

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

GS HOLISTIC, LLC,

Plaintiff,

v.

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

Defendants.

No. 22-cv-02020

Judge Franklin U. Valderrama

**PRELIMINARY INJUNCTION ORDER**

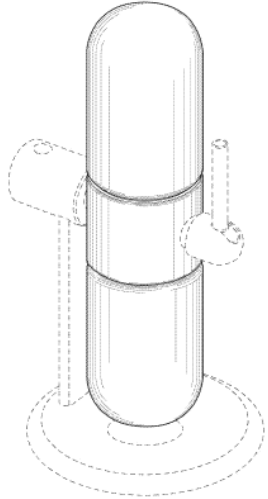
THIS CAUSE being before the Court on GS Holistic, LLC’s (“Plaintiff”) Motion for Entry of a Preliminary Injunction, and the Court having heard the evidence before it hereby GRANTS Plaintiff’s Motion for Entry of a Preliminary Injunction in its entirety against the fully interactive, e-commerce stores<sup>1</sup> operating under the seller aliases identified in Schedule A attached hereto, (collectively, the “Seller Aliases”).

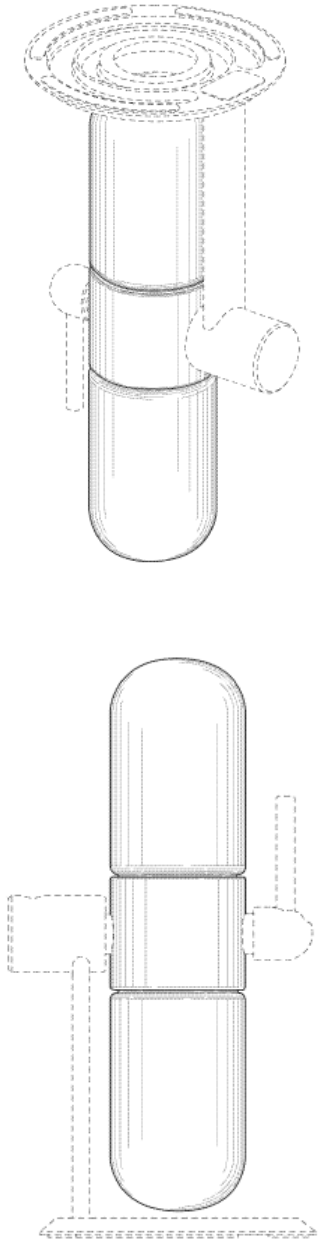
The Court further finds that it has personal jurisdiction over the Defendants based on Plaintiff’s un rebutted assertions that the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Plaintiff has provided a basis to conclude that 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 products that infringe directly and/or indirectly Plaintiff’s United States design patent shown in

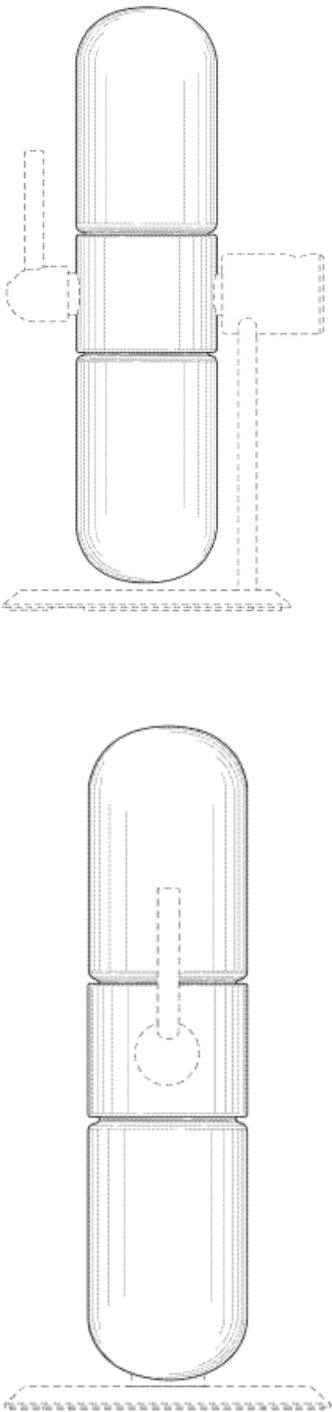
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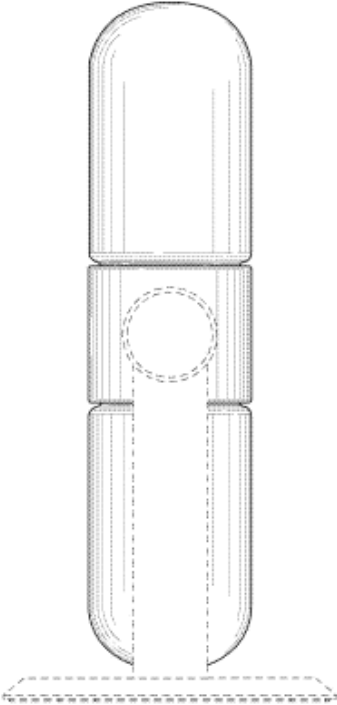
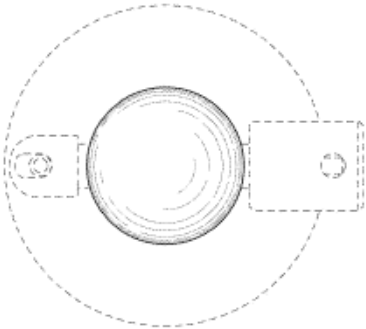
<sup>1</sup>The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

