

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

DEN-MAT HOLDINGS, LLC,

Plaintiff,

Civil Action No.: 1:20-cv-06194

v.

Judge Thomas M. Durkin

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, DEN-MAT HOLDINGS, LLC (“DEN-MAT” 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 SNAP-ON SMILE Trademark No. 3,252,363 (the “SNAP-ON SMILE 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 DEN-MAT’s previously granted Motion for a Temporary Restraining Order establishes that DEN-MAT has a likelihood of success on the merits; that no remedy at law exists; and that DEN-MAT will suffer irreparable harm if the injunction is not granted.

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

- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Internet Stores, or any other websites or online marketplace account that is being used to sell or is the means by which Defendants could continue to sell Counterfeit/Infringing SNAP-ON SMILE Products; and
 - h. operating and/or hosting at the Defendant Internet Stores and any other websites or online marketplace names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing DEN-MAT's SNAP-ON SMILE trademark or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine SNAP-ON SMILE product or not authorized by DEN-MAT to be sold in connection with DEN-MAT's SNAP-ON SMILE trademark.
2. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as 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 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

SNAP-ON SMILE trademark, 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 SNAP-ON SMILE trademark; and
 - c. take all steps necessary to prevent links to the Defendant Internet Stores identified in Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Internet Stores 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 Defendant Internet Stores or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as, but not limited to, 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, and shippers (collectively, the "Third Party Providers") shall, within ten (10) business days after receipt of such notice, provide to DEN-MAT 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 Defendant Internet Stores, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Defendant Internet Stores;
 - c. Defendants' websites and/or any Defendant Internet Stores;
 - d. The Defendant Internet Stores 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. Western Union shall, within three (3) 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.
6. eBay, Inc. ("eBay"), PayPal, Inc. ("PayPal"), ContextLogic, Inc. ("WISH"), Amazon Payments, Inc. ("Amazon"), Alipay US, Inc. and its entities ("Alipay"), Alibaba Group

Holding Limited (“Alibaba”), Huguang International Limited or Dunhuang Group d/b/a DHGATE, DHGate.com, DHPORT, DHLINK and DHPAY (“DHGate”), SIA Joom (“Joom”) and Shopify Inc. (“Shopify”), shall, within three (3) business days of receipt of this Order, for any Defendant or any of Defendants' Defendant Internet Stores 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, Alibaba, DHGate, Joom and Shopify accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Todd Tiberi; 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.

7. 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' Internet Stores, 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 Tiberi; 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.

8. DEN-MAT 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 Tiberi 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 “Noemigal 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.

9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to DEN-MAT or on shorter notice as set by this Court.
10. The \$10,000 bond posted by DEN-MAT shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

Dated: November 18, 2020



U.S. District Court Judge

SCHEDULE A

No.	Defendants
1	Noemigal
2	KFJHGF
3	Aoodysor
4	HigFoL012
5	WORDyong
6	DONGJU
7	Hainan Yidiantong Technology Co., Ltd.
8	TYSXHLQGWWJD
9	xingyunhuawo
10	GHEIHtE
11	Jaco-US
12	HOTSBEST
13	Awesome Things LLC
14	rection
15	VA-S
16	fengfeilinghao888
17	lin xian mu gua ping xiang yu lin cun
18	LONGMENH
19	SOLDBUY
20	GMWDPDD
21	Shiny Jewelry 30
22	ruoyong Song2019
23	Meikai
24	GLVHG
25	SDSGFDTRC
26	ARCE
27	Icing cake
28	Summer hope
29	UhappyBuy
30	pastalo
31	qingyun's shop
32	XIAOPY
33	WANG CHUNMEI
34	Tinkmall
35	topshowbeauty
36	fashion_shopaa
37	verynicegirl

