

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

PINK FLOYD (1987) LIMITED,

Plaintiff,

v.

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

Defendants.

No.: 21-cv-04406

Judge Franklin U. Valderrama.

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff, PINK FLOYD (1987) LIMITED’s (PFL or Plaintiff), Motion for a Preliminary Injunction, and the 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 Internet Stores).

The Court hereby finds that it has personal jurisdiction over the Defendants based on PFL’s un rebutted assertions that 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 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 purchase products using counterfeit versions of Plaintiff’s PINK FLOYD trademarks, U.S. Trademark Registration Nos. 2,194,702; 3,247,700; 4,232,255; 4,236,037 and 5,521,572 (the PINK FLOYD Trademarks).

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

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

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine PINK FLOYD Product or any other product produced by PFL, that is not PFL's or not produced under the authorization, control or supervision of PFL and approved by PFL for sale under the PINK FLOYD Trademarks;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of PFL, or are sponsored by, approved by, or otherwise connected with PINK FLOYD;
- d. further infringing the PINK FLOYD Trademarks and damaging PFL's goodwill;
- e. otherwise competing unfairly with PFL 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 PFL, nor authorized by PFL to be sold or offered for sale, and which bear any of the PINK FLOYD Trademarks or any reproductions, counterfeit copies or colorable imitations thereof;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts, 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 PINK FLOYD 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 product bearing the PINK FLOYD Trademarks or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine PINK FLOYD Products or not authorized by PFL to be sold in connection with the PINK FLOYD Trademarks.

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, Alipay, WISH, Amazon, JOOM and DHgate (collectively, Marketplaces), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, shall within ten (10) 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 PINK FLOYD 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 PINK FLOYD Trademarks; 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 Defendants' Online Marketplace Accounts 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 eBay, PayPal, Alipay, WISH, Amazon, JOOM and DHgate (collectively, Marketplaces), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Western Union, third party processors and other payment processing service providers, shippers, and online marketplace registrars (collectively, the Third Party Providers) shall, within ten (10) business days after receipt of such notice, provide to PFL 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

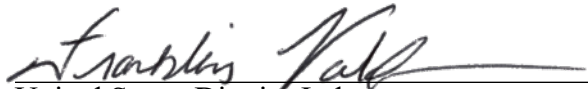
and loan associations, payment processors or other financial institutions, including, without limitation, eBay, PayPal, Alipay, WISH, Amazon, JOOM, and DHgate, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard 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 the Court.
5. eBay, Inc. (eBay), PayPal, Inc. (PayPal), ContextLogic, Inc. (WISH), Amazon Payments, Inc. (Amazon), and ALIPAY US, INC. and its related companies and affiliates (Alipay), SIA Joom (JOOM) and Heguang International Limited or Dunhuang Group d/b/a DHGATE, DHgate.com, DHPORT, DHLINK, and DHPAY (DHgate) shall, within ten (10) 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 eBay, PayPal, WISH, Amazon, DHgate, Joom and Alipay accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Thomas Schlegel; 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 the 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 ten (10) business days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants, or Defendants' Online Marketplace Accounts, 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 Thomas Schlegel; and
 - b. restrain and enjoin such accounts from receiving, transferring or disposing of any money or other of Defendants' assets until further ordered by the Court.
7. PFL 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 Thomas Schlegel 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 "Bicycle Booth and all other Defendants identified in the 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. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and Northern District of Illinois Local Rules.
9. The Clerk is directed to unseal any previously sealed documents in this matter, namely (1) Plaintiff's Schedule A attached to the Complaint [2], which includes a list of the Defendant Internet Stores; (2) Plaintiff's Ex Parte Motion to Enter TRO [12]; (3) screenshot printouts showing the active Defendant Internet Stores (Exhibit 2 to the Declaration of Thomas Schlegel) [14] [14-1] [14-2] [14-3] [14-4] [14-5] [14-6] [14-7] [14-8] [14-9] [14-10] [14-11] [14-12] [14-13] [14-14]; and (4) the Temporary Restraining Order [17].
10. The \$10,000.00 bond posted by PFL shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

