

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

CREATIVE TUNINGS, INC.,	)	
	)	
	)	
Plaintiff,	)	
	)	No. 21-cv-5731
	)	
v.	)	
	)	
	)	Hon. Virginia M. Kendall
THE PARTNERSHIPS AND	)	Hon. Sunil R. Harjani, Magistrate Judge
UNINCORPORATED ASSOCIATIONS	)	
IDENTIFIED IN SCHEDULE "A",	)	
	)	
	)	
Defendants.	)	

**SEALED ORDER GRANTING MOTION TO SEAL DOCUMENTS AND  
EX PARTE TEMPORARY RESTRAINING ORDER WITH  
ASSET FREEZE AND OTHER EQUITABLE RELIEF**

Plaintiff Creative Tunings, Inc., a New York corporation ("Plaintiff"), having filed its complaint for Federal Trademark Counterfeiting and Infringement, Unfair Competition and False Designation of Origin, and claims under the Illinois Uniform Deceptive Trade Practices Act and for civil conspiracy, and having moved ex parte for an order sealing its motion for Temporary Restraining Order, Memorandum in Support of the motion for Temporary Restraining Order, the Declaration of Zareefa Flener in support of the motion for Temporary Restraining Order and exhibits thereto, and the Complaint and exhibits thereto, and also for a Temporary Restraining Order and other relief pursuant to Rule 65 of the Federal Rules of Civil Procedure, Fed. R. Civ. Pro. 65, and the Court having considered the complaint, declaration, exhibits, and memorandum of law filed in support, finds as follows:

- A. This Court has jurisdiction over the subject matter of this case;
- B. This Court has good cause to believe the Court will have jurisdiction over the parties;

- C. There is good cause to believe that the Defendants, identified in the Complaint and Schedule A attached thereto have engaged in, and are likely to continue to engage in acts and practices that violate the Lanham Act, 15 U.S.C. §1114(1), false designation of origin claim under 15 U.S.C. §1125(a), and the Illinois Uniform Deceptive Trade Practice Act, 810 ILCS 510;
- D. There is good cause to believe that immediate and irreparable injury will occur to the Plaintiff, will occur from the sale, transfer, or other disposition or concealment by Defendants of their assets and business records unless Defendants are immediately restrained and enjoined by order of this Court.
- E. There is good cause to for issuing this Order pursuant to Federal Rule of Civil Procedure 65(b).

**It is therefore Ordered:**

- 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 SPIDERCAPO and associated 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 Creative Tunings product or not authorized by Plaintiff to be sold in connection with the SPIDERCAPO and associated trademarks;
  - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Creative Tunings product or any other product produced by Plaintiff,

that is not Plaintiff's or not produced under the authorization, control or supervision of Creative Tunings and approved by Plaintiff for sale under the SPIDERCAPO and associated trademarks;

- c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Products are those sold under the authorization, control or supervision of creative Tunings, or are sponsored by, approved by, or otherwise connected with Creative Tunings;
- d. further infringing the SPIDERCAPO and associated trademarks and damaging Plaintiff's goodwill;
- e. otherwise competing unfairly with Plaintiff in any manner;
- f. manufacturing, 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 SPIDERCAPO and associated trademarks, or any reproductions, counterfeit copies or colorable imitations thereof;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning or operating the infringing webstores, websites, or any other domain name that is being used to sell or is the means by which Defendants could continue to sell Counterfeit Products.

