

**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-02781

Judge Franklin U. Valderrama

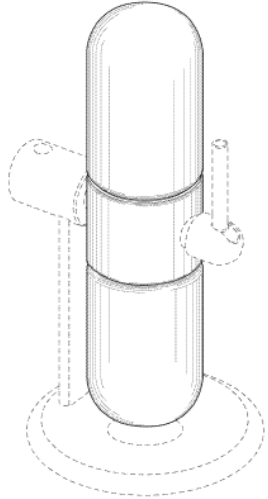
PRELIMINARY INJUNCTION ORDER

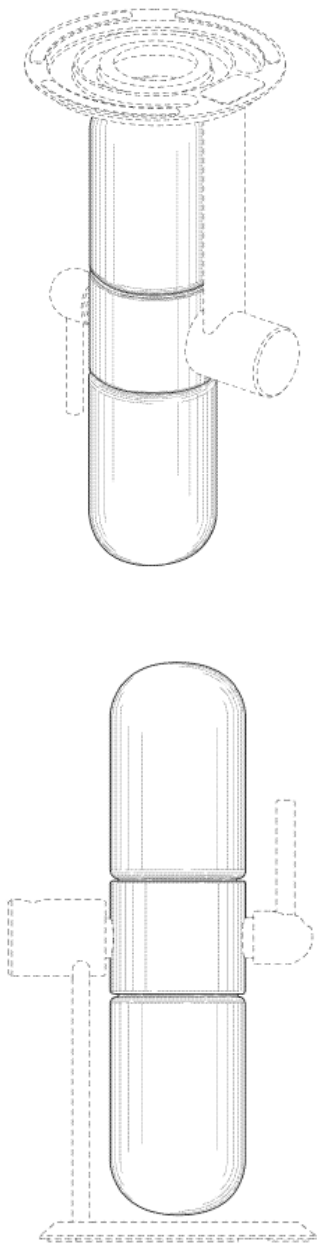
THIS CAUSE being before the Court on GS Holistic, LLC’s (“Plaintiff”) Motions for Entry of a Preliminary Injunction (the “Motions”) against the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A attached hereto (collectively, the “Seller Aliases”), and the Court having heard the evidence before it hereby GRANTS Plaintiff’s Motions (R. 29, 31) in their entirety.

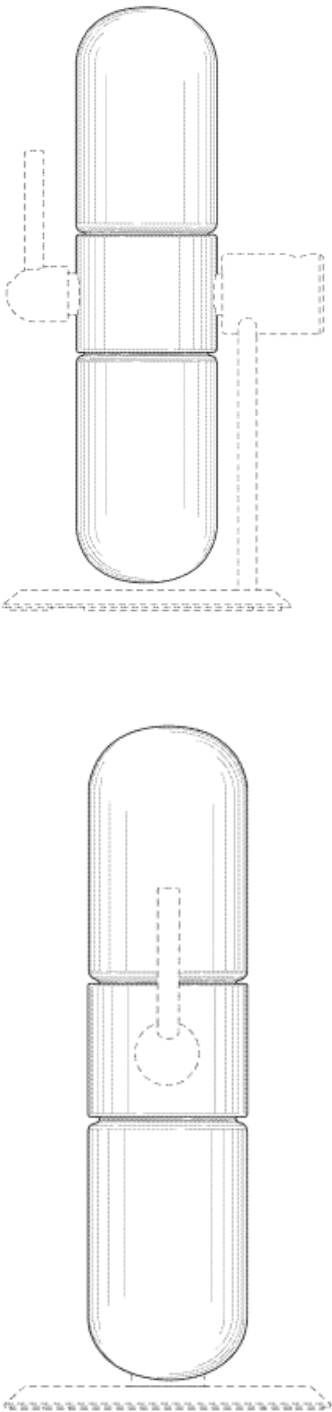
The Court further finds that it has personal jurisdiction over the Defendants based on Plaintiff’s un rebutted assertions that the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Plaintiff has provided a basis to conclude that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

