

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

PINK FLOYD (1987) LIMITED,

Plaintiff,

v.

THE PARTNERSHIPS AND
NINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE “A”,

Defendants.

No. 22-cv-03250

Judge John F. Kness

PRELIMINARY INJUNCTION ORDER

Plaintiff PINK FLOYD (1987) LIMITED (“PFL”) filed a Motion for Entry of a Preliminary Injunction against the against the fully interactive, e-commerce stores operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (collectively, “Defendants”) and using at least the online marketplace accounts identified in Schedule A (the “Defendant Internet Stores”). After reviewing the Motion and the accompanying record, this Court grants PFL’s Motion as follows.

This Court finds, in the absence of adversarial presentation, that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, PFL 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, and have sold products using infringing and counterfeit versions of PFL’s federally registered trademarks, which are covered by U.S. Trademark Registration Nos. 2,194,702; 3,247,700; 4,232,255; 4,236,037; 5,521,572; and

6,514,317 (the “PINK FLOYD Trademarks”) to residents of Illinois. In this case, PFL 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 purchase products using counterfeit versions of the PINK FLOYD Trademarks. *See* Docket No. [13], which includes screenshot evidence confirming that each Defendant e-commerce store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the PINK FLOYD Trademarks.

This Court also finds that the injunctive relief previously granted in the 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 PFL’s previously granted Motion for Entry of a TRO establishes that PFL has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that PFL will suffer irreparable harm if the injunction is not granted.

Specifically, PFL has proved a *prima facie* case of trademark infringement because (1) the PINK FLOYD 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 PINK FLOYD Trademarks, and (3) Defendants’ use of the PINK FLOYD Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with PFL. Furthermore, Defendants’ continued and unauthorized use of the PINK FLOYD Trademarks irreparably harms PFL through diminished goodwill and brand confidence, damage to PFL’s reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, PFL 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. Accordingly, this Court orders that:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be preliminarily enjoined and restrained from:
 - a. using the PINK FLOYD Trademarks or any reproductions, counterfeit copies, or colorable imitations in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine PFL product or not authorized by PFL to be sold in connection with the PINK FLOYD Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine PFL product or any other product produced by PFL, that is not PFL's or not produced under the authorization, control, or supervision of PFL and approved by PFL for sale under the PINK FLOYD Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of PFL, or are sponsored by, approved by, or otherwise connected with PFL; and
 - d. 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 PFL, nor authorized by PFL to be sold or offered for sale, and which bear any of PFL's trademarks, including the PINK FLOYD Trademarks, or any reproductions, counterfeit copies, or colorable imitations.

2. Defendants, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) the identity and location, including contact information, their true name and physical address, and all associated e-mail addresses, of Defendant; (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 Stores of Defendants, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history; and (c) the steps taken by Defendants to comply with paragraphs 1, (a)-(d) above
3. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
4. Upon PFL's request, Defendants and any third party with actual notice of this Order who is providing services for any of Defendants, or in connection with any of Defendants' Defendant Internet Stores, including, without limitation, any online marketplace platforms such as Alipay US, Inc. and its related companies and affiliates ("Alipay"), Alibaba Group Holding Ltd. and any related Alibaba entities ("Alibaba"), Huguang International Limited or Dunhuang Group d/b/a DHGATE, DHgate.com DHPORT, DHLINK, and DHPAY ("DHgate"), and PayPal, Inc. ("PayPal"), (collectively, the "Third Party Providers"), shall, within ten (10) business days after receipt of such notice, provide to PFL expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:

- a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active 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 Defendant Internet Stores and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Defendant Internet Stores; and
 - c. any financial accounts owned or controlled by Defendants, including their officers, agents, servants, employees, attorneys, and any persons acting in active 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, Alipay, Alibaba, DHgate, and PayPal, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon PFL's request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 4, shall within five (5) 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 counterfeit and infringing goods using the PFL Trademarks.
6. Any Third Party Providers, including Alipay, Alibaba, DHgate, and PayPal, shall, within five (5) business days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants' seller aliases, including, but not limited to, any financial accounts connected to the information listed in

