

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

Galen Merrell,)	
)	Case No.:21-cv-1316
Plaintiff,)	
v.)	Judge: Honorable Matthew F. Kennelly
)	
Does 1-417, As Identified in Exhibit 2,)	
)	Magistrate: Honorable Gabriel A. Fuentes
Defendants.)	
)	

PRELIMINARY INJUNCTION ORDER

Plaintiff, Galen Merrell (“MERRELL”), having filed his First Amended Complaint for Federal Trademark Counterfeiting and Infringement, Unfair Competition and False Designation of Origin, and claims under the Illinois Uniform Deceptive Trade Practices Act and having moved for a Preliminary injunction against the Defendants, and the Court having considered the First Amended Complaint, declarations, exhibits, motions, and memorandum of law filed in support, finds as follows:

This Court hereby finds that it has personal jurisdiction over the Defendants because the Defendants directly target their business activities toward consumers in the United States, including the State of Illinois. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial Internet webstores on platforms such as Amazon, Wish, Alibaba, or AliExpress, all which offer shipping to U.S. residents, including those within the jurisdiction of the Northern District of Illinois, through which Illinois residents can purchase products bearing counterfeit versions of the SCRAPE-A-ROUND marked products, United States Trademark Registration No. 5,793,971 for SCRAPE-A-ROUND (the “Mark”) (Dkt. 2-1). The registration is valid, unrevoked, and uncanceled.

There is good cause to believe that Defendants, as identified in Plaintiff's First Amended Complaint (Ex. 2) (Docket 2) and further identified below, have engaged in, and are likely to continue to engage in acts and practices that infringe Plaintiff's Mark.

Doe	Market	Merchant Name	Merchant ID	Def. E-mail
147	Amazon	FeiFei SHOP	A131C547WA7G5Y	zhangfeifeiusa@163.com
148	Amazon	BUYNICE	A1BGA9ND26E8CI	omxys6398xho@163.com
149	Amazon	Guolin Shop	A1F3RMGY7VM82Y	liuguolinus@163.com
150	Amazon	Tanshanjia Technology	A1FOKKPMJTB6H6	TanShanJiaUS@outlook.com
153	Amazon	Tran Viet Thai	A1Q6UYFWIQ36M2	tranvietthai702@gmail.com
154	Amazon	LinFeng Shop	A21056ODAWFE7Q	gaolingfengusa@163.com
155	Amazon	erhong shop	A280NVNDUHNPB3	hyxblduk@hotmail.com
156	Amazon	Xi Ting	A28LZPPVYER8VP	yyjian1978@sina.com
160	Amazon	Xianyang Instrument	A2N6WNM8B9PP5J	18138406729@163.com
161	Amazon	ZDYSS	A2OIFV1IUVKWKL	uszms15@yeah.net
164	Amazon	TCsupply	A2TFJ00BSB8FX2	amazdei04@outlook.com
166	Amazon	Liangliang Shop	A2UEJUTRCF4ZLC	liliangliangusa@163.com
167	Amazon	YuBin Shop	A354PBHMKX0QGB	duanyubinusa@163.com
170	Amazon	HomeEquipStore	A39T45GAZX7YXH	minhkayak43@gmail.com
171	Amazon	henanbomaidianzishangwuyouxiangongsi	A3C4FGDYXZ40WQ	henanbomai@126.com
172	Amazon	Kunshan Home	A3DO5134BUPS5M	cuijunjie1980830@163.com
173	Amazon	Xiaoyan Shop	A3DYOLH6NHEU5W	wangxiaoyanusajp@163.com
175	Amazon	MQSSUSA	A3OAV0BCG9WOSL	miaoquansheng1888@hotmail.com
177	Amazon	MZERIT	A4H2G49CQVBUZ	Wind-likeman@outlook.com
178	Amazon	TORINALITAL	A5QK8QAS9Y4TX	996200845@qq.com
180	Amazon	Chuangrong	A9DNGC31J5A6M	1297878727@qq.com
183	Amazon	Black hound	AKP8AKW76REGG	duanxiafeius@hotmail.com
184	Amazon	LIGuo	AKWEM3OJAHWSN	LIGuoPing@tom.com
187	Amazon	Jaxus	ATWVLV8H1GXP2	jaxus@188.com
188	Amazon	The Harbor of Drunken Love	AVDUNV7ICEMSE	443979747@qq.com
189	Amazon	Heir	AY1ZQ5L6NZBQ5	490836024@qq.com
191	DHgate	yuanjiu168	14401283	feihuangtengdashop@163.com
192	DHgate	amongus	14498815	sophiexie@babyonlinedress.cn
193	DHgate	HongKong Egomall Technology co., Limited	14499756	egomall@hkegomall.com
194	DHgate	enjoyshoppingmart	14770267	huxiaoxin@babyonlinedress.cn
195	DHgate	luxurys designer bags	14771678	aaronzhang@babyonlinedress.cn

