

JOHN C. ULIN (SBN 165524)  
 Email: julin@troygould.com  
 RUSSELL I. GLAZER (SBN 166198)  
 Email: rglazer@troygould.com  
 ANNMARIE MORI (SBN 217835)  
 Email: amori@troygould.com  
 CHINELO N. IKEM (SBN 343780)  
 Email: cikem@troygould.com  
 TROYGOULD PC  
 1801 Century Park East, 16th Floor  
 Los Angeles, CA 90067-2367  
 Telephone: (310) 553-4441  
 Facsimile: (310) 201-4746

Attorney for Plaintiff PLANET GREEN  
 CARTRIDGES, INC.

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

CASE No.: 2:23-cv-06647-JFW-KS

PLANET GREEN CARTRIDGES,  
 INC., a California corporation,

Plaintiff,

v.

AMAZON.COM, INC., a Delaware  
 corporation; AMAZON.COM  
 SERVICES LLC, a Delaware limited  
 liability company; AMAZON  
 ADVERTISING LLC, a Delaware  
 limited liability company; and DOES 1-  
 10, inclusive,

Defendants.

**FIRST AMENDED COMPLAINT  
 FOR DAMAGES:**

- 1. Violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B) – False Advertising;**
- 2. Violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A) -- False Association & False Designation of Origin or Approval;**
- 3. Common Law Unfair Competition;**
- 4. Unfair Competition in Violation of California Unfair Competition Law – Unlawful and Unfair Prongs (Cal. Bus. & Prof. Code § 17200, *et seq.*);**
- 5. Violation of California False Advertising Law (Cal. Bus. & Prof. Code § 17500, *et seq.*)**
- 6. Negligence**

**DEMAND FOR JURY TRIAL**

COMES NOW Plaintiff, PLANET GREEN CARTRIDGES, INC.  
 (“Plaintiff” or “Planet Green”), with knowledge of its own actions and events, and  
 upon information and belief as to other matters, and alleges as follows against  
 Defendants AMAZON.COM, INC., AMAZON.COM SERVICES LLC,  
 AMAZON ADVERTISING LLC and DOES 1-25, inclusive (collectively,  
 “Defendants”):

## I. INTRODUCTION

1. This action arises out of Defendants’ persistent violation of their own policies, federal and state laws, and stated environmental objectives, by the false claims of new built clone cartridges as being remanufactured and sold as recycled product on a mass scale. The products, almost all of which are made in China, are not original equipment manufacturer (“OEM”), but are new built clone printer ink cartridges, falsely listed and labeled as remanufactured and sold as recycled product, including on their packaging and through recycled symbols on the products themselves, deceiving millions of Amazon’s customers in California and throughout the United States.

2. Plaintiff presented Defendants with uncontroverted evidence outlining numerous brands of printer ink cartridges Plaintiff purchased on Amazon as test purchases, which demonstrated that Defendants were falsely advertising, making unsubstantiated environmental claims, and importing, distributing and selling clone cartridges falsely represented as remanufactured, in violation of Amazon’s policies, federal and state laws, and engaging in conduct antithetical to Amazon’s environmental mission and efforts. Defendants’ response to Plaintiff’s evidence was essentially that they are immune from liability for publishing third-party content on their platform under the Communications Decency Act, 47 U.S.C. section 230. But, as set forth further below, this contention is just wrong.

1           3.     Plaintiff requested Defendants, per their own policies, remove or  
2 suspend sellers of misrepresented clone cartridges outlined in Plaintiff's  
3 presentations of evidence until they authenticated that their cartridges were  
4 actually remanufactured. Instead, Defendants continue to allow unlawful sellers to  
5 maintain their accounts, permit them to advertise, promote their products with  
6 Defendants' endorsement, and Defendants provide fulfillment services, "sold by  
7 Seller and fulfilled by Amazon," and distribute and sell the misrepresented  
8 cartridges. In a Zoom meeting on May 26, 2023, Defendants told Plaintiff that they  
9 had asked brands that could not substantiate claims of being remanufactured or  
10 recyclable to change their product descriptions to continue to sell on the platform.  
11 But the deceptive practices have not changed, and Defendants continue to allow  
12 sellers that have deceived millions of consumers with false advertising and  
13 recyclability claims and deceptively labeled products to sell clone ink cartridges  
14 over Amazon.

15           4.     Moreover, Defendants themselves promote, distribute, fulfill,  
16 advertise, and sell the illicit clone cartridges identified in Plaintiff's presentations  
17 of evidence, through both their role in the sale and distribution of other sellers'  
18 cartridges and the Amazon Warehouse Program, in which Amazon itself sells the  
19 cartridges and holds itself out to the world as the seller. Notably, Defendants use  
20 the same false descriptions used by other sellers in describing the clone ink  
21 cartridges they sell. Defendants' deep involvement in the sale, distribution and  
22 promotion of these clone cartridges renders them liable for the unlawful manner in  
23 which they are promoted and sold.

## 24                               **II.**

### 25                               **THE PARTIES**

26           5.     Plaintiff, PLANET GREEN CARTRIDGES, INC., is a corporation  
27 organized under the laws of the State of California, with its principal place of  
28 business in Chatsworth, California. For the last 23 years, Planet Green has been an

1 industry leader of wholesale, high-quality, United States remanufactured ink  
2 cartridge products. Planet Green remanufactures ink cartridges using only OEM  
3 cores that are collected from schools, businesses, and consumers throughout the  
4 United States. The remanufactured ink cartridges sold by Planet Green are  
5 authentic recycled products.

6 6. Defendant AMAZON.COM, INC. is a corporation organized and  
7 existing under the laws of the State of Delaware, with its principal place of  
8 business at 410 Terry Avenue North, Seattle, Washington 98109-5210.  
9 AMAZON.COM, INC. markets and sells products to retail consumers all over the  
10 world through internet websites such as [www.amazon.com](http://www.amazon.com), using various  
11 trademarks and brand names, including “Amazon.”

12 7. Defendant AMAZON.COM SERVICES LLC is a limited liability  
13 company organized and existing under the laws of the State of Delaware, with its  
14 principal place of business at 410 Terry Avenue North, Seattle, Washington 98109-  
15 5210. AMAZON.COM SERVICES LLC sells products to consumers through  
16 Amazon Warehouse that are fulfilled by Amazon.com. Plaintiff is informed and  
17 believes that AMAZON.COM SERVICES LLC is a subsidiary of Defendant  
18 AMAZON.COM, INC. Defendants AMAZON.COM, INC. and AMAZON.COM  
19 SERVICES LLC are sometimes collectively referred to herein as “Amazon.”

20 8. Defendant AMAZON ADVERTISING LLC is a limited liability  
21 company organized and existing under the laws of the State of Delaware, with its  
22 principal place of business at 410 Terry Avenue North, Seattle, Washington 98109-  
23 5210. AMAZON ADVERTISING LLC provides advertising services to third party  
24 sellers. Plaintiff is informed and believes that AMAZON ADVERTISING LLC is  
25 a subsidiary of Defendant AMAZON.COM, INC. Defendants AMAZON.COM,  
26 INC., AMAZON.COM SERVICES LLC and AMAZON ADVERTISING LLC are  
27 sometimes collectively referred to herein as “Amazon.”

28 9. The true names and capacities of Defendants sued herein as DOES 1-



25, inclusive, are unknown to Plaintiff. Plaintiff therefore sues these Defendants by such fictitious names. Plaintiff will amend this complaint to allege the true names and capacities of said DOE Defendants when ascertained. Each of these fictitiously named Defendants are responsible in some manner for the acts and conduct alleged herein and such Defendants proximately caused Plaintiff harm as alleged herein.

### III.

#### JURISDICTION AND VENUE

10. This court has original jurisdiction over the subject matter of this matter under 15 U.S.C. section 1121 and 28 U.S.C. sections 1331 and 1338, because it is a civil action involving claims arising under the laws of the United States, including the Lanham Act, 15 U.S.C. section 1051 *et seq.*, and the court has supplemental jurisdiction over Plaintiff's state law claims under 28 U.S.C. sections 1338(b) and 1367(a), in that they form part of the same case or controversy that gives rise to Plaintiff's claims under the laws of the United States.

11. This court also has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. section 1332 because the amount in controversy exceeds \$75,000.00 and the parties are diverse in citizenship.

12. Venue is proper in this court pursuant to 28 U.S.C. section 1391(b) because a substantial part of the events or omissions giving rise to the claims at issue occurred in this judicial district and division, and because Defendants are subject to the court's personal jurisdiction with respect to this action.

13. The court has personal jurisdiction over each of Defendants because the causes of action asserted herein arise from Defendants transacting business in the State of California, contracting to supply and actually supplying services or things in the State of California and causing tortious injury in the State of California by virtue of their acts and omissions.

14. This court has personal jurisdiction over Defendants because they (a) have sold numerous products in the State of California and this district; (b) have caused tortious injury within the State of California and this district; (c) have

1 practiced the unlawful conduct complained of herein, in part within the State of  
2 California and this district; (d) have regularly conducted and solicited business  
3 within the State of California and this district; (e) have regularly and systematically  
4 directed electronic activity into the State of California and this district with the  
5 intent to engage in business within the State of California and this district,  
6 including the sale and/or offer for sale to internet users within the State of  
7 California and this district; and (f) have entered into contracts with residents of the  
8 State of California and this district for the sale of goods.

#### 9 **IV.**

#### 10 **FACTUAL ALLEGATIONS**

11 15. Since 1999, Planet Green has remanufactured ink cartridges in a state-  
12 of-the-art facility utilizing a painstaking process consisting of obtaining used OEM  
13 cartridge cores, thoroughly inspecting, cleaning, refilling the cartridges with new  
14 ink, testing for quality control, and packaging for resale. The United States once  
15 was the epicenter of thousands of printer cartridge remanufacturers, suppliers, and  
16 resellers. Due to the conduct of Defendants as the primary advertiser and  
17 distributor and a major seller of inauthentic clone ink cartridges that are falsely  
18 represented as remanufactured and/or recyclable in promotions, packaging,  
19 labeling, and on the products themselves, as alleged herein, the United States  
20 printer cartridge remanufacturing industry has been eviscerated.

21 16. Planet Green is one of the sole survivors in the industry. Indeed, by  
22 this time, Plaintiff is one of the only remaining printer ink cartridge remanufacturer  
23 in the United States and produces the overwhelming majority of remanufactured  
24 printer ink cartridges remanufactured and sold at retail, including over Amazon.  
25 Consumers who purchase remanufactured printer ink cartridges over Amazon's  
26 websites rightly understand that they come from the lawful source of such  
27 cartridges and, whether they know the name of the company or not, that nearly  
28 always means Planet Green. To the extent that others sell clone cartridges over

1 Amazon that are misrepresented as recycled or remanufactured, they are falsely  
2 representing to consumers that they sell a product that consumers associate with  
3 the lawful source of remanufactured printer ink cartridges, *i.e.*, Planet Green.

4 17.. Prior to the filing of this action, Plaintiff put Amazon on notice of the  
5 wrongful conduct alleged in this Complaint. On June 23, 2022, Plaintiff provided a  
6 presentation of evidence to Amazon detailing how 18 brands and their numerous  
7 listings of aftermarket ink cartridges label new built single-use clone ink cartridges  
8 as “remanufactured,” which are sold as a recycled product on their platform  
9 (sometimes referred to herein as “the illicit ink cartridges”). Plaintiff demonstrated  
10 that the same sellers are falsely advertising their listings, products, and packaging.  
11 Plaintiff also pointed out that the same sellers are misusing Amazon’s own defined  
12 terms “remanufactured” and “compatible” for different types of printer cartridges  
13 by using them interchangeably, which is deceptive. Plaintiff offered Amazon an  
14 opportunity to do the right thing and stop the sale of falsely labelled clone printer  
15 cartridges that are deceiving consumers, harming the environment, and that have  
16 destroyed the once thriving printer cartridge remanufacturing industry. The  
17 original notice and presentation are attached hereto as **Exhibit 1**.

18 18. Over the course of five (5) months, Amazon failed to act on any of the  
19 18 brands of illicit clone ink cartridges as they continued to be available for  
20 purchase on Amazon’s website. During this time, Plaintiff continued to purchase  
21 more ink cartridges that were falsely sold as remanufactured ink cartridges from  
22 Amazon. On December 9, 2022, Plaintiff sent a second presentation of evidence to  
23 Amazon, identifying a total of 82 brands of remanufactured ink cartridges that  
24 were purchased by Plaintiff. This presentation illustrates that Amazon has a  
25 category-wide issue with falsely labeled cartridges, promoted with unsubstantiated  
26 environmental claims, in violation of Amazon’s listing policies, which deceive  
27 consumers. In addition, Plaintiff separately hand delivered its presentation of  
28 evidence on November 24, 2022, to Amazon’s Chief Executive Officer Andy

1 Jassy, through a mutual contact, informing him of the unlawful actions that were  
2 taking place on Amazon's platform. The second presentation of evidence is  
3 attached hereto as **Exhibit 2**.

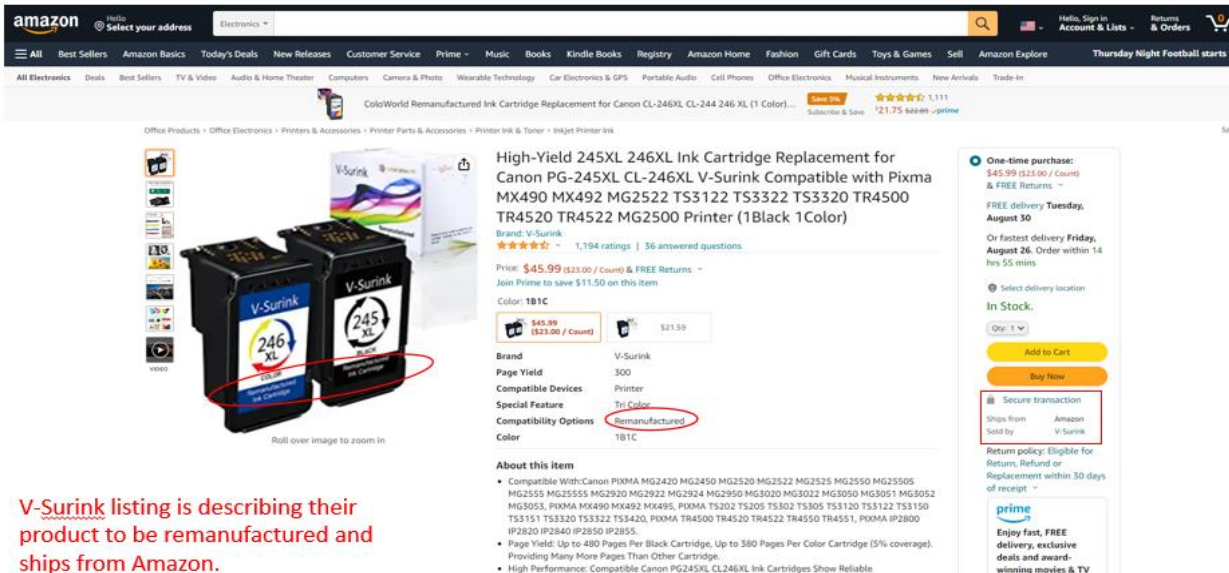
4 19. Amazon acknowledged receiving the second presentation of evidence  
5 asking for Plaintiff's test buy results to confirm the factual allegations, a baffling  
6 response considering that Plaintiff's presentations contained the test buy results.  
7 Amazon took the positions that the Amazon Seller Code of Conduct prohibits  
8 sellers from making false statements about products and that Amazon is not  
9 responsible for seller statements and is immune from liability for publishing third-  
10 party content on its platform under Section 230 of the Communications Decency  
11 Act, 47 U.S.C. § 230. These positions completely ignore the fact that Plaintiff  
12 notified Amazon of illicit clone ink cartridges and that the entire category of  
13 remanufactured printer cartridges is overrun by sellers who unlawfully  
14 misrepresent their products. In response, Amazon has provided nothing more than  
15 lip service, claiming, without action, that Amazon will enforce its rules and  
16 investigate.

17 20. The reason for the tremendous loss of an entire United States printer  
18 cartridge remanufacturing industry and Plaintiff's damages, is due to Amazon's  
19 direct participation in the unlawful practices detailed in this Complaint, which  
20 effectively prevent legitimate businesses from competing against the  
21 overwhelming proliferation of clone printer cartridges flooding the market through  
22 their website, fulfillment centers and warehouse program. Sellers are allowed to  
23 list multiple products claiming to be remanufactured OEM cartridges, frequently  
24 bearing the "recyclable" symbol in their listings, packaging and on the products  
25 themselves, when in fact they are newly manufactured clone cartridges, not OEM  
26 product, and not in fact a recycled or recyclable product.

27 21. The following are some examples that were shared with Amazon,  
28 which illustrate how illicit brands and their sellers are defrauding consumers:

1) Examples of new built clone ink cartridges falsely labeled as remanufactured and sold as a recycled product and ships from Amazon:

a. Amazon listing for V-Surink.



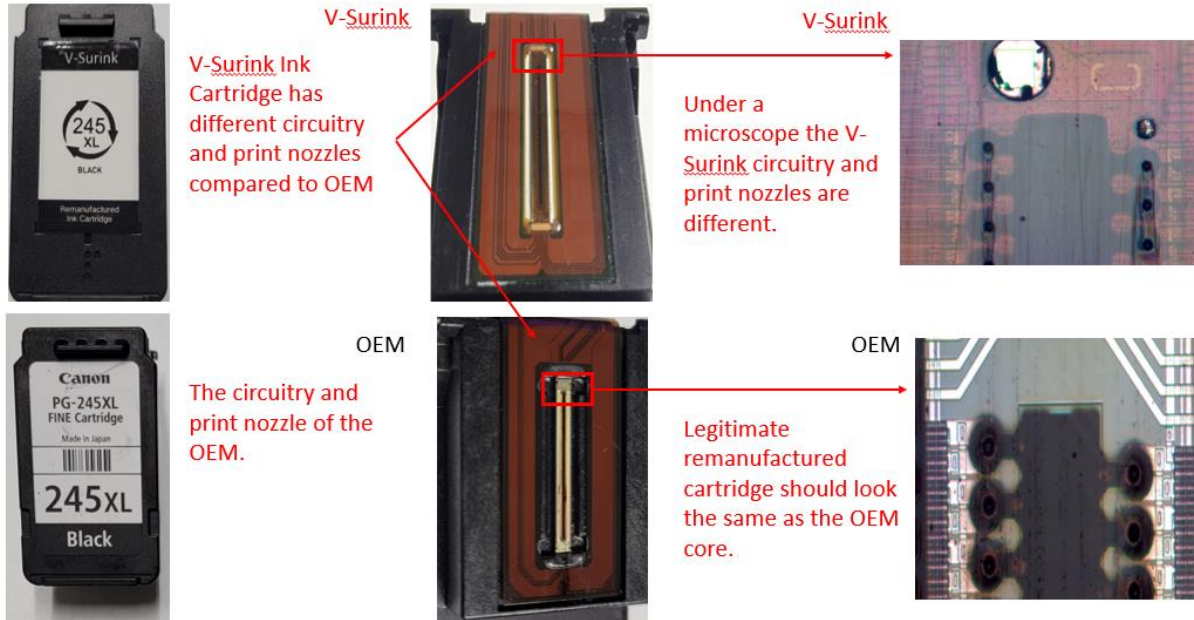
V-Surink is claiming on their product and packaging to be a remanufactured product.

b. Ink cartridges, Plaintiff purchased on Amazon and fulfilled by Amazon.

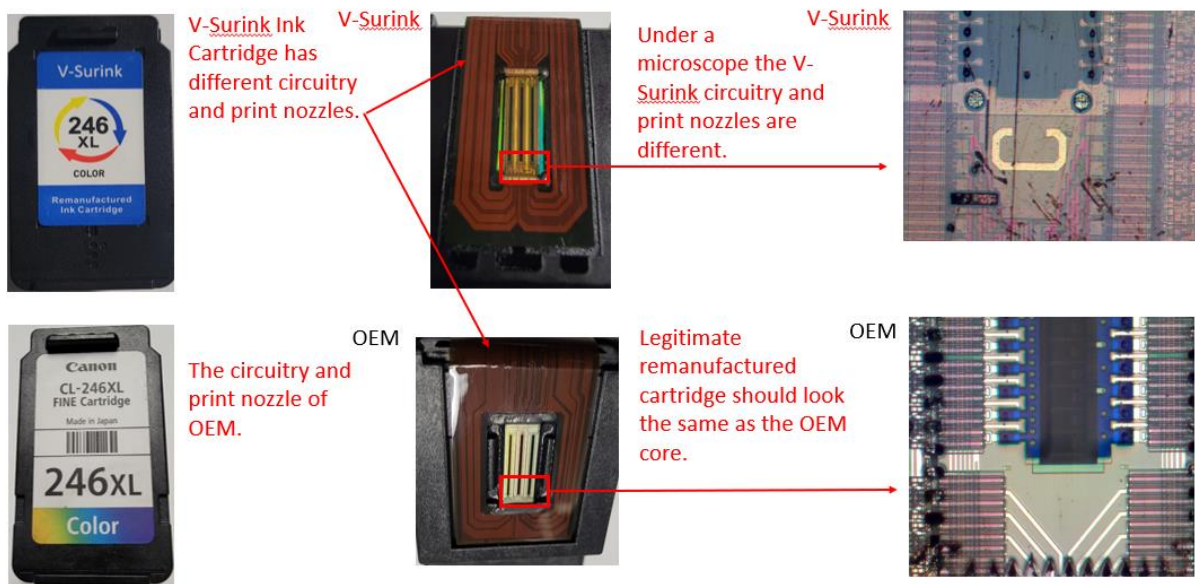
c. Below is a side-by-side comparison of Canon cartridges and V-Surink ink cartridges. The example shows the differences between OEM cores and counterfeit remanufactured ink cartridges.



## Under Microscope V-Surink Cartridge Side-By-Side Comparison with OEM Cartridge Core



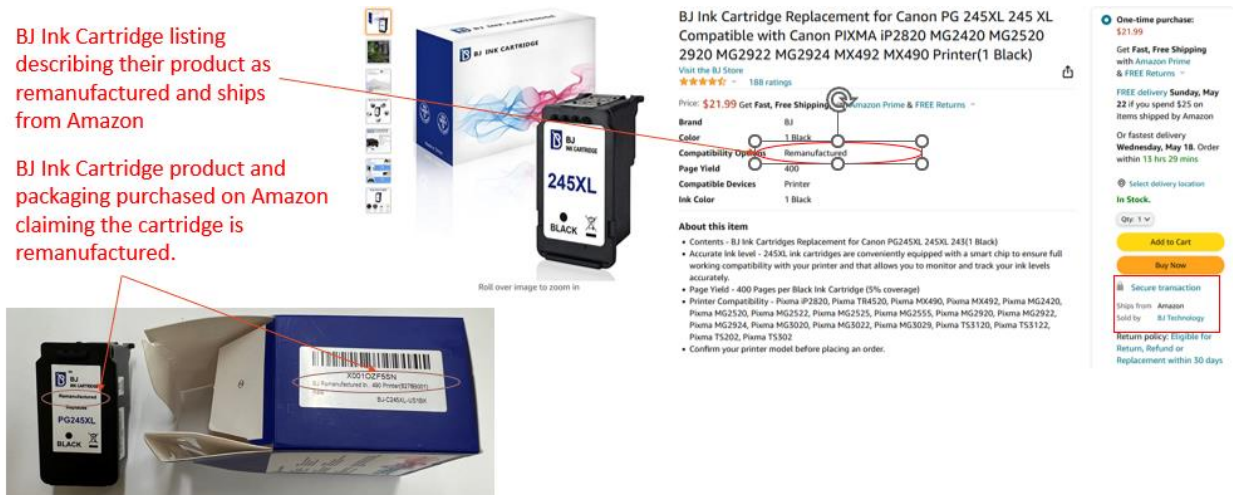
## Under Microscope V-Surink New Built Clone Cartridge Side-By-Side Comparison with OEM Cartridge Core



- d. Another example of a counterfeit remanufactured ink cartridge purchased from Amazon with side-by-side comparison with an OEM cartridge;

BJ Ink Cartridge listing describing their product as remanufactured and ships from Amazon

BJ Ink Cartridge product and packaging purchased on Amazon claiming the cartridge is remanufactured.



