

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

CONAN DOYLE ESTATE LTD.,

PLAINTIFF,

v.

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE A,

DEFENDANTS.

CASE NO.: 1:21-cv-00929

JUDGE MATTHEW F. KENNELLY

SEALED TEMPORARY RESTRAINING ORDER

THIS CAUSE being before the Court on Plaintiff, Conan Doyle Estate Ltd.’s (“Conan Doyle Estate” or “Plaintiff”) *Ex Parte* Motion for Entry of a Temporary Restraining Order, including a temporary injunction, temporary asset restraint, expedited discovery, and electronic service of process, against the defendants identified on Schedule A, attached hereto (collectively, the “Defendants”) and using at least the online marketplace accounts identified on Schedule A (the “Defendant Internet Stores” or “Seller Aliases”), and this Court having heard the evidence before it hereby GRANTS Plaintiff’s *Ex Parte* Motion in its entirety.

This Court further 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, by offering to sell and ship products into this Judicial District. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive online marketplace stores through which Illinois residents can purchase products bearing counterfeit versions of the Sherlock Holmes Trademarks, which are covered by

Federally Registered Trademarks, which have been filed under seal as Exhibit 1 to the Complaint (referred to as the “Sherlock Holmes Trademarks” or “Conan Doyle Estate Intellectual Property (IP)”).

This Court also finds that issuing this Order without notice pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure is appropriate because Plaintiff has presented specific facts in the Declaration of Paul Varley, paragraphs 15-24, and the Declaration of Ann Marie Sullivan, paragraphs 5-9, and accompanying evidence clearly showing that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition. Specifically, in the absence of an *ex parte* Order, Defendants could and likely would modify registration data and content, change hosts, redirect traffic to other websites in their control, and move any assets from accounts in U.S.-based financial institutions, including PayPal accounts, to off-shore accounts. *Id.* As other courts have recognized, proceedings against those who deliberately traffic in counterfeit merchandise are often useless if notice is given to the adverse party.

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 Sherlock Holmes 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 Sherlock Holmes product or not authorized by Plaintiff to be sold in connection with its Sherlock Holmes Trademarks;

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Sherlock Holmes product or any other product produced by Plaintiff, that is not Plaintiff's, and is not produced under the authorization, control, or supervision of Plaintiff, and/or approved by Plaintiff for sale under Plaintiff's Sherlock Holmes 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 Conan Doyle Estate;
- d. further infringing Plaintiff's Sherlock Holmes 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 any of Plaintiff's Sherlock Holmes 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, or any other domain name or Seller Alias that is being used to sell, or is the means by which Defendants could continue to sell, counterfeit Sherlock Holmes Products; and,
- h. operating and/or hosting websites at any other online marketplace or domain name registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing Plaintiff's Sherlock Holmes Trademarks or any reproductions, counterfeit copies, or colorable

imitations thereof that is not a genuine Sherlock Holmes product or not authorized by Plaintiff to be sold in connection with Plaintiff's Sherlock Holmes 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 PayPal accounts, and (d) the steps taken by each Defendant to comply with paragraph 1, a through h, above.
3. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as Alibaba Group Holding Ltd., Alipay.com Co., Ltd. and any related Alibaba entities (collectively, "Alibaba"), Etsy, Amazon, eBay, WISH, 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 five (5) 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 Sherlock Holmes 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 Sherlock Holmes Trademarks; and
 - c. Take all steps necessary to prevent links to the online marketplace accounts identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Seller Aliases from any search index.

4. 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 online marketplace accounts or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as 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, Etsy, eBay, WISH, Amazon, 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 Defendants' other Seller Aliases and/or websites, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Defendant Internet Stores and other Defendant websites;
- c. Defendants' websites and/or any online marketplace accounts;
- d. Any domain name registered by Defendants;
- 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).

