

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

CAMELBAK PRODUCTS, LLC,

Plaintiff,

v.

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

Defendants.

Civil Action No.: 1:20-cv-01542

Judge Ronald A. Guzman

Magistrate Judge Sheila M. Finnegan

**PRELIMINARY INJUNCTION ORDER**

THIS CAUSE being before the Court on Plaintiff, CamelBak Products, LLC’s (“CAMELBAK” or “Plaintiff”), Motion for a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiff’s 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. “In the context of cases like this one, that means a plaintiff must show that each defendant is actually operating an interactive website that is accessible in Illinois and that each defendant has aimed such site at Illinois by standing ready, willing and able to ship its counterfeit goods to customers in Illinois in particular (or otherwise has some sufficient voluntary contacts with the state).” *Am. Bridal & Prom Indus. Ass’n v. P’ships & Unincorporated Ass’ns Identified on Schedule A*, 192 F.Supp.3d 924, 934 (N.D. Ill. 2016). In this case, Plaintiff has 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 Plaintiff’s trademarks. *See*

Docket No. 14 which includes screenshot evidence confirming that each Defendant Internet Store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the CAMELBAK trademarks, U.S. Trademark Registration Nos. 4,135,697 and 4,656,766 (“The CAMELBAK trademarks”).

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

Specifically, CAMELBAK has proved a *prima facie* case of trademark infringement because (1) the CAMELBAK trademarks are distinctive marks and are registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use the CAMELBAK trademarks, and (3) Defendants’ use of the CAMELBAK trademarks are causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with CAMELBAK. Furthermore, Defendants’ continued and unauthorized use of the CAMELBAK trademarks irreparably harms CAMELBAK through diminished goodwill and brand confidence, damage to CAMELBAK’s reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, CAMELBAK 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 CAMELBAK trademarks 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 CAMELBAK product or not authorized by CAMELBAK to be sold in connection with the CAMELBAK trademarks;
  - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine CAMELBAK product or any other product produced by CAMELBAK, that is not CAMELBAK's or not produced under the authorization, control or supervision of CAMELBAK and approved by CAMELBAK for sale under the CAMELBAK trademarks;
  - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of CAMELBAK, or are sponsored by, approved by, or otherwise connected with CAMELBAK;
  - d. further infringing the CAMELBAK trademarks and damaging CAMELBAK's goodwill;
  - e. otherwise competing unfairly with CAMELBAK in any manner;
  - f. 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 CAMELBAK, nor authorized by

CAMELBAK to be sold or offered for sale, and which bear any of the CAMELBAK trademarks or any reproductions, counterfeit copies or colorable imitations thereof;

- g. 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 CAMELBAK products.
2. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as, but not limited to, WISH, Amazon, and Alibaba Group Holding Ltd. along with any related Alibaba entities (collectively, "Marketplaces"), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, shall within three (3) business days of receipt of this Order:
    - a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using the CAMELBAK trademarks, including any accounts associated with the Defendants listed in Schedule A;
    - b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the CAMELBAK trademarks; and
    - c. take all steps necessary to prevent links to the Defendant Online Marketplace Accounts identified in Schedule A from displaying in search results, including, but not limited to, removing links to the Online Marketplace Accounts from any search index.

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, Alibaba, Western Union, third party processors and other payment processing service providers, shippers, and online marketplace registrars (collectively, the "Third Party Providers") shall, within three (3) business days after receipt of such notice, provide to CAMELBAK expedited discovery, including copies of all documents and records in such person's or entity's possession or control relating 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;
- 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, WISH, Alipay, Alibaba, 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"), and Amazon Payments, Inc. ("Amazon"), shall, within three (3) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites: Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any eBay, PayPal, WISH, and Amazon accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Daniel Kelly; and 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 two (2) 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 Daniel Kelly; 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. CAMELBAK 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 Daniel Kelly 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 "5minutesforhome 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 CAMELBAK or on shorter notice as set by this Court.
9. The \$10,000 bond posted by CAMELBAK shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

Dated: August 12, 2020

  
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U.S. District Court Judge

**SCHEDULE A**

<b>No.</b>	<b>DEFENDANTS</b>
1	5minutesforhome
2	better-seller01
3	senrevis40
4	fapanpa_0
5	pangp0
6	hkkwok
7	18budong02
8	fanlucy
9	laruelahela
10	tiancheng_digital
11	unle_26
12	xiaoyi-1
13	cici10086
14	evalink888
15	francorous
16	global27
17	hklandoo2014123
18	openseesame
19	tmdclub
20	ultraproeu
21	brise32
22	jianjianstore
23	sekam27
24	yula_jewelry
25	greekpig
26	Hi Caliton
27	wioper
28	accommodate
29	Beautiful rainy
30	cocosplay
31	ddc store
32	ddlcoo
33	diandianqwer
34	HK shanghai group limited
35	kimtobooks
36	pakkit
37	sijifuzhuangku
38	Srotean



