

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

RIVER LIGHT V, L.P. and  
TORY BURCH LLC,

Plaintiffs,

v.

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

Defendants.

Case No. 22-cv-03622

Judge Andrea R. Wood

Magistrate Judge Jeffrey T. Gilbert

**PRELIMINARY INJUNCTION ORDER**

Plaintiffs River Light V, L.P. and Tory Burch LLC (collectively, “Plaintiffs” or “Tory Burch”) filed a Motion for Entry of a Preliminary Injunction, against the fully interactive, e-commerce stores<sup>1</sup> operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (collectively, the “Seller Aliases”). After reviewing the Motion and the accompanying record, this Court GRANTS Plaintiffs’ Motion as follows.

This Court finds Plaintiffs have provided notice to Defendants in accordance with the Temporary Restraining Order entered July 28, 2022 [26] (“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 the Defendants because Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Plaintiffs have provided a basis to







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








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, accept payment of U.S. dollars and have sold products using infringing and counterfeit versions of Plaintiffs' federally registered trademarks ("Plaintiffs' Trademarks") to residents of Illinois. In this case, Plaintiffs have presented screenshot evidence that each Defendant 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 using counterfeit versions of the Plaintiffs' Trademarks. *See* Docket No. [17],[18], which includes screenshot evidence confirming that each Defendant internet store does stand ready, willing, and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the Plaintiffs' trademarks. A list of the Plaintiffs' Trademarks is included in the below chart.

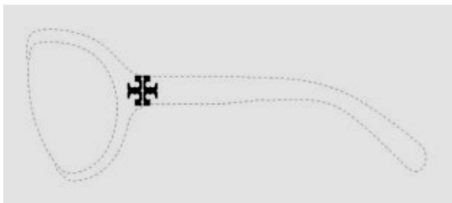
<b>Registration Number</b>	<b>Trademark</b>	<b>Depiction of Mark</b>	<b>Goods and Services</b>
3,386,532	TORY BURCH	TORY BURCH	For: Retail clothing stores in class 035.
3,428,373	TORY BURCH	TORY BURCH	For: Coats; dresses; footwear; headwear; jackets; pants; shirts; shorts; skirts; sweaters; swim wear; tops in class 025.
3,428,374	TORY BURCH	TORY BURCH	For: Cosmetic bags sold empty; handbags; in class 018.
3,428,816	TORY BURCH	TORY BURCH	For: Jewelry in class 014.

Registration Number	Trademark	Depiction of Mark	Goods and Services
3,758,631	TORY BURCH	TORY BURCH	For: Eyewear and eyewear cases in class 009.
3,814,500	TORY BURCH	TORY BURCH	For: Candles in class 004.
4,205,354	TORY BURCH	TORY BURCH	For: Cell phone cases; leather protective covers specially adapted for personal electronic devices; protective covers and cases for cell phones, laptops and portable media players in class 009.
4,656,700	TORY BURCH	TORY BURCH	For: Watches in class 014.
3,029,795	TT		<p>For: Candles in class 004.</p> <p>For: Jewelry in class 014.</p> <p>For: Accessories, namely, handbags, umbrellas and cosmetic bags sold empty in class 018.</p> <p>For: Housewares, namely towels in class 024.</p> <p>For: Clothing, namely, shirts, tops, sweaters, pants, skirts, shorts, dresses, bathing suits, bikinis, sarongs, shoes, socks, belts, robes and headwear; outerwear, namely, scarves, jackets, vests and coats in class 025.</p>

Registration Number	Trademark	Depiction of Mark	Goods and Services
3,563,326	TT		For: A full line of handbags in class 018.  For: A full line of women's clothing and footwear in class 025.
4,029,068	TT		For: Robes in class 025.
4,045,568	TT		For: Eyewear and eyewear cases in class 009.
4,129,090	TT		For: Metal key chains in class 006.
4,150,523	TT		For: Leather key chains in class 018.
4,213,404	TT		For: Backpacks; beach bags; business card cases; coin purses; overnight bags; wallets; wristlet bags in class 018.

