

UNITED STATES DISTRICT COURT

NORTHER DISTRICT OF ILLINOIS, EASTERN DIVISION

<p>JOURNALINESH, INC., a Colorado Corporation,</p> <p>Plaintiff,</p> <p>v.</p> <p>THE PARTNERSHIPS and UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE "A" a Foreign Entity</p> <p>Defendants</p>	<p>Case No.: 1:22-cv-03740</p> <p>Hon. Matthew F. Kennelly</p>
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PRELIMINARY INJUNCTION ORDER

This Cause being before the Court on Plaintiff JOURNALINESH, INC.’s (“Plaintiff”) Motion for Entry of a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiff’s Motion for Entry of a Preliminary Injunction against the fully interactive e-commerce stores operating under the seller aliases identified on Schedule A to the Complaint and attached hereto (“Seller Aliases”), and this Court hereby GRANTS Plaintiff’s motion as follows:

This Court further finds, in the absence of adversarial presentation, that the Defendants have sold products bearing unauthorized copies of Plaintiff’s Copyrighted Designs (including U.S. Copyright Registration No. VA 2-303-531), issued by the Register of Copyrights on June 9, 2022), and Plaintiff’s trade dress to residents of Illinois.

This Court further finds that injunctive relief previously granted in the Temporary

Restraining Order (“TRO”) should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of Plaintiff’s previously granted Motion for Entry of a temporary restraining Order establishes that Plaintiff has demonstrated likelihood of success on the merits, that no remedy at law exists, and that Plaintiff will suffer irreparable harm if the injunction is not granted. Specifically, Plaintiff has proved a prima facie case of trade dress infringement and copyright infringement because Plaintiff has a copyrighted design issued by the Register of Copyrights, Defendants are not licensed or authorized to use the copyright and Defendants’ use of copyrights causing likelihood of confusion as to the origin or sponsorship of Defendant’s Unauthorized products with Plaintiff. Furthermore, Defendants’ continued and unauthorized use of the Plaintiff’s Marks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff’s reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Plaintiff has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants’ actions.

As such, this Court orders that.

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under or in active concert with them be temporarily enjoined and restrained from:

- a. reproducing, distributing copies of, making derivative works of, or publicly displaying the Plaintiff’s Copyrighted Designs in any manner without the express authorization of Plaintiff;
- b. passing off, inducing, or enabling others to sell or pass off any product as a

genuine Plaintiff's Product or any other product produced by Plaintiff, that is not Plaintiff's or its assignors' not produced under the authorization, control or supervision of Plaintiff or Plaintiff's assignor and approved by Plaintiff for sale under the Copyrighted designs and Plaintiff's Trade Dress.

- c. committing any acts calculated to cause consumers to believe that Defendants' Unauthorized Products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any of Plaintiff's Marks, including the Copyrighted Designs, or reproductions, counterfeit copies or colorable imitations thereof.

2. Upon Plaintiff's request, any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as eBay, Inc. ("eBay"), AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), Amazon.com, Inc. ("Amazon"), ContextLogic Inc. d/b/a Wish.com ("Wish.com"), (collectively "Third Party Providers") shall within seven (7) calendar days after the receipt of such notice, provide to Plaintiff expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:

- a. the identities and locations of Defendants, their agents, servants, employees, attorneys, and any persons acting in concert or participation with them, including

- all known contact information and all associated e-mail addresses;
- b. the nature of Defendants' operations and all associated sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces; and
 - c. any financial accounts owned or controlled by Defendants, including their agents, servants, employees, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal, Inc. ("PayPal"), Alipay, Alibaba, Ant Financial Services Group ("Ant Financial"), Amazon Pay, Wish.com, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
3. Upon Plaintiff's request, those with notice of this Order, including Third Party Providers as defined in Paragraph 2, shall within seven (7) calendar days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the Plaintiff's Marks and/or which bear the Plaintiff's Copyrighted Designs.
 4. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
 5. Any Third Party Providers, including PayPal, Alipay, Alibaba, Ant Financial, Wish.com, and Amazon Pay, shall, within seven (7) calendar days of receipt of this

Order:

- a. locate all accounts and funds connected to Defendants' Seller Aliases and Online Marketplaces, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto, and in Exhibit 3 to the Declaration of Min Li, and any e-mail addresses provided for Defendants by third parties; and
 - b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
6. Plaintiff is authorized to issue expedited written discovery, pursuant to the Federal Rules of Civil Procedure 33, 34 and 36, related to:
- a. the identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information, including any and all associated e-mail addresses; and
 - b. the nature of Defendants' operations and all associated sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces.

Plaintiff is authorized to issue any such expedited discovery requests via e-mail.

Defendants shall respond to any such discovery requests within seven (7) calendar days of being served via e-mail.

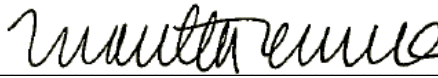
7. Plaintiff may provide notice of these proceedings to Defendants, including service

of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Complaint, this Order and other relevant documents on a website and by sending an e-mail to the e-mail addresses provided for Defendants by third parties that includes a link to said website. The Clerk of the Court is directed to issue a single original summons in the name of “The Partnerships and all other Defendants identified in the Complaint” that shall apply to all Defendants. The combination of providing notice via electronic publication and e-mail, along with any notice that Defendants receive from payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.

8. Schedule A to the First Amended Complaint [10], Exhibit 3 to the Declaration of Min Li [23], and the TRO [35] are unsealed.
9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and Northern District of Illinois Local Rules.
10. The \$20,000 bond posted by Plaintiff shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

Date: 10/3/2022

IT IS SO ORDERED



Matthew F. Kennelly
United States District Judge

SCHEDULE A

Fully interactive e-commerce stores operating under the seller aliases

1. Yumiana
2. TOUVE
3. Besplany
4. BHR-US
5. Nitukany
6. CCLing
7. SXGL
8. INFOSUN.
9. aapartstore
10. WMOVE
11. INFOSUN.
12. Cheese Cat
13. USA YOUNG
14. FRUOR
15. HMMT
16. Thefefan Official Store
17. MIAODAM
18. Artrello
19. Kgxurl
20. Ctarwxzin
21. HBlife Flagship Store
22. Schaber Station
23. There For You
24. LDbeita
25. TOUVE
26. Besplany
27. BHR-US
28. Nitukany
29. Keladier
30. baiyunqubantianranshangmao
31. Smliekate
32. PickBest
33. FreSheep
34. Smliekate
35. OZBLUE
36. Xloey
37. FRUOR
38. ORVPMVP
39. HBlife
40. OuMuaMua