

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

VISTA OUTDOOR OPERATIONS LLC,

Plaintiff,

Civil Action No.: 1:21-cv-02412

v.

Judge Mary M. Rowland

THE PARTNERSHIPS AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED ON SCHEDULE "A",

Magistrate Judge Jeffrey I. Cummings

Defendants.

**PRELIMINARY INJUNCTION ORDER**

THIS CAUSE being before the Court on Plaintiff, VISTA OUTDOOR OPERATIONS LLC ("VISTA" 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") 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 the context of cases like this one, that means a plaintiff must show that each defendant is actually operating an interactive website that is accessible in Illinois and that each defendant has aimed such site at Illinois by standing ready, willing and able to ship its counterfeit goods to customers in Illinois in particular (or otherwise has some sufficient voluntary contacts with the state)." *Am. Bridal & Prom Indus. Ass'n v. P'ships & Unincorporated Ass'ns Identified on Schedule A*, 192 F.Supp.3d 924, 934 (N.D. Ill. 2016). 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 BLACKHAWK trademarks, U.S. Trademark Registration Nos. 5,810,688; 5,810,686; 5,514,250; 5,216,334; 4,317,248; 3,203,714; 3,128,839; 3,198,084; 3,100,312; 3,582,358; 2,737,060; 5,666,782; 5,498,174; 5,360,397; and 5,481,412 ("The BLACKHAWK 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 VISTA's previously granted Motion for a Temporary Restraining Order establishes that VISTA has a likelihood of success on the merits; that no remedy at law exists; and that VISTA will suffer irreparable harm if the injunction is not granted.

Specifically, VISTA has proved a *prima facie* case of trademark infringement because (1) the BLACKHAWK 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 BLACKHAWK Trademarks, and (3) Defendants' use of the BLACKHAWK Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with VISTA. Furthermore, Defendants' continued and unauthorized use of the BLACKHAWK Trademarks 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, VISTA 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 BLACKHAWK 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 BLACKHAWK product or not authorized by Plaintiff to be sold in connection with the BLACKHAWK Trademarks;
  - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine BLACKHAWK product or any other product produced by VISTA, that is not Plaintiff's or not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under the BLACKHAWK 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 VISTA;
  - d. further infringing the BLACKHAWK Trademarks and damaging Plaintiff's goodwill;
  - e. otherwise competing unfairly with VISTA in any manner;
  - f. 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 any of the BLACKHAWK Trademarks or any reproductions, counterfeit copies or colorable imitations thereof; and
- g. 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 BLACKHAWK 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 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 BLACKHAWK 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 BLACKHAWK 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 three (3) business days after receipt of such notice, provide to VISTA 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, Alipay, DHgate, eBay, PayPal, and 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. ALIPAY US, INC. ("Alipay") and its related companies and affiliates, Heguang International Limited or Dunhuang Group d/b/a DHGATE, DHgate.com, DHPORT, DHLINK and DHPAY ("DHgate") eBay, Inc. ("eBay"), 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 Alipay, DHgate, eBay, 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 Daniel J. 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 Stores or websites, shall within two (2) 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 Daniel J. 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. VISTA 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 J. 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 “beststoretoday 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 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 Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to VISTA or on shorter notice as set by this Court.

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

Dated: May 26, 2021



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U.S. District Court Judge

**SCHEDULE A**

<b>No.</b>	<b>Defendants</b>
1	beststoretoday
2	gooddeal.get
3	hjk1989
4	kartikfashion
5	kubaonono1020
6	one2three.shop
7	outlets-plus
8	solomen1981
9	superstarsxl
10	tech-zoom
11	bpythqt
12	libu5rnx
13	2j6rskpi
14	6lwnkcyx
15	adobeshop
16	aing7u
17	Airlol
18	AOMASW666
19	Arts Nevada
20	asldhui
21	auto accessories
22	awk
23	Baipuqinzhuio
24	basiqwg
25	Beatriceshop
26	Beept1951
27	BeichengguakEg
28	BiditengdueYh
29	binSco
30	BinxingjiaocangsU
31	Bookha
32	boutiqueligth
33	Bravell
34	bsvgq9w3
35	Cai bin shop
36	CaiquweiweirJf
37	CaishunyongnK
38	Caudersd
39	Chigddghg
40	CizhanwenzhuoxH
41	colorful stones
42	cp87_gtd