2. 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. Moving, destroying, or otherwise disposing of any items, merchandise or documents relating to the Counterfeit Products, Defendants' infringing webstores or websites, and/or Defendants' assets and operation; and
  - b. Removing, destroying, or otherwise disposing of computer files, electronic files, business records, or documents relating to any of Defendants' infringing webstores, websites, assets, operations, or relating in any way to the manufacture, acquisition, purchase, distribution or sale of Counterfeit Products, or any reproduction, copy or colorable imitation of the SPIDERCAPO and associated trademarks.
3. Each Defendant, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) their true name and physical address; (b) all websites and online marketplace accounts on any platform that they own and/or operate; (c) their financial accounts, including but not limited to all Alibaba, Aliexpress, Amazon, eBay, Joom, Rosale Fashion Shops 2021, Shopify, and Wish, etc., accounts; and (d) the steps taken by each Defendant to comply with paragraphs 1(a)–(g) and 2(a)–(b), above.
4. Plaintiffs may immediately commence discovery by providing actual notice, pursuant to subpoena or otherwise, of this Order to any of the following parties: (1) Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them; (2) any banks, savings and loan associations, payment processors or other financial institutions, including without limitation, Alibaba, Aliexpress, Amazon, eBay, Joom, Rosale Fashion Shops 2021, Shopify, Wish, PayPal, Inc., Western Union, Payoneer, Worldfirst, etc. or other merchant

account providers, payment provider, third party processors, credit card associations (i.e. MasterCard and VISA) that receive payments or hold assets on Defendants' behalf; and (3) any third party service providers, including without limitation, ISPs, backend service providers, web designers, sponsored search engine or ad-word providers, shippers, domain name registrars, domain name registries or online third-party sellers who have provided services for Defendants (collectively, "Third Party Providers") shall, within five (5) days after receipt of such notice, provide copies of all documents and records in such person or entity's possession or control relating to:

- a. The identities and addresses of Defendants, their agents, servants, employees, confederates, and any persons acting in concert or participation with them and the locations and identities of Defendants' operations, including without limitation, identifying information associated with Defendants' infringing webstores websites and financial accounts
- b. the nature of Defendants' operations and all associated sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the infringing websites and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to the infringing websites;
- c. Defendants' infringing webstores, websites and any domain name registered by Defendants; and
- d. 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, Alibaba, Aliexpress, Amazon, eBay, Joom, Rosale Fashion Shops 2021, Shopify, and Wish or other merchant account providers, payment providers, third party processors, and credit card associations (i.e., MasterCard and VISA).

5. 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.
6. Alibaba, Aliexpress, Amazon, eBay, Joom, Rosale Fashion Shops 2021, Shopify, and Wish, and their affiliates shall, within two (2) business days of receipt of this Order, block any money transfers and funds from being transferred by the Defendants identified in Schedule "A" until further ordered by this Court.
7. PayPal, Inc., Payoneer, Worldfirst, and PingPong ("Payment Processors") shall, within two (2) business days of receipt of this Order, for any Defendant or any of Defendants' infringing websites:
  - a. locate all accounts and funds connected to Defendants and the infringing websites, including, but not limited to, any Payment Processor accounts connected to the information listed in Schedule "A" hereto and any email addresses provided for Defendants by third parties; and
  - b. restrain and enjoin any such accounts or funds that are non-U.S. based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.


8. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any of Defendants' infringing websites, shall within two (2) business days of receipt of this Order:
  - a. locate all accounts and funds connected to Defendants and the infringing websites, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto and any e-mail addresses provided for Defendants by third parties; and
  - b. restrain and enjoin any such accounts or funds that are based in foreign jurisdictions, including but not limited to China and Hong Kong, from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
9. Plaintiff 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 sending an e-mail to the e-mail addresses provided for Defendants by third parties hosting their webstores, such as Alibaba, Aliexpress, Amazon, eBay, Joom, Rosale Fashion Shops 2021, Shopify, and Wish, etc. The Clerk of the Court is directed to issue a single original summons in the name of "Nanjing Gimi Musical Instrument Co., Ltd and all other Defendants identified in the Complaint" that shall apply to all Defendants. Providing notice via e-mail, along with any notice that Defendants receive from webstore hosts 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.

