIN	TonerBank 202x	B07VHYFXZV
Date First Available		August 2, 2016

Here are some reviews for the above TonerBank 202x toner, they all reference that they are reviewing a Brother Toner

Reviewed in the United States on March 25, 2019
 Verified Purchase | Early Reviewer Rewards (What's this?)
 Was well-packaged and installed in my Brother HL-5250DN with no issues. All is good!
 2 people found this helpful

Helpful | Report abuse

Lee Broaden
 ★★★★★ It work with my brother printer
 Reviewed in the United States on February 22, 2019
 Verified Purchase | Early Reviewer Rewards (What's this?)
 It fix and printer good copies and the price was right.
 One person found this helpful

Helpful | Report abuse

AT WHIT'S ENDE
 ★★★★★ Best toner ever, works just like the original from Brothers.
 Reviewed in the United States on February 8, 2019

125. Aster is also engaged in the use of false helpful votes on reviews. A comparison of the helpful vote data from the OEM Hewlett-Packard HP 206X (ASIN: B0843HV9V1) and the Aster brand True Image HP 206X (ASIN: B086PV1Z1Y) demonstrates this. The OEM has lifetime sales of 48,045 units HP 206X while True Image HP 206X has lifetime sales of 9,770 units. Despite the discrepancy in sales the OEM has 1 helpful vote for 5-star reviews while True Image has 501 helpful votes for 5-star reviews. One particular True Image 5-star review has 47 helpful votes while the highest amount of helpful votes for an OEM 5-star review is 1.

1 126. Through the conduct described herein, Aster and its controlled brands and
2 shell companies sell nearly \$50 million per year worth of replacement ink and toner on
3 Amazon, accounting for more than 10 percent of the market for same.

4 **The BillionTree Group**

5 127. The BillionTree Group sells replacement toners and inks on Amazon for
6 printer brands HP, Canon, Brother, and others. It does so through a group of corporate shell
7 companies and brands that it owns and controls, including Shenzhen Yangfan Technology
8 Company and ZhuHai MeiJiAn Trading Co., Ltd.

9 128. Mountain Peak was registered as a corporation in 2017 by the same owner as
10 BillionTree, Jian Zhou, and registered to the same address, 19945 Harrison Ave, City of
11 Industry, California 91789. Additionally, the contact name on the trademark registrations
12 for the 7Magic brand and the ONLYU brand (which formerly were BillionTree brands),
13 Yan Ding, is the same as the contact name on the Mountain Peak trademark registration.
14 When BillionTree was dissolved in March 2020, owner Jian Zhou continued to operate the
15 various BillionTree Group brands and shell companies under the successor Mountain Peak.
16 All allegations herein against BillionTree and/or Mountain Peak apply to the BillionTree
17 Group, BillionTree, and Mountain Peak.

18 ***BillionTree Alter Ego Sellers***

19 129. BillionTree sells or, in the time relevant to this action, has sold ink and toner
20 on Amazon under under at least eight different brand names. Each of these brands and their
21 sham sellers are actually just alter egos of BillionTree, created or acquired by it in order to
22 offer the same product under multiple listings, thus crowding the field on Amazon and
23 creating the illusion of competition for sales of those products. In fact, a sale of any one of
24 those “competing” products is a sale by BillionTree.

25 130. The ostensibly competing brands owned or controlled by BillionTree include,
26 at least, the following:

7Magic	Palmtree	CMYBabee	Greensky
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HaloFox	ONLYU	Starover	Toner Kingdom
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131. Each of these brands is an alter ego of BillionTree. While the following relationships can be discerned through a public document investigation, the full scope of the practice can be ascertained only by discovery in this action.

132. Shenzhen Yangfan Technology Co., owns the trademarks to 7Magic and ONLYU, both of which are BillionTree brands listed on Amazon.

133. The U.S. trademark for Toner Kingdom is registered to Jian Zhou. Secretary of State records indicate that Jian Zhou is also the individual who signed BillionTree Technology’s Articles of Incorporation, and also serves as its CEO, its agent for service of process, and signed its Statement of Business Information.

134. The U.S. trademark for the brand Greensky is registered to Ying Zhou, c/o The Law Offices of Scott Warmuth, at 17700 Castleton Steet, City of Industry, California.

135. BillionTree offers for sale on Amazon toner replacements compatible with the Canon 045H under at least three different brand names: Greensky, OnlyU, and Starover.

136. BillionTree offers for sale on Amazon toner replacements compatible with the Canon PGI-280xxl and 281xxl under at least three different brand names: HaloFox, OnlyU, and Toner Kingdom.

137. BillionTree offers for sale on Amazon toner replacements compatible with the HP 414A under at least three different brand names: CMYBabee, Greensky, and HaloFox.

138. When a consumer searches for toner or ink on Amazon, the BillionTree Group shell companies and brands lead the consumer to believe she is choosing from among independently competing companies or brands. In reality, the choice is from among a large number of offerings of the same product sold by and for the benefit of BillionTree. No matter which of the “different” brands the consumer chooses to purchase, BillionTree wins the business and makes the sale.

1 139. As detailed below, this deceptive use of more than one seller account is a
2 violation of Amazon rules and provides an unfair advantage to BillionTree at the expense
3 of honest sellers like Plaintiff.


4 140. Despite BillionTree’s attempts to conceal its ownership and control of the
5 shell companies and brands, the corporate records pertaining to the shell companies,
6 trademark registrations of the brands, and various public documents all lead back to
7 BillionTree. BillionTree’s purpose in creating these shell companies and brands is to
8 falsely portray competition among numerous “sellers” and to crowd non-BillionTree
9 sellers out of the search results, all while driving toner and ink purchases to BillionTree.

10 141. On information and belief, BillionTree acts in concert with the other shell
11 companies and brands under fictitious names within the BillionTree Group in order to
12 engage in the conduct complained of in this Complaint. On information and belief,
13 BillionTree is jointly and severally responsible for the conduct of the BillionTree Group
14 complained of herein, including the conduct of the shell companies and fictitious brand
15 entities, which it operates as a single enterprise by commingling resources, assets,
16 operations, commercial activities, incur expenses and achieve profits jointly for the benefit
17 of the combined enterprise, its owners and officers.