Doe	Market	Merchant Name	Merchant ID	Def. E-mail
196	DHgate	Home and Garden Online Store	20121677	403417864@QQ.COM
197	DHgate	cova_fashion	20231974	632767969@qq.com
198	DHgate	card_supplier1	20268571	3272732928@qq.com
199	DHgate	goodgoods_2017	20286153	1090091040@qq.com
200	DHgate	starhui	20305030	starhao@starhao.cn
201	DHgate	annaautoshop	20479130	317234997@qq.com
202	DHgate	venus2013	20612667	799553010@qq.com
203	DHgate	seller_homegarden	20740749	450055802@qq.com
204	DHgate	y_factory	20777758	3317054516@qq.com
205	DHgate	boutique001	20893037	huangliangm@126.com
206	DHgate	kidgo	20939330	1023574030@qq.com
207	DHgate	unicorns_home	20998624	chenliying126@163.com
208	DHgate	onlove	21019186	3034758752@qq.com
209	DHgate	jiefei123456	21108027	847715150@qq.com
210	DHgate	chinaledworld	21130494	3305302935@qq.com
211	DHgate	kimter_jewelry	21228267	3567337398@qq.com
212	DHgate	outdoor_01	21268868	zhiyong19951@gmail.com
213	DHgate	freelady	21378050	dhgateseller002@163.com
214	DHgate	bling_home_888	21382927	1107478355@qq.com
215	DHgate	qianeyes	21557294	qianeyes@pralive.com
216	DHgate	cnwalmart	21557295	cnwalmart@pralive.com
217	DHgate	haosiweng	21579324	haosiwen@pralive.com
218	DHgate	jukaimaoyi	21582113	919491615@qq.com
219	DHgate	affordable889	21597989	690477263@qq.com
220	DHgate	furniture889	21598127	690477263@qq.com
221	eBay	5073283	1419496337	apjfab@163.com
222	eBay	15oceaneshop	1345306464	oceaneshop15@yahoo.com
223	eBay	2013bestbuybest	1356138289	bestbuybest@outlook.com
224	eBay	97k-cube	904010790	97kcube@gmail.com
225	eBay	alisafy8-three	1973969963	alisafy825@outlook.com
226	eBay	anscarb_92	1857628191	julie20056@outlook.com
227	eBay	arwstore	2041497881	ranganaamith88@gmail.com
228	eBay	autoxbert-us-2020	2199665924	autoxbert-us2020@hotmail.com
229	eBay	beautiful_charm88	1086002113	lansetiankong188@hotmail.com
230	eBay	beimaishipin28	1667492122	beimaishipin2@163.com
231	eBay	bstnewstars	1935443320	bstnewstars9@yeah.net
232	eBay	ciyanshine	2154456415	ciyansunshine@126.com
233	eBay	darialingling	2169693148	zuj1zvrnz@163.com

