

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BOSE CORPORATION,

PLAINTIFF,

v.

THE PARTNERSHIPS IDENTIFIED ON SCHEDULE A,

DEFENDANTS.

CASE No.: 1:26-cv-00011

JUDGE MARY M. ROWLAND

MAGISTRATE JUDGE YOUNG B. KIM

FILED UNDER SEAL

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S
EX PARTE MOTION FOR ENTRY OF A TEMPORARY RESTRAINING ORDER**

Plaintiff, Bose Corporation (“Bose” or “Plaintiff”), submits this Memorandum in support of its *Ex Parte* Motion for Entry of a Temporary Restraining Order, including a temporary injunction, a temporary asset restraint, and expedited discovery (“TRO”).

MEMORANDUM OF LAW

I. INTRODUCTION AND SUMMARY OF ARGUMENT

Plaintiff is requesting temporary *ex parte* relief based on an action for trademark infringement, counterfeiting, false designation of origin, and violation of the Illinois Uniform Deceptive Trade Practices Act (UDTPA), against the defendants identified on Amended Schedule A to the Complaint (the “Defendants”). Defendants operate fully interactive, ecommerce Internet stores under the online marketplace accounts listed on the Amended Schedule A (the “Seller Aliases” or “Defendant Internet Stores”), using counterfeit versions of Bose’s federally registered trademarks¹ (the “Bose Trademarks”), by offering for sale or selling unauthorized counterfeit products (the “Counterfeit Products”).

Plaintiff is forced to file this action to combat Defendants’ counterfeiting of its Bose Trademarks, as well as to protect unknowing consumers from purchasing Counterfeit Products, and therefore respectfully requests that this Court issue an *ex parte* Temporary Restraining Order (“TRO”), which would: (1) temporarily restrain Defendants’ continued manufacture, distribution, offering for sale, and sale of Counterfeit Products; (2) temporarily restrain Defendants’ assets to preserve Plaintiff’s right to an equitable accounting; and, (3) authorize expedited discovery allowing Plaintiff to inspect Defendants’ records relating to the Counterfeit Products and Defendants’ financial accounts.

II. STATEMENT OF FACTS

A. Plaintiff’s Trademarks and Products

Founded in 1964, Plaintiff, Bose Corporation, is the owner and rights holder of several Bose Trademarks. *See* Declaration of Jon L. Fine (“Fine Decl.”) at ¶ 6. Plaintiff manufactures and

¹ True and correct copies of Plaintiff’s federally registered trademarks are attached to the Complaint as Exhibit 1 [2-1].

sells a wide variety of audio equipment, including but not limited to, headphones, earbuds, portable speakers, surround sound speakers, home theater systems, loudspeaker systems, and aviation headset equipment, along with merchandise related to the Bose brand (collectively, the “Bose Products”). *Id.* at ¶ 5. Plaintiff owns the exclusive rights to develop, manufacture, distribute, license, promote, offer for sale, and sell the Bose Products in connection with its Bose Trademarks. *Id.* at ¶ 7. The Bose Trademarks are inherently distinctive, valid, subsisting, and in full force and effect; have been used continuously and have never been abandoned; qualify as famous marks; identify products as merchandise originating from Bose; and several are incontestable pursuant to 15 U.S.C. 1115(b). *See*, Declaration of Alison K. Carter (hereinafter referred to as the “Carter Decl.”) at ¶ 3.

Plaintiff has expended significant time, energy, and resources into promoting the Bose Products and Bose Trademarks. *Fine Decl.* at ¶ 9. Notably, Bose spends millions of dollars annually on marketing and promotion of the Bose Products. *Id.* Plaintiff sells Bose Products directly through its own websites and through various authorized dealers in numerous countries around the world. *Id.* at ¶ 8. *Id.* Additionally, Bose Products are manufactured to extremely high-quality standards such that Bose has become synonymous with “high-end” in the audio equipment industry. *Id.* Consumers expect the best in design and functionality when purchasing Bose Products. *Id.* Given Plaintiff’s dedicated efforts in this regard, Bose has received, and continues to receive, accolades for the quality, innovation, and design of its Bose Products, and is regularly featured in top-selling publications. *Id.* at ¶ 10. As such, the recognition and goodwill associated with the brand is of incalculable and inestimable value to the Plaintiff. *Id.*

