

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

KIEL PATRICK JAMES LLC,

Plaintiff,

v.

THE PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A",

Defendants.

Case No.: 1:17-cv-00650

Judge Sharon Johnson Coleman

Magistrate Judge Michael T. Mason

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S
MOTION FOR ENTRY OF A PRELIMINARY INJUNCTION**

Plaintiff submits this Memorandum of Law in support of its Motion for Entry of a Preliminary Injunction.

MEMORANDUM OF LAW

I. INTRODUCTION

Plaintiff KIEL PATRICK JAMES LLC, (“KJP”) brings the present action against the Defendants identified on Schedule A (collectively, the “Defendants”) for federal trademark infringement and counterfeiting (Count I), false designation of origin (Count II) and violation of the Illinois Uniform Deceptive Trade Practices Act (Count III). As alleged in KJP’s Complaint, the Defendants are promoting, advertising, distributing, offering for sale, and selling products infringing KJP’s ANCHOR DESIGN Trademark and Design Patent (the “Counterfeit ANCHOR DESIGN Products”) through various fully interactive commercial Internet websites operating under at least the Defendant Domain Names and Online Marketplace Accounts listed in Schedule A (collectively, the “Defendant Internet Stores”).

II. STATEMENT OF FACTS

On February 1, 2017, this Court granted KJP’s Motion for a Temporary Restraining Order (“the TRO”). Docket Entry No. 14. The TRO authorized KJP to provide notice of these proceedings and the preliminary injunction hearing to Defendants by electronically publishing a link to the Complaint, the TRO and other relevant documents on a website to which the Defendant Domain Names which are transferred to KJP’s control redirect, or by sending an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Jeremy Savage and any e-mail addresses provided for Defendants by third parties that includes a link to said website. TRO at ¶ 11. Since and pursuant to entry of the TRO, dozens of PayPal accounts associated with the Defendant Internet Stores have been frozen. *See* Declaration of Keith A. Vogt (hereinafter “Vogt Declaration”) at ¶ 2.

KJP respectfully requests that this Court convert the TRO to a preliminary injunction against Defendants, so that they remain enjoined from the manufacture, importation,

distribution, offering for sale, and sale of Counterfeit ANCHOR DESIGN Products during the pendency of this litigation. As part of the Preliminary Injunction, KJP requests that the Defendant Domain Names remain in KJP's control and that Defendants' PayPal accounts remain frozen until completion of these proceedings.

III. ARGUMENT

a) A Preliminary Injunction Extending Relief Already Granted in the TRO Is Appropriate

KJP respectfully requests that this Court convert the TRO to a preliminary injunction to prevent further unlawful conduct by Defendants. This Court, in addressing similar allegations of Internet-based counterfeiting, has also issued preliminary injunctions following a temporary restraining order. *See, e.g., Burberry Limited v. The Partnerships and Unincorporated Association Identified on Schedule A, No. 1:14-cv-4824* (N.D. Ill. July 23, 2014) (unpublished) (Docket No. 30); and *Calvin Klein Trademark Trust and Calvin Klein, Inc., v. Chen Xiaodong, et al., No. 1:15-2224* (N.D. Ill. April 7, 2015) (unpublished) (Docket No. 33). *See* Exhibit 1 Declaration of Keith A. Vogt (hereinafter "Vogt Declaration").

i) This Court Has Already Found that the Requirements for a Preliminary Injunction Have Been Satisfied

Since the standard for granting a TRO and the standard for granting a preliminary injunction are identical in this Circuit, the requirements for entry of a preliminary injunction extending the TRO have been satisfied. *See, e.g. Charter Nat'l Bank & Trust v. Charter One Fin., Inc., No. 1:01-cv-00905, 2001 WL 527404, *1* (N.D. Ill. May 15, 2001) (citations omitted). A temporary restraining order or preliminary injunction may be issued upon a showing that: "(1) there is a reasonable likelihood that Plaintiff will succeed on the merits; (2) Plaintiff will suffer irreparable injury if the order is not granted because there is no adequate remedy at law; (3) the balance of hardships tips in Plaintiff's favor; and (4) the public interest will not be disserved by

the injunction.” *Columbia Pictures Indus., Inc. v. Jasso*, 927 F. Supp. 1075, 1076 (N.D. Ill. 1996). By virtue of this Court’s entry of the TRO, it has already found that the above requirements have been satisfied.

ii) The Equitable Relief Sought Remains Appropriate

The Lanham Act authorizes courts to issue injunctive relief “according to principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of the registrant of a mark” 15 U.S.C. § 1116(a).