Schedule A hereto, the e-mail addresses identified in Exhibit 2 to the Declaration of Thomas Schlegel, and any e-mail addresses provided for Defendants by third parties; and

- b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further order by this Court.
7. PFL may provide notice of the proceedings in this case 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 Pleadings, this Order, and other relevant documents on a website or by sending an e-mail with a link to said website to the e-mail addresses identified in Exhibit 2 to the Declaration of Thomas Schlegel and any e-mail addresses provided for Defendants by third parties. The Clerk of the Court is directed to issue a single original summons in the name of "007 factroy Store and all other Defendants identified in the Complaint" that shall apply to all Defendants. (Note: "007 factroy Store" is the correct spelling.) The combination of providing notice via electronic publication or 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. Plaintiff's Schedule A to the Complaint [2], Exhibit 2 to the Declaration of Thomas Schlegel [13], and the TRO [16] 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 the Northern District of Illinois Local Rules. Any third party impacted by this Order may move for appropriate relief.

10. The Ten Thousand Dollar (\$10,000) bond posted by PFL 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-03250.

Date: August 12, 2022



JOHN F. KNESS
United States District Judge

Schedule A

No.	Defendants
1	007 factroy Store
2	01 Small Fish Store
3	1032062956 Store
4	1540657971 Store
5	2021 Anime Store
6	3-98 MOVIE Store
7	3D clothing source manufacturers Store
8	3D Fashion Casual Clothing Store
9	3DPrinted Store
10	a zhou canoe art Store
11	Ali Didi Store
12	Aliexpress Hat Store
13	AliExpress Standard Shipping Store
14	AliExpress Standard Store
15	ANCAI Painting Store
16	Animeland Store
17	Anna Handicrafts Store
18	Art Furniture Fainting Store
19	ARTISIAN Decoration Store
20	Artistic Creation Store
21	awazon Store
22	AZ Streetwear Store
23	BEDHOME Store
24	Bellotti Store
25	Black Friday Department store Store
26	Blanket Store Store
27	Blanket Warehouse Store
28	Bollinger Homedecor Store
29	ChenCan Trading Store
30	CLOOCL Homes Store
31	comfortable decor Store
32	COOC ART Store
33	dasrt Store
34	davidangie2 Store
35	DIYTOSHIRT Store
36	DOTZSO Store
37	Dreams Clothes Workshop Store
38	dro pshipping Store
39	ESQUIRE Store
40	E-Youth Store
41	Factory Outlet T-Shirt Hoodie Store
42	Fajermin Art Poster Store

43	Fanxishi Art Store
44	Fashionable Patch Store
45	Findh Lanhn Store
46	FR Decor Tin signs Store
47	FS Scarves Store
48	Funny Blanket Store
49	funny evil Store
50	Furlar Store
51	Fwei Store
52	galleryShop Store
53	GBB Store
54	GENOVO Store1988 Store
55	glamour decoration 002 Store
56	Gold Leaf Home Accessories Store
57	Good Luck Art Store
58	guohaonian Store
59	HaiYun doormat Store
60	Hansome poster Store
61	Happiness Wall&Art Store
62	Hi & Decor Store
63	HL168 Store
64	HMDM0916 Store
65	HNN Store
66	HomeForFun Store
67	HOT HD POSTER Store
68	HotMeiNi 8 Store
69	HUAZHIX Decor Store
70	Hulunbuir Store
71	HZ Anime Store
72	ICCLEK FEMALE Store
73	IKEAEA Store
74	Indecor Store
75	invisible moon art Store
76	Jing Department Store Store
77	JINYANG Art Decor Store
78	Kekole Store
79	life day Store
80	lifedays Store
81	LOVER posters Store
82	Irene Store
83	Luckily Wall Art Store
84	Margot55 Store
85	Mclady Store
86	men's 666 Store
87	Metal Tin Poster Store

