

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

GS HOLISTIC, LLC,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-03958

Judge Sharon Johnson Coleman

Magistrate Judge Gabriel A. Fuentes

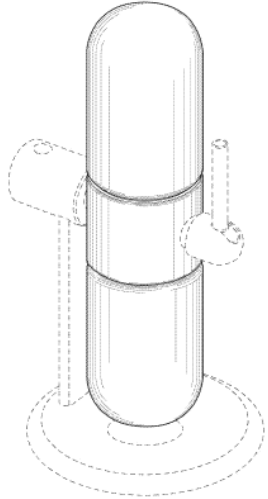
PRELIMINARY INJUNCTION ORDER

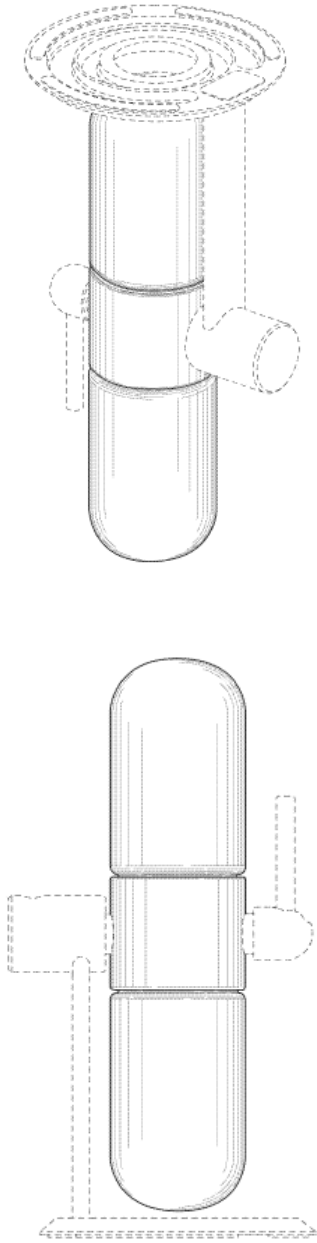
THIS CAUSE being before the Court on GS Holistic, LLC’s (“Plaintiff”) Motion for Entry of a Preliminary Injunction (the “Motion”) against the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A attached hereto (collectively, the “Seller Aliases”), and this Court having heard the evidence before it hereby GRANTS Plaintiff’s Motion in its entirety.

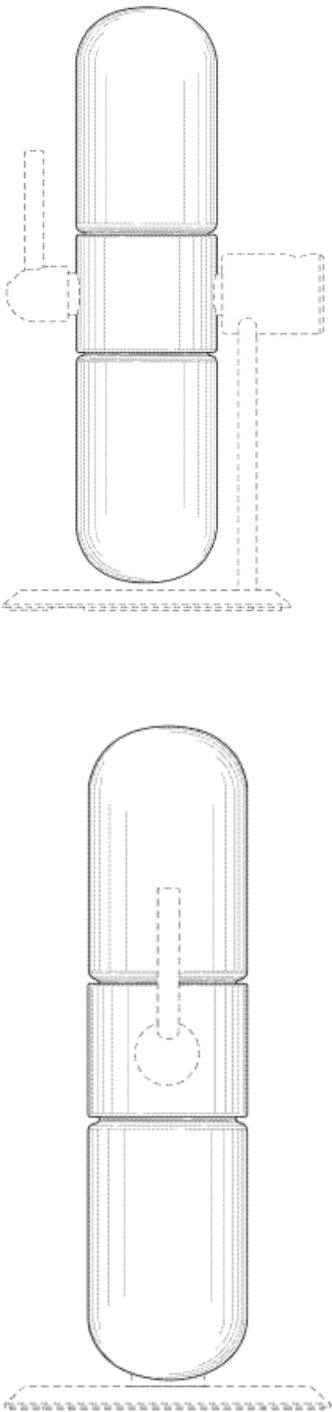
The Court further finds that it has personal jurisdiction over the Defendants based on Plaintiff’s un rebutted assertions that the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Plaintiff has provided a basis to conclude that 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, accept payment in U.S. dollars, and have sold products that infringe directly and/or indirectly Plaintiff’s United States design patent shown in

