

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

ART ASK AGENCY,

Plaintiff,

v.

FIND ATHENA, et al.,

Defendants.

Case No. 20-cv-4518

Judge John J. Tharp, Jr.

SEALED TEMPORARY RESTRAINING ORDER

THIS CAUSE being before the Court on Plaintiff ART ASK AGENCY, *Ex Parte* Motion for Entry of a Temporary Restraining Order, including a Temporary Injunction, a Temporary Transfer of the Defendant Domain Names, a Temporary Asset Restraint, Expedited Discovery, and Service of Process by Email and Electronic Publication (the "Ex Parte Motion") against the defendants identified on Schedule A to the Complaint and attached hereto (collectively, the "Defendants") and using at least the domain names identified in Schedule A (the "Defendant Domain Names") and the online marketplace accounts identified in Schedule A (the "Online Marketplace Accounts"), and this Court having heard the evidence before it hereby GRANTS Plaintiffs' Ex Parte Motion as follows.

This Court further finds, in the absence of adversarial presentation, that it has personal jurisdiction over the Defendants because the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers, offer shipping to the United States, including Illinois, and accept payment in U.S.

dollars, and have sold products using infringing and counterfeit versions of the Anne Stokes mark and of U.S. Copyright Registration Nos. VA 2-152-019 for Spell Weaver, VA 2-152-045 for Dark Hearts, VA 2-152-048 for Protector, VA 2-152-055 for Gothic Prayer, VA 2-152-057 for Blue Moon, VA 2-152-058 for Dragonkin, VA 2-152-061 for Spirit Guide, VA 2-152-063 for Kindred Spirits, VA 2-152-064 for Angel Rose, VA 2-152-065 for Summon the Reaper, VA 2-152-067 for Aracnafaria and VA 2-152-068 for Enchantment for ANNE STOKES, to residents of Illinois.

This Court also finds that issuing this Order without notice pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure is appropriate because Plaintiff has presented specific facts in the Declaration of Maria Strid and the Declaration of Michael A. Hierl in support of the Motion for Temporary Restraining Order and accompanying evidence clearly showing that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition. Specifically, in the absence of an *ex parte* Order, Defendants could and likely would move any assets from accounts in financial institutions under this Court's jurisdiction to offshore accounts. 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 Plaintiff's ANNE STOKES trademark and ANNE STOKES Copyrights or any reproductions, counterfeit copies or colorable imitations in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any products that are not genuine ANNE

STOKES products or not authorized by Plaintiff to be sold in connection with Plaintiff's ANNE STOKES trademark and ANNE STOKES Copyrights;

- b. passing off, inducing, or enabling others to sell or pass off any products as genuine ANNE STOKES products or any other product produced by Plaintiff, that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's ANNE STOKES trademark and/or ANNE STOKES Copyrights;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. further infringing Plaintiff's ANNE STOKES trademark and ANNE STOKES Copyrights and damaging Plaintiff's goodwill; and
- e. 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 ANNE STOKES trademark and/or ANNE STOKES Copyrights or any reproductions, counterfeit copies or colorable imitations.

2. The domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afiliast Limited, CentralNic, Nominet, and the Public Interest Registry, and the domain name registrars, including, but not limited to, GoDaddy Operating Company LLC, Name.com, PDR LTD. d/b/a

PublicDomainRegistry.com, and Namecheap Inc., within three (3) business days of receipt of this Order or prior to expiration of this Order, whichever date shall occur first, shall disable Defendants' Domain Names and make them inactive and untransferable until further order by this Court.

3. 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' websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as iOffer and Alibaba (collectively, the "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to Plaintiff 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 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 Marketplace Accounts, the Defendant Domain Names, and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplace Accounts and Defendant Domain Names; and
- c. 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, eBay, PayPal, DHgate, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

4. Upon Plaintiff's request, those with notice of the injunction, including Third Party Providers, shall, within three (3) business 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 ANNE STOKES trademark and ANNE STOKES Copyrights.

5. Defendants shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further order by this Court.

6. Any Third Party Providers, including eBay, DHgate, PayPal, and Amazon shall, within two (2) business days of receipt of this Order:

a. locate all accounts and funds of Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any accounts connected to and related to the information listed in Schedule A to the Complaint; and

b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further order by this Court.

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

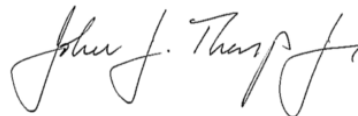
of the preliminary injunction hearing, service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Complaint, this Order, and other relevant documents on a website and by sending an e-mail to the e-mail addresses identified in Schedule A to the Complaint and any 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 “find athena 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. Plaintiff’s Complaint, Schedule A to the Complaint, Exhibit 2 to the Declaration of Maria Strid, and this Order shall remain sealed until further order by this Court.

9. Within three (3) business days of entry of this Order, Plaintiff shall deposit with the Court Ten Thousand Dollars (\$10,000.00), either cash or surety bond, as security, which amount has, in the absence of adversarial testing, been deemed adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful restraint hereunder.

