

**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,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-01485

**Judge Charles P. Kocoras**

**Magistrate Judge Gabriel A.  
Fuentes**

**PRELIMINARY INJUNCTION ORDER**

Plaintiffs, WHAM-O HOLDING, LTD. and INTERSPORT CORP. d/b/a WHAM-O (“WHAM-O” or “Plaintiffs”) 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”) and using at least the online marketplace accounts identified in Schedule A (the “Online Marketplaces”). After reviewing the Motion and the accompanying record, this Court GRANTS WHAM-O’s Motion in part as follows.

This Court finds WHAM-O has provided notice to Defendants in accordance with the Temporary Restraining Order entered March 30, 2022, [17] (“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 Defendants because 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, which are protected by U.S. Trademark Registration Nos. 4,046,202; 970,089 and 679,186 (the "FRISBEE Trademarks") to residents of Illinois. In this case, WHAM-O 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 purchase products using counterfeit versions of the FRISBEE Trademarks. *See* Docket No.12, which includes 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 FRISBEE 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 WHAM-O's previously granted Motion for Entry of a TRO establishes that WHAM-O has demonstrated 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 FRISBEE 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 FRISBEE Trademarks, and (3) Defendants' use of the FRISBEE 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 FRISBEE 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 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 FRISBEE 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 WHAM-O product or not authorized by WHAM-O to be sold in connection with the FRISBEE Trademarks;
  - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine WHAM-O 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 FRISBEE 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; 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 WHAM-O, nor authorized by WHAM-O to be sold or offered for sale, and which bear any of WHAM-O's trademarks, including the FRISBEE Trademarks, or any reproductions, counterfeit copies, or colorable imitations.

2. Defendants, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiffs 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)-(d) above
3. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
4. Upon WHAM-O'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. ("eBay"), PayPal, Inc. ("PayPal"), ContextLogic, Inc. d/b/a Wish.com ("WISH"), Amazon Payments, Inc. ("Amazon"), Alibaba Group Holding Limited ("Alibaba"), and ALIPAY US, INC. ("Alipay") and its related companies and affiliates, (collectively, the "Third Party Providers"), shall, within five (5) business days after receipt of such notice, provide to WHAM-O expedited discovery, limited to copies of

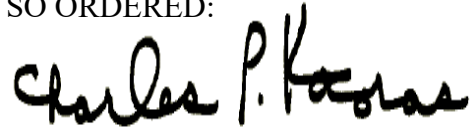
documents and records in such person's or entity's possession or control sufficient to determine:

- 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, eBay, PayPal, WISH, Amazon, Alibaba, and Alipay or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon WHAM-O's request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 4, shall within five (5) 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 counterfeit and infringing goods using the FRISBEE Trademarks.

6. Any Third Party Providers, including eBay, PayPal, WISH, Amazon, Alibaba, and Alipay, shall, within five (5) business 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 Todd Richards, 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. WHAM-O 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 Complaint, 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 Todd Richards 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 "2018autoparts 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. Plaintiffs' Schedule A to the Complaint [2], Exhibit 2 to the Declaration of Todd Richards [12], and the TRO [17] 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 ten thousand dollar (\$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.

SO ORDERED:

A handwritten signature in black ink, reading "Charles P. Kocoras". The signature is written in a cursive, flowing style. The first name "Charles" is written in a larger, more prominent script, followed by "P." and "Kocoras".

---

Charles P. Kocoras  
United States District Judge

Dated: 4/26/2022

**Schedule A**

<b>No.</b>	<b>Defendants</b>
1	2018autoparts
2	co649322
3	gdhh52
4	ldcommerce
5	luckymall168
6	naofa-5780
7	nm-online-store
8	sagi 996
9	shoppypeacock
10	willylove
11	yuhuan44
12	Aphooooorism
13	chengbin456
14	Deerkeji
15	FangYuane
16	Fannncycarp
17	gukhapg
18	haiaushop
19	haiphutho80
20	hanhnhi store
21	hethanhhoa93
22	Justahastore
23	kcuikoqkk
24	kiendongan89
25	llabcshop
26	LYLYang
27	manhho606
28	Moonlightcity123
29	Naogosu
30	OUTLETSSHOPPING
31	Qaertiki
32	Qichengstore
33	Relutter
34	Soullmmate
35	TeiRuiFeng
36	thanhstore
37	vantuong
38	Wanghune
39	Xomunkun
40	zminshop
41	ACE2ACE-Direct
42	AIZHIYI