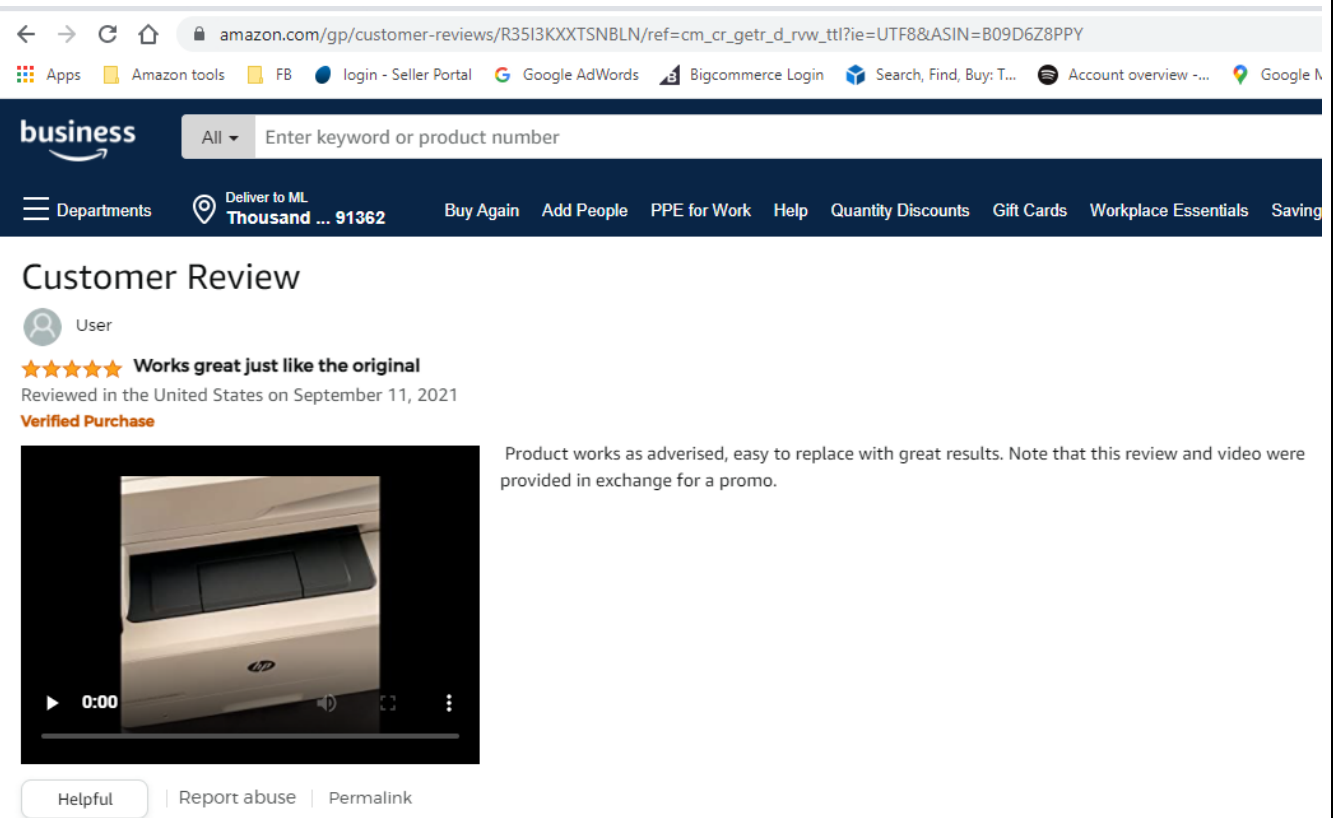
18 ***BillionTree False Advertising***

19 142. In addition to flooding the marketplace with brands, BillionTree also
20 manipulates the Amazon search algorithms with incentivized reviews, fake reviews, or
21 other tactics as described in this complaint.
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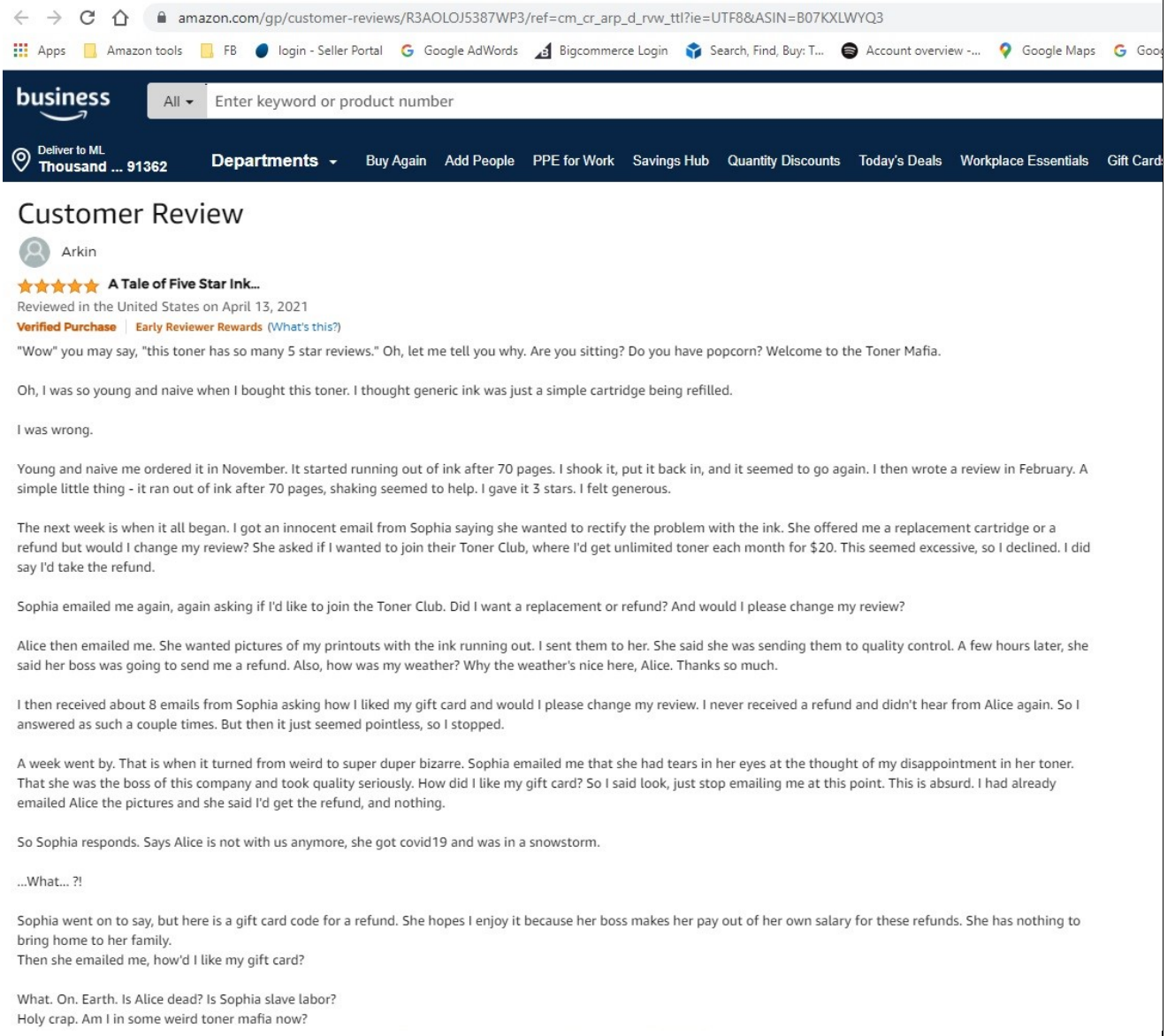
1 143. Customer reviews themselves reveal that Mountain Peak has paid for positive
2 reviews. One reviewer disclosed that he was offered an Amazon gift card in exchange for
3 writing a review.

4  Jordan Webber
5 **★★★★★ Seems to work as well as OEM toner.**
6 Reviewed in the United States on December 31, 2020
7 **Verified Purchase** | **Early Reviewer Rewards** (What's this?)
8 Product installs as easily as OEM toner and was recognized without issue. Only printed a few things so far but they look okay.
9 Will disclose that I was offered an Amazon gift card to write this **review**.
10 |

11 144. Shortly before the filing of this Complaint, Mountain Peak sent a reviewer
12 instructions to provide a video and a review for a “promo” (ASIN: B09D6Z8PPY):

13 
14 The screenshot shows an Amazon Business customer review page. The browser address bar displays the URL: amazon.com/gp/customer-reviews/R3513KXXTSNBLN/ref=cm_cr_getr_d_rvw_ttl?ie=UTF8&ASIN=B09D6Z8PPY. The page header includes the Amazon Business logo, a search bar, and navigation links. The review is by a user named 'User' with a 5-star rating and the title 'Works great just like the original'. It was reviewed in the United States on September 11, 2021, and is marked as a 'Verified Purchase'. The review text states: 'Product works as advertised, easy to replace with great results. Note that this review and video were provided in exchange for a promo.' Below the text is a video player showing a close-up of a printer's toner cartridge. The video player has a play button and a 0:00 timestamp. At the bottom of the review, there are buttons for 'Helpful', 'Report abuse', and 'Permalink'.

1 145. Another reviewer exposed the extreme lengths Mountain Peak is willing to go
2 to manipulate Amazon reviews:


3 

4 [amazon.com/gp/customer-reviews/R3AOL0J5387WP3/ref=cm_cr_arp_d_rvw_ttl?ie=UTF8&ASIN=B07KXLWYQ3](#)

5 **business** All ▾ Enter keyword or product number

6 Deliver to ML **Thousand ... 91362** Departments ▾ Buy Again Add People PPE for Work Savings Hub Quantity Discounts Today's Deals Workplace Essentials Gift Card

7 **Customer Review**

8  Arkin

9 ★★★★★ **A Tale of Five Star Ink...**

10 Reviewed in the United States on April 13, 2021

11 **Verified Purchase** | **Early Reviewer Rewards** (What's this?)

12 "Wow" you may say, "this toner has so many 5 star reviews." Oh, let me tell you why. Are you sitting? Do you have popcorn? Welcome to the Toner Mafia.

13 Oh, I was so young and naive when I bought this toner. I thought generic ink was just a simple cartridge being refilled.

14 I was wrong.

15 Young and naive me ordered it in November. It started running out of ink after 70 pages. I shook it, put it back in, and it seemed to go again. I then wrote a review in February. A simple little thing - it ran out of ink after 70 pages, shaking seemed to help. I gave it 3 stars. I felt generous.

16 The next week is when it all began. I got an innocent email from Sophia saying she wanted to rectify the problem with the ink. She offered me a replacement cartridge or a refund but would I change my review? She asked if I wanted to join their Toner Club, where I'd get unlimited toner each month for \$20. This seemed excessive, so I declined. I did say I'd take the refund.

