

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

THE UNIVERSITY ATHLETIC
ASSOCIATION, INC.

Plaintiff,

v.

GATORSJERSEY.COM AND THE
INDIVIDUALS AND ENTITIES OPERATING
GATORSJERSEY.COM,

Defendants.

Case No. 22-cv-02327

Judge Edmond E. Chang

Magistrate Judge Sheila M. Finnegan




PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff The University Athletic Association, Inc.'s (hereinafter the "UAA" 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 because 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 using infringing and counterfeit versions

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

of Plaintiff's federally registered trademarks ("UAA Trademarks") to residents of Illinois. A list of the UAA Trademarks is included in the chart below.

Registration Number	Trademark	Goods and Services
2,206,967	GATORS	For: Clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, boxer shorts, sweaters, coats, caps and hats in class 025.
2,205,439		For: Clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, boxer shorts, sweaters, coats, caps and hats in class 025.
2,208,807		For: Clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, sweaters, coats, caps and hats in class 025.
3,352,139		<p>For: Lapel pins, watches, precious metal money clips, pendants, earrings, tie tacks, rings, bracelets, bracelet charms, precious metal key chains in class 014.</p> <p>For: Notebooks, paper tablecloths, paper gift bags, temporary tattoos, gift wrap paper, calendars, memo pads, pencils, pens, greeting cards, address labels, stationery, printed party invitations, photo albums, self-stick notes, namely, adhesive notepads, tissue paper for wrapping presents in class 016.</p> <p>For: Bowls, ceramic mugs, travel mugs, plastic mugs, pilsner drinking glasses, drinking stems, candy jars, glass storage jars, paper plates, plastic cups, paper cups, bottle openers, crystal decanters, drinking glasses in class 021.</p>

		For: Paper streamers, namely, party streamers made of paper, basketballs, footballs, golf balls, divot repair tools, volleyballs, baseballs, soccer balls, basketball hoop backboards, stuffed toy animals, checker games, dart games, playing cards, puzzles, snow globes, Christmas tree ornaments in class 028.
2,203,888	U OF F	For: Clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, sweaters, coats, caps and hats in class 025.
2,199,793	UF	For: Clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, sweaters, coats, caps and hats in class 025.
2,349,246	FLORIDA GATORS	For: Clothing, namely, shirts, T-shirts, sweat shirts, sweat pants, sweaters, coats, caps and hats in class 025. For: Entertainment services, namely, arranging and conducting athletic events, tournaments and exhibitions in class 041.
3,241,595	THE SWAMP	For: Caps and t-shirts in class 025.
3,232,732	GATOR VISION	For: Clothing, namely, shirts in class 025. For: Entertainment services, namely providing sporting events over the internet in class 041.

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 Plaintiff’s previously granted Motion for Entry of a Temporary Restraining Order 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 UAA 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 UAA Trademarks, and (3) Defendants' use of UAA 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 UAA Trademarks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff's reputations, 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. As such, this Court orders that:

1. Defendants, their officers, agents, servants, employees, attorneys, and other persons acting in active concert with them be preliminarily enjoined and restrained from:
 - a. using UAA 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 Plaintiff's Genuine Product or not authorized by Plaintiff to be sold in connection with UAA Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as Plaintiff's Genuine 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 UAA 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;

- d. further infringing UAA Trademarks and damaging Plaintiff's goodwill; and
 - e. 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 UAA Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof.
2. The domain name registries for the Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afiliast Limited, CentralNic, Nominet, and the Public Interest Registry, within seven (7) calendar days of receipt of this Order, shall, at Plaintiff's choosing:
- a. unlock and change the registrar of record for the Domain Names to a registrar of Plaintiff's selection until further ordered by this Court; or
 - b. disable the Domain Names and make them inactive and untransferable until further ordered by this Court.
3. The domain name registrars, including, but not limited to, GoDaddy Operating Company, LLC ("GoDaddy"), Name.com, PDR LTD. d/b/a PublicDomainRegistry.com ("PDR"), and Namecheap Inc. ("Namecheap"), within seven (7) calendar days of receipt of this Order shall take any steps necessary to transfer the Domain Names to a registrar account of Plaintiff's selection so that the Domain Names can be redirected or disabled until further ordered by this Court.
4. Upon Plaintiff'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 the Defendants' Online Marketplaces and Domain Names, 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 seven (7) calendar days after receipt of such notice, provide to Plaintiff 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 Seller Aliases, the Domain Names, and Defendants’ financial accounts, as well as providing a full accounting of Defendants’ sales and listing history related to their respective Seller Aliases and Domain Names; 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”), Wish.com, Dhgate, Walmart, 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 the injunction, 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 UAA Trademarks.

6. 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.
7. Any Third Party Providers, including PayPal, eBay, Alipay, Alibaba, Ant Financial, DHgate, Walmart, Wish.com, and Amazon Pay, shall, within seven (7) calendar days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants or the Seller Aliases and Domain Names, including, but not limited to, any financial accounts connected to the information listed in Schedule A attached 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.
8. Plaintiff 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 Seller Aliases, the Domain Names, and Defendants'

financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Seller Aliases and Domain Names.

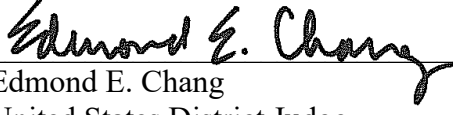
Plaintiff is authorized to issue any such expedited discovery requests via e-mail. Defendants shall respond to any such discovery requests within ten (10) business days of being served via e-mail.

9. Plaintiff 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 Amended Complaint, this Order and other relevant documents on a website to which the Domain Names which are transferred to Plaintiff's control will redirect, or 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 "gatorsjersey.com and The Individuals and Entities Operating gatorsjersey.com" 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 domain name registrars 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.
10. Schedule A to the Complaint [2] and the Amended Complaint [14], Exhibits 1 and 2 to the Declaration of Lindsay Conn [20] and [21], and the TRO [26] are unsealed.
11. 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.

12. The \$1,000 bond posted by Plaintiff shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

IT IS SO ORDERED

DATED: May26, 2022



Edmond E. Chang
United States District Judge

**The University Athletic Association, Inc. v. The Partnerships and Unincorporated Associations
Identified on Schedule "A" - Case No. 22-cv-02327**

Schedule A

Defendant Domain Names		
No	URL	Name / Seller Alias
1	gatorsjersey.com	gatorsjersey.com