

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

WHAM-O HOLDING, LTD. and	)	
INTERSPORT CORP. d/b/a WHAM-O,	)	
	)	No. 22-cv-01114
Plaintiffs,	)	
	)	Judge Andrea R. Wood
v.	)	
	)	Magistrate Judge Heather K. McSh
THE PARTNERSHIPS AND	)	
UNINCORPORATED ASSOCIATIONS	)	
IDENTIFIED ON SCHEDULE "A",	)	
	)	
Defendants.	)	

**PRELIMINARY INJUNCTION ORDER**

Plaintiffs WHAM-O HOLDING, LTD. and INTERSPORT CORP. d/b/a WHAM-O ("WHAM-O") filed a Motion for Entry of a Preliminary Injunction against the against the fully interactive, e-commerce stores operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (collectively, "Defendants"). After reviewing the Motion and the accompanying record, this Court GRANTS WHAM-O's Motion as follows.

This Court finds WHAM-O has provided notice to Defendants in accordance with the Temporary Restraining Order entered March 15, 2022, [16] ("TRO"), and Federal Rule of Civil Procedure 65(a)(1).

This Court also finds, in the absence of adversarial presentation, that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, WHAM-O has provided a basis to conclude that Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more seller aliases, offer shipping to the United States, including Illinois, and have sold products using infringing and

counterfeit versions of WHAM-O's federally registered trademarks to residents of Illinois. In this case, Plaintiffs have 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 Plaintiffs' trademarks. *See* Docket No. 12 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 SLIP 'N SLIDE Trademarks, U.S. Trademark Registration Nos. 2,966,361; 761,883; 2,924,744; 1,432,069; and 3,438,550 (The "SLIP 'N SLIDE Trademarks").

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

Specifically, WHAM-O has proved a *prima facie* case of trademark infringement because (1) the SLIP 'N SLIDE 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 SLIP 'N SLIDE Trademarks, and (3) Defendants' use of the SLIP 'N SLIDE Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with WHAM-O. Furthermore, Defendants' continued and unauthorized use of the SLIP 'N SLIDE Trademarks irreparably harms WHAM-O through diminished goodwill and brand confidence,

damage to WHAM-O's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, WHAM-O 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 the SLIP 'N SLIDE 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 SLIP 'N SLIDE product or not authorized by WHAM-O to be sold in connection with the SLIP 'N SLIDE Trademarks;
  - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine SLIP 'N SLIDE product or any other product produced by WHAM-O, that is not WHAM-O's or not produced under the authorization, control or supervision of WHAM-O and approved by WHAM-O for sale under the SLIP 'N SLIDE Trademarks;
  - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of WHAM-O, or are sponsored by, approved by, or otherwise connected with WHAM-O;
  - d. further infringing the SLIP 'N SLIDE Trademarks and damaging WHAM-O's goodwill;
  - e. 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 WHAM-O, nor authorized by WHAM-O to be sold or offered for

- sale, and which bear any of the SLIP 'N SLIDE Trademarks or any reproductions, counterfeit copies or colorable imitations thereof;
- f. 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 Counterfeit/Infringing SLIP 'N SLIDE products.
2. Defendants, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) the identity and location, including contact information, their true name and physical address, and all associated email addresses, of Defendant; (b) the nature of Defendants' operations and all associates sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the Internet Stores of Defendants, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history; and (c) the steps taken by Defendants to comply with paragraphs 1, (a)-(h) above.
3. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as, but not limited to, Amazon, social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, shall within five (5) 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 SLIP 'N SLIDE 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 SLIP 'N SLIDE Trademarks; and

- c. take all steps necessary to prevent links to the Defendant Internet Stores identified in Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Internet Stores from any search index.
- 4. 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, Amazon, third party processors and other payment processing service providers, and shippers (collectively, the "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to Plaintiffs 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 Internet Stores, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Defendant Internet Stores;
  - c. Defendants' websites and/or any online marketplace accounts;

- 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, Amazon, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., 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. Amazon Payments, Inc. (“Amazon”), shall, within five (5) business days of receipt of this Order, for any Defendant or any of Defendant Internet Stores or websites:
- a. locate all accounts and funds connected to Defendants, Defendant Internet Stores, including, but not limited to, any Amazon accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Todd Richards; 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.
7. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any of Defendant Internet Stores, shall within five (5) 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 Todd Richards; 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.
8. WHAM-O 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 Exhibit 2 to the Declaration of Todd Richards 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 "24 Hours Online 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. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on three days' notice to WHAM-O 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 [2], which includes a list of the Defendant Online Marketplace Accounts; (2) screenshot printouts showing the active Defendant Internet Stores [12] (Exhibit 2 to the Declaration of Todd Richards), and the Temporary Restraining Order [16].

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

Dated: March 29, 2021

A handwritten signature in black ink, appearing to read "Andrea R. Wood". The signature is fluid and cursive, with the first name "Andrea" being more prominent than the last name "Wood".

