

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Collins v. Binduo Electronic Business, Inc.

Civil Action No. 23-cv-00133-PAB-RTG · No. Civil Action No. 23-cv-00133-PAB-RTG · Decided January 28, 2026

SUMMARY

The United States District Court for the District of Colorado addresses Peggy Collins’s motion for default judgment against Binduo Electronic Business, Inc. in a copyright infringement action. The court finds that service was properly effectuated, that it has jurisdiction, and that the admitted allegations establish copyright infringement. The court awards \$2,000 in statutory damages based on the infringement of one copyrighted work.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Philip A. Brimmer
JURISDICTION	United States District Court for the District of Colorado
DECIDED	January 28, 2026
DOCKET	Civil Action No. 23-cv-00133-PAB-RTG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment under Federal Rule of Civil Procedure 55(b) on her copyright-infringement claim after the Clerk entered default against defendant.
STANDARD OF REVIEW	Default judgment is committed to the district court's sound discretion. The Court independently determined whether the admitted allegations established a viable copyright claim and whether the requested damages and fees were supported.
PRECEDENTIAL VALUE	unpublished district-court order; persuasive or nonprecedential

TOPICS

- default judgment
- copyright infringement
- service of process
- personal jurisdiction
- attorney fees

PRACTICE AREAS

- civil procedure
- copyright
- intellectual property
- commercial litigation
- remedies

QUESTIONS PRESENTED

1. Whether the Court had subject matter jurisdiction over the federal copyright-infringement claim.
2. Whether Binduo was properly served so that the Court could exercise personal jurisdiction and enter default judgment.
3. Whether the admitted allegations established copyright infringement.
4. What amount of statutory damages, attorney's fees, and costs should be awarded.
5. Whether injunctive relief, prejudgment interest, and retention of jurisdiction should be granted.

HOLDINGS

1. The Court had subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) because the action arose under federal copyright law.
2. Service on Binduo by certified mail was proper under Colo. Rev. Stat. § 7-90-704(2), was perfected five days after mailing, and established personal jurisdiction sufficient for default judgment.
3. The admitted allegations established that Binduo infringed Collins's copyright.
4. Collins was entitled to \$2,000 in statutory damages for infringement of one copyrighted work.
5. The Court awarded Collins \$997.50 in attorney's fees and \$400 in costs under 17 U.S.C. § 505.
6. The Court denied injunctive relief, prejudgment interest, and the request to retain jurisdiction because those requests were not renewed or adequately supported.

KEY QUOTATIONS

“Because of the Clerk of Court’s entry of default, see Docket No. 18, the factual allegations in plaintiff’s complaint, Docket No. 1, are deemed admitted.” (at 1125)

“Therefore, it is ORDERED that Plaintiff’s Motion for Default Judgment [Docket No. 32] is GRANTED.” (at 22)

FACTUAL BACKGROUND

Peggy Collins authored a stained-glass-cat digital artwork on December 24, 2018, and registered it with the United States Copyright Office on June 10, 2021. Binduo operated a Walmart vendor account and allegedly copied, stored, and displayed exact copies of the work in eight product listings without permission, using the work to promote merchandise. Binduo did not appear, and the Clerk entered default after service by certified mail at Binduo's principal place of business.

PROCEDURAL HISTORY

Peggy Collins filed a copyright-infringement action against Binduo Electronic Business, Inc. on January 17, 2023. After an initial service-related denial of default judgment and denial of reconsideration, the Court considered additional evidence showing that Binduo's registered agent could not be located at the registered-agent address. The Court concluded that service by certified mail was proper, entered default judgment, and awarded statutory damages, attorney's fees, and costs.

