

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

ZIPPO MANUFACTURING COMPANY,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-03126

Judge John Robert Blakey

Magistrate Judge Sunil R. Harjani

**PRELIMINARY INJUNCTION ORDER**

THIS CAUSE being before the Court on Plaintiff Zippo Manufacturing Company’s (“Zippo” 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 stores<sup>1</sup> operating under the seller aliases identified in Schedule A attached hereto (the “Seller Aliases”).

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. “In the context of cases like this one, that means a plaintiff must show that each defendant is actually operating an interactive website that is accessible in Illinois and that each defendant has aimed such site at Illinois by standing ready, willing and able to ship its [infringing] goods to customers in Illinois in particular (or otherwise has some sufficient voluntary contacts with the

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








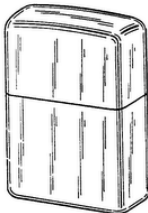
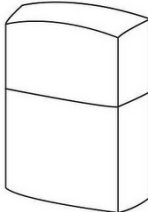
state).” *Am. Bridal & Prom Indus. Ass’n v. P’ships & Unincorporated Ass’ns Identified on Schedule A*, 192 F. Supp. 3d 924, 934 (N.D. Ill. 2016). Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, have sold products using infringing and counterfeit versions of Zippo Trademarks to residents of Illinois (a list of which is included in the below chart). *See* [16] (Declaration of Elizabeth A. Seals) at ¶ 15; [17]. In addition, Plaintiff’s screenshot evidence confirms that each Seller Alias does stand ready, willing and able to ship its counterfeit goods to customers in Illinois. *Id.* Moreover, several Seller Aliases have in fact shipped counterfeit goods to Illinois. *Id.*


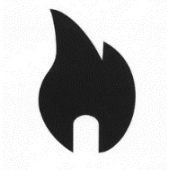
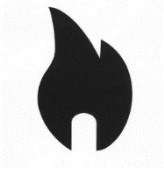



Registration Number	Mark	Goods and Services
5,617,562	ZIPPO	For: Battery chargers in class 009. For: Electric pocket warmers for warming hands in class 011.
5,651,622	ZIPPO	For: Power-operated blowers in class 007.
5,311,477	ZIPPO	For: Ear buds in class 009. For: Drinking glasses; Flasks; Insulating sleeve holders for beverage cans; Mugs; Shot glasses; Tumblers for use as drinking glasses in class 021.
5,413,699	ZIPPO	For: Display cases; Display stands; Neck-supporting pillows in class 020.
4,822,198	ZIPPO	For: Multi-function hand tools comprised of axes, saws, mallets and pullers; manually operated hand tools, namely, axes, hatchets, hammers, pullers and saws in class 008. For: Lanterns for lighting; lamps; in class 011.
5,078,446	ZIPPO	For: Jackets; Jeans; Pants in class 025.


4,477,574	ZIPPO	For: Non-electric refillable metal hand warmers using liquid lighter fluid in class 011.
3,967,745	ZIPPO	For: Watches and jewelry in class 014.
3,600,117	ZIPPO	For: Butane fuel in class 004.  For: Lighters for kitchen use; flashlights in class 011.
3,308,224	ZIPPO	For: Money clips; key holders in class 014.  For: Diaries in class 016.  For: Purses; wallets; credit card cases; small pouches; traveling and carrying bags, tote bags in class 018.  For: Shirts; headgear, namely, women's hats; baseball caps in class 025.
3,948,423	ZIPPO	For: Perfumery in class 003.
3,306,085	ZIPPO	For: Flashlights in class 011.
2,671,988	ZIPPO	For: Lanyards for holding keys, whistles, badges, pyrophoric lighters, knives and flashlights in class 022.
2,728,696	ZIPPO	For: Retail store service, available through computer communications featuring promotional materials, namely, sweaters, golf shirts, hats, pyrophoric lighters, pens, flashlights, fuel for pyrophoric lighters, money clips, steel rulers, sunglasses, letter openers, pocket knives, sunglasses, pyrophoric lighters, pens, mechanical pens, and steel rulers in class 035.
2,654,990	ZIPPO	For: Utility lighters 034.
2,159,117	ZIPPO	For: Entertainment services, namely, sponsoring and promoting motor sports events in class 041.
2,116,481	ZIPPO	For: Hand tools comprised of a pocket knife in class 008.  For: Cuff links, lapel pins, tie tacks in class 014.  For: Desk accessories, namely, calendars in class 16.  For: Business card cases in class 018.