Doe	Market	Merchant Name	Merchant ID	Def. E-mail
234	eBay	dushmart	2198376455	dushangam@gmail.com
235	eBay	dutonyw	1411769762	tyduytn@outlook.com
236	eBay	fanchaojun2008	371865924	fanchaojun1233@163.com
237	eBay	fiwnf-89	1814186840	fiwnfebfs1@outlook.com
238	eBay	gaochu82	2172676661	gaochunwan_2@163.com
239	eBay	gelivable.2u	933974619	resinkit.us@gmail.com
240	eBay	germany24-shop	106193727	yuecel.cil@web.de
241	eBay	ggclube	1210169967	ggclub2811@gmail.com
242	eBay	heavenstores	934696160	heavenstore88@gmail.com
243	eBay	hk5_voee7	2002509193	dtodon@163.com
244	eBay	hsskbdfn_0	1752338669	hsskbdfn@outlook.com
245	eBay	huy69581	1565671227	huyhuy1019@163.com
246	eBay	i_p_shop_24	2177448973	iroshshop24@gmail.com
247	eBay	iflyrchobby	1622079442	iflyrc2015@gmail.com
248	eBay	industry-world	2155494116	industry-king@hotmail.com
249	eBay	jasleny	2030022638	ppiu76bgccs@163.com
250	eBay	jiach44	1923930380	jiachengsss@outlook.com
251	eBay	john_top	1386301250	john247@sina.com
252	eBay	jone_shop	1625785454	jones247@163.com
253	eBay	love_store	2194653376	admin@love.com
254	eBay	lzhlds2010_6	1571207327	ancial@yeah.net
255	eBay	magzyyd98	1116479217	thboxes04@hotmail.com
256	eBay	marwi_23851	2227681832	darshapeirisebay@gmail.com
257	eBay	midialog	2001088400	mdedie384_ei@163.com
258	eBay	millwoth0722	1795127251	millwoth@outlook.com
259	eBay	modecathy	1476455897	chicifa@126.com
260	eBay	mrshipps	1689342416	kyleshootsright@gmail.com
261	eBay	muchreplacepart	1675307021	muchreplaceparts@163.com
262	eBay	nasa4420	1958241998	nadimsaleh19@gmail.com
263	eBay	onepounddeals	2170312231	iftikharbasit007@gmail.com
264	eBay	pailup	2164116479	haituo1312@126.com
265	eBay	panpan-11	1847111836	panpanxianian@outlook.com
266	eBay	pawpaw-milkshake	1853927293	goatfast732@gmail.com
267	eBay	qshgs001	2031646496	hbcc1113@21cn.com
268	eBay	rainbowonline2012	1118195545	rainbowonline88@gmail.com
269	eBay	relaxtree	1692651200	zhang13167119413@sina.com
269	eBay	relaxtree	1692651200	zhang13167119413@sina.com
270	eBay	seboypz	2070635137	seboypzejzgunxc@hotmail.com
271	eBay	shesunny66	1191566335	moonjunh@126.com

