

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

DECKERS OUTDOOR CORPORATION,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-03538

Judge Sara L. Ellis

Magistrate Judge Sunil R. Harjani

PRELIMINARY INJUNCTION ORDER

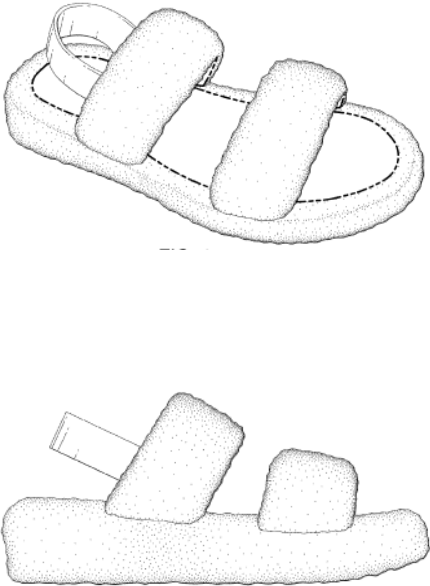
Plaintiff Deckers Outdoor Corporation (“Deckers” or “Plaintiff”) filed a Motion for Entry of a Preliminary Injunction against the against the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (collectively, “Defendants”) and using at least the online marketplace accounts identified in Schedule A (the “Online Marketplaces”). After reviewing the Motion and the accompanying record, this Court GRANTS Plaintiff’s Motion in part as follows.

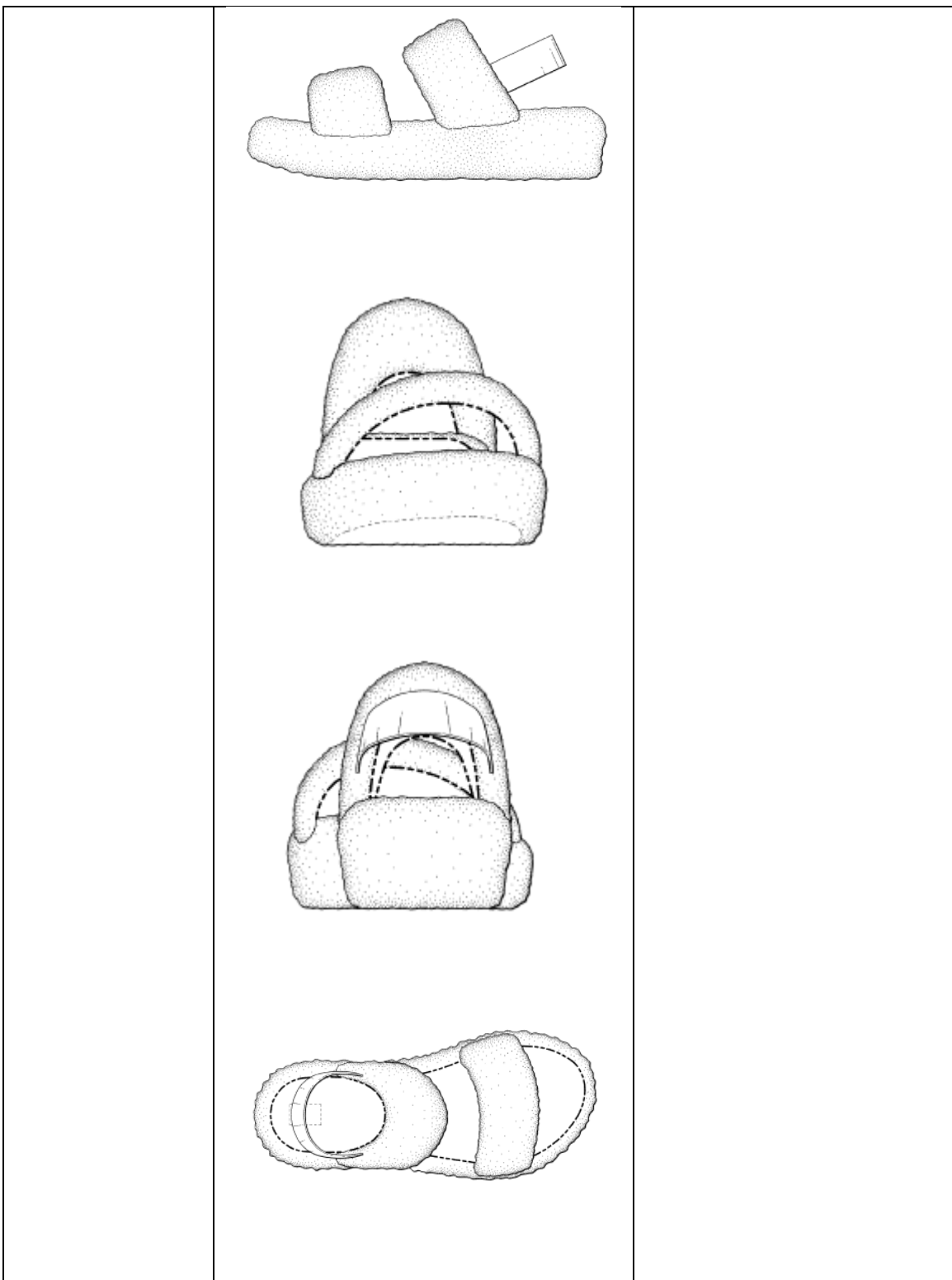
This Court finds Plaintiff has provided notice to Defendants in accordance with the Temporary Restraining Order entered August 1, 2022, [25] (“TRO”), and Federal Rule of Civil Procedure 65(a)(1).

