

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

MILKMEN DESIGN, LLC,

Plaintiff,

v.

THE PARTNERSHIPS AND  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED IN SCHEDULE “A”,

Defendants.

Case No. 23-cv-00877

Judge Joan B. Gottschall  
Magistrate Judge Gabriel A. Fuentes

**SEALED TEMPORARY RESTRAINING ORDER**

Plaintiff Milkmen Design, LLC, (“Plaintiff”) filed an *Ex Parte* Motion for Entry of a Temporary Restraining Order and Other Relief (the “Motion”) against the fully interactive, e-commerce stores<sup>1</sup> operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (collectively, “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 Marketplaces”). After reviewing the Motion and the accompanying record, this Court GRANTS Plaintiff’s Motion as follows.

This Court finds, in the absence of adversarial presentation, that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Plaintiff has provided a basis to conclude that Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more seller aliases, offer shipping to the United States, including Illinois, and have sold products using infringing and counterfeit versions of

---

<sup>1</sup> The e-commerce store URLs are listed on Schedule A hereto under the Online Marketplaces.

Plaintiff's federally registered design patents, copyrights, and trademarks ("Plaintiff's Intellectual Property") to residents of Illinois. In this case, Plaintiff has presented screenshot evidence that each Defendant e-commerce store is reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores through which Illinois residents can and do purchase products using counterfeit versions of the Plaintiff's Intellectual Property. *See* ECF Nos. 6-4 through 6-21, which includes screenshot evidence confirming that each Defendant internet store does stand ready, willing, and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the Plaintiff's Intellectual Property. A list of the Plaintiff's Intellectual Property is included in the below chart.

<b>REGISTRATION NUMBER</b>	<b>DESCRIPTION</b>	<b>INTELLECTUAL PROPERTY TYPE</b>
US D899,196	The ornamental design for a condiment holder	Design Patent
US D960,653	The ornamental design for a condiment holder	Design Patent
US D960,654	The ornamental design for a condiment holder	Design Patent
VA0002316570	Registration for a group of published photographs.	Copyright
VA0002318712	Registration for a group of published photographs.	Copyright
No. 5,567,259	SAUCEMOTO <b>IC 021.</b> Non-metal brackets for hanging single-use sauce containers from automobile interiors	Trademark

This Court further finds that Plaintiff has provided notice of the motion to eBay, Inc. ("eBay") with regard to defendants that offer for sale and/or sell counterfeit and/or infringing goods to customers in the United States using the eBay e-commerce platform. 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 Michael Koury in support of the Motion 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 move any assets from accounts in financial institutions under this Court's jurisdiction to off-shore accounts. Accordingly, this Court orders that:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be temporarily enjoined and restrained from:
  - a. using the Plaintiff's Intellectual Property or any reproductions, counterfeit copies, or colorable imitations in any manner in connection with the distribution, marketing, advertising, offering for sale, sale, or importation of any product that is not a genuine Plaintiff product or not authorized by Plaintiff to be sold in connection with the Plaintiff Intellectual Property;
  - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Plaintiff 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 the Plaintiff's Intellectual Property;
  - 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; and
  - d. manufacturing, shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear any of Plaintiff's trademarks or any

reproductions, counterfeit copies, or colorable imitations of any of Plaintiff's Intellectual Property.

2. Except as provided in Paragraph 5b below and the following sentence, Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts. The asset freeze imposed by this paragraph applies to \$1,290.89 of each defendant's assets. Consistent with Federal Rule of Civil Procedure 65(d)(2), a third party platform may be held liable if it is found to have assisted Defendants in violating this order.
3. Upon Plaintiff's request, and to the extent it has not already produced the information below in connection with discovery ordered by the Court, the online marketplace platform eBay with actual notice of this Order shall, within seven (7) calendar days after receipt of such notice, provide to Plaintiff expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:
  - a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including all known contact information and all associated e-mail addresses;
  - 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 Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces; and
  - c. any financial accounts owned or controlled by Defendants, including their officers, agents, servants, employees, attorneys, and any persons acting in active 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, Payoneer, Stripe, Alipay, Wish.com, Alibaba, Ant Financial, Amazon Pay, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA); and
- d. any metatags, metadata, or hashtags used by Defendants when listing their infringing items.
4. Upon Plaintiff's request, eBay with notice of this Order, shall within seven (7) calendar days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the Plaintiff's Intellectual Property.
  5. eBay shall, within seven (7) calendar days of receipt of this Order:
    - a. locate all accounts and funds connected to Defendants' seller aliases, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto, and any e-mail addresses provided for Defendants by third parties; and
    - b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets up to the amount of the asset freeze in paragraph two above until further order by this Court. For the sake of clarity, eBay may continue to levy its usual and customary fees against Defendant accounts, such as, without limitation, management and maintenance fees, percentage fees on sales, and money refunded to eBay customers for returns.

