

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SUPERHYPE TAPES, LTD.,

PLAINTIFF,

V.

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE A,

DEFENDANTS.

CASE No.: 1:22-cv-02448

JUDGE MATTHEW F. KENNELLY

FILED UNDER SEAL

SEALED EX PARTE TEMPORARY RESTRAINING ORDER

THIS CAUSE being before the Court on Plaintiff, Superhype Tapes, Ltd.’s (“Superhype” or “Plaintiff”) *Ex Parte* Motion for Entry of a Temporary Restraining Order, including a temporary injunction, temporary asset restraint, expedited discovery, and electronic service of process, against the defendants identified on Schedule A to the Complaint (collectively, the “Defendants”), and using at least the online marketplace accounts identified on Schedule A (the “Defendant Internet Stores” or “Seller Aliases”), and this Court having heard the evidence before it hereby GRANTS Plaintiff’s *Ex Parte* Motion in its entirety.

This Court further 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, by offering to sell and ship products into this Judicial District. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents can purchase products bearing counterfeit versions of the Led Zeppelin Trademarks, which are covered by federally

registered trademarks, and which have been filed under seal as Exhibit 1 to the Complaint (referred to as the “Led Zeppelin Trademarks”); and the Led Zeppelin Copyrights, which have been filed under seal as Exhibit 2 to the Complaint (referred to as the “Led Zeppelin Copyrights”).

This Court also finds that issuing this Order without notice pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure is appropriate because Plaintiff has presented specific facts in the Declaration of Paul Varley, paragraphs 20-23, and the Declaration of Ann Marie Sullivan, paragraphs 6-9, and accompanying evidence clearly showing that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition. Specifically, in the absence of an *ex parte* Order, Defendants could and likely would modify registration data and content, change hosts, redirect traffic to other websites in their control, and move any assets from accounts in U.S.-based financial institutions to offshore accounts. *Id.* As other courts have recognized, proceedings against those who deliberately traffic in counterfeit merchandise are often useless if notice is given to the adverse party.

Accordingly, 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 temporarily enjoined and restrained from:
 - a. Using the Led Zeppelin Trademarks and Copyrights 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 Led Zeppelin Product or not authorized by Plaintiff to be sold in connection with its Led Zeppelin Trademarks and Copyrights;

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Led Zeppelin Product or any other product produced by Plaintiff, that is not Plaintiff's, and is not produced under the authorization, control, or supervision of Plaintiff, and/or approved by Plaintiff for sale under Plaintiff's Led Zeppelin Trademarks and/or Copyrights;
- 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 Superhype;
- d. further infringing Plaintiff's Led Zeppelin Trademarks and/or Led Zeppelin Copyrights, and damaging Plaintiff'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 Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any of Plaintiff's Led Zeppelin Trademarks and/or Copyrights, or any reproductions, counterfeit copies, or colorable imitations thereof;
- f. using, linking to, transferring, selling, exercising control over, or otherwise owning the online marketplace accounts, or any other domain name, online marketplace account, or Seller Alias account that is being used to sell, or is the means by which Defendants could continue to sell, Counterfeit Led Zeppelin Products; and,
- g. operating and/or hosting websites at any other online marketplace or domain name registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing Plaintiff's Led Zeppelin Trademarks and/or Copyrights or any reproductions, counterfeit copies, or colorable imitations thereof that is not a genuine Led Zeppelin Product or not authorized by Plaintiff to be sold in connection with Plaintiff's Led Zeppelin Trademarks and/or Copyrights.

2. Each Defendant, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) their true name and physical address, (b) all websites and online marketplace accounts on any platform that they own and/or operate, (c) their financial accounts, and (d) the steps taken by each Defendant to comply with paragraph 1, a through g, above.

3. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces, including, but not limited to, eBay, Wish, Alibaba, AliExpress, Etsy, Fruugo, Amazon, Ecrater, and Dhgate (collectively the “Online Marketplaces”), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Internet Stores, 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 Led Zeppelin Trademarks and/or Copyrights, including, but not limited to, the online marketplace accounts identified on Schedule A, and any associated accounts operated by Defendants on other e-commerce platforms;
- 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 Led Zeppelin Trademarks and/or Copyrights; and,
- c. Take all steps necessary to prevent links to the online marketplace accounts identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Seller Aliases 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’ websites at the online

marketplace accounts or other websites operated by Defendants, including, without limitation, the Online Marketplaces (as defined in Para. 3, *infra*), advertisers, Facebook, Internet Service Providers (“ISP”), webhosts, back-end service providers, banks, merchant account providers, including, but not limited to, PayPal, Alipay, Amazon, eBay, Wish, Etsy, Stripe, Payoneer, and Fruugo (collectively the “Payment Processors”) and any other third-party processors and other payment processing service providers, shippers, and domain name registrars (collectively, the “Third-Party Providers”) shall, within five (5) 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;
- b. The nature of Defendants’ operations and all associated sales and financial information, including, without limitation, identifying information associated with the online marketplace accounts, the Defendants’ other Seller Aliases and/or websites, and Defendants’ financial accounts, as well as providing a full accounting of Defendants’ sales and listing history related to their respective Defendant Internet Stores and other Defendant websites;
- c. Defendants’ websites and/or any online marketplace accounts;
- d. Any domain name registered by Defendants;
- e. 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.

5. Defendants and any persons and/or entities 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. The Payment Processors and any bank, savings and loan association, third-party payment processor, or other financial institution, shall, within five (5) business days of receipt of this Order, for any Defendant or any of Defendants' online marketplace accounts or websites:

- a. Locate all accounts and funds connected to and related to Defendants, Defendants' online marketplace accounts or Defendants' websites, including, but not limited to, any PayPal accounts connected to and related to the information listed on Schedule A, and the email addresses associated with the Defendants that are identified by either Defendants or third-parties;
- 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.

7. The Online Marketplaces, and all other e-commerce platforms in privity with Defendants, and their respective related companies and affiliates, shall within five (5) business days of receipt of this Order:

- a. Identify and restrain all funds, as opposed to ongoing account activity, in, or which hereafter are transmitted, into the online marketplace accounts related to Defendants as identified on Schedule A, as well as all funds in, or which are transmitted, into: (i) any other accounts of the same customer(s); (ii) any other accounts which transfer funds into the same financial institution account(s); any of the other accounts subject to this Order; and, (iii) any other accounts tied to or used by any of the Seller Aliases identified on Schedule A;

- b. Provide Plaintiff's counsel with all data which details: (i) an accounting of the total funds restrained and the identification of the financial account(s) which the restrained funds are related to; and, (ii) the account transactions related to all funds transmitted into the financial account(s) which have been restrained. Such restraining of the funds and the disclosure of the related financial institution account information shall be made without notice to the account owners until after those accounts are restrained; and,
- c. Prevent the transfer or surrender of any and all funds restrained by this Order for any purpose (other than pursuant to a chargeback made pursuant to the Online Marketplace's security interest in the funds) without the express authorization of this Court.


8. Plaintiff may provide notice of these proceedings to Defendants, including notice of the preliminary injunction hearing 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 and/or by sending an email to any email addresses provided for Defendants by Defendants or any 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 "Dongguan Xinyuan Fashion Apparel Co., Limited and all other Defendants identified on Schedule A to the Complaint" that shall apply to all Defendants. The combination of providing notice via electronic publication or email, 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.

9. Plaintiff's Complaint, Exhibit 1 to the Complaint, Exhibit 2 to the Complaint, Schedule A to the Complaint, Motion for Temporary Restraining Order and its memorandum and supporting pleadings and exhibits, and this Order shall remain sealed until further order of this Court. Plaintiff shall move this Court to unseal all documents prior to the expiration of this Order.

