

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

RAFAEL MANTESSO,

Plaintiff,

v.

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

Defendants.

Case No.: 1:21-cv-03739

Judge Charles P. Kocoras

Magistrate Judge Jeffrey Cummings

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff, Rafael Mantesso (“Mantesso” or “Plaintiff”), Motion for a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiff Motion for Entry of a Preliminary Injunction in its entirety 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 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 Internet 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 infringing versions of Plaintiff's U.S. Copyright Registration. *See* Docket No. 11 which includes screenshot evidence confirming that each Defendant Internet Store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the JIMMY THE BULL Images infringing the JIMMY THE BULL Work, U.S. Copyright Registration No. VA 2-005-670.

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 Mantesso's previously granted Motion for a Temporary Restraining Order establishes that Mantesso has a likelihood of success on the merits; that no remedy at law exists; and that Mantesso will suffer irreparable harm if the injunction is not granted.

Specifically, Mantesso has proved a prima facie case of copyright infringement because (1) the JIMMY THE BULL Work is registered with the United States Copyright Office, (2) Defendants are not licensed or authorized to use any of the JIMMY THE BULL Work, and (3) Defendants' use of the JIMMY THE BULL Work is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with Mantesso. Furthermore, Defendants' continued and unauthorized use of the JIMMY THE BULL Work irreparably harms Mantesso through diminished goodwill and brand confidence, damage to Mantesso's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Mantesso 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, 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 Mantesso's JIMMY THE BULL Work 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 JIMMY THE BULL product or not authorized by Mantesso to be sold in connection with Mantesso's JIMMY THE BULL Work;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine JIMMY THE BULL product or any other product produced by Mantesso, that is not Mantesso's or not produced under the authorization, control or supervision of Mantesso and approved by Mantesso for sale in connection with Mantesso's JIMMY THE BULL Work;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Mantesso, or are sponsored by, approved by, or otherwise connected with Mantesso;
 - d. further infringing Mantesso's JIMMY THE BULL Work and damaging Mantesso's goodwill;
 - e. otherwise competing unfairly with Mantesso 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 Mantesso, nor authorized by Mantesso to be sold or offered for sale, and which bear any of Mantesso's JIMMY THE BULL Images or any reproductions, counterfeit copies or colorable imitations thereof;
 - g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Internet 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 JIMMY THE BULL Products; and
 - h. operating and/or hosting websites registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any products bearing the JIMMY THE BULL Work or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine JIMMY THE BULL product or not authorized by Mantesso to be sold in connection with the JIMMY THE BULL Work.
- 2. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as, but not limited to, WISH, Amazon, Alibaba Group Holding Ltd. along with any related Alibaba entities (collectively, "Alibaba"), 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 JIMMY THE BULL Work, 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 and JIMMY THE BULL Work; and

c. take all steps necessary to prevent links to the Defendant Online Marketplace Accounts identified in Schedule A from displaying in search results, including, but not limited to, removing links to the Online Marketplace Accounts 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 the Defendant Internet Stores or other online marketplace accounts or websites operated by Defendants, including, without limitation, any online marketplace platforms such as Alibaba, 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 WISH, Amazon, Alibaba, Western Union, third party processors and other payment processing service providers, and shippers (collectively, the "Third Party Providers") shall, within three (3) business days after receipt of such notice, provide to Mantesso 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, employees, 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 Marketplace Accounts, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplace Accounts;
 - c. Defendants' websites and/or any Online Marketplace Accounts;
 - d. the Defendant Internet Stores registered by Defendants; and
 - e. any financial accounts owned or controlled by Defendants, including their agents, employees, 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, WISH, Amazon, 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. Context Logic, Inc. ("WISH") and Amazon Payments, Inc. ("Amazon"), shall, within

three (3) 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 WISH and Amazon accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Alan Nevins; 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 Defendants' Online Marketplace Accounts or websites, shall within three (3) business days of receipt of this Order:

- a. locate all accounts and funds connected to Defendants, or the 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 Alan Nevins; 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. Mantesso 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 Alan Nevins 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 “Adorakimmi01 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.

8. The Clerk is directed to unseal any previously sealed documents in this matter, namely (1) Plaintiff’s Schedule A attached to the Complaint, which includes a list of the Defendant Internet Stores; and (2) screenshot printouts showing the active Defendant Internet Stores (Exhibit 2 to the Declaration of Alan Nevins)

9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on three (3) days’ notice to Mantesso or on shorter notice as set by this Court.

