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

TY, INC.,)
) Case No.: 20-cv-6191
Plaintiff,)
) Judge Thomas M. Durkin
V.)
)
THE INDIVIDUALS, CORPORATIONS,)
LIMITED LIABILITY COMPANIES,)
PARTNERSHIPS AND UNINCORPORATED)
ASSOCIATIONS IDENTIFIED ON SCHEDULE A)
HERETO,)
)
Defendants.)

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on TY, INC.'s Motion for a Preliminary Injunction, and this Court having considered 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 attached hereto (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. 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 infringing and/or counterfeit versions of Plaintiff's TY, Trademarks (the "Counterfeit TY Products").

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order ("TRO") should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil

Procedure 65. Evidence submitted in support of this Motion and in support of Plaintiff's previously granted Motion for a Temporary Restraining Order establishes that Plaintiff has a likelihood of success on the merits; that no remedy at law exists; and that Plaintiff will suffer irreparable harm if the injunction is not granted.

Specifically, Plaintiff has proved a *prima facie* case of trademark infringement because (1) the TY Trademarks are distinctive marks and registered with the U.S. Patent and Trademark Office on the Principal Register as U.S. Trademark Registration Reg. No. 2,118,114 for the TY mark, Reg. No. 1,722,141 for the TY logo, Reg. No. 2,703,368 for the BEANIE BABY mark, Reg. No. 5,693,639 for the FLIPPABLES mark, Reg. No. 5,396,599 for the BEANIE BOOS mark and Reg. No. 5,396,599 for the BEANIE BOOS and design mark, (2) Defendants are not licensed or authorized to use the TY, Trademarks, and (3) Defendants' use of the TY Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products. Furthermore, Defendants' continued and unauthorized use of the TY Trademarks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Plaintiff has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions.

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 enjoined and restrained from:
 - a. using Plaintiff's TY Trademarks or any confusingly similar 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 are not a genuine TY product or is not authorized by Plaintiff to be sold in connection with Plaintiff's TY Trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine TY products or any other product produced by Plaintiff, that is not Plaintiff's or is not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's TY Trademarks;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. further infringing Plaintiff's TY Trademarks and damaging Plaintiff's goodwill;
- e. otherwise competing unfairly with Plaintiff 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 Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear Plaintiff's TY Trademarks or any confusingly similar 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 TY 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 Plaintiff's TY Trademarks or any confusingly similar reproduction, counterfeit copy or colorable imitation thereof that is not a genuine TY Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's TY Trademarks.
- 2. Each Defendant, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff 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 DHgate 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 ten (10) business days of receipt of this Order or prior to expiration of this Order, whichever date shall occur first, shall, at Plaintiff's choosing:
 - a. unlock and change the registrar of record for the Defendant Domain Names to a registrar of Plaintiff'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 Plaintiff'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 DHgate, 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 ten (10) 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
 TY Trademarks, 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 TY Trademarks; and
 - c. take all steps necessary to prevent links to the Defendant Domain Names identified in 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 Defendants' websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as iOffer and DHgate, 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 DHgate, third party processors and other payment processing service providers, shippers, and domain name registrars (collectively, the "Third Party Providers") shall, within ten (10) business days after receipt of such notice, provide to Plaintiff expedited discovery, including copies of all documents and records in such person's or entity's possession or control relating to:

- a. The identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information;
- 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,

- DHgate, 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 restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
- 7. DHgate shall, within ten (10) 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
 DHgate accounts connected to the information listed in Schedule A hereto; and
 - b. Restrain and enjoin any 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.
- 8. Plaintiff 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 to which the Defendant Domain Names which are transferred to Plaintiff's control will redirect, or by sending an e-mail to the e-mail addresses identified in Schedule A hereto; 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 "B2B_BABY and all other Defendants identified in Schedule A to the 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.

9. Plaintiff's Schedule A to the Complaint, and the TRO are unsealed.

10. Any Defendants that are subject to this Order may appear and move to dissolve or modify

the Order on two days' notice to Plaintiff or on shorter notice as set by this Court.

11. The \$10,000 bond posted by Plaintiff shall remain with the Court until a Final

disposition of this case or until this Preliminary Injunction is terminated.

