

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WHAM-O HOLDING, LTD. and
INTERSPORT CORP. d/b/a WHAM-O,

Plaintiffs,

Civil Action No.: 1:20-cv-03761

Judge Manish S. Shah

v.

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE “A”,

Defendants.

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiffs, WHAM-O HOLDING, LTD. and INTERSPORT CORP. d/b/a WHAM-O (“WHAM-O” or “Plaintiffs”), Motion for a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiffs’ Motion for Entry of a Preliminary Injunction in its entirety against the defendants identified in Schedule A (collectively, the “Defendants”).

THIS COURT HEREBY FINDS that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Plaintiffs have presented screenshot evidence that each Defendant Internet Store is reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents can and do purchase products using counterfeit versions of Plaintiffs’ HULA HOOP trademark, U.S. Trademark Registration No. 739,307 (“The HULA HOOP trademark”).

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 WHAM-O's previously granted Motion for a Temporary Restraining Order establishes that WHAM-O has a likelihood of success on the merits; that no remedy at law exists; and that WHAM-O will suffer irreparable harm if the injunction is not granted.

Specifically, WHAM-O has proved a *prima facie* case of trademark infringement because (1) the HULA HOOP trademark is a distinctive mark and is registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use the HULA HOOP trademark, and (3) Defendants' use of the HULA HOOP trademark is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with WHAM-O. Furthermore, Defendants' continued and unauthorized use of the HULA HOOP trademark irreparably harms WHAM-O through diminished goodwill and brand confidence, damage to WHAM-O's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, WHAM-O 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. Accordingly, this Court orders that:

1. Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily enjoined and restrained from:
 - a. using the HULA HOOP trademark or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a

- genuine HULA HOOP product or not authorized by WHAM-O to be sold in connection with the HULA HOOP trademark;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine HULA HOOP product or any other product produced by WHAM-O, that is not WHAM-O's or not produced under the authorization, control or supervision of WHAM-O and approved by WHAM-O for sale under the HULA HOOP trademark;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of WHAM-O, or are sponsored by, approved by, or otherwise connected with HULA HOOP;
 - d. further infringing the HULA HOOP trademark and damaging WHAM-O's goodwill;
 - e. 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 WHAM-O, nor authorized by WHAM-O to be sold or offered for sale, and which bear any of the HULA HOOP trademark or any reproductions, counterfeit copies or colorable imitations thereof;
 - f. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts, or any other online marketplace account that is being used to sell or is the means by which Defendants could continue to sell Counterfeit/Infringing HULA HOOP products; and

3. Defendants and 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 Marketplace Accounts or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as Marketplaces, advertisers, Facebook, Internet Service Providers ("ISP"), web hosts, back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers, including PayPal, Alipay, Western Union, third party processors and other payment processing service providers, shippers, and online marketplace registrars (collectively, the "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to WHAM-O expedited discovery, including copies of all 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, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information;
 - b. the nature of Defendants' operations and all associated sales and financial information, including, without limitation, identifying information associated with the Online Marketplace Accounts, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplace Accounts;
 - c. Defendants' websites and/or any Online Marketplace Accounts;
 - d. The Defendant Online Marketplace Accounts registered by Defendants; and
 - e. Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting

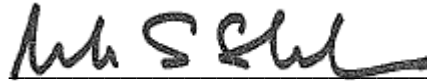
in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, Amazon, PayPal, Alipay, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

4. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
5. eBay, Inc. (“eBay”), PayPal, Inc. (“PayPal”), Context Logic, Inc. (“WISH”), Amazon Payments, Inc. (“Amazon”), Alipay US, Inc. and its entities (“Alipay”) and Huguang International Limited or Dunhuang Group d/b/a DHGATE, DHGate.com, DHPORT, DHLINK and DHPAY (“DHGate”), shall, within three (3) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any eBay, PayPal, WISH, Amazon, Alipay and DHGate accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Todd Richards; and
 - b. Restrain and enjoin any such accounts or funds that are non-U.S. foreign based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.


6. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any of Defendants' Online Marketplace Accounts or websites, shall within three (3) business days of receipt of this Order:
 - a. Locate all accounts and funds connected to Defendants, or Defendants' Online Marketplace Accounts, including, but not limited to, any accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Todd Richards; and
 - b. Restrain and enjoin such accounts from receiving, transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. WHAM-O may provide notice of these proceedings to Defendants, including notice of the preliminary injunction hearing and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website, or by sending an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Todd Richards and any e-mail addresses provided for Defendants by third parties that includes a link to said website. The Clerk of Court is directed to issue a single original summons in the name of "Changzhou Beststar Tourist Products Co., Ltd. and all other Defendants identified in 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 Online Marketplace Accounts and 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. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to WHAM-O or on shorter notice as set by this Court.

9. The \$10,000 bond posted by WHAM-O shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

Dated: August 4, 2020



Manish S. Shah
U.S. District Court Judge

 SellerDefense

SCHEDULE A

No.	DEFENDANTS
1	Changzhou Beststar Tourist Products Co., Ltd.
2	Hangzhou Changyi Sporting Goods Co., Ltd.
3	Hangzhou Sprocare Med Medical Supplies Co.,ltd
4	Hebei Kang Sheng Yuan Sports Goods Co., Ltd.
5	Nantong Jinruite Technology Development Co., Ltd.
6	Ningbo Winz Sports Goods Co., Ltd.
7	Shanghai Qida Trade Co., Ltd.
8	Shaoxing Jinlangte Sports Goods Co., Ltd.
9	Shenzhen Crestgolf Supplies Co., Ltd.
10	Suqian Feixiang Toy Co., Ltd.
11	UNISOUL INC.
12	Yiwu Pincai Daily Necessities Co., Ltd.
13	Yiwu Saida Sports Products Factory
14	Yuyao Aggpo Electronic Technology Co., Ltd.
15	Zhejiang Liangxuan Trade Co., Ltd.
16	2006eb seller
17	20yes4buy
18	2ndheaven2013
19	5minutesforhome
20	acc2020
21	aeolianisland
22	alettefroms
23	alwarysbeauty
24	anna1825
25	a-tristan
26	auhomeset
27	autopartnation
28	auzinn15
29	awell-bo
30	beadsmarket
31	bestnbestonline
32	beyondmall
33	bigbang6604
34	bikitique
35	bilkin-30
36	biwecity
37	bobwang1102
38	boysgirlsnew-04

39	boysgirlsnew-05
40	bychem013
41	cetagle-2
42	charminggaga
43	clio4u
44	conception1248
45	coolcargo68
46	coolmanloveit2015
47	coolscooter
48	cp-happy life
49	dadnmonsbasket
50	danwen-xi
51	decforhome
52	deyiz93
53	easycommuter
54	elec-mall
55	electr_one
56	ellb4580
57	ellieshang
58	elsa1682
59	equalityoutlet
60	fashionhome_9
61	feemo_no1
62	foreverforyou2017
63	fortune108
64	fortunesty
65	gashinastore
66	g-blaster
67	gesmartug
68	geyanboy_8
69	golden_empire2018
70	gsa_kmallcom
71	gzlp09
72	happybird2256
73	happy-buy-forever
74	happybuystore_6
75	happygotoshop
76	hellowen3238
77	holastore_2018
78	hooyon
79	huainianguoqu14

80	hualiisland
81	huijieltd
82	ieobgeegr
83	jerry201818
84	jewelry-panbeads
85	jiurutrade
86	jj294152023
87	jsbay88
88	justbuybuybuy17
89	jxtechbstore
90	kaydaily
91	kikirobuy
92	lacn147
93	leo4trade
94	libra.studio
95	liebe_777
96	lifefor4u**
97	life-ocio
98	lpchenmj
99	luckystory668
100	macxlqery64
101	mallcareyou
102	mallfun
103	mallhighquality
104	mallservice
105	manhatmall
106	megawheels_online
107	mickey2875
108	motorpartsvalue
109	mrright0
110	mscooter2016
111	mscooter-top
112	myherois126
113	myleeshop
114	my-little-pet
115	neuhaus3339
116	neutral888
117	niceol
118	nickplateau
119	noovira
120	off-mart