39	woyaobangbangde
40	wuxueping159
41	zhangwei1986
42	cindy888
43	liangyong
44	Happy shopping Hongkong
45	loopow
46	bles-or
47	lvchangwei
48	chenmeijie
49	givemefive234
50	liuhanminxiansheng
51	Billyer
52	Singuton
53	Angelia Shop
54	kindlyperson
55	varition
56	chenxilu
57	guodongling
58	guotianliang
59	jixiaowei
60	Jkdsidskdhudy
61	JVCAT STORE
62	lele1998920
63	Lioing
64	liulei135
65	Magical Store
66	outdoorsportgears
67	rdghtfhbyttf
68	zhuping1314
69	CSJMshop
70	wangjiali003
71	hawaiiikiwi
72	lixueyong
73	Foster Silence
74	heroneo
75	Miss Jackson
76	Gwenna household
77	seesongogo
78	starsstylepay
79	yuanffc

80	beauty homer
81	jaspermovetogoods0820
82	ECOSHINE CO., LTD.
83	wuhanshop
84	Best Picks
85	DORE SHOP
86	godess
87	qixiaoli
88	youlechao
89	1A
90	byrdjie
91	coco car cushion
92	One belt one road
93	ruisilk
94	yanyanmiaomiao
95	Beautiful clothes house
96	nuoke chongwu
97	yinghuacao11
98	zqidonglai111
99	Cukooing
100	Hello_World
101	Hangzhou Fashionoutdoor Co., Ltd.
102	Quanzhou Dingrui Bags Manufacture Co., Ltd.
103	Quanzhou Dingyi Import And Export Co., Ltd.
104	Quanzhou Gu Yi Supply Chain Co., Ltd.
105	0cn_luoad
106	2011always-for-you
107	26justeasybuy
108	6godwater
109	ab-6993
110	aselling2
111	asm-206
112	atwoodduncan
113	benefguar9
114	brighttech
115	brotherhuang1983
116	carbon-mtb
117	chip_partner
118	chipworld
119	cisal226
120	cometohere_tobuy

121	cooluk719
122	dailyappliance2010
123	diamondido
124	dingding_le
125	domecool
126	dragon-store2012
127	enyingsales
128	factory.outlet365
129	fashionhome_9
130	fixauto
131	flowersgrass
132	footful_mall
133	freetopbuy
134	gadget.kit
135	globedealfield
136	goal100million-0
137	guojdon_0
138	haodhrena
139	happy_1sale
140	hbviejxl-4
141	highseller2018-4
142	hotsale2013
143	hyuillo
144	includingprep
145	jianjian2015
146	joennion
147	juolbccsa
148	ledlightpro
149	love-shopping2013
150	lzprosoft_7
151	madline2018
152	maeplqrgmgm86
153	mageepigou
154	miteckcity
155	moonandstar_inthesky
156	mymarket2018
157	neermm57
158	newcomdigi_eu
159	onedalao
160	oneddup
161	onenicemallstore

162	onfine2009
163	orienthost
164	prosperous-brocade
165	rainbowonline2012
166	ray_9825
167	rena5998
168	robothome
169	runinthedeep
170	shurenn
171	silveres_9
172	skyboxblue
173	super_deal321
174	surpassall
175	uuli-48
176	victorywo
177	vstar1986
178	work4best
179	xincheng8820112010
180	xuda0206_5
181	youlikestoreup
182	youngsquare
183	zhaoqing-60
184	zhenghj12
185	zhouicon
186	3C Base
187	96 Apparel
188	a vblue tiger
189	AJ Fashion trade company
190	batjacket
191	Be With You forever
192	Be your favorite
193	beijingyayakejiyouxiangongsi
194	buttonation
195	Castilla Mo Mar
196	cccbbba
197	Complex and Jen
198	coolfeet
199	Danae6
200	Elmar's shop
201	fangchao
202	Fashionpark365

203	FDH CO., LTD.
204	focal men fashion
205	fooreste
206	Futurelife1
207	gong1985
208	GU JIA 1314
209	GZ KWOK E-COMMENCE LIMITED
210	haihai034534chao
211	handlestore technologyco lcd
212	hansu
213	homeworlds
214	huaihuaxinda
215	Huangchengango
216	inpuni Technology
217	jibaqingle
218	KB.Outdoors
219	laylayxinba
220	LHYtobebox
221	Lilac_bloom
222	liweiang
223	LookingforGOOD
224	luckyecho
225	luckytrading
226	Luna ZZZ
227	luyangyang
228	lxpwuq
229	lyl
230	maggie888
231	Matta
232	morrison8815
233	Normissly
234	nuoya3
235	Orange life style
236	Outdoor Warehouse
237	outstanding318
238	pinkbanana
239	pomini12yang
240	qing1222
241	QThome
242	Raul
243	S2-FASHION

244	sentimen-t32
245	seven02
246	Shangfangdemaο
247	ShenZhen Sky Foreign trade Co., Ltd
248	shenzhenshixinshengshijishangmaoyouxiangongsi
249	shi jia zhuang dian
250	Shierba
251	Sue Business Co., Ltd.
252	SweetBuy8
253	tininess
254	VastFire
255	wanguohong
256	West Monikoog
257	xiaofeizhu
258	xiaoleizhuanmaidian
259	xiaoxiaoying
260	yanguibao
261	Yao11
262	yoson-camping
263	Youlequan
264	yuanlaizinixiaodian111
265	yuguishufang
266	yuwangsheng
267	YY-Store
268	zhaolidedian
269	zhihuigu
270	Zong Yang Ecommerce Ltd
271	Zoro2731
272	kebyy
273	kissmytwins
274	Sumerlly
275	tesyyke