38	zznysm2
39	fashion1314520
40	jewelrybestgift
41	tinalou1986
42	bestsellerpro
43	wholesalesdhgates
44	pick_what_to_buy
45	we.are.open
46	mmrwholesale20
47	prestontalton91
48	big.dealstore
49	imperial111
50	modern-online-store
51	magg_store
52	cohenstore999
53	bargainsnmore59
54	simpsoproducts
55	ph_love_store
56	dnwholesal3
57	adamshopp20
58	calico-mx
59	bunnystarts09
60	seedekstore
61	ale_6110
62	maiwill82
63	fashionstoreoforlando
64	murihyac0
65	aqua-blue-melon
66	supersonic_e_store
67	laurancudd_9
68	vikver25
69	anab-8583
70	onjetplane
71	benabetis
72	jacquto_83
73	zielinskico
74	motiohayon
75	shop2009mb
76	collectwithbee

77	chandrew101
78	ariel8497ariel
79	joshufranki0
80	leonioboichu-0
81	johngrantoutlet
82	██████████
83	juesp3015
84	bsg-products-and-supplys
85	zbub_saleo
86	we_r_bay
87	discount_laptop
88	kenkop-74
89	smart-pro-shop
90	future-020
91	markaugin
92	charbonn-6
93	anas-2000-store
94	ebuytrade2
95	rmdus.rmdus
96	insane-deal
97	ernjamest_61
98	dealstore*
99	zmistore
100	best-items-shop
101	1lt_pdzm9d9zz
102	quick*market
103	astarasalesinc
104	imightneedthat
105	roltir-0
106	thili.2015
107	alosolomo-0
108	usagoodstore*
109	bestdeals728
110	racelou-80
111	itzikbeygal
112	orbelii
113	henrysgreatdeals
114	kaguy87
115	berryshop9

116	c.anton88
117	edi1001il
118	dropvladsales
119	avifr-423789
120	home*heaven*co
121	il2014_naha
122	n.n3288
123	storekv
124	cook.bros
125	seab_5798
126	hanz_arcade
127	allbestproduct102
128	dengtal-online
129	phoelli0
130	jhonstorex
131	locus_store
132	lahirdila-0
133	sam_shop8
134	lidamoux_deals
135	since.2020
136	mayolly
137	bestroofsface
138	maciejmwaro_0
139	memorycardsforyou
140	buy4_fun
141	kope94
142	gobigstore2018
143	all.you.needstore
144	kifliy
145	*_kavindulakmal_*
146	sdjstore
147	metriturs
148	ferguson.hihi
149	oamscorp
150	jesma-4252
151	harsdil_49
152	emibraginsk0
153	sonlight.shop
154	tcser-0

155	shakewais-0
156	ttopseller2008
157	meshmerch
158	Maomaodegudou
159	byeond store
160	gelivable.2u
161	dongmakjhg
162	snaptch
163	best2shop15
164	north_beggar
165	yandolgin0
166	needyouknow
167	huasharenmin2013
168	topboss
169	lucky.warm7
170	lahiru_96
171	inm_store
172	imixcity
173	peoplestechnology
174	hot-deals2568
175	wondersonline
176	summer_sky17
177	kunjiadaren
178	ldszyz
179	basaha-6
180	sgostore
181	lilybeibei
182	vika-7750
183	excellbuying
184	Blesiya
185	houbing
186	qwehobo
187	All for all Co.Ltd
188	renjunqiangshop
189	whchigh
190	dfwedfq
191	Tabe Dream Home
192	haimla
193	wangliang8

194	zhangqin-zhubao
195	NaoyanxinoukKr
196	Fine clothing05
197	GT-Power
198	Shenzhen Right Grand Jewelry Co., Ltd.
199	Dolity
200	WLL926940
201	Xiao Mu DI
202	Tiendas sarita
203	BenBenYU
204	AT T-Power
205	Meet You Varitystore
206	ryaniesha56
207	misszhong
208	Miracle Shining
209	meran359
210	hanxiucao223
211	zhangjie000888
212	zijinmla
213	Ding-up-shine
214	zhalaq
215	xiaominl
216	rbeagvwesdbresd
217	zongqun
218	lkkq
219	chelaq
220	chenxua
221	liujulei
222	NIKI Your
223	candidacream
224	XiaoTon1
225	Bansaang
226	yonghongUS
227	Karea
228	Duoan
229	STCORPS7 CO., LTD
230	eegibang
231	zahupu
232	novior