B. Defendants’ Unlawful Activities

Significant counterfeiting has stemmed from the success of the Bose brand. *See, Id.* at ¶¶ 12, 14. Bose implemented an anti-counterfeiting program that investigates suspicious ecommerce

activity and online marketplace listings identified through proactive Internet sweeps. *Id.* at ¶ 12. Throughout this process, Bose encountered numerous online marketplace accounts which utilized various marketplace platforms such as Alibaba, AliExpress, Amazon, eBay, and Temu, all of which used the Bose Trademarks in commerce in connection with the offering for sale, selling, and importing of Counterfeit Products. *Id.* at ¶ 14, *see also*, Exhibit 2 to the Fine Decl. Among those discovered were the Defendant Internet Stores operated by the Defendants. *Id.* at ¶¶ 12, 14. The Defendants have never been, nor are currently, authorized by Bose to use the Bose Trademarks in commerce for any reason. *Id.* at ¶ 13. Yet, the Defendant Internet Stores appear to be authorized online retailers selling genuine Bose Products when they are not connected to Bose Products and do not have authorization to use the Bose Trademarks in connection with the Counterfeit Products. *Id.* at ¶ 15. These Defendant Internet Stores are designed to appear sophisticated and give the impression of authenticity in order to mislead and deceive consumers, and they are successful in doing so. *Id.*

Counterfeiters, such as Defendants, frequently operate multiple payment processor and merchant accounts, including but not limited to one or more financial accounts operated through e-commerce platforms and payment processors, hiding behind layers of payment gateways, which allow them to persist in their illegal operation without detection, and despite Plaintiff's best enforcement efforts. Carter Decl. at ¶ 4. Upon information and belief, Defendants regularly move funds obtained by its infringement of Plaintiff's Bose Trademarks, from the accounts associated with their online marketplaces to accounts outside the jurisdiction of the Court. *Id.* at ¶ 5.

III. ARGUMENT

Defendants' purposeful and unlawful conduct is causing and will continue to cause irreparable harm to Plaintiff. Rule 65(b) of the Federal Rules of Civil Procedure provides that a court may issue a temporary restraining order without notice where (1) facts show that the movant

will suffer immediate and irreparable injury, loss, or damage before the adverse party can be heard in opposition; and (2) the movant’s attorney certifies in writing any efforts made to give notice and the reasons why it should not be required. Fed. R. Civ. P. 65(b). The facts in this case warrant such relief. *See* Carter Decl. at ¶¶ 7-11. Entry of a TRO is appropriate, as it would prevent ongoing injury to Plaintiff stemming from Defendants’ wrongful use of the Bose Trademarks and preserve the status quo until such time as a hearing can be held.

In the absence of an *ex parte* TRO, Defendants likely will register new online marketplace accounts under new aliases, modify registration data and content, change hosts, redirect traffic to other websites in their control, and move any assets from U.S.-based bank accounts to offshore bank accounts, outside the jurisdiction of this Court. Carter Decl. at ¶ 11. In discussing *ex parte* seizures in trademark counterfeiting cases, Congress noted “[t]estimony before both the House and Senate Judiciary Committees established that many of those who deal in counterfeits make it a practice to destroy or transfer counterfeit merchandise when a day in court is on the horizon. The *ex parte* seizure procedure is intended to thwart this bad faith tactic . . .”² Furthermore, the policy purpose of an *ex parte* TRO in trademark counterfeiting matters is to “provide victims...a means of ensuring that the courts are able to exercise their jurisdiction effectively...” *Id.* In fact, this Court has recognized that civil actions against counterfeiters present special challenges that justify proceeding on an *ex parte* basis. *See Columbia Pictures Indus., Inc. v. Jasso*, 927 F. Supp. 1075, 1077 (N.D. Ill. 1996) (observing that “proceedings against those who deliberately traffic in infringing merchandise are often useless if notice is given to the infringers”). As such, Plaintiff respectfully requests that this Court issue the requested *ex parte* temporary restraining order.

² *See* U.S. Attorneys Manual § 1711 (Joint Statement—Part G. *Ex Parte* Seizures), available at justice.gov/usam/criminal-resource-manual-1711-joint-statement-part-g-exparte-seizures (last accessed October 21, 2025).