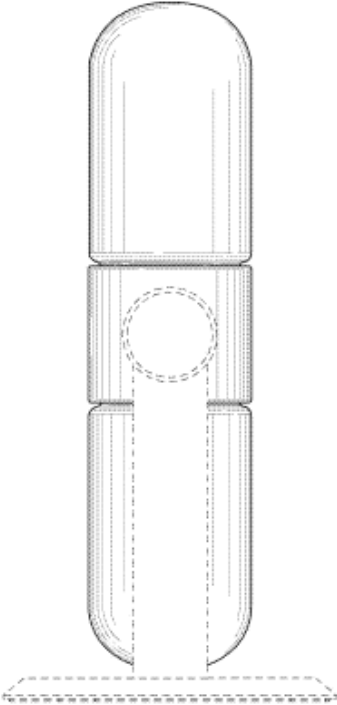
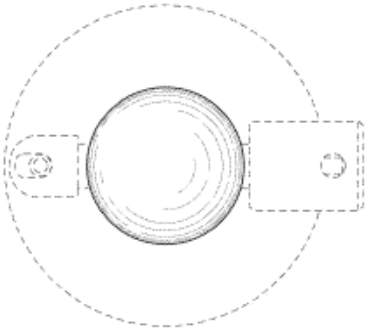
¹The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

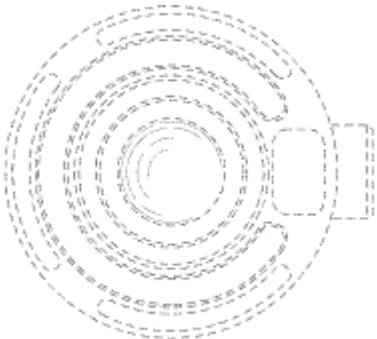
the below chart (the “GS Design”) to residents of Illinois. In this case, Plaintiff has presented screenshot evidence that each Defendant e-commerce store is reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores through which Illinois residents can and do purchase products using infringing versions of the GS Design. *See* Exhibit 2 to the Declaration of Christopher Folkerts [18], 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 shows two perspective views of a pill. The top view shows the pill with a central band and a circular mark on the band. The bottom view shows the pill with a central band and a circular mark on the band. The pill is shown in a perspective view, with dashed lines indicating the internal structure and the position of the band and mark.</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 the Motions 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.

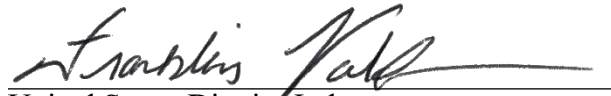
Plaintiff is authorized to issue any such expedited discovery requests via e-mail. Defendants shall respond to any such discovery requests within three (3) business days of being served via e-mail.

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 [18], and the TRO [24] 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.

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IT IS SO ORDERED.