Original OEM cartridge

BJ Ink Cartridge



Side-by-side comparison between an original Canon cartridge and a new built non-OEM clone cartridge falsely labeled as a remanufactured and sold as a recycled product.

Original OEM cartridge

BJ Ink Cartridge



The OEM cartridge has Canon engraved in the core of the cartridge while the clone cartridge has no OEM markings and is made from clearly different plastic material.

Original OEM cartridge

BJ Ink Cartridge



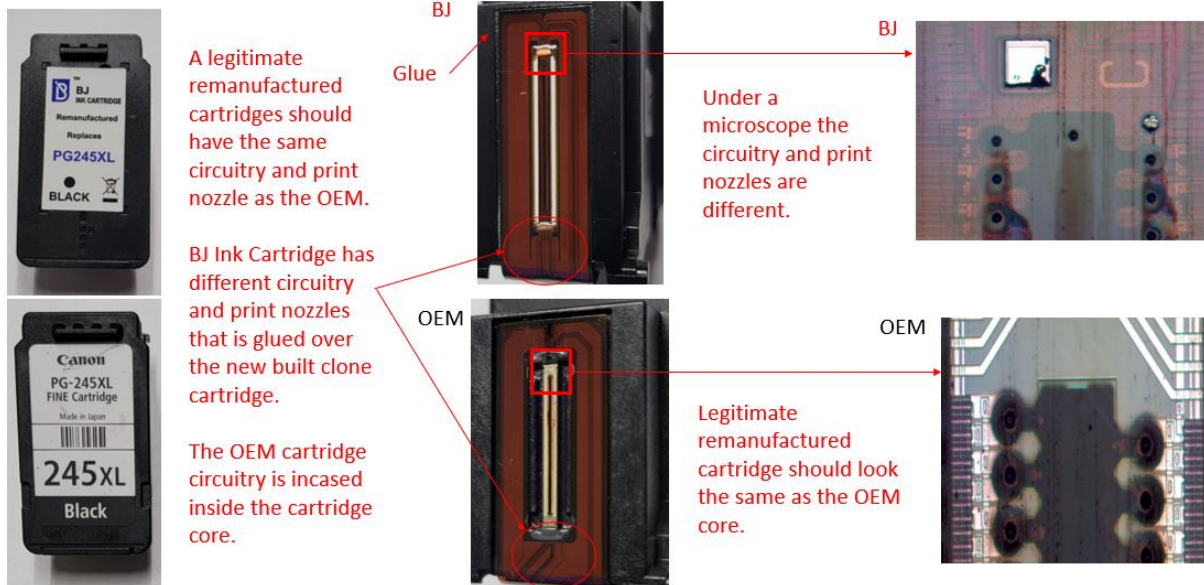
///

///

///



## Under Microscope BJ Cartridge New Built Clone Side-By-Side Comparison with OEM Cartridge Core



2) Example of an inaccurate and deceptive Amazon listing. Sheengo depicts its box to look like a Canon box and claims to be

**SHEENGO Remanufactured 245XL Ink Cartridges Replacement for Canon 245 PG-245XL CL 246 for PIXMA MG2522 MX490 MX492 TS3122 TS3322 TR4522 TR4520 TS3320 MG3022 MG2520 MG2922 Printer(1 Black, 1 Tri-Color)**

Visit the SHEENGO Store  
★★★★★ - 456 ratings | 10 answered questions

List Price: \$57.99 Details  
Price: **\$48.99** (\$24.50 / Count)  
FREE Returns  
You Save: \$9.00 (16%)

Get a \$50 Gift Card: Pay \$0.00 \$48.99 upon approval for the Amazon Rewards Visa Card. No annual fee.

Model Name: 246xl 245xl ink cartridge  
Brand: SHEENGO  
Page Yield: 400  
Compatible Devices: Printer  
Special Feature: Tri-Color  
Compatibility Options: Compatible, Remanufactured  
Color: 245XL 246XL Ink (1×Black, 1×Tri-color)

**About this item**

- All of SHEENGO 245XL 246XL ink cartridge are strictly tested to provide customers reliable ink cartridge quality
- Compatible devices: Canon PIXMA TR4520, TR4522, IP2820, MG2420, MG2520, MG2522, MG2920, MG2922, MG2924, Pixma, MX492, MG2525, MG2555, MG3020, MG3022, MG3029, TS202, TS302, TS3120, TS3122, TS3320 Printers
- Package contents: 2 Pack of SHEENGO remanufactured ink cartridge replacement for Canon 245xl 246xl combo pack, mx492 ink cartridges
- High Page Yield: Up to 400 pages per PH-245XL black cartridge & 300 pages per 245XL tri-color cartridge (at 5% coverage)
- Show accurate ink level: These items are equipped with intelligent chip that allows you to track ink level anytime

**One-time purchase:**  
\$48.99 (\$24.50 / Count)  
FREE Returns  
FREE delivery **Tuesday, February 21**  
Or fastest delivery **Tomorrow, February 17**, Order within 8 hrs 31 mins  
Deliver to Eric - Chatsworth 91311

**In Stock**  
Qty: 1  
Add to Cart  
Buy Now

**Secure transaction**  
Ships from: Amazon  
Sold by: EDING

Return policy: Eligible for Return, Refund or Replacement within 30 days of receipt.  
☐ Add your 30-day FREE trial of Prime and get fast, free delivery  
☐ Add a gift receipt for easy returns

**Subscribe & Save:**  
\$48.99 (\$24.50 / Count)  
First delivery on Feb 21  
Ships from: Amazon  
Sold by: EDING

Add to List

New (7) from \$48.99 & FREE Shipping

**Other Sellers on Amazon**  
\$51.99 (\$26.00 / Count) Add to Cart  
& FREE Shipping. Details

Sheengo's listing on Amazon depicting itself as a Canon OEM Cartridge and ships by Amazon.

remanufactured.

- a. Below is the actual package and product that was received after a test purchase from Amazon. The package and product are significantly different than what is depicted in Sheengo's Amazon listing.

The inaccurate depiction of listing and what was received is in direct violation of Amazon's Ink and Toner listing policy where your listing and images must accurately describe your product.



- b. Side-by-side comparison of Canon cartridges and Sheengo's ink cartridges show a significant difference between the OEM core and a new built non-OEM clone cartridges falsely labelled as a remanufactured product.



Side-by-side comparison between an original Canon cartridges and Sheengo's new built non-OEM clone cartridges sold as a **remanufactured** product.

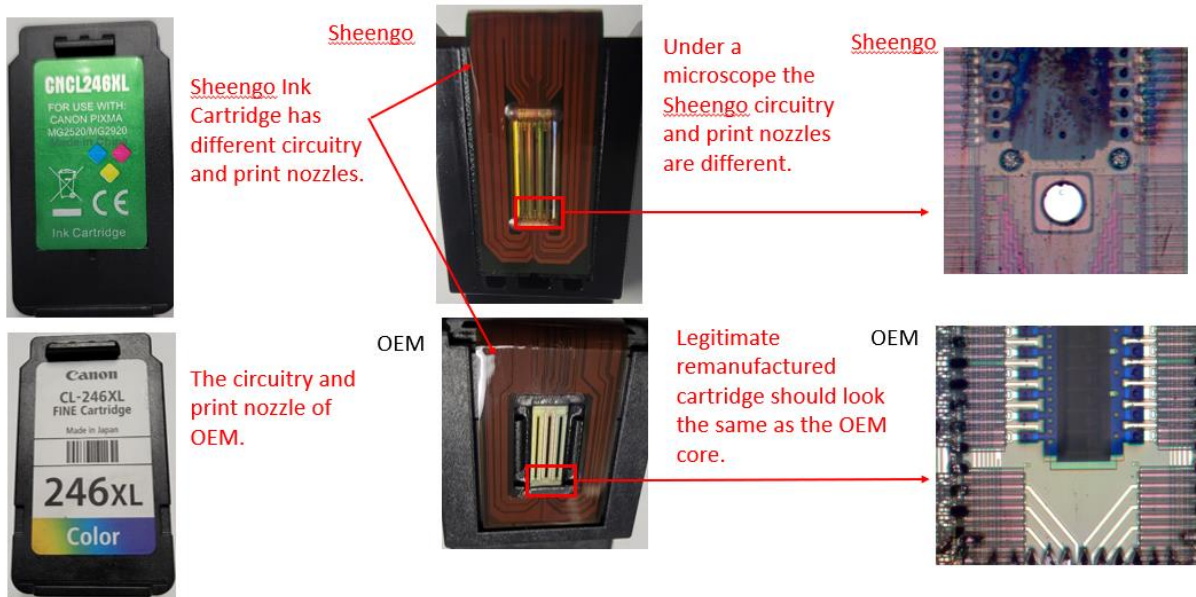
The OEM cartridge has Canon engraved on the core of the cartridge. Sheengo's cartridges do not have any OEM markings and are clearly made from different plastic material.



Under Microscope Sheengo's New Built Clone Cartridge Side-By-Side Comparison with OEM Cartridge Core



Under Microscope Sheengo New Built Clone Cartridge Side-By-Side Comparison with OEM Cartridge



///

///

///

c. The customer's reviews below are examples of how Amazon strikes-out customers complaints and takes full responsibility for Sheengo's falsely advertised listings because products ship from

### Sheengo Reviews



"I ordered the Canon BRAND AND THAT IS WHAT I WANT."

By J Ingram on February 13, 2023.

**Message from Amazon:** This item was fulfilled by Amazon, and we take responsibility for this fulfillment experience.



"These cartridges were completely unusable. Based on the picture on Amazon, I thought I was buying actual Canon cartridges. This was a deceptive picture because the product I received was in a completely different looking box. Check picture of the cartridges for "Canon" on the picture of the product."

[Read less](#)

By Thomas Johnson on February 1, 2023.

**Message from Amazon:** This item was fulfilled by Amazon, and we take responsibility for this fulfillment experience.

Amazon.

3) Below are examples of ink cartridge sellers making unsubstantiated environmental marketing claims that violate Amazon's policies and FTC Environmental Marketing Green Guides.

V-Surink making an environmental claim that their product are environmentally friendly product when they were found to be new built clone printer cartridges.

V-Surink makes an unsubstantiated claim of "keeping low carbon environmental protection"

V-Surink Ink Cartridges Replacement for Canon PG245XL CL246XL Compatible with PIXMA MX492 TR4520 TS3120 TS3320 MG2420 MG2522 MX490 MG2920 MG2922 MG2520 Printer (1 Black 1 Color) (1B1C)

Brand: V-Surink  
 1,562 ratings | 53 answered questions

Price: \$39.99 & FREE Returns

Save \$5 with coupon. Terms

Color: 1B1C

Brand	V-Surink
Color	1B1C
Compatibility Options	Remanufactured
Page Yield	300
Special Feature	Tri Color
Compatible Devices	Printer

**About this item**

- Compatible With: Canon PIXMA MG2420 MG2450 MG2520 MG2522 MG2525 MG2550 MG2555 MG2555S MG2920 MG2922 MG2924 MG2950 MG3020 MG3022 MG3050 MG3051 MG3052 MG3053, PIXMA MX490 MX492 MX495, PIXMA TS202 TS205 TS302 TS305 TS3120 TS3122 TS3150 TS3151 TS3320 TS3322 TS3420, PIXMA TR4500 TR4520 TR4522 TR4550 TR4551, PIXMA IP2800 IP2820 IP2840 IP2850 IP2855.
- Page Yield: Up to 480 Pages Per Black Cartridge, Up to 350 Pages Per Color Cartridge (5% coverage). Providing Many More Pages Than Other Cartridge.
- High Performance: Compatible Canon PG245XL CL246XL Ink Cartridges Show Reliable Performance. Remanufactured Canon PG245XL CL246XL Ink Cartridges Accurately Reported for Compatible Printers and Keep Low Carbon Environmental Protection. Easy to Install. Print Out Clear Images and Text Quickly and Easily, With Vivid Colors and Perfect Original Color. Can Display Ink Level.
- Contents: 1 User Guide and 2 Pack V-Surink PG245XL CL246XL Ink Cartridges (1 Black, 1 Tri-Color).
- Note: Confirm Your Printer Model Before Placing An Order.

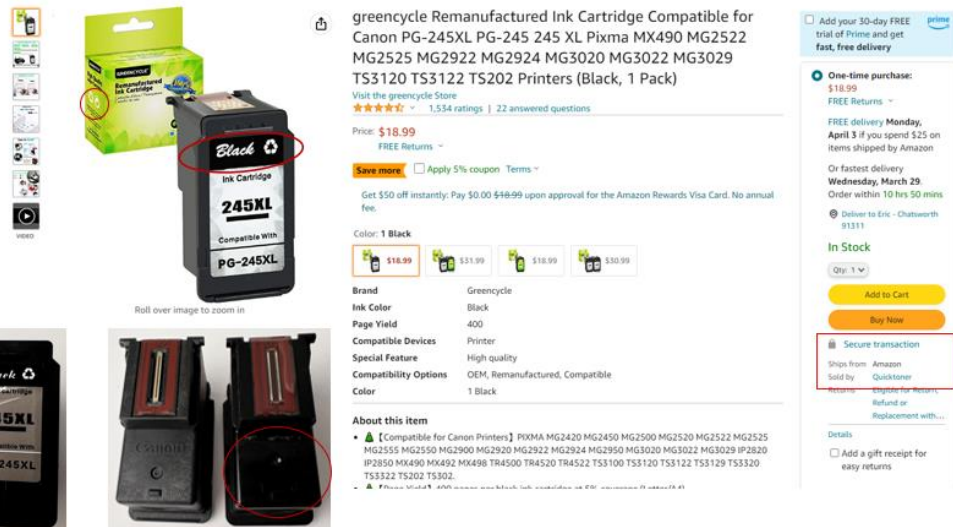
4) The illicit brands of ink cartridges offered for sale on Amazon misuse recycling logos. The brands use the chasing arrows recycling logo and do not insert the trash icon on their products and packaging without indicating whether the product or packaging came from recycled material or is a recyclable product.

a. Below are examples of how these symbols are used without support of their recyclability claims in violation of Amazon's policies and FTC Environmental Marketing Green Guides.



V-Surink misusing the recycling logo on its packaging and product deceiving customers it is a recycled product.

Greencycle Amazon listing uses recycling logos without any way to verify its recyclability claims. This product ships from Amazon.



Greencycle side-by-side comparison with Canon cartridge clearly shows the cartridge is not remanufactured from an OEM core. Greencycle has no Canon markings and its clearly made from different plastic material. It is a new built clone cartridge fraudulently labeled as remanufactured.



BJ Ink Cartridge deceives consumers that it is a recyclable product by using no trash icons and recycling logo on the product and packaging. There are no instructions on the packaging or product to indicate how and where to recycle this product.

BJ Ink Cartridge misuses the recycling logo on its packaging by not providing any clear understanding if packaging and product are made from recycled material or that they can be recycled.



- 5) Sellers misuse Amazon's defined terms to describe different types of printer cartridges, "remanufactured" and "compatible." Defendants in their listing policies define "compatible" to be a new built cartridge and "remanufactured," a used cartridge that has been taken apart, cleaned, and rebuilt. The example below is how sellers use the terms interchangeably deceiving consumers.

**Inktopia Compatible Ink Cartridge Replacement for Canon 246XL CL 246 XL CL-246XL CL-244 (1 Color) for Canon PIXMA MG2520 MG2920 MG2922 MG2420 MG2522 MG2525 MG3020 MG2555 MX490 MX492 Printer**

Visit the Inktopia Store  
★★★★☆ 489 ratings

Price: **\$23.99** Get Fast, Free Shipping with Amazon Prime & FREE Returns

Brand	Inktopia
Color	Tricolor
Compatibility Options	Remanufactured
Page Yield	300
Special Feature	Tri Color
Compatible Devices	Printer
Ink Color	1 Tri color

**About this item**

- Package Contents: Inktopia Replacement for Canon CL-246XL 246XL 246 XL CL-244 Ink Cartridges

22. Defendants' refusal to take meaningful steps to stop the sale of misrepresented clone cartridges has forced Plaintiff to resort to this litigation.

1 Despite being the largest catalog marketer online, with vast resources, Amazon's  
 2 efforts and willingness to stop clone cartridge sales have been so incredibly  
 3 ineffective, rendering it effectively nonexistent.

4 23. In addition to the presentations to Amazon, Plaintiff offered  
 5 Defendants an open invitation to see first-hand the counterfeit cartridges, at  
 6 Plaintiff's remanufacturing facility, and how they are being identified as  
 7 counterfeit. The following photographs were provided to Defendants of ink  
 8 cartridges test purchased by Plaintiff:



22 ///

23 ///

24 ///





24. The following brands were found to be new built clone cartridges, falsely sold as “remanufactured” and recycled products:

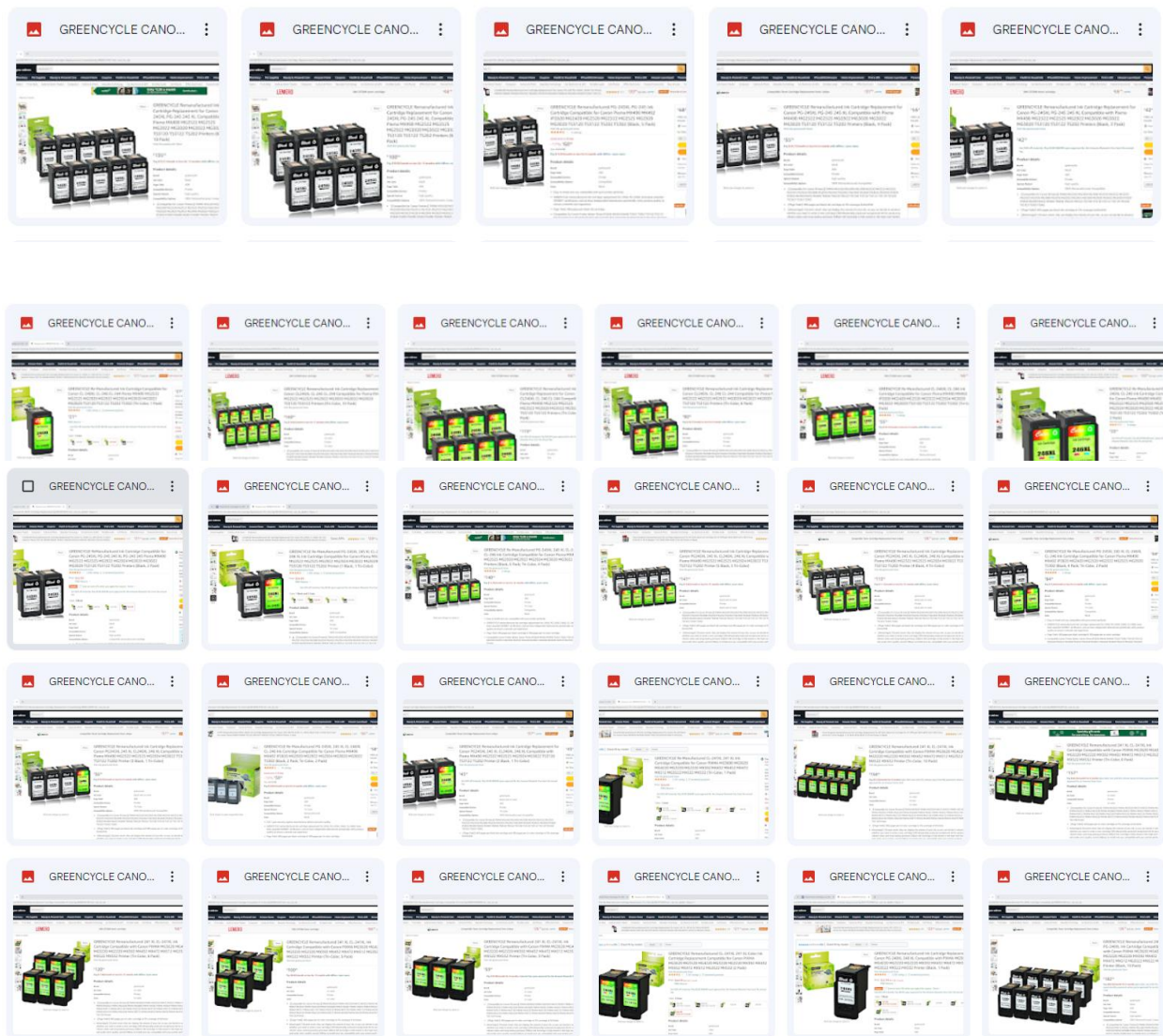
- |                        |                  |                    |                     |                |
|------------------------|------------------|--------------------|---------------------|----------------|
| 1. AAKidInk            | 10. FAcms        | 19. H&BO<br>Topmae | 28. Kolor<br>Expert | 37. Sellyaha   |
| 2. Ankink              | 11. Fastink      | 20. Inkni          | 29. Lucascolo       | 38. Sheengo    |
| 3. Batuto              | 12. Foiset       | 21. InkSpirit      | 30. Mooho           | 39. Upsek      |
| 4. BJ Ink<br>Cartridge | 13. Forzik       | 22. Inktopia       | 31. Novajet         | 40. Valker     |
| 5. BStink              | 14. Geshine      | 23. Insmax         | 32. OnlyU           | 41. ValueToner |
| 6. CG<br>Chinger       | 15. GPC<br>Image | 24. Jarbo          | 33. Palmtree        | 42. V-Surlink  |
| 7. ColorKing           | 16. Greenbox     | 25. Janmore        | 34.                 | 43. Witop      |

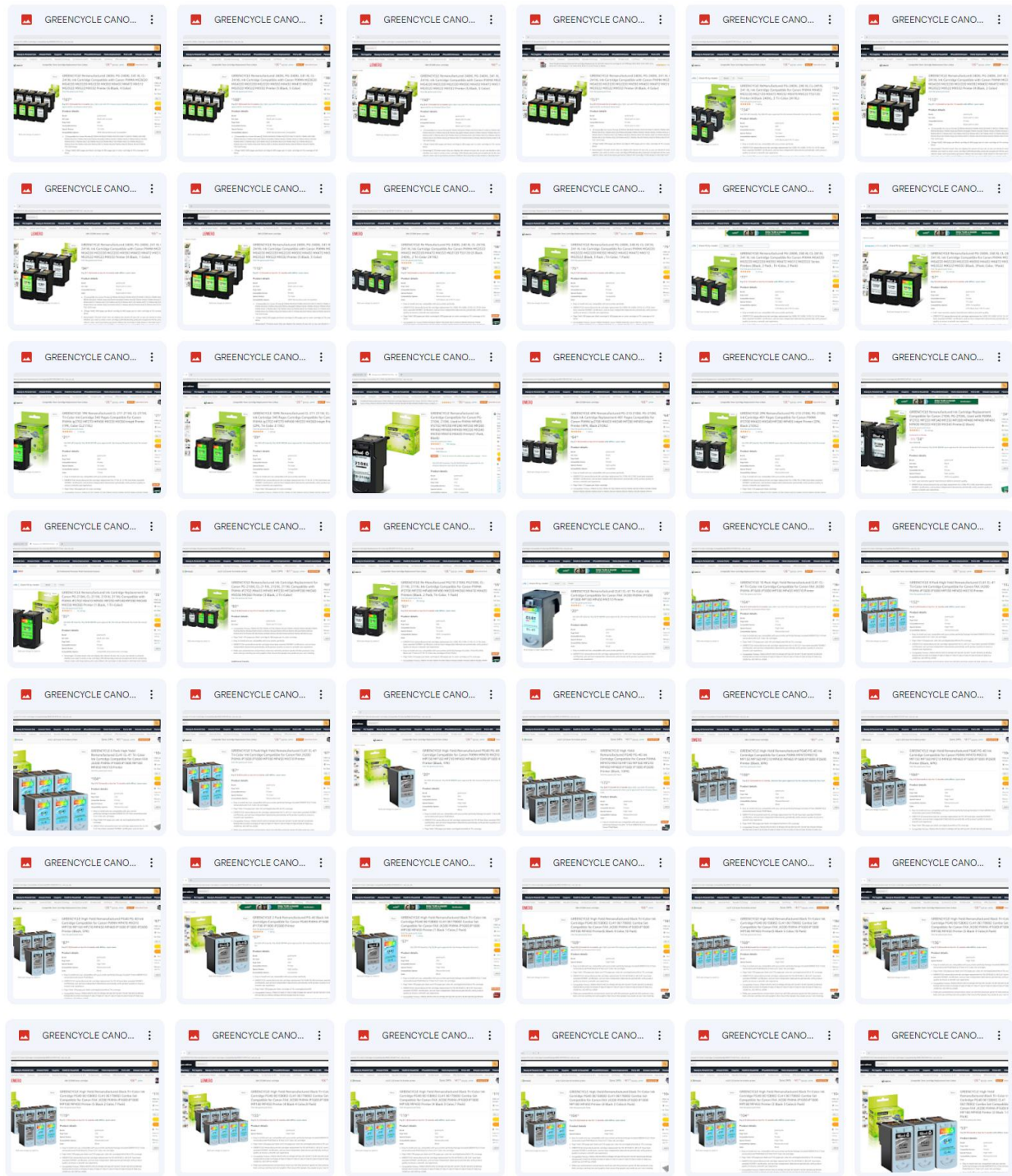
## Reprinpic

8. CSStar 17. Greencycle 26. Jonity 35. Retch 44. Yatunik

9. Doreink 18. Incwolf 27. LxTek 36. Teino 45. Ejet

25. In addition, illicit brands of printer cartridges flood Amazon's platform with a variety of single and combo pack listings. Below is an example of how two brands, Greencycle and Inktopia, are creating multiple listings that saturate the platform:



