

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., *et al.*,

Plaintiffs,

v.

KATHY Q. HAO, *et al.*,

Defendants.

NO. 25-cv-2000-RSL

**ORDER DENYING DEFENDANT
KATHY Q. HAO'S RENEWED
MOTION TO DISMISS**

Before the Court is pro se defendant Kathy Q. Hao's ("Hao") Renewed Motion to Dismiss Plaintiffs' Complaint. Dkt. 32. Hao moves to dismiss the complaint with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Plaintiffs Amazon.com, Inc. and Amazon.com Services LLC (collectively "Amazon") oppose the

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1 motion. Dkt. 36. Having reviewed the parties’ submissions, the record of the case, and the
2 relevant legal authority, the Court denies the motion for the reasons set forth below.

3 BACKGROUND

4 Amazon operates the Amazon.com online marketplace (the “Amazon Store”),
5 through which Amazon and third-party sellers offer products for sale. In 2017, Amazon
6 launched its Brand Registry program, which provides trademark owners with tools to
7 identify and report potentially infringing products and content in the Amazon Store. Dkt. 1
8 ¶¶ 34–35. To enroll in Brand Registry, an applicant must possess an active trademark
9 registration or, in certain circumstances, a pending trademark application. *Id.* ¶¶ 34, 47.
10 Amazon verifies eligibility by sending a registration code to the email address listed for
11 the attorney of record with the United States Patent and Trademark Office (“USPTO”). ¶
12 47. The applicant must provide that code to Amazon to complete enrollment. *Id.* Once
13 enrolled, Brand Registry participants may report suspected infringement through
14 Amazon’s “Report a Violation” tool. *Id.* ¶¶ 34–36. When Amazon receives an
15 infringement notice, it may temporarily remove the allegedly infringing content or product
16 listing from the Amazon Store. *Id.* ¶ 37.

18 Amazon alleges that Hao, an attorney licensed in California and Washington,
19 participated in a scheme with several China-based trademark service providers to
20 fraudulently obtain thousands of trademark registrations for their clients. *Id.* ¶¶ 2-3, 13,

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1 48-49, 54-56. These service providers included defendants Shenzhen Seller Growth
2 Network Technology Co., Ltd., Shenzhen Qianhai Bishengdao Network Tech. Co., Ltd.,
3 and Shenzhen Quianhai Be-Victory Network Technology Co., Ltd. (collectively,
4 “Shenzhen Seller Growth”), and Xingyue Technology Ltd. Co. (“Xingyue”). *Id.* ¶ 2.
5 Amazon alleges that Hao permitted the service providers to use her name, credentials, and
6 electronic signature to prepare and file trademark applications with the USPTO, even
7 though she did not adequately review or personally sign the applications. *Id.* ¶¶ 50, 55–56,
8 64–65, 82–85.

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10 According to the complaint, these arrangements were designed to circumvent the
11 USPTO’s requirement that foreign-domiciled trademark applicants be represented by a
12 U.S.-licensed attorney. *Id.* ¶¶ 3, 51–53. Between 2019 and 2021, Hao was listed as the
13 attorney of record on more than 5,000 trademark applications, and Amazon asserts that the
14 owners of more than 4,000 of those marks subsequently applied for Brand Registry
15 accounts. *Id.* ¶ 50. Amazon alleges that Hao knew or should have known that her clients
16 were using the trademark applications to gain access to Brand Registry because email
17 addresses associated with her attorney-of-record listings received thousands of Brand
18 Registry verification codes from Amazon. *Id.* ¶ 54. Amazon further alleges that some of
19 the resulting Brand Registry accounts were used to submit fraudulent infringement notices
20 targeting legitimate product listings. *Id.* ¶¶ 48–50, 69.

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1 On April 27, 2022, the USPTO issued a Final Order sanctioning Hao and
2 suspending her from practice before the USPTO for six months.¹ *Id.* ¶ 57. The order
3 identified twelve violations of the USPTO’s rules of professional conduct, including
4 Hao’s failure to perform the legal work required of the attorney of record, her
5 authorization of third parties to sign trademark applications and declarations using her
6 name, and her failure to retain control over the filing process. *Id.* ¶¶ 55–58. The USPTO
7 also found that Hao knowingly permitted third parties to submit documents bearing her
8 signature with the understanding that the USPTO would rely on those documents in
9 examining applications and issuing registrations. *Id.* ¶ 58. The Washington Supreme Court
10 subsequently imposed reciprocal discipline, and the California Supreme Court also
11 suspended Hao from practicing law for two years. *Id.* ¶ 59.