17 Sophia emailed me again, again asking if I'd like to join the Toner Club. Did I want a replacement or refund? And would I please change my review?

18 Alice then emailed me. She wanted pictures of my printouts with the ink running out. I sent them to her. She said she was sending them to quality control. A few hours later, she said her boss was going to send me a refund. Also, how was my weather? Why the weather's nice here, Alice. Thanks so much.

19 I then received about 8 emails from Sophia asking how I liked my gift card and would I please change my review. I never received a refund and didn't hear from Alice again. So I answered as such a couple times. But then it just seemed pointless, so I stopped.

20 A week went by. That is when it turned from weird to super duper bizarre. Sophia emailed me that she had tears in her eyes at the thought of my disappointment in her toner. That she was the boss of this company and took quality seriously. How did I like my gift card? So I said look, just stop emailing me at this point. This is absurd. I had already emailed Alice the pictures and she said I'd get the refund, and nothing.

21 So Sophia responds. Says Alice is not with us anymore, she got covid19 and was in a snowstorm.

22 ...What... ?!

23 Sophia went on to say, but here is a gift card code for a refund. She hopes I enjoy it because her boss makes her pay out of her own salary for these refunds. She has nothing to bring home to her family.

24 Then she emailed me, how'd I like my gift card?

25 What. On. Earth. Is Alice dead? Is Sophia slave labor?

26 Holy crap. Am I in some weird toner mafia now?

1 emailed Alice the pictures and she said I'd get the refund, and nothing.

2 So Sophia responds. Says Alice is not with us anymore, she got covid19 and was in a snowstorm.

3 ...What... ?!

4 Sophia went on to say, but here is a gift card code for a refund. She hopes I enjoy it because her boss makes her pay out of her own salary for these refunds. She has nothing to bring home to her family.

5 Then she emailed me, how'd I like my gift card?

6 What. On. Earth. Is Alice dead? Is Sophia slave labor?

7 Holy crap. Am I in some weird toner mafia now?

8 So I respond asking if I can do anything to help her situation, contact labor relations, etc? Because like how do you respond to that kind of email??

9 She answered 3 minutes later that she appreciates my kindness and warm heartedness, and she has decided to quit. So I am her last customer. She'll get another job in a couple days.

10 WHAT ON EARTH??

11 I *thought* that would conclude this insane little trip into the Toner Mafia Underground. I posted on social media asking for thoughts & prayers for Alice, because wow poor Alice. My friends all print something out in Alice's memory and love of toner.

12 Then Ava emails me a week later saying she's Sophia's friend and how'd I like my gift card? Are you kidding me??

13 Alice then emails me a week later asking if I want a replacement or gift card refund for my faulty toner but can I change my review? (I had tried to update it but Amazon never put the revisions through.)

14 ALICE IS ALIVE?!

15 I say wow Alice, we were so worried about you, Sophia said you were gone and that your boss works you as slave labor. She replied that I was the sweetest person ever, they got rid of their boss, and she hopes to one day see me in person.

16 I now have over 30 emails exchanged with this bizarre company. I deleted that original 3 star review, hoping they'd leave me alone. I am re-reviewing it because I feel morally obligated to warn others against the Toner Mafia. But see, Sophia and Alice and Ava? I gave it 5 stars. So DO NOT EMAIL ME AGAIN.

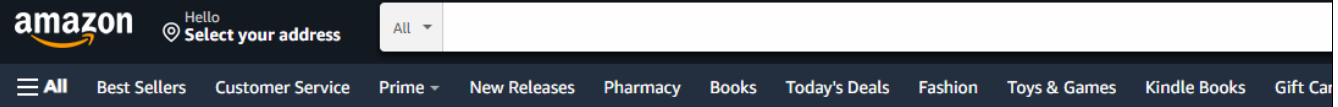
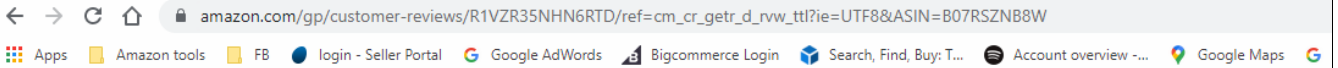
17 What'd I get with the gift card? 1984 and The Testaments, because that seemed an appropriate way to honor Sophia, Alice, and Ava.

18 Anyway, curious why the ink has 5 stars? it isn't for longevity. Even after shaking the thing didn't last more than another 70 pages. It has 5 stars because anything less will put you in the eyes of the Toner Mafia.

19 4 people found this helpful

20 | [Report abuse](#) | [Permalink](#)

21 146. Other reviewers disclosed that they were hounded by Mountain Peak to
22 change their negative reviews (products ASIN: B07RSZNBBW and ASIN:
23 B0828ZZSQL):
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Customer Review

Laura

★★★★☆ **Won't calibrate**

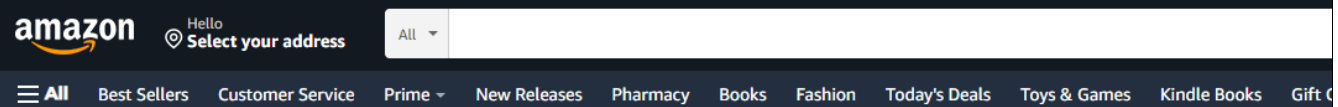
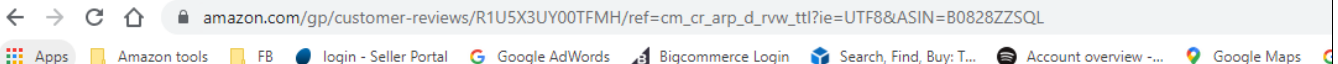
Reviewed in the United States on September 7, 2020

Verified Purchase | **Early Reviewer Rewards** (What's this?)

The ink won't calibrate in my HP printer. The colors are completely off; I actually questioned whether I had them in the wrong slots but they are in correctly. I've run calibration and it doesn't help.

Edit: Since I left this review the company has hounded me incessantly asking me to improve my review. They offered to send me new replacement cartridges, which was appreciated. Then they kept asking why I hadn't changed it yet -- when I hadn't even received the cartridges. I now have the cartridges, but haven't needed to use them yet since there are currently cartridges in my printer. I get emails constantly asking why I haven't updated the review. For now I will move them from a 1 to a 3, but needed to point out how obsessive they are.

Helpful | Report abuse | Permalink



Customer Review

Amazon Customer

★★★★☆ **Edited Review as requested**

Reviewed in the United States on April 6, 2021

Verified Purchase

This is my revised review. Once I readjusted the tiny chips as the company noted the print quality is much better. I will give credit for that. Sorry, Amanda but I still can't give you a 5 star review as you requested. I was not a fan of prying the tiny chips out of the old cartridge's to put into the new ones. It is a pain and I did not expect to have to spend 20 minutes digging them out while trying not to scratch the super tiny chips. To then make sure that they were put into the new cartridges correctly so that everything prints nice. In addition, I did not enjoy getting hounded to revise my review. I believe your reply to the fix would have been sufficient rather than sending a bunch of emails and even a letter in the mail. To the point where I finally said I would revise this.

Helpful | Report abuse | Permalink

147. As further detailed below, Amazon does not permit sellers to incentivize or compensate purchasers for reviews of the seller's products. In fact, Amazon does not even allow sellers to communicate with purchasers outside of the Amazon messaging platform, which does not share customer contact information. By communicating directly with customers BillionTree has circumvented Amazon rules. By offering to compensate

1 customers for favorable reviews (or for removal of negative reviews) BillionTree further
2 violates Amazon rules and falsely advertises its products.

3 148. These are not the only indicia that BillionTree used false ratings and reviews
4 or otherwise manipulated the Amazon algorithm. Another leading indicator relates to the
5 statistically inexplicable volume of reviews and elevated product ratings enjoyed by
6 Defendants' products on Amazon.

7 149. OEM-brand replacement ink/toner typically is the top-selling brand for any
8 given printer. That is, not surprisingly, Hewlett-Packard brand inks typically lead sales on
9 Amazon for replacement ink compatible with Hewlett-Packard brand printers—and
10 frequently by a significant margin. Despite these greater sales (and thus greater opportunity
11 for reviews), however, the volume of reviews and product ratings for BillionTree's
12 competing third-party ink and toner products frequently outpace the OEM offering by a
13 statistically unexplainable margin.

