

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

LULULEMON ATHLETICA CANADA INC.,

Plaintiff,

v.

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

Defendants.

No. 22-cv-01629

Judge Franklin U. Valderrama

PRELIMINARY INJUNCTION ORDER


THIS CAUSE being before the Court on Plaintiff Lululemon Athletica Canada Inc.’s (“Lululemon”) Motion for Entry of a Preliminary Injunction, and the Court having heard the evidence before it hereby GRANTS Plaintiff’s Motion for Entry of a Preliminary Injunction in its entirety against the defendants identified on Schedule A attached hereto (collectively, the “Defendants”) and using the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A (collectively, the “Seller Aliases”).

The Court further finds that it has personal jurisdiction over the Defendants based on Plaintiff’s un rebutted assertions that the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Plaintiff 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, accept payment in U.S. dollars, and have sold


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



products using counterfeit and infringing versions of Lululemon's federally registered trademarks (the LULULEMON Trademarks) to residents of Illinois. In this case, Plaintiff 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 and do purchase products using counterfeit versions of the LULULEMON Trademarks. *See* Exhibit 4 to the Declaration of Jenny Vo (R. 17), which includes screenshot evidence confirming that each Defendant internet store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the LULULEMON Trademarks. A list of the LULULEMON Trademarks is included in the chart below.

Registration No.	Trademark	Goods and Services
4,391,115	LULULEMON	Clothing, namely, t-shirts, shirts, tank tops, sweatshirts, sweaters, jerseys, jumpers, pants, sweatpants, shorts, skirts, dresses, jackets, coats, vests, underwear, socks, warm-up suits, bodysuits, leotards, tights, leggings, leg warmers; headwear, namely, hats, caps, toques, visors, headbands, bandanas; clothing accessories, namely, belts, scarves, shawls, shoulder wraps, arm warmers, mittens, gloves; sandals in class 025.
3,990,179	LULULEMON	Retail store services featuring clothing, apparel, accessories, headwear, socks, yoga equipment, athletic equipment, bags, backpacks, tote bags, pre-recorded DVDs, featuring topics relating to yoga instruction, yoga philosophy, exercise and health living; online retail store services featuring clothing, apparel, accessories, headwear, socks, yoga equipment, athletic equipment, bags, backpacks,

Registration No.	Trademark	Goods and Services
		tote bags, pre-recorded DVDs, featuring topics relating to yoga instruction, yoga philosophy, exercise and health living in class 035.
2,607,811	lululemon  athletica	Clothing, namely, pants, shirts, t-shirts, shorts, sweatshirts, sweatpants, socks, jackets, coats, hats in class 025.
2,460,180		Clothing, namely, pants, shirts, t-shirts, shorts, sweatshirts, sweatpants, socks, jackets, coats, hats in class 025.
3,985,877		Retail store services featuring clothing, apparel, accessories, headwear, socks, yoga equipment, athletic equipment, bags, backpacks, tote bags, pre-recorded DVDs, featuring topics relating to yoga instruction, yoga philosophy, exercise and health living; online retail store services featuring clothing, apparel, accessories, headwear, socks, yoga equipment, athletic equipment, bags, backpacks, tote bags, pre-recorded DVDs, featuring topics relating to yoga instruction, yoga philosophy, exercise and health living in class 035.
3,024,374	LUON	Clothing, namely, T-shirts, shirts, pants, shorts, sweatshirts, sweatpants, tank tops, jackets, coats and hats for men, women and children in class 025.
3,116,371	SILVERESCENT	Clothing, namely T-shirts, shirts, pants, shorts, skirts, dresses, sweatshirts, sweatpants, tank tops, underwear, socks, jackets, coats, headwear, footwear in class 025.
3,272,013	VITASEA	Dresses; Pants; Shirts; Skirts; Sweat pants; Sweat shirts; T-shirts; Tank tops; Underwear in class 025.