Registration Number	Trademark	Depiction of Mark	Goods and Services
4,213,405	TT		For: Cell phone cases; leather protective covers specially adapted for personal electronic devices; protective covers and cases for cell phones, laptops and portable media players in class 009.
4,664,182	TT		For: Watches in class 014.
4,317,165	TT		For: Business card cases; cosmetic cases sold empty; handbags; leather pouches; purses; tote bags; wallets; wristlet bags in class 018.
4,345,875	TT		For: Belts; dresses; footwear; hats; jackets; pants; scarves; shirts; sweaters; swimwear in class 025.
4,363,739	TT		For: Jewelry in class 014.
4,382,707	TT		For: cell phone cases; eyewear; leather protective covers specially adapted for personal electronic devices; protective covers and cases for cell phones, laptops and

Registration Number	Trademark	Depiction of Mark	Goods and Services
			portable media players; sunglasses in class 009.
4,242,007	TT		For: Eyewear in class 009.
4,365,683	TT		For: Footwear in class 025.
4,459,720	TT		For: Handbags; leather pouches; tote bags in class 018.
4,345,879	T		For: Handbags and wallets in class 018.
4,345,878	T		For: Jewelry in class 014.
4,345,877	T		For: cell phone cases; eyewear; leather protective covers specially adapted for personal electronic devices; protective covers and cases for cell phones, laptops and portable media players; sunglasses in class 009.
4,345,880	T		For: Footwear, scarves, shirts, and sweaters in class 025.

<b>Registration Number</b>	<b>Trademark</b>	<b>Depiction of Mark</b>	<b>Goods and Services</b>
3,920,528	TT		For: Eyewear in class 009.
5,368,436	TORY	TORY	For: Clothing in class 025.
4,422,079	TORY	TORY	For: Handbags in class 018.
5,015,665	TORY	TORY	For: Watches in class 014.
3,479,178	REVA	REVA	For: Footwear in class 025.
3,918,505	REVA	REVA	For: Handbags in class 018.

This Court further finds that 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 Plaintiffs' previously granted Motion for Entry of a Temporary Restraining Order establishes that Plaintiffs have demonstrated a likelihood of success on the merits; that no remedy at law exists; and that Plaintiffs will suffer irreparable harm if the injunction is not granted.

Specifically, Plaintiffs have made a sufficient showing of trademark infringement because (1) Plaintiffs' 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 Plaintiffs' Trademarks, and (3) Defendants' use of Plaintiffs' Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with Plaintiffs.

Furthermore, Defendants' continued and unauthorized use of Plaintiffs' Trademarks irreparably harms Plaintiffs through diminished goodwill and brand confidence, damage to Plaintiffs' reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Plaintiffs have 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 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 Plaintiffs' 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 Plaintiffs' Product or not authorized by Plaintiffs to be sold in connection with Plaintiffs' Trademarks;
  - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Plaintiffs' Product or any other product produced by Plaintiffs, that is not Plaintiffs' or not produced under the authorization, control or supervision of Plaintiffs and approved by Plaintiffs for sale under Plaintiffs' Trademarks;
  - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiffs, or are sponsored by, approved by, or otherwise connected with Plaintiffs;
  - d. further infringing Plaintiffs' Trademarks and damaging Plaintiffs' 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 Plaintiffs, nor authorized by Plaintiffs to be sold or offered for sale, and which bear any of Plaintiffs' trademarks, including the Plaintiffs' 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., Afiliast Limited, CentralNic, Nominet, and the Public Interest Registry, within seven (7) calendar days of receipt of this Order, shall 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 Plaintiffs' selection so that the Domain Names can be redirected or disabled until further ordered by this Court.
4. Upon Plaintiffs' 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 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"), Etsy, Inc. ("Etsy"), and DHgate (collectively, the "Third Party Providers") shall, within seven (7) calendar days after receipt of such notice, provide to

Plaintiffs 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 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, Domain Names, and Defendants' financial accounts, including 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 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, Alibaba, Ant Financial Services Group ("Ant Financial"), Wish.com, Amazon Pay, Walmart, Etsy, DHgate, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon Plaintiffs' request, those with notice of this Order, including 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 Plaintiffs' 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, 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, Online Marketplaces and Domain Names, 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.
8. Plaintiffs are 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 active concert or participation with them, including all known contact information, 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, Domain Names, and Defendants'

financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces and Domain Names.

Plaintiffs are 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.

9. Plaintiffs 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 Plaintiffs' control will redirect, or by sending an e-mail to the e-mail addresses identified in Exhibits 3 and 4 to the Declaration of Wendy Lang Kaplowitz and any e-mail addresses provided for Defendants by third parties 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 3 and 4 to the Declaration of Wendy Lang Kaplowitz [17] and [18], and the TRO [26] 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

Northern District of Illinois Local Rules. Any third party impacted by this Order may move for appropriate relief.

