

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

CHRISTOPHER M. ROBINSON and
RICHARD S. ROBINSON a/k/a THE BLACK CROWES,

Plaintiffs,

v.

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

Defendants.

Civil Action No.: 1:21-cv-02644

Judge Sharon Johnson Coleman

Magistrate Judge Maria Valdez

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiffs, CHRISTOPHER M. ROBINSON and RICHARD S. ROBINSON a/k/a THE BLACK CROWES (“The Black Crowes” or “Plaintiffs”), Motion for a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiffs’ Motion for Entry of a Preliminary Injunction in its entirety against the defendants identified in Schedule A (collectively, the “Defendants”) 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, Plaintiffs have 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 Plaintiffs' trademarks. *See* Docket No. 12 which includes screenshot evidence confirming that each Defendant Online Store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of Plaintiffs' THE BLACK CROWES Trademarks, U.S. Trademark Registration Nos. 1,770,516; 1,758,097; and 2,053,166 (The "THE BLACK CROWES 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 Plaintiffs' previously granted Motion for a Temporary Restraining Order establishes that Plaintiffs have a likelihood of success on the merits; that no remedy at law exists; and that Plaintiffs will suffer irreparable harm if the injunction is not granted.

Specifically, Plaintiffs have proved a *prima facie* case of trademark infringement because (1) Plaintiffs' THE BLACK CROWES 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 Plaintiffs' THE BLACK CROWES Trademarks, and (3) Defendants' use of Plaintiffs' THE BLACK CROWES Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with The Black Crowes. Furthermore, Defendants' continued and unauthorized use of Plaintiffs' THE BLACK CROWES Trademarks irreparably harms Plaintiffs through diminished goodwill and brand confidence, damage to Plaintiffs'

reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, The Black Crowes have 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, 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 Plaintiffs' THE BLACK CROWES 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 THE BLACK CROWES product or not authorized by The Black Crowes to be sold in connection with Plaintiffs' THE BLACK CROWES Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine THE BLACK CROWES product or any other product produced by Plaintiffs, that is not Plaintiffs' or not produced under the authorization, control or supervision of Plaintiffs and approved by Plaintiffs for sale under Plaintiffs' THE BLACK CROWES Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of The Black Crowes, or are sponsored by, approved by, or otherwise connected with Plaintiffs' THE BLACK CROWES;

- d. further infringing Plaintiffs' THE BLACK CROWES Trademarks and damaging Plaintiffs' goodwill;
 - e. otherwise competing unfairly with The Black Crowes 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 The Black Crowes, nor authorized by The Black Crowes to be sold or offered for sale, and which bear any of Plaintiffs' THE BLACK CROWES Trademarks or any reproductions, counterfeit copies or colorable imitations thereof;
 - 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 THE BLACK CROWES products; and
 - h. operating and/or hosting at the Defendant Online Stores and any other online marketplace accounts registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing Plaintiffs' THE BLACK CROWES Trademarks or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine THE BLACK CROWES product or not authorized by Plaintiffs to be sold in connection with Plaintiffs' THE BLACK CROWES Trademarks.
2. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as, but not limited to, DHgate, PayPal, 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 Plaintiffs' THE BLACK CROWES 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 Plaintiffs' THE BLACK CROWES 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' Internet 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, but not limited to, DHgate, PayPal, Alipay, 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 The Black Crowes 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 Defendant 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 Defendant Online Stores;
 - 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, Amazon, PayPal, Alipay, DHgate, 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. Heguang International Limited or Dunhuang Group d/b/a DHGATE, DHGate.com, DHPORT, DHLINK and DHPAY (“DHgate”), Context Logic, Inc. (“WISH”), Paypal, Inc. (“PayPal”) and Amazon Payments, Inc. (“Amazon”), shall, within three (3) business days of receipt of this Order, for any Defendant or any of Defendant Online Stores or websites:
 - a. locate all accounts and funds connected to Defendants, Defendant Online Stores, including, but not limited to, any DHgate, WISH, PayPal and Amazon accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Richard S. Robinson; 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.
6. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any of Defendant Online Stores, shall within three (3) business days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants, or Defendant 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 Richard S. Robinson; 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. The Black Crowes 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 ending an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Richard S. Robinson 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 “aweawt 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 Marketplaces 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 Plaintiffs or on shorter notice as set by this Court.

9. 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 Stores; and (2) screenshot printouts showing the active Defendant Online Stores for the Defendant Names (Exhibit 2 to the Declaration of Richard S. Robinson).

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

Dated: June 24, 2021

A handwritten signature in black ink, appearing to read "Sharon Johnson Coleman", written over a horizontal line.

