

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

LUKE COMBS,

Plaintiff,

v.

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

Defendants.

Civil Action No.: 1:21-cv-02246

Judge Jorge L. Alonso

Magistrate Judge Susan E. Cox

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff, Luke Combs’s (“Luke Combs” 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 against the defendants identified in Schedule A (collectively, the “Defendants”) and using at least the online marketplace accounts identified in Schedule A (the “Defendant Online Stores”).

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 and do purchase products using counterfeit versions of Plaintiff’s LUKE COMBS trademarks, U.S. Trademark Registration Nos. 5,573,127; 5,417,705; and 5,573,124 (“The LUKE COMBS Trademarks”).

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order (“TRO”) should remain in place 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 Luke Combs's previously granted Motion for a Temporary Restraining Order establishes that Luke Combs has a likelihood of success on the merits; that no remedy at law exists; and that Luke Combs will suffer irreparable harm if the injunction is not granted.

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

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine LUKE COMBS product or any other product produced by Luke Combs, that is not Plaintiff's or not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under the LUKE COMBS Trademarks;
 - 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 Luke Combs;
 - d. further infringing the LUKE COMBS Trademarks and damaging Plaintiff's goodwill;
 - e. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing or returning products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any of the LUKE COMBS Trademarks or any reproductions, counterfeit copies or colorable imitations thereof; and
 - 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 Counterfeit/Infringing LUKE COMBS 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, PayPal, 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 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 LUKE COMBS 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 LUKE COMBS 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 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 Stores 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 five (5) business days after receipt of such notice, provide to Luke Combs 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;
 - b. the nature of Defendants' operations and all associated sales and financial information, including, without limitation, identifying information associated with the Online Stores, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Defendant Online Stores;
 - c. Defendants' websites and/or any online marketplace accounts;
 - d. the Defendant Online Stores 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, 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. PayPal, Inc. ("PayPal") and ContextLogic, Inc. ("WISH"), shall, within three (3) business days of receipt of this Order, for any Defendant or any of Defendants' Online Stores or websites: Locate all accounts and funds connected to Defendants, Defendants' Online Stores or Defendants' websites, including, but not limited to, any PayPal and WISH accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Christopher T. Kappy; 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 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' Online 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 Christopher T. Kappy; 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. LUKE COMBS 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 Christopher T. Kappy and any e-mail addresses provided for Defendants by third parties that includes a link to said website. The combination of providing notice via electronic publication and

e-mail, along with any notice that Defendants receive from Online Stores 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 Defendant or other person that is subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Luke Combs or on shorter notice as set by this Court.

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

A handwritten signature in dark ink, consisting of a large, loopy 'J' followed by 'L. A.' and a small flourish.

Dated: May 26, 2021

Jorge L. Alonso
U.S. District Court Judge

SCHEDULE A

No.	Defendant
1	liujielun fashion
2	Okay Store
3	mage666
4	zimoshanghua
5	zhangjinming
6	FIGO1984SHOP
7	ENZE1985
8	enzelove
9	TeenWaGer
10	chenguiyun
11	yanshuai
12	something of dog
13	yuanhuaxiaodaian
14	shitoutiaosu
15	LXYyun
16	rcftvgybhuj
17	Glazed cross stitch shop
18	baotianrui
19	mingjuan14
20	sanseng
21	sundayshoppingfunny
22	suhaiyanyan
23	liuxige
24	vveetty
25	yuephoo
26	sdfklsdlf6556
27	htas21
28	hhjx4321
29	ppeeke
30	WBXing
31	heedte
32	hf22f8jey01tf9b0t4
33	Sumeierdeso
34	dfwrsthyjtd
35	yuminglu
36	weijuli711977
37	wangqiudongli
38	zhanchener1028