13 The complaint identifies two trademarks allegedly obtained through this scheme
14 that were subsequently used to submit fraudulent infringement notices to Amazon. The
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17 ¹ In deciding a motion to dismiss, the Court may consider documents incorporated by
18 reference into the complaint and matters of public record without converting the motion
19 into one for summary judgment. *United States v. Ritchie*, 342 F.3d 903, 908–09 (9th Cir.
20 2003). The USPTO’s Final Order is a public administrative record that is extensively
21 referenced and quoted in the Complaint. Dkt. 1 ¶¶ 55–59 & n.10. The Court may therefore
consider the Order’s existence and contents, although it may not take judicial notice of the
truth of reasonably disputed facts contained therein. *Khoja v. Orexigen Therapeutics, Inc.*,
899 F.3d 988, 999 (9th Cir. 2018).

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1 first, HONGID, was the subject of an application filed by Shenzhen Seller Growth on
2 behalf of defendant Jiahong Chen on December 22, 2019, listing Hao as attorney of
3 record. *Id.* ¶ 87. The USPTO registered the mark on July 7, 2020. *Id.* Amazon alleges that
4 the application falsely represented that Hao had prepared, reviewed, and signed the
5 application and its supporting declaration. *Id.* ¶¶ 90–92. The application also included an
6 allegedly fabricated specimen depicting a projection lamp bearing the HONGID mark. *Id.*
7 ¶ 93. On July 11, 2020, Jiahong Chen and defendant Shanhong Chen applied for a Brand
8 Registry account using the HONGID trademark. *Id.* ¶¶ 88, 121. Between March 2024 and
9 April 2025, they submitted more than 100 infringement notices through that account, at
10 least 50 of which Amazon determined were fraudulent. *Id.* ¶ 122. Some of these notices
11 resulted in the temporary removal of product listings from the Amazon Store. *Id.* ¶¶ 125–
12 127. The USPTO subsequently cancelled the HONGID registration on August 6, 2025,
13 following proceedings concerning Shenzhen Seller Growth’s misconduct. *Id.* ¶ 77.

15 The second trademark, JGAUZR, was the subject of an application allegedly filed
16 by Xingyue on April 25, 2021, on behalf of defendant Shenzhen NuoMa Industrial Design
17 Co., Ltd. (“Shenzhen NuoMa”), again listing Hao as attorney of record. *Id.* ¶ 103. The
18 application allegedly contained false declarations concerning Hao’s review and approval
19 and a fabricated specimen depicting a bicycle bell offered for sale on a website that
20 Amazon characterizes as a fraudulent specimen farm. *Id.* ¶¶ 106–111. On April 30, 2021,

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1 while the application was still pending, Shenzhen NuoMa and defendant Yi Zhang applied
2 for a Brand Registry account using the JGAUZR trademark application. *Id.* ¶¶ 104, 130.
3 The USPTO subsequently registered the trademark on April 12, 2022. *Id.* ¶ 103. In
4 February 2023, the JGAUZR Defendants submitted more than 430 infringement notices
5 through their Brand Registry account. *Id.* ¶ 131. Amazon alleges that these notices falsely
6 claimed infringement and, in some instances, followed the defendants’ manipulation of
7 legitimate product listings to create the appearance of infringement. *Id.* ¶¶ 133–136.
8 Amazon claims that it temporarily removed content from certain product listings in
9 reliance on these notices. *Id.* ¶ 134.

11 Amazon claims it incurred investigative and remedial expenses, suffered injury to
12 its reputation and goodwill, and sustained other economic harm as a result of this
13 fraudulent trademark-registration scheme. *Id.* ¶¶ 10, 41, 161, 183. Amazon asserts four
14 claims against Hao: violation of Washington’s Consumer Protection Act (“WCPA”)
15 (Third Claim), common law fraud (Fifth Claim), and two claims under the Lanham Act
16 for fraudulent procurement of the JGAUZR and HONGID trademark registrations
17 (Seventh and Eighth Claims, respectively). Dkt. 1 ¶¶ 155–162, 173–183, 195–206.

18 Hao moves to dismiss all claims against her pursuant to Rules 12(b)(1) and
19 12(b)(6). Dkt. 32. She argues that Amazon lacks Article III standing, that the complaint
20 fails to plead fraud with the requisite particularity or adequately allege causation, and that
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1 neither the Lanham Act nor the WCPA authorizes liability for her alleged conduct. She
2 further contends that Amazon's Lanham Act claims improperly intrude upon the
3 USPTO's regulatory authority and that the claims are barred by the applicable statutes of
4 limitations and laches. Finally, Hao argues that the lawsuit violates Federal Rule of Civil
5 Procedure 11, constitutes an abuse of process, and contravenes public policy.