SHARON JOHNSON COLEMAN
U.S. District Court Judge

SCHEDULE A

No.	Defendant
1	aweawt
2	DWDWE66
3	c6c6c6
4	dfsdiisplefrou
5	Smilelikeflower
6	wudankanqiu
7	zhangjinsuo720925
8	Breanne Downingi
9	yyiuge66058
10	wuyunpeng3334
11	huangxianhui66058
12	wuhan001269
13	lishun123
14	uzuio9
15	guoqianqian52828
16	zhujidongdian
17	tianye fashion
18	cuikailing Store
19	yangbing151762
20	laiyonglin888
21	liyongmei6638
22	liuankang6092
23	sunyonggang372524
24	xielimin4488
25	rnuyfbrmne
26	sixinxin00668
27	zhoujielun111
28	wangsimin123
29	zhangxiaolan66058
30	zhangyang8828
31	LiaoYong114056
32	huangchangqing888
33	wfh24
34	ningxiax
35	Shuaige123456
36	wangze52930

37	yaoshi
38	YUxiaodan0628
39	leishanshanshop
40	chulinzhen223
41	yanxy
42	Marie Nickerson
43	zongtingting0414
44	zhaojingyan190306
45	J6K6
46	zhangyameng2533
47	liuziqi fashion
48	wagnying13sd
49	LOUE
50	d4g5g55
51	daixiaoyuan200877
52	hejiaxin5238
53	zhangshunqiang5239
54	Huang Yunfu370
55	zimoshanghua
56	Lijungoodsstore
57	Elizabeth Morla
58	baoyuntaoying
59	qiaofer
60	happy hong
61	wujuying66205
62	limingh
63	suquesh
64	yyyoushop
65	David Ferber-Stumpys
66	jekangtu
67	fuweicheng66058
68	pqowemnif
69	TeenWaGer
70	Tainqiny Aid
71	sunxiping
72	luohong12345
73	mythicalstore
74	k8k82
75	suenXIAO-54

76	laiyanting123
77	Ryk Norskog
78	ruixingjieli
79	fanmudan662961
80	Zeyibei Bedding
81	lidan7321
82	huangzhiqiang66058
83	jiangjianliang123
84	xiabolin2266
85	Zxiaqing
86	wangyan769
87	Tianyuqin66088
88	cengju747
89	Tangshanshan233256
90	alian9258
91	Crayons' International Trade
92	WANGYING66058
93	CB Trade Co.,LTD
94	qinying2588
95	yushuang1212
96	dongkangyang085
97	wangp123456789
98	wangjianting
99	ChizichipaivQm
100	YLM
101	wujiudongcang
102	wangtao007
103	shenhuowang fashion
104	wangyuping73
105	xujie1778
106	lbinz
107	yuanxiaoxue666
108	zhangfanghua698
109	iuwu58
110	Lanjunde Ladybags
111	lilinrong8087
112	DeepDiscount
113	g8g8g8
114	Old Glory

115	Tangshanshan0415
116	dunaizhi2221
117	huangsiceng
118	shen fashion
119	pianpiancai
120	wfpsimple003
121	chenxieyang
122	Russelaace
123	liuchunxiang66058
124	HUANGLILANLANZ FATION WOMAN CLOTHING STORE
125	jinjianer fashion
126	sfcbnx online store
127	ssdgsdtstdsuayd
128	Gentlechao
129	chengfei123
130	wanghongtao12345
131	jiayingchaoshi6699
132	shanjianting123
133	xjrbfd shopping
134	zhenqiuyupao
135	Gaochongyang375
136	longzhichao123
137	lovechrist
138	angrngp
139	jdiajdsoidplaode
140	zhaochangfei
141	RRR88E8
142	hghgghgh
143	kang668
144	liruilin147258
145	tianbinbin
146	V6V6VV8
147	pokimgj plaza
148	Hepeijuan5522
149	fengchen13138
150	qiushu
151	asdas112154
152	tingting65892345
153	d4f5f5

154	zhoujie6701
155	yilongfashion
156	mingjuan14
157	Chengdongmei999
158	QQASD556A
159	shurun462837
160	Yang1992
161	pupinglai2054
162	shitoutiaosu
163	zhaojinjin
164	KKKERR8
165	mcceseoqwsee
166	Fuefar bags
167	chenyelin1123
168	rmx5869
169	Sarengaowa
170	Captain piggy house
171	Jacobaae
172	L65K
173	gaomiao fashion
174	srngwang5
175	rongshuli7755
176	kabate
177	nickyoung02