

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

CHROME CHERRY LIMITED,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-01371

Judge Virginia M. Kendall

Magistrate Judge Sunil R. Harjani

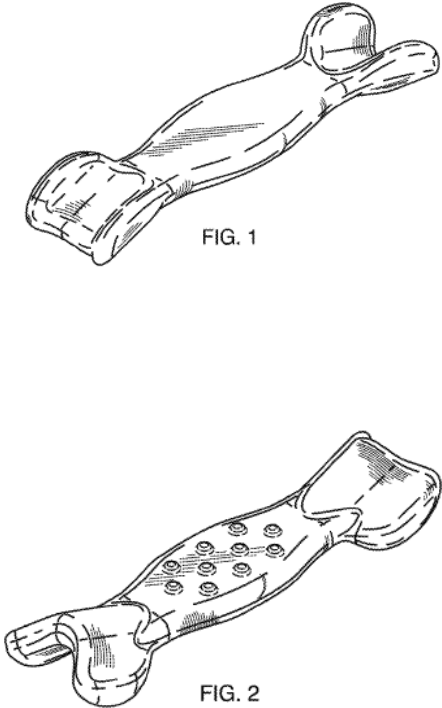
PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Chrome Cherry Limited’s (“Chrome Cherry” or “Plaintiff”) Motion for Entry of a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiff’s Motion for Entry of a Preliminary Injunction in its entirety against the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A attached hereto, (collectively, the “Seller Aliases”).

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. Specifically, 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, accept payment in U.S. dollars and, on information and belief, have sold products that infringe directly and/or indirectly Chrome

¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

Cherry's United States design patent shown in the below chart (the "CHROME CHERRY Design").

Patent Number	Claim	Issue Date
D843,872	 <p>FIG. 1</p> <p>FIG. 2</p>	March 26, 2019

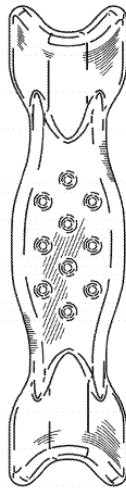


FIG. 3

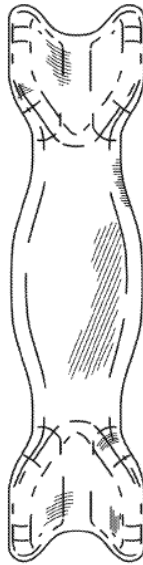


FIG. 4

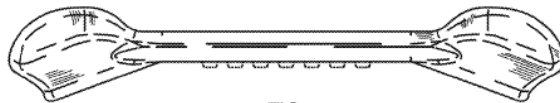


FIG. 5

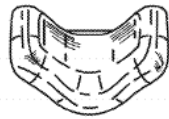


FIG. 6

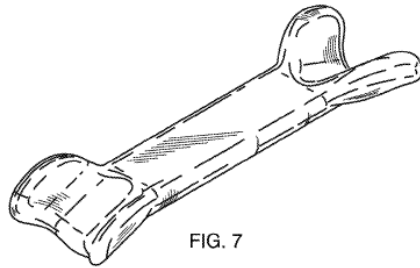


FIG. 7

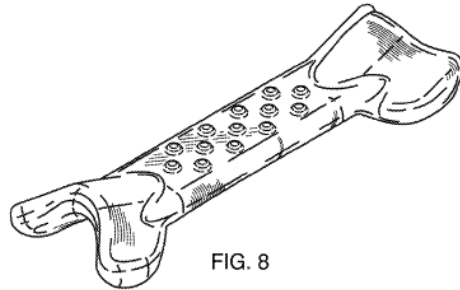


FIG. 8

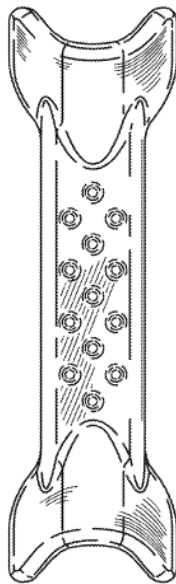


FIG. 9

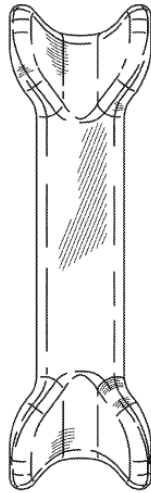


FIG. 10

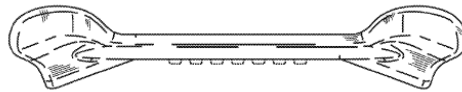


FIG. 11



FIG. 12

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 Chrome Cherry’s previously granted Motion for Entry of a Temporary Restraining Order establishes that Chrome