Doe	Market	Merchant Name	Merchant ID	Def. E-mail
272	eBay	sunny-planet168	1265183009	sunny.planet168@outlook.com
273	eBay	topmaxmotor	1049640332	topmaxmotor2010@163.com
274	eBay	ur5store	1130645764	ultraexpress@126.com
275	eBay	usyeah	1315739058	yeahusy@163.com
276	eBay	wby1926	1808277196	wby19941014@outlook.com
277	eBay	xiaonangu	1812582346	xiaonangu02@outlook.com
278	eBay	xmiao913fry	1903387244	xiaomia913x@outlook.com
279	eBay	xusu391	1407365117	sunxue520521@163.com
280	eBay	zbl1577_37	2069465805	zbl15770874596@outlook.com
281	eBay	zzgezyeah	1325697659	yeahgez@163.com
282	Newegg	Defendwe	ARFA	ksdmike@163.com
283	Newegg	Newbeans	AKAK	f2545131140@foxmail.com
284	Wish	uebfashion	5276f4412dcc644b3df9a875	18675541374@sina.cn
285	Wish	funnvoicy	5374509f7360464b6b25f8fb	yb18675526514@sina.com
286	Wish	france wispun international enterprise limited	53d70131d9113978bcb92d13	jasonsun2008@hotmail.com
287	Wish	Heart to warm your feet	5491346140b3784e0d84a5d8	3877042@qq.com
288	Wish	xiehui's men underwear	550f7f3139f36b0ce49f8e3a	2947727306@qq.com
289	Wish	BEWELL	552a350410b91f1f193cafeb	bewellwish@hotmail.com
290	Wish	good2016	557fb20486d66547da6f531f	goodwish2016@163.com
291	Wish	Mini Town	5593da73eef880403a3f01dd	tyndall1922@outlook.com
292	Wish	tasty	574fac5f4b55a530cfa94ef8	fashionemall3@sina.com
293	Wish	freshmall	57888cac7c6ff566abe9ae52	zzjchusai@sina.com
294	Wish	Yjfung	578f3f1954acde2a4b949781	rfdcv1123@163.com
295	Wish	Mantina	57999ec887c7c6407abc9027	nihenqianghan@126.com
296	Wish	Travel865	57d416efae7f0a11ef72caa8	qxlpv8@163.com
297	Wish	Uwood_Ultimate	57ffb92c23358f702537011f	uwood_ultimate@126.com
298	Wish	xulifighting	581c39bcde588048e040f85e	wangwenhai1651@tom.com
299	Wish	pukvustore	581eec9c34afa7544af67d55	hangzhoulangwei12@126.com
300	Wish	The Simple Time	58201e17797f231c60c246ac	3432189787@qq.com
301	Wish	PINP	5829b063e767386c7d42fb7e	2133789904@qq.com
302	Wish	zhangjialu	583e75b228fc331c44727341	3577901406@qq.com
303	Wish	baoshuhua	5847c565159145690c9ab2dd	wwh456412@aliyun.com
304	Wish	aaaa999	5847d5d7e3476b4cb5f30910	3153522025@qq.com
305	Wish	Solarfly	584e57452f5e535aaf9b61d1	xiewei0704@outlook.com
306	Wish	luanchengshuai	584e6ca57d6f334cc0bd04c2	2167691870@qq.com
307	Wish	lunchtime	5850f75271b4d76eac2f319d	3367181324@qq.com
308	Wish	NEW Fashionable	586dfa1f1661124d4e8f13cc	uwoodchinalimited@hotmail.com
309	Wish	shanshanlaichi86	586f807b18078a4f66f17179	1922933140@qq.com

