

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

EYE SAFETY SYSTEMS, INC.,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-02428

Judge Charles R. Norgle

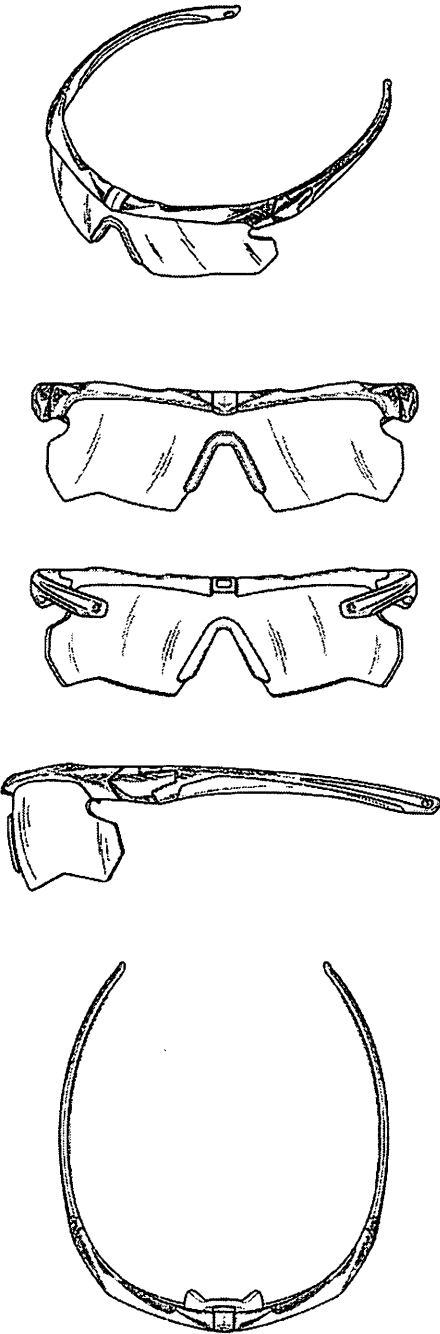
Magistrate Judge Jeffrey T. Gilbert

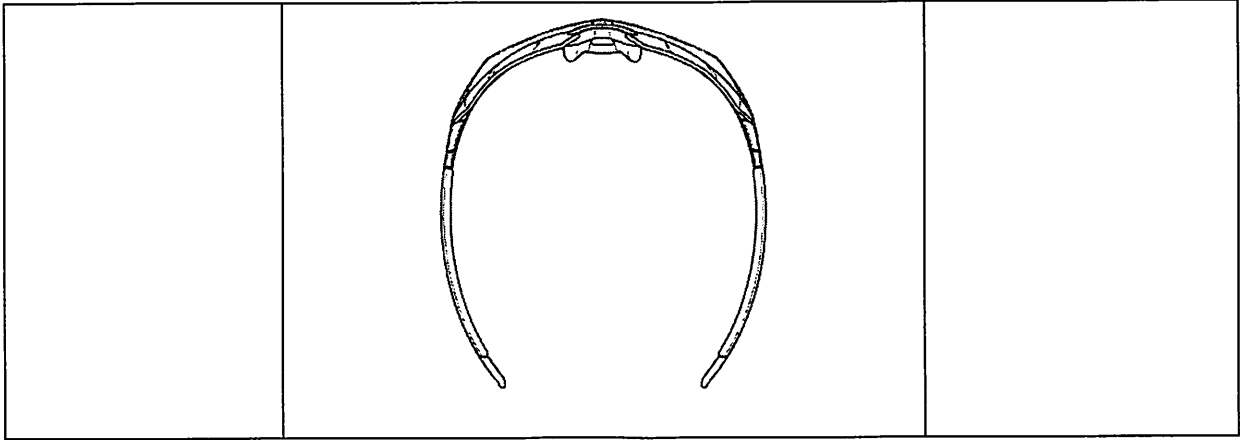
PRELIMINARY INJUNCTION ORDER AS TO CERTAIN DEFENDANTS

THIS CAUSE being before the Court on Plaintiff Eye Safety Systems, Inc.’s (“ESS” 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 as Defendant Nos. 1-30 (collectively, the “Defendants”).

THIS COURT HEREBY 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 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, on information and belief, have sold products that infringe directly and/or indirectly ESS’s United States design patent shown in the below chart (the “ESS Design”).

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

Patent Number	Claim	Issue Date
D616,485		May 25, 2010



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 ESS’s previously granted Motion for Entry of a Temporary Restraining Order establishes that ESS has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that ESS will suffer irreparable harm if the injunction is not granted. Specifically, ESS has proved a *prima facie* case of design infringement because (1) ESS is the lawful assignee of all right, title and interest in and to the ESS 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 ESS Design, and (3) an ordinary observer would be deceived into thinking the Infringing Product was the same as the ESS Design. Furthermore, Defendants’ continued and unauthorized use of the ESS Design irreparably harms ESS through loss of customers’ goodwill, reputational harm, and ESS’s ability to exploit the ESS Design. Monetary damages fail to address such damage and, therefore, ESS 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. offering for sale, selling, and importing any products not authorized by ESS and that include any reproduction, copy or colorable imitation of the design claimed in the ESS Design;
 - b. aiding, abetting, contributing to, or otherwise assisting anyone in infringing upon the ESS 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 ESS'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 seven (7) calendar days after receipt of such notice, provide to ESS 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, Walmart, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
3. Upon ESS's request, those with notice of the injunction, including the Third Party Providers as defined in Paragraph 2, 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 infringing goods using the ESS 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 this Court.
5. Any Third Party Providers, including PayPal, eBay, Alipay, Alibaba, Ant Financial, Wish.com, Walmart, DHgate, and Amazon Pay, shall, within seven (7) calendar 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 this Court.
6. ESS 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.