A. Standard for Temporary Restraining Order and Preliminary Injunction

The standard for granting a TRO and the standard for granting a preliminary injunction are identical. *See, e.g. Charter Nat'l Bank & Trust v. Charter One Fin., Inc.*, 2001 WL 527404, *1 (N.D. Ill. May 15, 2001) (citation omitted). A party seeking to obtain a preliminary injunction must demonstrate: (1) that its case has some likelihood of success on the merits; (2) that no adequate remedy at law exists; and, (3) that it will suffer irreparable harm if the injunction is not granted. *See Ty, Inc. v. The Jones Group, Inc.*, 237 F.3d 891, 895 (7th Cir. 2001).

If the Court is satisfied that these conditions have been met, it must consider the harm the nonmoving party will suffer if preliminary relief is granted, balancing such harm against the irreparable harm the moving party will suffer if denied relief. *Id.* Finally, the Court must consider the potential effect on the public interest in denying or granting the injunction. *Id.* The Court then weighs all of these factors, “sitting as would a chancellor in equity,” when deciding whether to grant the injunction. *Id.* This process involves engaging in what the Court has deemed “the sliding scale approach” — the more likely the plaintiff will succeed on the merits, the less the balance of harms need favor the plaintiff’s position. *Id.*

i. Plaintiff Will Likely Succeed on the Merits of Its Claims

1. *Trademark Infringement and Counterfeiting Claim*

To establish trademark infringement under 15 U.S.C. § 1114, a plaintiff must prove three elements: (1) the plaintiff’s trademark is distinctive enough to be worthy of protection; (2) defendants are not authorized to use the trademark; and (3) a likelihood of confusion exists as to the origin or sponsorship of defendants’ products. *See Neopost Industrie B.V. v. PFE Int’l Inc.*, 403 F. Supp. 2d 669, 684 (N.D. Ill. 2005) (citation omitted).

Plaintiff’s Bose Trademarks are: inherently distinctive; registered with the United States Patent and Trademark Office on the Principal Register; have been continuously used; have never

been abandoned; are valid, subsisting, and in full force and effect; and, many are incontestable pursuant to 15 U.S.C. § 1065. Carter Decl. at ¶ 3. As such, the registrations constitute *prima facie* evidence of their validity and of Bose's exclusive right to use the marks pursuant to 15 U.S.C. § 1057(b). Furthermore, Bose has not authorized Defendants to use the Bose Trademarks, nor have they authorized them as licensors or resellers of Bose branded products. Fine Decl. at ¶ 13. Thus, Plaintiff satisfies the first and second elements of its Lanham Act claim.

Plaintiff satisfies the third element in two ways: under the Seventh Circuit's seven-factor likelihood of confusion test; and/or through the presumption of confusion inherent in the manufacture and distribution of counterfeit products. The Seventh Circuit's seven enumerated factors include: (1) similarity between the marks in appearance and suggestion; (2) similarity of the products; (3) area and manner of concurrent use; (4) degree of care likely to be exercised by consumers; (5) strength of complainant's mark; (6) actual confusion; and, (7) intent of the defendants to palm off their products as that of another. *AutoZone, Inc. v. Strick*, 543 F.3d 923, 929 (7th Cir. 2008). No factor is dispositive, but the similarity of the marks, actual confusion, and the defendant's intent are "particularly important." *Id.*

The majority of the seven factors weigh heavily in Bose's favor. First, Defendants' use of Plaintiff's Bose Trademarks is identical in appearance, and done so in a manner, which suggests to the consumer, that the source or origin of the Counterfeit Products is Bose. Carter Decl. at ¶ 6. Second, Defendants' Counterfeit Products are intentionally designed to look identical or similar to genuine Bose Products. *Id.* Third, both Plaintiff and Defendants advertise and sell their products via the Internet in the same area, during the same time period, and in an identical manner. *Id.* Fourth, potential consumers purchasing Bose Products are diverse, with varying degrees of sophistication, likely to have difficulty distinguishing genuine Bose Products from Counterfeit

Products. *Id.* Fifth, the Bose Trademarks have become famous, distinctive, and internationally recognizable; they signify to consumers that the Bose Products come from the Plaintiff. *Id.* at ¶ 3. Finally, evidence of actual consumer confusion is not required to prove that a likelihood of confusion exists, particularly given the compelling evidence that Defendants are attempting to palm off their goods as genuine Bose Products. *CAE, Inc. v. Clean Air Eng'g, Inc.*, 267 F.3d 660, 685 (7th Cir. 2001); *see also Sands, Taylor & Wood Co. v. Quaker Oats Co.*, 978 F.2d 947, 960 (7th Cir. 1992) (the Seventh Circuit finding that “plaintiff need not show actual confusion in order to establish likelihood of confusion.”).