5. Defendants and any persons and/or entities 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.
6. PayPal, Inc. ("PayPal") 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 and related to Defendants, Defendants' online marketplace accounts or Defendants' websites, including, but not limited to, any PayPal accounts connected to and related to the information listed in Schedule A and the email addresses associated with the Defendants that are identified by either Defendants or third parties;
 - b. Restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. ALIPAY US, INC. ("ALIPAY"), Amazon Payments, Inc. ("Amazon"), ContextLogic, Inc. ("WISH"), Etsy, eBay, Inc. ("eBay"), and any other marketplace (collectively, "Online Marketplaces"), and all other e-commerce platforms in privity with Defendants, and their respective related companies and affiliates, shall within ten (10) business days of receipt of this Order:
 - a. Identify and restrain all funds, as opposed to ongoing account activity, in, or which hereafter are transmitted, into the online marketplace accounts related to Defendants

as identified on Schedule A, as well as all funds in, or which are transmitted, into (i) any other accounts of the same customer(s); (ii) any other accounts which transfer funds into the same financial institution account(s), any of the other accounts subject to this Order; and, (iii) any other accounts tied to or used by any of the Seller Aliases identified on Schedule A;


- b. Provide Plaintiff's counsel with all data which details (i) an accounting of the total funds restrained and the identification of the financial account(s) which the restrained funds are related to, and (ii) the account transactions related to all funds transmitted into the financial account(s) which have been restrained. Such restraining of the funds and the disclosure of the related financial institution account information shall be made without notice to the account owners until after those accounts are restrained; and,
- c. Prevent the transfer or surrender of any and all funds restrained by this Order for any purpose (other than pursuant to a chargeback made pursuant to the Online Marketplace's security interest in the funds) without the express authorization of this Court.

8. 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 ten (10) 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 and the e-mail addresses associated with the Defendants that are identified by either Defendants or third parties; 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.
9. 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 and/or by sending an e-mail to any e-mail addresses provided for Defendants by Defendants or any 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 "2000s Hat Store and all other Defendants identified in 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.
10. Plaintiff's Amended Complaint, Exhibit 1 to the Complaint, Schedule A to the Complaint, and Exhibit 2 to the Declaration of Paul Varley shall remain sealed until Defendants' financial accounts are restrained. Plaintiff shall request the Court to unseal all documents prior to the expiration of this Order.
11. Plaintiff shall deposit with the Court Ten Thousand Dollars (\$10,000.00), either cash, cashier's check (payable to Clerk, US District Court), or surety bond, as security, which amount was determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful restraint hereunder.
12. 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.

13. This Temporary Restraining Order without notice is entered at 4:30 p.m. on March 5, 2021 and shall remain in effect until 5:00 p.m. on March 22, 2021.



Honorable Matthew F. Kennelly
U.S. District Court Judge

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MAGISTRATE JUDGE YOUNG B. KIM

FILED UNDER SEAL

SCHEDULE A

NO.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
1	2000s Hat Store	www.aliexpress.com/store/4931027
2	Ali-supercos Store	www.aliexpress.com/store/2942045
3	All Too Well Store	www.aliexpress.com/store/4303039
4	ALL YOU Need clothes Store	www.aliexpress.com/store/2807105
5	ZIIART Fahion Clothes Store	www.aliexpress.com/store/4198008
6	Brave Robert Store	www.aliexpress.com/store/1075230
7	Cheap and Fashion Store	www.aliexpress.com/store/823188
8	COFUN Store	www.aliexpress.com/store/910563209
9	Cosfun Store	www.aliexpress.com/store/5368130
10	Cosland Store	www.aliexpress.com/store/1750609
11	COSPLAYONSEN Official Store	www.aliexpress.com/store/1461303
12	CTCT Store	www.aliexpress.com/store/3096050
13	Dancewear Ballet Cosplay Costume	www.aliexpress.com/store/1228683
14	Easong Store	www.aliexpress.com/store/5050036
15	EODJCUE Official Store	www.aliexpress.com/store/5244023
16	ERIC COMPANY Store	www.aliexpress.com/store/406399

