

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

FRIDA KAHLO CORPORATION,

Plaintiff,

Case No.: 1:20-cv-04686

v.

Judge Sara L. Ellis

Magistrate Judge Sunil R. Harjani

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

Defendants.

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff, FRIDA KAHLO CORPORATION’s (“FKC” 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. 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 FRIDA KAHLO trademarks, U.S. Trademark Registration Nos. 5,700,393; 5,186,539; 5,341,582; 5,351,310; 4,739,999; 3,326,314; 3,326,313; 3,787,499; 3,799,598 and 3,318,902 ("The FRIDA KAHLO 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 FKC's previously granted Motion for a Temporary Restraining Order establishes that FKC has a likelihood of success on the merits; that no remedy at law exists; and that FKC will suffer irreparable harm if the injunction is not granted.

Specifically, FKC has proved a *prima facie* case of trademark infringement because (1) the FRIDA KAHLO 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 FRIDA KAHLO trademarks, and (3) Defendants' use of the FRIDA KAHLO trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with FKC. Furthermore, Defendants' continued and unauthorized use of the FRIDA KAHLO trademarks irreparably harms FRIDA KAHLO through diminished goodwill and brand confidence, damage to FRIDA KAHLO's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, FKC 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 FRIDA KAHLO 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 FRIDA KAHLO product or not authorized by FKC to be sold in connection with the FRIDA KAHLO trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine FRIDA KAHLO product or any other product produced by FKC, that is not FKC's or not produced under the authorization, control or supervision of FKC and approved by FKC for sale under the FRIDA KAHLO trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of FKC, or are sponsored by, approved by, or otherwise connected with FRIDA KAHLO;
 - d. further infringing the FRIDA KAHLO trademarks and damaging FKC's goodwill;
 - e. otherwise competing unfairly with FKC 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 FKC, nor authorized by FKC to be sold or offered for sale, and which bear any of the FRIDA KAHLO 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 FRIDA KAHLO products; and
 - h. operating and/or hosting websites by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing the FRIDA KAHLO trademarks or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine FRIDA KAHLO product or not authorized by FKC to be sold in connection with the FRIDA KAHLO trademarks.
2. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as, but not limited to, WISH and Alipay (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 FRIDA KAHLO 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 FRIDA KAHLO 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, 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 FKC 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, PayPal, Alipay, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

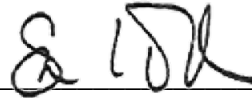
- 4. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
- 5. eBay, Inc. (“eBay”), PayPal, 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 Carlos Dorado; 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 Carlos Dorado; 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. FKC 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 Carlos Dorado 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 “chanan moon 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 FKC or on shorter notice as set by this Court.
9. The \$10,000 bond posted by FKC shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

Dated: September 18, 2020



U.S. District Court Judge Sara L. Ellis

SCHEDULE A

No.	Defendants
1	chanan moon
2	yiweiai
3	chenchen'sshop
4	ChinaCQ
5	yawei
6	yuejin meng
7	yumeijia
8	zhoushaohuashop
9	znFeshion
10	zydJGD
11	Shop5368276 Store
12	Tomorrowland Store
13	bangbang
14	widpradman
15	Zhuji Xingyi Knitting Co., Ltd.
16	amisoray-0
17	arosmayan_0
18	chatarindev0
19	diapurb8
20	dilmaxa
21	hengun25
22	id.laure
23	igold9
24	juminruliat0
25	marimargaret-0
26	nuhsole-0
27	pantugulto0
28	podsenen0
29	quinsalent.store
30	realga-93
31	shineworks606
32	srijati
33	6666612
34	Chinese home Museum
35	Crayons' International Trade
36	fastmerch
37	hss store

38	JULI Fashion Clothes
39	lifei66580
40	lilipeng520131
41	luohuanqiao
42	QFG7-tansport
43	xuzhenyu66688
44	yuxiaocong
45	zegailian
46	ZJloveZJ
47	Aixier
48	Beosh
49	BLANMERR
50	Carlo J Bruck
51	CHENGYA
52	ChenYeSheng
53	DOULADOU
54	DRHTFUHDTR6
55	FAHFUIKWE
56	feiliqifuzhuang
57	Flypo-yoc Direct
58	FXL Store
59	HARVEY CURTIS
60	jahdjsgjdfss
61	JAMES M. UDALL, INC.
62	KIAN ODONNELL
63	LAURA GALLAGHERSG
64	LiuChasdfi
65	Ngxiuquq
66	Nica t-shirts
67	Ou Yang Chong Bin
68	Pikeny hawlie
69	qilipsdol
70	SanLucZ
71	sdagtjuszgh
72	sichuanhenghengyingfushiyouxiangongsi
73	SQHUIQ
74	Susie L Behan
75	tianjinshibailijindianlijinjvyouxiangongsi
76	tupretty