39	wangxi7324
40	luoshuanglin0812
41	Qionghua
42	cool gift world
43	yantanjuan
44	sarai2306
45	limingh
46	duankeaima
47	huamuxiao
48	XIEZHIWEI
49	zhang li66058
50	huangjiawen95081
51	jaksjiuehr
52	hghgghgh
53	EileenGarbarin
54	MMNNBB
55	lioxiaochai
56	Yitaowei122696
57	ningxiao
58	zhaoidanlai546
59	Xinlan66088
60	chenshuai77188
61	huxiao619
62	Sovery Pertume
63	liuxiaocheng
64	chenglih
65	cloudji
66	fhueyuhwn
67	luohan1003
68	Smilelikeflower
69	zenghuizhen0909
70	Jisanwumei skirts
71	ochenmei
72	Shuaige123456
73	zhangjinsuo720925
74	xiaobao5078
75	likaixin546
76	CONBIRD SUR
77	ANLYCHEU
78	liu rao shan3918
79	maidandan

80	Cliff Clark
81	acatmigarden
82	tyuihfddb
83	ChaoluyesuivW
84	HuanzailuanzaivWu
85	BeihuangmengzOd
86	DuitunmeibafRz
87	ZhuizhuibengziuTf
88	GouzhaotungIx
89	LianyongliangjumSa
90	gftydsetgv
91	xujie1778
92	shenpohuang21
93	liuchunxiang66058
94	huangxianhui66058
95	GeorgeCates
96	Masetti4545
97	lifei66580
98	qixueyu1994
99	Adolfo Williams
100	yangbing151762
101	tanhuali513741
102	Howard5111
103	wengyinrong123
104	Hardesty34485
105	Lianglili1984
106	zhaojingyan190306
107	wenlonghui666
108	wuyang 112233
109	Hartsock6565
110	laiyanting123
111	SiyanyuebNx
112	DouzifeicS
113	lailei81
114	xiangjushan4
115	fufanghua9
116	huangzhiqiang66058
117	wangyuping73
118	LajianggougEz
119	ZaishainajiangrTc
120	FangpinhuaiyizN

121	jdjndnd
122	shujiaobu34
123	gongan93
124	anlu7415
125	Guth653
126	jiayingchaoshi6699
127	Hoskins651
128	Hoff6565
129	tingting65892345
130	yangyan6701
131	liuyuxiang599599
132	zhujiazheng2319
133	duanjian12345
134	fengcaizhen567
135	fuweicheng66058
136	Fallrain Bedding
137	luohong12345
138	xekru668
139	xeancan98
140	jekangtu
141	Alexander Smith
142	mushaejea
143	huanwuse2
144	zhuebez
145	chenyuan32
146	Michelezb
147	Jason Bowerd
148	JODIE BROWN
149	Linsey LaPlant
150	Cory Christianson
151	Lisa Wilson6516
152	Barry J. Littlejohn
153	malei4636
154	JOYCE LAFAR
155	Kathy Fox
156	CHENGXIAOYONG0518
157	wwqss
158	sug9332465
159	laiyonglin888
160	Ingrid Ranney
161	Jennifer Adams22

162	Jenna Murphy
163	Lifeng0620
164	liuyuee0027
165	Karen Schleu
166	sara swan
167	shishune1258
168	zhaoshefeng56234
169	dianfumingcheng12345
170	tenghaiyuan
171	hasjkijdioahplsag
172	Brad Harkness
173	James Fitzpatrick
174	Carolyn M Brookins
175	john zhang1
176	jdiajdsoidplaode
177	Frederick Boyd
178	Amanda Baker
179	Trina Villines
180	Maizai Underclothes
181	Patricia Fray
182	yyyoushop
183	rhehdhks56
184	Rosaqw
185	Ruth Hunter
186	James Willcox
187	Jan McCauley
188	Victoria K. Galbraith
189	Patrick Anderson
190	OliviaH
191	chengqingxiang920
192	wangsimin123
193	Lisa Ely
194	Rosalyn1
195	BDarcyG
196	Mary Satter
197	BDonWay
198	zhangqiyue977
199	James B Wright
200	BElvisG