

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

PINK FLOYD (1987) LIMITED,

Plaintiff,

Case No.: 1:19-cv-00759

v.

Judge Gary Feinerman

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

Magistrate Judge Sunil R. Harjani

Defendants.

SEALED TEMPORARY RESTRAINING ORDER

THIS CAUSE being before the Court on Plaintiff, PINK FLOYD (1987) LIMITED's ("PFL" or "Plaintiff") *Ex Parte* Motion for Entry of a Temporary Restraining Order, Including a Temporary Injunction, a Temporary Transfer of the Defendant Domain Names, a Temporary Asset Restraint, Expedited Discovery, and Service of Process by Email and/or Electronic Publication (the "Ex Parte Motion") against the defendants identified on Schedule A to the Complaint and attached hereto (collectively, the "Defendants") and using at least the domain names identified in Schedule A (the "Defendant Domain Names") and the online marketplace accounts identified in Schedule A (the "Online Marketplace Accounts"), 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, 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 Internet Stores through which Illinois residents can purchase products

bearing counterfeit versions of the PINK FLOYD trademarks, U.S. Trademark Registration Nos. 2,194,702; 3,247,700; 4,232,255; 4,236,037 and 5,521,572.

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 Thomas Schlegel paragraphs 19-24, and the Declaration of Keith A. Vogt, 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 offshore 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 Plaintiff's PINK FLOYD 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 PINK FLOYD product or not authorized by Plaintiff to be sold in connection with Plaintiff's PINK FLOYD trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine PINK FLOYD product or any other product produced by Plaintiff,

that is not Plaintiff's or not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's PINK FLOYD 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 PINK FLOYD 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 PINK FLOYD 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, 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 PINK FLOYD 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 PINK FLOYD trademarks or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine PINK FLOYD product or not authorized by Plaintiff to be sold in connection with Plaintiff's PINK FLOYD 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. The domain name registries for the Defendant Domain Names, including, but not Limited to, VeriSign, Inc., Neustar, Inc., Afiliast Limited, CentralNic, Nominet, and the Public Interest Registry, within two (2) 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 Alibaba Group Holding Ltd., Alipay.com Co., Ltd. and any related Alibaba entities (collectively, "Alibaba"), 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 two (2) 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 PINK FLOYD 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 PINK FLOYD trademarks; and
- c. take all steps necessary to prevent links to the Defendant Domain Names identified on 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 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, third party processors and other payment processing service

providers, shippers, and domain name registrars (collectively, the "Third Party Providers") shall, within two (2) 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, PayPal, Alibaba, Western Union, 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 temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

7. Western Union shall, within two (2) business days of receipt of this Order, block any Western Union money transfers and funds from being received by the Defendants identified in Schedule A until further ordered by this Court.

8. PayPal, Inc. ("PayPal") 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 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 hereto and the email addresses identified in Exhibit 2 to the Declaration of Thomas Schlegel; and
- 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.

9. Amazon Payments, Inc. ("Amazon") and its related companies and affiliates shall, within two (2) business days of receipt of this Order, identify and restrain all funds, as opposed to ongoing account activity, in or which hereafter are transmitted into the Amazon accounts related to Defendants as identified on Schedule "A" hereto, 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), and/or any of the other Amazon accounts subject to this Order; and (iii) any other Amazon accounts tied to or used by any of the Seller IDs identified on Schedule “A” hereto; Amazon shall further, provide Plaintiff’s counsel with all data which details (i) an accounting of the total funds restrained and identifies 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. No funds restrained by this Order shall be transferred or surrendered by Amazon for any purpose (other than pursuant to a chargeback made pursuant to Amazon’s security interest in the funds) without the express authorization of this Court;

10. ALIPAY US, INC. (“ALIPAY”) and its related companies and affiliates shall, within two (2) business days of receipt of this Order, identify and restrain all funds, as opposed to ongoing account activity, in or which hereafter are transmitted into the ALIPAY accounts related to Defendants as identified on Schedule “A” hereto, 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), and/or any of the other ALIPAY accounts subject to this Order; and (iii) any other ALIPAY accounts tied to or used by any of the sellers identified on Schedule “A” hereto; ALIPAY shall further, provide Plaintiff’s counsel with all data which details (i) an accounting of the total funds restrained and identifies 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. No funds restrained by this Order shall be transferred or surrendered by ALIPAY for any purpose (other than pursuant to a chargeback made pursuant to ALIPAY's security interest in the funds) without the express authorization of this Court;

11. ContextLogic, Inc. ("WISH") and its related companies and affiliates shall, within two (2) business days of receipt of this Order, identify and restrain all funds, as opposed to ongoing account activity, in or which hereafter are transmitted into the WISH accounts related to Defendants as identified on Schedule "A" hereto, 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), and/or any of the other WISH accounts subject to this Order; and (iii) any other WISH accounts tied to or used by any of the sellers identified on Schedule "A" hereto; WISH shall further, provide Plaintiff's counsel with all data which details (i) an accounting of the total funds restrained and identifies 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. No funds restrained by this Order shall be transferred or surrendered by WISH for any purpose (other than pursuant to a chargeback made pursuant to WISH's security interest in the funds) without the express authorization of this Court;