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Andrea R. Wood  
U.S. District Court Judge



**SCHEDULE A**

<b>No.</b>	<b>Defendants</b>
1	24 Hours Online
2	A leaf
3	AAPP SHOP
4	Abzan
5	ADpossible
6	Aksop
7	akwq818
8	aliveGOT
9	AMAOTES
10	AMBestker
11	AMZchoice-US
12	Amzeminem-Kling
13	AMZRFLOW0
14	Aousan
15	arltcx
16	ASUYOERU
17	attachoss
18	AUNRMO
19	Babigo Official
20	Babiwohe
21	barrican
22	basicer
23	BAUMIGA LLC
24	beautwit
25	benedictory
26	bigSN
27	Bosawa
28	BOVN
29	BWW-CA
30	CGSFHGDVB
31	Changwei
32	chengCHU
33	chenghongli2021
34	ChengKaiShangHang
35	Cheng-store
36	ChenZhenFeng
37	Chitectir
38	COAON
39	Concelery
40	Coyan
41	CRIMSONCOLE
42	CRUDFVGd

43	Dailyfun
44	DDLme
45	decwang
46	Denyers
47	DG-grassy
48	dgyjj shop
49	DimanD
50	divdual
51	Diyibeicha
52	DLKZSS
53	Dorem
54	Doukedges
55	Dprofy-US
56	dsyhappy
57	DU SHOP
58	Egdu's Store
59	eventura
60	EVOIO
61	Faceen
62	FDYD
63	feel-yun
64	Feileng
65	ferentia
66	FHT US-Store
67	fiaoen
68	FlyYourway
69	Follure
70	Forfar Direct
71	Foury
72	FUhan
73	Fululuer
74	general3
75	GJJ-12
76	Glum
77	greatiboon
78	Greenyouth
79	guangzhouxinshunfangshangmaoshanghang
80	GUOYQ
81	Gycdwjh Home Furnishing Store
82	Hainiter
83	Hamag
84	haojieshangmaogongsi
85	HEILANG ONE
86	HENGGUANG
87	HHAQQ

88	Honest seller888
89	Hotott Store US
90	HTFJGH
91	HugeStone
92	Idealship
93	iGeeKid Fan Shop
94	IKJNMDC
95	jfhkhkjk2525
96	jgirhgr
97	Jilike
98	JiNanXiaoFeiFeiShangMao
99	Jingolden
100	jiqianlls
101	joinjointop
102	JS LifeStyle
103	JSH-US
104	jsodia
105	JT Us Store
106	juman1
107	JX678
108	JZDZFY
109	kaigeli
110	Kanglemeishangmao
111	Kasamina
112	Katrina's Gift
113	Kerdena
114	KHLKGMW
115	ladmanner
116	LAND SNAILS
117	langmanhua
118	Leiyini
119	Liang-Shop
120	LILIXIE
121	LinXianFeiMeiJiaJuBaiHuoDian
122	linxiantubanrongxinbaihuoyongpindian
123	Littlegreensnake
124	Long Department store
125	Longlastingyouth
126	LONGLONG Store
127	LONGTENG0PIFA
128	LovelifelifeUS
129	Luckycyc
130	LUOLINGMAOYIYOUXIANGONGSI
131	LZW11
132	Ma gao liang shop

133	MABOR
134	MADAGI
135	mainstr
136	Mancoye
137	MANYYE
138	Marile
139	Maxten
140	Mayshowes
141	Meloddi
142	metches
143	mgjrhu
144	MIDSCO
145	minchudianzi
146	minyius
147	mirroe
148	MiuMily
149	Moclever
150	MOISO Tek
151	Mr. K's boutique
152	MTBAO
153	MUSEWANNA
154	MYFT. Trade
155	neutronet
156	nicything
157	notabo
158	OILactivity
159	oilmath
160	OkayPlay
161	outsain
162	paragonspower
163	Per Newly
164	plastick
165	PONAIOTRY
166	QHJ3 - Store
167	QINdaAn
168	Qingshi Stor
169	qiupingjiajudian
170	Qiyuetong
171	QIYUGUOJI
172	Quinn Guy
173	QuQiaoUK
174	QWPJJ
175	Raimea
176	Reaus
177	Rhinoon

178	Rinme
179	Rondj-k2
180	rongxiaa
181	sedimo
182	seloby
183	settencas
184	shangfu-team
185	Shanxijielidianzishangwuyouxiangongsi
186	Shanxijingshenghengdianzishangwuyouxiangongsi
187	shimeidianzishangwu
188	shoelacei
189	Shuoyao
190	SIXONE
191	skyning
192	samasamde
193	STALIBIU
194	startay
195	stimer
196	summer life
197	Sunlucky
198	sunswim
199	SXXBY
200	taiyuanshimaoyudianzishangwuyouxiangongsi
201	tanliate
202	TaoWang
203	Tavot
204	TBRM ZKJ
205	Teddy Panda
206	Telecool
207	Thymrim
208	TiZone
209	TongJinShuCaiLiaoYouXianGongSi
210	TOPmountain
211	triced
212	Trysain
213	tyhehg
214	UHJGG
215	Vicirley
216	Voyoo
217	vxeqnr
218	Waitnaiw
219	WANGPENGMEIZHOU
220	WanWan Dresses Shop
221	waterfail
222	Wepread

223	whoopizz
224	WYOY
225	xiaobenusa
226	XiaoKeDou
227	XIEGANG
228	XiongXiongLe
229	XJHBH
230	XXZXP
231	YATOOT
232	Ya-tube
233	YCBE USA
234	YiFengCheng
235	Yihaosheng20
236	yiwanli
237	yiwu kland plastic products co.,ltd
238	YJMZMY
239	YOCheerful
240	YZou
241	zapture
242	ZEBYING
243	Zhifou
244	Zhimin Bai
245	zhongyuechengchufangshebeiyouxiangongsi
246	ZhuangHuangWuZi1
247	ZJBSW
248	ZUYY
249	ZXhuchaomaoyoi
250	ZXW Tech