

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

GRUMPY CAT LIMITED,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE A HERETO,

Defendants.

Case No.: 21-cv-2699

Judge Martha M. Pacold

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on GRUMPY CAT LIMITED's Motion for a Preliminary Injunction, and this Court having considered 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 attached hereto (collectively, the "Defendants").

THIS COURT HEREBY FINDS that, at this early stage, there is sufficient evidence 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 are reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents can purchase products bearing infringing and/or counterfeit versions of Plaintiff's GRUMPY CAT Trademarks (the "GRUMPY CAT Products").

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 a Temporary Restraining Order 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 made a *prima facie* showing of trademark infringement because (1) the GRUMPY CAT Trademarks are distinctive marks and registered with the U.S. Patent and Trademark Office on the Principal Register as U.S. Trademark Registration Nos. 4,907,212, 5,516,378, 4,820,434, 4,417,549, 4,672,289, 5,073,528, 4,527,097, 4,930,286 and 4,907,213 for the GRUMPY CAT Trademarks and Plaintiff’s registered copyrights VA 1-911-607, VA 1-882-406, VA 1-963-544, VA 1-996-074, VA 2-023-702, VA 2-111-353, VA 2-134-675, VA 1-886-880, VA 1-966-135, VA 1-941-449, VA 2-008-316, VA 1-962-679, TX 8-617-793, VA 1-939-990, VA 1-899-887, VA 1-901-628, VA 1-859-983, VA 1-849-042, VA 1-849-044 and VA 1-849-043 for the GRUMPY CAT Copyrights, (2) Defendants are not licensed or authorized to use GRUMPY CAT Trademarks and Copyrights, and (3) Defendants’ use of the GRUMPY CAT Trademarks and Copyrights are causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with GRUMPY CAT LIMITED. Furthermore, Defendants’ continued and unauthorized use of the GRUMPY CAT Trademarks and Copyrights 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 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 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 Plaintiff's GRUMPY CAT Trademarks and Copyrights or any confusingly similar 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 GRUMPY CAT Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's GRUMPY CAT Trademarks and Copyrights;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine GRUMPY CAT Product or other product produced by Plaintiff, that is not Plaintiff's or is not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's GRUMPY CAT Trademarks and Copyrights;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
 - d. further infringing Plaintiff's GRUMPY CAT Trademarks and Copyrights and damaging Plaintiff'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 Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear Plaintiff's GRUMPY CAT Trademarks and Copyrights or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof;
 - f. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts, the Defendant Domain Names, or any other domain name or online marketplace account that is being used to sell Counterfeit GRUMPY CAT Products; and
 - g. operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing Plaintiff's GRUMPY CAT Trademarks and Copyrights or any confusingly similar reproductions, counterfeit copies, or colorable imitations thereof that is not a genuine GRUMPY CAT Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's GRUMPY CAT Trademarks and Copyrights.
2. Each Defendant, within fourteen (14) days after receiving notice of this Order, 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 it owns and/or operates (c) their financial accounts, including all Wish accounts, and (d) the steps taken by that Defendant to comply with paragraph 1, a through g, above.

3. The domain name registries for the Defendant Domain Names, including, but not limited to, Context Logic, Inc. (“Wish”), VeriSign, Inc., Neustar, Inc., Afiliat Limited, CentralNic, Nominet, and the Public Interest Registry, within three (3) business days of receipt of this Order or prior to expiration of this Order, whichever date shall occur first, shall, at Plaintiff's choosing:
 - a. unlock and change the registrar of record for the Defendant Domain Names to a registrar of Plaintiff's selection until further ordered by this Court, and the domain name registrars shall take any steps necessary to transfer the Defendant Domain Names to a registrar of Plaintiff's selection until further ordered by this Court; or
 - b. disable the Defendant Domain Names and make them inactive and untransferable until further ordered by this Court.
4. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as iOffer, Wish, social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Domain Names, and domain name registrars, 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 GRUMPY CAT Trademarks and Copyrights, 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 GRUMPY CAT Trademarks and Copyrights; and
 - c. take all steps necessary to prevent links to the Defendant Domain Names identified in Schedule A from displaying in search results. This includes, but is not limited to, removing links to the Defendant Domain Names from any search index.
- 5. 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.
- 6. Wish shall, within five (5) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any Wish accounts connected to the information listed in Schedule A hereto; 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.
- 7. Plaintiff may provide notice of these proceedings to Defendants, including notice of any future hearings 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 to which the Defendant Domain Names are transferred to Plaintiff's control will redirect, or by sending an e-mail to the e-mail addresses identified in Schedule A hereto; and any e-mail addresses provided for Defendants by third parties accompanied by

a link to the website where the above-identified documents are located. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from domain name registrars 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. Plaintiff's Schedule A to the Complaint and the TRO is unsealed.
9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Plaintiff or on shorter notice as set by this Court.