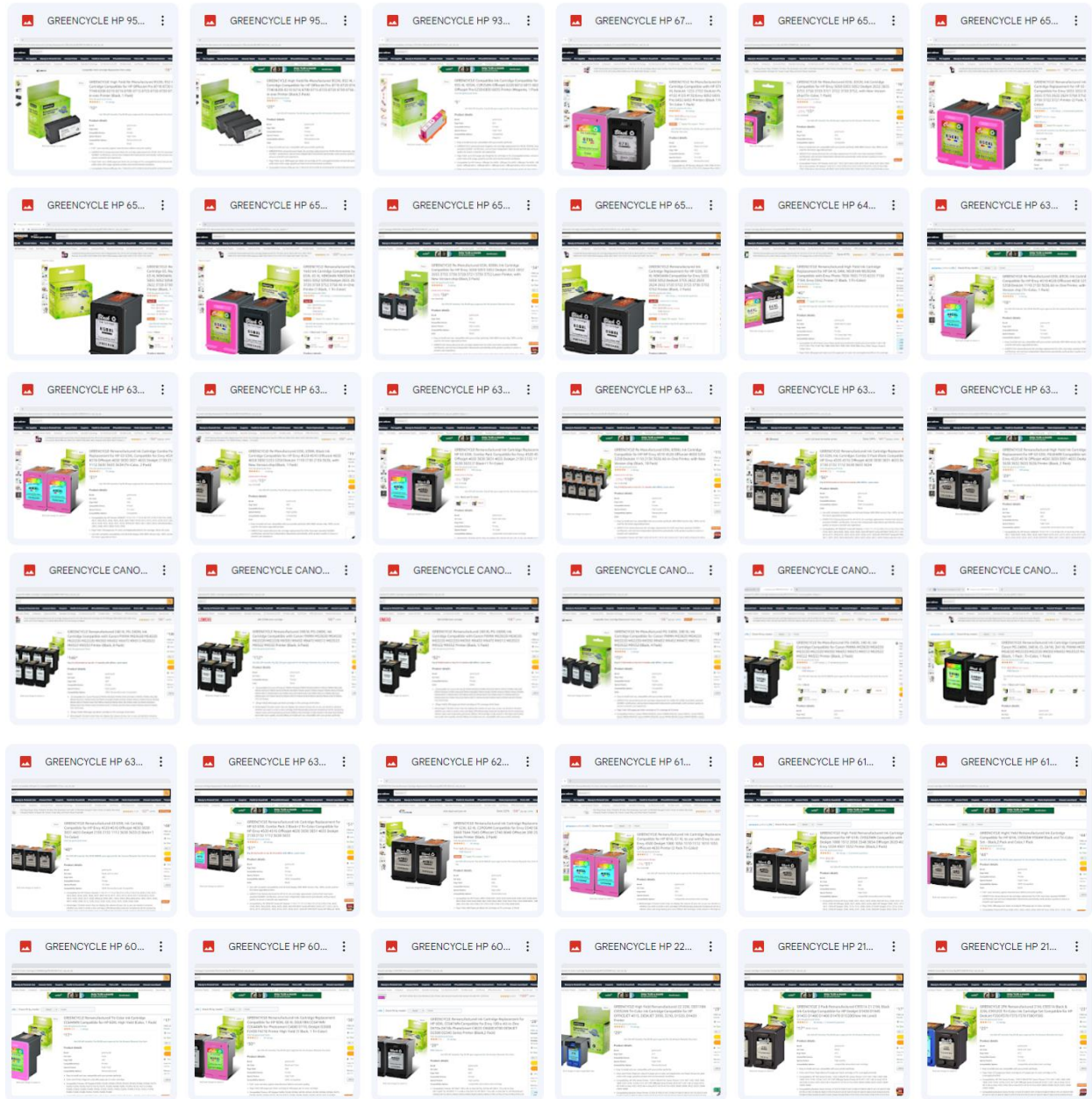


///

///

///

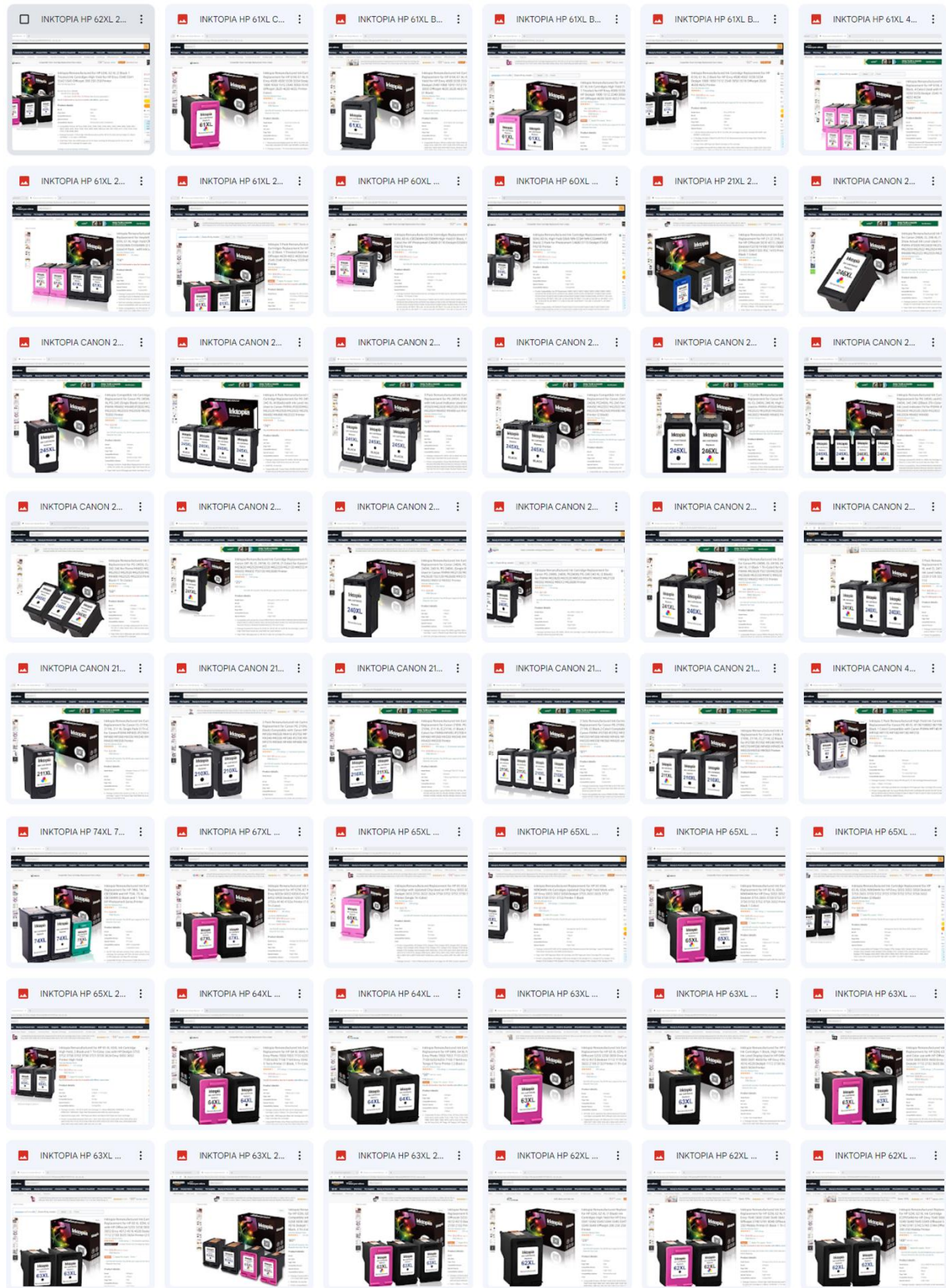




///

///

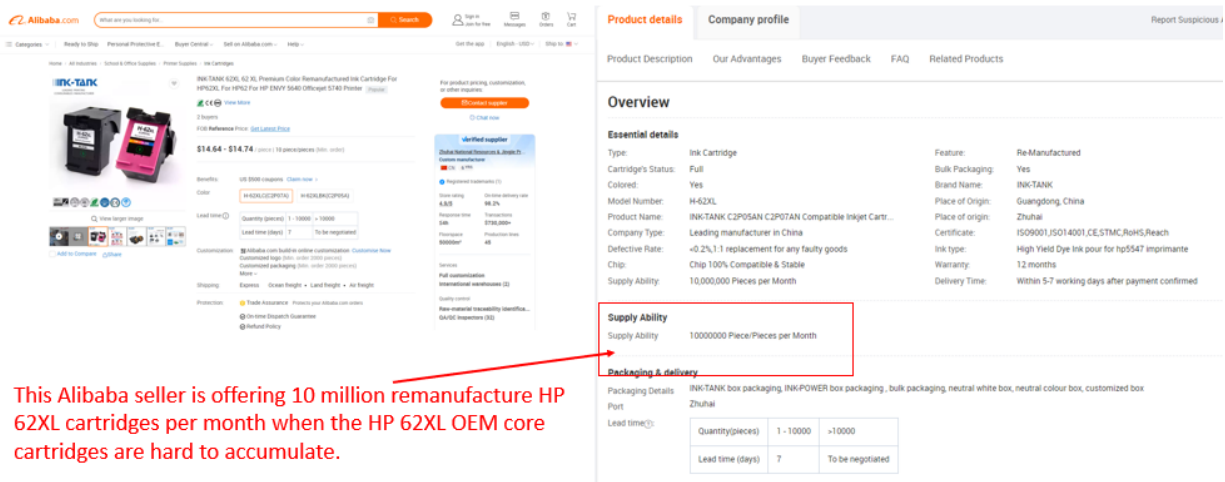
///





26. Most, if not all, illicit clone ink cartridges originate from China. To remanufacture printer cartridges, you need to obtain viable OEM cores. It was pointed out to Defendants in the example below, remanufactured ink cartridges with availability in the millions per month are being sold wholesale on Alibaba for a single model. This is simply preposterous!

#### Zhuhai National Resources & Jingjie Printing Technology



**Product details** Company profile Report Suspicious

Product Description Our Advantages Buyer Feedback FAQ Related Products

**Overview**

**Essential details**

Type:	Ink Cartridge	Feature:	Re-Manufactured
Cartridge's Status:	Full	Bulk Packaging:	Yes
Colored:	Yes	Brand Name:	INKTANK
Model Number:	H-62XL	Place of Origin:	Guangdong, China
Product Name:	INK-TANK C2P0SAN C2P0TAN Compatible Inkjet Cartr...	Certificate:	ISO9001,ISO14001,CE,STMC,Rohs,Reach
Company Type:	Leading manufacturer in China	Ink type:	High Yield Dye Ink pour for hp5547 imprimante
Defective Rate:	<0.2%, 1:1 replacement for any faulty goods	Warranty:	12 months
Chip:	Chip 100% Compatible & Stable	Delivery Time:	Within 5-7 working days after payment confirmed
Supply Ability:	10,000,000 Pieces per Month		

**Supply Ability**  
Supply Ability 10000000 Piece/Pieces per Month

**Packaging & delivery**

Packaging Details: INK-TANK box packaging, INK-POWER box packaging, bulk packaging, neutral white box, neutral colour box, customized box

Port: Zhuhai

Quantity(pieces)	1 - 10000	>10000
Lead time (days)	7	To be negotiated

This Alibaba seller is offering 10 million remanufacture HP 62XL cartridges per month when the HP 62XL OEM core cartridges are hard to accumulate.

27. To remanufacture printer cartridges, a legitimate remanufacturer needs a significant number of empty viable OEM cores. In 2017, the Chinese government implemented Operation National Sword prohibiting the importation of plastic and solid waste which included empty printer cartridges. On information and belief, based on Plaintiff's 23 years of collecting and remanufacturing OEM cartridge cores, it would be impossible for one individual company to collect a singular specific cartridge model core and offer a remanufactured finished product in the quantity of millions per month.

28. In addition to the above listing on Alibaba, it was shared with Defendants that there are at least nine other sellers with listings on Alibaba that offer suspect remanufactured printer cartridges in absurd quantities, into the millions per month for a single cartridge model. Below are the companies:

///

A. Zhuhai National  
Resources &  
Jingjie Printing  
Technology

B. Shenzhen Nolar  
Trade  
Development  
Company

C. Shenzhen Michsan  
Technology  
Company

D. Uniplus  
Technology  
Corporation

E. PK Printking  
Technology  
Company

F. Ebest Digital  
Technology

G. Zixingshi Heshun  
Technology  
Printing Materials  
Company

H. Tatrix  
International China  
Co, Ltd

I. Prospect Image  
Products Limited  
of Zhuhai

29. Amazon sells millions of purported remanufactured ink cartridges that originate from China. When conducting a search for “remanufactured ink cartridges” on Amazon, 8,000 total results were returned. The total number of remanufactured ink cartridge listings is actually much greater, based on how Defendants filter their search results. It is reasonable to say that most

The screenshot shows the Amazon website interface. At the top, the search bar contains the text "remanufactured ink cartridges". Below the search bar, a red circle highlights the text "1-24 of over 8,000 results for 'remanufactured ink cartridges'". The main content area displays several product listings for remanufactured ink cartridges. The first listing is for "GREENBOX" cartridges, with a price of \$35.71. The second listing is for "LCL" cartridges, with a price of \$25.89. The third listing is for "SAIDING" cartridges, with a price of \$179.99. The left sidebar contains filters for "Delivery Day", "Free Shipping Eligible", "Climate Pledge Friendly", "Department", "Customer Reviews", and "Featured Brands".



1 remanufactured ink cartridges listed on Amazon make unsubstantiated claims of  
2 being remanufactured or recyclable product.

3 30. Data captured from Jungle Scout, a third-party application that  
4 provides research and market intelligence on products offered for sale on Amazon,  
5 estimates that remanufactured ink cartridges alone generate \$3,233,555,328 in  
6 sales annually.

7 31. Defendants make it impossible for any legitimate printer cartridge  
8 remanufacturing company to compete when Amazon has a vested interest in  
9 keeping third-party sellers on its platform while facilitating the sale of illegitimate  
10 remanufactured ink cartridges on a mass scale regardless of whether they are  
11 misrepresented or violate federal and state law.

12 32. In the 1980s, the remanufacturing industry for printer cartridges was  
13 established in the United States. By mid-2000s, United States printer cartridge  
14 remanufacturing grew into an estimated \$7 billion industry boasting thousands of  
15 U.S. companies comprised of remanufacturers, used cartridge collectors, suppliers,  
16 resellers, trade publications and expos. The printer cartridge remanufacturing  
17 industry evolved as a solution to divert millions of used printer cartridges away  
18 from U.S. landfills generated by the original equipment manufacturers of printers  
19 and turned the waste into a low-cost, reusable product for the consumer.

20 33. Now the U.S. remanufacturing industry is on the verge of extinction.  
21 The anti-competitive behavior of Defendants is the driving force behind the  
22 proliferation of counterfeit remanufactured ink cartridges saturating the U.S.  
23 market, deceiving consumers, undercutting legitimate remanufacturers, and leaving  
24 the recycle stream with an overwhelming amount of plastic waste. This has caused  
25 great harm to the Plaintiff's growth opportunities because Plaintiff is dependent on  
26 the industry for the supply chain of materials needed for its remanufacturing  
27 process, as well as its wholesale network of resellers for their finished products.  
28 The blame for the destruction of an entire industry and direct harm to Plaintiff lies

1 at the feet of Amazon, as a result of the sale of inauthentic printer cartridges,  
2 advertised, sold, and distributed by Defendants through their website.

3 34. Further, the unsubstantiated claims that these cartridges being sold by  
4 and on Amazon's platform are recyclable are particularly reprehensible, as these  
5 generic single-use clone brand printer cartridges do not offer any service to reclaim  
6 their used cartridges, leaving them to be thrown in the trash. It has been estimated  
7 that over 375 million printer cartridges end up in United States landfills each year,  
8 creating a massive amount of plastic waste.<sup>1</sup> Generic branded single-use clone  
9 printer cartridges use up natural resources and release greenhouse gases during the  
10 production process. To manufacture one new printer cartridge, the process emits  
11 around 4.8Kg CO2 and uses up to a gallon of oil.<sup>2</sup>

12 35. Defendants' ecommerce platform has empowered illicit overseas  
13 printer cartridge manufacturers, eliminating thousands of legitimate printer  
14 cartridge resellers, by selling direct to consumers. Since its inception, Plaintiff built  
15 a successful wholesale business as a vast printer cartridge reseller base nationwide.  
16 As set forth further below, Amazon plays an essential role in the sale and  
17 distribution of illicit ink cartridges.

18 36. In a traditional supply chain, a distributor, wholesaler, or retailer  
19 would serve as middlemen for overseas manufacturers to bring their products to  
20 market. Parties directly or indirectly involved in the sale of a product and  
21 disseminating advertising claims have a responsibility to ensure the product's  
22 claims can be proven. Amazon places itself between consumers and the third-party  
23 seller in the chain of distribution of products. Amazon approves seller listings,  
24 accepts possession of products, and stores it in its warehouses, attracts the  
25 customer to the Amazon website using third-party seller listings, provides  
26 customers with product listings for their searches, processes customer payments for

27  
28 <sup>1</sup> Bob Gorman, Ink Waste: The Environmental Impact of Printer Cartridges, Bob Gorman (March 30, 2017), <https://energycentral.com/c/ec/ink-waste-environmental-impact-printer-cartridges/>.

<sup>2</sup> *Ibid.*

1 the product, and ships products in Amazon packaging to customers.

2 37. Moreover, Amazon operates as a co-seller for third-party individuals,  
3 entities, or manufacturers who sell on its website. Amazon sets the terms of its  
4 relationship with the sellers; controls the conditions of the manufacturer's products  
5 offered for sale on Amazon; limits the seller's access to customer information  
6 forcing the seller to communicate with customers through Amazon; and demands  
7 indemnification as well as substantial fees on each purchase. Regardless of how  
8 Amazon labels itself in the selling process, one cannot help but conclude that they  
9 are indeed a seller of illicit clone ink cartridges to consumers.

10 ///

11 ///

12 ///

38. Below are screen shots of Amazon's specific ink and toner selling policies that Defendants are not enforcing, allowing for deceptive product descriptions to rampantly take place across the category:

## Selling ink or toner cartridges

This page outlines requirements for listing ink or toner cartridges, and explains how to categorize them into appropriate sub categories on Amazon. Please see Ink or toner listing guidelines for additional information on how to appropriately list these products on Amazon.

### Category requirements

Amazon limits the types of ink or toner cartridges that sellers can list to ensure that customers are able to buy with confidence from sellers on Amazon.com. Please note the following requirements:

- Amazon prohibits sellers from listing ink or toner cartridges in "Refurbished" or "Used" condition. All listings, including remanufactured, refilled and compatible ink or toner, must be in "New" condition.
- Remanufactured, refilled and compatible ink or toner products must be listed as separate ASINs. You cannot use the same ASINs as the original/OEM ink or toner products. See Ink or toner listing guidelines for additional details.
- All ink or toner cartridges must be packaged in unopened retail packaging, and product images must accurately depict the retail packaging the customer will receive. Sellers are prohibited from listing ink or toner cartridges in open box condition or in inner factory foil packaging.
- All ink or toner products must be fully functional and free from defects that could render them unusable or harmful to printers (for example damaged, dried or leaking cartridges).
- Sellers may offer custom bundles of ink or toner cartridges (that are not manufacturer-created multipacks), provided each individual cartridge in the bundle is in its original retail packaging. A custom bundle must be listed as its own ASIN, with image, bullet points and product description clearly indicating that it comprises individual packs bundled together.
- Please refer to the Product Bundling Policy for additional listing requirements.
- All major brands require UPCs. See [Product UPCs and GTINs](#) for further details, which includes requirements for products sold as bundles and requirements for products sold as packs.
- Best Before, Use Before, Use By, and Warranty Ends are all considered expiration dates. Expiration dates are the dates suggested by the manufacturer, and are printed on the product packaging, the product, or both.
- The expiration date printed by the manufacturer should be clearly visible when the product is shipped. Ink or toner, if they have an expiration date suggested by the manufacturer, should only be shipped to customers when the ink or toner is at least 180 days prior to the date of expiration. FBA sellers should ship their products to FBA reasonably prior to 180 days before the date of expiration.

### Categorizing ink or toner cartridges

Categorize ink or toner cartridges according to the definitions below.

#### 1. Same-Brand Ink or Toner Cartridge in Retail Packaging

- A same-brand ink or toner cartridge is manufactured under the same brand name as printer in which the cartridge is used (such as, HP, Canon, Epson, Lexmark, Brother, etc.).

#### 2. Compatible Ink or Toner Cartridge

- An ink or toner cartridge designed to work with a particular printer, but was not manufactured under the same brand name as the printer in which the cartridge is intended to be used. These cartridges are produced using mostly new or all new parts and components.

#### 3. Remanufactured Ink or Toner Cartridge

- A cartridge that has been used, remanufactured, and refilled with ink or toner. To varying degrees, the cartridge may have been taken apart, cleaned, and had parts replaced.

#### 4. Refilled Ink or Toner Cartridge

- A cartridge that has been used and refilled with ink or toner. All of the cartridge's current components were manufactured by the same company that manufactured the printer in which the cartridge is intended to be used. The refilling process did not involve any disassembly, cleaning, or replacement of parts.

[Seller Central Help](#) > [Increase sales](#) > [Additional resources for increasing sales](#) > [Browse & Search](#) > [Consumer Electronics](#) > [The Consumer Electronics Store Style Guide](#) > [Subcategory Specifications](#) > [Ink or Toner](#)

## Ink or Toner

### On this page

[Title](#)

[Brand Name](#)

[Images](#)

[Feature bullets](#)

[Product description](#)

To provide a great customer experience, sellers have to ensure the ASIN title, brand name, images, feature bullets and product description accurately describe the ink or toner product being listed. Failure to follow Amazon's listing guidelines could result in the removal of your listings or the loss of your selling privileges on Amazon. Please follow the below listing specifications as closely as possible, and please see [Selling Ink or Toner Cartridges](#) for details about category requirements, and to learn how to categorize your ink or toner products on Amazon.

### Title

A good title should be descriptive enough for a customer to make the purchase based on the information in the title alone. Avoid marketing content (free, exclusive, bonus, stylish, lightweight, heavy duty, etc.) or use of the title field to list hardware compatibility. Pay attention to title formats listed below for Remanufactured, Refilled and Compatible products to ensure appropriate usage of brand names.

