

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

POPSOCKETS LLC,

Plaintiff,

v.

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

Defendants.

Case No. 20-cv-06948

Judge Sara L. Ellis


Magistrate Judge Gabriel A. Fuentes



PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff PopSockets LLC’s (“PopSockets” or “Plaintiff”) Motion for Entry of 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 fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A to the Complaint (collectively, the “Seller Aliases”).

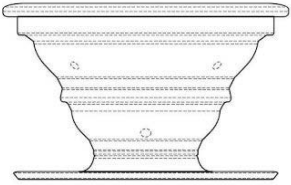
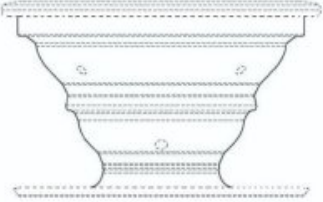
THIS COURT HEREBY FINDS that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, have sold products using infringing and counterfeit versions of the POPSOCKETS Trademarks to residents of Illinois (a list of which is included in the below chart).

¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
4,572,125	POPSOCKETS	July 22, 2014	For: Carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, phones, sound players, video players in class 009.
5,486,563	POPSOCKETS	June 5, 2018	For: Hand grips, stands, and mounts adapted for handheld electronic devices, namely, smartphones, tablet computers, cameras, and portable sound and video players in class 009.
4,942,725	POPCLIP	April 19, 2016	For: Stands for handheld digital electronic devices, namely, cell phones equipped with extending attachments in class 009.
5,662,835	POP	January 22, 2019	For: Hand grips, stands, and mounts adapted for handheld electronic devices, namely, smartphones, tablet computers, cameras, and portable sound and video players in class 009.
4,575,440		July 29, 2014	For: Carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely,

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			phones, sound players, video players in class 009.
5,204,637		May 16, 2017	For: Grips, stands, and mounts for handheld electronic devices, namely, smartphones, tablets, cameras, sound players, and video players in class 009.
5,394,408		February 6, 2018	For: Hand grips, stands, and mounts adapted for handheld electronic devices, namely, smartphones, tablet computers, cameras, and portable sound and video players in class 009.
5,783,395	POPTIVISM	June 18, 2019	<p>For: Hand grips, stands, and mounts adapted for handheld electronic devices, namely, smartphones, tablet computers, cameras, and portable sound and video players in class 009.</p> <p>For: Charitable fundraising by means of manufacturing and selling custom hand grips, stands, and mounts adapted for handheld electronic devices, namely, smartphones, tablet computers, cameras, and portable sound and video players and directing a portion of customer payments to a charity of the customer's choice in class 036.</p> <p>For: Custom manufacture of hand grips, stands, and mounts adapted for handheld electronic devices, namely, smartphones, tablet</p>

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			computers, cameras, and portable sound and video players for others for purposes of charitable fundraising in class 040.
5,757,738	POPMINIS	May 21, 2019	For: Hand grips, stands, and mounts adapted for handheld electronic devices, namely, smartphones, tablet computers, cameras, and portable sound and video players in Class 009.
5,757,735	POPGRIP	May 21, 2019	For: Hand grips, stands, and mounts adapted for handheld electronic devices, namely, smartphones, tablet computers, cameras, and portable sound and video players; Structural components for hand grips, stands, and mounts adapted for handheld electronic devices, namely, smartphones, tablet computers, cameras, and portable sound and video players, namely, adhesive bases and detachable expandable grips in class 009.
5,651,330	TWIST	January 8, 2019	For: Hand grips, stands, and mounts adapted for handheld electronic devices, namely, smartphones, tablet computers, cameras, and portable sound and video players in class 009.
6,005,169		March 10, 2020	For: Hand grips, stands, and mounts adapted for handheld electronic devices, namely, smartphones, tablet computers, cameras, and portable sound and video players in class 009.

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			
6,005,170		March 10, 2020	For: Hand grips, stands, and mounts adapted for handheld electronic devices, namely, smartphones, tablet computers, cameras, and portable sound and video players in class 009.

