

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

POLYBLANK DESIGNS LIMITED,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-01663

Judge Sara L. Ellis

Magistrate Judge Sunil R. Harjani

PRELIMINARY INJUNCTION ORDER

Plaintiff POLYBLANK DESIGNS LIMITED (“PDL” or “Plaintiff”) 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 PDL’s Motion in part as follows.

This Court finds PDL has provided notice to Defendants in accordance with the Temporary Restraining Order entered April 8, 2022, [18] (“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, PDL 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 PDL's federally registered trademark, which is covered by U.S. Trademark Registration No. 5,097,681 (the "PETS ROCK Trademark") and/or products infringing PETS ROCK Works, which are covered by U.S. Copyright Registration Nos.

VA0002104989; VA0002103969; VA0002102690; VA0002102692; VA0002102693;
VA0002102694; VA0002102696; VA0002102213; VA0002102214; VA0002103929;
VA0002103970; VA0002102215; VA0002103971; VA0002103972; VA0002102216;
VA0002103973; VA0002102217; VA0002102218; VA0002102219; VA0002103974;
VA0002102220; VA0002102221; VA0002103975; VA0002103976; VA0002102223;
VA0002102222; VA0002102211; VA0002102210; VA0002102209; VA0002103977;
VA0002103978; VA0002102208; VA0002116325; VA0002102206; VA0002117815;
VA0002102204; VA0002102212; VA0002103968; VA0002102697; VA0002223713;
VA0002223846; VA0002223716; VA0002223658 VA0002223659; VA0002223598;
VA0002223584; VA0002223710; VA0002223582; VA0002223576; VA0002223614;
VA0002223848; VA0002223581; VA0002223708; VA0002223671; VA0002223669;
VA0002223664; VA0002223596; VA0002223838; VA0002223660; VA0002223855;
VA0002223854; VA0002223589; VA0002223586; VA0002223720; VA0002223615;
VA0002223602; VA0002223611; VA0002223592; VA0002223612; VA0002223593;
VA0002223588; VA0002223609; VA0002223608; VA0002223605; VA0002223607;
VA0002223603; VA0002223606; VA0002223577; VA0002223591; VA0002223613;
VA0002223578; VA0002223595; VA0002223610; VA0002223585; VA0002223600;
VA0002126800; VA0002126804; VA0002126805; VA0002126808; VA0002126810;
VA0002126812; VA0002126813; VA0002126816; VA0002126817; VA0002126818;

VA0002126819; VA0002126820; VA0002126801; VA0002126802; VA0002126821; VA0002126823; VA0002126824; VA0002129221; VA0002126825; VA0002126826; VA0002126827; VA0002126828; VA0002126822; VA0002126829; VA0002126984; VA0002126985; VA0002126986; VA0002126983; VA0002126999; VA0002126987; VA0002126791; VA0002126781; VA0002126794; VA0002126790; VA0002126799; VA0002126772; VA0002126788; VA0002126796; VA0002126797; VA0002126785; VA0002126774; VA0002126792; VA0002126777; and VA0002126783 (the “PETS ROCK Works”) to residents of Illinois. In this case, PDL 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 infringing and/or counterfeit versions of the PETS ROCK Trademark and PETS ROCK Works. *See* Docket No. 15, 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 PETS ROCK Trademark and PETS ROCK Works.

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 PDL’s previously granted Motion for Entry of a TRO establishes that PDL has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that PDL will suffer irreparable harm if the injunction is not granted.

Specifically, PDL has proved a *prima facie* case of trademark infringement because (1) the PETS ROCK Trademark is a distinctive mark and is registered with the U.S. Patent and

Trademark Office on the Principal Register, and the PETS ROCK Works are registered with the United States Copyright Office (2) Defendants are not licensed or authorized to use the PETS ROCK Trademark or the PETS ROCK Works, and (3) Defendants' use of the PETS ROCK Trademark and PETS ROCK Works is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with PDL. Furthermore, Defendants' continued and unauthorized use of the PETS ROCK Trademark and PETS ROCK Works irreparably harms PDL through diminished goodwill and brand confidence, damage to PDL's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, PDL 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 PETS ROCK Trademark and PETS ROCK Works or any reproductions, counterfeit and/or infringing 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 PDL product or not authorized by PDL to be sold in connection with the PETS ROCK Trademark and PETS ROCK Works;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine PDL product or any other product produced by PDL, that is not PDL's or not produced under the authorization, control, or supervision of PDL and approved by PDL for sale under the PETS ROCK Trademark and PETS ROCK Works;

- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of PDL, or are sponsored by, approved by, or otherwise connected with PDL; 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 PDL, nor authorized by PDL to be sold or offered for sale, and which bear any of PDL's trademarks or copyrights, including the PETS ROCK Trademark and PETS ROCK Works, or any reproductions, counterfeit and/or infringing copies, or colorable imitations.
- 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 e-mail addresses, of Defendant; (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 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 PDL'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 Alipay US, Inc. and its related companies and affiliates, (“Alipay”), Alibaba Group Holding Ltd. (“Alibaba”), and ContextLogic Inc. d/b/a Wish.com (“WISH”), shall, within seven (7) calendar days after receipt of such notice, provide to PDL 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, Alipay, Alibaba, and WISH, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon PDL’s request, those with notice of this Order, 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 PETS ROCK Trademark and PETS ROCK Works.