Dated: November 13, 2020

U.S. District Court Judge

Glomas M Dulein

SCHEDULE A

No.	Defendant Name / Alias
1	b2b_baby
2	b2b_life
3	baby_no1
4	free_baby
5	kids_dress
6	liangjingjing_no3
7	jesus_disney
8	michaelshenzhen
9	amanda2018
10	aya134
11	jinjin321
12	kids_best
13	qin342952757
14	Derrk
15	lscq_legend
16	shenzhen1
17	liuyuchen2018
18	netsnake
19	Funibaoluo
20	Runbaby
21	liangjingjing_kitche
22	liangjingjing_watch
23	cutetoyss
24	kidstoy6
25	card2016
26	cards_2016
27	pop_goods
28	bingfenstores
29	stuffedbaby
30	dyf363636
31	kawaii_toys
32	buycheapsdhgate
33	faone20
34	qiananclothings
35	qianancompanys
36	qianandhgate
37	qiananrain
38	qiananshien

39	qiananshopping
40	qiananstore
41	hairlove
42	nakiki
43	abchouse
44	alex_zeng
45	andytt
46	angela918
47	asite
48	avonqq
49	aybb
50	B2b_bags
51	babyandmom
52	bailanh
53	beachboy
54	beasy
55	best_toys
56	best_suppiler
57	Blockswei
58	bonroy_international
59	borida
60	breenca
61	caige
62	candykids
63	candykids8888
64	cassial
65	ccyumi
66	chen1818
67	chenxuandhgate02
68	childrenparadise
69	chinese_sun
70	cobest
71	dreamkids
72	electronisupermarket
73	enterpriseclassic1
74	etamkend
75	faone24
76	fashion_house
77	fine333
78	Fine777
79	fives_market

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80	fkansis
81	freedom1688
82	gift1234
83	goodboystore
84	goodgoods2018
85	goodsellers2019
86	gowdesigner
87	growvin
88	haifengstore0319
89	Hanlley
90	happyego
91	Hkstore666
92	homelot
93	hongli98
94	huangcen
95	humom
96	Iped2016
97	isltbs01
98	japan_store
99	jerry04
100	jokerstore
101	kawaiitoy
102	Lakeball
103	laurul
104	liangjingjing_home
105	lily2baby
106	lings_luckly_officia
107	lovedreamstore
108	Luckyno
109	lulou896
110	lunlunwangzi2
111	lxhua168
112	Magical_b
113	mobiletoys
114	Monlovebaby
115	moongate
116	moonstoneyy
117	Mummy_babe
118	my-df
119	Mylove2015
120	Naigou

121	namanavy
	namenew
122	new_trends
123	newyearable
124	nice_01
125	nice_03
126	office2016hs
127	offworld
128	orfila11
129	palm007
130	party2000
131	pipe_01
132	pu10
133	qiananmall
134	rainbowny
135	Rh_baby
136	Rino
137	rose_liu
138	sea-blooms
139	shenyangqq
140	sixin_toy
141	slickgate
142	smart-technology
143	Sport_xgj
144	squishytoy
145	starbright777
146	Starone
147	superestore88
148	teem
149	limengxin1984
150	lydia5566
151	Highqualityok
152	hopestar168
153	good_home
154	Jingjingliang_no4
155	Ports_shoes
156	Big_fashion
157	good_sunglasses
158	liangjingjing_bag
159	liangjingjing_socks
160	ljj_sunglasses
161	bosiju

162	Candychildren
163	chinaatoybfactory
164	fashion89toy
165	Fog08
166	fun66
167	havory
168	Linlilan454147767
169	Localking
170	playnice
171	potala_noveltoys
172	potala_superkids
173	Redeye
174	sd005
175	seller_toysgifts
176	shishan
177	sightly
178	Tescosupermarket
179	bluemoodd

No	Defendants Online Marketplace
1	https://www.dhgate.com/store/20329591
2	https://www.dhgate.com/store/20329459
3	https://www.dhgate.com/store/21362728
4	https://www.dhgate.com/store/21363341
5	https://www.dhgate.com/store/20266251
6	https://www.dhgate.com/store/19994515
7	https://www.dhgate.com/store/21547514
8	https://www.dhgate.com/store/14770545
9	https://www.dhgate.com/store/21024952
10	https://www.dhgate.com/store/20454468
11	https://www.dhgate.com/store/21088166
12	https://www.dhgate.com/wholesale/products/ff8080816ad41e5b016b168f412e4edd.ht
	ml
13	https://www.dhgate.com/store/19953991
14	https://www.dhgate.com/store/20703231
15	https://www.dhgate.com/store/20529903
16	https://www.dhgate.com/store/14341076
17	https://www.dhgate.com/store/21283905
18	https://www.dhgate.com/store/20740006