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 PopSockets’ previously granted Motion for Entry of a Temporary Restraining Order establishes that PopSockets has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that PopSockets will suffer irreparable harm if the injunction is not granted. Specifically, PopSockets has proved a *prima facie* case of trademark infringement because (1) the POPSOCKETS 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 any of the POPSOCKETS Trademarks, and (3) Defendants’ use of the POPSOCKETS Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with

PopSockets. Furthermore, Defendants' continued and unauthorized use of the POPSOCKETS Trademarks irreparably harms PopSockets through diminished goodwill and brand confidence, damage to PopSockets' reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, PopSockets 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. As such, 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 preliminarily enjoined and restrained from:
 - a. using the POPSOCKETS 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 PopSockets product or not authorized by PopSockets to be sold in connection with the POPSOCKETS Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine PopSockets product or any other product produced by PopSockets, that is not PopSockets' or not produced under the authorization, control or supervision of PopSockets and approved by PopSockets for sale under the POPSOCKETS Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of PopSockets, or are sponsored by, approved by, or otherwise connected with PopSockets;

- d. further infringing the POPSOCKETS Trademarks and damaging PopSockets' 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 PopSockets, nor authorized by PopSockets to be sold or offered for sale, and which bear any of PopSockets' trademarks, including the POPSOCKETS Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof.
2. The domain name registries for btanan.com and wholesale-gadgets.com (the "Domain Names"), including, but not limited to, VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, within ten (10) business days of receipt of this Order, shall, at PopSockets' choosing:
 - a. unlock and change the registrar of record for the Domain Names to a registrar of PopSockets' selection until further ordered by this Court; or
 - b. disable the Domain Names and make them inactive and untransferable until further ordered by this Court.
3. The domain name registrars, including, but not limited to, GoDaddy Operating Company LLC ("GoDaddy"), Name.com, PDR LTD. d/b/a/ PublicDomainRegistry.com ("PDR"), and Namecheap Inc. ("Namecheap"), within ten (10) business days of receipt of this Order or prior to expiration of this Order, whichever date shall occur first, shall take any steps necessary to transfer the Domain Names to a registrar account of PopSockets' selection so that the Domain Names can be redirected or disabled until further ordered by this Court.

4. Upon PopSockets' 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 the Online Marketplaces, including, without limitation, any online marketplace platforms such as eBay, Inc. ("eBay"), AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), Amazon.com, Inc. ("Amazon"), ContextLogic Inc. d/b/a Wish.com ("Wish.com"), and Dhgate, (collectively, the "Third Party Providers") shall, within ten (10) business days after receipt of such notice, provide to PopSockets 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 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 Marketplaces and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplaces;
 - 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, PayPal, Inc. ("PayPal"), Alipay, Alibaba, Ant Financial Services Group ("Ant Financial"), Wish.com, Amazon Pay, or other

- merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon PopSockets' request, those with notice of the injunction, including the Third Party Providers as defined in Paragraph 2, shall, within ten (10) 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 POPSOCKETS Trademarks.
 6. Defendants shall be temporarily and preliminarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
 7. Any Third Party Providers, including PayPal, Alipay, Alibaba, Ant Financial, Wish.com, and Amazon Pay, shall, within ten (10) business days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants' Seller Aliases and Online Marketplaces, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto, the e-mail addresses identified in Exhibit 4 to the Declaration of Emily Cooper, and any e-mail addresses provided for Defendants by third parties; and
 - b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
 8. PopSockets is authorized to issue expedited written discovery, pursuant to the Federal Rules of Civil Procedure 33, 34 and 36, related 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, including any and all associated e-mail addresses; and

- 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 Marketplaces and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplaces.

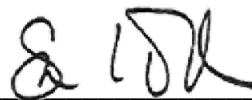
PopSockets is authorized to issue any such expedited discovery requests via e-mail. Defendants shall respond to any such discovery requests within ten (10) business days of being served via e-mail.

9. PopSockets may provide notice of these proceedings to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Complaint or any amended complaint, this Order and other relevant documents on a website to which the Domain Names which are transferred to PopSockets' control will redirect, or by sending an e-mail to the e-mail addresses identified in Exhibit 4 to the Declaration of Emily Cooper 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 "The Partnerships 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.

10. Schedule A to the Complaint [3], Exhibit 4 to the Declaration of Emily Cooper [15], and the TRO [21] are unsealed.
11. 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 Northern District of Illinois Local Rules.
12. The \$10,000 bond posted by PopSockets shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

IT IS SO ORDERED.