Cherry has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that Chrome Cherry will suffer irreparable harm if the injunction is not granted. Specifically, Chrome Cherry has proved a *prima facie* case of design infringement because (1) Chrome Cherry is the lawful assignee of all right, title and interest in and to the Chrome Cherry Design, (2) Defendants make, use, offer for sale, sell, and/or import into the United States for subsequent sale or use products that infringe directly and/or indirectly the ornamental design claimed in the Chrome Cherry Design, and (3) an ordinary observer would be deceived into thinking the Infringing Product was the same as the Chrome Cherry Design. Furthermore, Defendants' continued and unauthorized use of the Chrome Cherry Design irreparably harms Chrome Cherry through loss of customers' goodwill, reputational harm, and Chrome Cherry's ability to exploit the Chrome Cherry Design. Monetary damages fail to address such damage and, therefore, Chrome Cherry 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. As such, this Court orders that:

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 preliminarily enjoined and restrained from:
 - a. offering for sale, selling, and importing any products not authorized by Chrome Cherry and that include any reproduction, copy or colorable imitation of the design claimed in the Chrome Cherry Design;
 - b. aiding, abetting, contributing to, or otherwise assisting anyone in infringing upon the Chrome Cherry Design; and

- c. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in Subparagraphs (a) and (b).
- 2. Upon Chrome Cherry's request, 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 Marketplaces, including, without limitation, any online marketplace platforms such as eBay, Inc. ("eBay"), AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), Amazon.com, Inc. ("Amazon"), ContextLogic Inc. d/b/a Wish.com ("Wish.com"), Walmart Inc. ("Walmart") and DHgate, (collectively, the "Third Party Providers") shall, within ten (10) business days after receipt of such notice, provide to Chrome Cherry 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, 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, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplaces; and
 - c. 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, PayPal, Inc. (“PayPal”), eBay, Alipay, Alibaba, Ant Financial Services Group (“Ant Financial”), Amazon Pay, Wish.com, Walmart, DHgate or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

3. Upon Chrome Cherry’s request, those with notice of the injunction, including the Third Party Providers as defined in Paragraph 2, shall within ten (10) business days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of infringing goods using the Chrome Cherry Design.
4. Defendants shall be temporarily and preliminarily restrained and enjoined from transferring or disposing of any money or other of Defendants’ assets until further ordered by this Court.
5. Any Third Party Providers, including PayPal, eBay, Alipay, Alibaba, Ant Financial, Wish.com, Walmart, DHgate and Amazon Pay, shall, within ten (10) business days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants’ Seller Aliases and Online Marketplaces, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto; and
 - b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants’ assets until further ordered by this Court.
6. Chrome Cherry is authorized to issue expedited written discovery, pursuant to the Federal Rules of Civil Procedure 33, 34 and 36, related 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, including any and all associated e-mail addresses; and
- 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, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplaces.

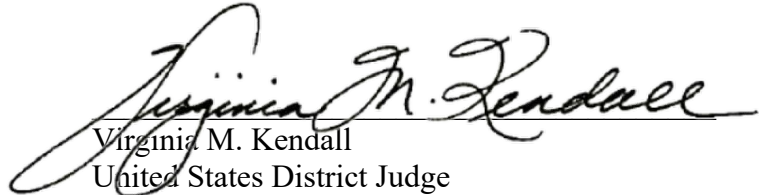
Chrome Cherry is authorized to issue any such expedited discovery requests via e-mail. Defendants shall respond to any such discovery requests within three (3) business days of being served via e-mail.

7. Chrome Cherry may provide notice of these proceedings 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 Complaint, this Order and other relevant documents on a website and by sending an e-mail to Defendants that includes a link to said website. The Clerk of the Court is directed to issue a single original summons in the name of "The Partnerships 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 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. Schedule A to the Complaint [2], Exhibit 1 to the Complaint [3], Exhibit 2 to the Declaration of Pierre Swart [18], and the TRO [26] 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 Northern District of Illinois Local Rules.
10. The \$10,000 bond posted by Chrome Cherry shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

IT IS SO ORDERED.

DATED: April 27, 2022


Virginia M. Kendall
United States District Judge

**Chrome Cherry Limited v. The Partnerships and Unincorporated Associations Identified on
Schedule "A" - Case No. 22-cv-01371**