10. Plaintiff shall deposit with the Court Ten Thousand Dollars (\$10,000.00), either cash, cashier's check (payable to Clerk, US District Court), or surety bond, as security, which amount was determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful restraint hereunder.

11. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Plaintiff or on shorter notice as set by this Court.

12. This Temporary Restraining Order without notice is entered at 9:30 a.m. on May 23, 2022, and shall remain in effect for fourteen (14) days.



Honorable Judge Matthew F. Kennelly

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SCHEDULE A TO THE COMPLAINT

No.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
1	Dongguan Xinyuan Fashion Apparel Co., Limited	xinyuanfashion.en.alibaba.com/minisiteentrance.html
2	Fuzhou Jinhao Crafts Co., Ltd.	jinhaoen.en.alibaba.com/minisiteentrance.html
3	Guangzhou Muqi Trading Company Ltd.	muqi.en.alibaba.com/minisiteentrance.html
4	Jinjiang City Weinier Clothing Development Co., Ltd.	winiclothing.en.alibaba.com/minisiteentrance.html
5	Licheng District Wangyao Trade Firm	yaowangshop.en.alibaba.com/minisiteentrance.html
6	Wuxi Fun Toy Company Limited	funtoyflag.en.alibaba.com/minisiteentrance.html
7	Xiamen Qianfanhang Trading Co., Ltd.	cheerfun.en.alibaba.com/minisiteentrance.html
8	all-customized Store	aliexpress.com/store/912457786
9	all-diy Store	aliexpress.com/store/912458612
10	burnthebeans Store	aliexpress.com/store/911776210
11	Classic Room Decor Store	aliexpress.com/store/912399868
12	Comfort HM Life Store	aliexpress.com/store/5786650
13	Cotton T shirt 514 Store	aliexpress.com/store/5570014
14	fa jie Store	aliexpress.com/store/1100265085
15	fa005_dm28072021 Store	aliexpress.com/store/912260603
16	FF Men Casual clothing Store	aliexpress.com/store/1100348700

No.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
17	GGGK Store	aliexpress.com/store/5366021
18	Golebo Store	aliexpress.com/store/911864044
19	Japkjami Store	aliexpress.com/store/912665961
20	n2 Store	aliexpress.com/store/912658339
21	oke-xibn4glyd Store	aliexpress.com/store/911771229
22	Premium Poster Store	aliexpress.com/store/1100230001
23	SES8 Store	aliexpress.com/store/5562039
24	Shop1100005092 Store	aliexpress.com/store/1100005092
25	Shop1100009028 Store	aliexpress.com/store/1100009028
26	Shop1100034044 Store	aliexpress.com/store/1100034044
27	Shop1100081112 Store	aliexpress.com/store/1100081112
28	Shop1100139158 Store	aliexpress.com/store/1100139158
29	Shop1100180389 Store	aliexpress.com/store/1100180389
30	Shop1100248111 Store	aliexpress.com/store/1100248111
31	Shop1100367284 Store	aliexpress.com/store/1100367284
32	Shop1100372027 Store	aliexpress.com/store/1100372027
33	Shop5384203 Store	aliexpress.com/store/5384203
34	Shop5536004 Store	aliexpress.com/store/5536004
35	shop5686 Store	aliexpress.com/store/911862045
36	shop7969 Store	aliexpress.com/store/911836406
37	Shop910315014 Store	aliexpress.com/store/910315014
38	Shop910437102 Store	aliexpress.com/store/910437102
39	Shop910743018 Store	aliexpress.com/store/910743018
40	Shop911188088 Store	aliexpress.com/store/911188088
41	Shop911562505 Store	aliexpress.com/store/911562505
42	Shop912625939 Store	aliexpress.com/store/912625939
43	Shop912626210 Store	aliexpress.com/store/912626210
44	Space Art Store	aliexpress.com/store/1100203016
45	Very good tshirts 99 Store	aliexpress.com/store/912464192