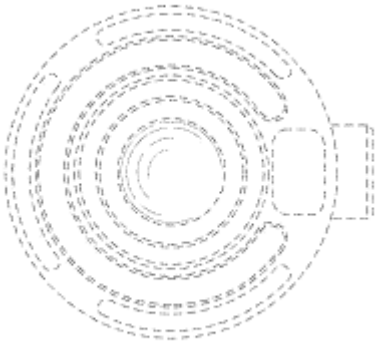
the below chart (the “GS Design”) to residents of Illinois. In this case, Plaintiff has presented screenshot evidence that each Defendant e-commerce store is reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores through which Illinois residents can and do purchase products using infringing versions of the GS Design. *See* Exhibit 2 to the Declaration of Christopher Folkerts [17], which includes screenshot evidence confirming that each Defendant internet store does stand ready, willing, and able to ship its infringing goods to customers in Illinois with infringing versions of the GS Design. The GS Design is shown in the below chart.

Patent Number	Claim	Issue Date
D943,817		February 15, 2022

Patent Number	Claim	Issue Date
		

Patent Number	Claim	Issue Date
	 <p>The image contains two perspective drawings of a pill, oriented vertically. The top drawing shows a pill with a central band and a small circular feature on the left side. The bottom drawing shows a pill with a central band and a small circular feature on the right side. Both drawings are shown from a perspective view, with dashed lines indicating the hidden parts of the pill.</p>	

Patent Number	Claim	Issue Date
	 	

Patent Number	Claim	Issue Date
		

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 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 design infringement because (1) Plaintiff is the lawful assignee of all right, title and interest in and to the GS Design, (2) Defendants make, use, offer for sale, sell, and/or import into the United States for subsequent sale or use products that infringe directly and/or indirectly the ornamental design claimed in the GS Design, and (3) an ordinary observer would be deceived into thinking Defendants’ Product is the same as the GS Design. Furthermore, Defendants’ continued and unauthorized use of the GS Design irreparably harms Plaintiff through loss of customers’ goodwill, reputational harm, and Plaintiff’s ability to exploit the GS Design. 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, 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. offering for sale, selling, and importing any products not authorized by Plaintiff and that include any reproduction, copy or colorable imitation of the design claimed in the GS Design;
  - b. aiding, abetting, contributing to, or otherwise assisting anyone in infringing upon the GS Design; and
  - c. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in Subparagraphs (a) and (b).
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' Online Marketplaces, 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 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 Online Marketplaces and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplaces; 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, Wish.com, Walmart, DHgate 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 the 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 infringing goods using the GS Design.
4. 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.



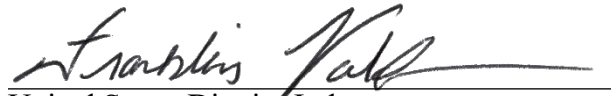
5. Any Third Party Providers, including PayPal, eBay, Alipay, Alibaba, Ant Financial, Wish.com, Walmart, DHgate and Amazon Pay, shall, within ten (10) business days of receipt of this Order:
  - a. locate all accounts and funds connected to Defendants' Seller Aliases and Online Marketplaces, including, 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.
6. 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 and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplaces.

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 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 and 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. Schedule A to the Complaint [2], Exhibit 1 to the Complaint [3], Exhibit 2 to the Declaration of Christopher Folkerts [17], and the TRO [23] 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.