14 150. Reviews and ratings for Hewlett-Packard's CF258X ink (compatible with a
15 number of HP OfficeJet printers) are illustrative. Amazon sells the OEM-brand HP
16 CF258X ink (ASIN: B07QZ4Z3X9), while BillionTree's Greensky sells the compatible
17 third-party private label HP CF258X ink (ASIN: B09D6Z8PPY). Greensky has sold 159
18 units on Amazon as compared to the OEM brand, which has sold 46,321 units. Despite the
19 OEM-brand replacement having *300 times* the amount of sales, Greensky has managed 33
20 positive reviews on Amazon while the OEM-brand has only 30 positive reviews.

21 151. Through the conduct described herein, BillionTree and its controlled brands
22 and shell companies sell on the order of \$25 million per year worth of replacement ink and
23 toner on Amazon, accounting for approximately 7 percent of the market for same.

24 **The V4INK Group**

25 152. The V4INK Group sells replacement toners and inks on Amazon for printer
26 brands HP, Canon, Brother, and others. It does so in its own name and also through a group
27 of corporate shell companies and brands that it owns and controls, including at least: Fair
28 Deal Trading Inc. and Golbest Trading Inc.

1 ***V4INK Alter Ego Sellers***

2 153. V4INK sells or, in the time relevant to this action, has sold ink and toner on
3 Amazon under its own brand (V4INK), along with at least six other brand names. Each of
4 these brands and their sham sellers are actually just alter egos of V4INK, created or
5 acquired by it in order to offer the same product under multiple listings, thus crowding the
6 field on Amazon and creating the illusion of competition for sales of those products. In
7 fact, a sale of any one of those “competing” products is a sale by V4INK.

8 154. The ostensibly competing brands owned or controlled by V4INK include, at
9 least, the following:

10

11 Allwork	Smartomni	Cavdle	Ink e-Sale
12 Klausen	Ialaa		

13

14 155. The U.S. trademark for the brand “V4INK” was originally registered to
15 V4INK Corporation at 20450 E. Walnut Drive North, Walnut, California. Some of the
16 “separate” brands listed above were likewise registered to this same entity and are not
17 actually competing brands. For instance, the U.S. trademark for the Smartomni brand was
18 originally registered to V4INK Corporation in Walnut, California. The U.S. trademark for
19 the Cavdle brand likewise was originally registered to V4INK Corporation in Walnut,
20 California.

21 156. The corporate interrelationships of others of these brands, some of which
22 ostensibly are owned by other legal entities, are less transparent, though still exist. Each is
23 an alter ego of V4INK.

24 157. One way to illustrate these various corporate interrelationships is to examine
25 the numerous ostensibly competing brands of third-party ink and toner on Amazon that are
26 compatible with popular printers. The following examples elucidate many such
27 relationships and demonstrate that all of these interwoven brands, sham corporations, and
28 straw sellers are simple stand-ins for V4INK. While these examples (and the following

1 relationships) can be discerned through a public document investigation, the full scope of
2 the practice can be ascertained only by discovery in this action.

3 **V4INK EXAMPLE PRODUCT #1: Canon 046H Compatible Toner**

4 158. For instance, V4INK offers for sale on Amazon toner replacements
5 compatible with the Canon 046H under both its own V4INK brand and the Smartomni
6 brand, which it also controls. These ostensibly competing products, which dominate the
7 search results for this toner, are actually both V4INK product offerings.

8 159. As noted above, the U.S. trademark for the V4INK brand was originally
9 registered to V4INK Corporation at 20450 E. Walnut Drive North, Walnut, California. The
10 U.S. trademark for the Smartomni brand was likewise originally registered to V4INK
11 Corporation in Walnut, California.

12 160. Each of these brands, while ostensibly competing for sales of replacement
13 toner compatible with the Canon 046H is actually a V4INK stand-in and alter ego.

14 **V4INK EXAMPLE PRODUCT #2: Hewlett Packard CF258X and Brother TN433**
15 **Compatible Toner**

16 161. In other examples, V4INK sells Hewlett Packard CF258X compatible toner
17 on Amazon under its own V4INK brand, under the Smartomni brand, as well as under the
18 Ink e-Sale brand. It sells TN433 compatible toner on Amazon under its own V4INK brand,
19 the Ink e-Sale brand, and the Allwork brand. These ostensibly competing products, which
20 dominate the search results for these toners, are actually all V4INK product offerings.

21 162. The interrelationship between the V4INK and Smartomni brands was
22 discussed above.

23 163. The U.S. trademark for the brand Ink e-Sale was registered by attorney Haoyi
24 Chen, the same individual who registered the trademark for Smartomni (which, again, was
25 originally registered to V4INK Corporation). The Ink e-Sale brand trademark was
26 registered to Golbest Trading Inc., at the address 18351 Colima Road, Rowland Heights,
27 California. Secretary of State records for Golbest Trading Inc. list a registered address Xiao
28 Xin Zhang, 18351 Colima Road, Rowland Heights, California. This strip mall address

1 houses the “Rowland Postal Center,” according to images available from Google Maps,
2 and is not an actual business office. The U.S. trademark for the brand Allwork was
3 originally registered to a company at this same P.O. box address, and corporate papers for
4 that company (Fair Deal Trading Inc.) likewise listed corporate contact of Xiao Xin Zhang,
5 18351 Colima Road, Rowland Heights, California. Both the Golbest Trading Inc. and Fair
6 Deal Trading Inc. corporate papers were signed (on July 19, 2016) by an individual named
7 Sophia Sun. The U.S. trademark for the brand Cavdle (which, as noted above, was
8 originally registered to V4INK Corporation) was, at some point, transferred to an entity
9 called MTB International Trading Inc., which also listed an address at 18351 Colima Road,
10 Rowland Heights, California. Like Golbest Trading Inc. and Fair Deal Trading Inc., MTB
11 International Trading Inc.’s corporate registration records were signed by the individual
12 Sophia Sun.

13 164. Golbest Trading Inc., Fair Deal Trading Inc., and MTB International Trading
14 Inc. (all of which are V4INK Group members), Ourway Image Tech Co. Ltd. (a Ninestar
15 Group member), and Greensky (a BillionTree Group member), all list corporate addresses
16 within about a mile of each other—sometimes even on the same street. Additionally, some
17 of the listed addresses don’t lead to real addresses or just lead to P.O. boxes. This suggests
18 further linkage and/or coordination between Ninestar, V4INK, and BillionTree, all of
19 which will be explored during discovery of this action.

20 165. When a consumer searches for toner or ink on Amazon, the V4INK Group
21 shell companies and brands lead the consumer to believe she is choosing from among
22 independently competing companies or brands. In reality, the choice is from among a large
23 number of offerings of the same product sold by and for the benefit of V4INK. No matter
24 which of the “different” brands the consumer chooses to purchase, V4INK wins the
25 business and makes the sale.

26 166. As detailed below, this deceptive use of more than one seller account is a
27 violation of Amazon rules and provides an unfair advantage to V4INK at the expense of
28 honest sellers like Plaintiff.

1 167. Despite V4INK’s attempts to conceal its ownership and control of the shell
2 companies and brands, the corporate records pertaining to the shell companies, trademark
3 registrations of the brands, and various public documents all lead back to V4INK. V4INK’s
4 purpose in creating these shell companies and brands is to falsely portray competition
5 among numerous “sellers” and to crowd non-V4INK sellers out of the search results, all
6 while driving toner and ink purchases to V4INK.

7 168. On information and belief, V4INK acts in concert with the other shell
8 companies and brands under fictitious names within the V4INK Group in order to engage
9 in the conduct complained of in this Complaint. On information and belief, V4INK is
10 jointly and severally responsible for the conduct of the V4INK Group complained of
11 herein, including the conduct of the shell companies and fictitious brand entities, which it
12 operates as a single enterprise by commingling resources, assets, operations, commercial
13 activities, incur expenses and achieve profits jointly for the benefit of the combined
14 enterprise, its owners and officers.

15 ***V4INK False Advertising***

16 169. In addition to flooding the marketplace with brands, V4INK also manipulates
17 the Amazon search algorithms with incentivized reviews, fake reviews, or other tactics as
18 described in this complaint.
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170. V4INK offered 100% rebates in exchange for posting a review on Amazon:

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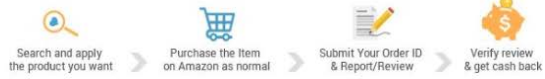
Featured
 V4INK Compatible 2 Pack CF294A Toner Cartridge Replacement for HP CF294A 94A for Use in HP Laserjet M118dw MFP M148dw M148fdw Black

Fulfilled by Amazon

Report

Price: \$0 ~~\$34.99~~ **100.00% off**
 Rebates: \$34.99
 Required Points: 350

How Does Rebate Work?



