

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

|                             |   |                       |
|-----------------------------|---|-----------------------|
| Halo Acoustic Wear LLC      | ) |                       |
|                             | ) |                       |
| Plaintiff,                  | ) |                       |
|                             | ) |                       |
| v.                          | ) | Case No. 20-cv-4248   |
|                             | ) |                       |
| THE PARTNERSHIPS and        | ) | Hon. Steven C. Seeger |
| UNINCORPORATED ASSOCIATIONS | ) |                       |
| IDENTIFIED ON SCHEDULE "A," | ) |                       |
|                             | ) |                       |
| Defendants.                 | ) |                       |
| _____                       | ) |                       |

**PRELIMINARY INJUNCTION ORDER**

Plaintiff, Halo Acoustic Wear LLC, having filed its complaint for federal trademark infringement, trade dress infringement, unfair competition and false designation of origin, copyright infringement, and violation of the Illinois Uniform Deceptive Trade Practices Act, and having moved for a Preliminary Injunction against the Defendants, and the Court having considered the complaint, declarations, exhibits, and memorandum of law filed in support, finds as follows:

This Court hereby finds that it has personal jurisdiction over the Defendants because the Defendants directly target their business activities toward consumers in the United States, including the State of Illinois. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial Internet webstores on platforms such as Amazon, eBay, Wish, TopHatter, Alibaba, or AliExpress (all which offer shipping to U.S. residents, including those within the jurisdiction of the Northern District of Illinois) through which Illinois residents can purchase products bearing counterfeit versions of the

COZYPHONES trademark (U.S. Reg. No. 5486943). This registration is valid, unrevoked, and uncanceled.

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 Plaintiff’s previously granted Motion for Entry of a TRO establishes that Plaintiff has a likelihood of success on the merits; that no remedy at law exists; and that Plaintiff will suffer irreparable harm if the injunction is not granted. Specifically, Plaintiff has proved a *prima facie* case of trademark infringement because (1) the COZYPHONES trademark and trade dress is distinctive and the Mark is registered with the U.S. Patent and Trademark Office on the Principal Register; (2) Defendants are not licensed or authorized to use the COZYPHONES trademark or trade dress; and (3) Defendant’s use of the COZYPHONES trademark and trade dress is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with Plaintiff. Furthermore, Defendants’ continued and unauthorized use of the COZYPHONES trademark or trade dress irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff’s reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage, and therefore Plaintiff has inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion caused by Defendants’ actions.

**It is therefore Ordered:**

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be enjoined and restrained from:

- a. using the COZYPHONES trademark, trade dress 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 COZYPHONES product or not authorized by Plaintiff to be sold in connection with the COZYPHONES trademark or trade dress;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine COZYPHONES products or any other product produced by Plaintiff that is not Plaintiff's or not produced under the authorization, control, or supervision of the Plaintiff and approved by Plaintiff for sale under the COZYPHONES trademark or utilizing the Plaintiff's trade dress;
- c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Products are those sold under the authorization, control, or supervision of the Plaintiff, or are sponsored by, approved by, or otherwise connected with the Plaintiff;
- d. further infringing the COZYPHONES trademark or trade dress and damaging Plaintiff's goodwill;
- 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 Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear the COZYPHONES trademark, trade dress, or any reproductions, counterfeit copies or colorable imitations thereof; and
- f. using, linking to, transferring, selling, exercising control over, or otherwise owning or operating the infringing webstores, websites, or any other domain name that is

being used to sell or is the means by which Defendants could continue to sell Counterfeit Products.

2. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be enjoined and restrained from:

a. Moving, destroying, or otherwise disposing of any items, merchandise, or documents relating to the Counterfeit Products, Defendants' infringing websites, and/or Defendants' assets and operation; and

b. Removing, destroying, or otherwise disposing of computer files, electronic files, business records, or documents relating to any of Defendants' infringing websites, assets, or operations, or relating in any way to the manufacture, acquisition, purchase, distribution or sale of Counterfeit Products, or any reproduction, copy, or colorable imitation of the COZYPHONES trademark or trade dress.

3. Each Defendant shall serve upon Plaintiff a written report under oath providing: (a) their true name and physical address; (b) all websites and online marketplace accounts on any platform that they own and/or operate; (c) their financial accounts, including, but not limited to all Amazon, eBay, Wish, TopHatter, AliExpress, Alibaba, PayPal, Western Union, Payoneer, WorldFirst, etc., accounts; and (d) the steps taken by each Defendant to comply with paragraphs 1(a)–(f) and 2(a)–(b), above.

