

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

PINK FLOYD (1987) LIMITED,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-04969

Judge Matthew F. Kennelly

DEFAULT FINAL JUDGMENT ORDER

This action having been commenced by Plaintiff PINK FLOYD (1987) LIMITED ("PFL" or "Plaintiff") against the Partnerships and Unincorporated Associations identified on Schedule A ("Defendants" or "Defaulting Defendants") using at least the domain names identified in Schedule A (collectively, the "Defendant Domain Names") and PFL having moved for entry of Default and Default Judgment against the Defendants;

This Court having entered a preliminary injunction; PFL having properly completed service of process on Defaulting Defendants, the combination of providing notice via electronic publication and/or e-mail, along with any notice that Defaulting Defendants received from domain name registrars and payment processors, being notice reasonably calculated under all circumstances to apprise Defaulting Defendants of the pendency of the action and affording them the opportunity to answer and present their objections; and

The Defaulting Defendants having not answered or appeared in any way, and the time for answering having expired, so that the allegations of the Complaint are uncontroverted and are deemed admitted.

This Court finds that it has personal jurisdiction over Defaulting Defendants because Defaulting Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, PFL has provided a basis to conclude that Defaulting Defendants have targeted sales to Illinois residents by setting up and operating the e-commerce stores operating under the Defendant Domain Names that target United States consumers, offer shipping to the United States, including Illinois, and have sold products using infringing and counterfeit versions of PFL's federally registered trademarks, which are covered by U.S. Trademark Registration Nos. 2,194,702; 3,247,700; 4,232,255; 4,236,037; 5,521,572; and 6,514,317 (the "PINK FLOYD Trademarks") to residents of Illinois. In this case, PFL has presented screenshot evidence that each Defendant e-commerce store is reaching out to do business with Illinois residents by operating the commercial, interactive internet stores operating at the Defendant Domain Names through which Illinois residents can purchase products using counterfeit versions of the PINK FLOYD Trademarks. *See* Docket No. [11], which includes screenshot evidence confirming that each Defendant e-commerce store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the PINK FLOYD Trademarks.

This Court further finds that Defaulting Defendants are liable for willful federal trademark infringement and counterfeiting (15 U.S.C. § 1114), and false designation of origin (15 U.S.C. § 1125(a)).

Accordingly, this Court orders that PFL's Motion for Entry of Default and Default Judgment is GRANTED as follows, that Defaulting Defendants are deemed in default, and that this Default Final Judgment is entered against Defaulting Defendants.

This Court further orders that:

1. Defaulting Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be permanently enjoined and restrained from:
 - a. using the PINK FLOYD Trademarks or any reproductions, counterfeit copies, or colorable imitations in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine PFL product or not authorized by PFL to be sold in connection with the PINK FLOYD Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine PFL product or any other product produced by PFL, that is not PFL's or not produced under the authorization, control, or supervision of PFL and approved by PFL for sale under the PINK FLOYD Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defaulting Defendants' products are those sold under the authorization, control, or supervision of PFL, or are sponsored by, approved by, or otherwise connected with PFL; and
 - d. 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 PFL, nor authorized by PFL to be sold or offered for sale, and which bear any of PFL's trademarks, including the PINK FLOYD Trademarks, or any reproductions, counterfeit copies or colorable imitations;
 - e. discontinue the use of the PINK FLOYD Trademarks, or any confusingly similar trademarks, on or in connection with all internet websites, domain names, or businesses

owned and operated, or controlled by them, including the internet websites operating under the Defendant Domain Names; and

- f. discontinue the use of the PINK FLOYD Trademarks, or any confusingly similar trademarks within domain name extensions, metatags or other markers within website source code, or from use on any webpage (including as the title of any web page), from any advertising links to other websites, from search engines' database or cache memory, and any other form of use of such terms which is visible to a computer user or serves to direct computer searches to internet websites registered, owned, or operated by Defendants, including the internet websites operating under the Defendant Domain Names.
2. The Defendant Domain Names are hereby ordered to be immediately transferred by Defendants, their assignees and/or successors in interest or title, and the Registrars to Plaintiff's control.
 3. Defendants shall preserve copies of all computer files relating to the use of the Defendant Domain Names and shall take all steps necessary to retrieve computer files relating to the use of the Defendant Domain Names that may have been deleted before the entry of this order.
 4. In order to give practical effect to the Permanent Injunction:
 - a. The Defendant Domain Names are hereby ordered to be immediately transferred by Defendants, their assignees and/or successors in interest or title, and the Registrar to Plaintiff's control. To the extent the current Registrars do not facilitate the transfer of the Defendant Domain Names to Plaintiff's control within five (5) days of receipt of this Judgment, upon Plaintiff's request, the top level domain (TLD) Registries for the

- Defendant Domain Names, or their administrators, including backend registry operators or administrators shall, within thirty (30) days, (i) change the Registrars of Record for the Defendant Domain Names to Registrars of Plaintiff's choosing, and those Registrars shall transfer the Defendant Domain Names to Plaintiff, or (ii) place the Defendant Domain Names on Registry Hold status for the life of the current registrations, thus removing them from the TLD zone files maintained by the Registry or Registries which link the Defendant Domain Names to the IP addresses where the associated websites are hosted;
- b. Plaintiff may serve this injunction on any Internet search engines or any service provider referring or linking users to any specific URLs of the Defendant Domain Names with a request that the service provider permanently disable the references or links to, and/or permanently de-index or delist any specific URLs identified by Plaintiff which are being used by Defendants in connection with the offering for sale or sale of goods bearing counterfeits of the PINK FLOYD Trademarks, based upon Defendants' unlawful activities being conducted via the Defendant Domain Names as a whole and via any additional URLs identified by Plaintiff;
 - c. Plaintiff may serve this injunction on the domain name registrar(s) and/or the privacy protection service(s) for the Defendant Domain Names to disclose to Plaintiff the true identities and contact information for the registrants of the Defendant Domain Names;
 - d. Plaintiff may serve this injunction on any service provider, including specifically but not limited to NAMECHEAP INC and Porkbun LLC, with a request to permanently cease providing any services to Defendants in connection with any and all domain names, including but not limited to, the Defendant Domain Names, and websites