121	peachpink
122	pendeln2017
123	pinkerpur52
124	positive999
125	qifa_3
126	radima37
127	red_river7
128	risunstore
129	ronggxi_obhmkak
130	sabinasada
131	scapesajik
132	shuimohua
133	sihejumaoyi
134	smba_sbc
135	smileface01
136	squaregym
137	sven666
138	szming07252
139	tangsi1688
140	thanks4giving
141	the_rolling_stones
142	tingy75
143	tj13cn
144	tobox2020
145	top.art.online
146	top88apple
147	traumleben
148	ukings
149	uksuperstar2018
150	vo2531
151	voltany
152	weareeasyshop
153	wenxinkeji
154	whitesibirien
155	wis09dog
156	xia9472
157	xiasanjay_2
158	yakir365
159	yksheng02
160	ymca200808
161	yunfuli8960

162	465hgdsf4a6546
163	Aley's fast shop
164	ALONG 's Shop666
165	alyssasaed
166	ASD66
167	badening258
168	bestbest66
169	biigeoled580
170	Bingmeiren nv zhuang
171	camyerdeat
172	comeacross1
173	Daisysun
174	domitila
175	esperanza
176	Fashionpark365
177	feixiangxiaodian
178	Flavor beef jerky Bang bang niu
179	G4H6S5465G
180	gaomeijiao2156
181	Happy handicrafts store
182	helloabc2035
183	Hollysop
184	imeonmeon
185	lingling777
186	Live4nowfor
187	Lovelyhouse520
188	Isanbyre
189	missxu
190	NB999
191	New YE
192	PInghua89
193	pwrimo chharles company
194	ruixiang862
195	sdf65jhgf546
196	Shanghai Zhenhong trading Co., Ltd
197	SHIPFROMEU
198	skytoan
199	song yan shop
200	stronglonghh
201	TOAEON
202	TORYEA

203	Tsjhglsyu345
204	Ulittlebanana
205	VfjksjlfI23
206	VICHAN E-CO
207	wangyanyan215
208	wyek66986
209	xiwangtianye
210	Xshirley
211	yeskoshe
212	Ygsdtefcdd56
213	yiblakeji
214	Yunshan Bamboo stores
215	zxmaz
216	ZYJ888
217	ZYL-A
218	*m.kvfa*
219	♡kidirt♡🍷🍷
220	♡MODAO♡ Prime? Day Clearance Sale!!!
221	♡Ywoow♡
222	3d Murals Photo Gallery
223	6Feeki
224	ACHENYUANYUAN
225	Adam Macaulay
226	AGENI
227	Aimik
228	akasaw98
229	ALOPEX
230	Arierswing
231	AUJIEADJUNYI
232	AUSUKY
233	Auwer👉Summer Hot Sale👉Up To 50% Off👉.
234	avbojerbrwa
235	Baimuda
236	Banaidi
237	Bazahy
238	Beautymall
239	BerniceKelly
240	Bethany Home
241	biteri
242	BJFSSF
243	BJJIAJIN

244	BONBOON
245	BWOLF
246	Cenglings
247	cfbgfd
248	CHANGFENGUS
249	Cheer Maker
250	Cheunglk
251	CHICchen
252	ciweixiaohuo
253	ComCreate
254	CrushOn
255	Dainzuy
256	dgfdgdgd
257	DLAPL
258	DODOLOOK US
259	Dracarys Store
260	DreamJ
261	Dreamwork Co., Ltd.
262	DUANGUOYAN
263	EODUDO-S
264	erthree3
265	ertyn
266	EudoUS
267	Euoso
268	FakMe
269	FAN ST.
270	Fen Xia
271	ffzhushengmy
272	FTHK1
273	FYSHHDZSWB
274	Gangkai
275	gbfgbv
276	GeekHall
277	GESECRET
278	GHPBMZ
279	GIFTS zwr
280	Gijoki
281	GJ2019
282	gonikm
283	GouGoudamai
284	guohuikeji

285	guytcom
286	HAOLONGYI
287	Happy SP
288	henansuzhiledianzishangwuyouxiangongsi
289	hengzhenshipinshanghang
290	Hershey
291	HIFEOS STORE
292	Higere
293	HLYPD
294	Home Medical health Official shop
295	Houfoo
296	hPCNjoETsuc
297	HsuoWu
298	INOBLXR
299	Jaklove
300	Jiayit
301	JingLiang Li-us
302	Jiusike
303	Jk-Sr
304	JW Fashion
305	KaiYunKeJi
306	kfdgvsdj
307	KSDK
308	KT-Studio
309	KU LI
310	kuanus
311	langya store
312	laye
313	LDQ2019
314	Lee Sports
315	Let's go travel
316	lfggb
317	liang-
318	Life in the desert oasis world
319	LingBaBaihuo
320	Lingery
321	Linxian Tuban fengpingfuzhuangxiemaodian
322	LinXianHuiZhongBaiHuoDian
323	LI-PENG
324	liu qilei
325	LKHRS