NO.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
17	EsteLuagy Store	www.aliexpress.com/store/5870049
18	fairebroderie Store	www.aliexpress.com/store/5064006
19	fairycos	www.aliexpress.com/store/2066093
20	Fantasy Cos Store	www.aliexpress.com/store/3877023
21	Fantasy sky Store	www.aliexpress.com/store/2499018
22	FULLCOS Official Store	www.aliexpress.com/store/5031123
23	Funny Cos Store	www.aliexpress.com/store/5249310
24	Funny Shirt Store	www.aliexpress.com/store/3996024
25	Gebro Oriented Store	www.aliexpress.com/store/2784178
26	Golden Reed Cos Store	www.aliexpress.com/store/3249105
27	Hat World Store	www.aliexpress.com/store/114945
28	HepburnModern Clothes Company Store	www.aliexpress.com/store/5434106
29	I LOVE FANCY DRESS Official Store	www.aliexpress.com/store/4232047
30	LUCKYHAT Store	www.aliexpress.com/store/4255002
31	Manlu Cos Store	www.aliexpress.com/store/1020213
32	Mimoy Costumes Store	www.aliexpress.com/store/4410093
33	Momoplus Store	www.aliexpress.com/store/3745034
34	Moviecostume Store	www.aliexpress.com/store/4843034
35	Ronyu Store	www.aliexpress.com/store/5019095
36	Shop910649016 Store	www.aliexpress.com/store/910649016
37	ShowCos Store	www.aliexpress.com/store/2131197
38	Skeleton Cos Store	www.aliexpress.com/store/2963057
39	Sunnycos Store	www.aliexpress.com/store/3420018
40	YS Costume Store	www.aliexpress.com/store/5781235
41	Animecos	www.wish.com/merchant/5402b5667f086e103870e9c3
42	Capaskii	www.amazon.com/s?me=A1CQHCB42RQ8A9
43	Cosermart	www.amazon.com/s?me=A16XFRZTKLXTFX
44	Vogue Gallery LLC	www.amazon.com/s?me=A2WWYU7US4WT4Z
45	platycodon9	www.ebay.com/usr/platycodon9

NO.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
46	yuantingtusi	www.ebay.com/usr/yuantingtusi
47	aalike	www.ebay.com/usr/aalike
48	acgkingdom	www.ebay.com/usr/acgkingdom
49	auss32	www.ebay.com/usr/auss32
50	best-co71	www.ebay.com/usr/best-co71
51	besxiojin	www.ebay.com/usr/besxiojin
52	boomshakalakatw	www.ebay.com/usr/boomshakalakatw
53	brise32	www.ebay.com/usr/brise32
54	cainyx_46	www.ebay.com/usr/cainyx_46
55	chengxin1998	www.ebay.com/usr/chengxin1998
56	clothingshoesfactory	www.ebay.com/usr/clothingshoesfactory
57	cosarcade	www.ebay.com/usr/cosarcade
58	cosgroup	www.ebay.com/usr/cosgroup
59	cosky	www.ebay.com/usr/cosky
60	fancyclothes888	www.ebay.com/usr/fancyclothes888
61	freshmall3	www.ebay.com/usr/freshmall3
62	fryb569210-4	www.ebay.com/usr/fryb569210-4
63	great_wall_2016	www.ebay.com/usr/great_wall_2016
64	greatitemzone	www.ebay.com/usr/greatitemzone
65	halloween-cosplay_4	www.ebay.com/usr/halloween-cosplay_4
66	hdliying-6	www.ebay.com/usr/hdliying-6
67	homesale_estore	www.ebay.com/usr/homesale_estore
68	jancoss	www.ebay.com/usr/jancoss
69	lovemylove3933	www.ebay.com/usr/lovemylove3933
70	meiliren12	www.ebay.com/usr/meiliren12
71	mindyshop777	www.ebay.com/usr/mindyshop777
72	newlywonder	www.ebay.com/usr/newlywonder
73	newworld4eb	www.ebay.com/usr/newworld4eb
74	nice85225	www.ebay.com/usr/nice85225

NO.	DEFENDANT / SELLER ALIAS	MARKETPLACE URL
75	nnshangxia	www.ebay.com/usr/nnshangxia
76	p_g_schmitt	www.ebay.com/usr/p_g_schmitt
77	perfectcospaly	www.ebay.com/usr/perfectcospaly
78	pop.shop525	www.ebay.com/usr/pop.shop525
79	superanima2019	www.ebay.com/usr/superanima2019
80	supergirl_888	www.ebay.com/usr/supergirl_888
81	ttproduct	www.ebay.com/usr/ttproduct
82	usstockfur888	www.ebay.com/usr/usstockfur888
83	utopia_coser	www.ebay.com/usr/utopia_coser
84	vaticanorome	www.ebay.com/usr/vaticanorome
85	wanlin0512_6	www.ebay.com/usr/wanlin0512_6
86	warmriver	www.ebay.com/usr/warmriver
87	ximin_6501	www.ebay.com/usr/ximin_6501
88	xingheliuyue	www.ebay.com/usr/xingheliuyue
89	yahuihuidfhj-8	www.ebay.com/usr/yahuihuidfhj-8