

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

VOLKSWAGEN GROUP OF AMERICA,
INC.,

Plaintiff,

v.

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

Defendants.

No. 22-cv-02955

Judge John F. Kness

PRELIMINARY INJUNCTION ORDER



THIS CAUSE being before the Court on Plaintiff Volkswagen Group of America, Inc.’s (“Plaintiff”) Motion for Entry of a Preliminary Injunction, and this Court having reviewed the evidence presented to it, grants Plaintiff’s Motion for Entry of a Preliminary Injunction against the fully interactive e-commerce stores¹ operating under the seller aliases identified on the attached Schedule A (collectively, the “Defendants”).

This Court 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 using infringing and counterfeit versions of Plaintiff’s federally

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

registered trademarks (the “Audi Trademarks”) to residents of Illinois. A list of the Audi Trademarks is included in the below chart.

Registration No.	Mark
4,995,364	AUDI
5,093,264	AUDI
1,283,271	QUATTRO
3,241,273	QUATTRO
3,702,707	QUATTRO
4,284,786	 Audi
2,083,439	 Audi
3,007,305	
3,201,037	
3,848,240	

4,405,143	
5,457,305	

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 Audi 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 Audi Trademarks, and (3) Defendants’ use of the Audi Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Counterfeit Products with Plaintiff. Furthermore, Defendants’ continued and unauthorized use of the Audi Trademarks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff’s reputations, 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 the Audi 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 Audi product or not authorized by Plaintiff to be sold in connection with the Audi Trademarks;

b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Audi 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 the Audi 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 the Audi Trademarks and damaging Audi'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 Audi Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof.

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 the 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 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, 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 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 Audi 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, Amazon Pay, Walmart, DHgate, and Wish.com, 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. 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 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.

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.

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 the 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 (Dkt. 2), Exhibit 3 to the Declaration of Dana A. Cizmadia (Dkt. 17), and the TRO (Dkt. 22) 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.

SO ORDERED in No. 22-cv-02955.

Date: August 8, 2022



JOHN F. KNESS
United States District Judge

**Volkswagen Group of America, Inc. v. The Partnerships and Unincorporated Associations
Identified on Schedule "A" - Case No. 22-cv-02955**

Schedule A

Defendant Online Marketplaces

No	URL	Name / Seller Alias
1	ebay.com/usr/2011love4u	2011love4u
2	DISMISSED	DISMISSED
3	DISMISSED	DISMISSED
4	DISMISSED	DISMISSED
5	ebay.com/usr/ablewipeus	ablewipeus
6	DISMISSED	DISMISSED
7	ebay.com/usr/alilbetter	alilbetter
8	ebay.com/usr/allthings-mobile	allthings-mobile
9	ebay.com/usr/amazing-aus	amazing-aus
10	ebay.com/usr/angron_part	angron_part
11	ebay.com/usr/aonomo	aonomo
12	ebay.com/usr/auto88-8	auto88-8
13	ebay.com/usr/autoarea	autoarea
14	ebay.com/usr/autodecor-7	autodecor-7
15	ebay.com/usr/automotive.led	automotive.led
16	ebay.com/usr/autopart688	autopart688
17	DISMISSED	DISMISSED
18	ebay.com/usr/auto-parts-2020	auto-parts-2020
19	ebay.com/usr/autoyoyo	autoyoyo
20	ebay.com/usr/baifuxinxijishuyouxiangongsi	baifuxinxijishuyouxiangongsi
21	ebay.com/usr/bebestseller	bebestseller
22	ebay.com/usr/beespower	beespower
23	ebay.com/usr/beijing2022-bingdwendwen	beijing2022-bingdwendwen
24	ebay.com/usr/bggh8344	bggh8344
25	DISMISSED	DISMISSED
26	ebay.com/usr/boodlied	boodlied
27	ebay.com/usr/car_led_light_2018	car_led_light_2018
28	DISMISSED	DISMISSED
29	ebay.com/usr/care_for_your_car	care_for_your_car
30	DISMISSED	DISMISSED
31	DISMISSED	DISMISSED
32	DISMISSED	DISMISSED
33	DISMISSED	DISMISSED
34	DISMISSED	DISMISSED

35	ebay.com/usr/chenji6853	chenji6853
36	ebay.com/usr/cool-led-lights-2019	cool-led-lights-2019
37	DISMISSED	DISMISSED
38	ebay.com/usr/dengme_88	dengme_88
39	ebay.com/usr/dengyo69	dengyo69
40	ebay.com/usr/dengyun156	dengyun156
41	ebay.com/usr/dingxinsh79	dingxinsh79
42	ebay.com/usr/dtangorsong	dtangorsong
43	ebay.com/usr/ebgogo.cm	ebgogo.cm
44	DISMISSED	DISMISSED
45	DISMISSED	DISMISSED
46	ebay.com/usr/elegantno14	elegantno14
47	DISMISSED	DISMISSED
48	DISMISSED	DISMISSED
49	DISMISSED	DISMISSED
50	ebay.com/usr/ezu-seller	ezu-seller
51	DISMISSED	DISMISSED
52	ebay.com/usr/fashion-sports	fashion-sports
53	DISMISSED	DISMISSED
54	ebay.com/usr/fastdeal-store	fastdeal-store
55	ebay.com/usr/freelyparts	freelyparts
56	ebay.com/usr/freeparts_ym	freeparts_ym
57	ebay.com/usr/freespace-888	freespace-888
58	ebay.com/usr/funshopping	funshopping
59	DISMISSED	DISMISSED
60	ebay.com/usr/glory1016	glory1016
61	ebay.com/usr/goxmgoautomotive_club	goxmgoautomotive_club
62	ebay.com/usr/greathy_store	greathy_store
63	ebay.com/usr/guo187	guo187
64	DISMISSED	DISMISSED
65	ebay.com/usr/haifparts	haifparts
66	DISMISSED	DISMISSED
67	ebay.com/usr/hmling0103_4	hmling0103_4
68	DISMISSED	DISMISSED
69	ebay.com/usr/hsy1378-58	hsy1378-58
70	DISMISSED	DISMISSED
71	ebay.com/usr/huhansan91	huhansan91
72	DISMISSED	DISMISSED
73	DISMISSED	DISMISSED
74	DISMISSED	DISMISSED
75	ebay.com/usr/jialejia529	jialejia529