		For: Cigarette cases not of precious metal, ashtrays not of precious metal in class 034.
2,179,641	ZIPPO	For: Retail store services featuring cigarette lighters, knives, cutlery, writing instruments, key rings, money clips, hats, shirts, jackets and collectibles and memorabilia relating to cigarette lighters, knives, cutlery, writing instruments, pocket knives, key rings, money clips in class 035.  For: Museum services in class 041.
2,116,478	ZIPPO	For: Providing a web site featuring historical and other information about the applicant, its cigarette lighters, and its other products in class 042.
2,451,197	ZIPPO	For: Sunglasses and eyeglass frames in class 009.
2,116,449	ZIPPO	For: Repair of cigarette lighters and other small metal objects such as writing instruments, pocket knives, keyholders, and tape measures in class 037.
2,116,448	ZIPPO	For: Printed publications, namely, booklets and a collectors' guide, illustrating and describing applicant and its history, with information on its cigarette lighter products in class 016.
2,093,318	ZIPPO	For: Custom imprinting of cigarette lighters, writing instruments, pocket knives, key rings, money clips, tape measures, belt buckles and pocket accessory for cleaning spikes on golf shoes and for repairing ball marks on golf greens with decorative designs in class 042.
2,052,508	ZIPPO	For: Metal money clips in class 006.  For: Articles of precious metals or plated in precious metals and cigarette lighters in class 014.  For: Clothing, namely, T-shirts, sport shirts, sweat shirts and sweaters in class 025.

		For: Leather pouches for use with cigarette lighters not made of precious metal in class 034.
2,050,718	ZIPPO	For: Metal money clips in class 006.
2,001,509	ZIPPO	For: Pyrophoric lighters made of precious metals in class 014.
1,939,603	ZIPPO	For: Leather pouches usable both with flexible rulers and cigarette lighters in class 018.
1,768,823	ZIPPO	For: Leather pouches for cigarette lighters in class 034.
1,705,306	ZIPPO	For: Wicks for lighters in class 034.
1,690,272	ZIPPO	For: Clothing; namely, T-shirts, sports shirts, sweat shirts in class 025.
1,514,575	ZIPPO	For: Writing instruments, namely, ball point pens and replacement parts therefor in class 016.
1,287,935	ZIPPO	For: Writing instruments-namely ball point pens and replacement parts therefor in class 016.
993,356	ZIPPO	For: Key holders in class 006.
432,131	ZIPPO	For: Flints for pyrophoric type lighters in class 011.
436,615	ZIPPO	For: Fluid for pyrophoric lighters in class 001.
317,219	ZIPPO	For: Pocket lighter of the pyrophoric type in class 034.
5,930,446		For: Non-electric refillable metal hand warmers using liquid lighter fluid, Electric pocket warmers for warming hands, Utility lighters for lighting grills, fireplaces and candles, Lantern for lighting in class 011.
3,607,553		For: Butane fuel in class 004.  For: lighters for kitchen use; flashlights in class 011.  For: Barbecue tools and accessories, namely, forks and tongs in class 021.

3,758,607		For: Downloadable software for electronic devices featuring audio and visual files and graphic designs to simulate a lighter in class 009.
2,804,250		For: Metal keyholders in class 006.
1,213,751		For: Lighter fluid in class 004.
1,188,884		For: Cigarette lighters and lighter flints in class 034.
1,180,944		For: Flexible steel rules in class 009.
1,207,903		For: Sporting equipment-namely, a combination device for use around golf greens consisting of coin-like golf ball position markers and a notched hinged blade for repairing ball marks on greens and for cleaning spikes on shoes in class 028.
1,187,605		For: Letter openers in class 016.
2,606,241		For: Cigarette lighters in class 034.
3,819,075		For: Downloadable software for electronic devices featuring audio and visual files and graphic designs to simulate a lighter in class 009.

5,941,757		For: Non-electric refillable metal hand warmers using liquid lighter fluid, electric pocket warmers for warming hands, utility lighters for lighting grills, fireplaces and candles, lanterns for lighting in class 011.
4,264,559		For: Watches in class 014.
3,667,835		For: Fuels, butane fuel; lighter fluid in class 004.  For: Goods of non-precious metals, namely, key chains of metals in class 006.  For: Lighters for kitchen use in class 011.  For: Costume jewelry in class 014.  For: Small pouches made of leather or imitations of leather; tote bags in class 018.  For: Clothing, namely, shirts, pants; headgear, namely, hats, caps; womens' hats; baseball caps in class 025.
3,861,724		For: Combustible solid fire starters for use with barbecues and fireplaces in class 004.
3,511,741		For: Lighters, namely, lighters for smokers and utility lighters in class 034.
3,024,044		For: Clothing, namely, shirts, hats, wind-resistant jackets, pull-over coats and fleece coats in class 025.

2,967,613		For: Pyrophoric lighters not of precious metal in class 034.
5,309,324	BLACK CRACKLE	For: Lighters for smokers in class 034.
5,558,197	ARMOR	For: Lighters for smokers in class 034.
2,599,271	BLACK ICE	For: Pyrophoric lighters made of nonprecious metals in class 034.