Date: July 8, 2020

  
United States District Judge  
Franklin U. Valderrama

**GS Holistic, LLC v. The Partnerships and Unincorporated Associations Identified on Schedule  
"A" - Case No. 22-cv-2020.**

## Schedule A

<b>Defendant Online Marketplaces</b>		
<b>No</b>	<b>URL</b>	<b>Name / Seller Alias</b>
1	alibaba.com/product-detail/Drop-Shipping-Colorful-Gravity-Hookah-For 1600347880409.html	Henan Wercome Electronic Technology Co., Ltd.
2	cnmarketunion.en.alibaba.com/minisiteentrance.html	Market Union Co., Ltd.
3	newbeats.en.alibaba.com/minisiteentrance.html	Shenzhen New Rhythm Trade Co., Ltd.
4	xylighter.en.alibaba.com/minisiteentrance.html	Wenzhou Xinyu Imp & Exp Co., Ltd.
5	baykul.en.alibaba.com/minisiteentrance.html	Wuhan Baykul Electronic Commerce Co., Ltd.
6	ywsumingyue.en.alibaba.com/minisiteentrance.html	Yiwu Sumingyue Commodity Co., Ltd.
7	ykseefine.en.alibaba.com/minisiteentrance.html	Yongkang Seefine Import And Export Co., Ltd.
8	aliexpress.com/store/912158342	All Friends Store
9	aliexpress.com/store/912684814	DEVIL HOOKAH Store
10	aliexpress.com/store/912680837	EVIL SMOKING Store
11	aliexpress.com/store/1100058035	JR boutique smoking set production plant Store
12	aliexpress.com/store/5880614	junru smoking set Store
13	aliexpress.com/store/912072760	Junru Smoking Set Supplier Store
14	aliexpress.com/store/912688872	JUSES' SMOKESHOP Store
15	aliexpress.com/store/4767002	Liangliang Shop Store
16	aliexpress.com/store/912619046	MOONSHADE SMOKING Store
17	aliexpress.com/store/911767936	NLEC Official Store
18	aliexpress.com/store/912679905	Official Pet Toys Store
19	aliexpress.com/store/911231048	povrl Store
20	aliexpress.com/store/912523484	PuffPuff Store
21	aliexpress.com/store/911442085	Shop911442085 Store
22	aliexpress.com/store/1100191191	smoking Store
23	aliexpress.com/store/1100355304	Super Amazing Store
24	aliexpress.com/store/5495118	SY Hookah Store

25	aliexpress.com/store/1100175366	TUDA01 Store
26	aliexpress.com/store/1100177361	TUDA02 Store
27	amazon.com/sp?seller=A1J9IAMCA09QXK	A1J9IAMCA09QXK
28	amazon.com/sp?seller=AGZU9GVJW5W2M	iyoufly
29	amazon.com/sp?seller=A2RZ54CZ7UB2JM	JZJZ,
30	amazon.com/sp?seller=ADTXUE40DPTNH	Moistrol
31	amazon.com/sp?seller=ALFNRY12CM389	Ruong Offical Store-US
32	amazon.com/sp?seller=A3BG5YK4PR3OZK	TopsurplusLtd
33	amazon.com/sp?seller=A2SQWXQSMRSQRA	XIAN YUN DIAN
34	amazon.com/sp?seller=A21EYTXH51XRX5	YHORSE
35	amazon.com/sp?seller=A2NFRJU8FU3MFA	YUENOM
36	dhgate.com/store/21599452	bigfishsnail Store
37	dhgate.com/store/21744690	china quicksend Store
38	dhgate.com/store/21015679	ecigroom Store
39	dhgate.com/store/21682296	Elf Bar Vape Store
40	dhgate.com/store/20658436	handshop
41	dhgate.com/store/17967631	justdoit22 Store
42	dhgate.com/store/19804948	luka87 Store
43	dhgate.com/store/20500001	pamida Store
44	dhgate.com/store/21081579	puff bar Store
45	dhgate.com/store/21742518	rula2021 Store
46	dhgate.com/store/21741829	ruoman Store
47	dhgate.com/store/21585999	smokstore666 Store
48	dhgate.com/store/16939820	top_dhstore Store
49	dhgate.com/store/20933181	vape puff bar Store
50	dhgate.com/store/19967874	Vibes Technology Ltd Store
51	dhgate.com/store/21493665	wholesale head shop Store
52	dhgate.com/store/21696254	wivvvo888 Store
53	ebay.com/usr/heshiyixun	heshiyixun
54	ebay.com/usr/s-precisiontools	s-precisiontools
55	ebay.com/usr/topstaronline	topstaronline