12. eBay, Inc. ("eBay") and its related companies and affiliates shall, within two (2) business days of receipt of this Order, identify and restrain all accounts and funds, as opposed to ongoing account activity, in or which hereafter are transmitted into the eBay

accounts related to Defendants as identified on Schedule "A" hereto, 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), and/or any of the other eBay accounts subject to this Order; and (iii) any other eBay accounts tied to or used by any of the sellers identified on Schedule "A" hereto; eBay shall further, provide Plaintiff's counsel with all data which details (i) an accounting of the total funds restrained and identifies 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. No funds restrained by this Order shall be transferred or surrendered by eBay for any purpose (other than pursuant to a chargeback made pursuant to eBay's security interest in the funds) without the express authorization of this Court;

13. 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, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any accounts connected to the information listed in Schedule A hereto and the email addresses identified in Exhibit 2 to the Declaration of Thomas Schlegel; 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.

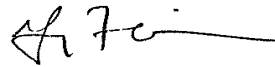
14. Plaintiff may provide notice of these proceedings to Defendants, including notice of the preliminary injunction hearing and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website to which the 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 Exhibit 2 to the Declaration of Thomas Schlegel 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 "adrinant27 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.

15. Plaintiff's Complaint, Schedule A to the Complaint, Exhibit 2 to the Declaration of Thomas Schlegel, and this Order shall remain sealed until Defendants' financial accounts are restrained. Plaintiff shall file unsealed versions of the Complaint, Schedule A to the Complaint, Exhibit 2 to the Declaration of Thomas Schlegel, and this Order using the CM/ECF system prior to the expiration of this Order. Plaintiff shall deposit with the Court Ten Thousand Dollars (\$10,000.00), either cash, cashier's check 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.

16. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on five days' notice to Plaintiff or on shorter notice as set by this Court.

This Temporary Restraining Order without notice is entered at 9:00 A.M. on 2/12/2019, and shall remain in effect for fourteen (14) days.



U.S. District Court Judge

SCHEDULE A

NO.	DEFENDANTS
1	adrinant27
2	desernawat0
3	enjoyshopping123
4	pinkqueenschoice
5	razienera
6	sar-tirt
7	Shenzhen Waystarz Garment Accessories Co., Ltd.
8	therecal
9	Xianju Xinghe Arts & Crafts Factory
10	zincst0re
11	2015_cahp
12	ab-733382
13	adjianand0
14	ageng786
15	alice_iced
16	allblue-wholesalemarket
17	alvinni0
18	amandareka
19	amtamtho-0
20	andkur-7
21	ansafitr0
22	aphichirunatebordi-0
23	armanersalad-0
24	avihav_0
25	azmi1989_01
26	bencnwang
27	berkah993
28	bs891455
29	buatoom-337
30	bungatangkai1889
31	cadet.dar
32	camali_0
33	candrnandin_0
34	catubrahman-0
35	cazander_tees
36	charoensutuangs_0
37	chawengsamangm-0
38	ciefe_0

39	crespor0
40	cristrop.ter
41	customdropshipping
42	dagobawah
43	danabdilla0
44	dananriswant-0
45	daramanis1
46	datouyo-0
47	de.luffy
48	dedden_1
49	demar82
50	deplop-0
51	destalit_0
52	detdetjan
53	didih0
54	dikifernanda-87
55	dikwaluy-0
56	diolar0
57	diy_by_wani
58	donkusnanda-0
59	dowekobe_0
60	dpapparel
61	duangsakka0
62	edizulhajradh_0
63	ekkachanuanthia0
64	ekputr_38
65	ekramdan-0
66	ettel74
67	fahrnafi_0
68	faiton0
69	faraperma
70	farinyoma0-6
71	fatboy_studio
72	fian49
73	fikrhamza-6
74	finecollection999
75	firzdan
76	fuyumi.blow
77	gain_weight
78	gasmel_0
79	gegutu_mart

80	gey050
81	gilanprakos-0
82	gombaamo-0
83	gomdima0
84	gorengedan_0
85	gunay-0
86	gununmbol0
87	gxpro
88	handriansyah_1989
89	hariya_63
90	harnos_0
91	helmmasr-0
92	hendwa_0
93	hotminiguitar
94	hpbosok3279
95	hudsantos0
96	iddiv_db8gbya
97	ihsafauz0
98	ilmbg-0
99	imamsujon-0
100	imasubawe0
101	imrosidi-0
102	indrasetya
103	indrbg0
104	iondion4
105	ivan_baskara
106	jackshali0
107	jalansore99_5
108	jayabad0
109	jayumon_0
110	jefrcolle0
111	jihagopur0
112	jinggo_sell
113	jjwt7898
114	jodsukar.store
115	jokputr0
116	jonmunawe-0
117	jrdn_clothes
118	jrtanggang
119	jumar_sawiro
120	junhedde0