Date: July 8, 2022


United States District Judge
Franklin U. Valderrama

**GS Holistic LLC v. The Partnerships and Unincorporated Associations Identified on
Schedule "A" - Case No. 22-cv-2781**

Schedule A

Defendant Online Marketplaces		
No	URL	Name / Seller Alias
1	bairuier.en.alibaba.com	Bairuier Technology (Shenzhen) Co., Ltd
2	bingogroup.en.alibaba.com	Dongguan Bingo Technology Ltd.
3	beyoulabs.en.alibaba.com/minisiteentrance.html	Foshan Benbi Technology Co., Ltd.
4	cn1988mlks088.en.alibaba.com/minisiteentrance.html	Guangzhou Melex Trading Co., Ltd.
5	jsttechnological.en.alibaba.com	Kunshan JST Technology Development Co., Ltd.
6	lygzxmy.en.alibaba.com	Lianyungang Zhanxiao Trading Co., Ltd.
7	zhenyilimited.en.alibaba.com	Shenzhen ZhenYi Technology Co., Ltd.
8	keyesbuck.en.alibaba.com	Wuhan Kaisi Bake Network Technology Co., Ltd.
9	xjsmoking.en.alibaba.com/minisiteentrance.html	Yiwu XJ E-Commerce Firm
10	ywyixi.en.alibaba.com/minisiteentrance.html	Yiwu Yixi import and export firm
11	aliexpress.com/store/1101978947	ADDLIY Boutique tools Store
12	aliexpress.com/store/911653339	AliExpressNO. 4 Store
13	aliexpress.com/store/912456841	Charlie Machinery & Tools Store Store
14	aliexpress.com/store/912167259	Cheap factory Store
15	aliexpress.com/store/912707045	DEAR Sydney Store
16	aliexpress.com/store/912301026	dy86202108 Store
17	aliexpress.com/store/1102049678	Eliza Boutique Tools Store
18	aliexpress.com/store/1101535106	FelixFelix Store
19	aliexpress.com/store/1101752469	First buy Store
20	aliexpress.com/store/1102031892	Huang Shan Store
21	aliexpress.com/store/1101801082	Humble Tool Store
22	aliexpress.com/store/1100348346	Jin Pai Store
23	aliexpress.com/store/1101794980	Kawaii Store
24	aliexpress.com/store/911928415	Kaylee Tool Store
25	aliexpress.com/store/911228164	Labor-saving experts Store
26	aliexpress.com/store/1100353312	LaVico Store

27	aliexpress.com/store/1100031144	Marina Boutique Tool Store
28	aliexpress.com/store/1101893413	Marina Machinery & Tools Store Store
29	aliexpress.com/store/1100383430	Medusa Boutique Tools Store
30	aliexpress.com/store/911227156	Munger Factory Store
31	aliexpress.com/store/912468803	MUnger Machinery & Tools Store
32	aliexpress.com/store/1101884539	Munger tool Store
33	aliexpress.com/store/1100371484	Napoleon Boutique Tools Store
34	aliexpress.com/store/912186240	Pink Tool Store
35	aliexpress.com/store/1102051346	Promotional boutique tools Store
36	aliexpress.com/store/1101880291	ROVIE Store
37	aliexpress.com/store/1101582961	Susans Factory Store
38	aliexpress.com/store/1101707836	WE ME Tool Store
39	aliexpress.com/store/912157563	YCC factory Store
40	aliexpress.com/store/1102087042	Yunzhongfu006 Store
41	amazon.com/sp?seller=A19SJ49IIT303Y	HappyJiehong
42	amazon.com/sp?seller=AURWVT2UTEQ8Z	KangOutdoor
43	amazon.com/sp?seller=A17SKANC3UFJM5	MirMengs
44	dhgate.com/store/21689939	accessories420 Store
45	dhgate.com/store/19802725	BONGLAS Store
46	dhgate.com/wholesale/products/8aaa92467ffdf0b701801b9168ab094c.html	bongsmarket Store
47	dhgate.com/store/21764049	brilliantvapestore Store
48	dhgate.com/store/20373114	dabdabber Store
49	dhgate.com/store/21343968	ecigplus Store
50	dhgate.com/store/21702044	ecocore168 Store
51	dhgate.com/store/21475477	facemasker Store
52	dhgate.com/store/21472296	glass smoking supplier Store
53	dhgate.com/store/21707898	glsbong Store
54	dhgate.com/store/21706079	handbagvip1 Store
55	dhgate.com/store/20207766	hot vape Store
56	dhgate.com/store/20004955	kingempire Store
57	dhgate.com/store/21787828	laxus Store
58	dhgate.com/store/21596681	lonyee Store
59	dhgate.com/store/21682300	monica088 Store
60	dhgate.com/store/21797450	smoke_club Store
61	dhgate.com/store/21749169	smokepipefactory Store
62	dhgate.com/store/21698085	sunrise21 Store
63	dhgate.com/store/21670262	supdoer Store
64	dhgate.com/store/21779199	vaping smoking Store
65	ebay.com/usr/lydia288	lydia288