Plaintiff can further establish that a likelihood of confusion exists through an additional independently sufficient basis — the presumption of confusion inherent in Defendants’ counterfeiting operation. The Seventh Circuit has held that where “one produces counterfeit goods in an apparent attempt to capitalize upon the popularity of, and demand for, another’s product, there is a presumption of a likelihood of confusion.” *Microsoft Corp. v. Rechanik*, 249 F. App’x 476, 479 (7th Cir. 2007). Accordingly, there is a presumption of a likelihood of confusion from Defendants’ use of the Bose Trademarks.

2. *False Designation of Origin and Illinois Uniform Deceptive Trade Practices Act Claims*

A plaintiff bringing a false designation of origin claim under 15 U.S.C. § 1125(a) must show: (1) plaintiff has a protectable trademark; and (2) a likelihood of confusion will exist as to the origin of plaintiff’s products. *All Star Championship Racing, Inc. v. O’Reilly Auto. Stores, Inc.*, 2013 WL 1701871, *10 (C.D. Ill. Apr. 18, 2013) (*citing Johnny Blastoff, Inc. v. Los Angeles Rams Football Co.*, 188 F. 3d 427, 436 (7th Cir. 1999)). In Illinois, courts resolve unfair competition and deceptive trade practices claims, “according to the principles set forth under the Lanham Act.” *Spex, Inc. v. Joy of Spex, Inc.*, 847 F. Supp. 567, 579 (N.D. Ill. 1994). Since Plaintiff has established

a likelihood of success on the merits for its trademark infringement claim against Defendants (*see supra*), a likelihood of success on the merits for Plaintiff's false designation of origin and IUOTD claims are also established.

ii. There is no Adequate Remedy at Law and Plaintiff Will Suffer Irreparable Harm in the Absence of Preliminary Relief

The Seventh Circuit has “clearly and repeatedly held that damage to a trademark holder’s goodwill can constitute irreparable injury for which the trademark owner has no adequate legal remedy.” *Re/Max N. Cent., Inc. v. Cook*, 272 F.3d 424, 432 (7th Cir. 2001) (citing *Eli Lilly & Co. Natural Answers, Inc.*, 233 F.3d 456, 469 (7th Cir. 2000)). Irreparable injury “almost inevitably follows” when there is a high probability of confusion because such injury “may not be fully compensable in damages.” *Helene Curtis Industries, Inc. v. Church & Dwight Co., Inc.*, 560 F.2d 1325, 1332 (7th Cir. 1977) (citation omitted). “The most corrosive and irreparable harm attributable to trademark infringement is the inability of the victim to control the nature and quality of the defendants’ goods.” *Int’l Kennel Club of Chicago, Inc. v. Mighty Star, Inc.*, 846 F.2d 1079, 1092 (7th Cir. 1988). As such, monetary damages are likely to be inadequate compensation for such harm. *Ideal Indus., Inc. v. Gardner Bender, Inc.*, 612 F.2d 1018, 1026 (7th Cir. 1979).

Defendants’ unauthorized use of Plaintiff’s Bose Trademarks has and continues to irreparably harm Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff’s reputation, loss of exclusivity, and loss of future sales. Fine Decl. at ¶¶ 18-20. The extent of such harm, and the possible diversion of customers, are both irreparable and incalculable, thus warranting an immediate halt to Defendants’ infringing activities through injunctive relief. *See Promatek Industries, Ltd. v. Equitrac Corp.*, 300 F.3d 808, 813 (7th Cir. 2002) (Finding that damage to plaintiff’s goodwill was irreparable harm for which plaintiff had no adequate remedy at law). Furthermore, Defendants’ intentional infringement deprives Plaintiff of the ability to