(1) The Domain Name Transfer Order Remains Appropriate

KJP seeks a conversion of the TRO entered by this Court on August 25, 2016, allowing KJP to retain control of the Defendant Domain Names until the completion of these proceedings. To prevent the Defendants from further manufacture, importation, distribution, offering for sale, and sale of Counterfeit ANCHOR DESIGN Products and to provide notice to Defendants regarding these proceedings, KJP respectfully requests that the injunctive relief already awarded be extended through the pendency of this case.

(2) The Asset Restraining Order Remains Appropriate

KJP also requests conversion of the TRO to a preliminary injunction so that Defendants’ accounts in U.S.-based financial institutions remain frozen. Since entry of the TRO, Plaintiff has obtained information, including the identification of dozens of foreign accounts, linked to the Defendant Internet Stores which were offering for sale and/or selling infringing ANCHOR DESIGN Products. In the absence of a preliminary injunction, Defendants may attempt to move any assets from any accounts in U.S.-based financial institutions to an offshore account. Therefore, Defendants’ assets should remain frozen for the remainder of the proceedings. The amount of damages to which KJP is entitled as set forth in the Complaint far exceeds any amount contained in any of the Defendants’ frozen PayPal

accounts. For example, KJP's prayer for relief requests statutory damages of \$2 million from each Defendant. In addition, and as established in KJP's TRO Memorandum, many federal courts, including the Northern District of Illinois, have granted orders preventing the fraudulent transfer of assets. *See, e.g., Lorillard Tobacco Co. v. Montrose Wholesale Candies & Sundries, Inc.*, No. 1:03-cv-04844, 2005 WL 3115892 (N.D. Ill. Nov. 8, 2005); *Animale Grp. Inc. v. Sunny's Perfume Inc.*, 256 F. App'x 707, 709 (5th Cir. 2007); *Levi Strauss & Co. v. Sunrise Int'l Trading Inc.*, 51 F.3d 982, 987 (11th Cir. 1995); *Reebok Int'l Ltd. v. Marnatech Enters., Inc.*, 970 F.2d 552, 559 (9th Cir. 1992). As such, an order continuing to freeze the Defendants' assets should be granted.

IV. CONCLUSION

In view of the foregoing, KJP respectfully requests that this Court enter the preliminary injunction.

DATED: February 10, 2017

Respectfully submitted,

/s/ Keith A. Vogt
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Northbrook IL 60062
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E-mail: perry@WeDoIP.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2017, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, I will electronically publish the documents on a website to which the Defendant Domain Names that have been transferred to KJP's control now redirect, and I will send an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Jeremy Savage and any e-mail addresses provided for Defendants by third parties that includes a link to said website.

/s/ Keith A. Vogt
Keith A. Vogt, Esq.
(Bar No. 6207971)
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Oak Park, IL 60302
Telephone: 708.203.4787
E-mail: keith@vogtip.com

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

KIEL PATRICK JAMES LLC,

Plaintiff,

v.

THE PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A",

Defendants.

Case No.: 1:17-cv-00650

Judge Sharon Johnson Coleman

Magistrate Judge Michael T. Mason

DECLARATION OF KEITH A. VOGT

I, Keith A. Vogt, of Oak Park, Illinois, declare as follows:

1. I am an attorney at law, duly admitted to practice before the Courts of the State of Illinois and the United States District Court for the Northern District of Illinois. I am one of the attorneys for Plaintiff. Except as otherwise expressly stated to the contrary, I have personal knowledge of the following facts and, if called as a witness, I could and would competently testify as follows:
2. Since and pursuant to entry of the TRO, dozens of PayPal accounts associated with the Defendant Internet Stores have been frozen.
3. Exhibit 1 attached hereto is a true and correct copy of unpublished decisions cited in the Plaintiff's Memorandum.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 10, 2017 at Oak Park, Illinois.

/s/Keith A. Vogt

Keith A. Vogt

Exhibit 1

MM-7

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

BURBERRY LIMITED, a United Kingdom)
corporation, and BURBERRY LIMITED, a New)
York corporation,)

Case No. 14-cv-4824

Plaintiffs,)

Judge Sara L. Ellis

v.)

Magistrate Judge Sidney I. Schenkier

THE PARTNERSHIPS and)
UNINCORPORATED ASSOCIATIONS)
IDENTIFIED ON SCHEDULE "A,")

Defendants.)