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 Zippo’s previously granted Motion for Entry of a Temporary Restraining Order establishes that Zippo has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that Zippo will suffer irreparable harm if the injunction is not granted. Specifically, Zippo has proved a *prima facie* case of trademark infringement because (1) the ZIPPO 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 ZIPPO Trademarks, and (3) Defendants’ use of the ZIPPO Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with Zippo. Furthermore, Defendants’ continued and unauthorized use of the ZIPPO Trademarks irreparably harms Zippo through diminished goodwill and brand confidence, damage to Zippo’s reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Zippo 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. using the ZIPPO 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 Zippo product or not authorized by Zippo to be sold in connection with the ZIPPO Trademarks;
  - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Zippo product or any other product produced by Zippo, that is not Zippo's or not produced under the authorization, control or supervision of Zippo and approved by Zippo for sale under the ZIPPO Trademarks;
  - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Zippo, or are sponsored by, approved by, or otherwise connected with Zippo;
  - d. further infringing the ZIPPO Trademarks and damaging Zippo'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 Zippo,

nor authorized by Zippo to be sold or offered for sale, and which bear any of Zippo's trademarks, including the ZIPPO Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof.

2. Upon Zippo'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"), Etsy, Inc. ("Etsy"), and DHgate (collectively, the "Third Party Providers") shall, within seven (7) calendar days after receipt of such notice, provide to Zippo 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 affiliates, officers, 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, Etsy, DHgate, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
3. Upon Zippo’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 counterfeit and infringing goods using the ZIPPO Trademarks.
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, Etsy, 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. Zippo 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 affiliates, officers, 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.

Zippo 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. Zippo 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 2 to the Declaration of Elizabeth A. Seals [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 Zippo shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

SO ORDERED.

Dated: July 28, 2022

Entered:

  
John Robert Blakey  
United States District Judge

**Zippo Manufacturing Company v. The Partnerships and Unincorporated Associations Identified on  
Schedule "A" - Case No. 22-cv-3126**

## Schedule A

<b>Defendant Online Marketplaces</b>		
<b>No</b>	<b>URL</b>	<b>Name / Seller Alias</b>
1	bojieti.en.alibaba.com	Baoji Bojie Metal Materials Co., Ltd.
2	lwi.en.alibaba.com	Hangzhou Longwin Industry Limited
3	aaaecobamboo.en.alibaba.com	Hefei Oulong Lubrication Technology Co., Ltd.
4	giver.en.alibaba.com	Shenzhen Giver Technology Co., Ltd.
5	yipinge.en.alibaba.com	Shenzhen Yipinge Technology Co., Ltd.
6	jobon.en.alibaba.com	Wenzhou Zhongbang Smoking Set Manufacturing Co., Ltd.
7	hmdkj.en.alibaba.com	Xuzhou Huimuda Cross-Border E-Commerce Co., Ltd.
8	airo.en.alibaba.com	Yiwu Airo Trading Co., Ltd
9	ywfeimiao.en.alibaba.com	Yiwu Feimiao E-Commerce Firm
10	haidonglighter.en.alibaba.com	Yiwu Haidong Smoking Set Firm
11	kena.en.alibaba.com	Yiwu Kena Trading Co., Ltd.
12	ywluobin.en.alibaba.com	Yiwu Luoke Trading Co., Ltd.
13	moonking.en.alibaba.com	Yiwu Moonking Imp&Exp Co., Ltd.
14	ywsmoking.en.alibaba.com	Yiwu Weed Smoking Co., Ltd.
15	ywxiqing.en.alibaba.com	Yiwu Xiqing import and Export Co., Ltd.
16	jinhuahongyun.en.alibaba.com	Zhejiang Hongyun Technology Co., Ltd.
17	aliexpress.com/store/1101739262	Bao Lighter Store
18	aliexpress.com/store/1101766910	Blazing Lighter Store
19	aliexpress.com/store/1101791445	Brass 117 Store
20	aliexpress.com/store/1101883603	Centennial lighter Store
21	aliexpress.com/store/1101856863	China Commodity Center Store
22	aliexpress.com/store/1101950568	Classic lighter Store
23	aliexpress.com/store/1101879201	Conferred Store
24	aliexpress.com/store/1101519593	Dignity Land Official Store
25	aliexpress.com/store/1101768564	FENG-777 Store
26	aliexpress.com/store/1102024010	firefox lighter Store
27	aliexpress.com/store/1101762375	FOUND ME Store
28	aliexpress.com/store/1101820903	Future Store Store
29	aliexpress.com/store/1102006086	Happy Tiger Store
30	aliexpress.com/store/1101763443	HH 888 Store
31	aliexpress.com/store/1101800195	Hot-sale lighter shop Store

