

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

CHARLES BRIT TURNER,

Plaintiff,

Civil Action No.: 1:20-cv-02997

v.

Judge Robert W. Gettleman

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

Magistrate Judge Susan E. Cox

Defendants.

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff, CHARLES BRIT TURNER’s (“TURNER” or “Plaintiff”), Motion for a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiff’s Motion for Entry of a Preliminary Injunction in its entirety against the defendants identified in Schedule A (collectively, the “Defendants”).

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. “In the context of cases like this one, that means a plaintiff must show that each defendant is actually operating an interactive website that is accessible in Illinois and that each defendant has aimed such site at Illinois by standing ready, willing and able to ship its counterfeit goods to customers in Illinois in particular (or otherwise has some sufficient voluntary contacts with the state).” *Am. Bridal & Prom Indus. Ass’n v. P’ships & Unincorporated Ass’ns Identified on Schedule A*, 192 F.Supp.3d 924, 934 (N.D. Ill. 2016). In this case, Plaintiff has presented screenshot evidence that each Defendant Internet 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 counterfeit versions of Plaintiff’s Trademark. *See*

Docket No. 12 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 BLACKBERRY SMOKE Trademark, U.S. Trademark Registration No. 4,866,423 (“The BLACKBERRY SMOKE Trademark”).

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 TURNER’s previously granted Motion for a Temporary Restraining Order establishes that TURNER has a likelihood of success on the merits; that no remedy at law exists; and that TURNER will suffer irreparable harm if the injunction is not granted.

Specifically, TURNER has proved a *prima facie* case of trademark infringement because (1) the BLACKBERRY SMOKE Trademark is a distinctive mark and is registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use the BLACKBERRY SMOKE Trademark, and (3) Defendants’ use of the BLACKBERRY SMOKE Trademark is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with TURNER. Furthermore, Defendants’ continued and unauthorized use of the BLACKBERRY SMOKE Trademark irreparably harms BLACKBERRY SMOKE through diminished goodwill and brand confidence, damage to BLACKBERRY SMOKE’s reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, TURNER has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants’ actions. Accordingly, this Court orders that:

1. Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily enjoined and restrained from:
 - a. using the BLACKBERRY SMOKE Trademark 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 BLACKBERRY SMOKE product or not authorized by TURNER to be sold in connection with the BLACKBERRY SMOKE Trademark;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine BLACKBERRY SMOKE product or any other product produced by TURNER, that is not TURNER's or not produced under the authorization, control or supervision of TURNER and approved by TURNER for sale under the BLACKBERRY SMOKE Trademark;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of TURNER, or are sponsored by, approved by, or otherwise connected with BLACKBERRY SMOKE;
 - d. further infringing the BLACKBERRY SMOKE Trademark and damaging TURNER's goodwill;
 - e. otherwise competing unfairly with TURNER 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 TURNER, nor authorized by TURNER to be sold or offered for sale, and which bear any of the BLACKBERRY SMOKE Trademark 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, or any other online marketplace account that is being used to sell or is the means by which Defendants could continue to sell Counterfeit/Infringing BLACKBERRY SMOKE products; and
 - h. operating and/or hosting at the Online Marketplace Accounts and any other online marketplace accounts registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing the BLACKBERRY SMOKE Trademark or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine BLACKBERRY SMOKE product or not authorized by TURNER to be sold in connection with the BLACKBERRY SMOKE Trademark.
2. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as, but not limited to Amazon, (collectively, "Marketplaces"), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, 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 BLACKBERRY SMOKE Trademark, including any accounts associated with the Defendants listed in 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 BLACKBERRY SMOKE Trademark; and
 - c. take all steps necessary to prevent links to the Defendant Online Marketplace Accounts identified in Schedule A from displaying in search results, including, but not limited to, removing links to the Online Marketplace Accounts from any search index.
- 3. 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 Defendants' Online Marketplace Accounts or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as Marketplaces, 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, Alipay, Western Union, third party processors and other payment processing service providers, shippers, and online marketplace registrars (collectively, the "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to TURNER 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, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplace Accounts;

- c. Defendants' websites and/or any Online Marketplace Accounts;
- d. The Defendant Online Marketplace Accounts 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, Amazon, PayPal, Alipay, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

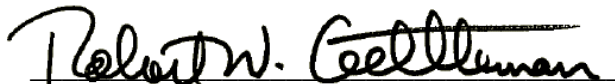
- 4. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
- 5. eBay, Inc. (“eBay”), PayPal, Inc. (“PayPal”), Context Logic, Inc. (“WISH”), Amazon Payments, Inc. (“Amazon”), Alipay US, Inc. and its entities (“Alipay”), Alibaba Group Holding Limited (“Alibaba”), and Heguang International Limited or Dunhuang Group d/b/a DHGATE, DHGate.com, DHPOR, DHLINK and DHPAY (“DHGate”), 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 eBay, PayPal, WISH, Amazon, Alipay and DHGate accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Charles Brit Turner; and
 - b. Restrain and enjoin any such accounts or funds that are non-U.S. foreign based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
6. 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, or Defendants' Online Marketplace Accounts, including, but not limited to, any accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Charles Brit Turner; 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.
7. TURNER may provide notice of these proceedings to Defendants, including notice of the preliminary injunction hearing and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website, or by sending an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Charles Brit Turner 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 “xindongli Store and all other Defendants identified in 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 Online Marketplace Accounts 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.

