

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

POLYBLANK DESIGN LIMITED,

Plaintiff,

Case No.: 1:20-cv-04453

v.

Judge Sara L. Ellis

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

Magistrate Judge Susan E. Cox

Defendants.

**PRELIMINARY INJUNCTION ORDER**

THIS CAUSE being before the Court on Plaintiff, POLYBLANK DESIGN LIMITED’s (“PDL” 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 Trademark. *See*

Docket No. 11 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 PETS ROCK trademark, U.S. Trademark Registration No. 5,097,681 and/or products infringing PETS ROCK Works, U.S. Copyright Registration Nos. VA0002104989; VA0002103969; VA0002102690; VA0002102692; VA0002102693; VA0002102694; VA0002102696; VA0002102213; VA0002102214; VA0002103929; VA0002103970; VA0002102215; VA0002103971; VA0002103972; VA0002102216; VA0002103973; VA0002102217; VA0002102218; VA0002102219; VA0002103974; VA0002102220; VA0002102221; VA0002103975; VA0002103976; VA0002102223; VA0002102222; VA0002102211; VA0002102210; VA0002102209; VA0002103977; VA0002103978; VA0002102208; VA0002102207; VA0002116325; VA0002102206; VA0002117815; VA0002102205; VA0002102204; VA0002102212; VA0002103968 and VA0002102697.

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

Specifically, PDL has proved a *prima facie* case of trademark infringement because (1) the PETS ROCK trademark is a distinctive mark and is registered with the U.S. Patent and Trademark Office on the Principal Register and the PETS ROCK Works are registered with the United States

Copyright Office, (2) Defendants are not licensed or authorized to use the PETS ROCK trademark and PETS ROCK Works, and (3) Defendants' use of the PETS ROCK trademark and PETS ROCK Works is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with PDL. Furthermore, Defendants' continued and unauthorized use of the PETS ROCK trademark and PETS ROCK Works irreparably harms PDL through diminished goodwill and brand confidence, damage to PDL's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, PDL 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 PDL's PETS ROCK trademark and Works 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 PETS ROCK product or not authorized by PDL to be sold in connection with PDL's PETS ROCK trademark and PETS ROCK Works;
  - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine PETS ROCK product or any other product produced by PDL, that is not PDL's or not produced under the authorization, control or supervision of PDL and approved by PDL for sale under PDL's PETS ROCK trademark and PETS ROCK Works;

- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of PDL, or are sponsored by, approved by, or otherwise connected with PDL;
- d. further infringing PDL's PETS ROCK trademark and PETS ROCK Works and damaging PDL 's goodwill;
- e. otherwise competing unfairly with PDL 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 PDL, nor authorized by PDL to be sold or offered for sale, and which bear PDL's PETS ROCK trademark and PETS ROCK Works 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 PETS ROCK Products; and
- h. operating and/or hosting at the Online Marketplace Accounts and any other online marketplaces registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing PDL's PETS ROCK trademark and PETS ROCK Works or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine PETS ROCK product or not authorized by PDL to be sold in connection with PDL's PETS ROCK trademark and PETS ROCK Works.

4. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as, but not limited to, Amazon, Alibaba Group Holding Ltd. along with any related Alibaba entities (collectively, "Alibaba"), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, shall within two (2) 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 PETS ROCK trademark and PETS ROCK Works, 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 PETS ROCK trademark and PETS ROCK Works; 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.
5. 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 Alibaba, 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 five (5) business days after receipt of such notice, provide to PDL 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, eBay, PayPal, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

6. 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.
7. Western Union shall, within two (2) business days of receipt of this Order, block any Western Union money transfers and funds from being received by the Defendants identified in Schedule A until further ordered by this Court.
8. eBay, Inc. ("eBay"), PayPal, Inc. ("PayPal"), Amazon Payments, Inc. ("Amazon"), Alipay US, Inc. and its entities ("Alipay") and Heguang International Limited or Dunhuang Group d/b/a DHGATE, DHGate.com, DHPORT, DHLINK and DHPAY ("DHGate"), shall, within two (2) 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, Amazon, Alipay and DHGate accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 3 to the Declaration of David Denholm; 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.
9. 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 3 to the Declaration of David Denholm; 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.
10. PDL 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 3 to the Declaration of David Denholm 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 "Oversized Men Store 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.
11. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to PDL or on shorter notice as set by this Court.
12. The \$10,000 bond posted by PDL shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.



Dated: August 28, 2020

A handwritten signature in black ink, appearing to read 'S. L. Ellis', positioned above a horizontal line.

U.S. District Court Judge Sara L. Ellis

**SCHEDULE A**

<b>No.</b>	<b>Defendants</b>
1	Oversized Men Store
2	meimeida Store
3	Shop5382172 Store
4	t-shirt20 Store
5	haomi
6	amesion81
7	diytees2018
8	INTENTIONALLY LEFT BLANK
9	Crazytshirts30
10	luckytomorrow
11	ALISISTER Official Store
12	CYD Store
13	enthusiasm Store
14	GHH02 Store
15	Guangzhou Coton Sportswear Co., Ltd.
16	Ha Ha Store
17	julangclosets Store
18	LFSZY Store
19	LINNA Store
20	Lus Los 999 Store
21	NorthStars Store
22	Quanzhou Dongjiazheng Garment Co., Ltd.
23	Shop2948080 Store
24	Shop3630031 Store
25	Shop4401081 Store
26	Shop5045049 Store
27	Vicky's Store
28	WIND COSY Store
29	Women HARAJUKU Store
30	xin rong Store
31	YuJiaI_ Store
32	Shenzhen Gold White-Collar Garments Co., Ltd.
33	Amiri
34	banwanyue7
35	bikeshirt
36	INTENTIONALLY LEFT BLANK
37	bincheng4
38	biyue8