77	WBYXBPV
78	xiUHAJEDSS
79	yuetuzhuangshi
80	ZWkayou
81	AITUTU Store
82	AK007 Store
83	FUNTEE Store
84	GEEKPRINT HipHop Store
85	Guldan Store
86	jaina Store
87	kitty female Store
88	Lili Boutique Store
89	Malygos Store
90	MAYACO Store
91	My T-shirt Store
92	Shop5365135 Store
93	Shop5369132 Store
94	Shop5888094 Store
95	xin tian di Store
96	Yiwu Beiwo Trading Company Limited
97	Zed Store
98	baby_shop1
99	lvzu333
100	Stepheen
101	yubin01
102	yubin10
103	id2015-kuma
104	tohe.tohw
105	JING66
106	zhuhaijun
107	abjuki0
108	afikafiya0
109	akudini-0
110	alsyw_0
111	ardinasutej-0
112	argsurandr-0
113	arnolhutape-0
114	atihu0
115	aulion-6

116	azwirat-0
117	caselab
118	dahlasulama-0
119	daniemustof0
120	farar-91
121	febrdi5
122	ferdden_3
123	gasah_29
124	hadinar_0
125	hadiningranand_0
126	hendrmuklisi0
127	hilandr0
128	hudalkatir0
129	hudnuzu-0
130	id2015.galan
131	ilhairwansya0
132	jajanmashur0
133	kakand11
134	laraphone
135	mia-case-store
136	monton_17
137	muniard_0
138	riauli-74
139	ryukhad_0
140	samiramukanda0
141	shoja-98
142	sofyasupriad0
143	supraptwilujen-0
144	surysaptoguntor0
145	sutrihadila_0
146	vernogipso-0
147	yul.an3
148	aichouchou
149	Case4You
150	chencanshop
151	chengdukou Friday
152	chengjidm supper-market
153	delicate presents
154	fugang fashion

155	HAIXIAZ
156	iCaseMall
157	IcsabelTzaylor
158	iDreamFlyer
159	linlixing fashion
160	liuqingshan fashion
161	qingyimian
162	Shenzhen Sourcing Mart Co. Ltd
163	Wangchikeai
164	YangJun Trade
165	zhaocaidan fashion
166	Anniamy
167	Be&Cheery
168	KCaudillenny
169	Klisa Losa
170	NEWzone
171	Dazzling 20 Store
172	mayama742019 Store
173	Shop5333003 Store
174	Shop5421227 Store
175	word Store
176	LiXiaolan
177	MXY-FOUUA
178	ShaoYuSheng
179	umaogaxd
180	jamestnt
181	ACHOGI
182	Anna Cowper
183	bhfpoqwpry
184	BKCMY
185	bnvaze
186	cawthuol
187	cevbtsjov
188	EVANLinism
189	gfgfvgggh
190	guopengfeia
191	HuangFL
192	HuangHH
193	HuangM

194	Idealiy
195	imobaby
196	Inhomer
197	Josid
198	LEVEIS
199	liangzhenman
200	liuchengshui
201	Nanmma
202	Nini Fashion
203	OOut Qiang
204	PuxinLive
205	QWLH
206	szv98tkswze
207	tianyananX
208	Unicey
209	vgbhbgvhhj
210	wangyangyang567
211	wuwenxin
212	Yang Xiaocheng
213	YETSH
214	Zhangtingyan
215	Zeimbag Store
216	LiWeiqiang
217	LLT-Mking
218	mrhebmout
219	sdfdddddddddddddfsdfdfs
220	ZACHARY FORSTER
221	BASKLJFJDOFO
222	chen jinxingawe
223	dahvuuog
224	fhdhdshb
225	fjtrjtmk
226	GenLiSong
227	guangzhouwanchangyinxiangyouxiangongsi
228	haorangba2
229	huchanga
230	jqgkbg
231	lkyfezzq
232	putianshiweicemaoyiyouxiangongsi

233	WT-Sports
234	xfsdfgewewr
235	XiaoChenMiXianDiancw
236	Yang Anqi
237	zhangchuanhua4873
238	87JFGNGF
239	88oilephxld
240	ChenGuiShao
241	chengzhuolilifadian
242	chenqiting
243	CYL-Sports
244	FANR-Store
245	hJwEE-30
246	lopali
247	MADDISON CLARKE
248	MGGPOOOX
249	nrkrevzxvaqw
250	WQJ Store
251	xushugongshu1
252	yk57irqhbkb
253	yunsongdianzishangwubu
254	YXIN1
255	dghgasj31
256	ftgfvvhjmkj
257	Gaochangqing
258	jhyuihnjjk
259	Maqing
260	quanzhoushixidingwangluokejiyouxiangongsi
261	Shaomingyue
262	SUNNYONE
263	wangyoujiang325423
264	Zhangyinyu
265	yingxiaodian
266	Deunglor
267	Gnuea
268	JEKE Store
269	miaomiaoshop
270	Nelly525
271	Wsprot

272	Wuang hang
273	CupGel Store
274	PICK Store
275	Shiny dazzing Store
276	Wangmao Store
277	Keduola123
278	clabostudio
279	Dragon Sword
280	DragonBuildingMaterials
281	Dyzyy
282	xiaoyang'shop
283	Gefei01
284	nice_03
285	qiansuning3
286	Pranavhandicraft
287	bghnbhjnjhmn
288	dj83rhqwfedgqsw
289	ZhangHanz
290	Chen Can
291	edfregtythjuyik
292	ABirghter
293	Resins-n-things
294	KEEP IT FRESH