

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

EYE SAFETY SYSTEMS, INC.,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-01625

Judge Gary Feinerman

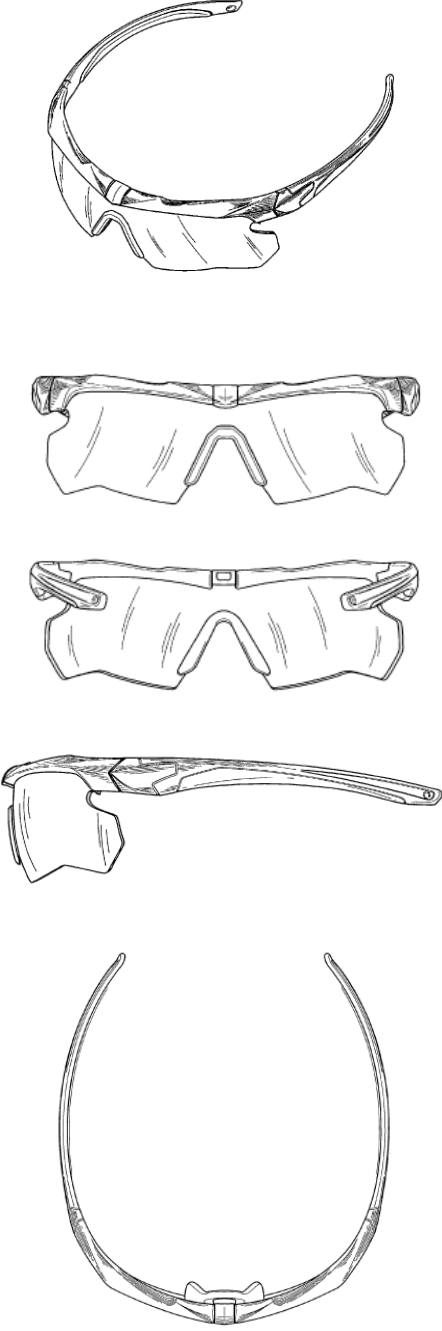
Magistrate Judge Sunil R. Harjani

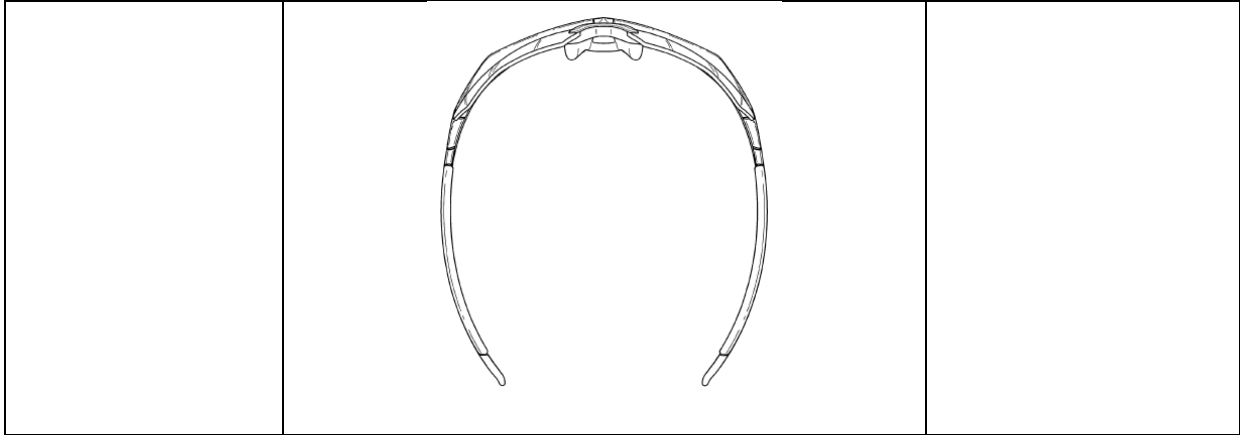
PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff Eye Safety Systems, Inc.’s (“ESS” 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 ESS’s United States design patent shown in the below chart (the “ESS Design”).

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

Patent Number	Claim	Issue Date
D616,485		May 25, 2010



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 ESS’s previously granted Motion for Entry of a Temporary Restraining Order establishes that ESS has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that ESS will suffer irreparable harm if the injunction is not granted. Specifically, ESS has proved a *prima facie* case of design infringement because (1) ESS is the lawful assignee of all right, title and interest in and to the ESS 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 ESS Design, and (3) an ordinary observer would be deceived into thinking the Infringing Product was the same as the ESS Design. Furthermore, Defendants’ continued and unauthorized use of the ESS Design irreparably harms ESS through loss of customers’ goodwill, reputational harm, and ESS’s ability to exploit the ESS Design. Monetary damages fail to address such damage and, therefore, ESS 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 ESS and that include any reproduction, copy or colorable imitation of the design claimed in the ESS Design;
 - b. aiding, abetting, contributing to, or otherwise assisting anyone in infringing upon the ESS 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 ESS'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"), Walmart Inc. (Walmart), AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), Amazon.com, Inc. ("Amazon"), ContextLogic Inc. d/b/a Wish.com ("Wish.com"), and Dhgate, (collectively, the "Third Party Providers") shall, within ten (10) business days after receipt of such notice, provide to ESS 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, DHgate, Walmart, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
3. Upon ESS'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 ESS 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, DHgate, Walmart, 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. ESS 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.

ESS 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.

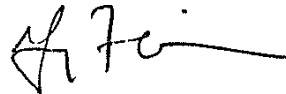
- 7. ESS may provide notice of these proceedings to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions by electronically publishing a link to the Complaint, this Order and other relevant documents on a website and by sending an e-mail to Defendants that 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 Jason Groppe [18], and the TRO [24] 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 ESS shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

IT IS SO ORDERED.