39	Funnywork
40	Fyw0529
41	gali7
42	gali8
43	linda7249
44	monclergucci
45	oneskycity
46	peng008
47	Pingcup
48	qq1239067373
49	shitan9
50	thestudi
51	tshirt4u02
52	yuxin0010
53	zrusmis
54	MingLianShu Store
55	Suvan Store
56	Bd001
57	Bd003
58	Sd002
59	Sd003
60	amerju
61	qiansuning888
62	colorful*case
63	lychee-craft
64	lycheefashion
65	musiclychee
66	wangrea
67	Coli&Tori
68	zwettet
69	7ColorRoom Store
70	ABC-FFEE Store
71	ADASMILE Store
72	Ailsa Life Store
73	bubalus618 Store
74	CHONGYA Store
75	colour 666 Store
76	Commerplants Co., Ltd. Store
77	Cotton Cat Homes Store
78	Dianne Happiness Store
79	DreamSoar Store

80	ehome buy Store
81	Forest cabin Store
82	Global Commodity City
83	gyrohome Store
84	HappyDream Store
85	HGLEGYW Official Store
86	HGLEGYW Store
87	Hongkong Xiangze Superdeal Store
88	Jiangsu Weihao International Trading Co., Ltd.
89	kedior YAN RU HANG Official Store
90	Lychee Warm House Decoration Store
91	No.12 Garden Store
92	rayjiang Store
93	Senlong Store
94	Shop1853310 Store
95	Shop4540037 Store
96	Smile DO
97	Smily Home Textile Store
98	TIANZAN Life Store
99	WAZIR YouMeng Store
100	weweooo Store
101	XinZhao Store
102	Candide
103	Latex2010
104	lenda_customization
105	newmanhome
106	newstar_hg
107	Serlima
108	Shuishu
109	Tom1820pc
110	younglady2015
111	Gu's Log Cabin Store
112	Terry's Lucky Gift Store
113	PINGDINGSHANRUIQINSHNAGMAOYOUXIANZERENGONGSI
114	BluePanda Store
115	Carla Life Store
116	ChangGong Store
117	Cozy Homely Store
118	cubbyhouse
119	Fanshu House Store
120	flowerherd handmade Store

121	Fwei Store
122	Giant Flame Home Decor Art Store
123	GooHome Store
124	Ice-Beauty Craft Store
125	LUOVIZEM Official Store
126	Mem Eden Official Store
127	OLOEY Warm Store
128	orlco art Official Store
129	Orlco Art Store
130	SANTA RONA Gallery Store
131	Small Town Decor Store
132	INTENTIONALLY LEFT BLANK
133	Vanlin Art Store
134	Village Mycella Store
135	kenchen57
136	C-Block Store
137	Dianne Brooches Store
138	Jonas
139	Made Your Socks Ties Store
140	Natalie
141	PRINCESS TREND Store
142	Shop2633040 Store
143	Shop3895013 Store
144	store name 13168845108 Store
145	ADQKCLY Official Store
146	Co Co Store
147	Colorful Bulldog Official Store
148	colour 888 Store
149	Homie Store
150	Jaillet Store
151	loutasi Official Store
152	Lucie Store
153	Runfon Direct Store
154	Shaylee Life Store
155	Shop1665634 Store
156	Shop1984320 Store
157	Shop4429095 Store
158	Taominus Store
159	WARMFAMILY Store
160	yilin Eliane decor Store
161	YOYIHOME dropshipping Store

162	YTAPIZ Official Store
163	timor_1
164	Funny of Outdoors Store
165	Loving Outdoors Accessory Store
166	CREATINGTIME Fashionable Store
167	Johnny Pro Store
168	JULIO Deportes & Fitness Store
169	Shop3662064 Store
170	Wencull
171	Yiwu Loveda Gear Import & Export Co., Ltd.
172	ATILUO Official Store
173	JKRISING Outdoor Store
174	Jumping outdoors Store
175	Lian Sporting Store
176	Long Live Rock 'n' Roll
177	nanyangwt888 Store
178	Prefashion Everyday Store
179	RX Store
180	SWIM-MING Store
181	The fantasy party Store
182	Volibear Store
183	Yiwu Leo Apparel Co., Ltd.
184	HangZhou LanSheng Imp&Exp Co., Ltd.
185	Shaco Store
186	Shop3620056 Store
187	SHUN YE shopping Store
188	dazzling Store
189	JRcute Store
190	MaiYaCa Official Store
191	Shop2956039 Store
192	Shop5055182 Store
193	Shop5735230 Store
194	Shop5874038 Store
195	Shop5881256 Store
196	TOPASAM Store
197	winwinsales39 Store
198	hepsi_electronics
199	xia156-zj8hav
200	AIYOWI Store
201	FUNNYDOG Yifan Store
202	ANYUAN

203	mejorchoix Store
204	BOYUTE Official Store
205	Shop4677016 Store
206	Chinaart2013
207	ThreeRatels Store