43	baihetianxia Grocery store
44	bangepingguo
45	BANGSUN-US
46	Bersen
47	Bestwife
48	cai cai us
49	caijie1245
50	come acrossr
51	DINZHA STORE
52	duhuihome
53	EINKI
54	Esing
55	Firesteed
56	fujichongwu
57	fuqingshichangjugecanyinguanliyouxiangongsi
58	fyffyf
59	Gainpower
60	gaona
61	gaoxiyang
62	Ginyia U
63	GuoLangShiYe
64	HaoBianLi
65	Happets
66	herosearhq
67	Hongfa Store
68	hongyunwu
69	Hotbird US
70	Hot-hotsale
71	HQYKJ
72	HuaiXinJieDaoXuLiang
73	HUANYANN
74	iqua
75	JANEMO Dollar Store
76	JiaXiShangMao
77	Jingnuo Ltd US
78	juhangxiang
79	JYKJ-US
80	KES22
81	KuiFu
82	KuQi
83	Lairunzy-US
84	Lanber Pet
85	Lgnnio
86	Life Supplier Shop
87	Lvliangshilishiquqinxiafushibu

88	LXxve
89	M kind
90	maixiaoge EU
91	maoyuantao1
92	Matcute
93	meihouwang
94	miracy
95	Mogra319
96	Mu Ran
97	MUJOUTDAY
98	nanjingzhanxushangmaoyouxiangongsi
99	narnia
100	Nishita boys
101	panshuilian
102	pingluxianletaidianzishangwuLtd
103	qingtangguanggao
104	Rich-Jack
105	RongSong
106	sevenday us
107	shenzhenailaikekejiyouxiangongsi
108	smallsprouts
109	Smartai
110	suilongshangmao
111	TENGPENG
112	Tienda de pomelo
113	TOPPO
114	
115	VANSHINE
116	Velaurs-US
117	wangqingchuan
118	XDZN-US
119	xiaofangfushidian
120	XuKaiDianZi
121	yi teng shi ye
122	yiqiang-uk
123	YiRanDianZi
124	YOKIND Direct
125	YuQuanKeJi
126	YWeiUS
127	YWWAA
128	yyBOSS
129	YYQUNNACHAN
130	ZhiJin
131	ZHJJC
132	ZJONE

133	ZobiDobi
134	zouweilaopodeshangdian
135	zzjb
136	义乌市邱微电子商务有限公司
137	勤力贸易
138	零秒
139	2You Store
140	Aiter pets life Store
141	Animal club Store
142	Beautiful -life Store
143	Bolyn Lifestyle Store
144	chuanghuigang Store
145	Dream family Store
146	DUoGoU Store
147	Famiwarm Famiwarm Helpar Store
148	Feng Cooking Store
149	Figures Zone Store
150	Good, very good Store
151	Grapefruit flavour Store
152	guanchi2 Store
153	gydw Store
154	Hldhxm Store
155	homematey Store
156	HongLiYu Store
157	Horticulture Department Store Store
158	HuangHeLou 1916 Store
159	Huangshunli Store
160	JHY-Pets Supplier Store
161	jug-jug Store
162	Koko Cily Store
163	Likeeasy atHome Store
164	Lilybelle Store
165	Little good life Store
166	LLFPet supplies Store
167	lovely Store
168	Meow Kitten Store
169	Meow Meow Yoga gym Store
170	MIGAO Store
171	Mommy n Baby Every nice day Store
172	N.Y.PETS Pet Supplies Store
173	NingYue Pets Supplies Store
174	OMEY Store
175	Pecorine Store
176	Pet -Homes Store

177	Pippi Shrimp 3 Store
178	Rub-Rab Store
179	sexyprincess Store
180	Shop5062307 Store
181	Shop5871354 Store
182	Shop911418068 Store
183	Shop912626601 Store
184	Shopping Enjoyment Store
185	Sunshinepetsupplies Store
186	TaiHe Store
187	The wheat party Store
188	TMKSK Store
189	unclear Store
190	UUU toys mother and baby Store
191	Warm Adorable Pets Store
192	Warme Familie2 Store
193	Your Home-Improvement Store
194	Your Life house Store
195	Y-pety Store
196	YYYToy Store
197	Chengdu Daiba Technology Co., Ltd.
198	Dongguan Shiyi Hardware Plastic Technology Co., Ltd.
199	Fuzhou ChongKang Gifts Trade Co., Ltd.
200	Fuzhou Letuo Information Technology Co., Ltd.
201	Fuzhou Suo Fei Na Household Ltd.
202	Kesai Co., Ltd.
203	Ningbo Jiayang Import &export Co.,ltd.
204	Qingdao Paramount Marine Biotech Ltd.
205	SHANTOU JINYING TOYS CO.,LTD
206	Shenzhen Honcan Silicone Electronics Co., Ltd.
207	Shenzhen Michong Intelligent Products Co., Ltd.
208	Shenzhen Minfeng Electronic Technology Co., Ltd.
209	Tianjin Lingchuang International Trade Co., Ltd.
210	Xiamen Chaerliter International Trade Co., Ltd.
211	Xiamen Pet Gifts Technology Co., Ltd.
212	Yiwu Huiyue Trading Firm
213	Yiwu Lanyue Sporting Goods Co., Ltd.