6 **LEGAL STANDARD**

7 In evaluating a facial challenge to standing under Rule 12(b)(1) and a motion to
8 dismiss under Rule 12(b)(6), the Court accepts the complaint's well-pleaded factual
9 allegations as true and construes them in the light most favorable to the plaintiff.

10 *Bernhardt v. County of Los Angeles*, 279 F.3d 862, 867 (9th Cir. 2002); *Manzarek v. St.*
11 *Paul Fire & Marine Ins. Co.*, 519 F.3d 1025, 1031 (9th Cir. 2008). To survive dismissal
12 under Rule 12(b)(6), the complaint must contain sufficient factual allegations to state a
13 claim for relief that is plausible on its face. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A
14 Rule 12(b)(6) motion tests the legal sufficiency of the complaint and is not a vehicle for
15 resolving disputed issues of fact. *See City of Oakland v. BP PLC*, 969 F.3d 895, 910 (9th
16 Cir. 2020).

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DISCUSSION

A. Amazon Has Article III Standing

Article III of the United States Constitution limits federal court jurisdiction to “Cases” and “Controversies,” restricting federal courts to redressing or preventing actual or imminently threatened injuries caused by violations of law. *Summers v. Earth Island Institute*, 555 U.S. 488, 492 (2009). To establish Article III standing, a plaintiff must demonstrate (i) that it has suffered or likely will suffer an injury in fact, (ii) that the injury likely was caused or will be caused by the defendant, and (iii) that the injury likely would be redressed by the requested judicial relief. *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 380 (2024).

Hao argues that Amazon lacks Article III standing because it “has failed to allege a concrete injury traceable to [her] conduct” and that “Amazon’s purported damages—internal investigative costs, administrative efforts, and harm to third-party sellers—are self-imposed corporate expenditures, not judicially cognizable injuries.” Dkt. 32 at 11 (emphasis removed). Hao is mistaken. The complaint alleges that the fraudulent trademark applications facilitated by Hao enabled third parties to gain unauthorized access to Amazon’s Brand Registry and submit false infringement notices, resulting in the removal of legitimate product listings from the Amazon Store, and thereby, the loss of sales of those products. Amazon further alleges that it expended significant resources investigating

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1 and addressing the resulting misconduct and that the fraudulent takedowns harmed its
2 reputation, goodwill, and business interests. These allegations, accepted as true for
3 purposes of this motion, sufficiently establish an injury in fact. *See All. for Hippocratic*
4 *Med.*, 602 U.S. at 381 (recognizing monetary injury and injury to property as cognizable
5 injuries); *TransUnion LLC v. Ramirez*, 594 U.S. 413, 425 (2021) (recognizing reputational
6 harm as a concrete injury).

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8 Likewise, the complaint adequately alleges that Amazon's injuries are traceable to
9 Hao's conduct. Contrary to Hao's assertion, traceability does not require Amazon to
10 establish that Hao was the final actor in the chain of harm. *O'Handley v. Weber*, 62 F.4th
11 1145, 1161 (9th Cir. 2023) ("[T]he traceability requirement is less demanding than
12 proximate causation, and thus the causation chain does not fail solely because there are
13 several links or because a single third party's actions intervened.") (internal quotation
14 marks omitted). The involvement of third parties in the causal chain does not necessarily
15 defeat standing, provided their actions do not break the causal connection between the
16 defendant's conduct and the alleged injury. *See Ass'n of Pub. Agency Customers v.*
17 *Bonneville Power Admin.*, 733 F.3d 939, 953 (9th Cir. 2013). Here, Amazon alleges that
18 Hao knowingly facilitated the filing of fraudulent trademark applications, that those
19 applications enabled her clients to obtain access to Brand Registry, and that certain clients
20 subsequently used that access to submit fraudulent takedown notices that caused Amazon
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1 injury. At this stage of the proceedings, these allegations establish a sufficiently plausible
2 causal connection between Hao’s alleged conduct and Amazon’s injuries to satisfy Article
3 III’s traceability requirement.²

4 The Court therefore concludes that Amazon has adequately established Article III
5 standing for purposes of the present motion.