ESS 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.

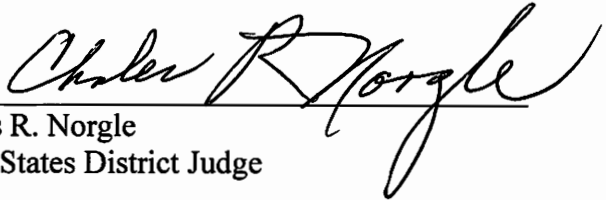
7. ESS may provide notice of these proceedings to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions by electronically publishing a link to the Complaint, this Order and other relevant documents on a website and by sending an e-mail to Defendants that 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. 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.
9. The \$10,000 bond posted by ESS 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 30, 2022



Charles R. Norgle
United States District Judge

**Eye Safety Systems, Inc. v. The Partnerships and Unincorporated Associations Identified on
Schedule "A" - Case No. 22-cv-2428**

Schedule A

Defendant Online Marketplaces

No	URL	Name / Seller Alias
1	anlorr.en.alibaba.com	Guangzhou Anlorr Sports Goods Co., Ltd.
2	baikang2019.en.alibaba.com	Guangzhou Baikang Glasses Co., Ltd.
3	DISMISSED	DISMISSED
4	cnibingo.en.alibaba.com	Haining Ibingo Garment Co., Ltd.
5	cqbswatboot.en.alibaba.com	Yancheng Zhongdun Shoes Manufacturing Co., Ltd.
6	DISMISSED	DISMISSED
7	kiang.en.alibaba.com	Ki Ang Tactical (Fujian) Import And Export Co., Ltd.
8	lseye.en.alibaba.com	Wuhan Leshenshi E-Commerce Co., Ltd.
9	qzrdte.en.alibaba.com	Quanzhou Raodong Technology Co., Ltd
10	rbworld.en.alibaba.com	Ruian Lei Peng Wei Trading Co., Ltd.
11	skymood.en.alibaba.com	Wenzhou Hante Trade Co., Ltd.
12	sposunesports.en.alibaba.com	Guangzhou Sposune Glasses Co., Ltd.
13	starlightsltd.en.alibaba.com	Xiamen Starlights Supply Chain Co., Ltd.
14	tesnio.en.alibaba.com	Quanzhou Tesnio Outdoor Gear Co., Ltd.
15	wenzhoucc.en.alibaba.com	Wenzhou Can'can Glasses Co., Ltd.
16	xmhero2.en.alibaba.com	Xiamen Xierluo Sporting Goods Co., Ltd.
17	ywzhiduo2.en.alibaba.com	Yiwu Zhiduo Glasses Co., Ltd.
18	aliexpress.com/store/1100280063	HNLY Moto Parts Store
19	aliexpress.com/store/1773793	LK&OY Store
20	aliexpress.com/store/1909222	Y&B&Z Cloth Accessories Store
21	aliexpress.com/store/1915533	Dropshopping Discount Glasses Store
22	aliexpress.com/store/2182028	Long Keeper Glasses A Store

23	aliexpress.com/store/2789160	Long Keeper 001 Store
24	aliexpress.com/store/3083087	Long Keeper Biking Store
25	aliexpress.com/store/3180005	Superr sunglasses Store
26	aliexpress.com/store/3208156	LongKeeper's Store
27	aliexpress.com/store/3470004	Trip Store
28	aliexpress.com/store/4311022	Top Outdoor Store
29	aliexpress.com/store/4403002	Sporting Shopping Store
30	aliexpress.com/store/5887693	YAMEIZE Official Store
31	DISMISSED	DISMISSED
32	PREVIOUSLY INCLUDED [35]	PREVIOUSLY INCLUDED [35]
33	PREVIOUSLY INCLUDED [35]	PREVIOUSLY INCLUDED [35]
34	DISMISSED	DISMISSED
35	PREVIOUSLY INCLUDED [35]	PREVIOUSLY INCLUDED [35]
36	PREVIOUSLY INCLUDED [35]	PREVIOUSLY INCLUDED [35]
37	PREVIOUSLY INCLUDED [35]	PREVIOUSLY INCLUDED [35]
38	PREVIOUSLY INCLUDED [35]	PREVIOUSLY INCLUDED [35]
39	PREVIOUSLY INCLUDED [35]	PREVIOUSLY INCLUDED [35]
40	PREVIOUSLY INCLUDED [35]	PREVIOUSLY INCLUDED [35]
41	PREVIOUSLY INCLUDED [35]	PREVIOUSLY INCLUDED [35]
42	PREVIOUSLY INCLUDED [35]	PREVIOUSLY INCLUDED [35]