

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

THE UNIVERSITY ATHLETIC
ASSOCIATION, INC.

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-02467

Judge Gary Feinerman

Magistrate Judge Sheila M. Finnegan




PRELIMINARY INJUNCTION ORDER AS TO CERTAIN DEFENDANTS

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 have sold products using infringing and counterfeit versions of Plaintiff’s federally

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

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 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. 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. 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 Online Marketplaces, the Domain Names, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplaces 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”), Walmart, DHgate, Wish.com, 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, Walmart, DHgate, 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, Online Marketplaces 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 Online Marketplaces, the Domain Names, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplaces 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 three (3) 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 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 "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 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], Exhibits 1 and 2 to the Declaration of Lindsay Conn [18-19], and the TRO [25] 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 \$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 6, 2022



Gary Feinerman
United States District Judge

**The University Athletic Association, Inc. v. The Partnerships and Unincorporated Associations
Identified on Schedule "A" - Case No. 22-cv-2467**

Schedule A

Defendant Online Marketplaces		
No	URL	Name / Seller Alias
1	EXCEPTED	EXCEPTED
2	EXCEPTED	EXCEPTED
3	EXCEPTED	EXCEPTED
4	EXCEPTED	EXCEPTED
5	EXCEPTED	EXCEPTED
6	EXCEPTED	EXCEPTED
7	EXCEPTED	EXCEPTED
8	EXCEPTED	EXCEPTED
9	EXCEPTED	EXCEPTED
10	EXCEPTED	EXCEPTED
11	EXCEPTED	EXCEPTED
12	EXCEPTED	EXCEPTED
13	amazon.com/sp?seller=A13YALK7NGC8CJ	yinguiyunmaoyius
14	amazon.com/sp?seller=A19JAHZA0ZU1IQ	Y1JIA
15	amazon.com/sp?seller=A1D20HIWSHY28B	Love preet Sings
16	amazon.com/sp?seller=A1E0XH57TO6WW7	JIIYINGUS
17	amazon.com/sp?seller=A1JCWBTN7QGR9D	ZQUSA
18	amazon.com/sp?seller=A1QKI77KQ1VUD6	Vizinme
19	amazon.com/sp?seller=A1RF63NRJ97UZX	Happy-Plush Toy-Store
20	amazon.com/sp?seller=A1ZOJE7NBJ8CFQ	shilinmogengshipinjingyingbu
21	amazon.com/sp?seller=A24XUOL2YF581I	SANGBUSMPAY
22	amazon.com/sp?seller=A25GPWR4VUADRU	nonkllohuye
23	amazon.com/sp?seller=A2DG1MXQVYQ59A	Nizhao Shop
24	amazon.com/sp?seller=A2GT8Q7ZRVV3QR	shidedianas
25	amazon.com/sp?seller=A2K7GTKMZ0HGD6	BENJEMING
26	amazon.com/sp?seller=A2LAL0HHPWK3BJ	cousure
27	amazon.com/sp?seller=A2R46X44ZW0B6U	AiHFang
28	amazon.com/sp?seller=A2Y5EIDIOUHLS6	LEEJI
29	amazon.com/sp?seller=A31L5BCGG51YGI	renxiaolongbeimei
30	amazon.com/sp?seller=A39FY5N8IHE6EZ	DFBezos
31	amazon.com/sp?seller=A3UEYFH6DXMSMP	guomeizhenriyongpin
32	amazon.com/sp?seller=A8YCO7PAEHR2F	zengzuowei
33	amazon.com/sp?seller=A9QOZAATO31KO	gfhdhdfdf

34	amazon.com/sp?seller=AC3NXWIC9O0HD	WHUANH
35	amazon.com/sp?seller=AG19SUBRAIKU	zhengweidamaijia
36	amazon.com/sp?seller=AHEPN59JZHLET	wuqiaobing
37	amazon.com/sp?seller=AJBJY43A0LCFJ	Kormeta
38	amazon.com/sp?seller=ALJSOFV6L0YM2	Gedayou
39	amazon.com/sp?seller=ALPGV8E4YTYWE	macuifenmaoyiusb
40	amazon.com/sp?seller=ANYCT6GR76X9T	ANYCT6GR76X9T
41	amazon.com/sp?seller=AT16M52NB9H63	RedHeartK
42	amazon.com/sp?seller=ATPSEBMA7SUHG	luo-xiao-yan
43	amazon.com/sp?seller=AULTVGCOHE0SS	Enichan
44	amazon.com/sp?seller=AVJC3N38YAK3A	Dowang U.S.
45	amazon.com/sp?seller=AW9K9Y1DI5OJF	MingHGTDD
46	amazon.com/sp?seller=AZQ7L2U5AWKBZ	meshacke
47	ebay.com/usr/sallylar9	sallylar9
48	wish.com/merchant/5b1ce3f72b041016c6763f4e	paguexia
49	wish.com/merchant/5d52584c7ad2427cdc76b249	surprise aaa
50	wish.com/merchant/5d5397db83889711c92d9f66	surprise bo
51	wish.com/merchant/5d847509b2ac11505fee5598	surprise 59
52	wish.com/merchant/5ef45015dc73b96d933ae64f	yuyang1314520.a
53	wish.com/merchant/5f017b1c1901bbfc4c449e0b	zhangyunxia159357
54	wish.com/merchant/5f0d93b24871edc2484f942d	xiaoxie147
55	wish.com/merchant/5f0e8bfe29e786776a93e380	wangshihecheng
56	wish.com/merchant/5f102bf3e7c7cb89ed31f0e0	liuhongjuans
57	wish.com/merchant/5f8279e18139eff99b891a50	maohaoran883
58	wish.com/merchant/5fd82889e1f2051920c5cf d2	linwuliu778
59	wish.com/merchant/5ff5a5dff9406eb6a66cd7ff	jimmy33007
60	wish.com/merchant/6052c62b070f991eac867341	yanliqing0763
61	wish.com/merchant/605abbbb7e092d148fbedf35a	zhouchuanlang2307

62	wish.com/merchant/607ba20a45810234407b743c	lbyajksdbaisff
63	wish.com/merchant/608ff3ec0d59c800446b7425	Hello26
64	wish.com/merchant/61722893ce264fbed7f10f1c	humengxue24192

Defendant Domain Names		
No	URL	Name / Seller Alias
65	cheapjersey1688.com	cheapjersey1688.com
66	jerseycheapaz.com	jerseycheapaz.com
67	wholesalejersey1688.com	wholesalejersey1688.com
68	floridafootballjersey.com	floridafootballjersey.com
69	dodgersjerseys.com	dodgersjerseys.com
70	49jerseys.com	49jerseys.com