

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

FRIDA KAHLO CORPORATION,

Plaintiff,

Case No.: 1:21-cv-01970

v.

Judge Steven C. Seeger

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

Defendants.

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff, FRIDA KAHLO CORPORATION’s (“FKC” 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 as stated in this Order 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. In this case, 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 purchase products using counterfeit versions of Plaintiff’s trademarks. Plaintiff submitted screenshot evidence confirming that each Defendant Online Store stands ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the FRIDA KAHLO trademarks, U.S. Trademark Registration Nos. 5,700,393; 5,186,539; 5,341,582;

5,351,310; 4,739,999; 3,326,314; 3,326,313; 3,787,499; 3,799,598 and 3,318,902 (collectively, “The FRIDA KAHLO 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 FKC’s previously granted Motion for a Temporary Restraining Order establishes that FKC has a likelihood of success on the merits; that no remedy at law exists; and that FKC will suffer irreparable harm if the injunction is not granted.

Specifically, FKC has proved a *prima facie* case of trademark infringement because (1) the FRIDA KAHLO 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 FRIDA KAHLO Trademarks, and (3) Defendants’ use of the FRIDA KAHLO Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with FKC. Furthermore, Defendants’ continued and unauthorized use of the FRIDA KAHLO Trademarks irreparably harms FRIDA KAHLO through diminished goodwill and brand confidence, damage to FKC’s reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, FKC 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, and all persons acting for, with, by, through, under or in active concert with them be temporarily enjoined and restrained from:

- a. using the FRIDA KAHLO 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 FRIDA KAHLO product or not authorized by FKC to be sold in connection with the FRIDA KAHLO Trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine FRIDA KAHLO product or any other product produced by FKC, that is not FKC's or not produced under the authorization, control or supervision of FKC and approved by FKC for sale under the FRIDA KAHLO Trademarks;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of FKC, or are sponsored by, approved by, or otherwise connected with FRIDA KAHLO;
- d. further infringing the FRIDA KAHLO Trademarks and damaging FKC'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 FKC, nor authorized by FKC to be sold or offered for sale, and which bear any of the FRIDA KAHLO Trademarks or any reproductions, counterfeit copies or colorable imitations thereof;
- f. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Online Stores, or any other online marketplace account

that is being used to sell or is the means by which Defendants could continue to sell Counterfeit/Infringing FRIDA KAHLO products; and

- g. operating and/or hosting websites by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing the FRIDA KAHLO Trademarks or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine FRIDA KAHLO product or not authorized by FKC to be sold in connection with the FRIDA KAHLO Trademarks.
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 Alipay (collectively, "Marketplaces"), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, 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 FRIDA KAHLO Trademarks, 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 FRIDA KAHLO Trademarks; and
 - c. take all steps necessary to prevent links to the Defendant Online Stores identified in Schedule A from displaying in search results, including, but

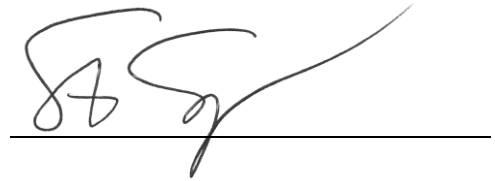
not limited to, removing links to the Defendant Online Stores from any search index.

3. 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.
4. Amazon Payments, Inc. ("Amazon"), 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 Amazon accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Carlos Dorado; and
 - b. 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.
5. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any of Defendants' Internet Stores or websites, shall within three (3) business days of receipt of this Order:
 - a. Locate all accounts and funds connected to Defendants, or Defendants' Internet Stores, 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 Carlos Dorado; 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.
6. FKC 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 Carlos Dorado 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 “373741844 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.
7. 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 the Northern District of Illinois Local Rules. Any third party impacted by this Order may move for appropriate.
8. The Clerk is directed to unseal any previously sealed documents in this matter, namely (1) Plaintiffs’ Schedule A attached to the Complaint, which includes a list of the Defendant Online Marketplace Accounts; and (2) screenshot printouts showing the active Defendant Online Stores (Exhibit 2 to the Declaration of Carlos Dorado).