121	kalungani
122	karyabangsa
123	katiman_48
124	kearo_7
125	kekeliu128
126	ko7354
127	koepra-0
128	kucing65
129	kusnid8
130	landfantasticthai
131	latonysaxto-0
132	leanda_shop
133	lee.shop
134	leideard-0
135	liliisyan0
136	linzhijin0594
137	magicdesigntop
138	maidirawa_0
139	manusuti
140	marangel18
141	margareb.sar_0
142	marliid2015
143	marlomascapa-0
144	masda69
145	maternal_.jr
146	mbadox
147	mbamurn_0
148	mbawado_0
149	melodsyahd_0
150	mitsant-0
151	minajingg0
152	mochistore88
153	mohto_68
154	moilhamkoyu_0
155	monadiri0
156	montmana_0
157	mpracinglook6
158	mr.gab.gold
159	muhamabasor0
160	mulang-97
161	musdi_dinoyo

162	mybigring2
163	nadibg0
164	navaphosornsir_0
165	nemebagu_0
166	nguyelon_40
167	nomi_0_0
168	ns3869
169	okobe_0
170	panguripan525
171	patch_deedee
172	pattayuphramkhon-0
173	perma.ngati
174	phesaw_0
175	phlaphlaid0
176	phuphuchitt_0
177	pillowholic
178	poisoncult0_0
179	pollavich
180	pondok2-26
181	printinghub
182	putrkadir_0
183	qodeefend0
184	qq125199246
185	r8affendi
186	rahardiasantos-0
187	rahmasaty-0
188	rahwinarsi-0
189	rebosthh2
190	rejekiturah
191	richargoeorg-0
192	ridiantsaha0
193	riminzhan
194	rinug39
195	rizqdesign
196	rohabdul64
197	rokadama0
198	roneduwu_0
199	rozahadima-0
200	rubeatt0
201	ruebuo0
202	rupajingga18_2

203	safitriindriani_1989
204	sahudia-0
205	saikzuna-0
206	sakkarepkdew-0
207	saputra_store
208	sareure-0
209	satuo41
210	satutiga255_6
211	sbidarbud
212	semialiand_0
213	sepsap0
214	sfec366
215	shasur-32
216	shoima_0
217	songc23
218	storehesti52342
219	sulistymuhaimi0
220	suranie99
221	suttwatt_0
222	sutya-3907
223	suwananaphiboo0
224	suyathudi-0
225	tahbula0
226	taryj.sar-0
227	tata_dado
228	teki-4889
229	tihendrat0
230	tsurumi_ken
231	unagi_taste
232	vinayafifa-0
233	wanla0
234	wantwantha-0
235	wilawi-0
236	xyzdsgn
237	yanngun44barat-3
238	youfa-16
239	yoyo_01-1
240	yudi6328
241	zamranrahmatu-0
242	zarcvintag0
243	aixiaodexiaochou

244	baixiangguo
245	City fashion clothes
246	dear ornament center
247	Decorate life
248	Diamond Painting DIY
249	Emmal214
250	Fashion shoes store
251	gufan fashion
252	guping fashion
253	haiyingmbg
254	Kuni Trade Co., Ltd
255	LingXi
256	liulihua fashion
257	liyingchao
258	New dream store
259	NVC
260	qianyibaishun916
261	shirui668
262	sunxiaoxiong
263	terbiluoer
264	The crazy story
265	TianXiaXingKong
266	tradegogo
267	Urban fashion for everone
268	vintage decor
269	WarBallista
270	WHHL
271	whtbluesky
272	xuguoqiang520
273	yanshimeilibu
274	yyh0908
275	Beautiful Shore
276	bko8canno
277	Carolyn J. Morin
278	case&bag&cap
279	Deryu
280	DIY-stickers
281	fashionlety-style
282	FasonKing
283	GBVDHB
284	hat apron

285	hualianghefengshangmao
286	I Like Exercise
287	Innovative Gift Ideas
288	ji jing
289	Led Sign Lights
290	liappo
291	Luckyam
292	Menshowe
293	Niasjnfu Chen
294	Nicola Lou Kit
295	ninifangzhipinyo
296	Ninjz8
297	qiaoanshangmao
298	QZLC
299	Rupde Laert Jerome
300	Sale Shower Curtain
301	sgdgd
302	Tim427Jacob
303	Wu Wanhai
304	XCxcx2c1-1
305	yiwushixiangbaidianzishangwuyouxiangongsi
306	014 patch Store
307	Artryst Official Store
308	Ha's Art Store
309	hongxun Store
310	JOCO Online Store
311	LOSICOE Online Store
312	LSC Online Store
313	oranges victory Store
314	phiking Fashionshirt Store
315	XiangRui Store
316	ZWY001 Store