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

AUTHORIZED SPINAL TAP LLC,

Plaintiff.

v.

THE PARTNERSHIPS and UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE "A",

Defendants.

Case No. 22-cv-02379

Judge Elaine E. Bucklo

Magistrate Judge Young B. Kim

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff Authorized Spinal Tap LLC's ("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 as follows against the defendants identified in Schedule A attached hereto (collectively, the "Defendants") and using the fully interactive e-commerce stores operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (the "Seller Aliases").

This Court 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

¹ The e-commerce store URLs are listed on Schedule A attached hereto.

have sold products bearing Plaintiff's federally registered trademarks ("Plaintiff's Trademarks") to Illinois residents. Plaintiff's Trademarks are included in the chart below.

Registration		Registration	
Number	Trademark	Date	Goods and Services
6,493,485	SPINAL TAP	Sep. 21, 2021	For: Entertainment, namely, live
			music concerts; entertainment in the
			nature of presenting live dramatic,
			comedic, and musical performances;
			entertainment services, namely,
			providing a website featuring non-
			downloadable photographic, audio,
			video, and prose presentations
			featuring dramatic, comedic, and
			musical performances; providing a
			website with information concerning
			live dramatic, comedic, and musical
			performances in class 041.
6,493,486	SPINAL TAP	Sep. 21, 2021	For: Printed matter, namely,
			posters, calendars, souvenir books
			featuring information on a musical
			and performing group, note cards,
			temporary tattoo transfers, decals,
			and stickers in class 016.
			For: clothing, namely, t-shirts,
			long-sleeved shirts, shirts, tops,
			jackets, sweatshirts, pullovers,
			hooded pullovers, pants, shorts,
			sweatpants, loungewear, sleepwear,
			pajamas, boxer shorts, boxer briefs,
			underwear, bandanas, caps, and
			hats in class 025.

This Court further finds that the 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) Plaintiff's 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 Plaintiff's Trademarks, and (3) Defendants' use of Plaintiff's 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 the Plaintiff's Trademarks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff's reputation, 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. Accordingly, this Court orders that:

- 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 temporarily enjoined and restrained from:
 - a. using Plaintiff's 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 product or not authorized by Plaintiff to be sold in connection with Plaintiff's Trademarks;

- b. passing off, inducing, or enabling others to sell or pass off any product as Plaintiff's product or any other 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 the Plaintiff's 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 Plaintiff's 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, or any reproductions, counterfeit copies or colorable imitations thereof.
- 2. 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 Defendants' Seller Aliases including, without limitation, any online marketplace platforms such as Amazon, Inc. ("Amazon"), eBay, Inc. "(eBay"), AliExpress, Inc. ("AliExpress"), DHgate.com ("DHgate"), ecrater.com ("eCRATER"), ContextLogic, Inc. ("Wish"), Joom.com ("Joom"), Onbuy.com ("Onbuy"), and Etsy, Inc. ("Etsy") (collectively, the "Third Party Providers") shall, within ten (10) business 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 Defendants' Seller Aliases and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Seller Aliases; 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, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
- 3. Upon Plaintiff's request, those with notice of the injunction, including 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 counterfeit and infringing goods using Plaintiff's Trademarks.
- 4. Defendants shall be temporarily 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, Ant Financial, 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, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto, the e-mail addresses identified in 2 to the Declaration of Paul Varley, 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 ordered by this Court.
- 6. Plaintiff is authorized to issue expedited written discovery, pursuant to 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 email 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 Defendants' Seller Aliases and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective e-commerce stores.

Plaintiff 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. 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 Complaint, this Order, and other relevant documents on a website and by sending an email with a link to said website to Defendants. 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 or 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. The Complaint [8] including Exhibits 1 and Schedule A [2]-[3], [8], Plaintiff's Motion for Entry of a Temporary Restraining Order, including a Temporary Injunction, a Temporary Asset Restraint, and Expedited Discovery [9] and accompanying supporting memorandum, declarations, and exhibits, including screenshot printouts showing the Defendants' infringement of Plaintiff's Trademarks [10]-[12], Plaintiff's Notice of Claims Involving Trademarks [13], Plaintiff's Notification of Affiliates [14], and the Temporary Restraining Order [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 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: June 8, 2022

Elaine E. Bucklo

United States District Judge

Authorized Spinal Tap LLC v. The Partnerships and Unincorporated Associations Identified on Schedule "A" – Case No. 22-cv-02379

