

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

GENERAL MOTORS LLC,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-04031


Judge Matthew F. Kennelly


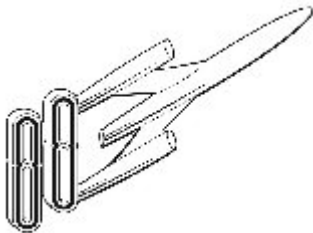
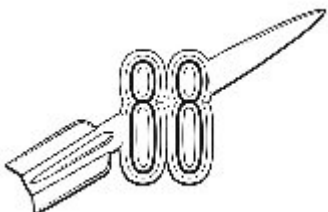
PRELIMINARY INJUNCTION ORDER

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

THIS COURT HEREBY 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 have sold products using counterfeit and infringing versions of GM’s federally registered trademarks (“Oldsmobile Trademarks”) to residents of Illinois. A list of the GM Trademarks is included in the below chart.

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

Registration No.	Trademark	Class	Goods and Services
2,775,430	OLDSMOBILE	006	Metal key chains, metal key fobs, metal key rings, license plates made of metal, non-luminous and non-mechanical metal signs, non-luminous and non-mechanical parking signs made of metal, non-luminous and non-mechanical street signs made of metal
1,745,728	OLDSMOBILE	014	Watches and clocks
1,713,599	OLDSMOBILE	016	Printed materials; namely, manuals, brochures, and catalogs pertaining to the features and controls, operation, maintenance, service and repair, and technical facts and specifications of motor vehicles
2,736,653	OLDSMOBILE	020	Non-metal key chains; non-metal key fobs; non-metal key holders; non-metal key rings; non-metal key tags; non-metal license plates
1,744,632	OLDSMOBILE	025	Apparel, namely, jackets, caps, hats, shirts, and sweatshirts
4,286,315	442	012	Upholstery for motor land vehicles; exterior and interior badges for motor land vehicles
4,286,316	442	016	Decals
2,777,839		020	Non-metal key chains; non-metal key fobs; non-metal key holders; non-metal key chains; non-metal key tags; non-metal license plates; non-metal key rings

2,727,122		020	Non-metal key chains; non-metal key fobs; non-metal key holders; non-metal key rings; non-metal key tags; non-metal license plates
4,334,441		012	Exterior badges for vehicles
4,331,923		012	Exterior badges for vehicles

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 GM’s previously granted Motion for Entry of a Temporary Restraining Order establishes that GM has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that GM will suffer irreparable harm if the injunction is not granted. Specifically, GM has demonstrated a *prima facie* case of trademark infringement because (1) the Oldsmobile 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 Oldsmobile Trademarks, and (3) Defendants’ use of the Oldsmobile Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with GM. Furthermore, Defendants’ continued and unauthorized use of

the Oldsmobile Trademarks irreparably harms GM through diminished goodwill and brand confidence, damage to GM's reputation, and loss of exclusivity. Monetary damages fail to address such damage and, therefore, GM 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 officers, agents, servants, employees, attorneys, and other persons acting in active concert or participation with them be preliminarily enjoined and restrained from:
 - a. using the Oldsmobile 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 Oldsmobile product or not authorized by GM to be sold in connection with the Oldsmobile Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Oldsmobile product or any other product produced by GM, that is not GM's or not produced under the authorization, control or supervision of GM and approved by GM for sale under the Oldsmobile Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of GM, or are sponsored by, approved by, or otherwise connected with GM;
 - d. further infringing the Oldsmobile Trademarks and damaging GM'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 GM, nor authorized by GM to be sold or offered

for sale, and which bear any of GM's trademarks, including the Oldsmobile Trademarks, or any reproductions, counterfeit copies or colorable imitations thereof.

2. Upon GM'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 GM 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 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, and DHgate, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
3. Upon GM’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 Oldsmobile Trademarks.
 4. Defendants shall not transfer or dispose of any money or other Defendants’ assets in any of Defendants’ financial accounts.
 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. GM is authorized to issue expedited written discovery to Defendants, pursuant to 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, including Defendants' sales and listing history related to their respective Online Marketplaces.


GM 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. GM 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 2 to the Declaration of Andrea Ankawi [17], and the TRO [22] are unsealed.