control the content and products protected by the Bose Trademarks, devalues the Bose brand by associating it with inferior quality goods; and, undermines the value of the Bose Trademarks by creating the impression that infringement may be undertaken with impunity thereby threatening Plaintiff's ability to maintain existing business relationships and develop future business relationships. Fine Decl. at ¶ 20. These are recognized irreparable harms for which monetary compensation is inadequate. *See MGM Studios, Inc. v. Grokster, Ltd.*, 518 F. Supp. 2d 1197, 1219 (C.D. Cal. 2007) ("In sum, Plaintiffs have offered two independently sufficient grounds for a finding of irreparable harm. Plaintiffs will suffer irreparable harm because of [Defendant's] likely inability to pay for the past and/or future infringements that it has induced. Additionally, [Defendant's] inducement has and will continue to irreparably harm Plaintiff's ability to enforce its exclusive rights."); *Warner Bros. Entm't, Inc. v. WTV Sys.*, 824 F. Supp. 2d 1003, 1013-14 (C.D. Cal. 2011) (recognizing that the perception of the ability to infringe [...] protected [intellectual property] undermines the ability to develop and conduct business). Accordingly, Plaintiff has satisfied the Seventh Circuit standard for granting preliminary relief by establishing that there is no adequate remedy at law and that Plaintiff will continue to suffer irreparable harm in the absence of such relief.

iii. The Balancing of Harms Tips in Plaintiff's Favor

Plaintiff has demonstrated (1) a likelihood of success on the merits, (2) no adequate remedy at law, and (3) the threat of irreparable harm if preliminary relief is not granted. The Court must next consider the potential harm that Defendants could suffer if preliminary relief is granted, balancing such harm against the irreparable harm Plaintiff will suffer if relief is denied. *Ty, Inc.*, 237 F.3d at 895. As willful infringers, Defendants are entitled to little equitable consideration. "When considering the balance of hardships between the parties in infringement cases, courts generally favor the trademark owner." *Krause Int'l Inc. v. Reed Elsevier, Inc.*, 866 F. Supp. 585,

587-88 (D.D.C. 1994). This is because “[o]ne who adopts the marks of another for similar goods acts at his own peril since he has no claim to the profits or advantages thereby derived.” *Burger King Corp. v. Majeed*, 805 F. Supp. 994, 1006 (S.D. Fla. 1992) (internal quotation marks omitted). Therefore, the balancing of harms “cannot favor a defendant whose injury results from the knowing infringement of the plaintiff’s [intellectual property].” *Malarkey-Taylor Assocs., Inc. v. Cellular Telecomms. Indus. Ass’n.*, 929 F. Supp. 473, 478 (D.D.C. 1996). As Defendants are knowingly and intentionally using Bose’s protected Bose Trademarks, in order to profit from sales of Counterfeit Products, the balance of equities must tip decisively in Plaintiff’s favor. Consequently, equity requires Defendants be ordered to cease their unlawful conduct.

iv. Issuance of the Injunction is in the Public Interest

It is well established that intellectual property laws “are concerned not alone with the protection of a property right existing in an individual, but also for the protection of the public from fraud and deceit.” *Stahfy, Inc. v. M.H. Jacobs Co.*, 183 F.2d 914, 917 (7th Cir. 1950) (citations omitted). Defendants are attempting to deceive consumers through their counterfeit activity. As a result, consumers may unknowingly purchase inauthentic and Counterfeit Products. These Counterfeit Products do not undergo the same rigorous tests associated with genuine products, frequently are of low quality and may be dangerous as there is no oversight into Defendants’ manufacturing process. This concern is acute in this case because many products are auditory devices, sometimes intended for use in, or on, a user’s ears. The Counterfeit Products are not tested by the Plaintiff, and therefore present risks of electric shocks, overheating, and short-circuiting. Such defects can result in fire hazards and permanent hearing loss. This threat to consumer health and safety, along with the likelihood that consumers associate these Counterfeit Products with the Plaintiff, makes injunctive relief necessary. Such relief is intended to dispel public confusion, protect consumers from deceit, and is in the interest of public safety.

IV. THE EQUITABLE RELIEF SOUGHT IS APPROPRIATE

In addition to this Court's inherent authority to issue injunctive relief, the Lanham Act authorizes courts to issue injunctive relief "according to the principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of the registrant of a mark" 15 U.S.C. § 1116(a). Moreover, under Federal Rule of Civil Procedure 65(d)(2)(C), this Court has the power to bind third parties, including online marketplaces and financial institutions, who are in active concert with Defendants or who aid and abet Defendants and are given actual notice of the order. Fed. R. Civ. P. 65(d)(2)(C).