Schedule A

No.	Seller Alias	URL
	100% cotton T-shirt MX	
1	Store	https://www.aliexpress.com/store/912187001
2	bihuage Store	https://www.aliexpress.com/store/911550020
3	Shop1100006086 Store	https://www.aliexpress.com/store/1100006086
4	Shop1100009076 Store	https://www.aliexpress.com/store/1100009076
5	Shop1100086066 Store	https://www.aliexpress.com/store/1100086066
6	Shop1100220221 Store	https://www.aliexpress.com/store/1100220221
7	Shop110055 Store	https://www.aliexpress.com/store/1100333069
8	Talented Art Poster Store	https://www.aliexpress.com/store/912187210
		https://www.amazon.com/sp?ie=UTF8&seller=A2443DL
		Q7F3X6W&isAmazonFulfilled=0&asin=B09N8VYT7M
9	Allina N.Bouvier	&ref =olp merch name 1
10	DISMISSED	DISMISSED
		https://www.amazon.com/sp?ie=UTF8&seller=A14TA39
11	Scars On Mars	VID07FL
		https://www.amazon.com/sp?ie=UTF8&seller=A15M4AT
12	w6y43weyrdhfgcjh	MASB58T
		https://www.amazon.com/sp?ie=UTF8&seller=A276QJEX
1.0	海州大学 区大共日内	M70YK0&isAmazonFulfilled=0&asin=B09Q37C9TV&re
13	运城市常 乐工艺品店	f_olp_merch_name_1
	运城 经济技术开发区欧	https://www.amazon.com/sp?ie=UTF8&seller=A31WCZQ OBCPMVM&isAmazonFulfilled=0&asin=B09TKNYP7K
14	琴首饰店	
15		&ref =olp_merch_name_1
	ljtrade	https://www.dhgate.com/store/20895509
16	snailsawo	https://www.dhgate.com/store/21634868
17	tdowntownlady	https://www.dhgate.com/store/21634495
18	tianyuxi	https://www.dhgate.com/store/21630828

4.0	2442	1 // 1 // 2112
19	arco-9110	https://www.ebay.com/usr/arco-9110
20	bluedogtshirts	https://www.ebay.com/usr/bluedogtshirts
21	boomcak_59	https://www.ebay.com/usr/boomcak_59
22	DISMISSED	DISMISSED
23	gazster	https://www.ebay.com/usr/gazster
24	kruttyranks	https://www.ebay.com/usr/kruttyranks
25	mister_biggles	https://www.ebay.com/usr/mister_biggles
26	pickpoc95	https://www.ebay.com/usr/pickpoc95
27	prints.4.u	https://www.ebay.com/usr/prints.4.u
28	putri.ponari	https://www.ebay.com/usr/putri.ponari
29	rwslpool19	https://www.ebay.com/usr/rwslpool19
30	shirtguru4u	https://www.ebay.com/usr/shirtguru4u
31	syaf3200	https://www.ebay.com/usr/syaf3200
32	DISMISSED	DISMISSED
33	tshirtemperor	https://www.ebay.com/usr/tshirtemperor
34	we-are-all-equal	https://www.ebay.com/usr/we-are-all-equal
35	analoguetemple	https://www.etsy.com/uk/shop/analoguetemple
36	AntonioDesignUK	https://www.etsy.com/uk/shop/AntonioDesignUK
37	CelebHeads	https://www.etsy.com/uk/shop/CelebHeads
38	coloursflyartprints	https://www.etsy.com/uk/shop/coloursflyartprints
39	CreativeSpectator	https://www.etsy.com/uk/shop/CreativeSpectator
40	DISMISSED	DISMISSED
41	IndustrialAura	https://www.etsy.com/uk/shop/IndustrialAura
42	kandyprintshop	https://www.etsy.com/uk/shop/kandyprintshop
43	Kinographics	https://www.etsy.com/uk/shop/Kinographics
44	LazyCarrotTees	https://www.etsy.com/uk/shop/LazyCarrotTees
45	MitchellSmithArts	https://www.etsy.com/uk/shop/MitchellSmithArts
46	MoviePostersOnline	https://www.etsy.com/uk/shop/MoviePostersOnline
47	PTGPrints	https://www.etsy.com/uk/shop/PTGPrints
48	TheCreativeSpectator	https://www.etsy.com/uk/shop/TheCreativeSpectator
49	THRILLHAUS	https://www.etsy.com/uk/shop/THRILLHAUS
50	WindsorPrintStudio	https://www.etsy.com/uk/shop/WindsorPrintStudio
51	xbeyondhellshop	https://www.etsy.com/uk/shop/xbeyondhellshop
52	GangsterTshirts	https://www.gangstertshirts.com/
53	KRAPPYtees.com	https://www.krappytees.com
54	WonderfulShirts.com	https://www.wonderfulshirts.com/
		https://www.joom.com/en/stores/5f48d7a9750457030606a
55	BB Watch	36c
56	DISMISSED	DISMISSED
57	DISMISSED	DISMISSED
58	DISMISSED	DISMISSED
		https://www.wish.com/merchant/619e214ab59b0825c372e
59	blueturntogrey	d4c