4. Plaintiffs may immediately commence discovery by providing actual notice, pursuant to subpoena or otherwise, of this Order to Defendants.

5. 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.

6. Amazon, eBay, Wish, TopHatter, AliExpress, Alibaba, and their affiliates shall block any money transfers and funds from being transferred by the Defendants identified in Schedule A until further ordered by this Court.

7. PayPal, Inc., Payoneer, WorldFirst, and Bill.com (“Payment Processors”) shall, for any Defendant or any of Defendants’ infringing websites:

a. locate all accounts and funds connected to Defendants and the infringing websites, including, but not limited to, any Payment Processor accounts connected to the information listed in Schedule A of the Complaint and any e-mail addresses provided for Defendants by third parties; and

b. restrain and enjoin any such accounts or funds that are non-U.S. based from transferring or disposing of any money or other of Defendants’ assets until further ordered by this Court.

8. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any of Defendants’ infringing websites, shall within seven (7) business days of receipt of this Order:

a. locate all accounts and funds connected to Defendants and the infringing websites, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto and any e-mail addresses provided for Defendants by third parties; and

b. restrain and enjoin any such accounts or funds that are based in foreign jurisdictions, including, but not limited to, China and Hong Kong, from transferring or disposing of any money or other of Defendants’ assets until further ordered by this Court.

9. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

10. Any Defendants 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. Any third party impacted by this Order may move for appropriate relief.

11. The \$250,000 bond posted by Plaintiff shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

Date: March 10, 2021

A handwritten signature in black ink, appearing to read 'S. C. Seeger', is written above a solid horizontal line.

Steven C. Seeger  
United States District Judge

## Schedule A

| <b>Doe</b> | <b>Store Name</b>      | <b>Store/Merchant ID</b> |
|------------|------------------------|--------------------------|
| 1          | ABOGALE                | A1BP2VJ6VX98BU           |
| 2          | Amaxwon                | A2TX2N5PJJSUX            |
| 3          | Azzker                 | A7LF4K6OLHCOO            |
| 4          | charlxee               | A2WVX9R04512PS           |
| 5          | CHOKMAX                | A241W0VI03GJNS           |
| 6          | FIRIK                  | A1J3G4O6VCMEBU           |
| 7          | FYY                    | A222X4SZL8V9A5           |
| 8          | Homelove               | AJQ13HEKMLCYS            |
| 9          | Hyanwoo                | A1BNYVAXY4MKIP           |
| 10         | iClever                | A2KV19AYUKS3X0           |
| 11         | Joseche                | A2U61JI5P5K8IA           |
| 12         | Lavince                | A1XVGZP0VC5RY5           |
| 13         | <i>Dismissed</i>       |                          |
| 14         | VCOM                   | A24NJTU00GJVCN           |
| 15         | Oct-17                 | ASQNZGYUP2HK5            |
| 16         | WACCOUSE               | A1FB2CWY1WU3NR           |
| 17         | Sensory Scout          | AJMMDM3DGLPHU4           |
| 18         | NA                     | A2HOGKQOFTY9KP           |
| 19         | Sun Company            | ASQWOY2MK2ESU            |
| 20         | <i>Dismissed</i>       |                          |
| 21         | JINSERTA               | A3OZG8Y4QN3TJR           |
| 22         | Number-One             | A3CUS9XDJWXG6E           |
| 23         | Nenos                  | AM13H706ZLNZQ6           |
| 24         | NEW BARLEY             | ALT6392EWDLN9            |
| 25         | Swity Home             | A133NX2ZWT0YTA           |
| 26         | Intsun                 | A2Z7U5IXFFJX5A           |
| 27         | Allnice                | A21BRIE0I0XO0V           |
| 28         | <u>all-trade365</u>    | <u>all-trade365</u>      |
| 29         | <u>amazingsmphone</u>  | <u>amazingsmphone</u>    |
| 30         | <i>Dismissed</i>       |                          |
| 31         | <u>colorfulgadgets</u> | <u>colorfulgadgets</u>   |
| 32         | <u>dealof</u>          | <u>dealof</u>            |
| 33         | <i>Dismissed</i>       |                          |
| 34         | <i>Dismissed</i>       |                          |
| 35         | <i>Dismissed</i>       |                          |
| 36         | <u>jocsh</u>           | <u>jocsh</u>             |