19	https://www.dhgate.com/store/20968277
20	https://www.dhgate.com/store/20010045
21	https://www.dhgate.com/store/20265346
22	https://www.dhgate.com/store/20230859
23	https://www.dhgate.com/store/21159300
24	https://www.dhgate.com/store/21080364
25	https://www.dhgate.com/wholesale/products/ff80808155924d1f0155fc1963b707c4.ht ml
26	https://www.dhgate.com/store/20435189
27	https://www.dhgate.com/store/20142965
28	https://www.dhgate.com/store/21197280
29	https://www.dhgate.com/store/21212240
30	https://www.dhgate.com/store/20198151
31	https://www.dhgate.com/store/20597535
32	https://www.dhgate.com/store/21511871
33	https://www.dhgate.com/wholesale/products/ff80808171e8dea3017202d92eaa53d2.html
34	https://www.dhgate.com/store/21511978
35	https://www.dhgate.com/store/21511978
36	https://www.dhgate.com/store/21511973
37	https://www.dhgate.com/store/21511979
38	https://www.dhgate.com/store/21511975
39	https://www.dhgate.com/store/2151777
40	https://www.dhgate.com/store/21469842
41	https://www.dhgate.com/store/21409042
42	https://www.dhgate.com/store/21347195
43	https://www.dhgate.com/store/19730859
44	https://www.dhgate.com/store/20099309
45	https://www.dhgate.com/store/19739541
46	https://www.dhgate.com/store/angela918
47	https://www.dhgate.com/store/19883686
48	https://www.dhgate.com/store/20657209
49	https://www.dhgate.com/store/21287708
50	https://www.dhgate.com/store/20329490
51	https://www.dhgate.com/store/20148174
52	https://www.dhgate.com/store/20061391
53	https://www.dhgate.com/wholesale/products/ff808081444e5fca014478a01bc53a20.ht
	ml
54	https://www.dhgate.com/store/20325517
55	https://www.dhgate.com/store/20909569
56	https://www.dhgate.com/store/21012252
57	https://www.dhgate.com/store/21194698
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58	https://www.dhgate.com/store/20748379
59	https://www.dhgate.com/store/20534736
60	https://www.dhgate.com/store/20707648
61	https://www.dhgate.com/store/20774558
62	https://www.dhgate.com/store/21275825
63	https://www.dhgate.com/store/21450358
64	https://www.dhgate.com/store/20248749
65	https://www.dhgate.com/store/20098031
66	https://www.dhgate.com/store/20647048
67	https://www.dhgate.com/store/21152583
68	https://www.dhgate.com/store/20742316
69	https://www.dhgate.com/wholesale/products/ff808081628220360162ba5b2c555fa7.ht
	ml
70	https://www.dhgate.com/store/19958538
71	https://www.dhgate.com/store/20666176
72	https://www.dhgate.com/store/21166733
73	https://www.dhgate.com/store/21211906
74	https://www.dhgate.com/store/20795520
75	https://www.dhgate.com/store/21518620
76	https://www.dhgate.com/store/14775084
77	https://www.dhgate.com/store/21227941
78	https://www.dhgate.com/store/21227773
79	https://www.dhgate.com/store/20922624
80	https://www.dhgate.com/store/20712884
81	https://www.dhgate.com/store/20747351
82	https://www.dhgate.com/store/21221366
83	https://www.dhgate.com/store/21221883
84	https://www.dhgate.com/store/20973420
85	https://www.dhgate.com/store/20715892
86	https://www.dhgate.com/store/21524175
87	https://www.dhgate.com/store/20718698
88	https://www.dhgate.com/store/19880217
89	https://www.dhgate.com/store/20712886
90	https://www.dhgate.com/store/14222750
91	https://www.dhgate.com/store/21223879
92	https://www.dhgate.com/store/21142117
93	https://www.dhgate.com/wholesale/products/ff808081645ad59501645e2699a41a07.ht
0.4	ml
94	https://www.dhgate.com/store/20059922
95	https://www.dhgate.com/store/20713202
96	https://www.dhgate.com/store/20191207
97	https://www.dhgate.com/store/20818002