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiffs Burberry Limited, a United Kingdom corporation ("Burberry UK"), and Burberry Limited, a New York corporation ("Burberry US"), together, "Burberry's" Motion for Entry of a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiffs' Motion for Entry of a Preliminary Injunction in its entirety against the Partnerships and Unincorporated Associations identified on Schedule A to the Complaint (collectively, the "Defendants") and orders that:

1. Defendants, their 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. using Burberry's BURBERRY Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, advertising, offering for sale, or sale of any product that is not a genuine Burberry

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product or not authorized by Burberry to be sold in connection with Burberry's BURBERRY Trademarks;

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Burberry product or any other product produced by Burberry, that is not Burberry's or not produced under the authorization, control or supervision of Burberry and approved by Burberry for sale under Burberry's BURBERRY Trademarks;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Burberry, or are sponsored by, approved by, or otherwise connected with Burberry;
- d. further infringing the BURBERRY Trademarks and damaging Burberry's goodwill;
- e. otherwise competing unfairly with Burberry in any manner;
- f. 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 Burberry, nor authorized by Burberry to be sold or offered for sale, and which bear any of the BURBERRY Trademarks or any reproductions, counterfeit copies or colorable imitations thereof;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Internet Stores, the Online Marketplace Accounts, the Defendant Domain Names or any other domain name or online marketplace account that is being used to sell or is the means by which Defendants could continue to sell Counterfeit Burberry Products; and
- h. operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the

distribution, advertising, offering for sale, or sale of any product bearing Burberry's BURBERRY Trademarks or any reproduction, counterfeit copy or colorable imitation thereof that is not a genuine Burberry product or not authorized by Burberry to be sold in connection with the BURBERRY Trademarks.

2. The domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afilias Limited and the Public Interest Registry, within two (2) business days of receipt of this Order, shall unlock and change the registrar of record for the Defendant Domain Names to a registrar of Burberry's selection until further ordered by this Court, and the domain name registrars shall take any steps necessary to transfer the Defendant Domain Names to a registrar of Burberry's selection until further ordered by this Court.
3. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as iOffer, social media platforms such as Facebook, YouTube, LinkedIn and Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Domain Names, domain name registrars and domain name registries, shall within two (2) business days of receipt of this Order:
 - a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using the BURBERRY Trademarks, including any accounts associated with the Defendants listed on Schedule A;
 - b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the BURBERRY Trademarks; and

- c. Take all steps necessary to prevent links to the Defendant Domain Names identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Domain Names from any search index.
4. Any third party with actual notice of this Order who is providing services in connection with any of the Defendants, Defendants' websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, advertisers, Facebook, Internet Service Providers ("ISP"), web hosts, back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers including PayPal, Western Union, third party processors and other payment processing service providers, shippers, domain name registrars and domain name registries (collectively, the "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to Burberry copies of all documents and records in such person's or entity's possession or control relating to:
 - a. The identities and addresses of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them and the locations and identities of Defendants' operations, including, without limitation, identifying information associated with Defendants' websites, the Defendant Domain Names, financial accounts and money transfers;
 - b. Defendants' websites;
 - c. The Defendant Domain Names or any domain name registered by Defendants; and
 - d. 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, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

5. Defendants and any persons in active concert or participation with them who have actual notice of this Order 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.
6. Western Union shall, within two (2) business days of receipt of this Order, block any Western Union money transfers and funds from being received by the Defendants identified in Schedule A until further ordered by this Court.
7. Any banks, savings and loan associations, payment processors, PayPal, Inc. ("PayPal") or other financial institutions, for any Defendant or any of Defendants' Online Marketplace Accounts or websites shall within two (2) business days of receipt of this Order:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any PayPal accounts connected to the email addresses listed in Schedule A; and
 - b. Restrain and enjoin such accounts from receiving, transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
8. Schedule A and Exhibits 3 and 4 attached to the Declaration of Melissa Roth are unsealed.
9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Burberry or on shorter notice as set by this Court.

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

DATED July 23, 2014



U.S. District Court Judge Sara L. Ellis

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

CALVIN KLEIN TRADEMARK TRUST)	
and CALVIN KLEIN, INC.,)	Case No. 15-cv-2224
)	
Plaintiffs,)	Judge Sara L. Ellis
)	
v.)	Magistrate Judge Sidney I. Schenkier
)	
CHEN XIAO DONG, et al.,)	
)	
Defendants.)	
)	

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiffs Calvin Klein Trademark Trust’s and Calvin Klein, Inc.’s (together, “Plaintiffs” or “Calvin Klein”) Motion for Entry of a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiffs’ Motion for Entry of a Preliminary Injunction in its entirety against the defendants identified on Schedule A attached hereto (collectively, the “Defendants”).

THIS COURT HEREBY FINDS that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet stores through which Illinois residents can purchase products bearing counterfeit versions of the CALVIN KLEIN Trademarks.