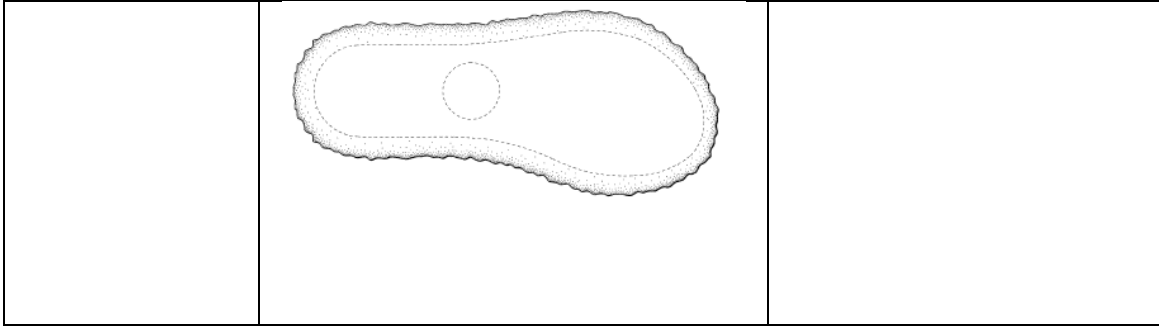
This Court also finds, in the absence of adversarial presentation, that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Plaintiff has provided a basis to

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

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 the same product that infringes directly and/or indirectly Plaintiff's United States design patent shown in the below chart (the "UGG 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 that infringe directly and/or indirectly the UGG Design. *See* Docket No. [16], which includes screenshot evidence confirming that each Defendant e-commerce store does stand ready, willing and able to ship its infringing goods to customers in Illinois infringing the UGG Design.

Patent Number	Claim	Issue Date
D901,870		November 17, 2020





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 Plaintiff's previously granted Motion for Entry of a TRO 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, Deckers has proved a *prima facie* case of design infringement because (1) Deckers is the lawful assignee of all right, title and interest in and to the UGG 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 UGG Design, and (3) an ordinary observer would be deceived into thinking the Infringing Product was the same as the UGG Design. Furthermore, Defendants' continued and unauthorized use of the UGG Design irreparably harms Deckers through loss of customers' goodwill, reputational harm, and Deckers' ability to exploit the UGG Design. Monetary damages fail to address such damage and, therefore, Deckers 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. offering for sale, selling and importing any products not authorized by Deckers and that include any reproduction, copy or colorable imitation of the design claimed in the UGG Design;
 - b. aiding, abetting, contributing to, or otherwise assisting anyone in infringing upon the UGG 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. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
3. Upon Plaintiff'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' Online Marketplaces, including, without limitation, any online marketplace platforms such as eBay, Inc. ("eBay"), AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), Amazon.com, Inc., 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 Deckers expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:

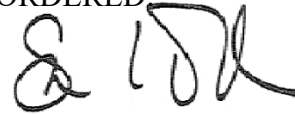
- a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including all known contact information and all associated e-mail addresses;
 - b. the nature of Defendants' operations and all associated sales, methods of payment for services, and financial information, including, without limitation, identifying information associated with the Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces; 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, PayPal, Inc. ("PayPal"), eBay, Alipay, Wish.com, Alibaba, Ant Financial Services Group ("Ant Financial"), Amazon Pay, Walmart, Etsy, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
4. Upon Plaintiff's request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 3, 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 infringing goods using the UGG Design.
5. Any Third Party Providers, including PayPal, eBay, Alipay, Alibaba, Ant Financial, Wish.com, Walmart, Etsy, 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, 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 Lisa Bereda, 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.
6. Deckers 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 and by sending an e-mail with a link to said website to the e-mail addresses identified in Exhibit 2 to the Declaration of Lisa Bereda 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 "The Partnerships and all other Defendants identified in the Operative 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.
7. Plaintiff's Pleading(s) Schedule A to the Complaint [2], Exhibit 1 to the Complaint [3], Exhibit 2 to the Declaration of Lisa Bereda [16], and the TRO [25] are unsealed.
8. 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.

9. The \$10,000 bond posted by Deckers shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'S. L. Ellis', written over a horizontal line.

