

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

MARC JACOBS TRADEMARKS, LLC and
MARC JACOBS INTERNATIONAL, LLC,

Plaintiffs,

v.

SEDGDRF456FDG and THE INDIVIDUALS
AND ENTITIES OPERATING
SEDGDRF456FDG,

Defendants.

Case No. 21-cv-00325

Judge Edmond E. Chang

Magistrate Judge Jeffrey Cole

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiffs Marc Jacobs Trademarks, LLC (“MJT”) and Marc Jacobs International, LLC (“MJI”) (collectively, the “MJ Entities” or “Plaintiffs”) 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 defendants identified in Schedule A to the Amended Complaint and attached hereto (the “Defendants”) and using the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A (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,




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

on information and belief, have sold products using infringing and counterfeit versions of the MJ Entities' federally registered trademarks (the "MARC JACOBS Trademarks") to residents of Illinois. A list of the MARC JACOBS Trademarks is included in the below chart.

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
1,967,123	MARC JACOBS	April 9, 1996	For: handbags, knapsacks, back packs, tote bags, satchels, clutch bags, sling bags, bucket-shaped bags, waist packs, purses, cosmetic bags, change purses, wallets, key cases in Class 018. For: women's apparel, namely dresses, skirts, blouses, pants, jackets, coats, shoes, scarves, and hats; knitwear, namely sweaters, coats, dresses, skirts, pants, gloves, hats and scarves; belts; bras, panties, teddies, full slips, half slips and hosiery in Class 025.
2,771,932	MARC JACOBS	October 7, 2003	For: cosmetics and fragrances, namely, perfume, cologne, personal deodorant, fragrant bodycare cream, lotion and cleanser; hair shampoo in Class 003.
2,046,695	MARC JACOBS	March 18, 1997	For: men's apparel, namely, shirts, pants, jackets, ties, shorts, coats, suits, shoes, hats, sweaters, gloves, belts, underwear and hosiery in Class 025.
3,038,709	MARC JACOBS	January 10, 2006	For: jewelry, namely, bracelets, rings, key rings, earrings, brooches, necklaces, pins, medallions, buckles, charms, wrist watches, watches in Class 014.
3,069,758	MARC JACOBS	March 21, 2006	For: sunglasses, eyeglasses, eyeglass frames, and eyeglass cases in Class 009.

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
4,388,100	MARC JACOBS	August 20, 2013	For: jewelry; costume jewelry; watches in Class 014.
4,411,975	MARC JACOBS	October 1, 2013	For: cases for mobile phones; carrying cases for cell phones; cell phone cases; cell phone covers; protective covers and cases for cell phones; laptop carrying cases in Class 009.
4,517,198	MARC JACOBS	April 22, 2014	For: sunglasses; sunglass frames; sunglass cases; eyeglasses; eyeglass frames; eyeglass cases; cases for mobile phones; carrying cases for cell phones; laptop carrying cases; headphones; protective cases for tablet computers; protective covers for tablet computers; protective sleeves for tablet computers in Class 009.
4,735,405	MARC JACOBS	May 12, 2015	For: organization of fashion shows for entertainment purposes in Class 041.
4,735,406	MARC JACOBS	May 12, 2015	For: retail store services and on-line retail store services featuring clothing, footwear, headwear, handbags, leather goods, luggage, belts, eyewear, jewelry, watches, books and stationery items, cases for mobile phones, laptop carrying cases, headphones, protective cases, covers and sleeves for tablet computers, fragrances, cosmetics, skin and personal care products, hair accessories and ornaments in Class 035.
5,317,231	MARC JACOBS	October 24, 2017	For: cosmetics and make-up; Nail polish in Class 003.
5,515,226	MARC JACOBS	July 10, 2018	For: smartwatches; wearable portable fitness activity trackers; downloadable mobile applications

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			for measuring and monitoring sleep, movement and activity and tracking individual goals in Class 009.
5,101,542		December 13, 2016	For: sunglasses; sunglass frames; sunglass cases; eyeglasses; eyeglass frames; eyeglass cases; cases for mobile phones; carrying cases for mobile phones; laptop carrying cases; USB hardware; headphones; protective cases for tablet computers; protective covers for tablet computers; protective sleeves for tablet computers; camera bags; electronic book readers; digital book readers in Class 009.
5,101,543		December 13, 2016	For: clothing, namely, jerseys, shirts, t-shirts, tank tops, blouses, polo shirts, sweaters, cardigan sweaters, pullovers, hoodies, sweatshirts, pants, jeans, shorts, dresses, skirts, suits, blazers, jackets, coats, overcoats; belts; ties; scarves; shawls; bandanas; waistcoats; gloves; mittens; pajamas; footwear, namely, shoes, boots, sandals and slippers; headwear, namely, hats and caps in Class 025.
5,120,532		January 10, 2017	For: handbags; knapsacks; back packs; rucksacks; tote bags; beach bags; carry-all bags; canvas shopping bags; textile shopping bags; satchels; clutch bags; shoulder bags; sling bags; bucket-shaped handbags; purses; cosmetic bags sold empty; change purses; wallets; leather pouches; business card cases; credit card cases; toiletry cases sold empty; diaper