Doe	Market	Merchant Name	Merchant ID	Def. E-mail
310	Wish	Ryanti	58787c0e7a5b4f4d4f361298	ryanti@163.com
311	Wish	AUTOXBERT	587c4a65721ee54ca3b7cac1	autoxbert@qq.com
312	Wish	outstanding318	587c928fc894fa4cce95ef5b	17171807905@163.com
313	Wish	Onourown	58957b40e323a1517ce5ddb0	pinkredtao@gmail.com
314	Wish	MillySay	58a71ec00e16e97a4c36bdcd	2179149231@qq.com
315	Wish	Uboyafurniture	58bc162849020753220972e0	vrzjlz@163.com
316	Wish	Dominic	58c24195e4595e505412ccec	dominic111@163.com
317	Wish	Modhome	58c6614d3dc6e1505f14aec9	modhomewish@163.com
318	Wish	jellydoll	58c6abf06a2537508b6fa0fe	jellydoll757@outlook.com
319	Wish	Y&F HappyGo	58dfab666d7b291947be9484	yang1748682712@outlook.com
320	Wish	bestgood520	58e88b9f8cdaab16354e0c74	bestgood520@hotmail.com
321	Wish	Rebaca Online	58e9a83bbef1c30fa2020884	jingzeyunfeng@sohu.com
322	Wish	lj010871lj@163.com	58fc5526445a4c11055abd3d	3470618281@qq.com
323	Wish	Wakear	59006aecf95b561116df2980	wakear@outlook.com
324	Wish	greatharvest	590ea44c754793701230eae8	nztlbj@163.com
325	Wish	xiaosage1993	591533684d4357774a9b9c72	gglailijian@sina.com
326	Wish	hesemguoguo	5933fca046863a05234b58e0	guoliw@yahoo.com
327	Wish	Big E2	593a4b777fe24108ef95bdf9	bige21818@163.com
328	Wish	Whicloud	5943a6ab6ffc7775fe04779	winternewsnow@gmail.com
329	Wish	aaaabbb	595e22e09579d840c8fa8996	chuangengch@163.com
330	Wish	gh147369hh	596c6e2882a854509e1a80e5	lordshop@163.com
331	Wish	hanguangzhiye	59908fe90ec30f40435b17b5	jiating022p@163.com
332	Wish	Besimple	59b4cea435e73b4390e64d17	lindasi2017@hotmail.com
333	Wish	asiya	59b78ee00ec30f279e4d03b2	chenghaha@aliyun.com
334	Wish	May_Vanilla	59c08b3dbf2553460e96c783	popcorn0907@outlook.com
335	Wish	starrycase	5a1eae8d53492045144d1079	ohyeahohyeahat@gmail.com
336	Wish	haigenhao	5a43595095646e2cc8865280	13363477230@163.com
337	Wish	WWming	5a4dc95b149ff86b09bf7ae9	3094339122@qq.com
338	Wish	taotiancheng	5a55d333ddda8c70052c5667	bluecloudluesky@outlook.com
339	Wish	fox09	5a7be628ea87645d1cba6dde	dealwish09@outlook.com
340	Wish	SS102263	5a9b682d0e63fa7c246b2baf	3324207913@qq.com
341	Wish	attackworld	5a9d2535a6bf7a2d6e187422	jiushigan63@gmail.com
342	Wish	moerdejiawu	5aa22bb79c15ff1fa9ea1abf	moerdejiawu@163.com
343	Wish	TraeTimea	5aa7481b1baafe3795833055	2676074314@qq.com
344	Wish	xiongxiaoxiongnengn	5aa87d774f1bef4fa687e03f	xiongxiaoxiongneng@163.com
345	Wish	Cheetahqiong	5ab10cfda6bf7a56f1df6394	a61351264@163.com
346	Wish	Ganshop	5abceff262dde5e343d3674b0	756123455@qq.com
347	Wish	zhixiaoqing22	5ae97fc54742652ca2bae927	qiucaijin889900@sina.com
348	Wish	Ygsdtfcdd56	5aebb70e8ab2f0429901a98c	18675564253@163.com