9. The \$147,000 bond posted by FKC shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

Date: June 22, 2021

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

Steven C. Seeger
United States District Judge

SCHEDULE A

No.	Defendants
1	373741844
2	Ablewy
3	Arturo Erickson
4	Badu shunye culture
5	Best4Life Store
6	BethMas
7	Bissport Official
8	Blankenship Mug shop
9	BlossomCo
10	cdfWFV
11	ChaDa Hargrow
12	chaoyufuzhuangdian
13	chengdujinliliantaishangmaoyouxiangongsi
14	chuxionghongrunfangdichankaifayouxiangongsi
15	cirhalf
16	comcoll
17	CongenialOutwear
18	Darknesss
19	diy girl
20	dongYingQuHaiQiangShiYouJiXiePeiJianXiaoShouChu
21	dongyingquwenhuijiedaoxinjialanbaihuoshanghang
22	Drybeatsii
23	Eighteen Disk Network Technology
24	eilm
25	Erica Tenezaca
26	Estpower
27	EtherealiShop
28	EvasyStore
29	EWDRAGON
30	FengLiJueWeiCheQiJiangJun
31	FINEY
32	FunnyMug stores
33	FWD20200527
34	Garden Mug Store
35	Gearsly SJC
36	GOLDNANN
37	Gray Granite
38	guangxipeixuanwenhuachuanmei
39	GuHongYanGH

40	GWAAZE
41	Hanqin Chen
42	Haoxiangbao
43	HATITU
44	HeJingLong
45	Henan Huarong Engineering Guarantee Co., Ltd.
46	HGSRVWQAG
47	hrs089643
48	HUANSTORE
49	HuBeiRongXinShangMaoYouXianGongSi
50	huoshoujiang US
51	Ice Maple Technology
52	INSOMO
53	Jeanne Maier Store
54	JESSBBIT
55	Jiazheng
56	Jigsaw Puzzles Sale
57	jihuichuanmei
58	jinghuabaolin
59	Jocasta Mixshoes
60	Jully Satt
61	Kai Tribe
62	KAIDILONG
63	Kalembuc
64	KLYLIFE
65	kunmingzhidijiaoyuxinxizixunyouxianzerengongsi
66	Landonnerly
67	Liaochengshidayuguandaoshutongyouxiangongsi
68	lin hongjian
69	lin xu's
70	linghaishidalinghejiefeidudamanuzhuangdian
71	lingmei kong
72	LINZWEI
73	liu zenhao
74	liuyoung
75	LoisRBingham
76	LouisTing
77	Love Simple
78	Lovexue
79	LUCKY MUG
80	LUHAWE

81	LYONLO
82	Marvin Stevenson
83	MichaelHX
84	MichaelJAmbrosino
85	minhone001
86	MISS ZOE OFFICIAL
87	MONKEYSTYLE
88	Mug USA
89	MYGUA
90	Naewtae16
91	Natasha Breeden
92	Nguyen Doan Hung store
93	nguyensexuanvuongsell
94	Nina C Schaller
95	niushijianshangmao
96	Orisonz
97	Patricia K Ferguson
98	PayAback
99	QAZWSXEDC STORE
100	QIAUS
101	qing zhu fang zhi pin dian
102	Robertman
103	Say La We
104	sdfhkhjefs
105	Sha De Bu De Liao
106	shagaiyioump
107	SHAN MINGTIAN
108	ShanDongShengShiGaoJinKongJiTuanYouXianGongSi
109	Shandy Crook
110	ShanTouShiChengHaigRanHuanBaoKeJiYouXianGongS
111	ShanXiJunHengKeMaoYouXianGongSi
112	ShaoYangShiDaXiangQuHongFaFenMianJiaCh
113	Shengqian Economic and Trade
114	Slaty Skyz
115	SUNBEN
116	suyuquyungetaoyuzhubaogongzuoshi
117	TanZhiGang
118	TAYSWI
119	TeeGreenShop
120	TheresaTimmy
121	tian yaohui

122	Timothy Wayne Roberts
123	TOASTY LLC
124	Tyrone O Rodriguez
125	ujinduokeyiyouxiangongsi
126	VTMMO
127	W1T1B6Y49Z
128	Wang Kaijian
129	wensiquanyong
130	wenzhoushiluchengquyeniubaihuodian
131	WINUO
132	wulunshiguanerdaihaishifuerdai
133	XinLuoQuLieMingLvHeJinMenChuangPeiJianZhongXin
134	xinyangshishihequwangxianshengchayepinjiandian
135	Xizangwenfanggongmaoyouxiangongsi
136	xu yu qing er
137	xvbfghfh
138	Yaeatw
139	yanchu07848845
140	Yi embroidery clothing store
141	YIELD BRIGHT INC LIMITED
142	Yweimi1123
143	YYOBO
144	zanhuangxianqingkangzhongyaocaiyouxiangongsi
145	zhangdianshenghuayixuriyongbaihuoshanghang
146	zhuotingUS
147	zkx449039637