Apply Now Share to Earn \$5



Featured
 CAVDLE Compatible Brother TN-433 TN433 TN431 High Yield Toner Cartridge Replacement for Brother Color HL-L8360CDW HL-L9310CDW MFC-L8690CDW MFC-L8900CDW Printer, 4 Pack (Black, Cyan, Yellow, Magenta)

Fulfilled by Amazon

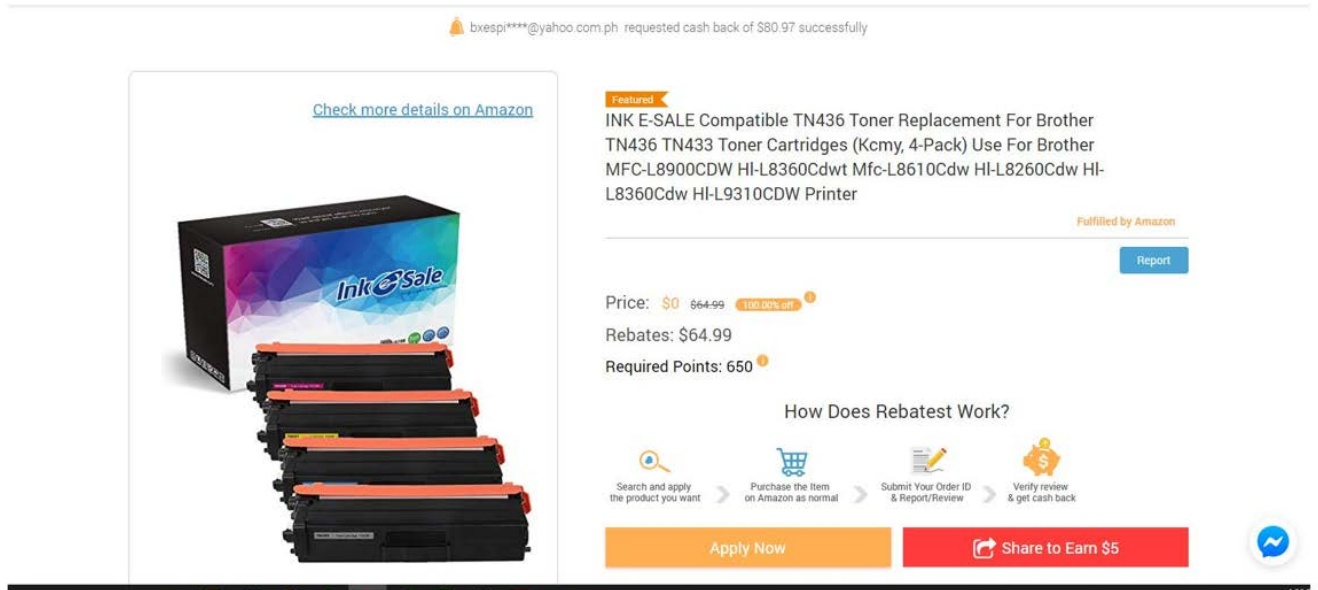
Report

Price: \$0 ~~\$47.99~~ **100.00% off**
 Rebates: \$47.98
 Required Points: 480

How Does Rebate Work?



Apply Now Share to Earn \$5



171. As further detailed below, Amazon does not permit sellers to incentivize or compensate purchasers for reviews of the seller’s products. In fact, Amazon does not even allow sellers to communicate with purchasers outside of the Amazon messaging platform, which does not share customer contact information. By communicating directly with customers V4INK has circumvented Amazon rules. By offering to compensate customers for favorable reviews (or for removal of negative reviews) V4INK further violates Amazon rules and falsely advertises its products.

172. These are not the only indicia that V4INK used false ratings and reviews or otherwise manipulated the Amazon algorithm. Another leading indicator relates to the statistically inexplicable volume of reviews and elevated product ratings enjoyed by Defendants’ products on Amazon.

173. OEM-brand replacement ink/toner typically is the top-selling brand for any given printer. That is, not surprisingly, Hewlett-Packard brand inks typically lead sales on Amazon for replacement ink compatible with Hewlett-Packard brand printers—and frequently by a significant margin. Despite these greater sales (and thus greater opportunity for reviews), however, the volume of reviews and product ratings for V4INK’s competing

1 third-party ink and toner products frequently outpace the OEM offering by a statistically
2 unexplainable margin.

3 174. Reviews and ratings for Hewlett-Packard's 414X ink (compatible with a
4 number of HP OfficeJet printers) are illustrative. Amazon sells the OEM-brand HP 414X
5 ink (ASIN: B07R3XX88Z), while V4INK's Ink E-Sale sells the compatible third-party
6 private label HP 414X ink (ASIN: B07V3D5XLN). Ink E-Sale has sold 560 units on
7 Amazon as compared to the OEM brand, which has sold 65,424 units. Despite the OEM
8 having *115 times* the amount of sales, the two have managed essentially the same number
9 of positive reviews on Amazon: 21 for Ink E-Sale as (disproportionately) compared to 31
10 for the OEM-brand.

11 175. Through the conduct described herein, V4INK and its controlled brands and
12 shell companies sell on the order of \$20 million per year worth of replacement ink and
13 toner on Amazon, accounting for approximately 5 percent of the market for same.

14 **C. Defendants' Unfair Competition Inflates Their Sales at the Expense of Honest**
15 **Sellers**

16 176. As set forth throughout this Complaint, Defendants use deceptive practices to
17 market and sell their products, including: crowding the field with multiple alter ego seller
18 accounts; false product reviews; compensated or incentivized product reviews (including
19 compensation for removal or change of negative reviews); ghost accounts to show false
20 product interest or sales, and to inflate product ratings; and recycling old product listings
21 to falsely portray an existing sales and review history for new products.

22 177. Defendants engage in this deceptive conduct, in short, because it works. They
23 know that review volume and content are critical to sales on Amazon. According to seller
24 consultant Chris McCabe, a former Amazon employee, a product with a lot of reviews is
25 more likely to appear on the first page of keyword search results.¹⁷ *The Markup* reports

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27 ¹⁷ Here's Another Kind Of Review Fraud Happening On Amazon (Nicole Nguyen. May 29, 2018)
28 <https://www.buzzfeednews.com/article/nicolenguyen/amazon-review-reuse-fraud> (Last visited Nov. 12
2021).

1 that after price and shipping, the number of product reviews is the single most important
2 purchase-driving factor for Amazon shoppers, citing a 2020 survey conducted by e-
3 commerce firm Tinuiti.¹⁸

4 178. Seller consultant McCabe further notes that sellers “need quantity [of product
5 reviews], or they start dropping in sales rank.” A product with a lot of reviews is more
6 likely to appear on the first page of keyword search results, according to McCabe.¹⁹ The
7 *New York Times* has likewise concluded that review “volume” can make a big difference
8 in a product’s sales.

9 179. Review content is likewise critical to sales. A 2020 PCMag survey found that
10 78% of US shoppers who planned to buy tech products on Amazon Prime Day that year
11 agreed that Amazon product reviews play a big role in their purchase decisions.²⁰

12 180. Defendants know that their fastest route to occupying the top search results is
13 to pile up positive reviews and make sure that any legitimate negative reviews are
14 neutralized or deleted.

15 181. An expose by BuzzFeed News looked closely at the “Fake Review Economy”
16 on Amazon, concluding that product reviews are a seller’s best chance to stand out in the
17 crowded marketplace. Citing survey data in which fully 87 percent of consumers said a
18 positive review confirmed their decision to purchase a product, the authors concluded that
19 “The best way to make it on Amazon is with positive reviews, and the best way to get
20 positive reviews is to buy them.”²¹

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22
23 ¹⁸ Is This Amazon Review Bullshit? (Jon Keegan. July 21, 2020) [https://themarkup.org/ask-the-
markup/2020/07/21/how-to-spot-fake-amazon-product-reviews](https://themarkup.org/ask-the-markup/2020/07/21/how-to-spot-fake-amazon-product-reviews) (Last visited Nov. 12, 2021).

24 ¹⁹ Here’s Another Kind Of Review Fraud Happening On Amazon (Nicole Nguyen. May 29, 2018)
25 <https://www.buzzfeednews.com/article/nicolenguyen/amazon-review-reuse-fraud> (Last visited Nov. 12
2021).

26 ²⁰ How to Spot a Fake Review on Amazon (Jason Cohen. June 21, 2021) [https://www.pcmag.com/how-
to/spot-a-fake-review-on-amazon](https://www.pcmag.com/how-to/spot-a-fake-review-on-amazon) (Last visited Nov. 12, 2021).

