

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

Shenzhen Dejiayun Network Technology Co., Ltd., a Chinese Corporation)	
)	
Plaintiff,)	Case No. 21-cv-6607
)	
v.)	Judge Charles P. Kocoras
)	
The Partnerships And Unincorporated Associations Identified On Schedule “A”,)	Magistrate Judge Jeffrey I. Cummings
)	
Defendant.)	
)	

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff Shenzhen Dejiayun Network Technology Co., Ltd.'s ("Dejiayun") Motion for Entry of a Preliminary Injunction [Doc. 22] against the defendants identified in Amended Schedule A to the Complaint and attached hereto (collectively, the "Defendants"), and this Court having heard the evidence before it hereby GRANTS Plaintiff's 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. 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 counterfeit and/or infringing products bearing and/or sold under Plaintiff's BAGILAANOE Trademark, (hereinafter, "the BAGILAANOE Mark"), a protected trademark in the United States with assigned U.S. Trademark Registration No. 5,745,285.

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order (“TRO”), [Doc. 17] 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 BAGILAANOE Trademark is distinctive and is registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use the BAGILAANOE Trademark, and (3) Defendants’ use of the BAGILAANOE Trademark 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 BAGILAANOE Trademark 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 temporarily enjoined and restrained from:

- a. using Plaintiff’s BAGILAANOE Mark 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 BAGILAANOE product or not authorized by Plaintiff to be sold in connection with Plaintiff's BAGILAANOE Mark;

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine BAGILAANOE 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 Plaintiff's BAGILAANOE Mark;
- 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 BAGILAANOE Mark and/or damaging Plaintiff's goodwill;
- e. otherwise competing unfairly with Plaintiff in any manner; and/or
- f. 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 Plaintiff's BAGILAANOE trademark or any reproductions, counterfeit copies or colorable imitations thereof.

2. Defendants and any persons 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.

3. Any Third Party Providers, including Walmart, Inc., PayPal, Payoneer and PingPong, shall, within two (2) 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 Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto, the email addresses identified in Exhibits 2 and 3 to the Declaration of Deng Jialiang, [Doc. 9] and any email addresses provided for Defendants by third parties; and
- b. restrain and enjoin any such accounts or funds from transferring or disposing of money or other of Defendants' assets 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 Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as Walmart.com and payment processors such as Paypal, Payoneer and PingPong (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, and all associated email 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, 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, Walmart, Inc., PayPal, Payoneer, Paypal or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

5. 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 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 Online Marketplaces, 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 email. Defendants shall respond to any such discovery requests within ten (10) business days of being served via email.

6. 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, any Amended Complaint, this Order and other relevant documents on a website and by sending an e-mail to the e-mail addresses identified in Exhibit Two and Three to the Declaration of Deng Jialiang, [Doc. 9] and any email addresses provided for Defendants by third parties that include a link to said website. The Clerk of the Court is directed to issue a single original summons in the name of “BelonRro 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 any Third Party Providers, including Walmart, Inc., Paypal, Payoneer and/or PingPong, 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.

7. Plaintiff may provide notice of these proceedings to third parties by delivery of this Order and other relevant documents to the following Online Marketplace platforms, Financial Institutions and/or Third Party Service Providers at the following addresses:

- i. PayPal, attention EE Omaha Legal Specialist at
EEOMALegalSpecialist@paypal.com;
- ii. Payoneer, VP of Operations at VPOperations@Payoneer.com and/or Mr.
Edward Tulin, Legal Counsel, at edward.tulin@skadden.com;
- iii. Walmart, Inc., Senior Counsel, Litigation Division, Walmart Inc. at

Jennifer.Johnson@walmartlegal.com and/or Legal@walmartlegal.com.

8. Schedule A to the Complaint, [Doc. 3] Amended Schedule A, [Doc. 5] the Second Amended Schedule A, [Doc. 10] Exhibits Two and Three to the Declaration of Deng Jialiang [Doc. 9] and the sealed Temporary Restraining Order [Doc. 17] are ordered unsealed.

9. The Ten Thousand Dollar (\$10,000.00) bond posted by Plaintiff shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

10. 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.

IT IS SO ORDERED.

Dated: January 24, 2022.



Judge Charles P. Kocoras
United States District Judge

(Schedule A on the Following Page)

SCHEDULE A		
No.	Store Name	Store Link
1	BelonRro	https://www.walmart.com/seller/101094230?itemId=162414026&pageName=item&sort=RATING_ASC
2	Fabric Horse Inc	https://www.walmart.com/reviews/seller/101072534?offerId=BAC4B030CDEF4674B2F121AE2710EAC1
3	Flooppu Inc	https://www.walmart.com/seller/101075170
4	Grande vente	https://www.walmart.com/seller/13405
5	Homgood	https://www.walmart.com/seller/101112169
6	Koneni	https://www.walmart.com/seller/101100131
7	LiveinBy	https://www.walmart.com/seller/101069427
8	Looling	https://www.walmart.com/seller/101112296
9	MAINLINE TRADING, INC.	https://www.walmart.com/seller/101021829?offerId=ED21696323A14373A8BC4C9E4A15D086

10	Mattress World Group LLC	https://www.walmart.com/reviews/seller/101087086?offerId=E8CE512B9D9C48678824F836EB6DF7C3
11	MCKESONYRAS	https://www.walmart.com/seller/14732
12	Moioshade	https://www.walmart.com/seller/101101544?itemId=366042988&pageName=item
13	One Hill Inc	https://www.walmart.com/seller/101108562
14	Schaap Enterprises Inc.	https://www.walmart.com/seller/101112049?itemId=218902879&pageName=item
15	Sonceds Trade Corp	https://www.walmart.com/reviews/seller/101068046?offerId=538DABBBFACF4262B50A9D6E773E00C2
16	Spring Ocean Inc.	https://www.walmart.com/seller/101108296?itemId=433905261&pageName=item
17	T-USA	https://www.walmart.com/reviews/seller/14732?offerId=256E648BF2EB48ABB9B0112C531224CE
18	tonighthere	https://www.walmart.com/seller/101078358
19	Trail Mount Chander Inc	https://www.walmart.com/seller/101089265
20	Vanfss Group Inc	https://www.walmart.com/seller/101073047
21	Vning	https://www.walmart.com/seller/101112288
22	Woolen Velvet	https://www.walmart.com/seller/101085720
23	XNXCMY	https://www.walmart.com/seller/101112887
24	JANDEL	https://www.walmart.com/seller/101043438
25	LAMODE	https://www.walmart.com/seller/101095605
26	YUCVELP Outlets	https://www.walmart.com/seller/101111299
27	CEHONMS	https://www.walmart.com/seller/101112410
28	KWDZ	https://www.walmart.com/seller/101112366
29	Kilkwhell	https://www.walmart.com/seller/101090936