Schedule A

Defendant Online Marketplaces

No	URL	Name / Seller Alias
1	aliexpress.com/store/1060073	subeads Store
2	aliexpress.com/store/1100126131	Beautiful Girl Jewelry Store
3	aliexpress.com/store/235666	Ladies' Fashion
4	aliexpress.com/store/3243105	IFOUSF&M Store
5	aliexpress.com/store/5493116	Shop5493116 Store
6	aliexpress.com/store/5498220	MissJY Store
7	aliexpress.com/store/5596093	FashionAcc Store
8	aliexpress.com/store/5973326	Enjoying+Clothes Store
9	aliexpress.com/store/900240131	Topwardrobe Store
10	aliexpress.com/store/911787330	Stylethings Store
11	aliexpress.com/store/911794965	May Dropshipping Store
12	aliexpress.com/store/912574462	Newfashion S Store
13	aliexpress.com/store/912651056	H&K Wardrobe Store
14	ebay.com/usr/love2sunny	love2sunny
15	wish.com/merchant/561c91fe3a698c7979e04ea8	Elizabeth Shop
16	wish.com/merchant/56cbce26bd8e8737601d999c	Change begins now
17	wish.com/merchant/56da85f4df108f268b4a6618	Ifyou521
18	wish.com/merchant/56dd31aa3a698c44dac0ad15	Coldbone
19	wish.com/merchant/574141c65417b4596a2bba4e	baby clothes set
20	wish.com/merchant/5823df01fef40920e0e8bc84	Bozzy_store
21	wish.com/merchant/5859271efef40970be2c2f06	sveta_julia
22	wish.com/merchant/59088634b1b0f42508edde62	liuhan_00@163.com
23	wish.com/merchant/5923a7abf4a3d4744d25854f	SSMemory
24	wish.com/merchant/594798b5f70e4c188c8e00de	Shine Jewelry
25	wish.com/merchant/5968cec6a26f6e6a4810819b	851030
26	wish.com/merchant/5ac3336b75599a42571e607c	fly me to the mon see you again
27	wish.com/merchant/5acb6ce22fbbdc13125f8419	ANATURELLE
28	wish.com/merchant/5b1f42bdd1c3607d70389050	Xiaowendianpu
29	wish.com/merchant/5b209e38eae8b45f8134eb5c	kjhyj
30	wish.com/merchant/5b6aad7c4535c73c1dce319e	zhanping store
31	wish.com/merchant/5b700085838d931d2fc1161c	startship
32	wish.com/merchant/5d41b295e13a7e1f30f7b53e	KittywGdYLLO
33	wish.com/merchant/5d48fa5f72b0c940f7ba9d88	winterflower
34	wish.com/merchant/5d490b6470327a5108b7ac07	kingying
35	wish.com/merchant/5d4934715165375aa97d3ae7	yangyong1994
36	wish.com/merchant/5d4939935165375cd47d334a	CHANGO665

37	wish.com/merchant/5d4d1fee8388975373e6b6b5	CHAICHA123
38	wish.com/merchant/5d4e2bd9eb1f3d3d42841c5c	tiyuntailin
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42	wish.com/merchant/5d5398601d9a8e6de6a98497	zhouyumeimei
43	wish.com/merchant/5d625b5d40defd031888802f	Yi xin's store
44	wish.com/merchant/5d81d64c31467b449cef1cfd	Skying beaty
45	wish.com/merchant/5dca187229e7860d84ca2111	syudx_0D
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47	wish.com/merchant/5e68d1472fb13f9ac30a941a	TerriShearin
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55	wish.com/merchant/5ec7948d8e9d90974fe2e9a8	multiplications
56	wish.com/merchant/5eedfb950bf43e50597bb72	lfuxing
57	wish.com/merchant/5ef8046294735912407e0f5d	bnmephey
58	wish.com/merchant/5ef8508341e2f5c1a5680690	liansbh
59	wish.com/merchant/5efbfdd94762399b46a6d2a0	Lipxchc
60	wish.com/merchant/5f06adc925ff6539aa6cb33e	tpikafueu
61	wish.com/merchant/5f238e1a7476731b54363633	shixing6680
62	wish.com/merchant/5f2cee8ec047aea0570c42dd	dmwuskfah
63	wish.com/merchant/5f2cff5f57db3cf2f7cd475a	rswzeyrnl
64	wish.com/merchant/5f2e442a4923eaf9464c83b8	chenqingyue123
65	wish.com/merchant/5f7fe94d88cc7c72bc52ae19	Donweq
66	wish.com/merchant/5f910d8a5109497956668648	Jidsop963
67	wish.com/merchant/5f954731f4429641e6dfb434	Jinghuairan
68	wish.com/merchant/5fb8dc0a64137d4058a489e9	wuhuiqiner
69	wish.com/merchant/5fb8eaed14a5d29c5b1c2a66	chenmengjiaowe
70	wish.com/merchant/5fc5da1a02c9b3343a091021	zhurui031
71	wish.com/merchant/5fdd908baa32194c125a42c9	gaochangling8948
72	wish.com/merchant/5fdf643d9edc24f89575ca52	LuckyZhouLucky
73	wish.com/merchant/6035d38b483f59465b5cb8cc	caoxiany
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75	wish.com/merchant/6049e2fbb5f23d3482395766	weihuimin5786
76	wish.com/merchant/60d4442bfcd220f2421f1534	lubinhao668
77	wish.com/merchant/60d454349fd30be4627ae981	lufengzhen668
78	wish.com/merchant/61016de45116fc4e35e8ce50	Jombid
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80	wish.com/merchant/610a753cb37366f95565dc1a	yetteSeaway
81	wish.com/merchant/616ae4e1a034b2c9aacfabf0	Importadora azabache ca
82	wish.com/merchant/616e0ce0d8eb98278ceb62dd	KingLovee

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85	wish.com/merchant/617c4c7d92da5d01fbd10093	TelmoTracis
86	wish.com/merchant/61d8230a404c6a3dffa40858	Los nenes