#### Refilled Ink or Toner Cartridge

`[Third Party Brand] + "Refilled" + [Product: Ink or Toner Cartridge] + "Replacement for" + [OEM Brand] + [Series Name] + [Model Name] + ([Color(s)], [#-Pack], if app)`

#### Examples

- LD Products + Refilled + Ink Cartridge + Replacement for + HP + 02 + (Black, 5-Pack) = LD Products Refilled Inkjet Cartridge Replacement for HP 02 (Black, 5-Pack)
- Office 66 + Refilled + Toner Cartridge + Replacement for + Brother + TN-350 + (Black) = Office 66 Refilled Toner Cartridge Replacement for Brother TN-350 (Black)

#### Remanufactured and Refilled Ink or Toner Cartridge

`[Third Party Brand] + "Remanufactured" + [Product: Ink or Toner Cartridge] + "Replacement for" + [OEM Brand] + [Series Name] + [Model Name] + ([Color(s)], [#-Pack], if app)`

#### Examples

- LD Products + Remanufactured + Ink Cartridge + Replacement for + HP + 02 + (Black, 5-Pack) = LD Products Remanufactured Ink Cartridge Replacement for HP 02 (Black, 5-Pack)
- Office 66 + Remanufactured + Toner Cartridge + Replacement for + Brother + TN-350 + (Black) = Office 66 Remanufactured Toner Cartridge Replacement for Brother TN-350 (Black)

39. Most of the illicit ink cartridges sold on Amazon are sold through Amazon's "FBA" services also known as Fulfillment by Amazon. Through FBA services, Defendants' store, pick, pack, ship, and deliver the products to customers in Amazon shipping envelopes and boxes. Amazon controls all customer service and returns and responds directly to consumers who leave negative reviews for products fulfilled by FBA.

40. Defendants control all aspects of selling and distribution of products through their FBA services. Amazon's Anti-Counterfeiting Policy, screenshot below, states "it is each seller's and supplier's responsibility to source, sell, and fulfill only authentic products." However, when FBA services are utilized, Amazon directly sells and fulfills inauthentic products.

[Seller Central Help](#) > [Policies, agreements, and guidelines](#) > [Program Policies](#) > [Amazon Anti-Counterfeiting Policy](#)

## Amazon Anti-Counterfeiting Policy

Products offered for sale on Amazon must be authentic. The sale of counterfeit products is strictly prohibited. Failure to abide by this policy may result in loss of selling privileges, funds being withheld, and disposal of inventory in our possession.

It is each seller's and supplier's responsibility to source, sell, and fulfill only authentic products. Prohibited products include bootlegs, fakes, or pirated copies of products or content; products that have been illegally replicated, reproduced, or manufactured; and products that infringe another party's intellectual property rights. If you sell or supply inauthentic products, we may immediately suspend or terminate your Amazon selling account (and any related accounts) and dispose of any inauthentic products in our fulfillment centers at your expense. In addition, we do not pay sellers until we are confident our customers have received the authentic products they ordered. We may withhold payments if we determine that an Amazon account has been used to sell inauthentic goods, commit fraud, or engage in other illegal activity.

We work with manufacturers, rights holders, content owners, vendors, and sellers to improve the ways we detect and prevent inauthentic products from reaching our customers. As a result, we remove suspect listings based on our own review of product. We also work with rights holders and law enforcement worldwide to take and support legal action against sellers and suppliers that knowingly violate this policy and harm our customers. In addition to criminal fines and imprisonment, sellers and suppliers of inauthentic products may face civil penalties including the loss of any amounts received from the sale of inauthentic products, the damage or harm sustained by the rights holders, statutory and other damages, and attorney's fees.

Amazon strives to ensure a trustworthy shopping experience for our customers. By selling on Amazon, you agree that:

- The sale of counterfeit products is strictly prohibited.
- You may not sell any products that are not legal for sale, such as products that have been illegally replicated, reproduced, or manufactured
- You must provide records about the authenticity of your products if Amazon requests that documentation

Failure to abide by this policy may result in loss of selling privileges, funds being withheld, destruction of inventory in our fulfillment centers, and other legal consequences.

## More information

- **Sell Only Authentic and Legal Products.** It is your responsibility to source, sell, and fulfill only authentic products that are legal for sale. Examples of prohibited products include:
  - Bootlegs, fakes, or pirated copies of products or content
  - Products that have been illegally replicated, reproduced, or manufactured
  - Products that infringe another party's intellectual property rights



- 1 • Maintain and Provide Inventory Records. Amazon may request that you provide documentation (such as invoices) showing the authenticity of your products or your authorization to list them for sale. You may remove pricing information from these documents, but providing documents that have been edited in any other way or that are misleading is a violation of this policy and will lead to enforcement against your account.
- 2
- 3 • Consequences of Selling Inauthentic Products. If you sell inauthentic products, we may immediately suspend or terminate your Amazon selling account (and any related accounts), dispose of any inauthentic products in our fulfillment centers at your expense, and/or withhold payments to you.
- 4
- 5 • Amazon Takes Action to Protect Customers and Rights Owners. Amazon also works with manufacturers, rights holders, content owners, vendors, and sellers to improve the ways we detect and prevent inauthentic products from reaching our customers. As a result of our detection and enforcement activities, Amazon may:
  - 6 ◦ Remove suspect listings.
  - 7 ◦ Take legal action against parties who knowingly violate this policy and harm our customers. In addition to criminal fines and imprisonment, sellers and suppliers of inauthentic products may face civil penalties including the loss of any amounts received from the sale of inauthentic products, the damage or harm sustained by the rights holders, statutory and other damages, and attorney's fees.
  - 8
- 9 • Reporting Inauthentic Products. We stand behind the products sold on our site with our [A-to-z Guarantee](#), and we encourage rights owners who have product authenticity concerns to [notify us](#). We will promptly investigate and take all appropriate actions to protect customers, sellers, and rights holders. You may view counterfeit complaints on the Account Health page in Seller Central.
- 10

11

12 41. When Amazon was informed by Plaintiff regarding its category-wide

13 issue of illicit brand ink cartridges sold on its platform, Defendants did not take

14 any action as outlined in their own Anti-counterfeiting policy. Almost all of the

15 illicit cartridges are sold through Amazon's FBA services, which presents a

16 conflict of interest for Defendants to enforce or abide by their own policy as they

17 profit from each item they fulfill. Amazon also plays a direct role in the sale and

18 distribution of the illicit cartridges – taking possession of them, processing sales,

19 and distributing them to consumers.

20 42. Amazon is not a passive or neutral ecommerce marketplace; they are

21 an online catalog marketer, driving traffic, promoting, selling, and distributing

22 products. Defendants claim to strive to be Earth's most customer-centric company

23 with customer reviews, one-click shipping, personalized recommendations and

24 Fulfillment by Amazon. In becoming one of the most successful ecommerce

25 platforms, Defendants have blurred the lines for the customers as to who is selling

26 them products and, in fact, themselves become sellers. Below is an example of

27 how Amazon describes itself when it places a job advertisement. Amazon claims to

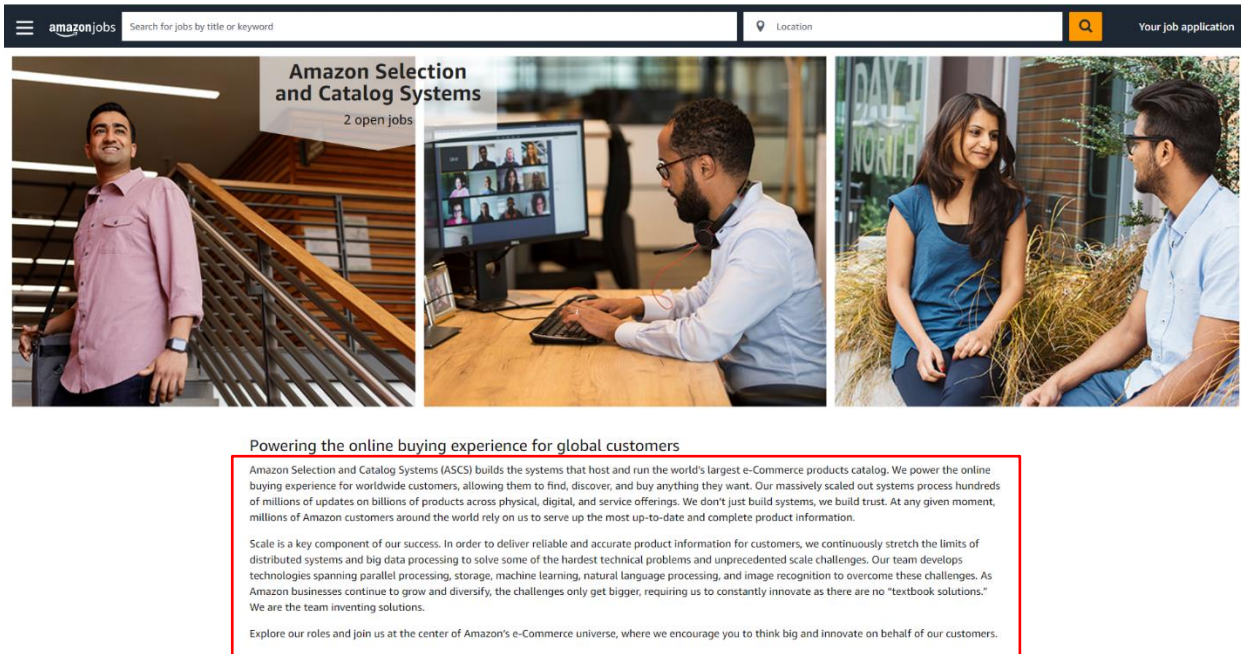
28 be the "World's largest e-Commerce products catalog."



///

///

///



43. Defendants define performance targets and policies required to sell on their platform. Seller accounts can be deactivated when they do not comply with the required performance rates that include negative feedback. However, a seller can request the removal of negative feedback if it is related to delivery service provided by Amazon. Outlined in red, Defendants state in their FBA policies, “after reviewing the feedback, we might strike through the negative rating, and it will not reflect on your performance metrics.” Whereas, their policy also states, “A merchant-fulfilled order on Amazon, even if submitted as a Multi-Channel Fulfillment order, is not eligible for buyer feedback strike-through.”

///

///

///

Seller Central Help > Get started with Fulfillment by Amazon (FBA) > FBA policies and requirements >

Buyers can leave feedback for sellers on orders that are fulfilled by Amazon just as they do for merchant-fulfilled orders. The [Feedback Manager](#) on the **Performance** tab lets you track buyer satisfaction with your service. You can view short-term and long-term metrics as well as detailed feedback entries with buyer comments and email addresses.

#### What happens when I receive a negative feedback on an AFN order?

When a buyer leaves negative feedback that is related to delivery service provided by Amazon, you can request for [removal of the feedback](#). After reviewing the feedback, we might strike through the negative rating, and it will not reflect on your performance metrics. The buyer's comment will remain with a note from Amazon that states, "This item was fulfilled by Amazon, and we take responsibility for this fulfillment experience."

However, if we find that any portion of the comment applies to the condition of your product as indicated on your listing (New, Used, etc.), or any service that you, instead of Amazon, provided or arranged to be provided to the buyer, the feedback and negative rating will remain without edits.

Please note that our policies prohibit any activity that would interfere with our capacity to help other sellers, including submission of high volumes of incorrect or speculative requests to Seller Support.

**Note:** The buyer feedback strike-through only applies to items sold on Amazon and fulfilled through the Amazon fulfillment network (AFN). A merchant-fulfilled order on Amazon, even if submitted as a Multi-Channel Fulfillment order, is not eligible for buyer feedback strike-through.

44. Defendants violate their own policies, creating content on sellers' listings by editing negative reviews, and taking responsibility beyond delivery related issues. Amazon takes responsibility when there is a negative review that relates to product defects or misrepresentation of product listings. For sellers who use Amazon's FBA services, the result is a beneficial manipulation of seller's performance metrics. This is deceptive to consumers as Amazon is acting as a seller of the product by taking responsibility for the product beyond mere fulfillment.

45. Below are examples of Amazon responding on behalf of the sellers selling the identified illicit brands of ink cartridges that did not have a delivery problem but did have false advertising and product defect issues:

///

////

///

## InkTopia Ink Cartridge



"The 21 cartridge does not work on the office jet 5610. Not as advertised, now I'm stuck with useless product."

By Warby on October 8, 2022.

**Message from Amazon:** This item was fulfilled by Amazon, and we take responsibility for this fulfillment experience.

## ColorKing Ink Cartridges



"Not original HP 64XL. They were remanufactured 64 black. This was misleading advertising."

By Jean M. on December 9, 2022.

**Message from Amazon:** This item was fulfilled by Amazon, and we take responsibility for this fulfillment experience.

## EJet Ink Cartridges:



"the description said it would work on my HP 6958. It does not. I would like a refund. can you issue this? thanks, cb"

By cb on August 12, 2022.

**Message from Amazon:** This item was fulfilled by Amazon, and we take responsibility for this fulfillment experience.

## Ankink Ink Cartridges



"Black did not work, tried multiple head cleanings....did not try color cartridge but this is poor QC and now i have to drive 60 minutes round trip to return incurring \$15 of my gas n wear n tear to return a defective item this isn't right"

[Read less](#)

By Thomas Maerz on January 24, 2023.

**Message from Amazon:** This item was fulfilled by Amazon, and we take responsibility for this fulfillment experience.

## BJ Ink Cartridges



"Does not print in the correct color. I was printing highlighted red text and it printed out black text with greenish highlight. Not satisfied with product which I used once. I would like to send the product back for a full refund."

[Read less](#)

By HRT on September 30, 2022.

**Message from Amazon:** This item was fulfilled by Amazon, and we take responsibility for this fulfillment experience.

///

///

///

46. Furthermore, Defendants specifically provide Environmental Marketing Guidelines, clearly stating sellers “must comply with all the applicable federal laws when listing and selling products on Amazon.com. You must also comply with state and local laws applicable to the jurisdiction into which your products are sold.” The following is a screenshot of Defendants’ Environmental Marketing Guidelines. Outlined in red are key policies. In its presentations to Amazon, Plaintiff demonstrated that the sellers of the illicit ink cartridges were blatantly violating Amazon’s guidelines:

[Seller Central Help](#) > [Policies, agreements, and guidelines](#) > [Program Policies](#) > [Product guidelines](#) > Environmental Marketing Guidelines

## Environmental Marketing Guidelines

On this page

[Highlights from the FTC Green Guides](#)

[California Law](#)

[Additional Resources](#)

**Remember:** You must comply with all applicable federal laws when listing and selling products on Amazon.com. You must also comply with state and local laws applicable to the jurisdiction into which your products are sold. **Sellers using Fulfillment by Amazon**, please also see [FBA Prohibited Products](#) for additional product restrictions.

We want to make it easy for buyers to find, discover, and buy products that are marketed as environmentally friendly or "green." However, it is also important to provide buyers with information about those products that is accurate and trustworthy, and that is not misleading about the qualities or characteristics of a product that make it environmentally friendly or "green." To sell products that are marketed with environmental claims on Amazon.com, you must ensure that the marketing claims you make on your product packaging and on your product detail page meet not only all federal laws such as the FTC's *Guides for the Use of Environmental Marketing Claims* (known as the "Green Guides"), but also all applicable state and local laws that regulate environmental claims. These laws include California's law restricting the use of compostable- and biodegradable-related claims on plastic products.

We're providing the following highlights from the FTC Green Guides and California's law on environmental claims to assist you in reviewing the environmental claims that you may make about your products. These highlights are not designed to be comprehensive. You should review the [FTC Green Guides](#) and other applicable laws, regulations, and guidelines, as you remain responsible for ensuring that the claims made about your products are fully compliant.

### Highlights from the FTC Green Guides

- Avoid broad, general claims regarding a product's environmental benefits or qualities (ex., avoid "eco-friendly" or "environmentally friendly" or "green").
- All claims about a product's environmental benefits or qualities should be specific, and all qualifications (or limitations) to environmental claims must be specific, clear and prominently displayed (ex., "product is made from 20% recycled materials").
- Narrowly tailor environmental claims so as not to overstate the environmental benefits or qualities.
- Avoid making environmental claims if the environmental benefits or qualities are negligible.
- When making comparative environmental claims, the basis for the comparison must be clearly conveyed.
- Distinguish between products, packaging and services when making environmental claims (ex., packaging is 100% biodegradable).
- Avoid making compostable claims without qualification if the product cannot be composted at home safely or in a timely way.

- A general degradable or biodegradable claim should only be made if the entire product will completely break down and return to nature within a reasonably short period of time after customary disposal (or one year for solid waste products). If the product customarily ends up in landfills, incinerators, or recycling facilities, then a general biodegradable claim should not be made.
- An environmental claim that a product or packaging is made from recycled materials should accurately reflect the portion that is made from recycled materials (ex., "made from 20% recycled materials").
- Carefully consider certifications and seals and include the specific basis or environmental benefit for the certification whenever it is used. For questions regarding certifications, see <http://ftc.gov/os/2009/10/091005revisedendorsementguides.pdf>.

The FTC Green Guides also address other environmental claims, including: (1) Free-Of claims, (2) Non-Toxic claims, (3) Recyclable claims, (4) Renewable Energy claims, and (5) Renewable Materials claims. If you are making these or other environmental claims, please review the FTC Green Guides.

## California Law

- Plastic and bioplastic products sold into California can only be labeled as compostable, home compostable, or marine degradable if they meet the applicable ASTM standard or have the Vincotte OK Compost HOME certification. If your product meets the applicable ASTM or Vincotte standard, it should meet the additional labeling requirements as set forth by California law, and such information should be included on the product detail page.
- Plastic and bioplastic products sold into California may not be labeled as biodegradable, degradable, or decomposable, or imply that the plastic product will break down or decompose.
- Amazon will restrict the sale of plastic and bioplastic products labeled with these prohibited terms into California.
- If you are a seller of a plastic and bioplastic product that meets the applicable ASTM or Vincotte standard, Amazon may require that you provide proof demonstrating that your and bioplastic plastic product meets such standards.

## Additional Resources

- [FTC Green Guide Guidance](#)
- [California Public Resources Code Chapter 5.7 Plastic Products](#)
- [CalRecycle – Degradable Plastic Labeling Requirements](#)

47. The majority of the remanufactured ink cartridges listed and sold on Amazon make unsubstantiated environmental marketing claims violating both California and federal law. Plaintiff has demonstrated to Defendants that new built clone printer cartridges are being misrepresented with false claims that they are remanufactured products, and false use of recycling symbols, icons, and environmental verbiage to deceive consumers into believing they are buying a recycled or a recyclable product. Plaintiff demanded that Amazon act and remove these illegal and deceitful listings, to no avail.

48. The following are examples of common practices used to deceptively describe a product without any way to substantiate the environmental claim.



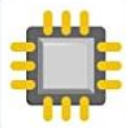
A) The seller MeetRGB's product slides in its Amazon listing makes an overstatement of its environmental attributes with a claim of using high-quality green materials and there is no way to substantiate this claim.

[Back to results](#)



VIDEO

## Advantages



### Latest chip

Provides accurate ink level tracking, while ensuring the optimal compatibility with different printers



### Premium ink

Special ink formulation not only produces high quality content, but also ensures long lasting printouts



### Green life

By carefully recycling and sorting empty original ink cartridge, then use high quality "green" materials in the remanufacturing process



Roll over image to zoom in

///

///

///

B) Greencycle's listing claims it reduces its carbon footprint by using remanufactured product. Plaintiff has verified Greencycle falsely labels new manufactured clone cartridges as remanufactured and sells them as environmentally friendly product.

**Recycle for a better world**  
Reducing carbon footprint by using remanufactured product

greencycle Re-Manufactured PG-245XL 245 XL CL-246XL CL-246 Ink Cartridge Compatible for Canon Pixma MX490 MG2525 MG2920 MG2922 MG2924 MG3020 MG3022 TS302 Printers (Black, 6 Pack; Tri-Color, 4 Pack)

Visit the greencycle Store  
★★★★★ 2 ratings

\$139<sup>95</sup>

Pay \$23.33/month for 6 months (plus S&H, tax) with 0% interest equal monthly payments when you're approved for an Amazon Store Card.

**Enhance your purchase**

**Payment plans**  
\$13.65/mo (12 mo) at example APR of 30% (rates from 10-30% APR)

Brand	Greencycle
Page Yield	400
Compatible Devices	Printer
Special Feature	Tri Color
Compatibility Options	Remanufactured
Color	Black

**About this item**

- Easy to install and use, compatible with your printer perfectly.
- GREENCYCLE remanufactured ink cartridge replacement for 245XL.

Empty Ink Cartridges → Refurbished Refilling Testing → New Ink Cartridges

Roll over image to zoom in

Secure transaction  
Ships from: Quicktoner  
Sold by: Quicktoner  
Returns: Eligible for Return, Refund or Replacement within 30 days of receipt

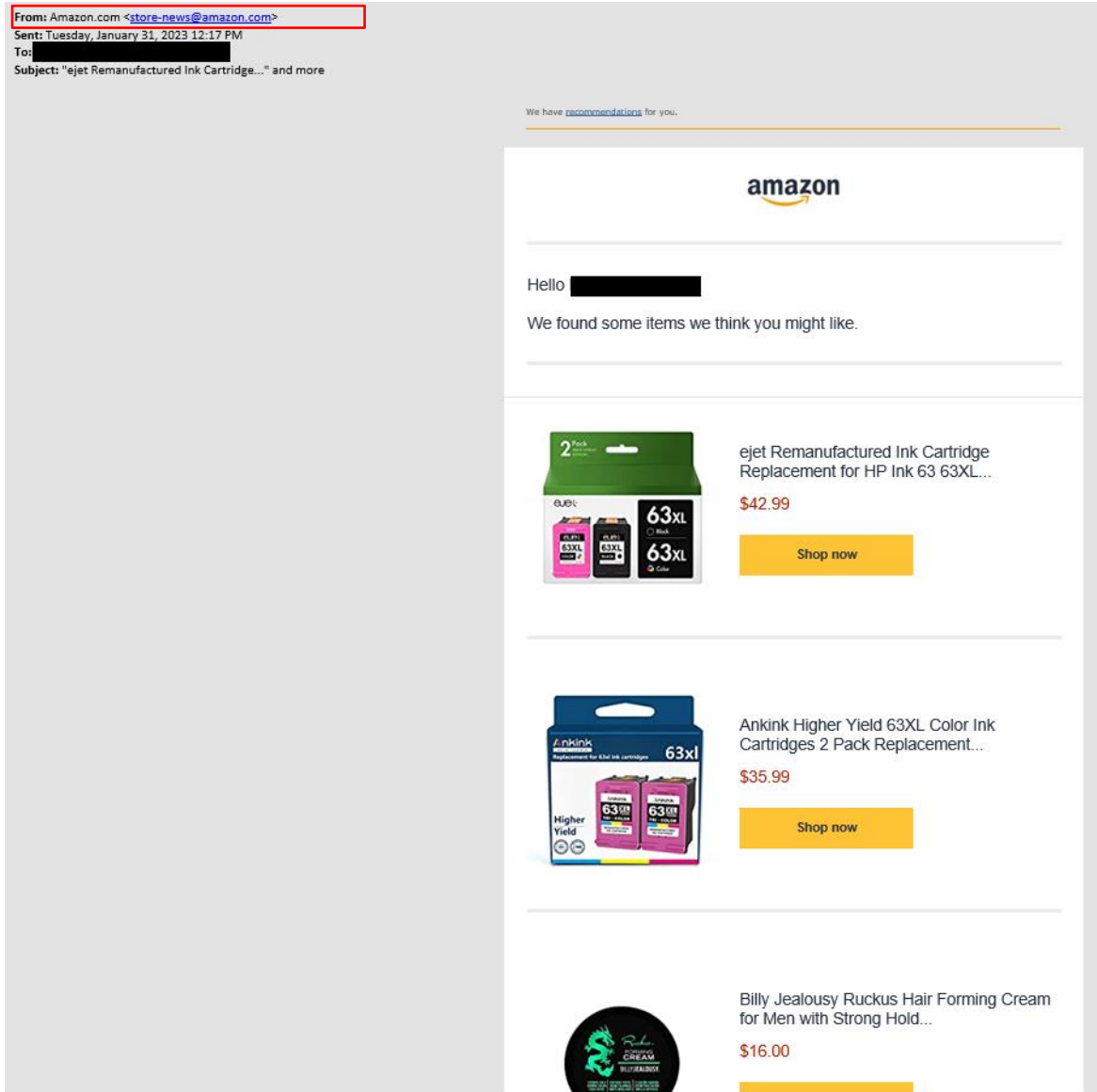
Add to List

Have one to sell?  
Sell on Amazon

49. Amazon deploys a variety of advertising tools to reach and entice customers using sponsored ads, retargeting emails, and displaying ads which appear on search engines outside its platform. Amazon gathers customer data and search history to create promotional emails and search engine marketing content to drive traffic back to its website to induce customers to make purchases. In addition, Amazon has a special badge called Amazon's Choice, which endorses products. Amazon's advertising tools leave the impression products are being sold by Amazon making Defendants active sellers of the product.