27 ²¹ Inside Amazon’s Fake Review Economy (Nicole Nguyen. May 7, 2018)
28 <https://www.buzzfeednews.com/article/nicolenguyen/amazon-fake-review-problem> (Last visited Nov.
12, 2021).

1 182. Reviews are, in fact, for sale. A number of “black hat” companies offers
2 sellers of Amazon products in the U.S. a menu of tactics designed to manipulate Amazon’s
3 ranking system to promote products, according to BuzzFeed. For instance, one company
4 simply charges sellers “as much as \$10,000 a month to help Amazon sellers appear at the
5 top of product search results. Other tactics to promote sellers’ products include removing
6 negative reviews from product pages and exploiting technical loopholes on Amazon’s site
7 to lift products’ overall sales rankings.” Consultants offer “thumbs-up” clicks on a product
8 review (suggesting the review was helpful), removal of negative reviews, or other services
9 which help increase the overall star rating for a product. Black hat consultants offer to
10 obtain customer email addresses for sellers so that sellers may contact them directly—
11 which is against Amazon rules. As BuzzFeed notes, such offerings “make it harder for
12 Amazon sellers who abide by the company’s terms of service to succeed in the
13 marketplace, and sellers who rely on these tactics mislead customers....”²²

14 183. One seller told BuzzFeed that before he engaged one of the black hat
15 consultants he would barely break even on sales because the cost of advertising on Amazon
16 is so high. He now makes about \$3 million per year in net profits, but before he used the
17 consultant’s services he was making \$73,000 per year.²³

18 184. According to the *Wall Street Journal*, “click farms that manage thousands of
19 Amazon accounts” have proliferated. “In China, for example, some secretive businesses
20 rent or sell accounts so that merchants can use them to make purchases and leave positive
21 reviews.”²⁴ Often, merchants use Facebook groups to incentivize fake reviews. Again,
22 according to the *Wall Street Journal*, “Sellers, often out of China, post about free products,
23

24 ²² Some Amazon Sellers Are Paying \$10,000 A Month To Trick Their Way To The Top (Leticia
25 Miranda. April 24, 2019) [https://www.buzzfeednews.com/article/leticiamiranda/amazon-marketplace-
26 sellers-black-hat-scams-search-rankings](https://www.buzzfeednews.com/article/leticiamiranda/amazon-marketplace-sellers-black-hat-scams-search-rankings) (Nov. 12, 2021).

²³ *Id.*

27 ²⁴ How Sellers Trick Amazon to Boost Sales (Laura Stevens. July 28, 2018)
28 <https://www.wsj.com/articles/how-sellers-trick-amazon-to-boost-sales-1532750493> (Last visited Nov.
12, 2021).

1 say Bluetooth headphones. The buyer gets the Amazon link from the seller via direct
 2 message, orders the headphones through Amazon so it can appear as a ‘Verified Purchase,’
 3 then writes the review, posts some photos and rates it five stars. Once proof of purchase is
 4 provided, the seller refunds the buyer, generally via PayPal.”²⁵

5 185. Nor do sellers rely solely on fake reviews. Simply clicking to indicate that a
 6 particular review (whether bona fide or fabricated) was “Helpful” pushes that review
 7 higher for the product in question. As BuzzFeed reported, sellers “hire people to hit the
 8 ‘Helpful’ button on a review so that it appears first” among reviews.²⁶

9 186. In the fall of 2019, Amazon launched its one-tap rating system, which allowed
 10 customers to submit a product star rating without accompanying review text. These ratings
 11 also increase sales. As the *New York Times* reported, an increase a single “star” in an
 12 Amazon product rating “correlates with a 26 percent increase in sales, according to a recent
 13 analysis by the e-commerce consulting firm Pattern.”²⁷

14 187. An August 2021 paper published by researchers at UCLA and USC concluded
 15 that “rating manipulation has a large causal effect on sales.”²⁸ The authors found that when
 16 firms stopped using fake reviews, their average ratings fell, the share of one-star reviews
 17 increased significantly, thus indicating that rating manipulation “is deceiving and harming
 18 consumers.” The study observed “a substantial increase in search position and sales rank”
 19 in the period after sellers purchase fake reviews and found that the false ratings evidence
 20 “primarily supports the consumer harm view.”²⁹

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 22 ²⁵ Is It Really Five Stars? How to Spot Fake Amazon Reviews (Joanna Stern. Dec. 20, 2018)
 23 <https://www.wsj.com/articles/is-it-really-five-stars-how-to-spot-fake-amazon-reviews-11545314400>
 (Last visited Nov. 12, 2021).

24 ²⁶ Here’s Another Kind Of Review Fraud Happening On Amazon (Nicole Nguyen. May 29, 2018)
 25 <https://www.buzzfeednews.com/article/nicolenguyen/amazon-review-reuse-fraud> (Last visited Nov. 12
 2021).

26 ²⁷ When Is a Star Not Always a Star? When It’s an Online Review (Sapna Maheshwari. Nov. 28, 2019)
 27 <https://www.nytimes.com/2019/11/28/business/online-reviews-fake.html> (Nov. 12, 2021).

28 ²⁸ See Sherry He, Brett Hollenbeck, and Davide Proserpio, *The Market for Fake Reviews* (Aug.
 2021), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3664992 (last visited Oct. 1,
 2021).

²⁹ *Id.* at pp. 4-5.

1 188. The academic study concludes that in addition to harming consumers, “rating
2 manipulation likely harms honest sellers and the platform’s reputation itself.” If consumers
3 become more skeptical of new and highly rated products, “[t]his, in turn, would make it
4 harder for new, high-quality sellers to enter the market and would likely reduce
5 innovation.”³⁰

6 189. A recent *Wall Street Journal* story addressed seller tactics similar to those
7 employed by Defendants as recounted above. It noted that some sellers track down
8 customers who leave negative feedback on Amazon listings and pester—or bribe—them
9 to delete or change those reviews. One seller sent multiple messages to a consumer’s
10 personal email after the consumer left a two-star review for a \$17 finger brace, offering
11 “escalating monetary incentives to delete the [negative] review, from \$10 to finally \$40.”³¹
12 Another *Wall Street Journal* article described a seller’s offer “We are willing to refund in
13 full,” and “We hope you can reconsider deleting comments at your convenience okay?”
14 When the consumer requested a refund but did not want to delete her review, another
15 representative refused to provide the refund. A refund of \$20 (twice the amount the
16 customer paid) was offered if only the review would be deleted. Amazon’s terms of service
17 prohibit sellers from requesting that a customer remove a negative review or post a positive
18 one.³²

19 190. Paying for reviews or paying consumers to change or delete negative reviews
20 are not the only tactics sellers use to falsely portray products. When a product is new to the
21 market, it begins with no sales or review history upon which to rely. As BuzzFeed News
22 again observed, unscrupulous sellers “take an existing product page, then update the photo
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25 ³⁰ *Id.* at 53.

26 ³¹ Fake Reviews and Inflated Ratings Are Still a Problem for Amazon (Nicole Nguyen. June 13, 2021)
<https://www.wsj.com/articles/fake-reviews-and-inflated-ratings-are-still-a-problem-for-amazon-11623587313> (Last visited Nov. 12, 2021).

27 ³² When Amazon Customers Leave Negative Reviews, Some Sellers Hunt Them Down (Nicole Nguyen.
28 Aug. 8, 2021) <https://www.wsj.com/articles/when-amazon-customers-leave-negative-reviews-some-sellers-hunt-them-down-11628420400> (Last visited Nov. 12, 2021).

1 and description to show an entirely different product. By retaining all the existing reviews,
2 the new product looks more tested and legitimate to shoppers – and in the world of online
3 reviews, quantity is key. More ratings make a product appear to be more well-reviewed
4 and, ultimately, boosts sales.” A Federal Trade Commission representative confirmed that
5 “it’s deceptive to misrepresent that reviews for one product apply to a different product.”³³

6 191. This method of deception is sometimes called “brushing.” The *Wall Street*
7 *Journal* chronicled a blackhead-remover mask from a merchant that Amazon listed as “just
8 launched,” that already had hundreds of reviews, averaging 4.3 stars. However, only the
9 first four reviews related to the mask, while all of the others evaluated a battery charger.
10 According to the *Journal*, the seller “likely co-opted an old listing with positive reviews
11 and changed the product’s image and description to fool Amazon’s algorithms, according
12 to sellers and consultants familiar with this general practice.”³⁴

13 192. The practices that succeed in inflating sales are the types of deceptive
14 practices engaged in by the Defendants. Those practices have been successful in inflating
15 Defendants’ sales at the expense of sales by Plaintiff.