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 Calvin Klein's previously granted Motion for a Temporary Restraining Order establishes that Calvin Klein has a likelihood of success on the merits, no remedy at law exists, and Calvin Klein will suffer irreparable harm if the injunction is not granted. Specifically, Calvin Klein has proved a *prima facie* case of trademark infringement because (1) the CALVIN KLEIN 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 CALVIN KLEIN Trademarks, and (3) Defendants' use of the CALVIN KLEIN Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with Calvin Klein. Calvin Klein has also proved a *prima facie* case of violations of the Anticybersquatting Consumer Protection Act of 1996 ("ACPA") because it has demonstrated that Defendants have bad faith intent to profit from the CALVIN KLEIN Trademarks and have registered, trafficked in, or used domain names that are identical or confusingly similar to or dilutive of Calvin Klein's distinctive and famous CALVIN KLEIN Trademarks. Furthermore, Defendants' continued and unauthorized use of the CALVIN KLEIN Trademarks irreparably harms Calvin Klein through diminished goodwill and brand confidence, damage to Calvin Klein's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage, therefore, Calvin Klein 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. using the CALVIN KLEIN 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 Calvin Klein Product or not authorized by Calvin Klein to be sold in connection with the CALVIN KLEIN Trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Calvin Klein Product or any other product produced by Calvin Klein, that is not Calvin Klein's or not produced under the authorization, control or supervision of Calvin Klein and approved by Calvin Klein for sale under the CALVIN KLEIN Trademarks;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Calvin Klein, or are sponsored by, approved by, or otherwise connected with Calvin Klein;
- d. further infringing the CALVIN KLEIN Trademarks and damaging Calvin Klein's goodwill;
- e. otherwise competing unfairly with Calvin Klein in any manner;
- f. 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 Calvin Klein, nor authorized by Calvin Klein to be sold or offered for sale, and which bear any of the CALVIN KLEIN Trademarks or any reproductions, counterfeit copies or colorable imitations thereof;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts, the Defendant Domain Names, or any other

- domain name or online marketplace account that is being used to sell or is the means by which Defendants could continue to sell Counterfeit Calvin Klein Products; and
- h. operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing the CALVIN KLEIN Trademarks or any reproduction, counterfeit copy or colorable imitation thereof that is not a genuine Calvin Klein Product or not authorized by Calvin Klein to be sold in connection with the CALVIN KLEIN Trademarks.
2. Each Defendant, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiffs a written report under oath providing: (a) their true name and physical address, (b) all websites and online marketplace accounts on any platform that they own and/or operate (c) their financial accounts, including all PayPal accounts, and (d) the steps taken by each Defendant to comply with paragraph 1, a through h, above.
3. The domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, within three (3) business days of receipt of this Order, shall, at Calvin Klein's choosing:
- a. unlock and change the registrar of record for the Defendant Domain Names to a registrar of Calvin Klein's selection until further ordered by this Court, and the domain name registrars shall take any steps necessary to transfer the Defendant Domain Names to a registrar of Calvin Klein's selection until further ordered by this Court; or

- b. disable the Defendant Domain Names and make them inactive and untransferable until further ordered by this Court.
4. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as iOffer and Alibaba Group Holding Ltd., Alipay.com Co., Ltd. and any related Alibaba entities (collectively, “Alibaba”), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Domain Names, and domain name registrars, shall within three (3) business days of receipt of this Order:
 - a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using the CALVIN KLEIN Trademarks, including any accounts associated with the Defendants listed on Schedule A;
 - b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the CALVIN KLEIN Trademarks; and
 - c. take all steps necessary to prevent links to the Defendant Domain Names identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Domain Names from any search index.
5. Defendants and 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 Defendants’ websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as iOffer and Alibaba, advertisers, Facebook, Internet Service Providers (“ISP”), web hosts, back-end service providers, web

designers, sponsored search engine or ad-word providers, banks, merchant account providers including PayPal, Alibaba, Western Union, third party processors and other payment processing service providers, shippers, and domain name registrars (collectively, the “Third Party Providers”) shall, within five (5) business days after receipt of such notice, provide to Calvin Klein 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;
- b. The nature of Defendants’ operations and all associated sales and financial information, including, without limitation, identifying information associated with the Online Marketplace Accounts, the Defendant Domain Names, and Defendants’ financial accounts, as well as providing a full accounting of Defendants’ sales and listing history related to their respective Online Marketplace Accounts and Defendant Domain Names;
- c. Defendants’ websites and/or any Online Marketplace Accounts;
- d. The Defendant Domain Names or any domain name registered by Defendants; and
- e. 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, Alibaba, Western Union, or other

merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

6. Defendants and any persons in active concert or participation with them who have actual notice of this Order 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. Western Union shall, within two (2) business days of receipt of this Order, block any Western Union money transfers and funds from being received by the Defendants identified in Schedule A until further ordered by this Court.
8. PayPal, Inc. ("PayPal") shall, within two (2) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any PayPal accounts connected to the information listed in Schedule A hereto and the e-mail addresses identified in Exhibits 5 and 6 to the Declaration of Dawn Buonocore-Atlas; and
 - b. Restrain and enjoin such accounts or funds that are China or Hong Kong based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
9. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any of Defendants' Online Marketplace Accounts or websites, shall within two (2) business days of receipt of this Order:

- a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any accounts connected to the information listed in Schedule A hereto and the e-mail addresses identified in Exhibits 5 and 6 to the Declaration of Dawn Buonocore-Atlas; and
 - b. Restrain and enjoin such accounts from receiving, transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
10. Calvin Klein may provide notice of these proceedings to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), by electronically publishing a link to the Amended Complaint, this Order and other relevant documents on a website to which the Defendant Domain Names which are transferred to Calvin Klein's control will redirect, or by sending an e-mail to the e-mail addresses identified in Exhibits 5 and 6 to the Declaration of Dawn Buonocore-Atlas and any e-mail addresses provided for Defendants by third parties that includes a link to said website. The Clerk of Court is directed to issue a single original summons in the name of "Chen Xiao Dong and all other Defendants identified in the Amended 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.
11. Plaintiffs' Amended Complaint, Schedule A to the Amended Complaint, Exhibits 5 and 6 attached to the Declaration of Dawn Buonocore-Atlas, and the TRO are unsealed.

12. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Calvin Klein or on shorter notice as set by this Court.
13. The \$10,000 bond posted by Calvin Klein shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

IT IS SO ORDERED.

Dated: April 7, 2015



U.S. District Court Judge Sara L. Ellis

Calvin Klein Trademark Trust and Calvin Klein, Inc. v. Chen Xiao Dong, et al.
Case No. 15-cv-2224

Schedule A

Defendants

No.	Name / Alias
1	Chen Xiao Dong
2	hcy
3	huang a
4	sdsd
5	pan
6	hao li
7	Robert Littlewood
8	huachao chen
9	li jia
10	Eleanor Stanley
11	Alice Perkins
12	Sarah Bryant
13	Hayden Wallace
14	Finlay Phillips
15	Francis J. Ivey
16	WHOISGUARD, INC.
17	Robi montk Jack
18	Zhang Guo Zhong
19	Whois Privacy Protection Service, Inc.
20	Antonio Baldini
21	li san
22	chen wenyu
23	jingxiang
24	lin anpu
25	xinweidu
26	tangxiang trade
27	Whois Privacy Corp.
28	xiao lin
29	joy
30	liangli
31	li xiaoming
32	Domains By Proxy, LLC
33	CHEN MEI
34	sandrine blanchard
35	cheng liu

36	xiamen lin
37	en hu
38	lili huang
39	PHILIPPE BREITENMOSER
40	chen yuanxin
41	Whois Privacy Protection Service, Inc.
42	Cole Swartz
43	Crysta Abernathy
44	Zhou RunFa
45	chen xinfen
46	lin zheng yu
47	Stephanie Dodd
48	xiongjie wang
49	li liuli
50	mo you
51	wen ben zhou
52	Anthony Casadio
53	Morgan RCrothers
54	hong hanyuan
55	dongcheng xi
56	yun cai xia
57	hu lan
58	wen pin
59	liu qianqian
60	li haoyue
61	David Briquet
62	Whois Privacy Protection Service, Inc.
63	chen hao
64	emicter tom
65	Xiamen eNameNetwork Co., Ltd.
66	Bobby Bryanton
67	Nill Yang
68	zhang yifan
69	bestBJ
70	Oreip Lin
71	liu shaozhou
72	liu xiaoman
73	Liu Ying
74	Zheng Wang
75	Whois Privacy Protection Service, Inc.
76	Whois Privacy Protection Service, Inc.

77	Whois Privacy Protection Service, Inc.
78	michal truskowski
79	Su Ding Fang
80	ouyang rui
81	Nicolas Laforge
82	Organization
83	zhou dafa
84	See PrivacyGuardian.org
85	Zhao lijuan
86	xiaolifu
87	dong nan
88	xiaomin cui
89	Sean Ellis
90	zhou tian he
91	Pedro DOS SANTOS
92	CHRISTINE PARISH
93	Whois Privacy Protection Service, Inc.
94	li li
95	lan xiaorong
96	dong ying ying
97	Whois Privacy Protection Service, Inc.
98	Whois Privacy Protection Service, Inc.
99	christelle gravelard
100	HANG ZHOU E-BUSINESS SERVICES CO.LTD.
101	Domain Whois Privacy Protection Service
102	HUANGJIELIN
103	zilin ma
104	lin huahong
105	Jinmei Lei
106	XuWanLi
107	ZhuZhiJie
108	YinSi BaoHu Yi KaiQi (Hidden by Whois Privacy Protection Service)
109	zhang xiao ming
110	zhao shouye
111	zheng shuiwang
112	huang chenxu
113	DomainsByProxy.com
114	tosellshop.name
115	chen kangsheng
116	Acai Hauang
117	li rong