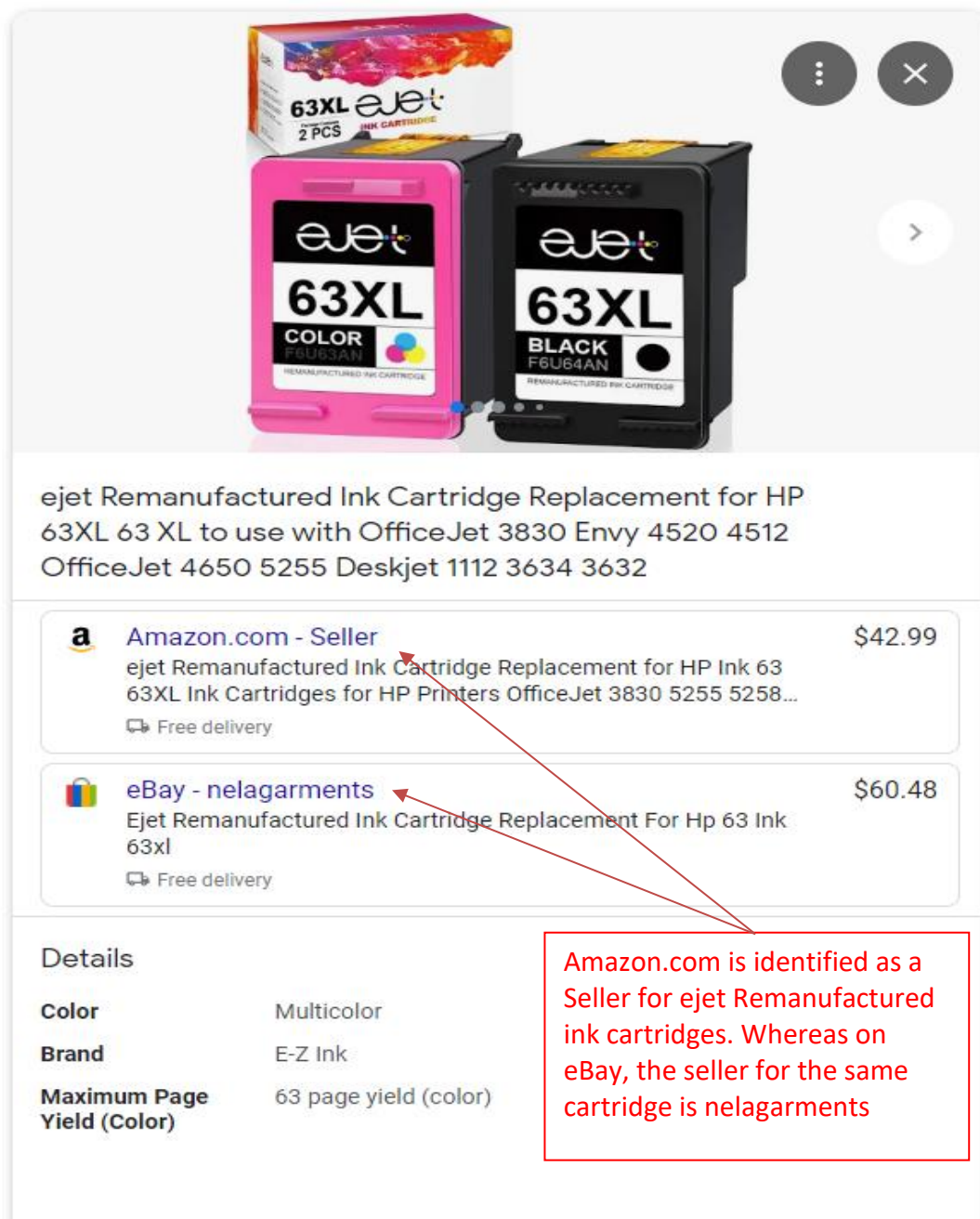
50. Below are examples of content generated by Amazon's advertising services that promote the sale of illicit products on its platform, through email, and search engines using customers' digital information that only they hold.

A. The following is an Amazon-generated email customized for a customer based on data collected from their search. This email contains two of the illicit brands identified by Plaintiff:



B. Amazon is one of Google's biggest advertising clients, using search engine marketing to target customers off its own platform with advertisements to draw traffic to Amazon's website. Unlike other online

ecommerce platforms that sell third-party products, Amazon's advertisements do not differentiate themselves from the sellers on their platform. To the average consumer it appears Amazon is the seller of the product. Ejet is one of the brands that has been identified as one of the illicit brands of ink cartridges.



ejet Remanufactured Ink Cartridge Replacement for HP 63XL 63 XL to use with OfficeJet 3830 Envy 4520 4512 OfficeJet 4650 5255 Deskjet 1112 3634 3632

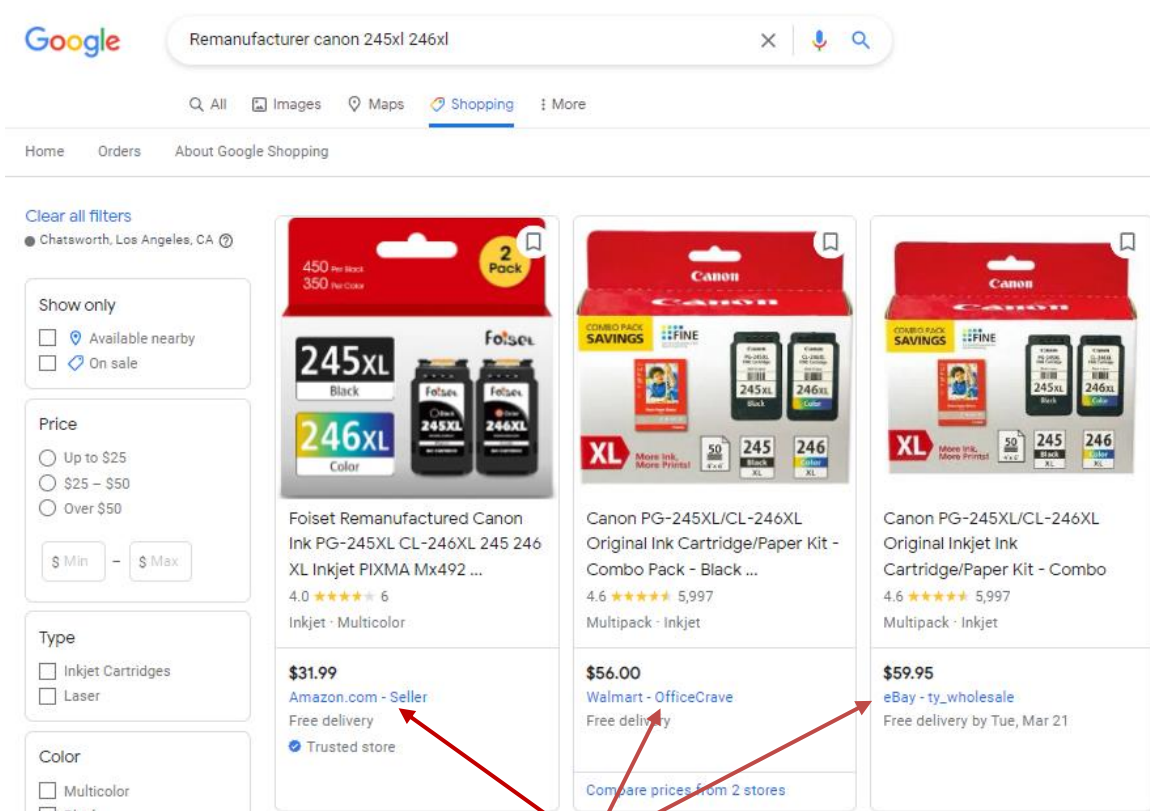
Seller	Price
Amazon.com - Seller	\$42.99
eBay - nelagarments	\$60.48

**Details**

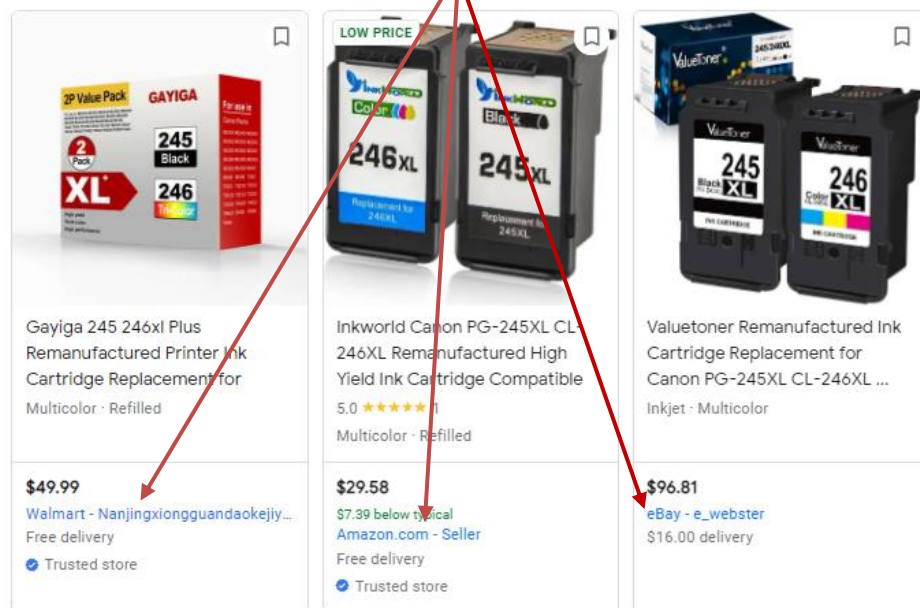
Color	Multicolor
Brand	E-Z Ink
Maximum Page Yield (Color)	63 page yield (color)

Amazon.com is identified as a Seller for ejet Remanufactured ink cartridges. Whereas on eBay, the seller for the same cartridge is nelagarments





Amazon.com portrays itself as a seller. Whereas the other online ecommerce platforms disclose the name of the actual seller on their platform.



C. Defendants endorse products with their Amazon's Choice Badge which is content created by Amazon and placed on sponsored ads and on product listings, endorsing products based on customer feedback, highlighting ratings, price, popularity, availability, and delivery. Amazon controls most of these metrics when a seller uses Amazon's Fulfillment services. In one of the examples below, Amazon endorses seller FAcms with its "Amazon's Choice" badge, which was identified by Plaintiff as misrepresented clone ink cartridges.

### More from frequently bought brands

Sponsored ⓘ



///

///

///

**MUST-HAVE INK CARTRIDGES**

**Smart Chips**  
Intelligently recognize printers and record printed pages

**Well-Designed Package**  
Keep ink cartridge in safe

**Environmentally-Friendly**  
All Cartridges are recycle and reused

Roll over image to zoom in

**FACMS Remanufactured Canon 245XL Black Ink Replacement for Canon PG-245 PG-245XL 245 243 Ink Cartridge to use with Pixma MX492 MX490 MG2522 MG2520 MG2420 MG2920 MG2922 MG3022 Printer(2 Black)**

Brand: FACMS  
★ ★ ★ ★ ★ 375 ratings | 8 answered questions  
**Amazon's Choice** for "facms canon 245xl black ink"

Was: \$34.99 Details  
Deal Price: **\$29.74** (\$14.87 / Count)  
**FREE Returns**  
You Save: **\$5.25 (15%)**

Get a \$50 Gift Card: Pay \$0.00 \$29.74 upon approval for the Amazon Rewards Visa Card. No annual fee.

Brand: FACMS  
Page Yield: 400  
Compatible Devices: Printer  
Special Feature: **Remanufactured, Compatible**  
Compatibility Options: **Remanufactured, Compatible**  
Color: BLACK and BLACK

**About this item**

- Package Contents: 2 Packs of remanufactured black ink cartridges for Canon 245XL ink cartridges (2 Black)

One-time purchase: **\$29.74** (\$14.87 / Count)  
**FREE Returns**  
**FREE delivery Monday, March 20**  
Or fastest delivery **Thursday, March 16**. Order within 3 hrs 54 mins  
Deliver to Eric - Chatsworth 91311  
**In Stock**  
Qty: 1  
**Add to Cart**  
**Buy Now**

Ships from: Amazon  
Sold by: Jonink US  
Returns: Eligible for Return, Refund or Replacement within 30 days of receipt  
☐ Add a gift receipt for easy returns  
**Subscribe & Save:**

1. Unsubstantiated environmental claims
2. False Advertising
3. Endorsed by Amazon and ships from Amazon

**Amazon's Choice**

Side by side comparison between an original Canon cartridges and an Amazon's Choice remanufactured ink cartridges.

Amazon is promoting a counterfeit remanufactured ink cartridge deceiving customers with their recommendation

**Original Canon cartridge**      **FACMS cartridges**

**Original Canon cartridge**      **FACMS cartridges**

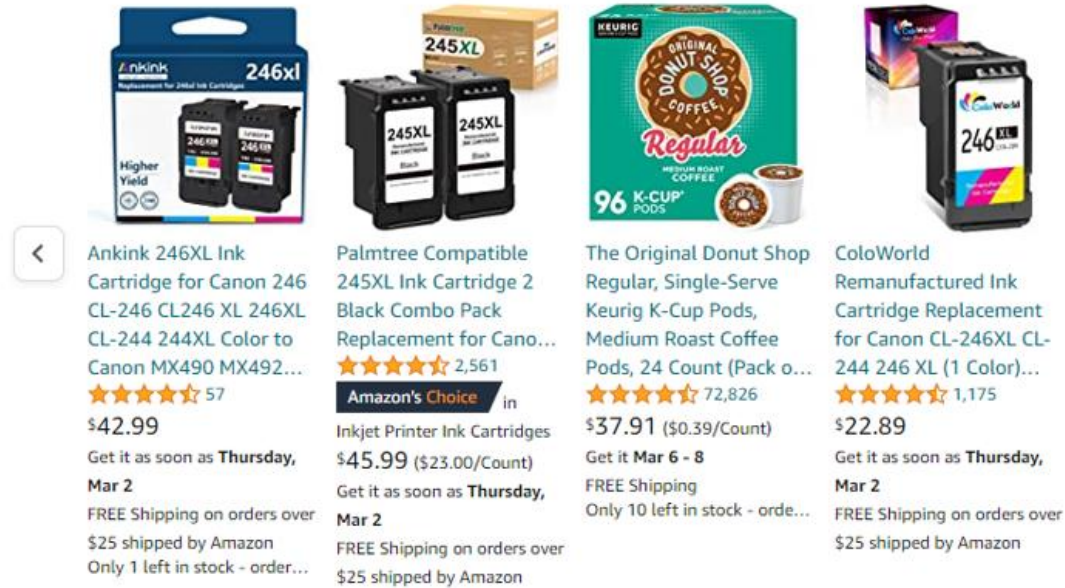
The OEM cartridge has Canon imprinted on the core of the cartridge.

FACMS cartridges do not have any OEM markings. The body is clearly different than the OEM. FACMS cartridges are new built clone cartridge. FACMS even uses different molds for its cartridges but list them as remanufactured deceiving customers.



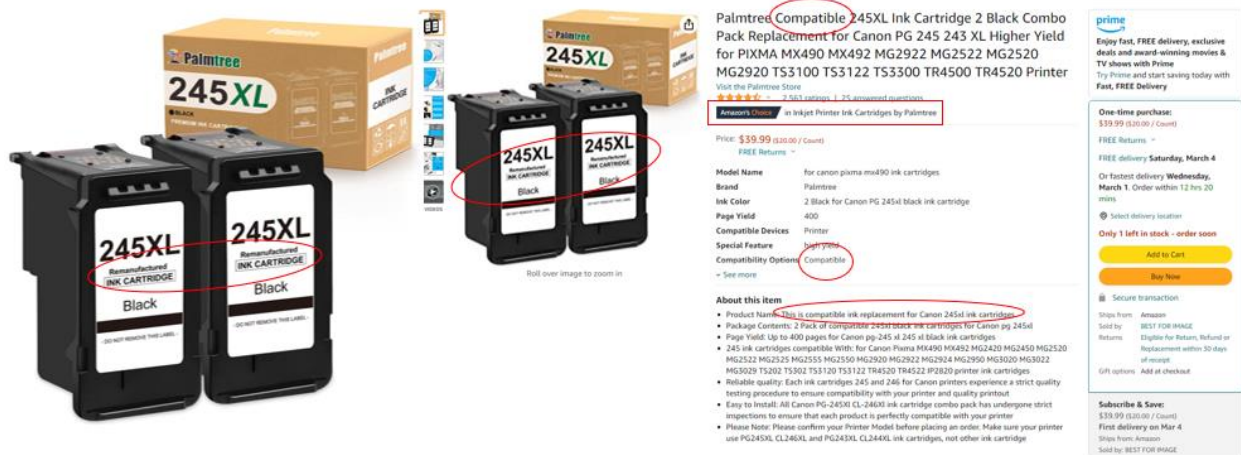
D. Amazon's Choice Brand endorsement is awarded to a deceptive product listing that violates Defendants' own listing policies. Palmtree is one of the brands of illicit ink cartridges that Plaintiff identified.

#### Inspired by your browsing history



The screenshot shows four product recommendations from Amazon's 'Inspired by your browsing history' section. Each recommendation includes a product image, title, star rating, price, and shipping information.

- Ankink 246XL Ink Cartridge for Canon 246 CL-246 CL246 XL 246XL CL-244 244XL Color to Canon MX490 MX492...**
  - Rating: 5 stars (57 reviews)
  - Price: \$42.99
  - Shipping: Get it as soon as Thursday, Mar 2. FREE Shipping on orders over \$25 shipped by Amazon. Only 1 left in stock - order...
- Palmtree Compatible 245XL Ink Cartridge 2 Black Combo Pack Replacement for Cano...**
  - Rating: 5 stars (2,561 reviews)
  - Price: \$45.99 (\$23.00/Count)
  - Shipping: Get it as soon as Thursday, Mar 2. FREE Shipping on orders over \$25 shipped by Amazon.
- The Original Donut Shop Regular, Single-Serve Keurig K-Cup Pods, Medium Roast Coffee Pods, 24 Count (Pack o...**
  - Rating: 5 stars (72,826 reviews)
  - Price: \$37.91 (\$0.39/Count)
  - Shipping: Get it Mar 6 - 8. FREE Shipping. Only 10 left in stock - orde...
- ColoWorld Remanufactured Ink Cartridge Replacement for Canon CL-246XL CL-244 246 XL (1 Color)...**
  - Rating: 5 stars (1,175 reviews)
  - Price: \$22.89
  - Shipping: Get it as soon as Thursday, Mar 2. FREE Shipping on orders over \$25 shipped by Amazon.



The screenshot shows the product page for the Palmtree Compatible 245XL Ink Cartridge 2 Black Combo Pack. The page includes a large image of the product, a detailed description, and a sidebar with additional information.

**Product Name:** Palmtree Compatible 245XL Ink Cartridge 2 Black Combo Pack Replacement for Canon PG 245 243 XL Higher Yield for PIXMA MX490 MX492 MG2922 MG2522 MG2520 MG2920 TS3100 TS3122 TS3300 TR4500 TR4520 Printer

**Price:** \$39.99 (\$20.00 / Count)

**Model Name:** for canon pixma mx490 ink cartridges

**Brand:** Palmtree

**Ink Color:** 2 Black for Canon PG 245/4 ink cartridge

**Page Yield:** 400

**Compatible Devices:** Printer

**Special Feature:** **Compatible**

**Compatibility Options:** **Compatible**

**About this item**

- Product Name: **Palmtree Compatible 245XL ink cartridge**
- Package Contents: 2 Pack of compatible remanufactured ink cartridges for Canon pg 245/4
- Page Yield: Up to 400 pages for Canon pg-245 xl 245 xl black ink cartridges
- 245 ink cartridges compatible With: for Canon Pixma MX490 MX492 MG2420 MG2450 MG2520 MG2522 MG2525 MG2555 MG2550 MG2520 MG2922 MG2924 MG2950 MG3020 MG3022 MG3025 TS3020 TS3025 TS3120 TS3122 TR4520 TR4522 PR4520 printer ink cartridges
- Reliable quality: Each ink cartridges 245 and 246 for Canon printers experience a strict quality testing procedure to ensure compatibility with your printer and quality printout
- Easy to install: All Canon PG-245/4 CL-246/4 ink cartridge combo pack has undergone strict inspections to ensure that each product is perfectly compatible with your printer
- Please Note: Please confirm your Printer Model before placing an order. Make sure your printer use PG245XL, CL246XL, and PG243XL, CL244XL ink cartridges, not other ink cartridge

**Secure transaction**

Ships from Amazon  
Sold by BEST FOR IMAGE  
Returns: Digital for Return, Refund or Replacement within 30 days of receipt  
Gift options: Add at checkout

**Subscribe & Save:**  
\$39.99 (\$20.00 / Count)  
First delivery on Mar 4  
Ships from Amazon  
Sold by BEST FOR IMAGE

Amazon's Choice Badge is awarded to a deceptive product listing that violates Amazon's own listing policies.

Palmtree brand claims it is a "compatible," what Amazon defines in its listing policy as a new built cartridge. The image of the cartridge clearly makes the claim it is "remanufactured." This is deceptive to the consumer and a misrepresentation of the character of a remanufactured ink cartridge.



Amazon edits Palmtree's customer reviews that do not relate to its fulfillment services, striking-out negative feedback for product quality issues, manipulating performance metrics and ratings. This helps Palmtree's metrics to receive Amazon's endorsement.

#### Palmtree Reviews



"The black ink does not work. I did check it with another ink cartridge and it's not due to my printer not working."

By Drew Martin on February 19, 2023.

Message from Amazon: This item was fulfilled by Amazon, and we take responsibility for this fulfillment experience.



"The color ink cartage malfunction and caused my printer to shut down"

By gary swor on February 17, 2023.

Message from Amazon: This item was fulfilled by Amazon, and we take responsibility for this fulfillment experience.



"Receive an 'incompatible cartridge' error message. Cannot use in my HP Officejet 5258"

By T. Germusa on January 25, 2023.

Message from Amazon: This item was fulfilled by Amazon, and we take responsibility for this fulfillment experience.

Amazon Awards its Amazon's Choice endorsement based on customer feedback which includes ratings, product availability, and fast delivery, criteria Amazon can unfairly manipulate when product is handled through its FBA services.

51. Of course, these are just a few examples of the ways in which Amazon holds itself out to consumers as the seller of misrepresented clone printer ink cartridges, generates content describing them and disseminates those descriptions, including through communications outside its websites (*i.e.*, email and third-party platforms). As Amazon itself proclaims, "We don't just build systems, we build trust. At any given moment millions of Amazon customers around the world rely on us to serve up the most up-to-date and complete product information."

## Reimbursements

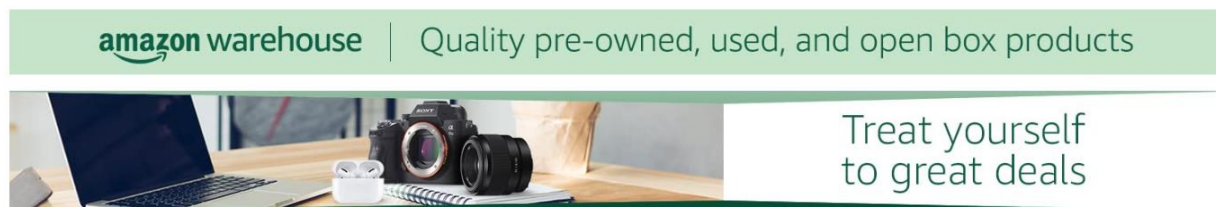
If we determine that your reimbursement claim is valid, we will replace the lost or damaged item with a new item of the same FNSKU or we will reimburse you for it.

If a reimbursement was made in error, or if a reimbursed item is later found and returned to your inventory, Amazon reserves the right to reverse the reimbursement credit that was applied to your account.

We may dispose of any item for which we reimburse you under this policy, including by selling it. As a result, such items — including lost items that are found after reimbursement — may be listed for sale on Amazon Warehouse or other channels.

52. When a seller uses Amazon's FBA services, Amazon processes the return and can determine if the product can be placed back into inventory for resale. Outlined in Amazon's Reimbursements policy below, if Defendants reimburse a seller for any damaged, lost or returned product, Defendants can dispose of any item or sell it on the Amazon Warehouse, listed as "Sold by Amazon Warehouse and Fulfilled by Amazon."

53. Amazon Warehouse offers deals on quality used, pre-owned, or open box products. Defendants claim, "For each used product we sell, we thoroughly test the condition of the item and provide detailed descriptions to make it easier for you to make a decision."