Dated: July 1, 2021

/s/ Martha M. Pacold
The Honorable Martha M. Pacold
U.S. District Judge

SCHEDULE A

No.	Defendant Name / Alias
1	Alisha Attaway
2	greatorleans2016
3	Guangzhou Fashing Zone LTD
4	Guangzhou Fashion Zone LTD
5	Guangzhou Sina Trade Co.,Ltd.
6	gxcvbbg
7	haoshu2017
8	hbcngfhd
9	hcfbdgf
10	hdfgghj
11	hdfgsdr
12	hdghjjuf
13	hdgsdfh
14	hfdegfd
15	hfgbhgt
16	hfghrws
17	hfhgdfg
18	hgbcgf
19	hgfgerg
20	hghjku
21	hhfsdff
22	hjkfgdg
23	hqonxs
24	HUGUTG
25	HuldaRe
26	huxiao619
27	ipophk
28	jdjndnd
29	jhghkl
30	jhytjhj
31	jnhdsfg
32	Johndhj
33	Jorghty
34	juujl
35	khkgig
36	kljlhgh
37	kwntlhikzacwqqva
38	lasivf

39	ldfgwq
40	Liaoxing Fashion
41	lijiachengz
42	lijamei147
43	lijinshuang1258
44	lilinmei
45	lipeiyaoa
46	lishun123
47	lixinling5678
48	lizhendong66058
49	ljoinuy
50	LowProfileLuxury
51	lvjinhe333444
52	maerzd
53	maqianqain123
54	Melissase
55	mgffbvch
56	Michael Eaglin
57	mikxm
58	MKLNJKHBG
59	Mobile Accessories International
60	msjdf
61	mtdsevc
62	mtgikrf6uet5
63	ndgsrey
64	nfvhjfg
65	NJKGUJFUY
66	nzxdfh
67	octgn
68	OliviaH
69	ouyghb
70	plhjgfbn
71	qwasds
72	qwsadcxg
73	RedBuffaloShop
74	SparrowHawkShop
75	wangmeina1314
76	yanxinyan067
77	2255za
78	Furrieion
79	GAINGTYG

80	Gambor
81	gaoduandingzhi
82	gaozhihongz
83	Gefehtyke
84	giftformybestfriend
85	Gifu
86	Global Going
87	goldxiuhua
88	gongyixilie
89	Granboda
90	Greatedecor
91	grodno
92	guohualilil
93	guomingzhang online store
94	guozhipin
95	GZMeiYi
96	Haijanto
97	haitanyise
98	HangHai
99	hangxiuqin
100	hanyang
101	haoyingl
102	Happyyumei
103	Has been on the road of construction
104	heartert
105	hechen878507712
106	heliliCOOL
107	Hemsworth
108	hfuiejwks
109	HGFDESSA58
110	hongmeiaixue
111	houbing
112	huahuaonlineshop
113	huangjiamingivan
114	huangle
115	huangzhiqiang66058
116	huangzifeng1856356
117	Huiyade
118	huobaobaomihua
119	hutaotaolad

120	huythongshop
121	huzhongstore
122	Inch inch
123	iqhayanping
124	iugfdjks2as
125	Jacky Back
126	japav2013
127	jeameng
128	Jennifer Roberts
129	Jessemgl
130	jialinlin199042
131	Jiang Store
132	jiangcheng780
133	Jiangshufeng
134	jianjiansunglasses
135	jianlinson store
136	Jonebeauty
137	JSluis92
138	juan12
139	JunXShop
140	JupiterShop
141	KailyardGreen
142	KangSF
143	Kebab
144	kolo
145	Kuhmo
146	kwgeo6shop
147	lan jian dian zi
148	lanyangleilzm
149	lanzhongmi15623563
150	lavishop
151	Lay Taung
152	LeisterKai
153	lialing9564
154	liangweijie88
155	liangyujunha
156	LianTingYi68235
157	licheny
158	lihailong65167
159	LiHong
160	lihongyun

161	lijiang65401
162	lijiemiao
163	lijingwei163070
164	lingxiuyiren
165	linjinxing
166	lipingsstore
167	lisa letterman
168	lishuangyan21
169	liudanqing fashion
170	liuguifengl
171	Liulu666888
172	liumaolin181481
173	LiuNa56065
174	liuweidedin
175	liuxiaohui123
176	liuxingyuansu
177	liuyanlinglfa
178	liwensheng fashion
179	lixinxin8888
180	liyan66058
181	liyanpehay
182	LIYIHONG
183	liyutong20833
184	lizhihao842200
185	lizhixiong60
186	lluyin
187	longfengdian
188	LongPoc
189	Lonrrytouw
190	love hq
191	love more and more
192	lovechrist
193	loveliweiijing
194	lovemeooo
195	lpilxo
196	LT co., LTD.
197	lucks
198	lucyleilei
199	LUFA
200	luizijun12345
201	LULUJUANKRE

202	luossphone
203	luoye
204	Lush-FOR
205	lvwenchuan3956
206	Lvxchuang
207	lynisha
208	LZX8910
209	MacawTee
210	MaiYacn
211	Maltby
212	Manche progran Sakeler
213	mashuli jhgh5
214	maxiango
215	mayihua68310
216	MeiJuanWenJie
217	meishuangpeng666
218	meladie Zinker
219	MelodicAuthentic
220	Melody Jungle
221	Merchicon
222	MIAOLUNYUMAO
223	miaoyiwen4891
224	Minaya
225	minglanshijie
226	modi123
227	NEW BLUE WORLD
228	OnagerStore
229	PaulStore97
230	Phaenogam
231	phonecaseshow
232	plkugh
233	SeeAnemone
234	Shannon1
235	Since Store
236	sisheng524
237	tdfjasdjl88
238	tianjinlianhongkejiyouxiangongsi
239	Tienda Gromer
240	Tsyshoping
241	wanghongtao12345
242	xiamingxiak

243	xiaoxiazi
244	yanghuchen8839660
245	yangyue702566
246	yaozhangy
247	yawei
248	zengguizhu
249	Zhanglina86
250	zhouquan110