233	Bonwuno Brand Store
234	guojingGao
235	GracefulVara
236	homme-fashion501
237	moodlove1723
238	biig-deals
239	gzy1_2706
240	priestlyy
241	orangegree-5
242	liord1
243	sun5395
244	teehtclub_us
245	brimal_4930
246	broadwoodhome-zi4
247	1st.ing
248	19babydeals
249	ultrapire
250	thebigredbeard
251	pay2sendtou
252	squirrelcute4
253	sahaprageet0
254	tookomplex
255	jieke1962
256	moguwuhehe
257	amiamit23
258	easybuying368
259	passionfruit24
260	amigacity
261	luckshop888
262	lk2015-nadis
263	home-sweethome
264	lebresilien365
265	alamocityllc
266	nanchangyingjie1850
267	nk_online_store99
268	t_s_design_store
269	jinshan2013
270	sonrisaq-75
271	bravoclassic

272	panda12345
273	prosperoussoul-1
274	shopping-home888
275	qiyie-71
276	tektek2222
277	technical.jrs
278	pricingblowout
279	brovo-p3
280	shang-ly3
281	primarycare
282	broadwoodhome-zi2
283	zoom-more
284	adamhihi1122
285	hugox-shop
286	dempsey_4525
287	taprobana-store
288	poeqnrq
289	cos-sky
290	rajapcha0
291	ubga-2
292	nyliyan
293	windylegend
294	softwind.green
295	christinebet
296	sxdf32
297	ilruska0
298	nyzhan_87
299	romeogogogo
300	xovo1894
301	upforbest
302	gracefulvara
303	base-life
304	wonderful.4sto
305	tunjy01
306	dcnv_83
307	fhpq_16
308	astromarket99
309	ltjykeji
310	va3413-smhblz

311	topmail123
312	lululove
313	Everyone OK
314	qinghengchen
315	Factory Direct A
316	xqbaoei
317	Xioyuanang
318	A18
319	wallflowers
320	qiucaihangan
321	Factory Direct Sales S
322	liduliyunye
323	my cool store
324	zongfua
325	hgtarewTD67
326	Talented-arrogant
327	Bussines 19
328	████████
329	gamchiano-US
330	KOZEYSDOTCOM
331	allbluego
332	crtyuia
333	Andy1688
334	estefH
335	anngege
336	Donaldae
337	Make something you love
338	usaynothingatall
339	kalamantus
340	Polaken kecksan Finten
341	yinxun trade
342	Wangzhe6023
343	Tayloraaee
344	kim001313
345	golligent
346	Baoyou Bao
347	krngye6
348	jiangliRR
349	zeri

350	milageto
351	World nice
352	romantic-jewelry
353	yanzhaojiu754
354	dongnghiyy406
355	Patrickcosmetics
356	lucky yan mei
357	chiwanji
358	1st. studio
359	Dream Maker 007
360	Mariannakkk
361	zeqi
362	lushia
363	Mamihlapinayu
364	StockInto
365	Uptown Town
366	bassamfive
367	Huixiuyun
368	JIUYUEHUNLING
369	pezi
370	corsetforu
371	meimeixiaoshangjia
372	broother
373	segolike
374	SiLH
375	ahfmsi12
376	XUEBAI235689
377	xiaoanan
378	zhanlanlan123
379	sixstations
380	jkfjudfxhrty
381	bassamone
382	zhumei
383	Thehomeofbeautifulornaments
384	QIZHSH
385	yuhualove
386	iskdifhsufc
387	Arturo.garcia35
388	chen anny