16 **D. False Reviews and Sales Rank Manipulation Are Deceptive and Unfair**
17 **Methods of Competition**

18 193. The practices engaged in by Defendants and complained of throughout this
19 Complaint have been deemed deceptive and unfair methods of competition.

20 194. In 2019, the Federal Trade Commission (FTC) filed a lawsuit against a
21 company that allegedly paid a third party to generate false reviews and inflated star ratings
22 for its product, which was sold exclusively on Amazon.³⁵ The FTC asserted that these
23

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25 ³³ Here’s Another Kind Of Review Fraud Happening On Amazon (Nicole Nguyen. May 29, 2018)
26 <https://www.buzzfeednews.com/article/nicolenguyen/amazon-review-reuse-fraud> (Last visited Nov. 12,
2021).

27 ³⁴ How Sellers Trick Amazon to Boost Sales (Laura Stevens. July 28, 2018)
28 <https://www.wsj.com/articles/how-sellers-trick-amazon-to-boost-sales-1532750493> (Last visited Nov.
12, 2021).

³⁵ *Federal Trade Commission v. Cure Encapsulations, Inc., et al.*, No. 19-cv-982 (E.D.N.Y.).

1 fabricated reviews constituted “unfair or deceptive acts or practices in or affecting
2 commerce,” in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

3 195. The case was resolved within a week, with the seller-defendant agreeing to
4 injunctive relief and a \$12.8 million judgment. Andrew Smith, Director of the FTC’s
5 Bureau of Consumer Protection, said in a statement: “People rely on reviews when they’re
6 shopping online[.] When a company buys fake reviews to inflate its Amazon ratings, it
7 hurts both shoppers and companies that play by the rules.”³⁶

8 196. Seller conduct on the Amazon marketplace is governed by Amazon’s rules.
9 First and foremost, the Amazon seller code of conduct requires that all sellers must
10 “provide accurate information to Amazon and our customers at all times.” This means that
11 sellers “must use a business name that accurately identifies your business....”

12 197. Sellers must also “not attempt to influence customers’ ratings, feedback and
13 reviews.” In particular, the seller code of conduct prohibits sellers from “send[ing]
14 unsolicited or inappropriate communications” or “contact[ing] customers” except through
15 Amazon’s Buyer-Seller Messaging system (which does not share buyer direct contact
16 information with sellers).

17 198. The Amazon seller code of conduct specifically states that “Examples of
18 unfair activities include: Manipulating sales rank (such as by accepting fake orders or
19 orders that you have paid for).” Amazon’s rules dictate, among other things, that “[a]ny
20 attempt to manipulate reviews, including by directly or indirectly contributing false,
21 misleading or inauthentic content, is strictly prohibited” on the Amazon online platform.³⁷

22 199. Further directives specify that sellers “may not attempt to influence or inflate
23 customers’ ratings, feedback, and reviews,” and may not “pay for or offer an incentive
24

25 ³⁶ Feb. 26, 2019 FTC Press Release, available at [https://www.ftc.gov/news-events/press-](https://www.ftc.gov/news-events/press-releases/2019/02/ftc-brings-first-case-challenging-fake-paid-reviews-independent)
26 [releases/2019/02/ftc-brings-first-case-challenging-fake-paid-reviews-independent](https://www.ftc.gov/news-events/press-releases/2019/02/ftc-brings-first-case-challenging-fake-paid-reviews-independent) (last viewed Nov. 12,
2021).

27 ³⁷ Anti-Manipulation Policy for Customer Reviews, AMAZON
28 [https://www.amazon.com/gp/help/customer/display.html?nodeId=201996120#:~:text=Reviews%20prov](https://www.amazon.com/gp/help/customer/display.html?nodeId=201996120#:~:text=Reviews%20provide%20a%20forum%20for,our%20reviews%20platform%20very%20seriously.)
[ide%20a%20forum%20for,our%20reviews%20platform%20very%20seriously.](https://www.amazon.com/gp/help/customer/display.html?nodeId=201996120#:~:text=Reviews%20provide%20a%20forum%20for,our%20reviews%20platform%20very%20seriously.) (last visited Nov. 12,
2021).

1 (such as coupons or free products) in exchange for providing or removing feedback or
2 reviews.” Sellers may not ask customers to remove or change a review.³⁸

3 200. The seller code of conduct also indicates that sellers must “not operate more
4 than one selling account on Amazon without a legitimate business need.” Amazon’s Selling
5 Policies and Seller Code of Conduct restrict sellers from operating multiple selling
6 accounts. Absent a “legitimate business need,” a seller may maintain only one Seller
7 Central account for each region in which it sells. Owning multiple brands is a “legitimate
8 business justification” only if the seller maintains separate businesses for each.

9 201. Defendants’ blatant and consistent violation of the Amazon rules, which are
10 designed to provide consumers with honest information and secure a fair playing field for
11 honest competition, is unlawful under the Lanham Act and California law as asserted
12 below.

13 202. On October 13, 2021, the Federal Trade Commission issued a warning to
14 hundreds of businesses about fake reviews and misleading product endorsements. The FTC
15 outlined seven practices that it considers deceptive or unfair conduct:

- 16 • It is an unfair or deceptive trade practice to make claims which represent,
17 expressly or by implication, that a third party has endorsed a product or
18 its performance when such third party has not in fact endorsed such
19 product or its performance.
- 20 • It is an unfair or deceptive trade practice for an advertiser to misrepresent
21 that an endorsement represents the experience, views, or opinions of users
22 or purported users of the product.
- 23 • It is an unfair or deceptive trade practice to misrepresent an endorser as
24 an actual user, a current user, or a recent user of a product or service.
- 25 • It is an unfair or deceptive trade practice for an advertiser to continue to
26 advertise an endorsement unless the advertiser has good reason to believe

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28 ³⁸ *Id.*

1 that the endorser continues to subscribe to the views presented in the
2 endorsement.

- 3 • It is an unfair or deceptive trade practice for an advertiser to use
4 testimonials to make unsubstantiated or otherwise deceptive performance
5 claims even if such testimonials are genuine.
- 6 • It is an unfair or deceptive trade practice to fail to disclose a connection
7 between an endorser and the seller of an advertised product or service, if
8 such a connection might materially affect the weight or credibility of the
9 endorsement and if the connection would not be reasonably expected by
10 consumers.
- 11 • It is an unfair or deceptive trade practice to misrepresent explicitly or
12 implicitly through the use of testimonials that the experience described by
13 endorsers of a product or service represents the typical or ordinary
14 experience of users of the product or service.

15 Each of the Defendants operate or have operated in a manner that would be considered
16 deceptive or unfair conduct under the FTC warning letter.

17 18 **E. ML Products' Injury**

19 203. ML Products is an online distributor and retailer based in Los Angeles,
20 California that has sold various kinds of toner and ink since 1999, making sales to
21 wholesalers, retailers, and consumers. ML Products began selling third-party private label
22 ink and toner on Amazon in 2018 and has continued to sell these products on Amazon since
23 that time, in direct competition with Defendants.

24 204. ML Products has a lengthy track record as a successful toner and ink supply
25 company over its 20-plus year existence. Prior to 2018, ML Products focused on direct to
26 consumer sales of ink and toner. As the Amazon market became more and more powerful,
27 and as more consumers flocked to Amazon as the starting place for search and the go-to
28

1 marketplace for anything, a selling presence on Amazon became a commercial necessity
2 for online retail sales.

3 205. ML Products identified high-demand ink and toner cartridges and was quick
4 to the market, initially establishing itself as one of the top 1 percent of all Amazon sellers
5 that cross the \$1 million mark in yearly sales.³⁹ At that time, ML Products quickly rose to
6 the top of Amazon’s organic listings for large market inks and toners and had instant
7 success. While ML Products has continued to grow its Amazon sales revenues each year
8 since, with an average growth of approximately 33% year-over-year, its search rankings
9 quickly dropped due Defendants’ conduct as described herein.

10 206. ML Products attempted to compete with Defendants through a combination
11 of sponsored ads and regular listings, but simply could not compete on the products that
12 Defendants decided to sell. Without engaging in the same conduct as Defendants—*i.e.*,
13 false reviews and ratings and crowding the field with multiple shell company sellers under
14 the control of and for the benefit of a single entity—honest sellers like ML Products are
15 unable to earn the top organic search results and thus unable to compete with Defendants
16 who thereby dominate third-party sales of replacement ink and toner.

