

**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-01533
Plaintiffs,	)	
	)	Judge Andrea R. Wood
v.	)	
	)	Magistrate Judge Heather K. McShain
THE PARTNERSHIPS AND	)	
UNINCORPORATED ASSOCIATIONS	)	
IDENTIFIED ON SCHEDULE "A,"	)	
	)	
Defendants.	)	

**PRELIMINARY INJUNCTION ORDER**

THIS CAUSE being before the Court on Plaintiffs, WHAM-O HOLDING, LTD. and INTERSPORT CORP. d/b/a WHAM-O ("WHAM-O" or "Plaintiffs"), Motion for a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiffs' Motion for Entry of a Preliminary Injunction in its entirety against the defendants identified in Schedule A (collectively, the "Defendants").

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. 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 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 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 or is the means by which Defendants could continue 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)-(f) above.
3. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as, but not limited to, ContextLogic, Inc. ("WISH"), Alipay US, Inc. ("Alipay"), and Amazon Payments, Inc. ("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' Defendant 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, WISH, Alipay, and 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, WISH, Alipay, and 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. WISH, Alipay, and 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 WISH, Alipay, and 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 any future motions 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 “4Flows in you and all other Defendants identified in the Complaint” that shall apply to all Defendants. The combination of providing notice via electronic publication or 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.
  9. 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.
  10. 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 [14] (Exhibit 2 to the Declaration of Todd Richards), and the Temporary Restraining Order [17].

11. 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: May 12, 2022, 2022

A handwritten signature in black ink, appearing to read "Andrea R. Wood", written over a horizontal line.

Andrea R. Wood  
U.S. District Court Judge



**SCHEDULE A**

<b>No.</b>	<b>Defendants</b>
1	4Flows in you
2	Ada R Bland
3	Antonia R Back
4	bevismimjzo
5	bobosuperman
6	Breadrolls
7	Carl C Kenna
8	Cbsua
9	Charles B Cochran
10	emmetq4prwgbge
11	Fannday
12	Fernande
13	forasno2
14	francisk
15	Futurelife1
16	Harry
17	Home & Garden HK
18	ITech Trading Co.,Ltd
19	ivkhwrrg
20	Judy C Walton
21	Justtrytry1
22	kesana
23	laixiuyibo
24	Liangni Store
25	linyanliang
26	lukh1989
27	LUOSHIJIAJU
28	Luqiann
29	Maruoing Shop
30	mayanling
31	rishoughkatb
32	Typhoon
33	Vikaka
34	vistina
35	WeiyeIndustry
36	weshopws
37	willstar
38	xhxinhua196602032
39	Xiatianday
40	yeqingqing0746
41	yuk8mbx3.xiulian

42	zhneg8529Hier
43	Zpniomo
44	59867
45	AALUCKY
46	
47	Aidennorwolf
48	Bang Yisu
49	BaoQiHuaDong
50	BerryChipsVeryCheap
51	BOGOU
52	Cadeaux4U
53	
54	ChuJun US
55	Coopark-US
56	Dapengsuocheng
57	
58	
59	Ectboad
60	
61	
62	Happy ZRUK
63	henispham
64	HJX-US Store
65	Jinyijia shop
66	Kisterio
67	LIKELA
68	LinFenShiYaoDuQuQingGeFuShiDian
69	
70	MECKAI
71	MHong
72	MOZOOSON DIRECT
73	
74	
75	QUIRT
76	rowna
77	RSTJ-US
78	Samsports
79	Seltochum
80	shijiazhuang456
81	shjiawu
82	Sichuanwangyushengnanshangmaogongsi
83	soarflight
84	SOLALO 001
85	stLiope

86	Sukaly
87	SupVoteR
88	Swilpool-US
89	Teiim
90	uscllddp
91	vwlvrsco
92	W&D WillCol
93	wangxiao hi
94	
95	We Home
96	weemoment
97	WESJOY
98	Window-pick
99	Winsbo Technology (GuangZhou)Co.,Limited
100	Winter-snow
101	Wonderful Industry ltd
102	XD Sports
103	
104	YANG DIRECT
105	Yasongqipeicheng
106	ZGYUSA
107	Aliyy Store
108	All child toy Store
109	Baby Future Store
110	Baby Growth Diary Store
111	Beautiful Pop Store
112	Beavertoy Store
113	bubble wish Official Store
114	Childhood Period Toy Store
115	Children Life Store
116	children's party 233 Store
117	China*toy Store
118	Comfort Pets Store
119	DHSM Toy Store
120	Dropshipping Wholesales Store
121	Entertainment outdoors Store
122	FLeur daily life dropship Store
123	Football fans Store
124	FoPcc Kids Toy's Store
125	Frank camping Store
126	Handmade Decorative Painting Store
127	HeroBaby Store
128	hibabys Official Store
129	JeanDan Store-ufza Store

130	JIAINF Official Store
131	Jo Toy Store
132	LovelyBaby Dropshipping Store
133	luck F Life Store
134	MayBeaus Grobal Store
135	MezoJaoie Store
136	MHORLX Store
137	MINOCOOL Official Store
138	MINOCOOL Toy Store
139	Mollyman's Store
140	Orienter Grl Store
141	powerest seller
142	Rimdoc Airtrack Store
143	S-E-T Store
144	See World Store
145	shop DCL 123 Store
146	Shop5244255 Store
147	Shop900237087 Store
148	The GOvogue Store
149	Toy heaven Store
150	Toy Store-fplm Store
151	Welcome to Mommy Baby Store
152	Welifes Store
153	Wingmore Industries(Shanghai) Co.,Ltd
154	Wonder-life Store
155	Wonne Store
156	xinyimanman Store
157	XJ model Store
158	Yi Yun XM Store
159	Yoly Baby Store
160	Your liking Store
161	Zcreen Toy Friend Store