Doe	Market	Merchant Name	Merchant ID	Def. E-mail
349	Wish	aihualaonian	5b00d2cc9a338512336d3da6	ahualaon@sina.cn
350	Wish	ljdgvbshdr	5b11f98bc258696f1c6a648e	yinyueshijie@hotmail.com
351	Wish	gold is sprinkled of the water	5b12561201287504cb258de5	meiqion003@163.com
352	Wish	oibdnsamn	5b18ebc47b94e16d69577c49	gggbaydhkf@outlook.com
353	Wish	shangxianxue	5b1b2700eae8b4426a28972a	meizhiyl@outlook.com
354	Wish	wangfenga	5b2461491000a5144f75ca35	sthesiat@outlook.com
355	Wish	jingyidz	5b470eaca3431b712a2b27b0	huixindianzism@hotmail.com
356	Wish	Gjfkjfv1812	5b50387c1fad501f02c0c8de	yfhlaweiqhe@hotmail.com
357	Wish	New-hehe	5b517dbd00c26219b809da84	56780764@qq.com
358	Wish	Charming123	5b604e95beb9724af733bb7d	charming123wish@outlook.com
359	Wish	Eerancy Shop	5b6405c9380474269d1f3d0d	sdfdrhu@outlook.com
360	Wish	Realiberry18	5b68244cbc3b22143cbf9efe	violetvian2018@outlook.com
361	Wish	redeeliv	5b6c15bcdd0e31378eb9925a	aprilzsg234@outlook.com
362	Wish	Ziweixianggang	5b7a1748bbbffb115d357516	cecilliat@outlook.com
363	Wish	wangshunagshuang9019	5b7f73cc6ce85b1c75669949	prlandtre@outlook.com
364	Wish	Enjoy xinjiang	5b8e754a9996c83e5bb74675	1519126391@qq.com
365	Wish	xuninini	5b977a2f063ce14991a745ce	gydau258@outlook.com
366	Wish	rener-ec	5bdba012022deb4bf49bd85c	1154490601@qq.com
367	Wish	LikeMark	5bfd32d37c1d783e878e2ad5	d.yurchenko1@gmail.com
368	Wish	emeraldsword	5c516c2af16fcc05275550f8	newnewhopela@gmail.com
369	Wish	Tarnel	5d3aad5c0ff7f949ec3948b0	tarneldirect@hotmail.com
370	Wish	Ginkko	5d3aff3c0ff7f9522439ba15	anna_24458@yahoo.com
371	Wish	KanBei Zi	5d43f6874c78557200e59a0d	renxinghuanq86@163.com
372	Wish	Q&Y live store	5d44fc6272b0c9146fff99d0	lindasilin@163.com
373	Wish	xiaojiang2475	5d4bebecb83889741024e5b31	jn8k55@163.com
374	Wish	MoShang C	5d4d14d5933fb1170285f63e	mstwebhy@163.com
375	Wish	Tmoresunshine	5d510a327ad2426255f721ef	nancecalab8@gmail.com
376	Wish	Xiatianday	5d51199f3db43e308c7ee28e	xiatianday@163.com
377	Wish	supersaleacc	5d5a56aa1d86296858433702	supersaleacc@163.com
378	Wish	happycomes010	5d5ba7c8283abc52284a3403	happycomes@163.com
379	Wish	zhuozhuo love shop	5d5d087440defd532ca72697	1356326667@qq.com
380	Wish	Kuangbeau	5d61feba33f0b4033a656d14	adylynfgmewx@gmail.com
381	Wish	hanshiwei120o	5d621536273678608bad698c	tennillieokmtpj@gmail.com
382	Wish	Page2019	5d65f99f169ed955f87f940c	xiexienithanks@hotmail.com
383	Wish	watermelon wei	5d6650aa4adcfd3bc25dfb80	phlwby@hotmail.com
384	Wish	Stiger	5d809eb98c8dc71678ca23a3	xunfeiyangwacc@163.com
385	Wish	bear653	5d81da3a68bf22566a9d2d2b	q17359274624@163.com
386	Wish	wangmm89	5d8acda46d62603b421a3052	oppenilop@tom.com

