

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

XYZ CORPORATION,

PLAINTIFF,

v.

THE PARTNERSHIPS IDENTIFIED ON SCHEDULE A

DEFENDANTS.

CASE No.:1:26-cv-00011

HONORABLE JUDGE MARY M. ROWLAND

MAGISTRATE JUDGE YOUNG B. KIM

**PLAINTIFF’S MOTION FOR LEAVE TO FILE CERTAIN DOCUMENTS
UNDER SEAL AND TEMPORARILY PROCEED UNDER PSEUDONYM**

Plaintiff, XYZ Corporation (“Plaintiff”), by its undersigned counsel, seeks this Court’s authorization for leave to file certain documents under seal, and to temporarily proceed under pseudonym in an action arising out of 15 U.S.C. § 1114, *et seq.* 15 U.S.C. § 1125(a), *et seq.*; and 815 ILCS § 510, *et seq.* (the “Motion”).

I. INTRODUCTION

In this action, Plaintiff is requesting temporary *ex parte* relief based on its claims of: trademark infringement and counterfeiting; false designation of origin, passing off and unfair competition; and violation of the Illinois Uniform Deceptive Trade Practices Act. Plaintiff’s anticipated *Ex Parte* Motion for Entry of a Temporary Restraining Order (“Motion for TRO”) will be filed upon ruling of its present Motion.

Plaintiff is requesting that it be allowed to temporarily proceed with the case caption identifying Plaintiff under the pseudonym “XYZ Corporation” and the Defendants under pseudonym “The Partnerships Identified on Schedule A” until *ex parte* relief can be effectuated, as identifying the parties at this time will result in a frustration of the litigation process and will

leave Plaintiff without remedy for its injury. As Plaintiff will show, exceptional circumstances exist in this case, which should permit Plaintiff to proceed anonymously until such time as the *ex parte* relief is effectuated, with the parties' identities disclosed to defendants shortly thereafter.

In addition to Plaintiff's request to proceed under a pseudonym, Plaintiff is requesting leave to file the following documents under seal: (1) the unredacted Complaint, which identifies and includes allegations regarding Plaintiff and Defendants; Exhibit 1 to the Complaint, which consists of the Plaintiff's Trademarks; Schedule A to the Complaint, which consists of a list of the Defendants and their online marketplace accounts (referred to as "Seller Aliases" or "Defendant Internet Stores") and e-commerce store URLs of the Defendant Internet Stores [Dkt 2]; (2) Plaintiffs' anticipated motion for entry of a temporary restraining order, including a temporary injunction, a temporary asset restraint, and expedited discovery, and supporting memorandum, declarations, and exhibits, including screenshot printouts showing the infringement as well as the e-commerce stores operating under the Seller Aliases; and (3) the Declaration of Ann Marie Sullivan in support of this Motion which discloses the Plaintiff's identity.

Sealing this portion of the file is necessary to prevent the Defendants from learning of these proceedings prior to the execution of the temporary restraining order. If Defendants were to learn of these proceedings prematurely, the likely result would be the destruction of relevant documentary evidence as well as the hiding and/or transferring of assets to foreign jurisdictions, which would frustrate the purpose of the underlying law and would interfere with this Court's power to grant relief. *See generally*, the Declaration of Ann Marie Sullivan ("Sullivan Decl."), attached hereto. Once the temporary restraining order has been served on the relevant parties and the requested actions are taken, Plaintiff will move to unseal these documents.

II. EXCEPTIONAL CIRCUMSTANCES

Unless Plaintiff is allowed to proceed under a pseudonym, Defendants will be able to discern which marks are at issue in the instant action, and with this knowledge, will be capable of evading detection and prosecution for their disregard of United States intellectual property laws. Third-parties routinely work in concert with accused counterfeiters in an effort to facilitate evading enforcement efforts by operating trademark infringement litigation monitoring websites (hereinafter referred to as the “Monitoring Websites”). *See generally*, Sullivan Decl.

When these Monitoring Websites observe a trademark-holder having filed a lawsuit, they announce this activity on their websites, post the Complaint and other pleadings, and warn sellers to immediately cease their counterfeit activity, liquidate their associated financial accounts, and change the payment processors that they currently use to accept payments in their online stores. *Id.* at ¶¶ 3-4. These Monitoring Websites receive a high volume of views, with many counterfeit sellers regularly checking the articles posted. *Id.* at ¶ 11. The Monitoring Websites enable counterfeiters to connect with one another, posting links to chat groups, and encouraging counterfeiters to “forward this article” to other counterfeiters that may be named in the case. *Id.* at ¶¶ 5-7. Additionally, when Plaintiff’s identity is known in a lawsuit, Defendants routinely drain their payment processor accounts in order to frustrate Plaintiff’s efforts to prosecute this action and perform an accounting to determine Plaintiff’s lost profits. *Id.* at ¶ 13.

All anti-counterfeiting cases brought by Plaintiff’s counsel, Sullivan & Carter, LLP, and by this Plaintiff specifically, have been posted to at least one of the Monitoring Websites. *Id.* at ¶ 9. In fact, Plaintiff recently filed a case in December 2025 in California and an article was immediately posted on the Seller Defense website. *Id.* at ¶ 10. Plaintiff reasonably believes that this case will also be posted on the Monitoring Websites in the coming days should this Motion be denied. Sullivan Decl. at ¶ 10. To protect Plaintiff’s rights and ability to seek recourse for its injury,

it is imperative to prevent this activity from happening until after *ex parte* relief can be implemented.