118	Schell Chrys
119	Wang Zhe Hu
120	christophe colliou
121	rousseaux willy
122	Bocahut Lola
123	PERNET Fanny
124	Zeng Ming
125	kicksforward.ru
126	Amy Bedell
127	Oriental beauty
128	Happy shopping
129	YIWU BLUE WAVE BELT FACTORY
130	For you 168
131	Yuyang watch store
132	Anna China fashion shop
133	made in china
134	YALI Fashion Clothing Store
135	Jet Import and Export CO.,LTD
136	Hongkong Lonsion Trade CO.,LTD
137	xiaoduoduo
138	KIKI watches
139	Clothes every day
140	Metal Empire
141	VI! SHOW
142	ShenZhen Fashion Underwear Flagship Store
143	Dragon shop 1
144	Loral Trading Co., Ltd
145	Pokka excellent trading company
146	Google-Yahoo
147	Think you think
148	linser li's store
149	Bill's shop
150	Carlyle Fashion Clothing Store
151	International trade store!
152	New Fashion Trend Store
153	Gelibag
154	Chunlei shopping world
155	topia store
156	Mango leather bag Co., Ltd.
157	TOP KEYDAY Gifts & Crafts Co., Ltd
158	Yiwu Tianlang Jewelry Co LTD

159	xiao tian
160	Yiwu hundred shopping center
161	Popular cabinet
162	Superman Supermarket
163	HAPPY seasky
164	Dragon shop 1
165	D D store
166	Cow leather store
167	Shenzhen Day state trade Co., Ltd.
168	Night, no sleep
169	godblessyou1
170	M I C Flagship Store
171	WATCH 4 YOU
172	China Trading Co.
173	sexy shop2014
174	ELA
175	Rovit International Co.,Ltd.
176	mami baby
177	OK SHOPPING CENTER
178	D-one Shopping Store
179	century cowboy
180	ABCD shop
181	top fashion pretty lady
182	Xintai (shenzhen) co., LTD
183	Ariel Apparel (Shanghai) Co. Ltd.
184	haohao clothing
185	Venn shops
186	Pokka excellent trading company
187	weigeshops
188	xuqing88
189	Shenzhen Alex technology co., LTD
190	All over the sky red
191	Amaris's Store
192	hj_hdj
193	ETINO Fashion Co., Ltd
194	Shopping Sea
195	July of Bamboo
196	The girl the world
197	Faris's store
198	in-time
199	China Yong le Technology co.,limited

200	A symbol of luxury2015
201	Aliexpress TOP 1 Luxury Belt
202	Africa child 2015
203	Merry U Mall
204	Monica In
205	wecan
206	Best AJ Basketball Sneaker in China
207	The-best-partner
208	frank and his friends store
209	BatteryBuying
210	Sex Toys Factory
211	Scott LIU's store
212	Idas Trading Co., Ltd
213	Hong Kong Acousma&BALALOUM Technology co.,LTD
214	IFANS STORE 3
215	Dreams Worker
216	Jack spring store
217	Hangzhou ruixiang Technology Co. Ltd
218	sweetheart shop
219	Lian's Sporting Store
220	Beauty Accessories
221	E-fashion store
222	Frank fashion store
223	luckee shop
224	Luis Duan's store
225	kangcheng deng's store
226	Provincial-Party King's store
227	Online Store 637722
228	Udcool Apperal
229	N&S Beauty Star Co. LTD
230	aly su's store
231	China Factory Supplier
232	Clothing Accessories Store
233	ShangHaiSpring Trading Co.,Ltd.
234	Dream(Min. order is 10 USD . mix order accept)
235	Fighting ,life isbeautiful
236	BellaHut
237	Trading988
238	Simplicity is not a simple watch
239	owenlampad's store
240	Charm Square