Registration No.	Trademark	Goods and Services
3,976,389	LUXTREME	Body suits; Jackets; Leggings; Pants; Shirts; Shorts; Skirts; Tank tops; Tights in class 025.
3,978,257	GROOVE	Yoga pants in class 025.
3,978,258	GROOVE PANT	Yoga pants in class 025.
4,033,939	SET-MY-PONYTAIL-FREE	Clothing, namely, hooded sweatshirts, jackets and coats; Headwear, namely, hats and caps in class 025.
4,214,049	WUNDER UNDER	Clothing, namely crop pants, pants, shorts, tights, leggings in class 025.
4,214,052	POWER Y	Clothing, namely, tank tops, bras in class 025.
4,219,265	RULU	Clothing, namely, T-shirts, shirts, pants, shorts, sweatshirts, sweatpants, tank tops, underwear, socks, jackets, coats and hats for men, women and children in class 025.
4,234,113	DEFINE JACKET	Clothing, namely, jackets in class 025.
4,333,759	SCUBA	Clothing, namely, hooded sweatshirts, jackets, coats, tops in class 025.
4,823,727	LOCK 'EM DOWN	Clothing, namely, underwear in class 025.
4,832,086	NAKEDSEAM	Athletic apparel, namely, pants, shorts, crops, leggings, shirts, t-shirts, tank tops, jackets, and outerwear, namely, coats in class 025.
4,832,139	CUFFINS	Clothing, namely, jackets, sweatshirts, shirts, sweaters in class 025.
4,846,298	LUXCHANGE	Apparel, namely, jackets, coats, parkas, and sweatshirts in class 025.

Registration No.	Trademark	Goods and Services
4,905,437	PACE BREAKER	Clothing, namely, shorts and underwear in class 025.
4,964,908	FULL-ON	Athletic apparel, namely, pants, shorts, crop pants, tights and leggings all for men, women and children; all of the foregoing expressly excluding cosmetics in class 025.
5,040,370	ALL THE RIGHT PLACES	Clothing, namely, crop pants, pants, shorts, tights, leggings in class 025.
5,041,355	BLOCK-IT POCKET	Clothing, namely, pants, sweatpants, shorts in class 025.
5,413,086	SWIFTLY	Clothing, namely, t-shirts, shirts, tank tops, sweatshirts, sweaters; clothing accessories, namely, arm warmers and scarves; headwear, namely, headbands in class 025.
5,617,645	TIGHT STUFF	Clothing, namely, pants, tights, and leggings in class 025.
5,666,869	NULU	Clothing, namely, shirts, tank tops, pants, sweatpants, shorts, dresses, jackets, bodysuits, leotards, tights, bras in class 025.
5,751,880	SERIOUSLY LIGHT	Clothing, namely, t-shirts, shirts, tank tops and headbands in class 025.
4,897,183		Hooded sweat shirts; Jackets; Coats in class 025.

Registration No.	Trademark	Goods and Services
4,986,083		Clothing, namely, tights, pants in class 025.
5,393,854		Clothing, namely, tights, pants, leggings in class 025.

THE 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 Lululemon’s previously granted Motion for Entry of a Temporary Restraining Order establishes that Lululemon has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that Lululemon will suffer irreparable harm if the injunction is not granted. Specifically, Lululemon has proved a *prima facie* case of trademark infringement because (1) the LULULEMON 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 the LULULEMON Trademarks, and (3) Defendants’ use of the LULULEMON Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with Lululemon. Furthermore, Defendants’ continued and unauthorized use of the LULULEMON Trademarks