88	Mettiage Store
89	Mid-year big sale Store
90	mimimimimimimi Store
91	Monkey Wall Signs Store
92	Mr. Guo Store
93	Mr. Ye Store
94	Ms Luo Store
95	Ms. Sophia Sew Accessory Store
96	Must fire home store Store
97	Nake's Store
98	NBest Art Store
99	Night's Watch Store
100	NIKEET Store
101	Ninachen Store
102	Oranges Art Store
103	Orchid decoration Store
104	Orianna Official Store
105	Pang-1983 Store
106	Panta Store
107	pengrongup tin signs Store
108	Personality paintings Store
109	Poetic Life Diamond Painting Factory Store
110	Premium hometextile bespoke Store
111	Promise-YN Store
112	Ringling Art Store
113	Ripple Junction Store
114	risa Store
115	RUNMEIFA Bonnet Store
116	Saily Garcia Store
117	Shaylee Life Store
118	shes Store
119	Shop1100010007 Store
120	Shop1100032077 Store
121	Shop1100080256 Store
122	Shop1100081207 Store
123	Shop1100087222 Store
124	Shop1100088111 Store
125	Shop1100172109 Store
126	Shop1100172521 Store
127	Shop1100188144 Store
128	Shop1100266257 Store
129	Shop1100313058 Store
130	Shop1100344185 Store
131	Shop1100358079 Store
132	Shop1100368277 Store

133	Shop1100370546 Store
134	Shop1100371024 Store
135	Shop1100385454 Store
136	Shop1100387839 Store
137	Shop1102054231 Store
138	shop1228 Store
139	Shop4232038 Store
140	Shop5225058 Store
141	Shop5247198 Store
142	Shop5372219 Store
143	Shop5616048 Store
144	shop58426 Store
145	Shop910437102 Store
146	Shop910743018 Store
147	Shop911567187 Store
148	Shop912624361 Store
149	shop9811 Store
150	Showy Store
151	Small fish costume Store
152	SONSPEE SALE Store
153	Spring wall art Store
154	TIANGOU Store
155	T-Shirt55 Store
156	Urbrill Store
157	Urica Store
158	VA999 Store
159	Welcome to department store Store
160	Wienen Decors Store
161	Winter wall art Store
162	woollen blanket No. 2 Store
163	WXDUUZ duoduo Store
164	XIAOHANHAN Store
165	Yahua Store
166	yakeli2 Store
167	YINGZI TAO Painting Store
168	Yneoi Store
169	YooBaby Store
170	Yuanlang Store
171	yunqijiuxiao Store
172	zheyuwen2 Store
173	ZOTOONE Handcraft Store
174	ZOTOONE Official Store
175	cozyroomer Store
176	dhgatewangl Store
177	fashiondemon Store

178	Plumblossom Dress & Swimwear Clothing Supplier Store
179	teehroman
180	trading188 Store
181	trading588 Store
182	trading6888 Store
183	trading8888 Store
184	yjh 041
185	Dongguan Baolong Clothing Co., Ltd.
186	Fujian Loumei Technology Co., Ltd.
187	Guangzhou Shuliqui Garment Co., Ltd.
188	Jiaxing Lanke Import & Export Co., Ltd.
189	Jinjiang Canzhong Trade Co., Ltd.
190	Nanchang Finery Clothing Co., Ltd.
191	Quanzhou Xiaomanniu E-Commerce Co., Ltd.
192	Shandong Baili Clothing Co., Ltd.
193	Shandong Qiyu Clothing Co., Ltd.
194	Shaoxing Youju Textile Co., Ltd.
195	Shenzhen Hongfu Industrial Co., Ltd.
196	Xiamen Billions Imp. & Exp. Co., Ltd.
197	Yiwu Cuirun E-Commerce Firm
198	Yiwu Mumu Crafts Co., Ltd