DISPOSITION

other

CASES CITED

- Olcott v. Delaware Flood Co., 327 F.3d 1115, 1124-25 (10th Cir. 2003)
- Williams v. Smithson, 57 F.3d 1081, 1995 WL 365988, at *1 (10th Cir. June 20, 1995) (unpublished table decision)
- Meehan v. Snow, 652 F.2d 274, 276 (2d Cir. 1981)
- In re Rains, 946 F.2d 731, 732-33 (10th Cir. 1991)
- Seme v. E&H Professional Security Co., Inc., 2010 WL 1553786, at *11 (D. Colo. Mar. 19, 2010)
- Cessna Finance Corp. v. Bielenberg Masonry Contracting, Inc., 715 F.2d 1442, 1444-45 (10th Cir. 1983)
- Moffett v. Halliburton Energy Services, Inc., 291 F.3d 1227, 1232 (10th Cir. 2002)
- Erickson v. Pardus, 551 U.S. 89, 93 (2007) (per curiam)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Bryson v. Gonzales, 534 F.3d 1282, 1286 (10th Cir. 2008)
- Dennis Garberg & Associates, Inc. v. Pack-Tech International Corp., 115 F.3d 767, 772 (10th Cir. 1997)
- Rambo v. American Southern Insurance Co., 839 F.2d 1415, 1417 (10th Cir. 1988)
- Dudnikov v. Chalk & Vermilion Fine Arts, Inc., 514 F.3d 1063, 1070 (10th Cir. 2008)
- AST Sports Science, Inc. v. CLF Distribution Ltd., 514 F.3d 1054, 1057 (10th Cir. 2008)
- Trujillo v. Williams, 465 F.3d 1210, 1217 (10th Cir. 2006)
- Peay v. BellSouth Medical Assistance Plan, 205 F.3d 1206, 1209 (10th Cir. 2000)
- Jenkins v. City of Topeka, 136 F.3d 1274, 1275 (10th Cir. 1998)
- Oklahoma Radio Associates v. Federal Deposit Insurance Corp., 969 F.2d 940, 943 (10th Cir. 1992)
- Howarth v. TCER, LLC, 2021 WL 4775270, at *2-3 (D. Colo. Oct. 13, 2021)
- Archangel Diamond Corp. v. Lukoil, 123 P.3d 1187, 1193 (Colo. 2005)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945)
- Ford Motor Co. v. Montana Eighth Judicial District Court, 592 U.S. 351, 358-59 (2021)
- Daimler AG v. Bauman, 571 U.S. 117, 137 (2013)
- La Resolana Architects, PA v. Reno, Inc., 555 F.3d 1171, 1177 (10th Cir. 2009)
- Regional District Council v. Mile High Rodbusters, Inc., 82 F. Supp. 3d 1235, 1243 (D. Colo. 2015)
- Herzfeld v. Parker, 100 F.R.D. 770, 773 (D. Colo. 1984)
- Hunt v. Inter-Globe Energy, Inc., 770 F.2d 145, 148 (10th Cir. 1985)
- Klapprott v. United States, 335 U.S. 601, 611-12 (1949)
- First Home Bank v. USA Pro Roofing & Construction, LLC, 2018 WL 6990394, at *3 (D. Colo. Oct. 19, 2018)

- United States v. Craighead, 176 F. App'x 922, 925 (10th Cir. 2006)
- BMO Harris Bank N.A. v. Marjanovic, 2021 WL 307501, at *4 (D. Colo. Jan. 29, 2021)
- Animaccord Ltd. v. Individuals, Partnerships & Unincorporated Associations Identified on Schedule A, 2023 WL 6206452, at *15 (E.D. Va. Feb. 28, 2023), report and recommendation adopted, 2023 WL 3940548 (E.D. Va. June 9, 2023)
- Wondie v. Mekuria, 742 F. Supp. 2d 118, 123 (D.D.C. 2010)
- Arista Records, Inc. v. Beker Enterprises, Inc., 298 F. Supp. 2d 1310, 1313 (S.D. Fla. 2003)
- Tague v. Mind Rocket, LLC, 2023 WL 11992382, at *2-3 (D. Colo. Mar. 1, 2023)
- Fogerty v. Fantasy, Inc., 510 U.S. 517, 534 (1994)
- Robinson v. City of Edmond, 160 F.3d 1275, 1281 (10th Cir. 1998)
- Hensley v. Eckerhart, 461 U.S. 424, 433 (1983)
- Jane L. v. Bangerter, 61 F.3d 1505, 1510 (10th Cir. 1995)
- Guides, Ltd. v. Yarmouth Group Property Management, Inc., 295 F.3d 1065, 1078 (10th Cir. 2002)
- Malloy v. Monahan, 73 F.3d 1012, 1018 (10th Cir. 1996)
- Ellis v. University of Kansas Medical Center, 163 F.3d 1186, 1203 (10th Cir. 1998)
- Blum v. Stenson, 465 U.S. 886, 895 n.11 (1984)
- Stockart.com, LLC v. Engle, 2011 WL 10894610, at *17 (D. Colo. Feb. 18, 2011)
- Ramos v. Lamm, 713 F.2d 546, 554-55 (10th Cir. 1983)
- Praseuth v. Rubbermaid, Inc., 406 F.3d 1245, 1257 (10th Cir. 2005)
- Keybank National Association v. Northwest Professional Color, Inc., 2016 WL 1446134, at *3 (D. Colo. Apr. 13, 2016)
- Caldwell v. Life Insurance Co. of North America, 287 F.3d 1276, 1287 (10th Cir. 2002)
- Baxter Construction Co., LLC v. SF Construction, Inc., 2024 WL 1537998, at *3 (D. Colo. Apr. 9, 2024)
- Japan Bio Science Laboratory Co. v. N-ZymeCeuticals, Inc., 2009 WL 1117437, at *2 (D. Colo. Apr. 23, 2009)
- North Star Scientific Solutions, LLC v. Michigan Health Clinics, 2025 WL 902427, at *6 (D. Colo. Feb. 25, 2025), report and recommendation adopted, 2025 WL 1251222 (D. Colo. Mar. 27, 2025)
- Great Bowery Inc. v. Vivid Beauty, 2026 WL 83947, at *7-8 (D. Colo. Jan. 12, 2026)