### Frequently Asked Questions

#### What is Amazon Warehouse?

Amazon Warehouse offers great deals on quality used, pre-owned, or open box products. With all the benefits of Amazon fulfillment, customer service, and returns rights, we provide discounts on used items for customer favorites: such as smartphones, laptops, tablets, home & kitchen appliances, and thousands more. For each used product we sell, we thoroughly test the condition of the item and provide detailed descriptions to make it easier for you to make a decision.

Looking for great discounts on some of your favorite items? Or prefer buying used because it is better for the environment? Discover Amazon Warehouse used offers via our storefront, search bar, or on product detail pages.

#### How do you evaluate a product's condition?

All of our products go through a quality check by us prior to being sold. We thoroughly test the functional and physical condition of each item and give the product a specific grade before selling it. We also inspect our products for missing accessories and packaging damage. Based on our quality check, each item will be assigned one of the four evaluations to describe its overall condition: "Like New", "Very Good", "Good", and "Acceptable".

#### How can I understand a product's condition?

Since each item is unique, we use detailed descriptions to help you better understand the item condition, by describing its appearance, functional qualities, accessories and packaging condition. We provide all the detailed information on the product condition right on the product detail page, to help you make your decision. Depending on the item condition, you will find that some items have even deeper





**GREENBOX Remanufactured Ink Cartridge 61XL Replacement for HP 61XL 61 XL for HP Envy 4500 5530 5534 5535 Deskjet 1000 1056 1010 1510 1512 2540 3050 Officejet 2620 Printer (1 Black 1 Tri-Color)**

brand: GREENBOX  
7,609 ratings | 89 answered questions

\$32.52 (16.24 / Count)

FREE Returns

Available at a lower price from other sellers that may not offer free Prime shipping.

Only 1 left in stock - order soon

**Brand:** GREENBOX  
**Ink Color:** 1 Black, 1 Tri-Color  
**Page Yield:** 715  
**Compatible Devices:** HP Deskjet 1000 1010 1012 1018 1510 1512 1000 1056 1051 1055 1056 1511 1513 1514 2000 2010 2012 2014 2240 2242 2244 2246 2248 2249 2250 2252 2254 2256 2258 2260 2262 2264 2266 2268 2270 2272 2274 2276 2278 2280 2282 2284 2286 2288 2290 2292 2294 2296 2298 2300 2302 2304 2306 2308 2310 2312 2314 2316 2318 2320 2322 2324 2326 2328 2330 2332 2334 2336 2338 2340 2342 2344 2346 2348 2350 2352 2354 2356 2358 2360 2362 2364 2366 2368 2370 2372 2374 2376 2378 2380 2382 2384 2386 2388 2390 2392 2394 2396 2398 2400 2402 2404 2406 2408 2410 2412 2414 2416 2418 2420 2422 2424 2426 2428 2430 2432 2434 2436 2438 2440 2442 2444 2446 2448 2450 2452 2454 2456 2458 2460 2462 2464 2466 2468 2470 2472 2474 2476 2478 2480 2482 2484 2486 2488 2490 2492 2494 2496 2498 2500 2502 2504 2506 2508 2510 2512 2514 2516 2518 2520 2522 2524 2526 2528 2530 2532 2534 2536 2538 2540 2542 2544 2546 2548 2550 2552 2554 2556 2558 2560 2562 2564 2566 2568 2570 2572 2574 2576 2578 2580 2582 2584 2586 2588 2590 2592 2594 2596 2598 2600 2602 2604 2606 2608 2610 2612 2614 2616 2618 2620 2622 2624 2626 2628 2630 2632 2634 2636 2638 2640 2642 2644 2646 2648 2650 2652 2654 2656 2658 2660 2662 2664 2666 2668 2670 2672 2674 2676 2678 2680 2682 2684 2686 2688 2690 2692 2694 2696 2698 2700 2702 2704 2706 2708 2710 2712 2714 2716 2718 2720 2722 2724 2726 2728 2730 2732 2734 2736 2738 2740 2742 2744 2746 2748 2750 2752 2754 2756 2758 2760 2762 2764 2766 2768 2770 2772 2774 2776 2778 2780 2782 2784 2786 2788 2790 2792 2794 2796 2798 2800 2802 2804 2806 2808 2810 2812 2814 2816 2818 2820 2822 2824 2826 2828 2830 2832 2834 2836 2838 2840 2842 2844 2846 2848 2850 2852 2854 2856 2858 2860 2862 2864 2866 2868 2870 2872 2874 2876 2878 2880 2882 2884 2886 2888 2890 2892 2894 2896 2898 2900 2902 2904 2906 2908 2910 2912 2914 2916 2918 2920 2922 2924 2926 2928 2930 2932 2934 2936 2938 2940 2942 2944 2946 2948 2950 2952 2954 2956 2958 2960 2962 2964 2966 2968 2970 2972 2974 2976 2978 2980 2982 2984 2986 2988 2990 2992 2994 2996 2998 3000 3002 3004 3006 3008 3010 3012 3014 3016 3018 3020 3022 3024 3026 3028 3030 3032 3034 3036 3038 3040 3042 3044 3046 3048 3050 3052 3054 3056 3058 3060 3062 3064 3066 3068 3070 3072 3074 3076 3078 3080 3082 3084 3086 3088 3090 3092 3094 3096 3098 3100 3102 3104 3106 3108 3110 3112 3114 3116 3118 3120 3122 3124 3126 3128 3130 3132 3134 3136 3138 3140 3142 3144 3146 3148 3150 3152 3154 3156 3158 3160 3162 3164 3166 3168 3170 3172 3174 3176 3178 3180 3182 3184 3186 3188 3190 3192 3194 3196 3198 3200 3202 3204 3206 3208 3210 3212 3214 3216 3218 3220 3222 3224 3226 3228 3230 3232 3234 3236 3238 3240 3242 3244 3246 3248 3250 3252 3254 3256 3258 3260 3262 3264 3266 3268 3270 3272 3274 3276 3278 3280 3282 3284 3286 3288 3290 3292 3294 3296 3298 3300 3302 3304 3306 3308 3310 3312 3314 3316 3318 3320 3322 3324 3326 3328 3330 3332 3334 3336 3338 3340 3342 3344 3346 3348 3350 3352 3354 3356 3358 3360 3362 3364 3366 3368 3370 3372 3374 3376 3378 3380 3382 3384 3386 3388 3390 3392 3394 3396 3398 3400 3402 3404 3406 3408 3410 3412 3414 3416 3418 3420 3422 3424 3426 3428 3430 3432 3434 3436 3438 3440 3442 3444 3446 3448 3450 3452 3454 3456 3458 3460 3462 3464 3466 3468 3470 3472 3474 3476 3478 3480 3482 3484 3486 3488 3490 3492 3494 3496 3498 3500 3502 3504 3506 3508 3510 3512 3514 3516 3518 3520 3522 3524 3526 3528 3530 3532 3534 3536 3538 3540 3542 3544 3546 3548 3550 3552 3554 3556 3558 3560 3562 3564 3566 3568 3570 3572 3574 3576 3578 3580 3582 3584 3586 3588 3590 3592 3594 3596 3598 3600 3602 3604 3606 3608 3610 3612 3614 3616 3618 3620 3622 3624 3626 3628 3630 3632 3634 3636 3638 3640 3642 3644 3646 3648 3650 3652 3654 3656 3658 3660 3662 3664 3666 3668 3670 3672 3674 3676 3678 3680 3682 3684 3686 3688 3690 3692 3694 3696 3698 3700 3702 3704 3706 3708 3710 3712 3714 3716 3718 3720 3722 3724 3726 3728 3730 3732 3734 3736 3738 3740 3742 3744 3746 3748 3750 3752 3754 3756 3758 3760 3762 3764 3766 3768 3770 3772 3774 3776 3778 3780 3782 3784 3786 3788 3790 3792 3794 3796 3798 3800 3802 3804 3806 3808 3810 3812 3814 3816 3818 3820 3822 3824 3826 3828 3830 3832 3834 3836 3838 3840 3842 3844 3846 3848 3850 3852 3854 3856 3858 3860 3862 3864 3866 3868 3870 3872 3874 3876 3878 3880 3882 3884 3886 3888 3890 3892 3894 3896 3898 3900 3902 3904 3906 3908 3910 3912 3914 3916 3918 3920 3922 3924 3926 3928 3930 3932 3934 3936 3938 3940 3942 3944 3946 3948 3950 3952 3954 3956 3958 3960 3962 3964 3966 3968 3970 3972 3974 3976 3978 3980 3982 3984 3986 3988 3990 3992 3994 3996 3998 4000 4002 4004 4006 4008 4010 4012 4014 4016 4018 4020 4022 4024 4026 4028 4030 4032 4034 4036 4038 4040 4042 4044 4046 4048 4050 4052 4054 4056 4058 4060 4062 4064 4066 4068 4070 4072 4074 4076 4078 4080 4082 4084 4086 4088 4090 4092 4094 4096 4098 4100 4102 4104 4106 4108 4110 4112 4114 4116 4118 4120 4122 4124 4126 4128 4130 4132 4134 4136 4138 4140 4142 4144 4146 4148 4150 4152 4154 4156 4158 4160 4162 4164 4166 4168 4170 4172 4174 4176 4178 4180 4182 4184 4186 4188 4190 4192 4194 4196 4198 4200 4202 4204 4206 4208 4210 4212 4214 4216 4218 4220 4222 4224 4226 4228 4230 4232 4234 4236 4238 4240 4242 4244 4246 4248 4250 4252 4254 4256 4258 4260 4262 4264 4266 4268 4270 4272 4274 4276 4278 4280 4282 4284 4286 4288 4290 4292 4294 4296 4298 4300 4302 4304 4306 4308 4310 4312 4314 4316 4318 4320 4322 4324 4326 4328 4330 4332 4334 4336 4338 4340 4342 4344 4346 4348 4350 4352 4354 4356 4358 4360 4362 4364 4366 4368 4370 4372 4374 4376 4378 4380 4382 4384 4386 4388 4390 4392 4394 4396 4398 4400 4402 4404 4406 4408 4410 4412 4414 4416 4418 4420 4422 4424 4426 4428 4430 4432 4434 4436 4438 4440 4442 4444 4446 4448 4450 4452 4454 4456 4458 4460 4462 4464 4466 4468 4470 4472 4474 4476 4478 4480 4482 4484 4486 4488 4490 4492 4494 4496 4498 4500 4502 4504 4506 4508 4510 4512 4514 4516 4518 4520 4522 4524 4526 4528 4530 4532 4534 4536 4538 4540 4542 4544 4546 4548 4550 4552 4554 4556 4558 4560 4562 4564 4566 4568 4570 4572 4574 4576 4578 4580 4582 4584 4586 4588 4590 4592 4594 4596 4598 4600 4602 4604 4606 4608 4610 4612 4614 4616 4618 4620 4622 4624 4626 4628 4630 4632 4634 4636 4638 4640 4642 4644 4646 4648 4650 4652 4654 4656 4658 4660 4662 4664 4666 4668 4670 4672 4674 4676 4678 4680 4682 4684 4686 4688 4690 4692 4694 4696 4698 4700 4702 4704 4706 4708 4710 4712 4714 4716 4718 4720 4722 4724 4726 4728 4730 4732 4734 4736 4738 4740 4742 4744 4746 4748 4750 4752 4754 4756 4758 4760 4762 4764 4766 4768 4770 4772 4774 4776 4778 4780 4782 4784 4786 4788 4790 4792 4794 4796 4798 4800 4802 4804 4806 4808 4810 4812 4814 4816 4818 4820 4822 4824 4826 4828 4830 4832 4834 4836 4838 4840 4842 4844 4846 4848 4850 4852 4854 4856 4858 4860 4862 4864 4866 4868 4870 4872 4874 4876 4878 4880 4882 4884 4886 4888 4890 4892 4894 4896 4898 4900 4902 4904 4906 4908 4910 4912 4914 4916 4918 4920 4922 4924 4926 4928 4930 4932 4934 4936 4938 4940 4942 4944 4946 4948 4950 4952 4954 4956 4958 4960 4962 4964 4966 4968 4970 4972 4974 4976 4978 4980 4982 4984 4986 4988 4990 4992 4994 4996 4998 5000 5002 5004 5006 5008 5010 5012 5014 5016 5018 5020 5022 5024 5026 5028 5030 5032 5034 5036 5038 5040 5042 5044 5046 5048 5050 5052 5054 5056 5058 5060 5062 5064 5066 5068 5070 5072 5074 5076 5078 5080 5082 5084 5086 5088 5090 5092 5094 5096 5098 5100 5102 5104 5106 5108 5110 5112 5114 5116 5118 5120 5122 5124 5126 5128 5130 5132 5134 5136 5138 5140 5142 5144 5146 5148 5150 5152 5154 5156 5158 5160 5162 5164 5166 5168 5170 5172 5174 5176 5178 5180 5182 5184 5186 5188 5190 5192 5194 5196 5198 5200 5202 5204 5206 5208 5210 5212 5214 5216 5218 5220 5222 5224 5226 5228 5230 5232 5234 5236 5238 5240 5242 5244 5246 5248 5250 5252 5254 5256 5258 5260 5262 5264 5266 5268 5270 5272 5274 5276 5278 5280 5282 5284 5286 5288 5290 5292 5294 5296 5298 5300 5302 5304 5306 5308 5310 5312 5314 5316 5318 5320 5322 5324 5326 5328 5330 5332 5334 5336 5338 5340 5342 5344 5346 5348 5350 5352 5354 5356 5358 5360 5362 5364 5366 5368 5370 5372 5374 5376 5378 5380 5382 5384 5386 5388 5390 5392 5394 5396 5398 5400 5402 5404 5406 5408 5410 5412 5414 5416 5418 5420 5422 5424 5426 5428 5430 5432 5434 5436 5438 5440 5442 5444 5446 5448 5450 5452 5454 5456 5458 5460 5462 5464 5466 5468 5470 5472 5474 5476 5478 5480 5482 5484 5486 5488 5490 5492 5494 5496 5498 5500 5502 5504 5506 5508 5510 5512 5514 5516 5518 5520 5522 5524 5526 5528 5530 5532 5534 5536 5538 5540 5542 5544 5546 5548 5550 5552 5554 5556 5558 5560 5562 5564 5566 5568 5570 5572 5574 5576 5578 5580 5582 5584 5586 5588 5590 5592 5594 5596 5598 5600 5602 5604 5606 5608 5610 5612 5614 5616 5618 5620 5622 5624 5626 5628 5630 5632 5634 5636 5638 5640 5642 5644 5646 5648 5650 5652 5654 5656 5658 5660 5662 5664 5666 5668 5670 5672 5674 5676 5678 5680 5682 5684 5686 5688 5690 5692 5694 5696 5698 5700 5702 5704 5706 5708 5710 5712 5714 5716 5718 5720 5722 5724 5726 5728 5730 5732 5734 5736 5738 5740 5742 5744 5746 5748 5750 5752 5754 5756 5758 5760 5762 5764 5766 5768 5770 5772 5774 5776 5778 5780 5782 5784 5786 5788 5790 5792 5794 5796 5798 5800 5802 5804 5806 5808 5810 5812 5814 5816 5818 5820 5822 5824 5826 5828 5830 5832 5834 5836 5838 5840 5842 5844 5846 5848 5850 5852 5854 5856 5858 5860 5862 5864 5866 5868 5870 5872 5874 5876 5878 5880 5882 5884 5886 5888 5890 5892 5894 5896 5898 5900 5902 5904 5906 5908 5910 5912 5914 5916 5918 5920 5922 5924 5926 5928 5930 5932 5934 5936 5938 5940 5942 5944 5946 5948 5950 5952 5954 5956 5958 5960 5962 5964 5966 5968 5970 5972 5974 5976 5978 5980 5982 5984 5986 5988 5990 5992 5994 5996 5998 6000 6002 6004 6006 6008 6010 6012 6014 6016 6018 6020 6022 6024 6026 6028 6030 6032 6034 6036 6038 6040 6042 6044 6046 6048 6050 6052 6054 6056 6058 6060 6062 6064 6066 6068 6070 6072 6074 6076 6078 6080 6082 6084 6086 6088 6090 6092 6094 6096 6098 6100 6102 6104 6106 6108 6110 6112 6114 6116 6118 6120 6122 6124 6126 6128 6130 6132 6134 6136 6138 6140 6142 6144 6146 6148 6150 6152 6154 6156 6158 6160 6162 6164 6166 6168 6170 6172 6174 6176 6178 6180 6182 6184 6186 6188 6190 6192 6194 6196 6198 6200 6202 6204 6206 6208 6210 6212 6214 6216 6218 6220 6222 6224 6226 6228 6230 6232 6234 6236 6238 6240 6242 6244 6246 6248 6250 6252 6254 6256 6258 6260 6262 6264 6266 6268 6270 6272 6274 6276 6278 6280 6282 6284 6286 6288 6290 6292 6294 6296 6298 6300 6302 6304 6306 6308 6310 6312 6314 6316 6318 6320 6322 6324 6326 6328 6330 6332 6334 6336 6338 6340 6342 6344 6346 6348 6350 6352 6354 6356 6358 6360 6362 6364 6366 6368 6370 6372 6374 6376 6378 6380 6382 6384 6386 6388 6390 6392 6394 6396 6398 6400 6402 6404 6406 6408 6410 6412 6414 6416 6418 6420 6422 6424 6426 6428 6430 6432 6434 6436 6438 6440 6442 6444 6446 6448 6450 6452 6454 6456 6458 6460 6462 6464 6466 6468 6470 6472 6474 6476 6478 6480 6482 6484 6486 6488 6490 6492 6494 6496 6498 6500 6502 6504 6506 6508 6510 6512 6514 6516 6518 6520 6522 6524 6526 6528 6530 6532 6534 6536 6538 6540 6542 6544 6546 6548 6550 6552 6554 6556 6558 6560 6562 6564 6566 6568 6570 6572 6574 6576 6578 6580 6582 6584 6586 6588 6590 6592 6594 6596 6598 6600 6602 6604 6606 6608 6610 6612 6614 6616 6618 6620 6622 6624 6626 6628 6630 6632 6634 6636 6638 6640 6642 6644 6646 6648 6650 6652 6654 6656 6658 6660 6662 6664 6666 6668 6670 6672 6674 6676 6678 6680 6682 6684 6686 6688 6690 6692 6694 6696 6698 6700 6702 6704 6706 6708 6710 6712 6714 6716 6718 6720 6722 6724 6726 6728 6730 6732 6734 6736 6738 6740 6742 6744 6746 6748 6750 6752 6754 6756 6758 6760 6762 6764 6766 6768 6770 6772 6774 6776 6778 6780 6782 6784 6786 6788 6790 6792 6794 6796 6798 6800 6802 6804 6806 6808 6810 6812 6814 6816 6818 6820 6822 6824 6826 6828 6830 6832 6834 6836 6838 6840 6842 6844 6846 6848 6850 6852 6854 6856 6858 6860 6862 6864 6866 6868 6870 6872 6874 6876 6878 6880 6882



**62XL Ink Cartridges Replacement for HP 62XL Ink Cartridge Combo Pack for HP Envy 5540 5640 5660 7640 7645 OfficeJet 5740 5745 8040 OfficeJet Mobile 250 200 Printer (1 Black, 1 Tri-Color)**

Visit the MCOHO Store  
★★★★★ (662 ratings) | 7 answered questions

**\$41.22** (203.51 / Count)

FREE Returns

Available at a lower price from other sellers that may not offer free Prime shipping.

**Only 1 left in stock - order soon**

Color: ink 62xl black and color combo pack

Model Name: For hp 62 ink cartridge combo pack

Brand: MCOHO

Ink Color: 62xl ink cartridges black and color

Page Yield: 715

Compatible Devices: Printer

Special Feature: Tri Color

Compatibility Options: Remanufactured

See more

**About this item**

- Package includes: (1 Black, 1 Tri-color) 2 packs of 62xl ink cartridges black and color to work with hp officejet 5740 ink cartridges/hp envy 7640 ink cartridges
- Page Yield: About 715 pages for hp 62xl black ink cartridges and 475 pages for hp 62xl color ink cartridges based on A4 Letter at 5 percentage coverage
- Remanufactured HP 62 ink fit for HP Envy 5540 5640 5660 7640 7645 OfficeJet 5740 5745 8040 OfficeJet Mobile 250 200 printer
- Printer use for HP 62 Works on: OfficeJet 5740 5745 8040 OfficeJet Mobile 250 200 printer
- For HP ink 62 High Quality: Remanufactured 62 xl hp ink cartridges can provide clear text and graphics, print the color effect you want on the paper. Remanufactured hp 62xl ink provide you with

Buy used: \$41.22  
FREE delivery Monday, March 27. Order within 9 hrs 57 mins

Used Like New (Details)  
Sold by Amazon Warehouse  
Fulfilled by Amazon

Add to Cart

Add to List

New & Used (8) from \$41.14 & FREE Shipping

Have one to sell?  
Sell on Amazon

414X  
414X toner cartridges 4 Pack...  
\$24.99 (6.25 / Count)  
Save 17% (Details & More)

Your Amazon.com order of "62XL Ink Cartridges..."

Amazon.com <auto-confirm@amazon.com>  
To: Sales Doorstepink

If there are problems with how this message is displayed, click here to view it in a web browser.

amazon business | Your Account | Amazon.com

**Order Confirmation**  
Order #114-4459006-3837022  
PO# sean

Hello Sean Levi,

Thank you for shopping with us. We'll send a confirmation once your item has shipped. Your order details are indicated below. The payment details of your transaction can be found on the order invoice. If you would like to view the status of your order or make any changes to it, please visit [Your Orders](#) on Amazon.com.

This order is placed on behalf of DoorStepink.

Your guaranteed delivery date is:  
**Monday, March 27**

Your shipping speed:  
**FREE Shipping**

Order Details

Your order will be sent to:  
**CHATSWORTH, CA  
United States**

#### Order Details

Order #114-4459006-3837022  
Placed on today, March 21

**62XL Ink Cartridges Replacement for HP 62XL Ink Cartridge Combo Pack for HP Envy 5540 5640 5660 7640 7645 OfficeJet 5740 5745 8040 OfficeJet Mobile 250 200 Printer (1 Black, 1 Tri-Color)** **\$41.22**

Sold by Amazon.com Services LLC  
Condition: Used - Like New  
Item will come in original. See more

**Order Total: \$45.14**

To learn more about ordering, go to [Ordering from Amazon.com](#).  
If you want more information or need more assistance, go to [Help](#).

Thank you for shopping with us.  
**Amazon.com**

**2 Pack TEINO 63XL Remanufactured Ink Cartridge Replacement for HP 63XL 63 XL use with HP OfficeJet 3830 4650 5255 5258 4655 4652 3833 Envy 4520 4512 DeskJet 1112 3630 3632 2130 (Black Tri-Color, 2-Pack)**

Visit the TEINO Store  
★★★★★ (1,518 ratings) | 9 answered questions

**\$25.56** (13.78 / Count)

FREE Returns

Available at a lower price from other sellers that may not offer free Prime shipping.

**Only 1 left in stock - order soon**

Model Name: T763XLBCHNY

Brand: TEINO

Page Yield: 480

Compatible Devices: OfficeJet 3830 4650 5255 5258 4655 4652 3833 Envy 4520 4512 4516 DeskJet 1112 3630 3632 2130

Special Feature: Tri Color

Compatibility Options: Remanufactured

Color: 63XL Black Tri-color

**About this item**

- Package Contents: 2 pack remanufactured ink cartridges replacement for HP 63 63XL black tri-color ink cartridges
- Compatible with HP Envy 4510 4511 4512 4513 4514 4515 4516 4517 4518 4519 4520 4521 4522 4523 4524 4525 4526 4527 4528 DeskJet 1110 1111 1112 1113 1114 2130 2131 2132 2133 2134 2136 2137 3630 3631 3632 3633 3634 3635 3636 3637 OfficeJet 4620 5255 5256 5258 5259 5260 5270 5271 5272 5273 5264 3830 3831 3832 3833 4652 4654 4655 4656 4657 4658 3833
- Page yields of 480 pages for black cartridge and 130 pages for tri-color cartridge at 5% coverage
- Fade-resistant color provides superior results and brilliant, true-to-life images
- Deliver crisp, clear images and text

Buy used: \$25.56  
FREE delivery Monday, March 27

Or fastest delivery Saturday, March 25. Order within 9 hrs 26 mins

Used: Very Good (Details)  
Sold by Amazon Warehouse  
Fulfilled by Amazon

Add to Cart

Add to List

New & Used (3) from \$25.56 & FREE Shipping

Have one to sell?  
Sell on Amazon

Your Amazon.com order of "TEINO 63XL Remanufactured..."