389	BAZARR
390	zefi
391	fezi
392	Billion world
393	bassamthree
394	xingyunbaihuo
395	shengyingqun
396	xiaoxingxing9
397	Majestic_Trader1
398	AdjudicatevX
399	vezi
400	FdfhDHD
401	metallica
402	aezi
403	xezi
404	tezi
405	VHJYDTJTY
406	bassamggood
407	WOWPRODUCTCART
408	longpinzubei
409	23sd46h57ds65.
410	dezi
411	qezi
412	jiangbinbin55321
413	zeeshan clothes
414	Treasureofasia328
415	wezi
416	cezi
417	nezi
418	zeni
419	bassamfour
420	Gongjiuxianvlu
421	zhenglei236
422	26zhunipin
423	chkanqa
424	ruvja
425	MTONJIAMfan8953
426	iphone.my
427	chongzhou

428	waq05
429	F88
430	mingcenga
431	PPPenny
432	shiju
433	nianzeshop
434	Sunny Rainy
435	Baiyuxiafei
436	fenwutu
437	DLKKLB
438	LATINO POWER
439	Mantina
440	xng99
441	Jayaaee
442	guojingshop
443	Stevenaa
444	Boutique Store Everyone
445	spire shoping
446	Kaylaaaee
447	Sandraaaee
448	JosephUUaa
449	zongliao
450	God
451	Courtneyyy
452	yubodedianstore
453	kangfangliwudian
454	liyufangoj
455	Sijiyuanzhuangqnn
456	wangzhipingshop
457	Fashion Ruby
458	qinsiwoaini
459	gaoyiboshop
460	tootuebbrs
461	girl secrets
462	losekkgy
463	Brynn Cainq
464	Maryaaee
465	qitiao
466	Leannaee

467	jingliangdedian
468	sheshiriemc
469	Little Shop-001
470	Cynthiauu
471	toheeaneh
472	yizhuangshou
473	Clothing men's women's maternal and infant stores
474	zhoubaoj26ffie
475	Breadstretors
476	Caitlinaa
477	Kristina}yya
478	Jaysonyy
479	bashou
480	Tang Mobile Accessories
481	adixiaodian
482	Enedinauu
483	BetterFutureStore
484	Antonio74
485	pataaee
486	Jacobaaee
487	shualq
488	Jamesaaasa
489	Aimaim
490	Jamesaaee
491	shonneegkyv
492	luq0569shop
493	jishanty
494	huilitao
495	AndrewUU
496	fashion_store
497	tongxiaodadan
498	anyqiqiq1
499	Kelseyaa
500	Deidrauu
501	nesheighoyroe
502	dfgtfjh
503	beijingjinaocoltd
504	Sherkeyrayy
505	haishengal

506	opopbea
507	Canishauu
508	patitoughmexaa
509	changlingmi463
510	jianjiertys
511	watchmenluxhry
512	wenhuaqianliu
513	batiao
514	Homeruu
515	Crazyruby
516	junioraaee
517	E88
518	gdjftjd
519	Dauidaass
520	CharlesUUa
521	tateswllwg
522	Guff Han
523	slithesbnoosj
524	https://www.wish.com/merchant/5ab3a22fc989494ce115d69a
525	pwoemrovjnr
526	Aonokoy
527	Johnaaee
528	jieduixifang
529	gazhong shop
530	titateskixles
531	Meirenyuanji
532	longjinlan
533	heuboee
534	Oliviaaaee
535	wendins
536	Markuu
537	Greatwomendkret
538	Samlisy
539	eudianahernandez
540	wangwenhuangi
541	just enjoy shopping
542	JYOARAsshop
543	hsfow98fw
544	le mei you

545	lishichun6868
546	Zjyyuaa
547	shwzia
548	zhangjingay
549	Richarduu
550	meetyourneed
551	shenzhenshimainingmaoyiyouxiangongsi
552	gaisiqiudaiyi
553	Neciayy
554	121q
555	vrfgg
556	maningmayun
557	huanxiong
558	wukaixi
559	soujuna
560	RONGY Toys
561	us.outdoorfits.com.
562	newintrend.com
563	princessdressworld.com