241	small big
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Defendant Online Marketplace Accounts	
No	URL
1	aliexpress.com/store/1053058
2	aliexpress.com/store/1114238
3	aliexpress.com/store/111927
4	aliexpress.com/store/1179777
5	aliexpress.com/store/1330553
6	aliexpress.com/store/1473085
7	aliexpress.com/store/1474207
8	aliexpress.com/store/1542526
9	aliexpress.com/store/1552060
10	aliexpress.com/store/416707
11	aliexpress.com/store/823840
12	aliexpress.com/store/933738
13	aliexpress.com/item/2014-Hot-New-fashion-high-quality-Sexy-men-s-underwear-briefs-men-s-modal-trunk-4pcs/1750825049.html
14	aliexpress.com/item/2014-New-Breathable-U-Convex-Men-s-Underwear-Briefs/1691714889.html
15	aliexpress.com/item/2015High-Quality-100-cotton-Sexy-Men-s-Underwear-Cuecas-Boxers-Fashion-Shorts-Mens-Modal-and-Cotton/32249141200.html
16	aliexpress.com/item/Brand-name-vs-panties-women-Quality-Underwear-Freeshipping-Fashion-Design-sexy-underwear-girls-pantie-cotton-panty/905391589.html
17	aliexpress.com/item/Calven-Klein-men-s-modal-boxer-underwear-steel-standard-silver-edge-modal-men-s-boxer-briefs/32267522082.html
18	aliexpress.com/item/Good-Quality-Modal-breathable-underwear-men-briefs-antibacterial-men-s-low-rise-briefs/32247806259.html
19	aliexpress.com/item/Hot-2014-new-100-cotton-men-s-underwear-men-s-underwear-comfortable-breathable-4-colors/32244317488.html
20	aliexpress.com/item/Hot-Sale-High-Quality-WOMEN-Boxers-Fashion-women-s-Breifs-Shorts-Sexy-Underwear-Women-Panties-For/2041344591.html
21	aliexpress.com/item/Male-panties-cotton-boxers-panties-comfortable-breathable-men-s-panties-calvin-underwear-trunk-brand-short-man/2010874616.html
22	aliexpress.com/item/Men-trigonometric-panties-100-cotton-u-belts-breathable-comfortable-underwear-mid-waist-panties-10pcs-lot-free/32228087599.html
23	aliexpress.com/item/Products-sell-like-hot-cakes-modal-man-the-big-silver-side-waist-brand-underwear-men-underwear/2045476660.html
24	aliexpress.com/store/1020571
25	aliexpress.com/store/1035502
26	aliexpress.com/store/1040351
27	aliexpress.com/store/1043099

28	aliexpress.com/store/1048293
29	aliexpress.com/store/1052379
30	aliexpress.com/store/106501
31	aliexpress.com/store/107079
32	aliexpress.com/store/111650
33	aliexpress.com/store/1161894
34	aliexpress.com/store/1181299
35	aliexpress.com/store/1184802
36	aliexpress.com/store/1195243
37	aliexpress.com/store/1200553
38	aliexpress.com/store/1232408
39	aliexpress.com/store/1291043
40	aliexpress.com/store/1298486
41	aliexpress.com/store/1305630
42	aliexpress.com/store/1332558
43	aliexpress.com/store/1332932
44	aliexpress.com/store/1353014
45	aliexpress.com/store/1360678
46	aliexpress.com/store/1364028
47	aliexpress.com/store/1369166
48	aliexpress.com/store/1369194
49	aliexpress.com/store/137086
50	aliexpress.com/store/1375010
51	aliexpress.com/store/1379423
52	aliexpress.com/store/1381664
53	aliexpress.com/store/1383128
54	aliexpress.com/store/1389763
55	aliexpress.com/store/1398263
56	aliexpress.com/store/1406831
57	aliexpress.com/store/1409152
58	aliexpress.com/store/1427438
59	aliexpress.com/store/1431145
60	aliexpress.com/store/1454920
61	aliexpress.com/store/1457161
62	aliexpress.com/store/1462156
63	aliexpress.com/store/1463054
64	aliexpress.com/store/1472468
65	aliexpress.com/store/1474019
66	aliexpress.com/store/1476276
67	aliexpress.com/store/1484079
68	aliexpress.com/store/1485404

69	aliexpress.com/store/1495114
70	aliexpress.com/store/1500438
71	aliexpress.com/store/1507011
72	aliexpress.com/store/1512264
73	aliexpress.com/store/1516052
74	aliexpress.com/store/1558080
75	aliexpress.com/store/1626707
76	aliexpress.com/store/1627408
77	aliexpress.com/store/1630772
78	aliexpress.com/store/1658006
79	aliexpress.com/store/1663060
80	aliexpress.com/store/1678381
81	aliexpress.com/store/1683392
82	aliexpress.com/store/206444
83	aliexpress.com/store/208867
84	aliexpress.com/store/213280
85	aliexpress.com/store/227310
86	aliexpress.com/store/233047
87	aliexpress.com/store/234146
88	aliexpress.com/store/321463
89	aliexpress.com/store/335839
90	aliexpress.com/store/335891
91	aliexpress.com/store/416022
92	aliexpress.com/store/425105
93	aliexpress.com/store/433882
94	aliexpress.com/store/510094
95	aliexpress.com/store/605087
96	aliexpress.com/store/610982
97	aliexpress.com/store/617843
98	aliexpress.com/store/627949
99	aliexpress.com/store/629716
100	aliexpress.com/store/635996
101	aliexpress.com/store/637722
102	aliexpress.com/store/637781
103	aliexpress.com/store/714449
104	aliexpress.com/store/732790
105	aliexpress.com/store/809940
106	aliexpress.com/store/810660
107	aliexpress.com/store/813407
108	aliexpress.com/store/824457
109	aliexpress.com/store/826834