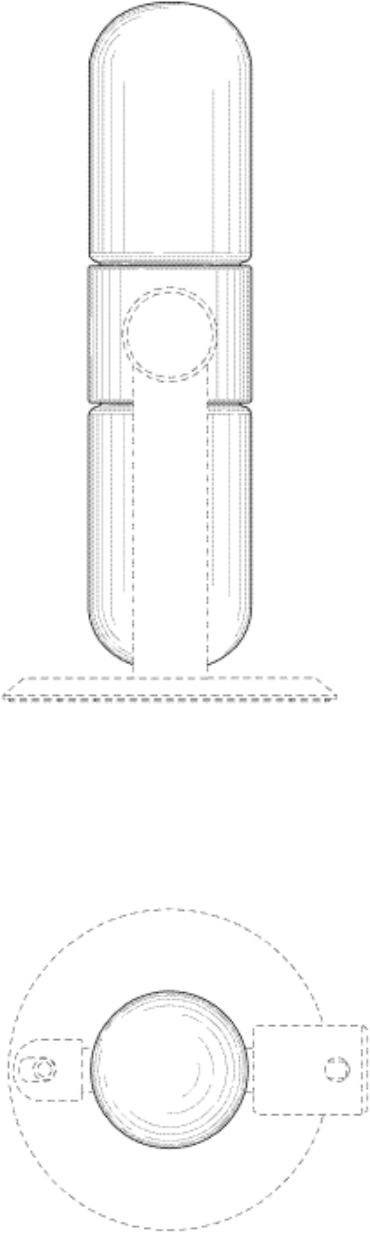
¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

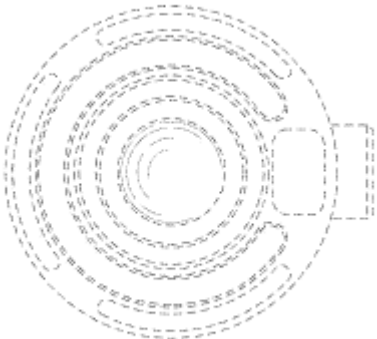
the below chart (the “GS Design”) to residents of Illinois. In this case, Plaintiff has presented screenshot evidence that each Defendant e-commerce store is reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores through which Illinois residents can and do purchase products using infringing versions of the GS Design. *See* Exhibit 2 to the Declaration of Christopher Folkerts [18], which includes screenshot evidence confirming that each Defendant internet store does stand ready, willing, and able to ship its infringing goods to customers in Illinois with infringing versions of the GS Design. The GS Design is shown in the below chart.

Patent Number	Claim	Issue Date
D943,817		February 15, 2022

Patent Number	Claim	Issue Date
		

Patent Number	Claim	Issue Date
	 <p>The image contains two perspective views of a medical device, likely a catheter or probe, consisting of three segments: a top rounded segment, a middle rectangular segment, and a bottom rounded segment. The top view shows the device with dashed lines indicating internal components, including a vertical shaft and a circular opening in the middle segment. The bottom view shows the device from a different angle, also with dashed lines indicating internal components, including a vertical shaft and a circular opening in the middle segment. Both views show the device resting on a flat surface, indicated by a dashed line.</p>	

Patent Number	Claim	Issue Date
	 <p>The image contains two technical drawings of a mechanical component. The top drawing is a perspective view of a vertical, elongated part with a rounded top and bottom. It features a central vertical slot and a circular feature in the middle. The bottom drawing is a top-down view showing a circular central feature surrounded by a rectangular frame with two small circular holes on opposite sides.</p>	

Patent Number	Claim	Issue Date
		

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 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 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 design infringement because (1) Plaintiff is the lawful assignee of all right, title, and interest in and to the GS 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 GS Design, and (3) an ordinary observer would be deceived into thinking Defendants’ Products are the same as the GS Design. Furthermore, Defendants’ continued and unauthorized use of the GS Design irreparably harms Plaintiff through loss of customers’ goodwill, reputational harm, and Plaintiff’s ability to exploit the GS Design. Monetary damages fail to address such harm 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. offering for sale, selling, and importing any products not authorized by Plaintiff and that include any reproduction, copy or colorable imitation of the design claimed in the GS Design;
 - b. aiding, abetting, contributing to, or otherwise assisting anyone in infringing upon the GS 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. 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 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"), Etsy, Inc. ("Etsy"), and DHgate, (collectively, the "Third Party Providers") shall, within seven (7) calendar 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 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, Etsy, 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 infringing goods using the GS Design.
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, 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 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, pursuant to the Federal Rules of Civil Procedure 33, 34 and 36, 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 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 three (3) 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 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 [2], Exhibit 1 to the Complaint [3], Exhibit 2 to the Declaration of Christopher Folkerts [18], and the TRO [26] 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.

IT IS SO ORDERED.