326	LOPDJSEG
327	LTDD
328	luohushanghang
329	lXYcjJmyKvV
330	LY-GO
331	makoo
332	Master Deng
333	mengming us
334	Messagegly
335	mksznaPxr
336	Moggem Store
337	MZ JCSWHGMYXGS
338	Nalong Electronics Co., Ltd.
339	Newland
340	nice day
341	NOENNULL _House11
342	nuahga
343	nxiantaix
344	PAOxiao
345	PickTek
346	Portos Max
347	PRE-LIFE
348	Pvnoocy
349	qiaolushangmao
350	QIJINGYIHUA
351	qinguo123
352	QSPMGSE
353	QUAN--YOU
354	Redpol
355	ricalrechi23
356	Round2Quit
357	ruykjnbd
358	Sail Sailing
359	sfafdsfsf
360	Shakam global
361	ShanlinBaihuo
362	shanxijingbojuekejyouxiangongsi
363	shengdecheng
364	SHERRY-SHOP
365	Shuaihan
366	Simonseason

367	Sinzelimin
368	SiQing
369	smiela
370	snowvirtuos
371	Song Yao
372	SOTTYH
373	SPBNrDuRjFn
374	squellcheng
375	Sunny-house
376	sweetheart lover
377	TADAMI
378	TaemBuy.
379	TOPBIGGER 🍷 🍷 Up to 70% Big Promotion Sale
380	Tourequi
381	TWQQUS
382	US-CZ-XING
383	uson
384	Uuna Store
385	Uwitstar
386	Vansee ♡ ♡ hot sale !!!
387	VenerateCAR
388	Viedoct
389	vivioi
390	WangYings
391	WeiLiAA
392	Winfred Maurice
393	WONIUJIN
394	WU-LERY
395	xiamenxiangqi
396	XiAnShi BeiLinQu LingKongBaiHuoShangMaoDian
397	xianshiyantaquzhaohuanbaihuobianlidian
398	xiaogao shop
399	XIAOL-DNXC
400	XingHua Tongmuju Electronic Commerce Co., Ltd,
401	XUNMAiF
402	XY Direct
403	YAOYAO--BIAN
404	YibaiyiBaihuodian
405	yidadian
406	YongJiangJiaJuHang
407	Yongqinghui

408	YOU^NEN
409	Youen Direct
410	youqingren
411	YQCOM
412	ytiukjmn
413	YUANJIAN
414	YunFine INC
415	YUSDP
416	Yvm11
417	Zaozhuying
418	Zehui Trade
419	Zhang weiwei BU
420	zhangxiaojing
421	zhao456
422	ZhiSong
423	ZHYL
424	Zqsales Direct
425	ZSMING XIONGQI
426	404_NTFound Store
427	5Billion-Fitness Store
428	A Outdoor Store
429	ABbbbi Store
430	Actively & outdoor Store
431	Actively Up Store
432	Adventure outdoor franchise Store
433	Adventure Outdoor Store
434	Adventurer Outdoor Store
435	Aimigo & Exercise Store
436	All-inclusive Outdoor Store
437	Angler & Cyclist's Store
438	Athletics Outdoor Store
439	Baby DD Store
440	BC Music Store
441	Bluenight Outdoors Store
442	Brilliant Outdoor Store
443	By-Shine Store
444	Calla Outdoorsports Store
445	Camtoa Outdoor Store
446	CXF Store
447	Desirable Lifestyle Home- Store
448	Devil's Daily Parity Store