Amazon.com <auto-confirm@amazon.com>  
To: Sales Doorstepink

If there are problems with how this message is displayed, click here to view it in a web browser.

amazon business | Your Account | Amazon.com

**Order Confirmation**  
Order #114-6853892-4567457  
PO# sean

Hello Sean Levi,

Thank you for shopping with us. We'll send a confirmation once your item has shipped. Your order details are indicated below. The payment details of your transaction can be found on the order invoice. If you would like to view the status of your order or make any changes to it, please visit [Your Orders](#) on Amazon.com.

This order is placed on behalf of DoorStepink.

Your guaranteed delivery date is:  
**Monday, March 27**

Your shipping speed:  
**FREE Shipping**

Order Details

Your order will be sent to:  
**CHATSWORTH, CA  
United States**

#### Order Details

Order #114-6853892-4567457  
Placed on today, March 21

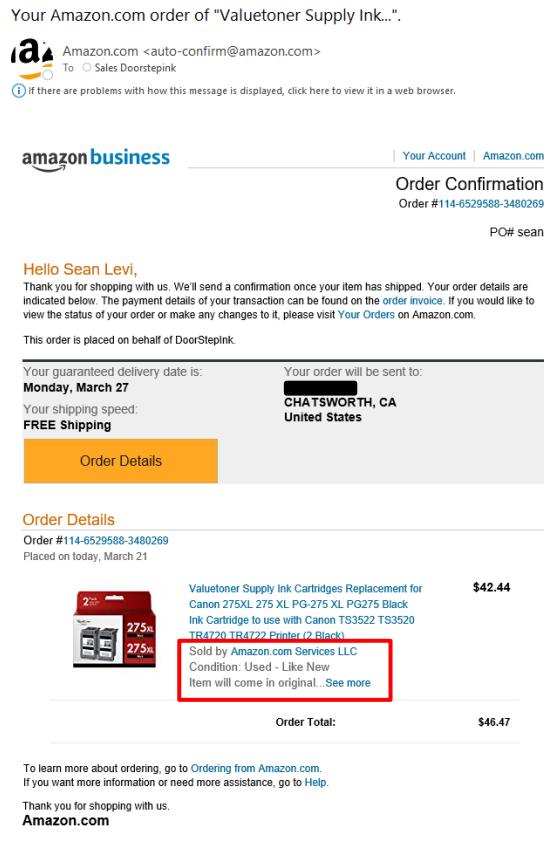
**2 Pack TEINO 63XL Remanufactured Ink Cartridge Replacement for HP 63XL 63 XL use with HP OfficeJet 3830 4650 5255 5258 4655 4652 3833 Envy 4520 4512 DeskJet 1112 3630 3632 2130 (Black Tri-Color, 2-Pack)** **\$25.56**

Sold by Amazon.com Services LLC  
Condition: Used - Very Good  
Item will come repackaged

**Order Total: \$27.99**

To learn more about ordering, go to [Ordering from Amazon.com](#).  
If you want more information or need more assistance, go to [Help](#).

Thank you for shopping with us.  
**Amazon.com**



55. As demonstrated above, sellers on Amazon use deceptive advertising and make unsubstantiated environmental claims regarding their products, and Defendants participate in the selling process, promotion, distribution, and dissemination of deceptively described and falsely labeled remanufactured printer ink cartridges.

56. Defendants are catalog marketers. Catalog marketing is a form of direct marketing in which consumers or business customers select and order products directly from a printed or online catalog, rather than a retail outlet. Defendants offer millions of products broken down in different categories in their online store to sell its many product offerings to consumers at any given time. As an online catalog store, Defendants bear responsibility for verifying the advertising claims and product authenticity of its third-party sellers.

57. Defendants are an advertising agency. Described in their own Amazon

Advertising agreement they “govern Customer’s access to and use of the Ad Services, including the Advertising Console, and is made among Amazon, Customer, and each Advertiser. Defendants per its advertising agreement “may also reject or remove any Customer Materials or suspend any Campaign if: (a) the Customer Materials or Campaign violates the Ad Policies or this Agreement; (b) your account has been, or our controls identify that it may be used for deceptive or fraudulent or illegal activity; (c) Amazon believes the Customer Materials or Campaign would expose Amazon to liability; or (d) for other risk management reasons.” Plaintiff identified ink cartridges falsely advertising themselves and Defendants continued to disseminate the false information through its Advertising services both on and off its platform.

58. While Defendants claim immunity under 47 U.S.C. § 230, this contention fails, among other reasons, because it ignores their exposure for violating Section 5 of the Federal Trade Commission Act (FTC Act) (15 U.S.C. 45), which prohibits “unfair or deceptive acts or practices in or affecting commerce.” The prohibition applies to all persons engaged in commerce, including banks. Under Section 5 of the FTC Act, “third parties - such as advertising agencies or website designers and catalog marketers - also may be liable for making or disseminating deceptive representations if they participate in the preparation or distribution of the advertising or know about the deceptive claims.”<sup>3</sup> Defendants, in creating listing policies for selling ink and toner as described herein, clearly distinguish between a “remanufactured” and a “compatible” ink cartridge. In making this distinction, Defendants must know that any seller listing a product as a “remanufactured printer cartridge” would need to verify their cartridges are remanufactured from an empty OEM cartridges core to make such a claim, or otherwise risk liability for the promotion, sale, and distribution of a

---

<sup>3</sup> Federal Trade Commission Bureau of Consumer Protection, Advertising and Marketing on the Internet, Rules of the Road, p.2 (Sept. 2000); [https://www.ftc.gov/system/files/ftc\\_gov/pdf/bus28-rulesroad-2023\\_508.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/bus28-rulesroad-2023_508.pdf)

1 deceptively advertised product.

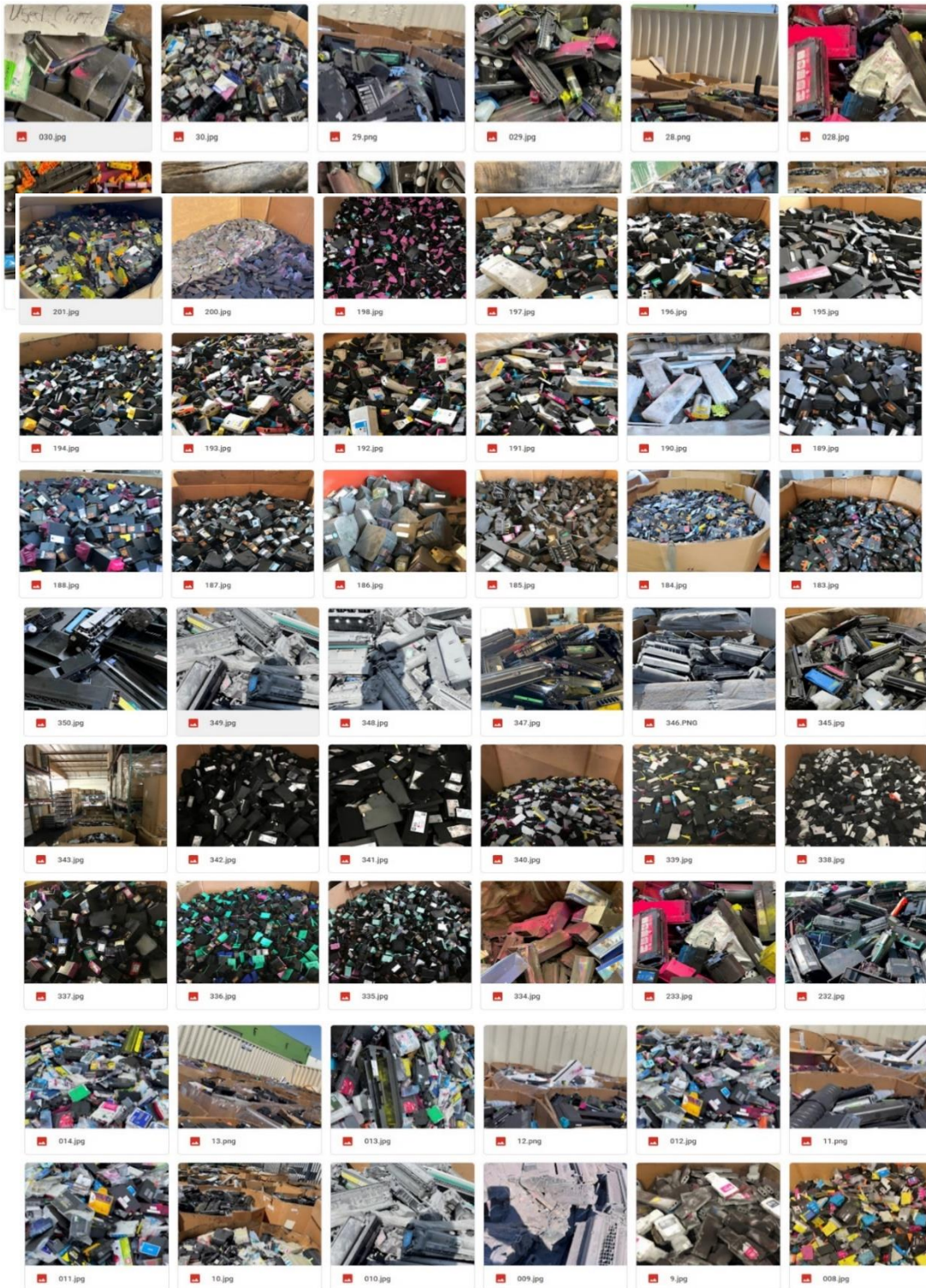
2 59. With direct participation in the sales and promotion processes,  
3 Amazon bears responsibility for the advertising, sale and distribution of illicit  
4 clone ink cartridges that have been destructive to the environment and continue to  
5 harm the remanufacturing printer cartridge market, including Plaintiff. Amazon is  
6 undercutting legitimate remanufactured cartridge sales while simultaneously  
7 devaluing used OEM cartridge cores to the point that it is no longer cost effective  
8 to collect, recycle and remanufacture them. This deceitful business practice  
9 directly harms Plaintiff while creating enormous amount of printer cartridge waste  
10 in the United States. If allowed to continue, the inevitable results will be Plaintiff's  
11 loss of its entire business, the annihilation of the printer cartridge remanufacturing  
12 industry, an increase in plastic pollution, and consumers will no longer have a low-  
13 cost, environmentally friendly option for print-consumable products.

14 60. Without a legitimate printer cartridge remanufacturing industry,  
15 consumers, recyclers, taxpayers, and the environment will continue to bear the cost  
16 of handling the plastic waste.

17 61. Before the sale of illicit printer cartridges, there was a vast market for  
18 remanufacturers to obtain empty OEM cartridge cores to remanufacture. In the  
19 United States there were thousands of cartridge brokers and electronic waste  
20 recyclers collecting and selling used printer cartridges to remanufacturers for  
21 upwards of \$32 per empty OEM cartridge core. Today, most if not all printer  
22 cartridge brokers are no longer in business and electronic waste recycling  
23 companies are avoiding collecting used printer cartridges as they have no monetary  
24 value and are considered waste. By contrast, Plaintiff receives more aftermarket  
25 single-use clone printer cartridge waste through its recycling collection services  
26 than viable used OEM cartridge cores to remanufacture, creating a substantial  
27 expense to handle material. Plaintiff made it clear to Defendants that they bear  
28 responsibility for selling and facilitating the sale of single-use clone printer



1 cartridges, contributing to millions of plastic cartridges ending up in United States  
2 landfills each year. Plaintiff provided the following images to Defendants to  
3 illustrate the massive amount of printer cartridge waste it continually accumulates.



62. Amazon states “it is committed to and invested in sustainability because it’s a win for the planet, for business, for its customers, and for communities.” Yet, Defendants do not take any responsibility for millions of imported clone printer cartridges sold on their platform that are neither recycled nor recyclable. By contrast, OEM printer manufacturers offer a free “take back” recycling program to reclaim their used cartridges. Below is a screenshot of Amazon’s stated commitment of “working to send less material to landfills and more back into the circular economy loop.” Defendants’ conduct is diametrically opposed to its purported commitment and constitutes “greenwashing” plastic printer cartridge waste they are responsible for selling, as well as destroying the remanufacturing industry, which plays a vital role for recycling cartridge waste in a circular economy.

amazon | Sustainability

Q Search

EN

Our Approach Environment Society Governance Around the Globe Reporting and Downloads

Sustainability / Environment /

## Avoiding and Managing Waste

Beyond our commitment to decarbonize our operations, we’re working to send less material to landfills and more back into the circular economy loop. We’ve developed programs to optimize inventory management and to repair, repurpose, and donate usable items. We also rely on recycling and composting to enable the recovery of raw materials, and as a last resort, we seek to recover energy from any waste material that must be sent to landfill.





1           63. This action seeks to stop Amazon's direct and complicit behavior,  
2 which has caused significant damage to Plaintiff. Plaintiff brings this action under  
3 federal, state and/or common law and seeks damages and injunctive relief arising  
4 out of the Lanham Act for false advertising and false association and designation  
5 of origin or approval, California Business and Professions Code section 17200, *et*  
6 *seq.*, for unfair competition, false advertising, misleading environmental claims  
7 and deceptive practices, and for violation of California Business and Professions  
8 Code section 17500 for false advertising.

9           64. It is well documented that Amazon is plagued with counterfeit  
10 products. They have an anti-counterfeiting policy. Defendants created a Brand  
11 Registry to protect intellectual, copyright and trademark property rights.  
12 Defendants created their own Amazon Crime Unit (ACU) whose mission is to  
13 pursue counterfeiters worldwide. Conversely, when Plaintiff notified Defendants in  
14 great detail that their ecommerce platform is overrun with illicit printer cartridges,  
15 Defendants' efforts to halt the flow of millions of illegal products distributed from  
16 their warehouses across the United States can be described as meager at best.  
17 When illegal products are sold on Amazon, millions of consumers and businesses  
18 worldwide suffer while Defendants profit handsomely, adding to their multi-  
19 billion-dollar annual revenue and reported trillion-dollar valuation. Rather than  
20 enforcing their own policies and stopping the sale of these deceptively promoted  
21 products, Defendants facilitate their sales for profit. Defendants' failure to enforce  
22 their own policies, allowing sellers, and Defendants as sellers themselves, to easily  
23 circumvent their own rules, in violation of federal and state law.

24           65. The proliferation of illicit clone ink cartridges defrauds millions of  
25 customers by deceiving them into believing they are purchasing recycled products.  
26 The unlawful sale of new built clone printer cartridges labeled as remanufactured  
27 causes irreparable harm to legitimate remanufacturers who are committed to  
28 selling actual recycled ink cartridges to resellers worldwide. The sale of illicit

clone ink cartridges is an enormous problem with a wide-spread negative impact. Amazon is not only aware of the problem of fraudulent or unlawful activities of sellers and warns its investors that Amazon itself may be held liable for them in its

*We Could Be Liable for Fraudulent or Unlawful Activities of Sellers*

The law relating to the liability of online service providers is currently unsettled. In addition, governmental agencies could require changes in the way this business is conducted. Under our seller programs, we may be unable to prevent sellers from collecting payments, fraudulently or otherwise, when buyers never receive the products they ordered or when the products received are materially different from the sellers' descriptions. We also may be unable to prevent sellers in our stores or through other stores from selling unlawful, counterfeit, pirated, or stolen goods, selling goods in an unlawful or unethical manner, violating the proprietary rights of others, or otherwise violating our policies. Under our A2Z Guarantee, we reimburse buyers for payments up to certain limits in these situations, and as our third-party seller sales grow, the cost of this program will increase and could negatively affect our operating results. In addition, to the extent any of this occurs, it could harm our business or damage our reputation and we could face civil or criminal liability for unlawful activities by our sellers.

2018 10-K filing (pg. 14), but they condone it and conspire with sellers in order to make huge profits. Below is a screenshot from the 10-K report warning of liability concerns:

66. On January 24, 2023, Defendants' in-house counsel indicated that Defendants are committed to protecting Amazon customers and ensuring the integrity of its platform. Counsel wrote that Defendants were requesting that sellers of clone cartridges substantiate their claims about their products being remanufactured and would take action as appropriate based on that information. On May 25, 2023, Plaintiff and Defendants met via Zoom. Defendants stated during the meeting that they had asked sellers to substantiate their claims about selling remanufactured and environmentally responsible ink cartridges. Third-party sellers who couldn't substantiate their product claims were instructed to change their product listings. However, sellers were allowed to continue to sell regardless of their history of defrauding consumers, and they were not suspended for falsely using the recycling logo on newly manufactured products, in violation of federal and state law. Below are before and after examples of listings by Sellers who were instructed by Defendants to change their product listings.



Office Products › Office Electronics › Printers &amp; Accessories › Printer Parts &amp; Accessories › Printer Ink &amp; Toner › Inkjet Printer Ink



Roll over image to zoom in

**Sellyaha Remanufactured Ink Cartridge Replacement for Canon PG-245XL CL-246XL Compatible with Canon PIXMA IP2820 MG2420 MG2520 MG2522 MG2525 MG2555 MG2920 MG2922 MG2924 MG3020 MX490 MX492 Printer**

Visit the Sellyaha Store  
★★★★★ 1,020 ratings | 9 answered questions

Price: **\$35.99** (\$18.00 / Count) & FREE Returns

Available at a lower price from other sellers that may not offer free Prime shipping.

Size: **1 Black 1 Tricolor**

1 Black \$26.99	1 Color \$22.99	<b>1 Black 1 Tricolor \$35.99 (\$18.00 / Count)</b>	2 x Black \$33.99 (\$17.00 / Count)
2 Black 1 Tricolor \$55.99			

Brand Sellyaha  
Page Yield 400  
Compatible Devices Printer  
Special Feature Wireless  
Compatibility Options **Remanufactured**  
Color Black

#### About this item

- Contents --- 2 Packs of **Remanufactured ink cartridges** for Canon PG-245XL 246XL(1 Black, 1 Tri-Color).
- Compatible Printer Model --- Compatible with Canon Pixma IP2820, Pixma MG2420, Pixma MG2520,

Listing was captured on 8.24.22. Sellyaha was claiming to be a "Remanufactured" product and fulfilled by Amazon.

**One-time purchase:**  
\$35.99 (\$18.00 / Count) & FREE Returns

FREE delivery **Tuesday, August 30**

Or fastest delivery **Tomorrow, August 25.** Order within 2 hrs 34 mins

Select delivery location

**In Stock.**

Qty: 1

**Add to Cart**

**Buy Now**

Secure transaction

Ships from **Amazon**  
Sold by **SELYAHA INFOTECH**

Details

Return policy: Eligible for Return, Refund or Replacement within 30 days of receipt

**prime**  
Enjoy fast, FREE delivery, exclusive deals and more



Roll over image to zoom in

**Sellyaha Ink Cartridge Replacement for Canon PG-245XL CL-246XL Compatible with Canon PIXMA IP2820 MG2420 MG2520 MG2522 MG2525 MG2555 MG2920 MG2922 MG2924 MG3020 MX490 MX492 Printer**

Visit the Sellyaha Store  
4.3 ★★★★★ 1,044 ratings | 9 answered questions  
**Amazon's Choice** for "sellyaha"

Price: **\$34.99** (\$17.50 / Count)  
FREE Returns

Thank you for being an Amazon customer. Get \$50 off: Pay \$0.00 \$34.99 upon approval for Amazon Visa.

Size: **1 Black 1 Tricolor**

<b>1 Black 1 Tricolor \$34.99 (\$17.50 / Count)</b>	2 x Black \$33.99 (\$17.00 / Count)	2 Black 1 Tricolor \$48.99 (\$16.33 / Count)
---	---	--

Brand Sellyaha  
Ink Color Tricolor, Black  
Page Yield 300  
Compatible Devices Pixma TR4520, Pixma TR4522, MX490, MX492, IP2820, MG2420, MG2520, MG2522, MG2525, MG2920, MG2922, MG2924, MG3020, MG3022,...

See more

Special Feature Wireless  
Compatibility Options **Remanufactured**, Compatible  
Color Black

#### About this item

- Contents --- 2 Packs ink cartridges for Canon PG-245XL 246XL(1 Black, 1 Tri-Color).
- Compatible Printer Model --- Compatible with Canon Pixma IP2820, Pixma MG2420, Pixma MG2520, Pixma MG2522, Pixma MG2920, Pixma MG2922, Pixma MG2924, Pixma MX490, Pixma

☐ Add your 30-day FREE trial of Prime and get fast, free delivery

**Delivery** Pickup

**One-time purchase:**  
\$34.99 (\$17.50 / Count)

FREE Returns

FREE delivery **Monday, July 17**

Or fastest delivery **Tomorrow, July 11.** Order within 10 hrs 41 mins

Deliver to Eric - Chatsworth 91311

**In Stock**

Qty: 1

**Add to Cart**

**Buy Now**

Payment Secure transaction  
Ships from Amazon  
Sold by **SELYAHA INFOTECH**  
Returns Eligible for Return, Refund or Replacement within 30 days of receipt

☐ Add a gift receipt for easy returns

**Subscribe & Save:**  
\$34.99 (\$17.50 / Count)  
First delivery on Jul 17  
Ships from Amazon  
Sold by **SELYAHA INFOTECH**

**Add to List**

Listing was captured on 7.10.23. Sellyaha changed its title and some of the description removing most claims about being "remanufactured," but still mentions remanufactured in the listing. In addition to being aware this brand makes false claims about its product, Amazon endorse it with its Amazon's Choice badge. An endorsement that is only available for FBA customers.

67. Contrary to Defendants' statements about protecting its customers and taking the allegations seriously, Defendants protected the offending selling partners instead of suspending them for the fraud that was being perpetrated on its customer and the harm it was causing the Plaintiff. Amazon was obviously more

1 concerned with protecting its profits from the distribution, sale, advertisement,  
2 fulfillment, and logistics services associated with these illicit clone ink cartridges.  
3 The fact the Defendants instructed illicit sellers to change their description further  
4 illustrates how actively Amazon is involved in creating listings and promotional  
5 content as a partner of the sellers. It also reveals Amazon's willingness to allow  
6 sellers who have defrauded consumers for years to continue to escape  
7 responsibility and to continue selling clone cartridges and misrepresenting them.

8         68. Plaintiff seeks to enjoin Amazon's sale of the illicit ink cartridges,  
9 recover actual and statutory damages, a disgorgement of Defendants' profits, and  
10 other relief, including attorneys' fees and costs. Plaintiff also seeks a recall of all  
11 the illicit ink cartridges sold by Amazon along with distribution of a notice to all  
12 affected customers that they received counterfeit, non-recyclable, new  
13 manufactured ink cartridges. Plaintiff seeks this relief because Amazon should be  
14 held accountable for facilitating the product dumping of inauthentic  
15 remanufactured ink cartridges, undercutting legitimate remanufactured cartridges,  
16 tarnishing remanufactured products' reputation by allowing the false labeling and  
17 deceptive advertising to take place, and defrauding unsuspecting customers that  
18 they were purchasing a recycled product.

19         69. Inasmuch as Defendants receive, store, pick, pack, ship, and deliver  
20 the illicit ink cartridges to customers, as well as handle transactions, returns, and  
21 respond to customer feedback, they have become part of the chain of distribution.

22         70. The list of items available on Defendants' website – also known as the  
23 Amazon catalog – is vast. Sellers offer their products for sale in a wide range of  
24 categories so that customers are able either to search for specific items or to  
25 browse through departments. Defendants have put in place restrictions, guidelines  
26 and policies for sellers to follow. Defendants control who can sell on its platform  
27 and Defendants can suspend and remove a seller who engages in unlawful acts.  
28 “To protect its customers and safeguard its reputation for trustworthiness, Amazon

1 has invested heavily, both in terms of time and resources, to prevent fraud and  
 2 abuse in, and to ensure the quality and authenticity of the products available in, the  
 3 Amazon Store.” (*See* Complaint, Amazon.com, etc., et al., v. Dhuog (W.D. Wash  
 4 March 30, 2023), Case 2:23-cv-00484).