17 207. Unable to compete in the lucrative high volume toner and ink cartridges that
18 comprise most of the market, ML Products has been forced to concentrate on sales of
19 smaller, niche ink and toner products that are not worth Defendants deceptive marketing
20 and cheating efforts.

21 208. Absent Defendants’ conduct as complained of herein, ML Products would
22 have continued to succeed in sales of high-demand ink and toner cartridges as it set out to
23 do, and would have won a substantial portion of the sales for ink and toner cartridges that
24 Defendants have sold since that time.

25 209. The Defendants, through the tactics described in this complaint, do not merely
26 dominate the existing market but they also foreclose the entry by honest sellers into that
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28 ³⁹ <https://landingcube.com/amazon-statistics/>

1 market, as honest sellers simply cannot compete with the unlawful tactics employed by
2 Defendants.

3 210. ML Products has suffered, and will continue to suffer, injury as a direct,
4 foreseeable, and proximate result of Defendants' conduct.

5 **V.**

6 **CLAIMS FOR RELIEF**

7 **COUNT I**

8 **Violations of the Lanham Act (All Defendants)**
9 **(15 U.S.C. § 1051 et seq.)**

10 211. Plaintiff incorporates by reference and re-alleges all paragraphs previously
11 stated herein.

12 212. Defendants, in connection with their products sold in interstate commerce
13 have made and continue to make false statements of fact and false representations of fact
14 as to the nature, characteristics, and quality of its products.

15 213. Defendants have introduced their false and misleading statements into
16 interstate commerce via marketing and false reviews on its Amazon.com online sales
17 platform.

18 214. Defendants' false and misleading statements of fact and misrepresentations of
19 fact concerning its products were made, and continue to be made, in commercial
20 advertising, promotions, and direct communications with consumers on their Amazon.com
21 online sales platform in a manner material to the public's decision to purchase Defendants'
22 products instead of those of their competitors, including Plaintiff.

23 215. Defendants' false statements of fact and false representations of fact in
24 promoting their products are false and misleading in violation of Section 43(a) of the
25 Lanham Act, 15 U.S.C. § 1125(a).

26 216. Defendants' false and misleading statements include fake customer reviews
27 and promotional tactics and materials that Defendants have placed into interstate commerce
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1 in connection with the marketing of their products on the Amazon.com online sales
2 platform.

3 217. The above-described acts of Defendants actually deceived, or have the
4 tendency to deceive, a substantial segment of consumers who see or read such
5 representations and reviews on the Amazon.com online sales platform.

6 218. The above-described acts of Defendants are material, in that they are likely
7 to influence a consumer's purchasing decision.

8 219. Plaintiff directly competes with Defendants in the consumer replacement ink
9 and toner industry.

10 220. As demonstrated above, Defendants have intentionally and materially
11 participated in a false and misleading campaign to promote and sell their products on the
12 Amazon.com online sales platform.

13 221. Defendants have compete unfairly with Plaintiff by manipulating Amazon's
14 customer review system as described herein.

15 222. As a result of Defendants' false and misleading advertising, Plaintiff has
16 suffered a direct diversion of customers to Defendants and has been and will be deprived
17 of substantial revenue in an amount to be determined at trial.

18 223. Defendants have caused, and will continue to cause, immediate and
19 irreparable injury to Plaintiff, including injury to its business, for which there is no
20 adequate remedy at law. As such, Plaintiff is entitled to an injunction under 15 U.S.C. §
21 1116 restraining Defendants, their agents, employees, representatives and all persons
22 acting in concert with them from engaging in further acts in violation of Section 43(a) of
23 the Lanham Act, 15 U.S.C. § 1125(a) and ordering removal of all of Defendants' false
24 advertising.

25 224. Plaintiff is entitled under 15 U.S.C. § 1117 to actual damages to be determined
26 at trial, to have such damages trebled, to disgorgement of Defendants' profits, and costs of
27 the action.

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1 229. Defendants' actions set forth herein constitute intentional business acts and
2 practices that are unlawful, unfair, and fraudulent, including Defendants' manipulation of
3 Amazon's customer review system and organic search algorithm.

4 230. As demonstrated above, Defendants violated the Unfair Competition Law by
5 making and continuing to make representations about their ink products that are clearly
6 false and misleading, and Defendants have engaged in unlawful, unfair and fraudulent
7 conduct by way of their false, deceptive, and misleading misleading statements of fact and
8 representations of fact as to the nature, characteristics, and quality of their products and
9 product reviews to boost sales on Amazon.

10 231. Defendants are likely to cause confusion, mistake, and deception as to the
11 nature, characteristics, and quality of their products due to Defendants' manipulation of
12 Amazon's customer review system and organic search algorithm.

13 232. Plaintiff directly competes with Defendants in the consumer replacement ink
14 and toner industry.

15 233. By reason of Defendants' acts of unfair competition, Plaintiff has suffered and
16 will continue to suffer irreparable injury unless and until this Court enters an order
17 enjoining Defendant from any further acts of unfair competition. Defendant's continuing
18 acts of unfair competition, unless enjoined, will cause irreparable damage to Plaintiff in
19 that he will have no adequate remedy at law to compel Defendants to cease such acts, and
20 no way to determine his losses proximately caused by such acts of Defendant. Plaintiff is
21 therefore entitled to a preliminary injunction and a permanent injunction against further
22 unlawful, unfair, and fraudulent conduct by Defendants.

23 234. As a direct and proximate result of Defendants' acts of unfair competition,
24 Defendant has wrongfully taken Plaintiff's profits and sales, as well as his substantial
25 investment of time, energy and money. Defendants should therefore disgorge all profits
26 from the above conduct and further should be ordered to perform full restitution to Plaintiff
27 as a consequence of Defendants' unlawful, unfair, and fraudulent activities.
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1 **COUNT III**
2 **Violation of California False Advertising Law (All Defendants)**
3 **(Cal. Bus. & Prof. Code § 17500, et seq.)**

4 235. Plaintiff incorporates by reference and re-alleges all paragraphs previously
5 stated herein.

6 236. California Business & Professions Code § 17500 states: “It is unlawful for
7 any . . . corporation . . . with intent directly or indirectly to dispose of real or personal
8 property . . . to induce the public to enter into any obligation relating thereto, to make or
9 disseminate or cause to be made or disseminated . . . from this state before the public in
10 any state, in any newspaper or other publication, or any advertising device, . . . or in any
11 other manner or means whatever, including over the Internet, any statement . . . which is
12 untrue or misleading, and which is known, or which by the exercise of reasonable care
13 should be known, to be untrue or misleading.”

14 237. Defendants violated Business and Professions Code section 17500 by making
15 or disseminating, or causing to be made or disseminated, before the public in this State,
16 deceptive, untrue or misleading statements in connection with the sale of goods on
17 Amazon’s online sales platforms, that Defendants knew, or in the exercise of reasonable
18 care should have known were deceptive, untrue or misleading concerning the sale of
19 Defendants’ product and were likely to mislead or deceive a reasonable consumer.

20 238. For example and without limitation, Defendants purposely made false and
21 misleading statements through the manipulation of customer product reviews and the
22 creation of false product reviews to boost Defendants’ profiles and sales on Amazon.
23 Plaintiff directly competes with Defendants in the consumer replacement ink and toner
24 industry.

25 239. Defendants are likely to cause confusion, mistake, and deception as to the
26 nature, characteristics, and quality of their products due to Defendants’ manipulation of
27 Amazon’s customer review system and organic search algorithm.

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- C. An Order requiring Defendants to pay both pre and post judgment interest on any amounts awarded to the extent allowed by law;
- D. An award of reasonable attorney’s fees and costs of suit incurred herein;
- E. Any further relief as the Court deems appropriate.

VII.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury for all issues so triable.

DATED: November 12, 2021

Respectfully Submitted,
MCCUNE WRIGHT AREVALO, LLP,
 s/Richard D. McCune

Richard D. McCune (State Bar No. 132124)
 18565 Jamboree Road, Suite 550
 Irvine, CA 91761
 T: (909) 557-1250
rdm@mccunewright.com

Derek Y. Brandt*
 Leigh M. Perica*
 Connor P. Lemire*
 MCCUNE WRIGHT AREVALO, LLP
 231 North Main Street, Suite 20
 Edwardsville, IL 62025
 T: (618) 307-6116
dyb@mccunewright.com
lp@mccunewright.com
cpl@mccunewright.com

* Applications *Pro Hac Vice* to be Submitted

Attorneys for Plaintiff

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