449	DiDiBaby Store
450	Dropshipping Outlet Store
451	easygoing4
452	Eileen Zhang Store
453	Energetic Store
454	Enjoying Your Sporting Life Store
455	Enjoy-Your-Life Store
456	Exercise builds self and challenges extremes Store
457	Exercise together Store
458	EZ Housework Store
459	Fantabulous Store
460	Fashional Clothes dropshipping Store
461	Fiddlesticks Store
462	FireFox outdoor Store
463	Fishing Day Store
464	Fitness & Life Store
465	Fitness Younger Store
466	Fizz Store
467	Forever- younger Store
468	Future Outdoor Store
469	Fuuny Outdoor Cycling Store
470	Gangplank Store
471	Global Adventure Store
472	Global Sporting Store
473	Going Sporting Store
474	good luck 666 Store
475	Go-Outing Store
476	Guiseapue Store
477	Guitar bag Store
478	Hangzhou Suoyin Import & Export Co., Ltd.
479	happyeasybuy01
480	He Zong Outdoor Store
481	Hi,Outdoor Store
482	HJ Life has you Store
483	HomeBeOfficial Store
484	Huaswin Store
485	Icycling GO Store
486	Irelia Store
487	Jamescastle Store
488	JIAXI House Store
489	JOSHNESE outdoor fitness Store

490	Keep-Running Store
491	let'skeeping Store
492	Litei96 Store
493	Lokie's Store
494	LT Outdoor Suppliers Store
495	Mi Smart- Store
496	My New Bag Store
497	Nantong Bodyplus Trading Co., Ltd.
498	Nice-30-Days Store
499	Ningbo Wonderful Plastic Industry And Trade Co., Ltd.
500	NOEBY OnlyOne Store
501	OHDREAM Rise Outdoor Fitness Store
502	OUO Fitness Store
503	Outdoor Adventure World Store
504	Outdoor Assistant Store
505	Outdoor Center Store
506	Outdoor Factory Drop Shipping Wholesaler Keep Moving Store
507	Outdoor Fitness & Cycling Store
508	Outdoor Goods Store
509	Outdoor Goods Wholesaler Drop Shipper Store
510	Outdoor Hobby Store
511	Outdoor Relaxing Store
512	Outdoor Sporting - Keep Healthy Store
513	Outdoor Wholesaler Drop Ship Towards Victory Store
514	Outdoors Life Store
515	Outdoor-Sport Store
516	Pro Hiker Store
517	ProOutdoor Store
518	QILILANG Store
519	Relax oneself Store
520	Rujia Bike Store
521	SeizeThe Day Store
522	Shop1742026 Store
523	Shop3901062 Store
524	Shop4679017 Store
525	Shop4800046 Store
526	Shop4998130 Store
527	Shop5315011 Store
528	Shop5423114 Store
529	Shop5598201 Store
530	Shop5623092 Store

531	Shop5623186 Store
532	Shop5628321 Store
533	Shop5723082 Store
534	Shop5789161 Store
535	Shop801868 Store
536	Shop900058002 Store
537	Sikiwind Outdoor Store
538	Sikiwind Outdoor Store Store
539	Sion Store
540	Smart-home-Xiaomi Store
541	Splendiferous Go To Go Store
542	Sportsdiary Store
543	Sportworld Store
544	Staying Footprints Store
545	Suamo955 Store
546	Suntekcam Trail camera Store
547	superCassiopeia Store
548	superChoGath Store
549	Tools Heaven Store
550	Vicki Purdy Store
551	VIVIESTA SPORT Official Store
552	Wayfaring Outdoor Area Store
553	WEIHUA Movement supplies Store
554	Wholesaler Keep Moving Store
555	Wonder Outdoor Store
556	Wuxi Stoter Import And Export Company Ltd.
557	Yongkang Taqing Trade Co., Ltd.
558	Youchuang Co.,Ltd
559	Yunhua Shen's store
560	Yu's Outdoor Fun Store
561	ZAJK292 Outdoor Store
562	Zhejiang Jinyuan Machinery Co., Ltd.
563	Zindy's Store
564	all_sport
565	Babysupplies
566	Bestjerseys2020
567	cfgs
568	Dadoudou
569	Dayao05
570	easy_deal_tech
571	enjoyweekend

572	Funibaoluo
573	Hcaihong
574	hepsi_kids_toys
575	hlq1027
576	homeworld
577	hopestar168
578	Isearching
579	Jooyoo
580	jurassicstore
581	justokay
582	lahong
583	leviis
584	Liangliang5
585	lookest
586	loungersofa
587	Loverbeauty
588	mandystores
589	mouney