DATED: May 9th, 2022

A handwritten signature in black ink, appearing to read 'G. Feinerman', with a long horizontal stroke extending to the right.

Gary Feinerman
United States District Judge

**Eye Safety Systems, Inc. v. The Partnerships and Unincorporated Associations Identified on
Schedule "A" - Case No. 22-cv-1625**

Schedule A

Defendant Online Marketplaces

No	URL	Name / Seller Alias
1	aliexpress.com/store/1049610	Yezi Outdoor Store
2	aliexpress.com/store/1089866	Lotus Industrial Co.
3	aliexpress.com/store/1100215757	Shop1100215757 Store
4	aliexpress.com/store/1231234	^_^ Charmante Store
5	aliexpress.com/store/1873963	100RBworld Store
6	aliexpress.com/store/1958123	Betiuka's store
7	aliexpress.com/store/2342253	Outdoor Fan Zone Store
8	aliexpress.com/store/2811048	Shop2811048 Store
9	aliexpress.com/store/2824067	Shenzhen Chase's Stylish Fishing & Riding Store
10	aliexpress.com/store/2921009	Alitop Outdoor Store
11	aliexpress.com/store/2959155	Keep Forth Store
12	aliexpress.com/store/2969072	1tree outdoor Store
13	aliexpress.com/store/2975028	M Outdoor Store
14	aliexpress.com/store/3037011	OUTDOOR Dropshipping Store
15	aliexpress.com/store/3051002	Outdoor Life Store
16	aliexpress.com/store/3054051	LynnLynn Fitness Store
17	aliexpress.com/store/3140008	X outdoor Store
18	aliexpress.com/store/3153012	FreeRan Outdoor Store
19	aliexpress.com/store/3170015	M2H outdoors Store
20	aliexpress.com/store/3213159	TOPTOON OUTDOOR Store
21	aliexpress.com/store/3222110	Tostart Store
22	aliexpress.com/store/3616130	jin1956 Store
23	aliexpress.com/store/3905048	I need u Store
24	aliexpress.com/store/4232009	Shop4232009 Store
25	aliexpress.com/store/4412224	Brushes Dropshipping Store
26	aliexpress.com/store/4973070	SoarOwl Outdoor Store
27	aliexpress.com/store/5000034	facailanyuxuan Store
28	aliexpress.com/store/5103065	Fun-outdoor Store
29	aliexpress.com/store/5244052	Outdoor Droshipping Store
30	aliexpress.com/store/5569036	Q Outdoor Store
31	aliexpress.com/store/5575018	Once there was a tree Store
32	aliexpress.com/store/5576175	Findway global Store
33	aliexpress.com/store/5577144	uu Outdoor Store

34	aliexpress.com/store/5777583	Iris outdoor Store
35	aliexpress.com/store/5792779	Sporting2 Drop shipping Store
36	aliexpress.com/store/5799548	Shop5799548 Store
37	aliexpress.com/store/5840311	Shop5840311 Store
38	aliexpress.com/store/5877144	Shop5877144 Store
39	aliexpress.com/store/5888320	Shop5888320 Store
40	aliexpress.com/store/5965066	CC CYCLING Store
41	aliexpress.com/store/910828010	Shop910828010 Store
42	aliexpress.com/store/910993026	C-Sport Store
43	aliexpress.com/store/911609942	Hessels Store
44	aliexpress.com/store/911707440	Sungreen Art Store
45	aliexpress.com/store/911771865	Keep Enjoying Outdoor Store
46	aliexpress.com/store/912072277	Stay &real Store
47	aliexpress.com/store/912169262	58888888 Store
48	aliexpress.com/store/912469543	WYH Outdoor shop Store
49	aliexpress.com/store/912487920	Car factory retail Store
50	amazon.com/sp?seller=A1YE393QM9KSLF	Mlida-U.S
51	amazon.com/sp?seller=A1ZTF0KKMCLXA	Jilerlight
52	amazon.com/sp?seller=ADN1A496DULNH	Coolplay Studio
53	dhgate.com/store/19950117	qq319171178 Store
54	dhgate.com/store/20517373	lemon999 Store
55	dhgate.com/store/20526312	baisha05 Store
56	dhgate.com/store/20653322	Baseball jerseys Store
57	dhgate.com/store/20914445	soutong Store
58	dhgate.com/store/20968285	jianpin Store
59	dhgate.com/store/21029958	rainInday Store
60	dhgate.com/store/21035180	nicespring Store
61	dhgate.com/store/21087282	duriang Store
62	dhgate.com/store/21092805	gqinglang Store
63	dhgate.com/store/21132932	yuanmu23 Store
64	dhgate.com/store/21223746	dugutx Store
65	dhgate.com/store/21567306	nicesandals Store
66	dhgate.com/store/21609338	ladyshome Store
67	dhgate.com/store/21628479	cow07 Store
68	dhgate.com/store/21630976	xinglgji Store
69	dhgate.com/store/21634804	hongdiaolan Store
70	dhgate.com/store/21665642	nikeoutletstore Store
71	dhgate.com/store/21732126	fidget10 Store
72	wish.com/merchant/5d3bc9608388977201590633	jingjingshoppingshopping

73	wish.com/merchant/5d60969207cc8d2670fc3421	huangyibo888
74	wish.com/merchant/5dc90e5e4b0ae771d800d875	sister is a beautiful girl
75	wish.com/merchant/5e9979e85ca37f31ce577c1f	Brianaa