10. 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 the Northern District of Illinois Local Rules.

This Temporary Restraining Order without notice is entered on August 5, 2020 at 2:30 P.M. and shall remain in effect for fourteen (14) days.

A handwritten signature in black ink, reading "John J. Tharp, Jr.", written over a horizontal line.

John J. Tharp, Jr.
United States District Judge

 SellerDefense

SCHEDULE A

No.	Defendant Name / Alias
1	find_athena
2	loonghead
3	blueberries8
4	jewelry-base
5	kang1356
6	038809398
7	2016bettergoods
8	365jewelry
9	5happydeals
10	advancedday2017
11	baishan-48
12	beautiful-estore
13	belle-poque
14	besthomesell
15	brovo-p5
16	bule-4550
17	bxqerdmc-0
18	byclear345
19	cheerfuldays08
20	dailylifeonline
21	dand_3778
22	ddxx55
23	dlty-39
24	eirwe6-16
25	fenxiang.world
26	flyingchannel
27	gizarofuu
28	goodlife-33
29	greenradish11
30	haapy-team
31	hanzhetrade
32	happysell.2u
33	hegnwu87
34	hi-gobuy
35	homme-fashion501
36	hopeshine
37	icesmooth146
38	ideacharms

39	iklq_55
40	jewelry-apple
41	kjtouzi
42	little.apple2014
43	love-sell
44	luckystore-wz
45	machine-world2012
46	meigoods
47	mic-supply
48	mom-hands
49	ochirchic
50	ochirshine
51	onlinebuy_world
52	originallythe
53	peoplestechnology
54	shangme_33
55	shsupplier
56	silentmusic16
57	splendid-suns
58	technology-onsale
59	tvqg7493
60	unlovepa28
61	villagehead
62	weisky666
63	wemobile
64	wonderfulbuyfull
65	wonderfulbuying36588
66	wonderfulshopping.mm
67	ywgate
68	zhayanshan
69	zta7_53
70	anne210
71	Best&store
72	Clearance Crazy Sale by ❤️❤️ JCHENG
73	Come on zhou
74	DUTA.
75	FUSHENG001
76	qingyuestore
77	UUMM
78	Vacally(15-20 days for arrival)

79	whitelotous
80	Yeh+f.
81	Yolaga
82	ZYEE
83	boxx
84	timor_1
85	wumami
86	outletschina
87	qinba
88	berryjas75
89	besthomedecoridea
90	bopras_17
91	fourseaonbedding
92	grman-6847
93	trust-me888
94	wongbedding
95	wongsbedding7
96	4urlifestyle
97	c571121
98	tonzho92
99	minecrafts
100	Starone
101	eneworld
102	qing0605
103	dracaena
104	bigcarwhosepet2015
105	top*rated*houseware
106	reskadity0
107	zhouyueli222
108	adzkiyais0
109	nura450164
110	guangdiy2018
111	Tian.Teng
112	newlife888_0
113	Guangzhou Bao Qian Business Co., Ltd.
114	bapurw50

No	Defendants Online Marketplace
1	https://www.ebay.co.uk/usr/find_athena
2	https://www.ebay.com/usr/loonghead

3	https://www.ebay.com/usr/blueberries8
4	https://www.ebay.com/usr/jewelry-base
5	https://www.ebay.com/usr/kang1356
6	https://www.ebay.co.uk/usr/038809398
7	https://www.ebay.co.uk/usr/2016bettergoods
8	https://www.ebay.com.au/usr/365jewelry
9	https://www.ebay.com/usr/5happydeals
10	https://www.ebay.com/usr/advancedday2017
11	https://www.ebay.com/usr/baishan-48
12	https://www.ebay.com/usr/beautiful-estore
13	https://www.ebay.com/usr/belle-poque
14	https://www.ebay.com/usr/besthomesell
15	https://www.ebay.com/usr/brovo-p5
16	https://www.ebay.com/usr/bule-4550
17	https://www.ebay.com/usr/bxqerdmc-0
18	https://www.ebay.com/usr/byclear345
19	https://www.ebay.com/usr/cheerfuldays08
20	https://www.ebay.com/usr/dailylifeonline
21	https://www.ebay.com/usr/dand_3778
22	https://www.ebay.com/usr/ddxx55
23	https://www.ebay.com/usr/dlty-39
24	https://www.ebay.com/usr/eirwe6-16
25	https://www.ebay.com/usr/fenxiang.world
26	https://www.ebay.com/usr/flyingchannel
27	https://www.ebay.com/usr/gizarofuu
28	https://www.ebay.com/usr/goodlife-33
29	https://www.ebay.com/usr/greenradish11
30	https://www.ebay.com/usr/haapy-team
31	https://www.ebay.com.au/usr/hanzhetrade
32	https://www.ebay.com/usr/happysell.2u
33	https://www.ebay.com/usr/hegnwu87
34	https://www.ebay.com/usr/hi-gobuy
35	https://www.ebay.com/usr/homme-fashion501
36	https://www.ebay.com/usr/hopesshine
37	https://www.ebay.com/usr/icesmooth146
38	https://www.ebay.com/usr/ideacharms
39	https://www.ebay.com/usr/iklq_55
40	https://www.ebay.com/usr/jewelry-apple
41	https://www.ebay.com/usr/kjtouzi
42	https://www.ebay.com/usr/little.apple2014
43	https://www.ebay.com/usr/love-sell