9. Any Defendant or other persons that is 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 GM 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 2, 2022



Matthew F. Kennelly
United States District Judge

Schedule A

Defendant Online Marketplaces		
No	URL	Name / Seller Alias
1	aliexpress.com/store/5363017	da song Store
2	aliexpress.com/store/911381086	Kyson Store
3	aliexpress.com/store/4997307	lianheguo Store
4	aliexpress.com/store/1100097009	Shop1100097009 Store
5	aliexpress.com/store/1100174161	Shop1100174161 Store
6	aliexpress.com/store/1188201	Shop1188201 Store
7	aliexpress.com/store/912624312	Shop912624312 Store
8	aliexpress.com/store/5837055	ST004 Store
9	aliexpress.com/store/5107019	tao bao Store
10	aliexpress.com/store/5562068	t-shirt22 Store
11	aliexpress.com/store/911873186	Vanci Store
12	amazon.com/sp?seller=A35M5Z28ECW1L9	A35M5Z28ECW1L9
13	amazon.com/sp?seller=A3GPJ5I7QG6NFT	Connor Shapcott
14	amazon.com/sp?seller=AMW24XZFW7AJ3	hvbuihuiohnoi
15	amazon.com/sp?seller=A1DVM9ZG9WE4RK	Isaric
16	amazon.com/sp?seller=A10SAEZ1TSBMJM	JomesRory
17	amazon.com/sp?seller=A3K7T08JA43S1A	LoMall
18	amazon.com/sp?seller=A1NAYULA9IOGXT	MaDecork
19	amazon.com/sp?seller=A34O3JMBQINSFL	NiBeiFu
20	amazon.com/sp?seller=A3I4FRIF9WVUT	PQY STORE
21	amazon.com/sp?seller=A30LGYUVCU4OUQ	qinhaijik
22	amazon.com/sp?seller=A1MCU2AMP0JSM8	XinLuoBaiHuoShangDian
23	amazon.com/sp?seller=A3DPKPA07D9SJC	xinqincu
24	amazon.com/sp?seller=A294JPUI8IF49G	YFULL
25	amazon.com/sp?seller=APMAVB5OFTZG5	zhancibaihuo
26	amazon.com/sp?seller=A3FNSZMBLSS5FK	zhang lianfa
27	dhgate.com/store/20069498	goodprint Store
28	dhgate.com/store/20459032	hinda Store
29	wish.com/merchant/5e85567bbb5fa7829069c079	Brad Chapman
30	wish.com/merchant/608f7744d98f4e268fad1541	Commercial de La Television
31	wish.com/merchant/5fc860c3df0823b44d5b9e5f	cuixiaohui888
32	wish.com/merchant/5e68c31ec96e288d838fff9f	DEMETREE HENRY

33	wish.com/merchant/609082a0550f130bcc818cb5	Exact Point
34	wish.com/merchant/5ff516e4a279810d66618061	fangxudong6233
35	wish.com/merchant/5938f3d38635f0695dea0d5b	Good Flag
36	wish.com/merchant/53f9ff289020ee5972a43c8b	guozhu online shopping
37	wish.com/merchant/6134395d7eb4734538a7c88a	huangyali52603
38	wish.com/merchant/5412ab6882b9ac63dc16d976	huangyifan fashion
39	wish.com/merchant/61342a709f43b14e276f5394	jilongsheng52829
40	wish.com/merchant/60bb0a900823f6472d115894	jinhao76266
41	wish.com/merchant/5f421be2dd315e3faab31a3c	mawenwen Store
42	wish.com/merchant/5e71ca19cac82609b48de770	Michael James
43	wish.com/merchant/5e9fc0814b4ea87e23917a61	micphsmdi
44	wish.com/merchant/607ba6bdd86d6326986eb8c9	mijiti09276
45	wish.com/merchant/6199cf22b71b2145c9cedf8a	mouxiaojuan79845
46	wish.com/merchant/5e6883ca2fb13f58170a9635	Nicolle Duncan
47	wish.com/merchant/5eb1dbe171eb67051c0e3e73	odom34rhodes6
48	wish.com/merchant/5e848bd91855616689998050	Sarazxg
49	wish.com/merchant/5d957c6779e01250c96fe20b	tuyangdenyi
50	wish.com/merchant/5feb2a04761c5067499d179	verbenaceous
51	wish.com/merchant/54154dc082b9ac45f073c88a	wanghuiming fashion
52	wish.com/merchant/5f8fbe6fef343773ca37f51d	wanglei7775
53	wish.com/merchant/603c9154a21a550654802b7c	weiqiang0580

54	wish.com/merchant/58f3648379cc7d11aa5efdd2	Worshiperstore
55	wish.com/merchant/613069f50c6930b15c87c7f4	yangminghui01558
56	wish.com/merchant/540d803f7a9eb4398c922f0a	yangting fashion
57	wish.com/merchant/5fc5ae75bee3db17ab044eab	zhangyueyue0127
58	wish.com/merchant/60768f0bc1999679015680c4	zhujie6398