10. This Order shall apply to the infringing webstores, websites and any other domain names properly brought to this Court's attention and verified by sworn affidavit that verifies such new webstores or domain names are being used by Defendants for the purpose of counterfeiting the SPIDERCAPO and associated trademarks at issue in this action and/or unfairly competing with Plaintiff.
11. Upon two (2) days' written notice Plaintiff or on shorter notice as set by this Court, any Defendant may, upon proper showing, appear and move to dissolve or modify this Order upon an appropriate evidentiary showing by Defendant.
12. Plaintiff shall file with the Court a bond, in the form of cash, cashier's check, or surety, in the amount of **\$10,000.00.**

This Temporary Restraining Order without notice is entered at Chicago, Illinois and shall expire on November 16, 2021, at 9:00 A.M.

Dated: November 2, 2021

Entered:

  
Virginia M. Kendall  
United States District Judge



## SCHEDULE A

Doe #	Marketpl. Short	Merchant Name	Merchant ID
1	Alibaba	Nanjing Gimi Musical Instrument Co., Ltd.	gimimusic
2	Alibaba	Yiwu Mengqiu E-Commerce Firm	qiumeng0922
3	Alibaba	Yiwu Sinn E-Business Firm	sensotv
4	Alibaba	Shenzhen Sicong Trade Co., Ltd.	szscbag
5	Aliexpress	moresell03store	1454304
6	Aliexpress	Kmise Store	1474572
7	Aliexpress	Prance Co., Ltd	2093019
8	Aliexpress	To H iDEA Store	3240041
9	Aliexpress	Ourdoor Fun Store	4083001
10	Aliexpress	Wayfaring Outdoor Area Store	4427223
11	Aliexpress	EDFishing Outdoors Store	4834110
12	Aliexpress	Whsold Online Store	4841020
13	Aliexpress	BHD Sporting Store	4847058
14	Aliexpress	SM-outdoor Store	5018021
15	Aliexpress	Icycling GO Store	5426250
16	Aliexpress	Outdoor-Sport Fitness Store	5487012
17	Aliexpress	Shop5581105 Store	5581105
18	Aliexpress	Outdoor & Entertainment Club Store	5585180
19	Aliexpress	JOYLIVE Store	5789518
20	Aliexpress	Outdoor Fun Equipment Store	5797106
21	Aliexpress	R&GB Store	5879318
22	Aliexpress	LA LA LA Store	5887661
23	Aliexpress	Limits and life Store	5973444
24	Aliexpress	XJ&F Store	910322125
25	Aliexpress	outdoors Strictly Pick Store	910360386
26	Aliexpress	Shop910439214 Store	910439214
27	Aliexpress	Shop910458075 Store	910458075
28	Aliexpress	Limits and art Store	910604018
29	Aliexpress	Exercise Life Store	911057083
30	Aliexpress	up 18 Store	911063067
31	Aliexpress	CISWGE Official Store	911116102
32	Aliexpress	Shop911258140 Store	911258140

## SCHEDULE A

Doe #	Marketpl. Short	Merchant Name	Merchant ID
33	Aliexpress	Shop911259324 Store	911259324
34	Aliexpress	XY Outdoor Store	911263351
35	Aliexpress	Shop911340022 Store	911340022
36	Aliexpress	Lovefishing Store	911413511
37	Aliexpress	Cycling TC Store	911417587
37	Aliexpress	Cycling TC Store	911417587
38	Aliexpress	Fishing & Music Tool Store	1.005E+15
39	Amazon	Eringy	A16WK9BJPU4SHT
40	Amazon	SYHAI	A17BVBTFWFQQQ3I
41	Amazon	Fifimin	A1EAFQ0NULTDVN
42	Amazon	Rujun-F	A1ES8LR4CIKC0F
43	Amazon	Woqook🍓	A1I3786MPV04AK
44	Amazon	CZB333	A1NAYT4V4H0HLY
45	Amazon	DINGGUANGHE-US	A1VD8ULIHHLNN6
46	Amazon	ZHOU XU DONG	A20TWRIKU0RCS9
47	Amazon	Binghotfirefr	A23YKBZPV6WO02
48	Amazon	Dianshuy	A28NPRED9NG7RUG
49	Amazon	toto vaga	A2CI1FY5JD42Q8
50	Amazon	Orange Stor3	A2FY21MHQM9A8Y
51	Amazon	ZAZAKY	A2MLUV70NNUTRR
52	Amazon	Kinshops-FR	A33PZHHPRWNYAD
53	Amazon	Fasclot	A35UUW1149N7N2
54	Amazon	HAULANQI	A36CEFEFU7PJUH
55	Amazon	MidOr007	A36JHBYP1BVWVS
56	Amazon	Oander Haon	A36R6NWLQRNFUDU
57	Amazon	Xinyu UK	A39V3CUVEQP3GO
58	Amazon	Meiyoujumaoyi	A3U5Z252MT3L1T
59	Amazon	Cenhoni	A7ICUF92YCN46
60	Amazon	Goonpetchkrai.rapat7498	A7QXUU1Z885ZO
61	Amazon	Justdong	AGBJFTDT6GTTX
62	Amazon	BeautyTimes	AM5PMYXG8SB42
63	Amazon	Kllsad	AMQE3AIIFB8B5