5 71. In light of their own fraud prevention policies, Defendants have the  
 6 responsibility to verify all listings that claim to be “Remanufactured,” and to  
 7 substantiate any environmental claims being made. After Plaintiff put Defendants  
 8 on notice about the deceptive and false labeling and advertising claims arising  
 9 from the sale of illicit ink cartridges on the Amazon platform, including those  
 10 products being promoted, endorsed, fulfilled and sold by Defendants through their  
 11 Amazon Warehouse, there has been no perceptible change in Defendants’  
 12 wrongful practices.

13 72. Defendants’ lack of enforcement of their own rules and failure to  
 14 carry out any punishment for violating their own policies only invites more bad  
 15 actors to sell illicit products using unlawful business practices. Defendants’  
 16 complicit behavior is causing great harm to Plaintiff by facilitating on a mass scale  
 17 the flooding of falsely labeled single-use new built clone ink cartridge as  
 18 “remanufactured” and selling them as recycled product, undercutting their market,  
 19 tarnishing the reputation of remanufactured ink cartridge products, and clogging up  
 20 the recycle stream with single-use printer cartridge cores that have no value.

21 73. Amazon’s sale and distribution of illicit ink cartridges constitute false  
 22 advertising, deceptive practices and unfair competition and violates Amazon’s  
 23 rules and stated environmental goals, as well as federal and state laws.

24 74. Finally, it bears emphasis that Planet Green is not the only entity to  
 25 bring these issues to Amazon’s attention. In February 2023, the International  
 26 Imaging Technology Council (“IITC”), a trade association for imaging supply  
 27 dealers, remanufacturers, and industry suppliers and consultants sent Amazon a  
 28 letter outlining “the growing problem of ‘fake’ remanufactured products flooding

1 e-commerce platforms.” The letter attached a presentation that laid out the  
 2 evidence of a category-wide problem with imported clone printer ink cartridges  
 3 being misrepresented as remanufactured and sold over Amazon, identified legal  
 4 violations resulting from the sale of the misrepresented cartridges and proposed a  
 5 solution.

6 75. The IITC called for Amazon to adopt a simple verification process for  
 7 remanufactured printer ink cartridges that is similar to the process Amazon already  
 8 uses to verify the authenticity of new OEM printer cartridges. IITC’s proposal  
 9 would have enabled Amazon to similarly verify the legitimacy of remanufactured  
 10 cartridges through an existing IITC two-step verification process. Before a seller  
 11 could list remanufactured printer ink cartridges on Amazon, IITC would first  
 12 verify how the seller obtained the OEM empty cartridges it uses in the  
 13 remanufacturing process; and second, require the seller to provide onsite  
 14 verification of the existence of its remanufacturing facility by videoconference.  
 15 Amazon never adopted this common-sense approach to verifying remanufactured  
 16 printer ink jet cartridges, despite extensive evidence that cartridges sold over its  
 17 website, which Amazon promotes, sells, distributes and fulfills are  
 18 overwhelmingly misrepresented as remanufactured when they are actually newly  
 19 manufactured clone cartridges.

## 21 **CAUSES OF ACTION**

### 22 **COUNT 1**

#### 23 **(Violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B) – False Advertising)** 24 **AGAINST ALL DEFENDANTS**

25 76. Plaintiff hereby incorporates by reference all of the allegations set  
 26 forth in paragraphs 1 through 75 as though fully set forth herein.

27 77. Defendants’ conduct as described above constitutes the use of false  
 28 statements, false descriptions and representations of fact in violation of section



1 43(a) of the Lanham Act, 15 U.S.C. section 1125(a), that are likely to deceive and  
 2 do in fact deceive the public into falsely believing that the illicit ink cartridges sold  
 3 on Amazon are remanufactured, recyclable products.

4 78. Defendants' conduct as described above constitutes the using of false  
 5 statements, false description and representations of fact in violation of section  
 6 43(a) of the Lanham Act, 15 U.S.C. section 1125(a), that are likely to deceive and  
 7 do in fact deceive the public into falsely believing that the ink cartridges sold on  
 8 Amazon are made from OEM cores.

9 79. Defendants' acts as described above constitute the using by each  
 10 Defendant, in violation of section 43(a) of the Lanham Act, 15 U.S.C. section  
 11 1125(a), of words, terms, names, symbols and false and misleading descriptions of  
 12 fact, and false and misleading representations of fact, which, in commercial  
 13 advertising or promotion misrepresents the nature, characteristics or qualities of  
 14 Defendants' goods, services or commercial activities.

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

18 81. 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  
 21 U.S.C. section 1116, restraining Defendants, their agents, employees,  
 22 representatives and all persons acting in concert with them from engaging in  
 23 further acts in violation of section 43(a) of the Lanham Act, 15 U.S.C. section  
 24 1125(a), and ordering removal of the false advertising.

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

28 83. In the course of committing the wrongful acts alleged herein,

Defendants made and are making false or misleading descriptions of fact or representations of fact and commercial advertisements about their own or another's product that were and are material, in that they are likely to influence the purchasing decision of consumers. Each such misrepresentation actually deceives or has a tendency to deceive a substantial segment of its audience, and each Defendant has placed a false or misleading statement in interstate commerce. Plaintiff directly competes with the sellers promoted by Amazon, and Amazon through its FBA services is a direct seller of the illicit ink cartridges. In addition, Defendants take possession of illicit clone ink cartridges, promote, distribute, sell and fulfill the clone cartridges, including through the Amazon Warehouse website – holding Amazon itself out to the world as seller and making its own statements to promote products it is selling. Plaintiff has been and is likely to be injured as a result of Defendants' misconduct by direct loss and diversion of sales.

84. Defendants' wrongful acts as described herein were knowing, willful and egregious and continued despite Defendants' knowledge that they were illegal.

85. Plaintiff is entitled to injunctive relief, reasonable attorneys' fees and the costs of this action under sections 34 and 35 of the Lanham Act, 15 U.S.C. sections 1116 and 1117.

## COUNT 2

### (Violation of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A) – False Association & False Designation of Origin or Approval) AGAINST ALL DEFENDANTS

86. Plaintiff hereby incorporates by reference all of the allegations set forth in paragraphs 1 through 85 as though fully set forth herein.

87. Defendants' conduct as described above constitutes the use of false statements, false descriptions and representations of fact in violation of section 43(a) of the Lanham Act, 15 U.S.C. section 1125(a), that are likely to deceive and do in fact deceive the public into falsely believing that the illicit ink cartridges sold

1 on Amazon are remanufactured, recyclable products that originate with or are  
2 otherwise associated with or sponsored by Plaintiff, which is the nearly exclusive  
3 lawful producer and supplier of remanufactured printer ink cartridges in the United  
4 States.

5 88. Defendants' acts as described above constitute the using by each  
6 Defendant, in violation of section 43(a) of the Lanham Act, 15 U.S.C. section  
7 1125(a), of words, terms, names, symbols and false and misleading descriptions of  
8 fact, and false and misleading representations of fact, which are likely to cause  
9 confusion, or to cause mistake, or to deceive as to the affiliation, connection, or  
10 association of such [person](#) with another [person](#), or as to the origin, sponsorship, or  
11 approval of his or her goods or commercial activities by another [person](#).

12 89. As a result of Defendants' false and misleading use of terms, names,  
13 symbols, and descriptions and representations of fact, including on the labeling and  
14 packaging of misrepresented clone ink cartridges, Planet Green has suffered a  
15 direct diversion of customers and has been and will be deprived of substantial  
16 revenue in an amount to be determined at trial.

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

24 91. Plaintiff is entitled under 15 U.S.C. section 1117, to actual damages to  
25 be determined at trial, to have such damages trebled, to disgorgement of  
26 Defendants' profits, and costs of this action.

27 92. In the course of committing the wrongful acts alleged herein,  
28 Defendants made and are making false or misleading descriptions of fact or

1 representations of fact about their own or another's product that were and are  
 2 material, in that they are likely to influence the purchasing decision of consumers.  
 3 Each such misrepresentation actually deceives or has a tendency to deceive a  
 4 substantial segment of its audience, and each Defendant has placed a false or  
 5 misleading statement in interstate commerce. Plaintiff directly competes with the  
 6 sellers promoted by Amazon, and Amazon, including through its FBA services,  
 7 has become a direct seller of the illicit ink cartridges. In addition, Defendants take  
 8 possession of illicit clone ink cartridges, promote, distribute, sell and fulfill  
 9 purchases of the clone cartridges, including through the Amazon Warehouse  
 10 website. Plaintiff has been and is likely to be injured as a result of Defendants'  
 11 misconduct by direct loss and diversion of sales.

12 93. Defendants' wrongful acts as described herein were knowing, willful  
 13 and egregious and continued despite Defendants' knowledge that they were illegal.

14 94. Plaintiff is entitled to injunctive relief, reasonable attorneys' fees and  
 15 the costs of this action under sections 34 and 35 of the Lanham Act, 15 U.S.C.  
 16 sections 1116 and 1117.

### 17 **COUNT 3**

#### 18 **(Common Law Unfair Competition)**

#### 19 **AGAINST ALL DEFENDANTS**

20 95. Plaintiff hereby incorporates by reference all of the allegations set  
 21 forth in paragraphs 1 through 94 as though fully set forth herein.

22 96. The wrongful conduct of Defendants as alleged herein constitutes  
 23 unfair trade practices and unfair competition under the common law.

24 97. Defendants promotion, distribution, sale and offering for sale of clone  
 25 printer ink cartridges that are misrepresented as remanufactured constitutes passing  
 26 off because consumers who purchase remanufacture printer ink cartridges over  
 27 Amazon rightly understand that they come from the lawful source of such  
 28 cartridges and, whether they know the name of the company or not, that nearly



1 always means Planet Green.

2 98. Defendants' conduct as described above has at all times been willful  
3 and/or knowing.

4 99. As a direct and proximate result of the actions of Defendants  
5 described herein, Plaintiff has been damaged and will continue to be damaged in  
6 an amount according to proof at the time of trial.

#### 7 **COUNT 4**

8 **(Unfair Competition in Violation of California Unfair Competition Law –**  
9 **Unlawful and Unfair Prongs (Cal. Bus. & Prof. Code § 17200, *et seq.*))**

#### 10 **AGAINST ALL DEFENDANTS**

11 100. Plaintiff hereby incorporates by reference all of the allegations set  
12 forth in paragraphs 1 through 99 as though fully set forth herein.

13 101. Defendants have engaged and continue to engage in the acts or  
14 practices described above, including, but not limited to using false statements, false  
15 descriptions and representations of fact that are likely to deceive and do in fact  
16 deceive the public into falsely believing that the illicit ink cartridges sold on  
17 Amazon as described above are remanufactured products. This conduct is  
18 unlawful, fraudulent, and unfair, and constitutes unfair competition within the  
19 meaning of section 17200 of the California Business and Professions Code.

20 102. Additionally, the illicit ink cartridges sold by Defendants as alleged  
21 herein falsely claim they are environmentally sound or recycled products, which  
22 also violates section 17200 of the California Business and Professions Code. In  
23 light of the significant amount of plastic that is labeled as recyclable and instead  
24 ends up in landfills, incinerators, communities, and the natural environment, the  
25 Legislature of the State of California has declared that "it is the public policy of the  
26 state that environmental marketing claims, whether explicit or implied, should be  
27 substantiated by competent and reliable evidence to prevent deceiving or  
28 misleading consumers about the environmental impact of plastic products." Cal.

1 Pub. Res. Code § 42355.5. The policy is based on the Legislature’s finding that  
2 “littered plastic products have caused and continue to cause significant  
3 environmental harm and have burdened local governments with significant  
4 environmental cleanup costs.” *Id.* § 42355. Defendants’ promotion, sale and  
5 distribution of misrepresented clone printer ink cartridges specifically violate Cal.  
6 Pub. Res. Code § 42355.51, which provides that “a person shall not offer for sale,  
7 sell, distribute, or import into the state any product or packaging for which a  
8 deceptive or misleading claims about the recyclability of the product or packaging  
9 is made.”  
10

11 103. In addition, California Business and Professions Code section 17580.5  
12 makes it “unlawful for any person to make any untruthful, deceptive, or misleading  
13 environmental marketing claim, whether explicit or implied.” Pursuant to that  
14 section, the term “environmental marketing claim” includes any claim contained in  
15 the Guides for use of Environmental Marketing Claims published by the FTC (the  
16 “Green Guides”). *Id.*; *see also* 16 C.F.R. § 260.1, *et seq.*

17 104. Under the Green Guides, “[i]t is deceptive to misrepresent, directly or  
18 by implication, that a product or package is recyclable. A product or package shall  
19 not be marketed as recyclable unless it can be collected, separated, or otherwise  
20 recovered from the waste stream through an established recycling program for  
21 reuse or use in manufacturing or assembling another item.” 16 C.F.R. § 260.12(a).  
22 This definition encompasses the three prongs of recyclability that are commonly  
23 used in the solid waste industry: (1) accessibility of recycling programs (“through  
24 an established recycling program”); (2) sortability for recovery (“collected,  
25 separated, or otherwise recovered from the waste stream”); and (3) end markets  
26 (“for reuse or use in manufacturing or assembling another item”). The California  
27 Public Resources Code similarly defines recycling as “the process of collecting,  
28 sorting, cleansing, treating, and reconstituting materials that would otherwise

1 become solid waste, and returning them to the economic mainstream in the form of  
 2 raw material for new, reused, or reconstituted products which meet the quality  
 3 standards necessary to be used in the marketplace.” *Id.* § 40180.

4 105. These definitions are consistent with reasonable consumer  
 5 expectations. For instance, the dictionary defines the term “recycle” as: (1) convert  
 6 (waste) into reusable material, (2) return (material) to a previous stage in a cyclic  
 7 process, or (3) use again. Oxford Dictionary, Oxford University Press 2020.  
 8 Accordingly, reasonable consumers expect that products advertised, marketed,  
 9 sold, labeled, or represented as recyclable will be collected, separated, or otherwise  
 10 recovered from the waste stream through an established recycling program for  
 11 reuse or use in manufacturing or assembling another item.

12 106. Defendants’ conduct violates California Business and Professions  
 13 Code section 17580.5, which makes it unlawful for any person to make any  
 14 untruthful, deceptive, or misleading environmental marketing claim. Pursuant to  
 15 section 17580.5, the term “environmental marketing claim” includes any claim  
 16 contained in the Green Guides. 16 C.F.R. § 260.1, *et seq.* Under the Green Guides,  
 17 “[i]t is deceptive to misrepresent directly or by implication, that a product or  
 18 package is recyclable. A product or package shall not be marketed as recyclable  
 19 unless it can be collected, separated, or otherwise recovered from the waste stream  
 20 through an established recycling program for reuse or use in manufacturing or  
 21 assembling another item.” 16 C.F.R. § 260.12(a). By misrepresenting that the  
 22 Products are recyclable as described above, Defendants are violating Business and  
 23 Professions Code section 17580.5.

24 107. By violating the FTC Act, Business and Professions Code sections  
 25 17500 and 17580.5, and the California Public Resources Code, Defendants have  
 26 engaged in unlawful business acts and practices which constitute unfair  
 27 competition within the meaning of Business and Professions Code section 17200.

28 108. Defendants have engaged and continue to engage in the acts or

1 practices described herein, which are unlawful, and which constitute unfair  
 2 competition within the meaning of section 17200 of the California Business and  
 3 Professions Code.

4 109. Defendants have engaged and continue to engage in the acts or  
 5 practices described above, all of which are unfair, irrespective of the violation of  
 6 any other law, and which constitute unfair competition within the meaning of  
 7 section 17200 of the Business and Professions Code.

8 110. Under California Business and Professions Code section 17200, *et*  
 9 *seq.*, Plaintiff seeks injunctive and other equitable relief to require Defendants to  
 10 cease their anticompetitive conduct, to restore fair competition, to deny Defendants  
 11 the fruits of their illegal conduct and to impose such other relief as may be just and  
 12 proper for Defendants' violation of the California Unfair Competition Law.

### 13 **COUNT 5**

14 **(Violation of California False Advertising Law (Cal. Bus. & Prof. Code §**  
 15 **17500, *et seq.*))**

### 16 **AGAINST ALL DEFENDANTS**

17 111. Plaintiff hereby incorporates by reference all of the allegations set  
 18 forth in paragraphs 1 through 110 as though fully set forth herein.

19 112. California Business and Professions Code section 17500 states:

20 It is unlawful for any person, firm, corporation or  
 21 association, or any employee thereof with intent directly  
 22 or indirectly to dispose of real or personal property or to  
 23 perform services, professional or otherwise, or anything of  
 24 any nature whatsoever or to induce the public to enter into  
 25 any obligation relating thereto, to make or disseminate or  
 26 cause to be made or disseminated before the public in this  
 27 state, or to make or disseminate or cause to be made or  
 28 disseminated from this state before the public in any state,



1 in any newspaper or other publication, or any advertising  
2 device, or by public outcry or proclamation, or in any other  
3 manner or means whatever, including over the Internet,  
4 any statement, concerning that real or personal property or  
5 those services, professional or otherwise, or concerning  
6 any circumstance or matter of fact connected with the  
7 proposed performance or disposition thereof, which is  
8 untrue or misleading, and which is known, or which by the  
9 exercise of reasonable care should be known, to be untrue  
10 or misleading, or for any person, firm, or corporation to so  
11 make or disseminate or cause to be so made or  
12 disseminated any such statement as part of a plan or  
13 scheme with the intent not to sell that personal property or  
14 those services, professional or otherwise, so advertised at  
15 the price stated therein, or as so advertised. Any violation  
16 of the provisions of this section is a misdemeanor  
17 punishable by imprisonment in the county jail not  
18 exceeding six months, or by a fine not exceeding two  
19 thousand five hundred dollars (\$2,500), or by both that  
20 imprisonment and fine.

Cal. Bus. & Prof. Code § 17500.

21 113. Defendants violated Business and Professions Code section 17500 by  
22 making or disseminating or causing to be disseminated before the public in this  
23 state, deceptive, untrue or misleading statements, including over platforms other  
24 than Defendants' websites, via email, and in product packaging and labeling, in  
25 connection with the sale of goods as alleged above and Defendants knew or in the  
26 exercise of reasonable care should have known such untrue or misleading  
27 statements were deceptive, untrue or misleading concerning the sale of  
28

1 nonrecyclable, non-OEM ink cartridges, all in a manner that was likely to mislead  
2 or deceive a reasonable consumer.

3 114. By reason of Defendants' deceptive, untrue, and misleading  
4 advertising, Plaintiff has suffered and will continue to suffer irreparable injury  
5 unless and until this Court enters an order enjoining Defendants from any further  
6 acts of deceptive, untrue and misleading advertising. Defendants' continuing acts  
7 of deceptive, untrue and misleading advertising, unless enjoined, will cause  
8 irreparable damage to Plaintiff in that it will have no adequate remedy at law to  
9 compel Defendants to cease such acts, and no way to determine its losses caused  
10 by such Defendants. Plaintiff is therefore entitled to a preliminary injunction and a  
11 permanent injunction against further deceptive, untrue and misleading advertising  
12 by Defendants. Brands found to have falsely labeled their products should be  
13 permanently removed and banned from further sale on Defendants' platform.

14 115. As a direct and proximate result of Defendants' deceptive, untrue and  
15 misleading advertising, Defendants have wrongfully taken Plaintiff's profits and its  
16 substantial investment of time, energy and money. Defendants' acts as described  
17 above constitute false and misleading descriptions and misrepresentations of fact in  
18 California, which, in commercial advertising and promotion, misrepresent the  
19 nature, characteristics and qualities of their products in violation of the False  
20 Advertising law in Business and Professions Code section 17500, *et seq.* Plaintiff  
21 therefore asks that the Court also impose such other relief as may be just and  
22 proper for Defendants' violation of the California False Advertising Law.

## 23 **COUNT 6**

### 24 **(Negligence)**

### 25 **AGAINST ALL DEFENDANTS**

26 116. Plaintiff hereby incorporates by reference all of the allegations set  
27 forth in paragraphs 1 through 115 as though fully set forth herein.

28 117. Defendants, as sellers and distributors of products, owe Plaintiff a

1 duty of due care not to operate their business in manner that will foreseeably cause  
2 the type of harm to Plaintiff's business asserted herein. Specifically, Defendants  
3 have a duty to undertake reasonable measures to assure that purportedly  
4 remanufactured printer ink jet cartridges it promotes, sells and distributes are  
5 actually remanufactured, as their packaging and labeling represents, and not clone  
6 cartridges that are not remanufactured. That duty is particularly acute where, as  
7 here, Defendants were put on notice of a pervasive problem with clone cartridges  
8 that they promoted, sold and distributed being misrepresented as remanufactured,  
9 both by Plaintiff and by an independent trade association.

10 118. The harm that Plaintiff alleges here – *i.e.*, damage to the  
11 remanufactured printer ink cartridge industry and to Plaintiff's business, in  
12 particular, and loss of sales – is a direct and foreseeable result of Defendants'  
13 failure to exercise due care to verify that products it promotes, sells and distributes  
14 are actually remanufactured when sellers (including Defendants themselves)  
15 represent them as such in promotion, packaging and labeling.

16 119. Defendants could have undertaken simple steps to verify whether  
17 misrepresented clone cartridges are actually remanufactured or not. IITC offered a  
18 simple third-party verification process, similar to one Defendants already use to  
19 verify the authenticity of OEM printer ink cartridges, but Defendants did not  
20 implement it and have not undertaken meaningful steps to assure that they are not  
21 promoting, distributing or selling misrepresented clone cartridges. As a result of  
22 that choice and its conduct alleged herein, Defendants have breached their duty to  
23 Plaintiff to undertake reasonable measures to prevent direct and foreseeable harm  
24 to Plaintiff's business and its sales, as well as to the entire remanufactured  
25 cartridge industry.

26 120. As alleged above, Defendants' breach of duty has been a substantial  
27 cause of the decimation of the remanufactured printer ink cartridge business in the  
28 United States and has specifically damaged Plaintiff's business and hurt Plaintiff's

1 sales because consumers purchase misrepresented clone cartridges in the mistaken  
 2 belief that they are remanufactured cartridges, instead of purchasing genuine  
 3 remanufactured cartridges from Planet Green.

4 121. Defendants' conduct as described above has at all times been willful  
 5 and/or knowing.

6 122. As a direct and proximate result of the actions of Defendants  
 7 described herein, Plaintiff has been damaged and will continue to be damaged in  
 8 an amount according to proof at the time of trial.

### 9 10 11 **PRAYER**

12 WHEREFORE, Plaintiff prays for judgment and relief against Defendants,  
 13 and each of them, as follows:

14 1. That the Court preliminarily and permanently enjoin Defendants from  
 15 conducting their business through unlawful, unfair or fraudulent business acts or  
 16 practices, untrue and misleading advertising, and other violations of law described  
 17 in this complaint;

18 2. That the Court order Defendants to conduct corrective advertising and  
 19 an information campaign advising consumers that the counterfeit ink cartridges do  
 20 not have the characteristics, uses, benefits or qualities Defendants have claimed;

21 3. That the Court order Defendants to cease and desist from marketing  
 22 and promotion of the illicit clone ink cartridges that state or imply the cartridges  
 23 are recyclable;

24 4. That the Court order Defendants to implement all measures necessary  
 25 to remedy the unlawful, unfair or fraudulent business acts or practices, untrue and  
 26 misleading advertising, and other violations of law described in this complaint;

27 5. That the Court award damages to Plaintiff in a sum not less than  
 28 \$500,000,000.00;



1           6.     That the Court order Defendants to disgorge all profits from their  
2 unlawful, unfair or fraudulent business acts or practices, untrue and misleading  
3 advertising, and other violations of law described in this complaint, and an award  
4 of enhanced or treble damages, in an amount to be determined at trial;

5           7.     That the Court grant Plaintiff its reasonable attorneys' fees and costs  
6 of suit; and

7           8.     That the Court grant such other and further relief as may be just and  
8 proper.

9  
10     Dated: October 10, 2023

TROYGOULD PC

11  
12                     By: /s/ John C. Ulin

13                     John C. Ulin

14                     Attorneys for Plaintiff

15                     PLANET GREEN CARTRIDGES,  
16                     INC.

17                     **DEMAND FOR JURY TRIAL**

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

20  
21     Dated: October 10, 2023

TROYGOULD PC

22  
23                     By: /s/ John C. Ulin

24                     John C. Ulin

25                     Attorneys for Plaintiff

26                     PLANET GREEN CARTRIDGES,  
27                     INC.  
28