43	cuterainbow
44	DanglanjingdQj
45	Daowei YongjSg
46	DBNO1
47	denglizhen841013
48	deportivos ricky
49	Dipiesh
50	DiraoougAw
51	DriveAccesorios
52	dywhoughdndd
53	eai320lq
54	Easy Buyer Shopping Center
55	f4ugaaj4
56	FangusibEa
57	Fashion Stefan
58	Fei XXXX
59	ffgf
60	fruers market calc
61	go home123
62	grace-choice
63	gsrthgdtrj
64	guanshengbaihuo
65	GYQ
66	Happy da
67	He Zhongguo1 Shop
68	Heladitos Apolosho
69	hellegxjivyw
70	HemutuanzO
71	hidx5i6u
72	hls15000932087
73	hlwtvpre
74	Honourable Monkey King
75	Huang hou lun shop
76	huangyueru
77	iekaijee
78	jafuk3ye
79	jgxpjc4f
80	Ji chang li shop
81	jiangchao66068
82	JiaopoyijYg
83	JiaWanLishop
84	jimartystore
85	jimmyloveyoutoo
86	Jinchengzhi
87	JingbiheweiaQf

88	jingliangdedian
89	jiqiao22
90	JiubeiwulAc
91	JizhuoxiamMq
92	JKDVHGK
93	jolupuodh
94	JuetouyoululT
95	KesikanmIj
96	km9tyrk
97	ks6wyx6wJINLONG
98	Kun Kun home visit
99	LaobeiyaotPv
100	Lebron ensaladas y mas
101	lengqin1shop
102	LiangkenkefB
103	LieqingbizhivY
104	liiusheng
105	limin1205
106	Liu guo ying shop
107	Liu peng wei shop
108	LiuLiHong11shop
109	liuwenxuan
110	liyongqing
111	LongDengYongshop
112	longhui5890548
113	LQfengLOVE
114	luis43
115	LUOCHAOCHENG
116	Luofaleishop
117	luoyao258
118	Luyinhuishop
119	Ma xiao feng shop
120	maningmayun
121	Marss78
122	mcsisedry
123	mcsmetefpquhe
124	Me orgin
125	MENGZHESHENG
126	Ming outfits
127	mohje8
128	Moisturizing Mask
129	Mongoliarhymeornamentshop
130	Moniqlucid
131	Motor Craft
132	MoxunjieU

133	MutengjiwY
134	n2vqj7ta
135	nantaihome
136	NapaichenjiuC
137	nesuyck
138	Nicker Black
139	non002
140	nthrhretgw13
141	oogaiw0
142	oufuheng
143	Outdoor Camouflage
144	ouyang0325
145	PangchenghuanpupY
146	pelotaezwdr
147	PingjialiaojiaowZ
148	PingjiuguqMl
149	pinxingshijie
150	PipashiqFx
151	Plazalight
152	PuluanlincSh
153	qbwinner
154	QianzhuiouaWz
155	qinsiwoaini
156	Rainbow
157	Raquel'sCandy
158	rayitodesol
159	RenjudebijTm
160	rishoughkatb
161	Rmslkfgylove
162	RongchuangyehUx
163	rosiazul
164	s02y_gzc
165	Saddar
166	salesmat
167	sestoca
168	shaotao
169	shichoezqrgojd
170	ShikenhuangbeiwE
171	ShipoyanzaipYq
172	ShizhikenlaogZ
173	ShopNoel
174	shoppalacios
175	shouji
176	simyju
177	sloughtqejm

178	smeseevgtu
179	smile XQG
180	Songlannaio
181	SouyouhuandiuBs
182	steasamjkg
183	sunshine Strawberry
184	suyundong
185	TacticalEquipment
186	TanglanghuannB
187	teighdeeshnneowo
188	TengqiaobaeN
189	ThomasGraf
190	timon776w
191	tisherftsbbby
192	tootheshnopyl
193	TracyAnneaa
194	utrngidq
195	validoplay
196	Wang jie shop
197	wangkb
198	WaxiafuqiexK
199	Wudishiwo
200	wujiokmy
201	XiajingdoudZ
202	XialianjiiXn
203	xianshiyong666
204	xiaoanshangmao
205	xiaoju
206	xinmeidianzishangwu
207	yangguangbingshopp
208	YanyunbaimiyLp
209	YezhangseeZy
210	yi967786
211	YijimishuiOp
212	YongjichuangjF
213	yongshenghome
214	youxinhome
215	YoyipanwLr
216	yqvtedya
217	Yuanera
218	YuanxiaposAk
219	yubodedianstore
220	yuste998
221	yuuer stone
222	YuxunhuaiiY