- through which Defendants engage in the promotion, offering for sale and/or sale of goods using counterfeits of the PINK FLOYD Trademarks, including permanently deleting the Defendant Domain Names from the DNS used for the DoH (1.1.1.1);
- e. Defendants, their agent(s) or assign(s), shall assign in writing all rights, title, and interest in the Defendant Domain Names to Plaintiff and, if in a reasonable time, not to exceed five (5) business days of receipt of this Order Defendants fail to make such an assignment, the Court shall order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a);
 - f. Defendants, their agent(s) or assign(s), shall instruct in writing all search engines to permanently delist or deindex the Defendant Domain Names and, if within a reasonable time, not to exceed five (5) business days of receipt of this Order, Defendants fail to make such a written instruction, the Court shall order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a);
 - g. Defendants, their agent(s) or assign(s), shall instruct the Registrar(s) for the Defendant Domain Names to permanently close the domain registration account(s) in which the Defendant Domain Names are located and, if within five (5) days of receipt of this Order Defendants fail to make such a written instruction, the Court shall order the act to be done by another person appointed by the Court at the Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a); and
 - h. Defendants, their agent(s) or assign(s), shall instruct in writing all service providers, including, but not limited to, specifically NAMECHEAP INC and Porkbun LLC, to

permanently cease providing any services to Defendants in connection with any and all domain names, including but not limited to the Defendant Domain Names, and websites through which Defendants engage in the promotion, offering for sale and/or sale of goods using counterfeits of the PINK FLOYD Trademarks, including permanently deleting the Defendant Domain Names from the DNS used for the DoH (1.1.1.1), and, if within five (5) days of entry of such order any Defendants fail to make such a written instruction, the Court order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a).

5. Defaulting Defendants and any third party with actual notice of this Order who is providing services for the Defaulting Defendants, or in connection with the Defendant Domain Names, including, without limitation, any online marketplace platforms such as PayPal, Inc. ("PayPal") (collectively, the "Third Party Providers"), shall within seven (7) calendar days of receipt of this Order cease:

a. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Domain Names, or any other online e-commerce account that is being used to sell or is the means by which Defaulting Defendants could continue to sell counterfeit and infringing goods using the PINK FLOYD Trademarks; and

b. operating and/or hosting websites that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing the PINK FLOYD Trademarks or any reproductions, counterfeit copies or colorable

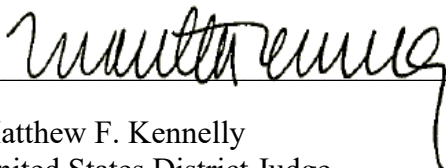
imitations thereof that is not a genuine PFL product or not authorized by PFL to be sold in connection with the PINK FLOYD Trademarks.

6. Upon PFL's request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 5, shall within seven (7) calendar days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defaulting Defendants in connection with the sale of counterfeit and infringing goods using the PINK FLOYD Trademarks.
7. Pursuant to 15 U.S.C. § 1117(c)(2), PFL is awarded statutory damages from Defaulting Defendants in the amount of one hundred thousand dollars (\$100,000) for willful use of counterfeit PINK FLOYD Trademarks on products sold through at least the commercial, interactive e-commerce store operating under the Defendant Domain Names.
8. Any Third Party Providers holding funds for Defaulting Defendants, including PayPal, shall, within seven (7) calendar days of receipt of this Order, permanently restrain and enjoin any accounts connected to Defaulting Defendants or the Defendant Domain Names from transferring or disposing of any funds (up to the statutory damages awarded in Paragraph 7 above) or other of Defaulting Defendants' assets.
9. All monies (up to the amount of the statutory damages awarded in Paragraph 7 above) currently restrained in Defaulting Defendants' financial accounts, including monies held by Third Party Providers such as PayPal, are hereby released to PFL as partial payment of the above-identified damages, and Third Party Providers, including PayPal, are ordered to release to PFL the amounts from Defaulting Defendants' financial accounts within fourteen (14) calendar days of receipt of this Order.

10. Until PFL has recovered full payment of monies owed to it by any Defaulting Defendant, PFL shall have the ongoing authority to commence supplemental proceedings under Federal Rule of Civil Procedure 69.
11. In the event that PFL identifies any additional domain names or financial accounts owned by Defaulting Defendants, PFL may send notice of any supplemental proceeding, including a citation to discover assets, to Defaulting Defendants by e-mail at the e-mail addresses identified in Exhibit 2 to the Declaration of Thomas Schlegel and any e-mail addresses provided for Defaulting Defendants by third parties.
12. The ten-thousand-dollar (\$10,000) surety bond posted by PFL is hereby released to PFL or its counsel, Keith Vogt Ltd., 33 W Jackson Blvd, #2W, Chicago, Illinois, 60604. The Clerk of the Court is directed to return the surety bond previously deposited with the Clerk of the Court to PFL or its counsel.

This is a Default Final Judgment.

Dated: 10/17/2022



Matthew F. Kennelly
United States District Judge

Schedule A

No.	Defendants
1	iteeglobal.com
2	rocktee.net
3	perfecttouchprinted.com