6 **B. Amazon Has Adequately Pleaded Fraud and Causation**

7 Hao argues that Amazon failed to allege fraud with sufficient particularity to satisfy
8 Federal Rule of Civil Procedure 9(b). Her argument primarily focuses on the common-law
9 fraud claim (Fifth Claim), but her underlying contention that Amazon failed to identify
10 particular fraudulent representations attributable to her also implicates the WCPA claim
11 (Third Claim) and the Lanham Act claims (Seventh and Eighth Claims).
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13 Rule 9(b) requires that allegations of fraud “must state the time, place, and specific
14 content of the false representations as well as the identities of the parties to the
15 misrepresentation.” *Schreiber Distrib. Co. v. Serv-Well Furniture Co.*, 806 F.2d 1393,
16 1401 (9th Cir. 1986). Amazon has met this pleading requirement. The complaint identifies
17 the applications to register the HONGID and JGAUZNR trademarks, the dates on which
18 they were filed, and the entities that submitted them using Hao’s name and credentials. It
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21 ² Hao does not challenge redressability.

1 further alleges that the applications contained declarations falsely representing that Hao
2 had reviewed and approved the filings, that the trademarks were being used in commerce,
3 and that the accompanying specimens demonstrated such use. The complaint explains why
4 these representations were allegedly false and asserts that both the USPTO and Amazon
5 relied on them. These allegations sufficiently identify the circumstances of the alleged
6 fraud. Hao's denials and explanations, including her contention that the USPTO
7 disciplinary findings do not establish intentional fraud, do not establish that the complaint
8 fails to plead fraud with particularity. Moreover, Hao's knowledge and intent may be
9 alleged generally under Rule 9(b). *See Odom v. Microsoft Corp.*, 486 F.3d 541, 554 (9th
10 Cir. 2007).

12 Hao also argues that Amazon has not sufficiently alleged causation because the
13 subsequent misconduct of her clients constituted a superseding cause that broke the chain
14 of proximate causation. Under Washington law, whether an intervening act constitutes a
15 superseding cause is generally a question of fact, although the issue may be resolved as a
16 matter of law when reasonable minds could not differ as to the foreseeability of the
17 intervening conduct. *Michaels v. CH2M Hill, Inc.*, 171 Wn.2d 587, 613 (2011); *Adgar v.*
18 *Dinsmore*, 26 Wn. App. 2d 866, 881-82 (2023). Here, Amazon alleges that Hao
19 knowingly facilitated fraudulent trademark registrations to enable her clients to obtain
20 access to Brand Registry and that she knew certain clients intended to use that access to
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engage in abusive conduct, including submitting false takedown notices. Because the subsequent misuse of Brand Registry was among the harms allegedly contemplated by the fraudulent registration scheme, the Court cannot conclude at this stage that the intervening conduct of Hao's clients necessarily constituted a superseding cause relieving her of liability.

C. Amazon Has Sufficiently Alleged the Lanham Act Claims

15 U.S.C. § 1120 provides that “[a]ny person who shall procure registration in the [USPTO] of a mark by a false or fraudulent declaration or representation, oral or in writing, or by any false means, shall be liable in a civil action by any person injured thereby for any damages sustained in consequence thereof.” To state a claim under § 1120, a plaintiff must allege a material misrepresentation, knowledge of its falsity, intent to induce reliance, reasonable reliance, and damages proximately resulting from that reliance. *United Phosphorus, Ltd. v. Midland Fumigant, Inc.*, 205 F.3d 1219, 1226 (10th Cir. 2000); *see also Amazon.com v. Morton*, 2026 WL 733773, at *5 (W.D. Wash. Mar. 16, 2026). As discussed above, Amazon has adequately alleged that Hao knowingly participated in the submission of fraudulent trademark applications, that the USPTO relied on the misrepresentations in issuing the HONGID and JGAUZNR registrations, and that Amazon suffered damages as a result. The Court therefore concludes that Amazon has sufficiently alleged its claims under § 1120.

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1 Hao also argues that the § 1120 claims improperly intrude upon the USPTO's
2 regulatory authority because they are "premised on alleged misconduct occurring during
3 trademark prosecution before the USPTO, an area Congress entrusted primarily to the
4 USPTO's administrative authority." Dkt. 32 at 20–21. This argument is unpersuasive.
5 Section 1120 expressly authorizes a private civil action for damages resulting from the
6 fraudulent procurement of a trademark registration. The USPTO's authority to investigate
7 and discipline attorneys practicing before it does not displace that statutory remedy. Nor
8 does the primary jurisdiction doctrine require dismissal. That doctrine permits courts, in
9 appropriate circumstances, to defer resolution of issues requiring an agency's specialized
10 expertise. *Syntek Semiconductor Co. v. Microchip Technology, Inc.*, 307 F.3d 775, 780–81
11 (9th Cir. 2002). Here, the USPTO has already concluded its disciplinary proceedings
12 against Hao, and Amazon seeks to establish civil liability under a statute expressly
13 authorizing such claims. Hao has identified no unresolved issue requiring referral to the
14 USPTO. Accordingly, the Court declines to invoke the primary jurisdiction doctrine.