32	aliexpress.com/store/1101752656	HUI 123 Store
33	aliexpress.com/store/1101799507	jinmei004 Store
34	aliexpress.com/store/1101793416	Jinmen Store
35	aliexpress.com/store/1101804216	KK lighters Store
36	aliexpress.com/store/1101779729	LHH 666 Store
37	aliexpress.com/store/1101675990	Lighter Decor Store
38	aliexpress.com/store/1101426677	lightermall Store
39	aliexpress.com/store/1101669200	Magical Lighter Store
40	aliexpress.com/store/1101352159	origo 777 Store
41	aliexpress.com/store/1101869250	ORIGO GO GO Store
42	aliexpress.com/store/912608335	PF Pets Store
43	aliexpress.com/store/1101879679	Phenomenal Lighter Store
44	aliexpress.com/store/1101542408	QH Lighter Store
45	aliexpress.com/store/1101784606	Qingy003 Store
46	aliexpress.com/store/1101648593	Redtale lighter Store
47	aliexpress.com/store/1101725254	Reliable Lighter Store
48	aliexpress.com/store/1101768901	SC fire Lighter Store
49	aliexpress.com/store/1100223664	Shop1100223664 Store
50	aliexpress.com/store/1101432884	Shop4927004 Store
51	aliexpress.com/store/1101941001	Shop912624183 Store
52	aliexpress.com/store/1101944021	Shop912626280 Store
53	aliexpress.com/store/1101943418	Shop912626602 Store
54	aliexpress.com/store/1101592136	Showy Store
55	aliexpress.com/store/1101754282	Smoking Gadgets Store
56	aliexpress.com/store/3892007	SUNHORSE Store
57	aliexpress.com/store/1101801039	TH05 Store
58	aliexpress.com/store/1101798875	TH06 Store
59	aliexpress.com/store/1101785957	Thanking Store
60	aliexpress.com/store/1102015950	Tide play lighter shop Store
61	aliexpress.com/store/1101989542	treasure bag of Doraemon Store
62	aliexpress.com/store/1101405917	Unusual lighters Store
63	aliexpress.com/store/1101781617	XiongY Store
64	aliexpress.com/store/1101789762	XU 202101 Store
65	aliexpress.com/store/1101814765	Yicheng Ju Store Store
66	aliexpress.com/store/1101793802	YO LIGHTER Store
67	aliexpress.com/store/1101774605	YOU LAI Store
68	aliexpress.com/store/1101639444	Z - Knight's fire Store
69	aliexpress.com/store/1100248023	Zhibao lighter boutique Store
70	aliexpress.com/store/1101889781	ZO-RRO Lighter Store
71	amazon.com/sp?seller=A30R81DWZRDE4Q	Atian
72	amazon.com/sp?seller=AVSYIKVPBZY7	CIDUREY US
73	amazon.com/sp?seller=AS48LCS4CRIZ2	Get-Rich
74	amazon.com/sp?seller=A1YCMHUGOY227K	Ivy'sShop

75	amazon.com/sp?seller=A2SWS3OR85OBA8	jiajiabaobei
76	amazon.com/sp?seller=A3KOEXF7U4XAUF	KAILIKA
77	amazon.com/sp?seller=A1KUJ0TNEBF5JU	Kivors
78	amazon.com/sp?seller=A2NMQE7OX34OWC	mamajiajudian
79	amazon.com/sp?seller=A1DD413VJCLBYD	NOREAT-US
80	amazon.com/sp?seller=A309LWCMFH6HU5	Old river
81	amazon.com/sp?seller=A1NTDD2S2LF3EF	QIANGZQ
82	amazon.com/sp?seller=A1HZ5QADNW70PW	SUI SUI ZHI
83	amazon.com/sp?seller=A3LDHYK0PGTNVN	Tu Lin Lin Tu
84	amazon.com/sp?seller=AK4UZJAE7UWV3	uoyoin
85	amazon.com/sp?seller=A3FXV0CB2P4KE3	WXWY
86	amazon.com/sp?seller=A1F6TE3RTU6GEM	XinMaoyi
87	amazon.com/sp?seller=ARDVL25C8W8MC	XRSYSM
88	amazon.com/sp?seller=A26M5G5B5JI4H4	YAN store
89	amazon.com/sp?seller=A1ICVH4B7TB2J3	YongKangShop
90	amazon.com/sp?seller=A1C40EW4RC5VBE	ZHI TONG JIA JU DIAN
91	amazon.com/sp?seller=A1H12A6TBCGEO8	ZHUANZHUAN HUA HUA
92	ebay.com/usr/booo-fashion	booo-fashion
93	wish.com/merchant/61eae788a1d792fd7932091b	Lucky good
94	wish.com/merchant/566963f4e363a330f334d20b	wupeng1988
95	wish.com/merchant/5f1a8c1f96fbe7a14fe9351f	zhiji5