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

Dated: August 25, 2022

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Andrea R. Wood", written over a horizontal line.

Andrea R. Wood  
United States District Judge

**River Light V, L.P. and Tory Burch LLC v. The Partnerships and Unincorporated Associations Identified  
on Schedule "A" - Case No. 22-cv-03622**

## Schedule A

<b>Defendant Online Marketplaces</b>		
<b>No</b>	<b>URL</b>	<b>Name / Seller Alias</b>
1	fjhengxin.en.alibaba.com	Fujian Hengxin Garment Co., Ltd.
2	mykissbaby.en.alibaba.com	Fuzhou Jiama Trade Co., Ltd.
3	mingchenxieye.en.alibaba.com	Fuzhou Mingchen Shoes Co., Ltd.
4	frinit.en.alibaba.com	Fuzhou Zeal Top Shoes Co., Ltd.
5	wjsw.en.alibaba.com	Guangzhou Shiwei Foreign Trade Clothing Co., Ltd.
6	chamss.en.alibaba.com/minisiteentrance.html	Haifeng Changsheng Jewelry Co., Ltd.
7	romantic-jewelry.en.alibaba.com/minisiteentrance.html	Haifeng Meilong Romantic Jewelry Factory
8	jyyaoji.en.alibaba.com	Jieyang Airport Economic Zone Yaoji Shoes Co., Ltd.
9	qzbibi.en.alibaba.com	Quanzhou Bibi Trading Co., Ltd.
10	superkf.en.alibaba.com	Quanzhou Kafei Electronic Commerce Co., Ltd.
11	supertrade.en.alibaba.com	Quanzhou Super Import And Export Trading Co., Ltd.
12	cnshggsh.en.alibaba.com/minisiteentrance.html	Shanggao Guanshuang Network Technology Co., Ltd.
13	zwpjewelry.en.alibaba.com	Shenzhen Baoan District Zwp Jewelry Factory
14	szsunton.en.alibaba.com	Shenzhen Feiton Shoes & Materials Co., Ltd.
15	aiyouda.en.alibaba.com	Sichuan Aedra Technology Co., Ltd.
16	mfyb.en.alibaba.com	Sichuan Mengfu Yibai Trading Co., Ltd.
17	kunzhengpackaging.en.alibaba.com	Xiongxin Kunzheng Luggage Manufacturing Co., Ltd.
18	ywyirun.en.alibaba.com	Yiwu Yirun Import And Export Co., Ltd.
19	aliexpress.com/store/912311202	925 silver To ousingly Store
20	aliexpress.com/store/912167081	MJAPM925 Store
21	aliexpress.com/store/911988085	MOLEWIN Store
22	aliexpress.com/store/912162393	Morii kilig Store
23	aliexpress.com/store/912420423	Quality clothinin Store
24	aliexpress.com/store/911785610	Setphanie Store
25	aliexpress.com/store/912370973	Shalala-Shoes Store
26	aliexpress.com/store/1100219093	Shop1100219093store Store
27	aliexpress.com/store/1911559	Shop1911559 Store
28	aliexpress.com/store/912625535	Shop912625535 Store

29	aliexpress.com/store/911740221	ZQW001 Store
30	dhgate.com/store/21757384	Baodansing
31	dhgate.com/store/21673416	Cumiao
32	dhgate.com/store/21756837	designer6333
33	dhgate.com/store/21754716	dhaccmerch
34	dhgate.com/store/21711017	dhgatefashions
35	dhgate.com/store/21292461	Feng520yao
36	dhgate.com/store/21669497	Guawan
37	dhgate.com/store/21757386	Junyingfa
38	dhgate.com/store/21523752	King868
39	dhgate.com/store/20693972	leeblack
40	dhgate.com/store/21665670	Offwhiteonsale
41	dhgate.com/store/13639221	Shishang1858
42	dhgate.com/store/21693353	Shoes1688
43	instagram.com/designerwholesale_/_	designerwholesale_
44	instagram.com/guchi_088/	guchi_088

Defendant Domain Names		
No	URL	Name / Seller Alias
45	replicatoryburchcheap.com	replicatoryburchcheap.com
46	torybshop.com	torybshop.com
47	torybshoes.store	torybshoes.store
48	torybagsale.club	torybagsale.club
49	torybagsale.store	torybagsale.store