Doe	Market	Merchant Name	Merchant ID	Def. E-mail
387	Wish	Inversiones Devil inc	5d9e0a4ea179690b706e41d5	plantierhkriv@gmail.com
388	Wish	wtymi753	5da7cca4f52b01023d7eb5d2	wtymi753@126.com
389	Wish	biweikjacc	5dc3bdc93710b90f7004fc86	biweikeji@126.com
390	Wish	GANGPENGFEIDD	5dc50f5ab4bcf90f9dceefd8	jiazhan335470@163.com
391	Wish	NANzhengca01264	5df09eda83bae200241ba450	bekrto5j@163.com
392	Wish	Mr.zhaokunpeng	5e11d84ad672e60d90f4bc42	357237502@qq.com
393	Wish	RIJDS	5e6b53785599970e831498ba	wh402903@gmail.com
394	Wish	H.Huali	5e75fa8029e7863a5c55bdcc	pnhonghuali@163.com
395	Wish	Thomas Young	5e938bfc2522bc2dc0cae7c0	swangerazwtgsw@gmail.com
396	Wish	zhangxiaoqiang1	5eb4ca6729e7864192680662	ro8609@163.com
397	Wish	Gooden Lucky Banmat	5eb4f09101d5e43420a1be4c	qbvhs38@163.com
398	Wish	Zhuoney Wanmer Fastlate	5eb9446ccefd67ac0a075ea	iukvh87@163.com
399	Wish	nrrlagwatppsmlz	5ed3717729e786398ea29e41	vzjnb@163.com
400	Wish	yiyasu-us	5ee8612d29e7863927bae3e4	yiyasu2020@outlook.com
401	Wish	ZHYONGF	5ef1c0e3ec25e32f453d1335	zowwct85nk852@126.com
402	Wish	tjzri51shop	5f1fc0e4ee43cb8d43a4daf5	tjzri51@163.com
403	Wish	hdoasihdoai	5f1fd67edc0c9e7e8ee61d54	lia7740@163.com
404	Wish	lyaxiheya	5f2b6db883dbd000454bfd2	sifxcx@163.com
405	Wish	Mamtuoteng	5f2e1d0d4f9852ce412760d5	qik5854@163.com
406	Wish	mnlig1shop	5f58976961ae2ca45d3d3eb5	mnlig1@163.com
407	Wish	21yachun8	5f62c10f79921173d4135a44	noqpzs@163.com
408	Wish	62weiyel	5f6304cad83e6c925b829485	gallypo@outlook.com
409	Wish	prasit820	5f7427d1c84f112f5619732b	tilct400zni@163.com
410	Wish	Vfjiesjfoeufk	5f8568fa8ba1e6ff06421d54	agx00757@163.com
411	Wish	Brexidux	5fa140fcb03263e2e9937fec	regebmytyqnt@yahoo.com
412	Wish	stanyingying	5fabf9f81ce22bc1c8442965	lichunhong20200901@163.com
413	Wish	Copeland	5faeba7105c355055df02ab9	ecloset2017@gmail.com
414	Wish	Fan Department Store	5fb88c3a1c09d71fc06ff4d7	751503246@qq.com

This Court further finds that injunctive relief previously granted in the Temporary Restraining Order (“TRO”) (Dkt. #14) should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under FED. R. OF CIV. PRO. 65. Evidence submitted in support of this Motion and in support of Plaintiff’s previously granted Motion for Entry of 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 SCRAPE-A-ROUND Mark is distinctive and registered with the U.S. Patent and Trademark Office on the Principal Register; (2) Defendants are not licensed or authorized to use the SCRAPE-A-ROUND Mark; and, (3) Defendant's use of the SCRAPE-A-ROUND Mark is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with Plaintiff.

Furthermore, Defendants' continued and unauthorized use of MERRELL's Mark 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 inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion caused by Defendants' actions.

It is therefore ordered that:

- I. 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 the SCRAPE-A-ROUND 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 SCRAPE-A-ROUND product or not authorized by Plaintiff to be sold in connection with the SCRAPE-A-ROUND Trademark;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a

genuine SCRAPE-A-ROUND product or any other product produced by Plaintiff, that is not Plaintiff's or not produced under the authorization, control or supervision of MERRELL and approved by Plaintiff for sale under the SCRAPE-A-ROUND Trademark;

- c. committing any acts calculated to cause consumers to believe that Defendants' Counterfeit Products are those sold under the authorization, control or supervision of MERRELL, or are sponsored by, approved by, or otherwise connected with MERRELL;
- d. further infringing the SCRAPE-A-ROUND Trademark and damaging Plaintiff's goodwill;
- e. otherwise competing unfairly with Plaintiff in any manner;
- f. 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 Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any of the SCRAPE-A-ROUND Trademark, or any reproductions, counterfeit copies or colorable imitations thereof; and
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning or operating the infringing webstores, websites, or any other domain name that is being used to sell or is the means by which Defendants could continue to sell Counterfeit Products.

II. 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. Moving, destroying, or otherwise disposing of any items, merchandise or documents relating to the Counterfeit Products, Defendants' infringing webstores or websites, and/or Defendants' assets and operation; and
- b. Removing, destroying, or otherwise disposing of computer files, electronic files, business records, or documents relating to any of Defendants' infringing webstores, websites, assets, operations, or relating in any way to the manufacture, acquisition, purchase, distribution or sale of Counterfeit Products, or any reproduction, copy or colorable imitation of the SCRAPE-A-ROUND Trademark.