## SCHEDULE A

Doe #	Marketpl. Short	Merchant Name	Merchant ID
64	Amazon	NengXinBaiHuoDian	AY38GHMO1QTB6
65	eBay	2010bettertogether	2010bettertogether
66	eBay	2013bestbuybest	2013bestbuybest
67	eBay	3dayandnight	3dayandnight
68	eBay	andwind	andwind
69	eBay	bestbuy_outlets	bestbuy_outlets
70	eBay	bigamart_uk	bigamart_uk
71	eBay	brachmag	brachmag
72	eBay	clio4u	clio4u
73	eBay	colortop9	colortop9
74	eBay	comfy.shop	comfy.shop
75	eBay	cpthreego	cpthreego
76	eBay	diylifestyle2019	diylifestyle2019
77	eBay	dovanelss1	dovanelss1
78	eBay	flowersgrass	flowersgrass
79	eBay	friendstore1682010	friendstore1682010
80	eBay	fuxiang1238	fuxiang1238
81	eBay	globalgadgets-uk	globalgadgets-uk
82	eBay	hsskbdfn_0	hsskbdfn_0
83	eBay	juwogu-93	juwogu-93
84	eBay	kmiseau	kmiseau
85	eBay	kmiseuk	kmiseuk
86	eBay	kmiseus	kmiseus
87	eBay	lantunjiaoyu	lantunjiaoyu
88	eBay	lbba6213	lbba6213
89	eBay	lostwayinmystore	lostwayinmystore
90	eBay	lotmusic_uk	lotmusic_uk
91	eBay	psk-us	psk-us
92	eBay	purestore168	purestore168
93	eBay	sa67930	sa67930
94	eBay	serendipitything	serendipitything
95	eBay	siyanlei-6	siyanlei-6

## SCHEDULE A

Doe #	Marketpl. Short	Merchant Name	Merchant ID
96	eBay	sold-eassy	sold-eassy
97	eBay	superistore	superistore
98	eBay	takemetoyou	takemetoyou
99	eBay	thanks4giving	thanks4giving
100	eBay	usetl6-25	usetl6-25
101	eBay	wenhaisi6	wenhaisi6
102	eBay	wishes50	wishes50
103	eBay	youfei-zhoufei	youfei-zhoufei
104	Joom	Musica	1504085576341740957-51-3-26193-2746823823
105	Joom	Hi-land	1520836043118271411-180-3-39131-2384531739
106	Joom	Running People	5ce79b598b45130301cbd103
107	Joom	HBKS005	5d91b6c236b54d0301e4de73
108	Joom	H11	5db7a94d36b54d030159adf0
109	Joom	Grit	5e62f9918b45130301fdcfa1
110	Shopify	brmsports	brmsports.com
111	Shopify	newzealandtrends	newzealandtrends.com
112	Shopify	shopertm	shopertm.com
113	Wish	Johndhj	5e8817dac77ae30af1b1ef17
114	Wish	Spherecords	5fe4d3d705f7720f908f23ca
115	rosale.fashionshops2021.ru	rosale.fashionshops2021.ru	rosale.fashionshops2021.ru