As discussed *supra*, Defendants' counterfeiting activity is continuous and causes significant harm to Plaintiff with each passing day. Injunctive relief is necessary in order to curb this harm. Specifically, Plaintiff is requesting temporary injunctive relief which orders: (1) the immediate cessation of all unauthorized use of the Bose Trademarks on or in connection with any products listed on all Defendant Internet Stores; (2) a restraint of funds in the Defendant Internet Stores' associated financial accounts held by online marketplaces and payment processors; and (3) expedited discovery such that Plaintiff can determine the true identities behind the Defendant Internet Stores which will allow Plaintiff to provide notice to Defendants of these proceedings.

A. Cessation of Defendants' Use of Plaintiff's Trademark

The harm Plaintiff is incurring, and would continue to incur, from the Counterfeit Product listings remaining active until such time as Defendants can be heard is significant. As previously stated, those injuries include diminished goodwill and brand confidence, damage to Plaintiff's reputation, loss of exclusivity, loss of future sales, and loss of control over the content and products protected by the Bose Trademarks. Not only would there be a continued quantifiable injury in terms of lost profits and loss of future sales, but there is an unquantifiable portion that will have long-lasting effects. There is no way to tell just how many consumers are visiting the Defendant

Internet Stores each day, and every visit negatively impacts those unquantifiable injuries. The need for *ex parte* relief is magnified in today's global economy, where counterfeiters easily and anonymously operate over the Internet causing unknown amounts of damage. It is well-established in this Court that injunctive relief ordering the Defendants to cease use of Plaintiff's intellectual property is appropriate. *See, e.g., Duke University v. The Partnerships*, No. 25-cv-13273 (N.D. Ill. Nov. 14, 2025), and *Thrive Cosmetics, Inc .v. The Partnerships*, No. 24-cv-08535 (N.D. Ill. Mar. 13, 2025). As such, Plaintiff's request for *ex parte* relief ordering the removal of the Defendant Internet Stores' Counterfeit Products and immediate cessation of all use of Plaintiff's Bose Trademarks is proper.

B. Restraint of Assets Associated with the Defendant Internet Stores

Plaintiff requests an *ex parte* restraint of Defendants' funds which are closely linked to the Defendant Internet Stores' counterfeiting activity. Specifically, Plaintiff requests that the online marketplace and payment processors associated with the Defendant Internet Stores, through which consumers purchase the Counterfeit Products, and which hold those ill-gotten profits on behalf of the Defendants, be frozen. The reason for such a request is two-fold: (1) so that Defendants are unable to move the funds associated with sales of Counterfeit Products to jurisdictions outside of the reach of this Court; and (2) so Plaintiff's right to an equitable accounting of Defendants' profits from sales of Counterfeit Products is not impaired. In Plaintiff's counsel's experience, if such a restraint is not granted, and Defendants are permitted to be heard prior to the effectuation of any injunctive relief, Defendants may disregard their responsibilities and fraudulently transfer financial assets to overseas accounts before a restraint is ordered. Carter Decl. at ¶ 12.

Courts have the inherent authority to issue a prejudgment asset restraint when plaintiff's complaint seeks relief in equity. *Animale Grp. Inc. v. Sunny's Perfume Inc.*, 256 F. App'x 707, 709 (5th Cir. 2007). In addition, Plaintiff has shown a strong likelihood of succeeding on the merits

of its trademark infringement and counterfeiting claims; therefore, Plaintiff is entitled, “subject to the principles of equity, to recover . . . defendant’s profits.” 15 U.S.C. § 1117(a)(1).

The Northern District of Illinois, in *Lorillard Tobacco Co. v. Montrose Wholesale Candies*, entered an asset restraining order in a trademark infringement case brought by a tobacco company against owners of a store selling counterfeit cigarettes. *Lorillard Tobacco Co. v. Montrose Wholesale Candies*, 2005 WL 3115892, at *13 (N.D. Ill. Nov. 8, 2005). The Court recognized that it was explicitly allowed to issue a restraint on assets for lawsuits seeking equitable relief. *Id.* (citing *Grupo Mexicano, de Desarrollo, S.A. v. Aliance Bond Fund*, 527 U.S. 308, 325 (1999)). As the tobacco company sought a disgorgement of the storeowner’s profits, an equitable remedy, the Court found that it had the authority to freeze the storeowner’s assets. *Id.*