III. ARGUMENT

Federal Rule of Civil Procedure 10(a) provides that “[e]very pleading” must “name all the parties[.]” However, it has been well-established that a party may seek an exception to the general requirement of open litigation by filing a motion to proceed under pseudonym. Though the Federal Rules of Civil Procedure do not specifically authorize the use of a pseudonym by litigants, courts have allowed parties to proceed anonymously in exceptional circumstances. Finding exceptional circumstances, courts have recently allowed plaintiffs in similar trademark infringement cases to proceed anonymously in both this District¹ and in other Districts.²

To proceed anonymously, “a party must demonstrate ‘exceptional circumstances’ that outweigh both the public policy in favor of identified parties and the prejudice to the opposing party that would result from anonymity.” *Doe v. Village of Deerfield*, 819 F.3d 372 (7th Cir. 2016) (citation omitted). The Seventh Circuit has held that it is within the District Court’s discretion to determine whether the circumstances of a particular case justify a departure from the general rule that parties must be identified by name. *Doe v. Blue Cross and Blue Shield United of Wisconsin*, 112 F.3d 869, 872 (7th Cir. 1997). The Court has found circumstances justifying the use of

¹ See *XYZ Corporation v. The P’ships*, No. 1:25-cv-11837, Dkt. [13] (N.D. Ill. Oct. 3, 2025) (unpublished) (Kennelly, J.) (“Plaintiff’s motion for leave to file certain documents under seal and to temporarily proceed under a pseudonym [8] is granted, exceptional circumstances having been shown.”); *XYZ Corporation v. The P’ships*, No. 1:25-cv-12545, Dkt. [19] (N.D. Ill. November 18, 2025) (unpublished) (Bucklo, J.) (“Plaintiff is directed to identify itself within fourteen (14) days.... Plaintiff’s Ex Parte motion for leave to file certain documents under seal and temporarily proceed under a pseudonym [10]...[is] granted.”).

² See *XYZ Corporation v. The P’ships, et al.*, No. 0:21-cv-61267, Dkt. [6] (S.D. Fl. June 22, 2021) (unpublished) (Singhal, J.) (Finding “that there is no threat of fundamental unfairness to Defendants in allowing Plaintiff to temporarily proceed under a pseudonym. To the contrary, it is Plaintiff that potentially suffers economic harm and damage to its reputation by allowing Defendants — whose personal identities are essentially unknown — to become aware of Plaintiff’s identity early enough to allow them to destroy online evidence or evade prosecution.” Also holding, “Plaintiff’s privacy right at this early stage of the litigation outweighs the need for Defendants and the public to be aware of Plaintiff’s identity.”).

anonymous names where, as here, a plaintiff is “a likely target of retaliation by people who would learn [its] identity” from court filings. *Doe v. City of Chicago*, 360 F.3d 667, 669 (7th Cir. 2004).

In deciding whether to permit a party to proceed by anonymous name, courts apply a balancing test, weighing “the possible prejudice to the opposing party from concealment” against “the harm to the plaintiff” from disclosure of its identity. *Id.* Here, the balancing test analysis favors permitting Plaintiff to proceed under pseudonym. Allowing Plaintiff to proceed anonymously will not harm the public interest, nor will Defendants be prejudiced given the temporary nature of the request. Plaintiff is not seeking to hide the parties’ identities indefinitely. Rather, Plaintiff seeks only to proceed anonymously on a temporary basis and intends to make the parties’ identities public shortly after *ex parte* relief is implemented.

As shown, if the parties’ identities are known at the outset, Defendants will undertake activity designed to frustrate Plaintiff’s efforts to prosecute this action and perform an accounting to determine Plaintiff’s lost profits. This assertion is based upon Plaintiff’s counsel’s previous and current experience in cases involving analogous facts. Sullivan Decl. at ¶ 13. Specifically, such activity will likely include, without limitation, Defendants: (a) blocking access to their sites in the United States so that trademark-holders are unable to view the Defendants online postings and, therefore, unable to gather important evidence; (b) closing their Defendant Internet Stores and opening up new online stores with new registration and account information in order to evade the action; and (c) transferring assets from their financial accounts, closing those accounts, and reopening new financial accounts so as to avoid asset restraints, leaving Plaintiff without remedy.

IV. CONCLUSION

For these reasons, Plaintiff respectfully requests that it be permitted to file certain documents under seal, and temporarily proceed in this action under pseudonym, at least until such time as the *ex parte* relief may be effectuated, including the suspension of the Defendant Internet Stores and restraint of the associated financial accounts, in order to further mitigate the risk of Defendants attempting to evade Plaintiff's present anti-counterfeiting efforts.

Dated: January 6, 2026

Respectfully submitted,

/s/ Alison K. Carter

Ann Marie Sullivan

Alison K. Carter

Gouthami V. Tufts

SULLIVAN & CARTER, LLP

111 W. Jackson Blvd. Ste 1700

Chicago IL 60604

www.scip.law

929-724-7529

a.carter@scip.law

ATTORNEYS FOR PLAINTIFF