44	https://www.ebay.com/usr/luckystore-wz
45	https://www.ebay.co.uk/usr/machine-world2012
46	https://www.ebay.com/usr/meigoods
47	https://www.ebay.com/usr/mic-supply
48	https://www.ebay.com/usr/mom-hands
49	https://www.ebay.com/usr/ochirchic
50	https://www.ebay.com/usr/ochirshine
51	https://www.ebay.com/usr/onlinebuy_world
52	https://www.ebay.com/usr/originallythe
53	https://www.ebay.com/usr/peoplestechnology
54	https://www.ebay.com/usr/shangme_33
55	https://www.ebay.com/usr/shsupplier
56	https://www.ebay.com/usr/silentmusic16
57	https://www.ebay.com/usr/splendid-suns
58	https://www.ebay.com/usr/technology-onsale
59	https://www.ebay.com/usr/tvqg7493
60	https://www.ebay.com/usr/unlovepa28
61	https://www.ebay.com/usr/villagehead
62	https://www.ebay.com/usr/weisky666
63	https://www.ebay.com/usr/wemobile
64	https://www.ebay.com.au/usr/wonderfulbuyfull
65	https://www.ebay.com/usr/wonderfulbuying36588
66	https://www.ebay.com/usr/wonderfulshopping.mm
67	https://www.ebay.com/usr/ywgate
68	https://www.ebay.com/usr/zhayanshan
69	https://www.ebay.co.uk/usr/zta7_53
70	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A284CM8PLD4J7X&tab=&vasStoreID=
71	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=AIW1KUS7OJ49E&tab=&vasStoreID=
72	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A3CTM89LQDZ2R2&tab=&vasStoreID=
73	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=AUVBB0TCN9MWD&tab=&vasStoreID=
74	https://www.amazon.com/sp?_encoding=UTF8&asin=B07R2JMBGK&isAmazonFulfilled=0&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A3RBBU927H2GJ9&tab=&vasStoreID=
75	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A1RI9UAPAJ4F75&tab=&

	vasStoreID=
76	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A22QNH8YDIGRC&tab=&vasStoreID=
77	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A10HM91N96V2F9&tab=&vasStoreID=
78	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A39AQTZFYXLZ7&tab=&vasStoreID=
79	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A2U31GAVBEK55V&tab=&vasStoreID=
80	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A1DT40N3ZCYKN1&tab=&vasStoreID=
81	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A3DBM2G4DP8E&tab=&vasStoreID=
82	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A3AW3F33QFQ43W&tab=&vasStoreID=
83	https://www.dhgate.com/store/20717322
84	https://www.dhgate.com/store/20933767
85	https://www.dhgate.com/store/21189595
86	https://www.dhgate.com/store/20141233
87	https://www.dhgate.com/store/21069130
88	https://www.ebay.com/usr/berryjas75
89	https://www.ebay.com/usr/besthomedecoridea
90	https://www.ebay.com/usr/bopras_17
91	https://www.ebay.com/usr/fourseaonbedding
92	https://www.ebay.com/usr/grman-6847
93	https://www.ebay.com/usr/trust-me888
94	https://www.ebay.com/usr/wongbedding
95	https://www.ebay.com/usr/wongsbedding7
96	https://www.ebay.com/usr/4urlifestyle
97	https://www.ebay.com/usr/c571121
98	https://www.ebay.com/usr/tonzho92
99	https://www.dhgate.com/wholesale/products/ff808081645ad60c0164a7cf9c3c33b8.html
100	https://www.dhgate.com/store/20461561
101	https://www.ebay.com/usr/eneworld
102	https://www.ebay.com/usr/qing0605?_trksid=p2047675.12559
103	https://www.dhgate.com/store/20714269

104	https://www.ebay.com/usr/bigcarwhosepet2015
105	https://www.ebay.com/usr/top*rated*houseware
106	https://www.ebay.com/usr/reskadity0
107	https://www.dhgate.com/wholesale/products/ff8080815faf2965015fce5f1ca03690.html
108	https://www.ebay.com/usr/adzkiyais0
109	https://www.ebay.com/usr/nura450164
110	https://www.ebay.com/usr/guangdiy2018
111	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A2TDWTPC12MCH8&tab=&vasStoreID=
112	https://www.ebay.com/usr/newlife888_0
113	https://gzbq3d.en.alibaba.com
114	https://www.ebay.com/usr/bapurw50