No.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
46	YR 001 Men's Store	aliexpress.com/store/912363967
47	daandong1	amazon.com/sp?seller=A1TJDIY529U099
48	JIUJIUYUEDONG	amazon.com/sp?seller=A25X75L32K7FDM
49	SUN sun	amazon.com/sp?seller=A1U4OGJOTSR9QR
50	ZhengShuying	amazon.com/sp?seller=A10J1M5FNRUJ2
51	张木雷	amazon.com/sp?seller=A2Y1P8GBBQM7M9
52	lilunder	bonanza.com/booths/lilunder
53	SJ_77Shop	bonanza.com/booths/SJ_77Shop
54	allstate999	dhgate.com/store/20985796
55	diycasualshoes	dhgate.com/store/21697281
56	fuzhuren	dhgate.com/store/21634981
57	jasmine94 Store	dhgate.com/wholesale/products/ff808081713ae83101718184200e65b2.html
58	xxli	dhgate.com/store/21626308
59	manohousse	ebay.com/usr/manohousse
60	ngtth_95	ebay.com/usr/ngtth_95
61	aliana5	aliana5.ecrater.com
62	gani	gani.ecrater.co.uk
63	mrgn	mrgn.ecrater.co.uk
64	worldkey	worldkey.ecrater.com
65	DavidWallArtStore	etsy.com/shop/DavidWallArtStore
66	Anitafinalperfine	etsy.com/uk/shop/Anitafinalperfine
67	ArtyPrintCreations	etsy.com/uk/shop/ArtyPrintCreations
68	BDstoreCollection	etsy.com/uk/shop/BDstoreCollection
69	cherrygirlshop	etsy.com/uk/shop/cherrygirlshop
70	ClairAnnetteDesigns	etsy.com/uk/shop/ClairAnnetteDesigns
71	DeadGardenStudio	etsy.com/uk/shop/DeadGardenStudio
72	FreshCreativeShop	etsy.com/uk/shop/FreshCreativeShop
73	HONUABOHEMIANSHOP	etsy.com/uk/shop/HONUABOHEMIANSHOP
74	HyperionArtStudio	etsy.com/uk/shop/HyperionArtStudio

No.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
75	imanzara	etsy.com/uk/shop/imanzara
76	JuneBookCrafts	etsy.com/uk/shop/JuneBookCrafts
77	KoreysPatches	etsy.com/uk/shop/KoreysPatches
78	MakeawishstudioStore	etsy.com/uk/shop/MakeawishstudioStore
79	NMGstoreBG	etsy.com/uk/shop/NMGstoreBG
80	OatWorks	etsy.com/uk/shop/OatWorks
81	Olidprints	etsy.com/uk/shop/Olidprints
82	owhi	etsy.com/uk/shop/owhi
83	PatchesByMarty	etsy.com/uk/shop/PatchesByMarty
84	PUNKROCKNROLL	etsy.com/uk/shop/PUNKROCKNROLL
85	SouthernCityBelles	etsy.com/uk/shop/SouthernCityBelles
86	SWISHPRINT	etsy.com/shop/SWISHPRINT
87	ThatSoundBite	etsy.com/uk/shop/ThatSoundBite
88	TimelessTeesGB	etsy.com/uk/shop/TimelessTeesGB
89	vpconceptgraphic	etsy.com/uk/shop/vpconceptgraphic
90	WallofFameAndArt	etsy.com/uk/shop/WallofFameAndArt
91	XanderDraws	etsy.com/uk/shop/XanderDraws
92	Denys Politov	fruugo.us/search?merchantId=10812
93	King Souls	kingsouls.com
94	VelvetBBeat	velvetbbeat.com
95	wayrates	wayrates.com
96	Chongqing Yifeina Ecommerce Co., Ltd.	yifeina.en.made-in-china.com
97	GOTECH21	wish.com/merchant/60673dbeedf9fbe53ba0abe8
98	shelbyyya	wish.com/merchant/5ea01020006fdb2b3ee20d5
99	Highway to Heavens	highwaytoheavens.com