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98	https://www.dhgate.com/store/20936794
99	https://www.dhgate.com/store/20525504
100	https://www.dhgate.com/store/21169492
101	https://www.dhgate.com/store/21513730
102	https://www.dhgate.com/store/21160297
103	https://www.dhgate.com/store/20252682
104	https://www.dhgate.com/store/20328702
105	https://www.dhgate.com/store/21137153
106	https://www.dhgate.com/store/21390847
107	https://www.dhgate.com/store/19988205
108	https://www.dhgate.com/store/21180255
109	https://www.dhgate.com/store/21024167
110	https://www.dhgate.com/store/20554618
111	https://www.dhgate.com/store/21230467
112	https://www.dhgate.com/store/20760632
113	https://www.dhgate.com/store/21180090
114	https://www.dhgate.com/store/21363554
115	https://www.dhgate.com/store/21195837
116	https://www.dhgate.com/store/21069247
117	https://www.dhgate.com/store/20048263
118	https://www.dhgate.com/store/14770241
119	https://www.dhgate.com/store/20347591
120	https://www.dhgate.com/store/20889671
121	https://www.dhgate.com/store/20718319
122	https://www.dhgate.com/store/21362734
123	https://www.dhgate.com/store/20973431
124	https://www.dhgate.com/store/21504484
125	https://www.dhgate.com/store/21504738
126	https://www.dhgate.com/wholesale/products/ff808081628220360162d73f17b95d39.html
127	https://www.dhgate.com/store/21509709
128	https://www.dhgate.com/store/21413681
129	https://www.dhgate.com/store/21518440
130	https://www.dhgate.com/store/21330827
131	https://www.dhgate.com/store/21204250
132	https://www.dhgate.com/store/21352132
133	https://www.dhgate.com/store/21506332
134	https://www.dhgate.com/store/20718439
135	https://www.dhgate.com/store/19958013
136	https://www.dhgate.com/store/18575052
137	https://www.dhgate.com/store/14240369

138	https://www.dhgate.com/store/14175954
139	https://www.dhgate.com/store/21209977
140	https://www.dhgate.com/store/20817504
141	https://www.dhgate.com/store/14333345
142	https://www.dhgate.com/store/smarttechnology
143	https://www.dhgate.com/store/20608099
144	https://www.dhgate.com/store/21008931
145	https://www.dhgate.com/store/20329638
146	https://www.dhgate.com/store/20461561
147	https://www.dhgate.com/store/20287710
148	https://www.dhgate.com/store/19915249
149	https://www.dhgate.com/store/20439875
150	https://www.dhgate.com/store/21128089
151	https://www.dhgate.com/store/21537988
152	https://www.dhgate.com/store/20061425
153	https://www.dhgate.com/store/20329618
154	https://www.dhgate.com/store/20141314
155	https://www.dhgate.com/store/21014039
156	https://www.dhgate.com/store/21363151
157	https://www.dhgate.com/store/20329491
158	https://www.dhgate.com/store/20230513
159	https://www.dhgate.com/store/20230537
160	https://www.dhgate.com/store/20230528
161	https://www.dhgate.com/store/20058983
162	https://www.dhgate.com/store/21152762
163	https://www.dhgate.com/store/21435446
164	https://www.dhgate.com/store/20892009
165	https://www.dhgate.com/store/21510172
166	https://www.dhgate.com/store/21268612
167	https://www.dhgate.com/store/20513710
168	https://www.dhgate.com/store/21198016
169	https://www.dhgate.com/store/21160758
170	https://www.dhgate.com/store/21107284
171	https://www.dhgate.com/store/21159176
172	https://www.dhgate.com/store/21121995
173	https://www.dhgate.com/store/21195836
174	https://www.dhgate.com/store/20916828
175	https://www.dhgate.com/store/20793116
176	https://www.dhgate.com/store/21461797
177	https://www.dhgate.com/store/19969134
178	https://www.dhgate.com/store/20143235

179	https://www.dhgate.com/store/21084208
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