60	CamasL	https://www.wish.com/merchant/60b8e0702bc34cba4a316 d52
		http://www.wish.com/merchant/5e8446c2051b5eb75b6ee5
61	caofengying	bc
62	chen.su.ling698898	https://www.wish.com/merchant/5e82b809bf38bb36bf76fb
		https://www.wish.com/merchant/5ea93f2b724e39ec5ab57d
63	chenyaqi3320	4c
64	Dhine Vendimia	https://wish.com/merchant/6109ddd1349d50dc4ade8bcb
		https://www.wish.com/merchant/610aa78a672a690b19f99
65	Dhinthilese Dolce	92a
66	ExvowApparel	https://wish.com/merchant/601c3225a2681a0d21ca4c60
67	Fanxinyi	https://wish.com/merchant/5f05476c0c6f1b4d1d55e281
68	fuweicheng66058	https://wish.com/merchant/5e7ad60f1aef793be38b463e
69	giocovince	https://wish.com/merchant/5fbd3667cb59ab22f58fdece
70	guzhengyang89712	https://wish.com/merchant/6175003e602577927b82e973
71	hehao65399405	https://wish.com/merchant/5e8d4b6e7a1725c83c6690f1
72	DISMISSED	DISMISSED
, _		https://www.wish.com/merchant/5e84570365d3a327ee91a
73	Huangbin123	421
	<u> </u>	https://www.wish.com/merchant/61209d9eb923881711ccb
74	huangxinru31230	$7c\overline{5}$
75	Iyqiqina	www.wish.com/merchant/5e69cab11886444c42c778dd
76	DISMISSED	DISMISSED
77	DISMISSED	DISMISSED
78	k88e288	https://wish.com/merchant/5e834ef80023b180524a0f11
79	Lihaoery Bedfits	https://wish.com/merchant/5ea7a9cd45690723830f4ab5
80	lishengwei91877	https://wish.com/merchant/6056b6c64c5b7418cd297c4c
	S	https://www.wish.com/merchant/615fe2c6d5c93ef1fb469c
81	liutiantian76091	39
		https://www.wish.com/merchant/601ebdeee899fba134c4a7
82	Lum Phi Ni_Wear	62
83	DISMISSED	DISMISSED
		https://www.wish.com/merchant/5e8408f0941b5d73dc6c9
84	maolei4150	b45
85	McDonald all	https://wish.com/merchant/5fefac7aad9a3cd34d13a35b
86	DISMISSED	DISMISSED
87	DISMISSED	DISMISSED
88	DISMISSED	DISMISSED
00	GL:-::20201224	https://www.wish.com/merchant/5e8da76bddbbc6b621a02
89	Shiyi20201224	e41
90	sunmengting01490	https://www.wish.com/merchant/612eee9c2d0cf0e37f1314 07
91	tan qin ying 668	https://wish.com/merchant/5e76e3d57477a285806b7508
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92	TANFANG9528	https://wish.com/merchant/5fbf1fc29807692297192d3e
93	Vaxi	https://wish.com/merchant/6018cd95142b65052377520c
		https://www.wish.com/merchant/614011606038502696d5b
94	wangqingli33342	8bf
95	wangxinrui25983	https://wish.com/merchant/609650387907973123c1b4b9
96	weijuli711977	https://wish.com/merchant/5e08431fecc0f661e5fe81c5
	Xhfgjghgjvhfgdyfhfjghfgf	
97	fg	https://wish.com/merchant/5eb0015829e7862a7a324e40
98	DISMISSED	DISMISSED
99	Yinyuming 852	https://wish.com/merchant/5f05a0bb50a283b898af3b39
100	yushuang1212	https://wish.com/merchant/5dd659c34fa1db001eec3ad5
101	zhangjiaqi58619	https://wish.com/merchant/61405751a2087d7772d57e7d
		https://www.wish.com/merchant/613c21524cf2f5a3efa66e
102	zhangluli86279	06
103	zhangweinan Store	https://wish.com/merchant/5f7d7bd868df0200414a84c3
104	zhoukehan55106	https://wish.com/merchant/60fba9e50cca662840ba556e
		https://www.wish.com/merchant/617369cb9d4d5bf43c385
105	zhoupancheng00284	149
106	ZhuokongfuleiyMi	https://wish.com/merchant/5e90589829e786581d3ad218