16 **D. Amazon Has Stated a Viable WCPA Claim**

17 To state a claim for violation of the WCPA, Amazon must plausibly allege "(1) an
18 unfair or deceptive act or practice, (2) occurring in trade or commerce, (3) affecting the
19 public interest, (4) injury to a person's business or property, and (5) causation." *Panag v.*
20 *Farmers Ins. Co. of Washington*, 166 Wn.2d 27, 37 (2009) (citing *Hangman Ridge*

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1 *Stables, Inc. v. Safeco Title Ins. Co.*, 105 Wn.2d 778, 784 (1986)). In addition to her
2 causation argument, addressed above, Hao challenges the second element, contending that
3 her “legal representation before the USPTO and compliance with federal trademark
4 procedures” are “not consumer-oriented marketplace conduct directed at Amazon and do
5 not constitute ‘trade or commerce’ within the meaning of the CPA.” Dkt. 32 at 22–23.

6 Although the provision of professional legal services generally does not constitute
7 “trade or commerce” under the WCPA, “certain entrepreneurial aspects of the practice of
8 law” may fall within the statute’s reach. *Short v. Demopolis*, 103 Wn.2d 52, 60–61 (1984).
9 These include the business aspects of practicing law, such as obtaining clients and
10 generating profits, as distinguished from the competence and strategy involved in
11 providing legal services. *Id.* at 61–62; *Eriks v. Denver*, 118 Wn.2d 451, 464–65 (1992).
12 While the complaint alleges that Hao failed to perform the legal work required of an
13 attorney of record, Amazon’s WCPA claim is not limited to the adequacy of her
14 professional services. Rather, Amazon challenges the business arrangements through
15 which Hao allegedly permitted trademark service providers to use her name and
16 credentials to file thousands of applications for financial benefit. These allegations
17 plausibly implicate the entrepreneurial aspects of Hao’s practice rather than merely her
18 professional judgment or competence. Moreover, the WCPA does not require Amazon to
19 have been a consumer of Hao’s services or to have had a business relationship with her.
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1 *Panag*, 166 Wn.2d at 40. Accordingly, the Court concludes that Amazon has sufficiently
2 alleged conduct occurring in “trade or commerce” to sustain the WCPA claim against
3 Hao.

4 **E. Hao’s Remaining Arguments**

5 Hao’s remaining arguments are equally unpersuasive. She contends that Amazon’s
6 claims are time-barred because her alleged misconduct occurred between 2019 and 2021,
7 several years before Amazon filed this action in October 2025. But the dates of Hao’s
8 alleged misconduct do not necessarily establish when Amazon’s claims accrued. The
9 complaint alleges that Amazon suffered injuries resulting from fraudulent takedowns in
10 February 2023 and between March 2024 and April 2025. Dkt. 1 ¶¶ 122, 131. Nothing on
11 the face of the complaint establishes that Amazon’s claims accrued outside the applicable
12 limitations periods. *See United States ex rel. Air Control Techs., Inc. v. Pre Con Indus.,*
13 *Inc.*, 720 F.3d 1174, 1178 (9th Cir. 2013) (dismissal under Rule 12(b)(6) on statute-of-
14 limitations grounds is appropriate only when the running of the limitations period is
15 apparent on the face of the complaint). Nor has Hao established that the claims are barred
16 by laches, which requires unreasonable delay in filing suit and resulting prejudice. *Jarrow*
17 *Formulas, Inc. v. Nutrition Now, Inc.*, 304 F.3d 829, 838 (9th Cir. 2002). Finally, Hao’s
18 assertions that this lawsuit violates Rule 11, constitutes an abuse of process, and
19 contravenes public policy provide no basis for dismissal. Her remaining assertions of
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1 improper motive and public-policy concerns do not undermine the sufficiency of
2 Amazon's allegations. Accordingly, none of Hao's remaining arguments warrants
3 dismissal.

4 **CONCLUSION**

5 For the foregoing reasons, the Court HEREBY DENIES Hao's renewed motion to
6 dismiss the claims against her (Dkt. 32).

7 Dated this 23rd day of October 2026.

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10 Robert S. Lasnik
11 United States District Judge
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