

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

CAMELBAK PRODUCTS, LLC,

Plaintiff,

v.

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

Defendants.

Civil Action No.: 1:21-cv-01352

Judge Manish S. Shah

Magistrate Judge Maria Valdez

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff, CamelBak Products, LLC’s (“CAMELBAK” 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. Plaintiff has presented screenshot evidence that each Defendant Online 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, U.S. Trademark Registration Nos. 4,135,697 and 4,656,766 (“The CAMELBAK 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 CAMELBAK’s

previously granted Motion for a Temporary Restraining Order establishes that CAMELBAK has a likelihood of success on the merits; that no remedy at law exists; and that CAMELBAK will suffer irreparable harm if the injunction is not granted.

Specifically, CAMELBAK has proved a *prima facie* case of trademark infringement because (1) the CAMELBAK 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 CAMELBAK Trademarks, and (3) Defendants' use of the CAMELBAK Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with CAMELBAK. Furthermore, Defendants' continued and unauthorized use of the CAMELBAK Trademarks irreparably harms CAMELBAK through diminished goodwill and brand confidence, damage to CAMELBAK's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, CAMELBAK 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 CAMELBAK 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 CAMELBAK product or not authorized by CAMELBAK to be sold in connection with the CAMELBAK Trademarks;

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine CAMELBAK product or any other product produced by CAMELBAK, that is not CAMELBAK's or not produced under the authorization, control or supervision of CAMELBAK and approved by CAMELBAK for sale under the CAMELBAK Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of CAMELBAK, or are sponsored by, approved by, or otherwise connected with CAMELBAK;
 - d. further infringing the CAMELBAK Trademarks and damaging CAMELBAK's goodwill;
 - e. 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 CAMELBAK, nor authorized by CAMELBAK to be sold or offered for sale, and which bear any of the CAMELBAK Trademarks or any reproductions, counterfeit copies or colorable imitations thereof;
 - f. using, linking to, transferring, selling, exercising control over, or otherwise owning an online marketplace account that is being used to sell or is the means by which Defendants sell Counterfeit/Infringing CAMELBAK products.
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 Alibaba Group Holding Ltd. along with any related Alibaba entities (collectively, "Marketplaces"), social media platforms,

Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, shall within seven 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 CAMELBAK Trademarks, including any accounts associated with the Defendants listed in Schedule A; and
 - 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 CAMELBAK Trademarks.
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, Alibaba, Western Union, third party processors and other payment processing service providers, shippers, and online marketplace registrars (collectively, the "Third Party Providers") shall, within seven days after receipt of such notice, provide to CAMELBAK expedited discovery, including copies of documents and records in such person's or entity's possession or control sufficient to disclose:
 - 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, 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. eBay, Inc. ("eBay"), PayPal, Inc. ("PayPal"), Context Logic, Inc. ("WISH"), and Heguang International Limited or Dunhuang Group d/b/a DHGATE, DHGate.com, DHPORT, DHLINK and DHPAY ("DHGate"), shall, within seven days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites: Locate all accounts and funds connected to Defendants, Defendants' Online

Marketplace Accounts or Defendants' websites, including, but not limited to, any eBay, PayPal, WISH, and DHGate accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Daniel Kelly; and 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 seven 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 Daniel Kelly; 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.

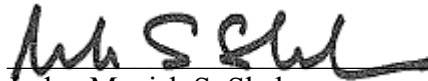
7. CAMELBAK may provide notice of these proceedings to Defendants, including notice of the preliminary injunction hearing and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website, or by sending an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Daniel Kelly 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 “cniunmti 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 CAMELBAK or on shorter notice as set by this Court.

9. The \$10,000 bond posted by CAMELBAK shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

Dated: March 31, 2021

A handwritten signature in black ink, appearing to read 'Manish S. Shah', is written over a horizontal line.

Judge Manish S. Shah
United States District Judge

SCHEDULE A

No.	Defendants
1	cniumti
2	Guangzhou Sabadu Tourism Products Co., Ltd.
3	Hefei TJ Imp & Exp Co., Ltd.
4	Xiamen Sunions Industry Co., Ltd.
5	Zhengzhou OuTuo Intelligent Technology Co., Ltd.
6	15oceaneshop
7	1haodian2013
8	4seasonstores
9	adelo_express
10	aiyamore
11	amitrade.il
12	aoc888
13	asrp6855
14	beautylife20
15	bellamout03
16	bestlife2020
17	blue_sky456
18	chinpin
19	clinkz-yorn
20	crazy.monkey.sale
21	dasha118
22	diybead
23	ebuytrade2
24	eliveyard
25	factorykiss-oz
26	fair_market
27	foreverhighquality
28	fxpf3896
29	gary21mtb
30	goodyeah2017
31	happypick2010
32	homelovely01
33	hotxciting
34	hualiisland
35	isincer_us
36	itocafwbo
37	jiadi-14
38	jiadi20

39	jiadi-79
40	jundeddy_0
41	kidsdayss-06
42	kingtop2017
43	kurma90
44	lalang-love-diy
45	leejdi29
46	lhjia_64
47	martat17miles
48	maxaworld-10
49	mido-5554
50	ming.99
51	monsterfade
52	more-online
53	mosphiatanbul
54	niubi11
55	nusaka09
56	oripack
57	pandacars2012
58	pricekiller_2k
59	qpseller88
60	roykap9-9
61	samsungsolar
62	sexyboutique2010
63	simiter02
64	srishop1
65	star_2822
66	stars-lord
67	sunnyshop06
68	super_deals_terminal
69	superpioneer-01
70	surpriseonline022
71	theperfectdeal715
72	tom2_25
73	toptobetter
74	trendydailyworld521
75	vintage1893
76	xdeal2013
77	xiaomiming2014-1
78	yesfor2013
79	yj410ap

80	youlian-store2018
81	BinBing Fashion
82	Bosster2018
83	eomdkql
84	FreeHZstyle
85	Funnier Fashion
86	Haochengcheng66033
87	Huangmengxin1998
88	kristen Lee
89	liaobo
90	Mr.Tom
91	naslosdffaid
92	Onecity&Onelove
93	polte667
94	ShangShuFang
95	weimingzhao
96	wuzhongxiu
97	You denglianglangdKe
98	youlehui
99	yu jy
100	Zoie fashion store on line
101	airmax20188
102	Atoast0806
103	bluehill
104	buydhgateshoping
105	Bwmb2020
106	chiyobai
107	cn_adidas
108	dfwuhkf
109	faone24
110	fbahelper
111	Global bags
112	Goodnice201920
113	Haohan2020
114	Highqualityok1
115	Hn8866
116	Hnhaomajia
117	Hnk9
118	Jhsm006yxgs
119	Ldl447692276
120	Luxurybag2042
121	Lvbag55

122	Obor2018
123	Perfect222
124	qiananclothings
125	Qiananrain
126	qiananshopping
127	qingfeng921
128	sh0es012
129	tang20188
130	tang2021
131	tangtang68
132	vvuitton_02
133	walon123
134	Xiejerry
135	Xingsu1688
136	xingyunxing2019
137	Yafacai188
138	Yayayayaya158
139	yeliy
140	Yiyimubiao