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

Dated: June 10, 2020


Robert W. Gettleman, U.S. District Court Judge

SCHEDULE A

NO.	DEFENDANTS
1	xindongli Store
2	t-shirt03 Store
3	Shop5592085 Store
4	Shop5597065 Store
5	xrTIP01
6	Stanley C Donovan
7	ALICE PERKINS
8	Lisa D Gochenour
9	Jeremy Roberts
10	jiujiangtashahangshangmaoyouxiangongsi
11	Desire J Cuevas
12	Richard James
13	AprilMCohen
14	Steven Sapp
15	Patricia Mayo
16	DANIEL BURTON
17	JOELEWIS
18	Harold R Raglin
19	STARKLY
20	BAILEY DALE
21	HARASS STUDIO
22	Kimzo
23	Maria D Miller
24	Yaruiguan
25	John B Haws
26	David E Everett
27	GAME DIY
28	Jason A Ramirez
29	Melissa J Hagen
30	Silence9494
31	CelleCX
32	Linqinghui
33	ZOE CLAYTON
34	LEOUMAOYE
35	Marjorie A Floyde
36	WangHongPeng
37	Albert V. Chloe

38	BEN ALEXANDER
39	blatovarnca
40	Nancy A. Moore
41	Rppuer
42	Patricia FordT
43	MORGANMYERS
44	honghuawenhua
45	Ronald A Maurer
46	JeffeFountainryd
47	Deunglor
48	Lovevol
49	Daig Meng
50	Feytes
51	Gloria Nguyen
52	Wang Siwe
53	KEIRA ATKINSON
54	PatriciaANewbury
55	SCJEFFERSONOTT
56	SHUILIFANG
57	doohewBDJ
58	AbSXOiCzE
59	ETHAN HOLLAND
60	Maryat
61	Hye D Riche
62	Xiumeimei
63	KaRobinsonren
64	Chouven
65	Ivyashu
66	ZENGYUEPENG
67	Memories of God
68	DAHEDTKEYNA
69	Janeth M Shannon
70	Buddha Garment
71	AlexCMarshall
72	Robert D Testa
73	Anakalenina
74	Monsiavins
75	HengTracy
76	FINLEY HENRY

77	RoKrauskopfsie
78	Coojjee
79	GuoCool
80	MoieyQFanch
81	Wennhua
82	Caozhiwen
83	ChiquiEffordta
84	Brian J Smith
85	RobertSVilla
86	Yadiicoyo
87	JAE WYTLM
88	BRADLEY BOWEN
89	JennaAA
90	SEBASTIAN WESTON
91	chasihao
92	Hang Hisi
93	Ashley S Snavely
94	Stephon Tracy
95	Ryan C Schmitt
96	Jerry J Wong
97	coolttang
98	MAYA LIAM
99	DABSONN
100	Cllzm
101	DAISY DEAN
102	zengyike
103	Thomas Cunningham
104	Pinglicen
105	ZhongQiu
106	Albert Jodie
107	Mabb
108	KIJBB2WBFBP
109	Hollyyang
110	A76538300
111	Ienin
112	v2win413
113	cym413
114	lqd991
115	19longxingda2

116	al_955874
117	alberwidjaj0
118	alikabarstore
119	alsco_35
120	awahitaazzana46-2
121	bagassetywicakson0
122	chenlitong20188
123	dawan_8334
124	dede-8537
125	djasrmari0
126	elilisnawat_0
127	enlimaoyiuk2018
128	enre_96
129	fatalaziza-0
130	hefebr0
131	judgeazhar
132	kethubu-25
133	kethubu-68
134	leny_andriany
135	luzhongfei2019
136	ojbota0
137	ojostok10-6
138	pencabutnyawa
139	pepi04
140	risalomo0
141	sdaniati
142	sij1_alone
143	teesncase
144	zuoqing2
145	jinhui fashion trade
146	pingping shopping
147	tinger fashion
148	gaomiao fashion
149	jianlin supper-market
150	yefei fashion
151	wenyazhen fashion store
152	zhoumaomao fashion
153	hanbao fashion
154	yangcui fashion

155	zengfayu fashion
156	bjiyhf supper-market
157	nbjlmk Friday
158	oiynul fashion store
159	sfgtwe store
160	dfzdfs store
161	longchaoqun fashion
162	safdgcx store
163	Crayons' International Trade
164	nanxie
165	Daily trade
166	Good friend trade
167	Amitata
168	wangtingting0205
169	bingo-gogogo
170	Classic trend shop
171	yudandan
172	THANKSCC
173	whtbluesky
174	zhangxuza
175	wuyongqing
176	China various commodity shops
177	linlin135
178	YLM
179	zarn
180	chunmiao
181	yrzyrz654
182	wangqinxiao
183	ENZE1985
184	linxiuqing2018
185	zhulianghui2018
186	sanmentiankai
187	penghongh
188	charihong
189	bullewhq
190	2ccm
191	niceVIP
192	5VVPPC
193	2ccm06

194	9CCM
195	YIJIN03
196	YIJIN10
197	vdgdgffhy5625
198	YIJIN21
198	YIJIN26
199	gdhdfjf54gf
200	YIJIN24
202	YIJIN07
203	YIJIN01
204	lpp5448
205	liufen666