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

DATED: August 2, 2021



U.S. District Court Judge

SCHEDULE A

No.	Defendants
1	Adorakimmi01
2	chenyouyan0910
3	dejizhuoma
4	gdgh546gxf8
5	hejinhuaer
6	huangqianshan
7	iqhayanping
8	jimmy33001
9	jinyushangmao
10	liujinbang5236
11	liuting0756
12	liwenjie4521
13	lixiaoyan3932
14	lixiyiing3793
15	lvyongbo7021
16	mahongkin5632
17	peixianhuige2021
18	rgmw80mo
19	surprise bin
20	surprise he
21	surprise quan
22	surprise rui
23	surprise weng
24	surprise xin
25	surprise young
26	wangheqing2314
27	wangxianming5496
28	wupangrang3934
29	xialiyang7048
30	xiaoyunyunzhu
31	xuyuehui3214
32	yaoning66666
33	YIJIN059
34	YIJIN51
35	YIJIN53
36	zhanghongyun2136
37	zhangjianshop
38	zhangyu2908
39	zhaojinyan5698
40	zhujing5030
41	Alks moss
42	asdasbndbasnm

43	baiyingww
44	bei jing mei da wen bo ke ji you xian gong si
45	BiaoJieMaoYi
46	bingtian
47	bohaijiancai
48	BYZJJH
49	Caesarstore
50	Chenbing6cb
51	ChenFeng20ye
52	cuisufang
53	DangXindian
54	dcakrh3e3
55	dfb2MOSEM
56	dsfcgfhfdgh
57	dsfsese
58	fafatongshuan
59	FALLINFU
60	fangrenjie
61	fbbCBFDB
62	fdbfdjifei
63	FDHBFbfbCB
64	fengyunfei421
65	fmbnkVCCGN
66	GaoPengFeik8
67	gaoyafei699
68	gfdsgsah
69	GGMKii
70	gongchsdeng
71	guanghanshiguanghuayidian
72	GuoLuBing19
73	guozhang68A
74	Haiman93
75	HanDanShiYongNianQuLinLuoGuanZhenGeDiShiBaiHuoDian
76	HangLiBaiHuo
77	HeXuanXuanhx
78	hjvbmkmjk
79	HNDMSTORE
80	huafangq
81	jdfnDEGENG
82	JiaLuLuDian
83	JiangHuiqin1hq
84	JiangLiQiYo
85	JiangYaQibuy2k
86	jianjiakeji
87	JieTianLong6jt

88	JUZHUIbaba
89	KAITEfafa
90	laicekejifa
91	LAISIERDUN
92	Lei 0805
93	lifangfang624
94	LiHuanXiang01
95	lilaoniu
96	lilugang
97	lilunkuanaa
98	lishixiao132
99	liuxiaoning
100	lizhengchao159
101	luhongbo88
102	LYJliuya
103	macong8769
104	mahongliang100
105	maohaiXCFB
106	MartinZ Store
107	MaYunXiangdian
108	mengfanyun888
109	miansen
110	mncvbxjcgfusd
111	mrszhao
112	pengxingp
113	Pstandss
114	RenLei20ff
115	sasfdgfhf
116	SDqingyun
117	Severe winter
118	sgvfes
119	ShanDong GeLaiBeiQiShangMaoYouXianGongSi
120	Shandonghuisenwenhuachuanboyouxiangongsi
121	shang ku
122	SHENCHIMVCMV
123	SHUIDONGCB
124	SHUIJU518
125	songqingna
126	SunbirdsEast
127	Sunshine ERoslon
128	SunYingZhousy
129	taoyuanchaoshi
130	tysnrhcs1
131	wangbu033et
132	wangfeifei11

133	wangjing999
134	wangjingkeke
135	WangLiJun27
136	WangWenYuanwy
137	wangzhiqiangdd
138	watami
139	WEFDcanwang
140	wenyanyan
141	wuhanhuaqinyuanyuanlinyishuyouxiangongsi
142	XCZGJXZZYXGS
143	xfBFDBCBDf
144	xuhaiyan177
145	XuXinShuo02
146	xuyuan yuan88
147	YangJinYou09
148	yanguakeji
149	yanmeishop
150	yaoxiaojing
151	ybn7ggdv
152	Yin Yi business
153	yinxiufang
154	yixingjinggangtaocikejiyouxiangongsi
155	YongDing
156	yongjiayixingfamenyouxiangongsi
157	Youyou grocery store
158	yuanali
159	yuanchuangq
160	yuktyjrthrew
161	yppphh8585
162	zeguang
163	ZengkaivxLsH8
164	ZhangJing9s6
165	zhanglijuan166
166	zhangxiaoli6658
167	zhaodongdong011y
168	zhaozhidong
169	zhengzhouyunqiashangmaoyouxiangongsi
170	zhoudongdong6354
171	zhujuntao127
172	zhuliuyang212
173	zhunmaofu
174	zixubo103
175	ZXCYMX
176	ZZGWOKDH
177	Zzhaokailun

178	ZZZZSTORE
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