76	ebay.com/usr/jinyi168-5	jinyi168-5
77	ebay.com/usr/jinyi168-6	jinyi168-6
78	DISMISSED	DISMISSED
79	DISMISSED	DISMISSED
80	DISMISSED	DISMISSED
81	DISMISSED	DISMISSED
82	DISMISSED	DISMISSED
83	ebay.com/usr/likesunshine2022	likesunshine2022
84	ebay.com/usr/lili88999	lili88999
85	ebay.com/usr/lingvido-1	lingvido-1
86	ebay.com/usr/linkkong	linkkong
87	DISMISSED	DISMISSED
88	ebay.com/usr/luckydream88	luckydream88
89	DISMISSED	DISMISSED
90	DISMISSED	DISMISSED
91	DISMISSED	DISMISSED
92	DISMISSED	DISMISSED
93	ebay.com/usr/mari-241371	mari-241371
94	ebay.com/usr/miaoshishangmao88	miaoshishangmao88
95	DISMISSED	DISMISSED
96	DISMISSED	DISMISSED
97	ebay.com/usr/mmstar726	mmstar726
98	ebay.com/usr/modified_parts_us	modified_parts_us
99	ebay.com/usr/myqd78	myqd78
100	DISMISSED	DISMISSED
101	ebay.com/usr/novelnets24	novelnets24
102	DISMISSED	DISMISSED
103	ebay.com/usr/phoebe.do	phoebe.do
104	DISMISSED	DISMISSED
105	DISMISSED	DISMISSED
106	ebay.com/usr/prj-82	prj-82
107	DISMISSED	DISMISSED
108	ebay.com/usr/qiqiz-92	qiqiz-92
109	ebay.com/usr/qjdan-74	qjdan-74
110	DISMISSED	DISMISSED
111	ebay.com/usr/richszping	richszping
112	ebay.com/usr/ronggui-80	ronggui-80
113	ebay.com/usr/rrbu6265	rrbu6265
114	ebay.com/usr/rzf245	rzf245
115	ebay.com/usr/shnwae616	shnwae616
116	DISMISSED	DISMISSED

117	DISMISSED	DISMISSED
118	ebay.com/usr/s-lifeauto	s-lifeauto
119	ebay.com/usr/s-lifeautohome	s-lifeautohome
120	ebay.com/usr/smartool_plus	smartool_plus
121	DISMISSED	DISMISSED
122	ebay.com/usr/super-market-auto	super-market-auto
123	ebay.com/usr/tangda2022	tangda2022
124	ebay.com/usr/tjiurvsmw	tjiurvsmw
125	ebay.com/usr/toplevelautopart	toplevelautopart
126	ebay.com/usr/tzau-50	tzau-50
127	ebay.com/usr/tzaut-4	tzaut-4
128	DISMISSED	DISMISSED
129	DISMISSED	DISMISSED
130	DISMISSED	DISMISSED
131	ebay.com/usr/wish27_9	wish27_9
132	ebay.com/usr/wusj18	wusj18
133	ebay.com/usr/wuxxwu	wuxxwu
134	DISMISSED	DISMISSED
135	ebay.com/usr/xrks7205	xrks7205
136	ebay.com/usr/xuepingshangdian	xuepingshangdian
137	ebay.com/usr/xunzausa	xunzausa
138	DISMISSED	DISMISSED
139	DISMISSED	DISMISSED
140	ebay.com/usr/yijiuqipei666	yijiuqipei666
141	ebay.com/usr/yiwangqin54	yiwangqin54
142	DISMISSED	DISMISSED
143	ebay.com/usr/yudan1989	yudan1989
144	ebay.com/usr/yunxi-01	yunxi-01
145	ebay.com/usr/yunze20176	yunze20176
146	ebay.com/usr/zengy2015	zengy2015
147	DISMISSED	DISMISSED
148	ebay.com/usr/zhangya-7733	zhangya-7733
149	DISMISSED	DISMISSED
150	DISMISSED	DISMISSED
151	ebay.com/usr/zhoutech2019	zhoutech2019
152	ebay.com/usr/zimin-6	zimin-6
153	ebay.com/usr/zoutech	zoutech
154	ebay.com/usr/zsb-12	zsb-12