

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

BOARD OF REGENTS OF THE
UNIVERSITY OF OKLAHOMA,

Plaintiff,

v.

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

Defendants.

No. 22-cv-02627

Judge John F. Kness


PRELIMINARY INJUNCTION ORDER

THIS CAUSE is before the Court on Plaintiff Board of Regents of the University of Oklahoma’s (hereinafter, the “OU Board of Regents” or “Plaintiff”) Motion for Entry of a Preliminary Injunction. Having reviewed the evidence presented, the Court grants Plaintiff’s Motion for Entry of a Preliminary Injunction against the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A attached hereto (collectively, the “Seller Aliases”).

THIS COURT FINDS that it has personal jurisdiction over the Defendants because 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

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

have sold products using infringing and counterfeit versions] of Plaintiff's federally registered trademarks ("OU Trademarks") to residents of Illinois. A list of the OU Trademarks is included in the chart below.

Registration Number	Trademark	Goods and Services
1,378,171		For: clothing, namely, adult and children's jackets, shirts, t-shirts, sport shirts, sweat shirts, sweat pants, hats, caps, and visors in class 025.
3,093,031	BOOMER SOONER	For: clothing and sports clothing apparel and outerwear, namely t-shirts, shirts, sweaters, vests, sweat shirts, jackets, pants, sweatpants, shorts, hats, caps, visors and footwear in class 025.
3,035,551		For: clothing and sports clothing apparel and outerwear, namely, t-shirts, shirts, sweaters, vests, sweat shirts, jackets, pants, sweatpants, shorts, hats, caps, visors and footwear in class 025.
3,041,006	SOONERS	For: clothing and sports clothing apparel and outerwear, namely t-shirts, shirts, sweaters, vests, sweat shirts, jackets, pants, sweatpants, shorts, hats, caps, visors and footwear in class 025.
1,374,839	SOONERS	For: clothing, namely, adult and children's jackets, shirts, t-shirts, sport shirts, sweat shirts, sweat pants, hats, caps, visors in class 025.

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 Rule 65 of the Federal Rules of Civil Procedure. 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 trademark infringement because (1) the OU 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 OU Trademarks, and (3) Defendants’ use of OU Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with Plaintiff. Furthermore, Defendants’ continued and unauthorized use of OU Trademarks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff’s reputation, loss of exclusivity, and loss of future sales. 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, 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 OU 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 Plaintiff's Genuine Product or not authorized by Plaintiff to be sold in connection with OU Trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any product as Plaintiff's genuine product or any other product produced by Plaintiff, that is not Plaintiff's or not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under OU Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
 - d. further infringing OU Trademarks and damaging Plaintiff'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 Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any of Plaintiff's trademarks, including the OU 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., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, within seven (7) calendar days of receipt of this Order, shall, at Plaintiff's choosing:
- a. unlock and change the registrar of record for the Domain Names to a registrar of Plaintiff's selection until further ordered by this Court; or
 - b. disable the Domain Names and make them inactive and untransferable until further ordered by this 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 seven (7) calendar days of receipt of this Order shall take any steps necessary to transfer the Domain Names to a registrar account of Plaintiff’s selection so that the Domain Names can be redirected or disabled until further ordered by this Court.
4. 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 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”), 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, the 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”), Walmart, DHgate, Wish.com, Amazon Pay, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon Plaintiff’s request, those with notice of the injunction, including the Third Party Providers as defined in Paragraph 4, 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 OU 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 this Court.
7. Any Third Party Providers, including PayPal, eBay, Alipay, Alibaba, Ant Financial, Walmart, DHgate, Wish.com, and Amazon Pay, shall, within seven (7) calendar days of receipt of this Order:

- a. locate all accounts and funds connected to Defendants or the Seller Aliases, Online Marketplaces and Domain Names, including, but not limited to, any financial accounts connected to the information listed in Schedule A attached 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.
- 8. Plaintiff is authorized to issue expedited written discovery, under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure, 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, the 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.

Plaintiff is authorized to issue any such expedited discovery requests via e-mail. Defendants shall respond to any such discovery requests within ten (10) business days of being served via e-mail.

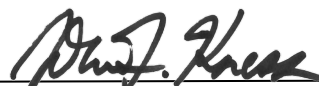
- 9. Plaintiff may provide notice of these proceedings to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Complaint, this Order and other relevant documents on a website

to which the Domain Names which are transferred to Plaintiff's control will redirect, or 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 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 1 and 2 to the Declaration of Lindsay Conn [16-17], and the TRO [22] 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 the Northern District of Illinois Local Rules.
12. 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.

SO ORDERED in No. 22-cv-02627.