Date: November 15, 2021


United States District Judge
Franklin U. Valderrama

SCHEDULE A

No.	Defendants
1	Bicycle Booth
2	Dongguan Qicai Garment Co., Ltd.
3	No Surprise
4	taniaclothing
5	Tonglu Yuan Tai Knitting Factory
6	Yiwu Haoding Clothing Co., Ltd.
7	Yiwu Jiyun Apparel Co., Ltd.
8	flash.sale.online.666
9	urlinens
10	AnimalculeStore
11	Aurore Hart
12	CHASITY OXENDINE
13	chuixinlong3378
14	Dennis Freeman
15	Diane Mitchell
16	fanghuanglong64561
17	gaomingda
18	gupengling60572
19	helibin7758258
20	juicypaqnkxsi
21	laseloec
22	liulanying888
23	MadDog
24	medhurstdomingo
25	Mobility Stock Trading
26	thetaezgcmg
27	wangling25320
28	xuyaqin345
29	zhonglunbo1457
30	About the poster
31	Akabica
32	Art-Vans
33	Bikini bag
34	BIWGDSBYN0
35	BobbyTolbertStore
36	chenciaoweishop
37	chenghuaqukaihongruigongsi
38	chenli678
39	chensanAMZ
40	Christina Viglino
41	Chu Congbin Store
42	CTYCHICO

43	fayechengpengju
44	feifeimeishuguan
45	Felix Glory
46	GearPowers Store
47	gfhhgdfnvhhjkKHH
48	GFXOZ
49	GTZDQ
50	guangxidizhifengnongyekejiyouxiangongsi
51	GwenUS
52	Haikou Xitong Commercial Store
53	Haiyng Shujind
54	handanshisongxumaoyiyouxiangongsi
55	hatuodianzi
56	hdvdfbv
57	hefeikuinangshangmaoyouxiangongsi
58	Henanletuleyinshumashebeiyouxiangongsi
59	Hexindian
60	HTDHRD
61	huaibeishixiangshanquxiagexiafuzhuangdian
62	huang store co.
63	HuangBilan Art
64	Huludao Changsui Department Store Trading Co., Ltd.
65	Huo Di shangmao
66	jiaozhoushijiangxinshipin dian
67	jinangaoxinkaifaquqishuaiyongbaihuodian
68	JuGengDian
69	Kuro Black Pool
70	Li Xiaowen-United States
71	lianchengxianhuayunjingbaihuodian
72	ligongping
73	LinQinghai Art
74	luoheshiyanchengqufenluobaihuoxiaoshoudian
75	MIOKD
76	Mrleeq
77	NewDanta
78	Ngqiche-US
79	Nost-algia Store
80	p eng tao
81	Pangximaou
82	Planne
83	Posternetic
84	pu tai
85	puchengxiananzhimaoyiyouxiangongsi
86	QDTQHDZMYXGS
87	Qidong County Hongyao Electronic Commerce Co., Ltd