6. Any Third Party Providers, including Alipay, Alibaba, and WISH, shall, within seven (7) calendar 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 3 to the Declaration of David Denholm, 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. PDL 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 Pleadings, 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 3 to the Declaration of David Denholm 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 "5VVPPC 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. Plaintiff's Schedule A to the Complaint [2], Exhibit 3 to the Declaration of David Denholm [15], and the TRO [18] 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 PDL 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, appearing to read 'S. L. Ellis', is written over a horizontal line.

Sara L. Ellis
United States District Judge

Dated: April 22, 2022

Schedule A

No.	Defendants
1	5VVPPC
2	AHUI Car modification parts shop
3	Beautiful Life
4	BIG CHEAP
5	bikebi
6	bincloth
7	Christos Caplanis43
8	christti
9	Crazy Art Store
10	custompod
11	daiende52957
12	Daoo
13	Discover material
14	dongbaogang5468
15	dreamfutu
16	DSS665
17	everything tastes great
18	fastt
19	gaoshuzhi23487
20	Gifts of life
21	GilbertDorazKdFe
22	guofeins
23	guofenggqun1048
24	guoqiang77611
25	guozihao0733
26	huangfeixiang23430
27	huangshan3160
28	jianwanchuan4293
29	jimmy33002
30	jimmy33007
31	jimmy33009
32	kongziyu9732
33	lbyajksdbaisff
34	leicuan4290
35	lightshin
36	lihui2759
37	lijuanjuan5904
38	limeifeng23387
39	liuerfeng6952
40	liuhui51621
41	liukaijie5566
42	liukun2389

43	liuqingyao187
44	liveforevee
45	LotusApparel
46	LotusVN
47	LUOYANGzhige95
48	lvjiateng7074
49	maccc
50	mai huong
51	meoo
52	Merchicon
53	merchizone
54	mosonsxc
55	Mumeitui Babycream
56	nathanjunglestore
57	piprintondemand
58	rencaivca
59	renwanmei Store
60	shirtt
61	sunyingshuang13574
62	surprise bing
63	surprise po
64	surprise tiger
65	surprise weng
66	taseslerqp
67	thounsand
68	tianxiaojun5285
69	timk
70	varioustype
71	VERSA NYC 2021
72	wangjiawei24845
73	wangxiaobo Store
74	wangzixuan1194
75	WCGmengkourihua
76	winezouwivr
77	woshuitingstory
78	xm2020
79	YIJIN034
80	YIJIN060
81	YIJIN45
82	YIJIN50
83	YIJIN52
84	yomos
85	yuanhao1688
86	yuqiang668
87	yuqibing2134

88	zhangjunling9330
89	zhangyaobin80689
90	zhantieyixian
91	zhaolingqian
92	zhaoqi0076
93	ZhiChao19
94	zhojiahao
95	zhounannan1204
96	zzigzagapparel
97	Adal Phones Store
98	Again Still You Store
99	annesexton Store
100	Asaph Store
101	Dongguan Ruixin Clothing Co., Ltd.
102	Dressave Store
103	DropShiP Customize Store
104	Glittering Artwork Store
105	GYMR Official Store
106	HELLOHAT Store
107	Hoodie Clothes and Fleece Hoodie Customized Store
108	housetlife 666 Store
109	JOANBAEZ Official Store
110	LCFA Store
111	Life Canvans Store
112	Light of Store
113	Loveccc Store
114	Maddox Painting Store
115	Maria Life Store
116	michaelz Store
117	Mr. Z Store
118	OMGALA Official Store
119	seventh art Official Store
120	Shop1831368 Store
121	Shop911565492 Store
122	Shop911607588 Store
123	Tarantino Official Store
124	VAR The factory Store
125	Vinyl Print Store
126	WALHOME paintings Store
127	XIEXIE Official Store
128	Yang Life Store
129	YCC Store
130	Your House Art Decoration Store
131	Fuzhou Land-Ocean Co., Ltd.
132	Guangzhou Henry Textile Trading Co., Ltd.

133	Nanchang Lijinghui Trading Co., Ltd.
134	OEM (Dongguan) Sportswear Co., Ltd.
135	Quanzhou Xizhe Supply Chain Development Co., Ltd.
136	Quanzhou Zhenben Network Technology Co., Ltd.
137	Yiwu Aiyi Arts And Crafts Co., Ltd.
138	Yiwu Mengyue Household Products Co., Ltd.
139	Zhejiang Zebulun Intelligent Technology Co., Ltd.
140	Zhuji Xili Trading Co., Ltd.