III. Each Defendant and webstore (Amazon, eBay, Wish, Alibaba, AliExpress, etc.), 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/operate; (c) documents sufficient to show total revenues generated from the sale of items bearing the SCRAPE-A-ROUND Trademark on their websites and other online marketplaces, including but not limited to all Amazon, eBay, Wish, Ali Express, Alibaba, PayPal, Western Union, Payoneer, Worldfirst, etc. accounts; and (d), for Defendants only, the steps taken by each Defendant to comply with paragraphs 1(a)–(g) and 2(a)–(b), above.

IV. Plaintiffs may immediately commence discovery by providing actual notice of this Order and an appropriate subpoena (if necessary) to any of the following parties: (1) Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them; (2) any online merchant platforms, banks, savings and loan associations, payment processors or other financial institutions, including without limitation, Amazon, eBay,

Wish, Ali Express, AliBaba, PayPal, Inc., Western Union, Payoneer, Worldfirst, etc. or other merchant account providers, payment provider, third party processors, credit card associations (i.e. MasterCard and VISA) that receive payments or hold assets on Defendants' behalf; and (3) any third party service providers, including without limitation, ISPs, back-end service providers, web designers, sponsored search engine or ad-word providers, shippers, domain name registrars, domain name registries or online third-party sellers who have provided services for Defendants (collectively, "Third Party Providers") and they shall, within ten (10) days after receipt of such notice, provide copies of all documents and records in such person or entity's possession or control relating to:

a. The identities and addresses of Defendants, their agents, servants, employees, confederates, 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' infringing webstores websites and financial accounts;

b. the nature of Defendants' operations and all associated sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the infringing websites and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to the infringing websites;

c. Defendants' infringing webstores, websites and 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,

Amazon, eBay, Wish, Ali Express, Alibaba, PayPal, Inc., Western Union, Payoneer, Worldfirst, or other merchant account providers, payment providers, third party processors, and credit card associations (i.e., MasterCard and VISA).

V. 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.

VI. Amazon, eBay, Wish, Ali Express, Alibaba, and their affiliates shall, within ten (10) business days of receipt of this Order, block any money transfers and funds from being transferred by the Defendants identified above until further ordered by this Court.

VII. PayPal, Inc., Payoneer, Worldfirst ("Payment Processors") shall, within ten (10) business days of receipt of this Order, for any Defendant or any of Defendants' infringing websites:

- a. locate all accounts and funds utilized by Defendants and the infringing websites, including any Payment Processor and accounts affiliated with the information listed above; and
- b. restrain and enjoin any such accounts or funds from being transferred or disposed of until further ordered by this Court.

VIII. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any of Defendants' infringing websites, shall within ten (10) business days of receipt of this Order:

- a. locate all accounts and funds utilized by Defendants and the infringing websites, including any financial accounts affiliated with the Defendants' information listed above; and

b. restrain and enjoin any such accounts or funds from being transferred or disposed of until further ordered by this Court.

IX. 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 sending an e-mail to the e-mail addresses provided for Defendants by third parties hosting their webstores, such as Amazon, eBay, Wish, Ali Express, Alibaba, etc. Providing notice via e-mail, along with any notice that Defendants receive from webstore hosts 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.

X. This Order shall apply to the infringing webstores, websites and any other domain names properly brought to this Court's attention and verified by sworn affidavit that verifies such new webstores or domain names are being used by Defendants for the purpose of counterfeiting the SCRAPE-A-ROUND Trademark at issue in this action and/or unfairly competing with Plaintiff.

XI. Upon two (2) days' written notice Plaintiff or on shorter notice as set by this Court, any Defendant may, upon proper showing, appear and move to dissolve or modify this Order upon an appropriate evidentiary showing by Defendant.

XII. 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: _____

Honorable Matthew F. Kennelly
United States District Court Judge