

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

M&M VENTURES (2014) LIMITED,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS, et
al.,

Defendants.

Case No. 22-cv-206

Judge Martha M. Pacold

Magistrate Judge Beth W. Jantz

PRELIMINARY INJUNCTION ORDER

Plaintiff M&M VENTURES (2014) LIMITED (“Plaintiff”) filed a Motion for Entry of a Preliminary Injunction against the against the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (collectively, “Defendants”) and using at least the domain names identified in Schedule A (the “Defendant Domain Names”) and the online marketplace accounts identified in Schedule A (the “Online Marketplaces”). After reviewing the Motion and the accompanying record, this Court GRANTS Plaintiff’s Motion in part as follows.

This Court finds Plaintiff has provided notice to Defendants in accordance with the Temporary Restraining Order entered January 27, 2022, [Dkt. Nos. 19, 20] (“TRO”) and extended on February 9, 2022 to February 24, 2022 [Dkt. No. 24], and Federal Rule of Civil Procedure 65(a)(1).

¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces. This order does not apply to any defendant that has appeared and objected, as indicated by the word “APPEARED” in Schedule A.

This Court also finds, in the absence of adversarial presentation, that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Plaintiff 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 Plaintiff's federally registered trademarks (the "RUMMIKUB Trademarks") to residents of Illinois. In this case, Plaintiff has presented screenshot evidence that each Defendant e-commerce 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 counterfeit versions of the RUMMIKUB Trademarks. *See* Docket Nos. 12-14, which include screenshot evidence confirming that each Defendant e-commerce store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the RUMMIKUB Trademarks.

This Court also finds that the injunctive relief previously granted in the 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 Plaintiff's previously granted Motion for Entry of a TRO establishes that Plaintiff has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that Plaintiff will suffer irreparable harm if the injunction is not granted.

Specifically, Plaintiff has proved a *prima facie* case of trademark infringement because (1) the RUMMIKUB 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 any of the RUMMIKUB Trademarks, and (3) Defendants' use of the RUMMIKUB Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with Plaintiff. Furthermore, Defendants' continued and unauthorized use of the RUMMIKUB 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, Plaintiff 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 officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be preliminarily enjoined and restrained from:
 - a. using the RUMMIKUB Trademarks or any reproductions, counterfeit copies, or colorable imitations in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine RUMMIKUB product or not authorized by Plaintiff to be sold in connection with the RUMMIKUB Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine RUMMIKUB product or any other product produced by Plaintiff, that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the RUMMIKUB 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 Plaintiff; and
 - d. 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 Plaintiff's trademarks, including the RUMMIKUB Trademarks, or any reproductions, counterfeit copies, or colorable imitations.
- 2. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
- 3. The domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afiliis Limited, CentralNic, Nominet, and the Public Interest Registry, and the domain name registrars, including, but not limited to, GoDaddy Operating Company LLC, Name.com, PDR LTD. d/b/a/ PublicDomainRegistry.com, and Namecheap Inc., within seven (7) calendar days of receipt of this Order or prior to the expiration of this Order, whichever date shall occur first, shall disable the Defendant Domain Names and make them inactive and untransferable until further order by this Court.
- 4. Upon Plaintiff's request, Defendants and any third party with actual notice of this Order who is providing services for any of Defendants, or in connection with any of Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as eBay, Inc. and Amazon.com, Inc., (collectively, the

“Third Party Providers”), shall, within seven (7) calendar days after receipt of such notice, provide to Plaintiff expedited discovery, limited to copies of documents and records in such person’s or entity’s possession or control sufficient to determine:

- a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including all known contact information and all associated e-mail addresses;
 - 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 Online Marketplaces and Defendants’ financial accounts, including Defendants’ sales and listing history related to their respective Online Marketplaces; and
 - c. any financial accounts owned or controlled by Defendants, including their officers, agents, servants, employees, attorneys, and any persons acting in active 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, PayPal, Inc. (“PayPal”), , Ant Financial Services Group (“Ant Financial”), Amazon Pay, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon Plaintiff’s request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 4, shall within seven (7) calendar days after receipt of such notice, disable and cease displaying any advertisements used by or associated with

Defendants in connection with the sale of counterfeit and infringing goods using the RUMMIKUB Trademarks.

6. Any Third Party Providers, including PayPal, Ant Financial, and Amazon Pay, shall, within seven (7) calendar days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants' seller aliases, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto, the e-mail addresses identified in Exhibit 2 to the Declaration of Micha Hertzano, and any e-mail addresses provided for Defendants by third parties; and
 - b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further order by this Court.
7. Plaintiff may provide notice of the proceedings in this case to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Pleadings, this Order, and other relevant documents on a website and by sending an e-mail with a link to said website to the e-mail addresses identified in Exhibit 2 to the Declaration of Micha Hertzano and any e-mail addresses provided for Defendants by third parties. The Clerk of the Court is directed to issue a single original summons in the name of " ariel_341823 and all other Defendants identified in the Operative 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 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. Plaintiff's Complaint [Dkt. No. 1], Schedule A to the Complaint [Dkt. No. 7], Exhibit 2 to the Declaration of Micha Hertzano [Dkt. Nos. 12-14], and the TRO [Dkt. No. 20] are unsealed.
9. 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 the Northern District of Illinois Local Rules. Any third party impacted by this Order may move for appropriate relief.
10. The \$10,000 bond posted by Plaintiff shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

Date: March 24, 2022

/s/ Martha M. Pacold

Schedule A

No.	Defendant Name / Alias
1	ariel_341823
2	electronicsfrom2006
3	fangeculture96
4	hantetecha
5	huihaomyd
6	intomyworld
7	jinjiangfeida18
8	sangguoertech
9	sangh268
10	tianlinenen2
11	wunala366
12	xionghuaifeng_5
13	xjseller7
14	Jayi Acrylic Industry Limited
15	bigsold_mall
16	bvcj_34
17	cometogether
18	crystalchrist
19	deal24hours
20	fadedu
21	fire_origin
22	freelifeu
23	happybear612
24	illusionday
25	APPEARED
26	lamebert
27	ledpick
28	llee2005
29	noctilucent
30	sdhjohans
31	snakewang2005
32	timetomakespace09
33	ttproduct
34	varietyforyou.56
35	wooden-den
36	woop-shoes
37	yofunny1
38	yotake
39	Aconka
40	AnChiYing
41	auroraX
42	BDFYDWG
43	DDlong
44	Debouor
45	Duoan
46	enkang

47	FFCCCHAO
48	Funlife-Shop
49	GJK-SION
50	HaHapo
51	Hilyo
52	HUAffENE
53	APPEARED
54	IKevan
55	Inakata
56	APPEARED
57	jklymm
58	LauVery
59	LHXW
60	LIE9
61	Lingsun Tech
62	LoveforHome
63	LOVESOO
64	APPEARED
65	MASHAD-Fast Delivery (7-15 days)
66	Muskar-US
67	NOMENI
68	opi LCKH
69	OWDJSKF
70	PIKAJIU
71	Pulison ? Promotion ☼ 5% - 30% Off ☼.
72	Rendodon
73	shanxilongshuntairuwumao Co., Ltd
74	SHUAI (Delivery within 7-15 days)
75	SSGXIEYING
76	StyleV
77	SunSmoon
78	taiyuanshixiaodianquhaoyuanchengjingxiaobu
79	tongli sheng
80	uhjfggh
81	USA 7 Days Fast Shipment Freesa
82	Vicetion US
83	Viprayan Sol
84	Volity
85	Wimony
86	YIBao grocery store US
87	yiqianzhaobiao
88	APPEARED
89	Zeakioaske-Store