Sara L. Ellis
United States District Judge

Dated: September 6, 2022

**Deckers Outdoor Corporation v. The Partnerships and Unincorporated Associations Identified on
Schedule "A" - Case No. 22-cv-03538**

Schedule A

Defendant Online Marketplaces

No	URL	Name / Seller Alias
1	shenjiefushi.en.alibaba.com	Dongguan Shenjie Clothing Co., Ltd.
2	veidier03.en.alibaba.com	Fujian Weidier Trading Co., Ltd.
3	newhenghong.en.alibaba.com	Fujian Xinhenghong Trading Co., Ltd.
4	aoao.en.alibaba.com	Guangzhou Pzf Garment Co., Ltd.
5	youdiaojiaju.en.alibaba.com	Jiaxing Youdiao Household Products Co.Ltd
6	hf-sunrise.en.alibaba.com	Jinjiang Hanfeng Trade Co., Ltd.
7	giftcustom.en.alibaba.com	Zhouning County Xintai Trading Co., Ltd.
8	aliexpress.com/store/912319116	aoyingmaoyi Store
9	aliexpress.com/store/3254082	Charismatic house Store
10	aliexpress.com/store/912373939	DEARLADY Store
11	aliexpress.com/store/912324413	Designer Shoe 4 Store
12	aliexpress.com/store/912392548	DOGHC Store
13	aliexpress.com/store/911513071	ginchasio Ginchasio Store
14	aliexpress.com/store/912353891	Guo li Store
15	aliexpress.com/store/5629022	KKshoes Store
16	aliexpress.com/store/912153328	LI DEXIN123 Store
17	aliexpress.com/store/5782826	Mingjing shoe store Store
18	aliexpress.com/store/3251102	MLJUFE Store
19	aliexpress.com/store/912725073	MOMOWholesaler Store
20	aliexpress.com/store/4447010	OCQBI Store
21	aliexpress.com/store/1101561804	shop 911068 Store
22	aliexpress.com/store/1100217274	Shop1100217274 Store
23	aliexpress.com/store/1100217367	Shop1100217367 Store
24	aliexpress.com/store/413079	Shop413079 Store
25	aliexpress.com/store/4194009	Shop4194009 Store
26	aliexpress.com/store/4629037	Shop4629037 Store
27	aliexpress.com/store/911137108	Shop911137108 Store
28	aliexpress.com/store/912138090	spraying Official Store
29	aliexpress.com/store/912340032	SUN-003 Store
30	aliexpress.com/store/911941632	WenNuan688 Store
31	aliexpress.com/store/5071464	WHNB Trend shoe store Store
32	aliexpress.com/store/912259343	wwabo Store
33	aliexpress.com/store/912341412	Xiao Xiao Teemo Store

34	aliexpress.com/store/911386153	YISHEN WOMENS Store
35	aliexpress.com/store/911970001	Yongxin shoe store Store
36	amazon.com/sp?seller=A3RV57DS3VAFZ1	A3RV57DS3VAFZ1
37	amazon.com/sp?seller=A2X3XYYYEA2B1D	aumaric
38	amazon.com/sp?seller=A94SVI1497PLC	heyixieye
39	amazon.com/sp?seller=A2YLF185034L50	LE DOU
40	amazon.com/sp?seller=A32W0MEO5CZKPX	liukaiyu
41	amazon.com/sp?seller=A3P0CZ325WL393	meixiarizabaihuoshangdian
42	amazon.com/sp?seller=A3P7Q8BZ9PDROA	Sunny Cloud
43	amazon.com/sp?seller=A3H86QHWMTFBMA	TLSM-US
44	amazon.com/sp?seller=A34TZ6VYUA5BMI	VENCANN
45	amazon.com/sp?seller=A4RILIRLD7UDW	wangguohuibaihuo
46	amazon.com/sp?seller=A2ERZQAJJE2QW1	xinaiyu
47	amazon.com/sp?seller=A1TA1R52MDBN80	YANZUS
48	amazon.com/sp?seller=A1TJR36JR0BKW1	YAOLUNUS
49	amazon.com/sp?seller=A2ORU0OFIHH1UF	YISIUS
50	amazon.com/sp?seller=A10VI73MLTVUBF	yutaoamz
51	dhgate.com/store/21696106	Air Jordan Sneakers Store
52	dhgate.com/store/21047095	bellny Store
53	dhgate.com/store/20331287	feizhu Store
54	dhgate.com/store/20150484	Flightclub.cn Store
55	dhgate.com/store/21215147	friendwe Store
56	dhgate.com/store/21698090	happykayong832 Store
57	dhgate.com/store/21691093	liandang Store
58	dhgate.com/store/21008504	mayaa Store
59	dhgate.com/store/21671298	monicafashionbags Store
60	dhgate.com/store/21667429	nixin55 Store
61	dhgate.com/store/21639614	Original luxury designer Store
62	dhgate.com/store/21667409	xinhang55 Store
63	dhgate.com/store/21667405	xinhao55 Store
64	dhgate.com/store/21667412	xinjun55 Store
65	dhgate.com/store/21666362	xinren55 Store
66	dhgate.com/store/21667403	xinyu55 Store
67	dhgate.com/store/21667416	xinyue55 Store
68	dhgate.com/store/21433035	yongwangzhiqian777 Store