110	aliexpress.com/store/906013
111	aliexpress.com/store/908936
112	aliexpress.com/store/909857
113	aliexpress.com/store/912490
114	aliexpress.com/store/925752
115	aliexpress.com/supplier-fm/wholesale-products/231716971-productlist.html

Defendant Domain Names

1	ventetnpascher.biz
2	qqtn.biz
3	shoxtrade.biz
4	tosellshop.biz
5	baok.biz
6	irvp.biz
7	c-hanelfauxhandbagsfromchina.biz
8	best-store.cc
9	myshoppingfans.co
10	ukcalvinkleinsale.co.uk
11	calvinkleinshopping.co.uk
12	calvinkleinunderwearuks.co.uk
13	aps-advance.co.uk
14	ukdiggwatches.co.uk
15	underwearck.co.uk
16	cheapshoesshippedfree.co.uk
17	cheapnarrowshoes.co.uk
18	shoeoutletdiscountshoes.co.uk
19	shopdiscountfashion.co.uk
20	cheapwomensclothing.co.uk
21	discountsneakers.co.uk
22	menshightopshoes.co.uk
23	discountleatherhandbags.co.uk
24	replica888.com
25	wholesalesoccerjersey-168.com
26	underwearshopus.com
27	2015tn.com
28	hostaldemontana.com
29	568700.com
30	1689777.com
31	145689.com
32	urbantopclothing.com
33	chinasportjerseys.com

34	nikeyah.com
35	tvojklip.com
36	overchinastock.com
37	goodlifebev.com
38	oksellshoes.com
39	joyb2btrade.com
40	my138.com
41	mp6699.com
42	beddingtop.com
43	lgwatches.com
44	bonnesoldes.com
45	41mx.com
46	townnewz.com
47	eclecticflea.com
48	purpledoormosaics.com
49	boutiqsoldes.com
50	jaswinkelsshop.com
51	chinemarque.com
52	choicshoes.com
53	feetmalls.com
54	underwear-best.com
55	cozyunderwearsaustralia.com
56	bymoores.com
57	clothes-mall.com
58	likeshoes2014.com
59	manteaudhiversale.com
60	winterjaswinkels.com
61	brandshopa.com
62	frventemarque.com
63	echarpesboutique.com
64	ekstra-weekend.com
65	fashiontime345.com
66	tnrequinpasche2014.com
67	dugold.com
68	forcasessales99.com
69	calvinkleinunderwearoutlet.com
70	frdoudounejeep.com
71	internikfr.com
72	holacomprar.com
73	doudounejeep.com
74	beltseshop.com

75	59148.com
76	beadun.com
77	findtopwatches.com
78	loginkick.com
79	lesliealba.com
80	bxquan.com
81	powincpp.com
82	bagsindex.com
83	sunglassesindex.com
84	winterjasjassencenter.com
85	podoudoune.com
86	kalvinklaines.com
87	isayes.com
88	mallfr2015.com
89	mallfrance.com
90	marquepolo.com
91	calvinkleinundertoj.com
92	nike-tnrequin.com
93	destock-marque.com
94	doudouneclthesparis.com
95	espadrillespascher.com
96	jerseyhomme.com
97	tnfemmefr.com
98	hommetnbiz.com
99	doudouneclothes.com
100	menwomencalvinkleinunderwear.com
101	wholesalechinamart.com
102	44ourmaple.com
103	padmamaxwell.com
104	runninglocker.com
105	ventesports.com
106	nouveaumoinsfr.com
107	tiendamejores.com
108	nusmodesfr.com
109	frluxesion.com
110	paschermodes.com
111	frpromoschers.com
112	soldes-demarques.com
113	vendamercato.com
114	underwearbaratosp.com
115	tnmaxmvp.com

116	onestop9998.com
117	horlogeuitverkoop.com
118	uscaphats.com
119	ventesurvetement.com
120	ventetn2015.com
121	chaupas.com
122	replikyhodinek.com
123	calvinkleinunderwearsale.com
124	qiqimiqi.com
125	668watches.com
126	ystuliphotel.com
127	winterjassenjascenter.com
128	itodays.com
129	calvinkleinunderweares.com
130	lxf268.com
131	shopofall5.com
132	munichbaratas.com
133	doudounecloteshfr.com
134	doudounejeepr.com
135	calvinkleinshoponline.com
136	underwearfor.me
137	tosellshop.name
138	freeshox.net
139	furnituretogonc.net
140	replicacheaponline.net
141	ejordan.org
142	niksopfree.org
143	calvinkleinnorge.org
144	marqpascher.org
145	chaussuremode.org
146	modemerry.org
147	lesbonsoldes.org
148	edhardybaratos.org
149	kicksforward.ru
150	fschool.us