88	runguo poster
89	SAIKYONO Decor
90	shanxibaitedianzishangwuyouxiangongsi
91	spmugstore
92	Suzanna Smith
93	SZEECCCLtdB
94	Tanpoo
95	tianqiaoqulibinbinbaihuodian
96	Tkucywnh
97	Tongla numbers
98	TTongshanxianyixubaihuodian
99	Vbobo
100	Vinyl record wall clock store1
101	wandayinshua shop
102	wujiekuajing
103	wuyiliao
104	xiangchengshiqianfogefulifushidian
105	XianYouXianLinHongXuanRiYongShangMaoDian
106	xianyouyanrumaoyiyouxiangongsi
107	xianyouzhenyuanmaoyiyouxiangongsi
108	xianyouzihuimaoyiyouxiangongsi
109	Xiaolibaihuo
110	Xinxiangshimuyequxionghaizijiazhajidian
111	Xinxiaomeng
112	Yang Qinshuang
113	youxishengwukeyi
114	Yunnanliaodiankejiyouxiangongsi
115	yuxinyuanbaihuoshanghang
116	ZhangJiayou Art
117	ZhangMaocai1 Art
118	ZhYan Poster
119	寒风电商
120	100% cotton tshirts8899.. Store
121	20211688 Store
122	24h Tools Store
123	AB CDE Store
124	Anime Patch Store
125	Baoding Zhengyan Clothing Sales Co., Ltd.
126	Beautiful Streetwear Store
127	BeiBei-Dress Store
128	Benrey Store
129	Bicoco Store
130	Breget Store
131	bssb Store

132	Centai Store
133	champtale Store
134	Children's one-stop factory discount shop Store
135	Cloth Stickers factory Store
136	Cococola Store
137	CooMan Store
138	Desxz Official Store
139	DIYCOS Store
140	dobell Official Store
141	Dongguan Tuozen Garment Co., Ltd.
142	Eric Adult erotica products 123 Store
143	E-Wish Store
144	EyeGemix Apparel Store
145	FlowersSea Store
146	Global factory direct operation Store
147	Guangzhou Baojie Lrtou Apparel Co., Ltd.
148	halouchuxing Store
149	Handmade girl Store
150	Hebei Germanni Garments Co., Ltd.
151	Interesting ideas Store
152	Jiangxi Stuart Clothing Co., Ltd.
153	Ju Re Store
154	jusuck Store
155	KANCHIII Store
156	KovX Store
157	Ladiguard Apparel Store
158	liuge Store
159	LO AWAY Store
160	Lonelysnkheart Store
161	Luo Xin Children's clothes Store
162	Macaka 319 Store
163	MC 004 Fashionist Store
164	Mea-zhi Store
165	Metal Sign Store
166	Muguo factory Store
167	ncyq Store
168	NICERES SIR Official Store
169	Nohon Dreamer Store
170	Nohon Reverie Store
171	PABU UPDOWN Store
172	POOO Store
173	Quanzhou Great Import & Export Co., Ltd.
174	Reliable Customized Dropshipping Store
175	Reluctant to give up Store
176	Samlona Apparel Store

177	shenlanyu Store
178	Shirts7788 Store
179	Shop2338216 Store
180	Shop2629041 Store
181	Shop5132136 Store
182	shop54874891 Store
183	Shop5589224 Store
184	shop56468 Store
185	shop5695218574 Store
186	Shop5879025 Store
187	shop65498364196 Store
188	Shop910416051 Store
189	Shop911042126 Store
190	Shop911119085 Store
191	Shop911575512 Store
192	Shop911611105 Store
193	Sman Store
194	Soul-muse Store
195	Such Popularity Store
196	Trendy men's T-shirt shop Store
197	Vlone-Sakura Store
198	Wall-Art-Canvas Store
199	wh88888 Store
200	Wind Blows Over Trees Store
201	Witters Store
202	WY123 Store
203	xh66668 Store
204	xiaoQ Fleece discount Store
205	xiapiguo Store
206	XIGAOLE Store
207	XingXing Painting Store
208	yifudianpu010 Store
209	Yiwu Xuancui Hat Co., Ltd.
210	Yoobee Store
211	yue quan Store
212	Zhuocao digital Store
213	ZSIIBO Laughing Store
214	bailuwen1999
215	bensimmons26
216	buylinniaos
217	cheapdhgaterun
218	dhgateschu
219	downcoat201819
220	elouise
221	fanyumaoyi08

222	lebronjames23la
223	luxurydownparka
224	pandudhgate
225	wenhuaige99
226	zhuzhuxia001
227	AA phone case
228	Aphonecase
229	BBYY
230	BestJewelry2
231	Smug