Date: August 12, 2022



JOHN F. KNESS
United States District Judge

**Board of Regents of the University of Oklahoma v. The Partnerships and Unincorporated
Associations Identified on Schedule "A"**
Case No. 22-cv-2627

Schedule A

Defendant Online Marketplaces		
No	URL	Name / Seller Alias
1	aliexpress.com/store/1100031108	Shop1100031108 Store
2	aliexpress.com/store/1100036040	fengchi4825 Store
3	aliexpress.com/store/1100037126	Shop1100037126 Store
4	aliexpress.com/store/1100116029	Shop1100116029 Store
5	aliexpress.com/store/1100135094	Lu Lu Metal Store
6	aliexpress.com/store/1718195	Shop1718195 Store
7	aliexpress.com/store/5258215	Q&Q Store
8	aliexpress.com/store/911016028	UJIOM Store
9	aliexpress.com/store/911775490	Shop911775490 Store
10	aliexpress.com/store/911790983	Decorative plaque11 Store
11	aliexpress.com/store/911809022	wall sign 11 Store
12	aliexpress.com/store/912014330	Ekangkang Store
13	aliexpress.com/store/912016334	Dkangkang Store
14	aliexpress.com/store/912060665	Sixth Wall Signs Store
15	aliexpress.com/store/912062622	WJ wall sign Store
16	aliexpress.com/store/912073240	Classic retro 01 Store
17	aliexpress.com/store/912157071	Mr hi wall sign Store
18	aliexpress.com/store/912323460	Little pig Wall Store
19	aliexpress.com/store/912417510	good good 001 Store
20	aliexpress.com/store/912616122	AliExpress-Sports Store
21	aliexpress.com/store/912627162	Shop912627162 Store
22	aliexpress.com/store/912633046	Xiaoyu3 Boutique Apparel Store
23	aliexpress.com/store/912635132	shop666888 Store
24	aliexpress.com/store/912719312	meiyingwu Store
25	amazon.com/sp?seller=A1DSM77HUUUCQI	huahuazanglibaihuo
26	amazon.com/sp?seller=A1LFKZRUXNY8S4	DecorSign59
27	amazon.com/sp?seller=A1YC8ZK1BB9XG1	Nicole Hopwood
28	amazon.com/sp?seller=A1ZXYIPET7M17X	xushuiwangwenjushanghang
29	amazon.com/sp?seller=A2BCBXSA5OIDR	Gold Luck Store
30	amazon.com/sp?seller=A2G507E9NB4IMO	Choco's shop
31	amazon.com/sp?seller=A2KFQVTEND1MG8	Lcqfvia
32	amazon.com/sp?seller=A2KK5KJOP113VF	Mr. Weimeng's shower curtain

33	amazon.com/sp?seller=A2PLZAR941JKEV	ZHANGSYA
34	amazon.com/sp?seller=A2WECXFAGO6RK9	chenchushengchenchusheng
35	amazon.com/sp?seller=A33KLSPZ1A4RR	Hefei Chafao Trading Co. , Ltd
36	amazon.com/sp?seller=A35LS6NP3Q7F0T	WANGZK
37	amazon.com/sp?seller=A3LZTH3LDMS2D3	HENE'JAL
38	amazon.com/sp?seller=A5RXZGGNTOM3X	Wan Da
39	amazon.com/sp?seller=AFM439C3HZU2L	wujunfuzhuangdian
40	dhgate.com/store/20129600	probowl
41	dhgate.com/store/20189276	Tradeleadercn
42	dhgate.com/store/21143341	projerseydealer
43	dhgate.com/store/21166497	fanzz_jersey
44	dhgate.com/store/21226939	throwbackstore
45	dhgate.com/store/21575040	sport_home99
46	dhgate.com/store/21575585	sports_goods88
47	dhgate.com/store/21649665	kjerseys
48	dhgate.com/store/21665826	Jiangqurong
49	dhgate.com/store/21689972	stitchedjersey01
50	dhgate.com/store/21697555	haoyunjersey
51	dhgate.com/store/21714156	xiaowangzi01
52	wish.com/merchant/540940347f086e17ac87c ac9	cai fashion
53	wish.com/merchant/595b7adec6cee82333491 21e	YPXPWJ
54	wish.com/merchant/5a803c8770cf6933d8a08 d37	CrazyWEN
55	wish.com/merchant/5e802f3c36e4b87090d12 2fc	ranjiahao6512
56	wish.com/merchant/5eb621976002742dd1a2 d7ec	guojiahui1229
57	wish.com/merchant/5ef4099f1319a2128782d e3f	lixuiyang
58	wish.com/merchant/5f537cf1de20802a4d95d aaa	Marjorie D Blount
59	wish.com/merchant/5fffb472902a971ade840c 14	wangyafan00852
60	wish.com/merchant/60e6b6019ddbb6c5dab6 a5ca	yanruohan668

Defendant Domain Names		
No	URL	Name / Seller Alias
61	collegedgame.net	collegedgame.net

62	ncaafootball.pro	ncaafootball.pro
63	oklahomasoonersfootballjersey.com	oklahomasoonersfootballjersey.com
64	oujersey.com	oujersey.com
65	oklahomajerseys.com	oklahomajerseys.com
66	oklahomasoonersjerseys.com	oklahomasoonersjerseys.com
67	oklahomasoonersshop.com	oklahomasoonersshop.com
68	soonersjersey.com	soonersjersey.com
69	oklahomasoonersjersey.com	oklahomasoonersjersey.com
70	oklahomasoonersfootballjerseys.com	oklahomasoonersfootballjerseys.com
71	collegeplayerstore.com	collegeplayerstore.com
72	ncaajerseys.org	ncaajerseys.org