irreparably harms Lululemon through diminished goodwill and brand confidence, damage to Lululemon's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Lululemon 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, the 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 the LULULEMON 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 a genuine Lululemon Product or not authorized by Lululemon to be sold in connection with the LULULEMON Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Lululemon Product or any other product produced by Lululemon, that is not Lululemon's or not produced under the authorization, control or supervision of Lululemon and approved by Lululemon for sale under the LULULEMON Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Lululemon, or are sponsored by, approved by, or otherwise connected with Lululemon;
 - d. further infringing the LULULEMON Trademarks and damaging Lululemon'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 Lululemon, nor authorized by Lululemon to be sold or offered for sale, and which bear any of Lululemon's trademarks, including the LULULEMON 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 ten (10) business days of receipt of this Order, shall, at Lululemon's choosing:
 - a. unlock and change the registrar of record for the Domain Names to a registrar of Lululemon's selection until further ordered by the Court; or
 - b. disable the Domain Names and make them inactive and untransferable until further ordered by the 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 ten (10) business days of receipt of this Order, shall take any steps necessary to transfer the Domain Names to a registrar account of Lululemon's selection so that the Domain Names can be redirected or disabled until further ordered by the Court.
4. Upon Lululemon'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”), Etsy, Inc. (“Etsy”), and Dhgate, (collectively, the “Third Party Providers”) shall, within ten (10) business days after receipt of such notice, provide to Lululemon 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, 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”), Wish.com, Walmart, Etsy, DHgate, Amazon Pay or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon Lululemon’s request, those with notice of the injunction, including the Third Party Providers as defined in Paragraph 4, 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 the LULULEMON 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 the Court.
7. Any Third Party Providers, including PayPal, eBay, Alipay, Alibaba, Ant Financial, Wish.com, Walmart, Etsy, DHgate, and Amazon Pay, shall, within ten (10) business days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants and the Seller Aliases, Online Marketplaces and Domain Names, including, but not limited to, any financial accounts connected to the information listed in Schedule A 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 the Court.
8. Lululemon 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, 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.

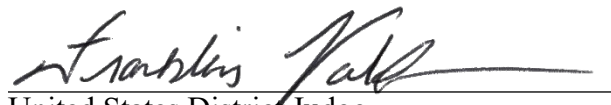
Lululemon is authorized to issue any such expedited discovery requests via e-mail. Defendants shall respond to any such discovery requests within three (3) business days of being served via e-mail.

9. Lululemon 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 Lululemon's control will redirect, or by sending an e-mail to the e-mail addresses provided for Defendants by third parties 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 4 and 5 to the Declaration of Jenny Vo [17] and [18], and the TRO [24] 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 Northern District of Illinois Local Rules.

12. The \$10,000 bond posted by Lululemon shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

IT IS SO ORDERED.

Date: July 8, 2022


United States District Judge
Franklin U. Valderrama

**Lululemon Athletica Canada Inc v. The Partnerships and Unincorporated Associations
Identified on Schedule "A" - Case No. 22-cv-01629**

Schedule A

Defendant Online Marketplaces		
No	URL	Name / Seller Alias
1	microfine.en.alibaba.com	Haining Jintian Textile Co., Ltd.
2	lulubanana.aliexpress.com/store/910318273	lulubanana Store
3	aliexpress.com/store/912067459	HPPH Store
4	dhgate.com/store/20635112	wsly104104 Store
5	dhgate.com/store/20655962	zhangxuanang Store
6	dhgate.com/store/20739540	group1234 Store
7	dhgate.com/store/20750805	changbo1985 Store
8	dhgate.com/store/20919949	euoka Store
9	dhgate.com/store/21130460	laine Store
10	dhgate.com/store/21282424	myhandbagstore Store
11	dhgate.com/store/21391259	jztianhu Store
12	dhgate.com/store/21404471	fashionyogastore Store
13	dhgate.com/store/21449599	luyogasports Store
14	dhgate.com/store/21501349	linwang66677 Store
15	dhgate.com/store/21608187	mengyang04 Store
16	dhgate.com/store/21608694	Luyogastar Store
17	dhgate.com/store/21635771	lishenqq Store
18	dhgate.com/store/21652625	clothphones Store
19	dhgate.com/store/21659906	brandoutlet2021 Store
20	dhgate.com/store/21667588	offs_store Store
21	dhgate.com/store/21681449	dh6191 Store
22	dhgate.com/store/21718554	sportswear68 Store
23	dhgate.com/store/21721407	Fidget02