223	z6eeukwy
224	zhangxinying
225	zhangzhaohan0
226	zhanping store
227	ZhaobidouxTi
228	ZhaolangluanqiangqEc
229	ZhibaluanfenrD
230	ZhibaqianhuizOf
231	ZhichunguoH
232	ZhisigailubY
233	ZixingtengjiaVh
234	zzlout-door
235	1847 Blues Store
236	Alipapa Store
237	Aufdiazy Outdoor Product Store
238	Baldauren Store
239	Camouflage Military Tactical Gear Store
240	Charice's Outdoor Store
241	CLARAVIDA Store
242	Complete Outdoor Fitness Store
243	COYOCO Official Store
244	Daywolf Sprots. Store
245	Emerson China
246	EZ Housework Store
247	feian outdoor Store
248	Get Moving Store
249	GGXXseller Store
250	HappyRun Store
251	Horizon Store
252	Hui Peng's store
253	HZ2 Store
254	Jiexijie Store
255	Karito Store
256	kunquan machine Store
257	Kurt Li's Store
258	KUYOMENS Official Store
259	LANDKING Store
260	Langnu outdoor Store
261	leitech outdoor factory Store
262	Long Cheng Outdoors Store
263	loveisatouch Store
264	Makes life beautiful Store
265	MCYJ Outdoor Clothes Store Store
266	movement and outdoor Store
267	New Gloves Store

268	New-Sports Store
269	One Loves One Store
270	Outdoor Tactical Camouflage Store
271	Peanut Reaper Store
272	PLAYFUL BAG Store
273	Professional Outdoors Store
274	PWR Minye Motorcycle Accessories Store
275	RBO Store
276	Sequoia Outdoor Store
277	sHe In Fashion
278	SHE'S CHIC Official Store
279	Shop4658034 Store
280	Shop5015217 Store
281	Shop5019193 Store
282	Shop5022179 Store
283	Shop5393002 Store
284	Shop5403053 Store
285	Shop5596515 Store
286	Shop5601488 Store
287	Shop5790432 Store
288	Shop5877384 Store
289	Shop5880335 Store
290	Shop5883392 Store
291	Shop910353312 Store
292	Shop910559005 Store
293	Shop910745178 Store
294	Shop911063199 Store
295	Shop911207236 Store
296	stylishing Store
297	TBH GEAR
298	TEMTON &Z Store
299	The Art Of Movement Store
300	Timelytrust Sporting Store
301	tom's hug Official Store
302	ULASHKIM Official Store
303	Wenzhou SX Outdoor Products Co., LTD
304	Workout1 Store
305	Y&B&Z Cloth Accessories Store
306	YIWU WINDSPEAKER OUTDOOR Store
307	You downstairs Store
308	Zhou A yu Store
309	Ziyu Outdoor sporting Store
310	a13205944062
311	a686822
312	a86800

313	amazingq
314	Bailixi08
315	christmas ornaments
316	clothes 666
317	conveniencestore8
318	coolmasks
319	danny26
320	datai
321	david0930
322	daysprices
323	dreammaster
324	face shields wang
325	famousemasks
326	feliweiuky
327	flowershop2
328	grainstore2
329	hcaihong
330	householdroom
331	hubilei
332	jingtianwat
333	kubeyknife
334	lemontree17
335	lifedepartment
336	litchiguo
337	liuhui2011
338	lixianan
339	Lopuiopnhuy
340	lvitso
341	madeclothesshopy
342	meihan5
343	meihan6
344	mvknife
345	newdhgatesyear
346	Nice8688
347	okaysuns
348	Okliuse
349	Opensuass
350	Pendysome
351	qianantrade
352	qiangdhgatesco
353	qianshu33
354	Qingteawater
355	qinshopdhgate
356	sfknife
357	shen84

358	Shen8409
359	shopsunshine
360	Sports2096
361	sunshinesy
362	sxiuc
363	Tangtang1
364	uline
365	viking168
366	wanjia55
367	wudun
368	www02086
369	xiamensdhgates
370	xiaolinmalls
371	zhangmingjiale