Plaintiff’s Complaint seeks, among other relief, that Defendants account for, and pay to Plaintiff, all profits realized by reason of Defendants’ unlawful acts. Because Plaintiff seeks disgorgement of Defendants’ profits, an equitable remedy, and Defendants’ enterprise is devoted to a fraudulent purpose made profitable by the infringing use of Plaintiff’s federally registered trademarks, the Court has the authority to freeze all U.S. based assets related to the fraudulent enterprise. *Id.* (citing *Deckert v. Independence Shares Corp.*, 311 U.S. 292 (1940)); *see also CSC Holdings, Inc. v. Redis*, 309 F.3d 988 (7th Cir. 2002) (“since the assets in question . . . were the profits of the [defendants] made by unlawfully stealing [the plaintiff’s] services, the freeze was appropriate and may remain in place pending final disposition of this case.”). Therefore, Plaintiff’s request for an asset restraint related to Defendants’ infringement is proper.

C. Expedited Discovery to Obtain Contact Information and Sales Data

The United States Supreme Court has held that “federal courts have the power to order, at their discretion, the discovery of facts necessary to ascertain their competency to entertain the merits.” *Vance v. Rumsfeld*, 2007 WL 4557812, *6 (N.D. Ill. Dec. 21, 2007) (quoting *Oppenheimer*

Fund, Inc. v. Sanders, 437 U.S. 340, 351 (1978)). Furthermore, courts have broad power over discovery and may permit discovery in order to aid in the identification of unknown defendants. See Fed. R. Civ. P. 26(b)(2); *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980). Additionally, under Federal Rule of Civil Procedure 65(d)(2)(C), this Court has the power to order any third-party, in active concert with the Defendants, to provide expedited discovery in an action once notice of the order is given. *Id.*

Plaintiff respectfully requests expedited discovery, specifically of the online marketplaces and payment processors associated with the Defendant Internet Stores, to discover: (1) the financial accounts Defendants use for their counterfeit operations; and (2) Defendants' registration information and sales data related to the Counterfeit Products. Plaintiff requests discovery as to the financial accounts of the Defendants in order to be able to inform the online marketplaces and payment processors associated with the Defendant Internet Stores to implement an asset restraint over those accounts. Discovery of these accounts, so they can be frozen, is necessary to ensure Defendants' activities are contained. See, e.g., *Decker's Outdoor Corporation v. The Partnerships, et al.*, No. 15-cv-3249 (N.D. Ill. April 4, 2015) (unpublished). Additionally, Plaintiff requests discovery of the Defendants' contact information so that Plaintiff may serve the Defendants and put them on notice of this action.³ Lastly, Plaintiff requests the sales and transaction data related to the Defendant Internet Stores in order to determine the extent of the counterfeiting associated with the Bose Trademarks. Accordingly, Plaintiff respectfully requests that this Court grant Plaintiff's request for expedited discovery.

³ Plaintiff has concurrently filed its Motion for Electronic Service of Process. Obtaining contact information through expedited discovery is necessary in order for service to be effectuated on the Defendants.

V. A BOND SHOULD SECURE THE INJUNCTIVE RELIEF

The posting of security upon issuance of a TRO or preliminary injunction is vested in the Court's sound discretion. *Rathmann Grp. v. Tanenbaum*, 889 F.2d 787, 789 (8th Cir. 1989); Fed. R. Civ. P. 65(c). Because of the strong and unequivocal nature of Plaintiff's evidence of trademark counterfeiting, infringement, and unfair competition, Plaintiff respectfully requests that this Court require Plaintiff to post a bond of no more than One Hundred And Ninety-Nine Thousand U.S. Dollars (\$199,000.00). *See, e.g., Duke University v. The Partnerships*, No. 25-cv-13273 (N.D. Ill. Nov. 14, 2025), and *Mob Entertainment, Inc. v. The Partnerships et.al.*, No. 25-cv-10601 (N.D. Ill. Nov. 19, 2025) (unpublished) (Docket No. 53).

VI. CONCLUSION

Defendants' counterfeiting operations are significantly injuring and irreparably harming Plaintiff, its Bose brand, consumers, and the general public. As the request in Plaintiff's proposed TRO is limited to include only what is necessary to prevent further irreparable harm and to redress its injury, Plaintiff respectfully requests entry of an *ex parte* temporary restraining order against the Defendants.

Dated: January 22, 2026

Respectfully submitted,

/s/ Gouthami V. Tufts

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