Defendant Domain Names		
No	URL	Name / Seller Alias
1	lululemonactivewearstore.com	lululemonactivewearstore.com
2	lululemonadelaide.com	lululemonadelaide.com
3	lululemonathleisure.com	lululemonathleisure.com
4	lululemonathleisurewear.com	lululemonathleisurewear.com
5	lululemonaustraliastores.com	lululemonaustraliastores.com

6	lululemonbrisbane.com	lululemonbrisbane.com
7	lululemoncanadafactory.com	lululemoncanadafactory.com
8	lululemoncanadasite.com	lululemoncanadasite.com
9	lululemoncanadawebsite.com	lululemoncanadawebsite.com
10	lululemonchile.com	lululemonchile.com
11	lululemonclearancecanada.com	lululemonclearancecanada.com
12	lululemoncolombia.com	lululemoncolombia.com
13	lululemon-danmark.com	lululemon-danmark.com
14	lululemoneu.com	lululemoneu.com
15	lululemonexercise.com	lululemonexercise.com
16	lululemonfactoryusastore.com	lululemonfactoryusastore.com
17	lululemonfrance.com	lululemonfrance.com
18	lululemon-greece.com	lululemon-greece.com
19	lululemonhungary.com	lululemonhungary.com
20	lululemonindia.com	lululemonindia.com
21	lululemonireland.com	lululemonireland.com
22	lululemonitalia.com	lululemonitalia.com
23	lululemonleggingsstore.com	lululemonleggingsstore.com
24	lululemonlondonstores.com	lululemonlondonstores.com
25	lululemonlululemon.com	lululemonlululemon.com
26	lululemonmalaysia.com	lululemonmalaysia.com
27	lululemonmelbourne.com	lululemonmelbourne.com
28	lululemonmexico.com	lululemonmexico.com
29	lululemonnederland.com	lululemonnederland.com
30	lululemonnz.com	lululemonnz.com
31	lululemononlineshop.com	lululemononlineshop.com
32	lululemononlinestore.com	lululemononlinestore.com
33	lululemonperthstores.com	lululemonperthstores.com
34	lululemonphilippines.com	lululemonphilippines.com
35	lululemonsaleuk.com	lululemonsaleuk.com
36	lululemonschweiz.com	lululemonschweiz.com
37	lululemonsingapore.com	lululemonsingapore.com
38	lululemonsmexico.com	lululemonsmexico.com
39	lululemonsouthafrica.com	lululemonsouthafrica.com
40	lululemonspain.com	lululemonspain.com
41	lululemonsuomi.com	lululemonsuomi.com
42	lululemonswitzerland.com	lululemonswitzerland.com
43	lululemonsydneyaustralia.com	lululemonsydneyaustralia.com
44	lululemontopshop.com	lululemontopshop.com
45	lululemonturkey.com	lululemonturkey.com
46	lululemonuk.com	lululemonuk.com

47	lululemon-us.shop	lululemon-us.shop
48	lululemonusoutlet.com	lululemonusoutlet.com
49	lululemonvip.shop	lululemonvip.shop
50	lululemonvipstore.shop	lululemonvipstore.shop
51	lululemonyogaoutletstore.com	lululemonyogaoutletstore.com
52	luluyogapants.online	luluyogapants.online
53	luluyogaus.com	luluyogaus.com
54	avahive.com	avahive.com
55	avasquad.com	avasquad.com
56	biggerpromotion.com	biggerpromotion.com
57	comfortablehousehold.com	comfortablehousehold.com
58	lemonshop.buzz	lemonshop.buzz
59	onlyjustforyou.com	onlyjustforyou.com
60	rispiv.com	rispiv.com
61	tomatobuy.shop	tomatobuy.shop
62	winterolympics.cc	winterolympics.cc
63	winterolympics.shop	winterolympics.shop
64	xromux.com	xromux.com