REGISTRATION NUMBER	REGISTERED TRADEMARK	REGISTRATION DATE	INTERNATIONAL CLASSES
			bags; duffel bags; messenger bags; crossbody bags; briefcases; traveling bags; garment bags for travel; umbrellas in Class 018.
5,200,762		May 9, 2017	For: jewelry, namely, bracelets, arm cuffs, bangles, rings, earrings, necklaces, brooches, pins, buckles for watchstraps, charms; fashion jewelry; watches; wrist watches; watch bands; watch straps; watch cases; watch boxes; key chains as jewelry not made of leather in Class 014.
5,335,906		November 14, 2017	For: cosmetics and make-up in Class 003.
5,520,558	MARC JACOBS 	July 17, 2018	For: retail store services and on-line retail store services featuring clothing, footwear, headgear, handbags, cosmetic bags, backpacks, tote bags, bag straps, bag charms, leather goods, wallets, belts, eyewear, jewelry, keychains, patches, watches, books and stationery items, cases for mobile phones, laptop carrying cases, protective cases, covers and sleeves for tablet computers, fragrances, cosmetics, skin and personal care products, cosmetic brushes, hair accessories and ornaments in Class 035.

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 the MJ Entities previously granted Motion for Entry of a Temporary Restraining Order establishes that the MJ Entities has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that the MJ Entities will suffer irreparable harm if the injunction is not granted. Specifically, the MJ Entities has proved a *prima facie* case of trademark infringement because (1) the MARC JACOBS 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 MARC JACOBS Trademarks, and (3) Defendants' use of the MARC JACOBS Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with the MJ Entities. Furthermore, Defendants' continued and unauthorized use of the MARC JACOBS Trademarks irreparably harms the MJ Entities through diminished goodwill and brand confidence, damage to the MJ Entities reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, the MJ Entities 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 officers, agents, servants, employees, attorneys, and other persons acting in active concert or participation with them be preliminarily enjoined and restrained from:
 - a. using the MARC JACOBS 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 MARC JACOBS product or not authorized by the MJ Entities to be sold in connection with the MARC JACOBS Trademarks;

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine MARC JACOBS product or any other product produced by the MJ Entities, that is not the MJ Entities' or not produced under the authorization, control or supervision of the MJ Entities and approved by the MJ Entities for sale under the MARC JACOBS Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of the MJ Entities, or are sponsored by, approved by, or otherwise connected with the MJ Entities;
 - d. further infringing the MARC JACOBS Trademarks and damaging the MJ Entities' 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 the MJ Entities, nor authorized by the MJ Entities to be sold or offered for sale, and which bear any of the MJ Entities' trademarks, including the MARC JACOBS Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof.
2. Upon the MJ Entities' 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 Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as eBay, AliExpress, Alibaba, Amazon, Wish.com, and Dhgate (collectively, the "Third Party Providers") shall, within ten (10) business days after receipt of such notice, provide to the MJ Entities 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, including Defendants' sales and listing history related to their respective Online Marketplaces; and
 - 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, Amazon Pay, Wish.com, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
3. Upon the MJ Entities 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 MARC JACOBS Trademarks.
4. 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.

5. Any Third Party Providers, including PayPal, Alipay, 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 3 to the Declaration of Phillips Nazro, 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.
6. The MJ Entities are 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, including Defendants' sales and listing history related to their respective Online Marketplaces.

The MJ Entities are 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.

7. The MJ Entities 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 Amended Complaint, this Order and other relevant documents on a website and by sending an e-mail to the e-mail addresses identified in Exhibit 3 to the Declaration of Phillips Nazro 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 “SEDGDRF456FDG and the Individuals and Entities Operating SEDGDRF456FDG” 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.
8. Exhibit 1 to the Complaint [2], the Amended Complaint [12], Exhibit 3 to the Declaration of Phillips Nazro [17], and the TRO [25] are unsealed.
9. 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.
10. The \$1,000 bond posted by the MJ Entities shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

IT IS SO ORDERED.

DATED: February _____, 2021

Edmond E. Chang
United States District Judge

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SEDGDRF456FDG and THE INDIVIDUALS AND ENTITIES OPERATING SEDGDRF456FDG]
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Schedule A

No.	Seller Aliases
1	sedgdrf456fdg

No.	Seller Aliases

No.	Online Marketplaces
1	wish.com/merchant/5e58e9636fa779 648002a9e0

No.	Online Marketplaces