DATED: December 18, 2020

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

Sara L. Ellis
United States District Judge

**PopSockets LLC v. The Partnerships and Unincorporated Associations Identified on Schedule "A" -
Case No. 20-cv-6948**

Schedule A

No.	Seller Aliases
1	3C Official Store
3	JOEY-BELEZ 3C Digital Store
5	Shop3685035 Store
7	smsnxy franchised store
9	aerial camera drone store
11	Hanjianice Store
13	lsdi official store
15	MT Communication Co.,Ltd
17	shop4670033 store
19	shop5254252 store
21	Shop910341060 Store
23	AMIOP88
25	Conson Leo
27	Eangen
29	fanglijd
31	GLT-show
33	Maoyos
35	shineka
37	Spring Breezel
39	XplanetDirect
41	newtalent
43	rkmaller
45	yest_store
47	huangyangxin
49	zarowpivnf
51	wholesale-gadgets.com

No.	Seller Aliases
2	3C Electron Dropshipping Store
4	padear004 Store
6	Shop5442170 Store
8	zsmzzy franchised store
10	BABY-CASE Store
12	Haosim Official Store
14	Mesil trend store Store
16	Shop4512040 Store
18	Shop5046114 Store
20	Shop901664 Store
22	Amazing Pickle
24	Ciaoclover
26	DENHUG
28	Exclusive life
30	DISMISSED
32	King Dare
34	SAFE MONNN
36	SINLON
38	SYF Flagship store
40	globaltrade
42	no.1 auto-club
44	topfur1688
46	yy-iie
48	TOY8JNEF3
50	btanan.com

No.	Online Marketplaces
1	aliexpress.com/store/3023019
3	aliexpress.com/store/2387025
5	aliexpress.com/store/3685035
7	aliexpress.com/store/3864007
9	aliexpress.com/store/2228103

No.	Online Marketplaces
2	aliexpress.com/store/4491027
4	aliexpress.com/store/2675160
6	aliexpress.com/store/544217
8	aliexpress.com/store/4569031
10	aliexpress.com/store/5421071

No.	Online Marketplaces
11	aliexpress.com/store/5421221
13	aliexpress.com/store/4685059
15	aliexpress.com/store/1480066
17	aliexpress.com/store/4670033
19	aliexpress.com/store/5254252
21	aliexpress.com/store/910341060
23	amazon.com/sp?seller=A3AOCY4UIS1RFA
25	amazon.com/sp?seller=A3G9JOCMQ0SZE
27	amazon.com/sp?seller=AF10VMEIRYDFZ
29	amazon.com/sp?seller=A1O5XVZWVMJTXN
31	amazon.com/sp?seller=ATMHY10AJIESP
33	amazon.com/sp?seller=A1ACMG7QYGI RJ9
35	amazon.com/sp?seller=A3T0NVEGGYYXWL
37	amazon.com/sp?seller=A1HZVB04LDSQQ6
39	amazon.com/sp?seller=AXAGKVJGIXGTC
41	ebay.com/usr/newtalent
43	ebay.com/usr/rkmaller
45	ebay.com/usr/yest_store
47	wish.com/merchant/5e8e978424067d0380dff78
49	wish.com/merchant/5e1426449787b332806b57e5
51	wholesale-gadgets.com

No.	Online Marketplaces
12	aliexpress.com/store/3178033
14	aliexpress.com/store/3216102
16	aliexpress.com/store/4512040
18	aliexpress.com/store/5046114
20	aliexpress.com/store/901664
22	amazon.com/sp?seller=AEUE5GRXXCRS8
24	amazon.com/sp?seller=A2C2SU5VYD2M7Z
26	amazon.com/sp?seller=A3V0UZNGEMCHVM
28	amazon.com/sp?seller=A3G6OBIDAST6RG
30	DISMISSED
32	amazon.com/sp?seller=A2UFIH8I1PIXQE
34	amazon.com/sp?seller=A29EN3PW1YS0LR
36	amazon.com/sp?seller=A1J2QXH6MW1SAH
38	amazon.com/sp?seller=A3UKOZZCAEKHOG
40	ebay.com/usr/global*trade
42	ebay.com/usr/no.1 auto-club
44	ebay.com/usr/topfur1688
46	ebay.com/usr/yy-iie
48	wish.com/merchant/5e7ba590870c333b016e5edd
50	btanan.com