DATED: September 6, 2022


Sharon Johnson Coleman
United States District Judge

**GS Holistic, LLC v. The Partnerships and Unincorporated Associations Identified on Schedule
"A" - Case No. 22-cv-3958**

Schedule A

Defendant Online Marketplaces		
No	URL	Name / Seller Alias
1	dgbigf.en.alibaba.com	Dongguan Bigf Hookah Co., Ltd.
2	hanfaxiangbao.en.alibaba.com	Hebei Hanfa Bags Co., Ltd.
3	hbjimi.en.alibaba.com/minisiteentrance.html	Hebei Ji Mi Clothing Co., Ltd.
4	qumiao.en.alibaba.com	Henan Qumiao Network Technology Co., Ltd.
5	vnsks.en.alibaba.com	Huizhou Wen Sen Ke Technology Co., Limited
6	szxjh.en.alibaba.com	Shenzhen XJH Technology Co., Ltd.
7	fanglu.en.alibaba.com	Wuxi Fanglu Import And Export Trade Co., Ltd.
8	qiyifengtong.en.alibaba.com	Yantai Qiyifengtong Trading Co., Ltd.
9	jhsmoking.en.alibaba.com	Yiwu Jiahe Smoking Set Co., Ltd.
10	seecin04.en.alibaba.com/minisiteentrance.html	Zhejiang Seecin Housewares Co., Ltd.
11	seecin02.en.alibaba.com	Zhejiang Seecin Housewares CORP
12	zzqy.en.alibaba.com	Zhengzhou Qiyuan Computer Technology Co., Ltd.
13	aliexpress.com/store/1101605480	Be_FlowHome Store
14	aliexpress.com/store/1102132225	China Shenzhen Tool factory direct sales Store
15	aliexpress.com/store/1102165052	China Smoking Factory Store
16	aliexpress.com/store/1102039322	FEI172 Store
17	aliexpress.com/store/1101728614	Healthy life goods store Store
18	aliexpress.com/store/1102158386	Jok Juk Dropshipping Store
19	aliexpress.com/store/1101961644	ruilande shangdian Store
20	aliexpress.com/store/1102088523	Shop1102091460 Store
21	aliexpress.com/store/1102137666	Shop1102137665 Store
22	aliexpress.com/store/1102181783	Shop1102176843 Store

23	aliexpress.com/store/1101663296	Sumaida002 Store
24	aliexpress.com/store/1102005785	XMSJ official Store
25	aliexpress.com/store/1102128230	YiNan Hookah Store
26	amazon.com/sp?seller=A1X4IL54ZSGG53	A1X4IL54ZSGG53
27	amazon.com/sp?seller=AK9Z6EUY4BC8M	AK9Z6EUY4BC8M
28	amazon.com/sp?seller=A2BFHNCP3PUY2A	Aliensrus
29	amazon.com/sp?seller=A1MBRMSE5KYTJK	chenxJdirectly
30	amazon.com/sp?seller=A8E5SJ9HBW1FB	E six
31	amazon.com/sp?seller=AT5Y0N7LBBE4T	Ec2go
32	amazon.com/sp?seller=A3D3E3JGZTYS0D	fanxinxbdbads
33	amazon.com/sp?seller=A304RAU6RJA8DJ	FengShengDian
34	amazon.com/sp?seller=AAPDLV5D32FD2	gongxiongshangwuyouxianzer engongsi
35	amazon.com/sp?seller=A3ONXOVRBR3S8U	LHRDP
36	amazon.com/sp?seller=A3F4PUBE7ZZMQQ	LuBingLiangDeDian
37	amazon.com/sp?seller=A1XUNEZAMSXMZE	Mamaday
38	amazon.com/sp?seller=AA60AQUOQU4YN	RSMshop
39	amazon.com/sp?seller=AWMIFBZHYGM4D	sadhashflaksdhjgflkahslkdjhf
40	amazon.com/sp?seller=A2CDMUOCQC4Z0K	SanRong Ren
41	amazon.com/sp?seller=A24DS494V0YKIA	suizhoushiyuanlishangmaoyo uxiangongsi
42	amazon.com/sp?seller=AG87QQPS766Z6	UPDAY Direct
43	amazon.com/sp?seller=A1OAC7OAEBF8RS	xiaojuan520
44	amazon.com/sp?seller=AK8Y1D02PFHPR	xie hai chuan dian
45	amazon.com/sp?seller=A151RVM76XY76H	YMX BD
46	amazon.com/sp?seller=A2BNX4U9SVVZPG	zhangxiluoyongpinyouxiango ngsi
47	amazon.com/sp?seller=A1GYHFV4PV8AKW	ZhaoDuoLee
48	dhgate.com/wholesale/products/ff8080816282203501 628a4240e04ac2.html	andy_boss Store
49	dhgate.com/store/21788306	Chenhe Glass Smoking Gun Store
50	dhgate.com/store/21296979	dablounge Store
51	dhgate.com/store/21702003	dreamclub Store
52	dhgate.com/store/18254134	driptips
53	dhgate.com/store/21749547	emijd4432uu Store
54	dhgate.com/store/21756234	factory_glassbong Store
55	dhgate.com/store/21548143	happiehouse Store
56	dhgate.com/store/21701996	somkeheaven Store
57	dhgate.com/store/21751240	Youyig88
58	ebay.com/usr/lian-5737	lian-5737