

**IN THE 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-03041

Judge Harry D. Leinenweber

Magistrate Judge Sunil R. Harjani

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff, Luke Combs (“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 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 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 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 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 with Luke Combs. 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, loss of exclusivity, and loss of future sales. 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, 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. otherwise competing unfairly with Luke Combs 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 LUKE COMBS 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 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, eBay, PayPal, Amazon, 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 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 three (3) 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, eBay, PayPal, Amazon, 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. eBay, Inc. ("eBay"), PayPal, Inc. ("PayPal"), Amazon Payments, Inc. ("Amazon") 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 eBay, PayPal, Amazon, 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 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 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.

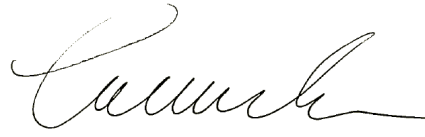
7. Luke Combs may provide notice of these proceedings to Defendants, including notice of the preliminary injunction hearing and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website, or by sending 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 Clerk of Court is directed to issue a single original summons in the name of "Aileen Low 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 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.

10. 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; (2) screenshot printouts showing the active Defendant Online Stores (Exhibit 2 to the Declaration of Christopher T. Kappy); and (3) the Temporary Restraining Order.

Dated: July 1, 2021

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

U.S. District Court Judge

SCHEDULE A

No.	Defendants
1	Aileen Low
2	lyc8888
3	taoyanan151
4	zhangweihua Store
5	zhongwenhui Store
6	zhengshan Store me
7	liuqinhui1998
8	duhuimin88866
9	Pedro Zavala
10	Jason West
11	Norma Herrera
12	Frederick Crook
13	James Himes
14	Annie Walton
15	Helena Lease
16	Ruben Alvarez
17	Alicia Setty
18	Amanda Conger
19	Chris Rogow
20	Felicia Kenney
21	Lalaneya Albright66
22	Toni Cafer
23	Angus Whittaker
24	Nikki Skaggs
25	Melanie Lewis
26	Brelan Lanham
27	Matt Thurber
28	Jessica Marie Conklin
29	Lisa Perez
30	sonnye doucet
31	JoAnne Hileman
32	jiweiguo66058
33	Wantulong
34	Yaojiaxin012
35	Binbinyouning
36	wangxunpin52013
37	caomengcong6137

38	nijuan0735
39	wanglei147258
40	SONGFANGJI886136
41	shili1426
42	zhegzixin251314
43	crd15636708326
44	wangzixuan Store
45	caipingwei Store
46	chayouxian Store
47	huxiuli123456
48	thanweitao211
49	yirenping147
50	zhanglei790115
51	wenke997
52	wanjiheya
53	nox5ohP
54	lukebo890410
55	hufuyong3648
56	qingbo0513
57	yangshuyan5856356
58	fengrui Store me
59	liumaolin181481
60	wangzhuangzhuang Store
61	pengchunchun839628
62	luanlin2020
63	liyaolong13
64	liuli911922933
65	lihongwei66058
66	lvjinhe333444
67	llyanhong369
68	liangchangmi147258
69	LianTingYi68235
70	liting3658
71	fanfuhua9056
72	wangpeiyi147258
73	wanyuanrong18798690590
74	limomo1126
75	lihengli8
76	lizhihao842200
77	huang wen shan 856356
78	hedahua66058
79	Lufebeut

80	lvpin Store
81	dengjie112
82	lidan556688
83	chuxiaofeng1699
84	lisiqin520
85	linsiqin518154
86	buiguanqun123
87	cuiming hui5584668
88	yanyuchu1511
89	lvzhaojian3959
90	zhangjun080
91	xuejiajia0986
92	mayanning274324
93	leiguihua907790543
94	wangshuliang11223344
95	bazawp
96	liulanying888
97	zhangjing75484967675
98	belindaMarket
99	yanghaizhen0521
100	xianxuenan9653
101	mayexin123
102	Geny gout
103	littlemistressuk
104	wangyuandi686868
105	zhaochunsheng4645795
106	hanbai47364
107	liuqing129520
108	chengxinkai29913
109	zhanggaoyin123
110	fukaiyu123456
111	yangxiaomo7649537
112	suzhu
113	zhangtianshuo123
114	dengqingfei8965
115	wangxuefeng666
116	wangruiduo28597
117	Shaozhengxu
118	Primer Lugar
119	wangyunkai1453
120	liusanyuan1197
121	gongyanyan0804
122	wangjing7124
123	doulong087580
124	Brynne Shop 45

125	zhangcheng8564679
126	chenqing4112
127	xingruizheng1234
128	luoruixiang2580
129	lilin123321
130	liao93122378
131	LANG XIAN
132	blowmindshirts
133	bquank.-58
134	brianbryan02
135	creativeshops747
136	crtm-28
137	delaware decals
138	didymus_co
139	donmcca2586
140	emmalineent-81
141	faoposter
142	hammad25397
143	issaza-33
144	ivicun-76
145	jackxvr 98
146	jarober-85
147	jewill 872023
148	jiwe1535
149	julamb3906
150	kedavi 9545
151	kenrig96
152	knockin boots apparel
153	lamarb_6
154	lanmatt80
155	larama_27
156	lecau50
157	malorievo-23
158	mcnichola 7783
159	micnai_17
160	mildgoods
161	ngocdu-89
162	ohsosweetboutique5
163	olinsh_11
164	phoenixwallc

165	pingksaputhr0
166	pkpc3252
167	pocket-big
168	posteroll
169	ramc-2632
170	rayes_6766
171	rhosc-54
172	robertmitchell37
173	roxtava0
174	sannai_76
175	sndamyoffer
176	trisha_879
177	valay-56
178	verogb-63
179	wilam-8076
180	world-wide-shirts
181	yenpurwant-0
182	limiaohong
183	nanpingshijianyangquyisidianziyuanqijianshanghang
184	Anna Flora Shop
185	huizhong8417
186	TTL.LLC
187	DIY at home
188	Crystalpark
189	Coconut sauce
190	xmlcgm
191	Corrivi
192	Zero.o
193	nanpingshijianyangquxijingjingwujindian
194	rizhaojingjijishukaifaqukabuqinuoxinxifuwuzhongxin
195	涛哥小店
196	Aiqriwv
197	eewangdefou
198	YongShe
199	FUCHENNLEE
200	Dorothyillian
201	WEI KWAN LU
202	SARAH BUTLERsdgd
203	LingBer-Ok

204	SantosLyons
205	heshanus
206	Bui Ngoc Hung 09
207	zhengjianfeng123
208	xchnsmyxg
209	Liztenges