6. Plaintiff must provide notice to Defendants of any motion for preliminary injunction as required by Rule 65(a)(1). Plaintiff may provide notice of the preliminary injunction hearing in this case to Defendants, by electronically publishing a link to the Complaint, this Order, and other relevant documents on a website and by sending an email with a link to said website to the email addresses provided for Defendants by third parties.
7. Plaintiff must provide notice to Defendants of any motion for preliminary injunction as required by Rule 65(a)(1).
8. Plaintiff's Schedule A to the Pleading(s) (ECF No. 7-1), and Exhibit 2 to the Declaration of Michael Koury (ECF Nos. 6-4 to 6-21), and this Order shall remain sealed until further order by this Court or until the Order expires, whichever occurs earlier.
9. The surety bond of Ten Thousand Dollars (\$10,000) on deposit with the Court shall remain on deposit until further order of the Court, for the reasons and purposes set forth in the Temporary Restraining Order entered on May 4, 2023 (ECF No. 65).
10. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and the Northern District of Illinois Local Rules. Any third party impacted by this Order may move for appropriate relief.
11. This Temporary Restraining Order without notice is entered at 12:00 p.m. on this 30th day of June, 2023, and shall remain in effect for fourteen (14) calendar days. Any motion to extend this Order must be filed by July 11, 2023.
12. A preliminary injunction hearing to be held by teleconference is tentatively set for July 14, 2023, at 10:30 a.m. The Court will rule on any preliminary injunction motion without holding a hearing unless a hearing is requested at least 48 hours prior to the time of the

scheduled hearing. A hearing may be requested by contacting Judge Gottschall's courtroom deputy at [Chambers\\_Gottschall@ilnd.uscourts.gov](mailto:Chambers_Gottschall@ilnd.uscourts.gov).

Dated: June 30, 2023

\_\_\_\_\_  
/s/  
Joan B. Gottschall  
United States District Judge

## SCHEDULE A

<b>Doe No.</b>	<b>Merchant Name</b>	<b>Merchant ID</b>	<b>Merchant URL</b>
196	ashokasujeewdhangall0	ashokasujeewdhangall0	<a href="https://www.ebay.com/usr/ashokasujeewdhangall0">https://www.ebay.com/usr/ashokasujeewdhangall0</a>
197	astoma95	astoma95	<a href="https://www.ebay.com/usr/astoma95">https://www.ebay.com/usr/astoma95</a>
198	baby_likes	baby_likes	<a href="https://www.ebay.com/usr/baby_likes">https://www.ebay.com/usr/baby_likes</a>
199	basketball-877	basketball-877	<a href="https://www.ebay.com/usr/basketball-877">https://www.ebay.com/usr/basketball-877</a>
200	black_wuchang	black_wuchang	<a href="https://www.ebay.com/usr/black_wuchang">https://www.ebay.com/usr/black_wuchang</a>
201	blue.garden7	blue.garden7	<a href="https://www.ebay.com/usr/blue.garden7">https://www.ebay.com/usr/blue.garden7</a>
202	comfort.home20	comfort.home20	<a href="https://www.ebay.com/usr/comfort.home20">https://www.ebay.com/usr/comfort.home20</a>
203	cwmg.2021	cwmg.2021	<a href="https://www.ebay.ca/usr/cwmg.2021">https://www.ebay.ca/usr/cwmg.2021</a>
204	december_de	december_de	<a href="https://www.ebay.com/usr/december_de">https://www.ebay.com/usr/december_de</a>
205	fdfz_27	fdfz_27	<a href="https://www.ebay.com/usr/fdfz_27">https://www.ebay.com/usr/fdfz_27</a>
206	fenha59	fenha59	<a href="https://www.ebay.com/usr/fenha59">https://www.ebay.com/usr/fenha59</a>
207	guaha-65	guaha-65	<a href="https://www.ebay.ca/usr/guaha-65">https://www.ebay.ca/usr/guaha-65</a>
208	huaqian1	huaqian1	<a href="https://www.ebay.ca/usr/huaqian1">https://www.ebay.ca/usr/huaqian1</a>
209	hyaenaey	hyaenaey	<a href="https://www.ebay.com/usr/hyaenaey">https://www.ebay.com/usr/hyaenaey</a>
210	i-fashion2020	i-fashion2020	<a href="https://www.ebay.com/usr/i-fashion2020">https://www.ebay.com/usr/i-fashion2020</a>
211	jwardman107	jwardman107	<a href="https://www.ebay.ca/usr/jwardman107">https://www.ebay.ca/usr/jwardman107</a>
212	keily_store	keily_store	<a href="https://www.ebay.com/usr/keily_store">https://www.ebay.com/usr/keily_store</a>
213	knightlistings	knightlistings	<a href="https://www.ebay.ca/usr/knightlistings">https://www.ebay.ca/usr/knightlistings</a>
214	lianjia-boy	lianjia-boy	<a href="https://www.ebay.ca/usr/lianjia-boy">https://www.ebay.ca/usr/lianjia-boy</a>
215	libby-jo17	libby-jo17	<a href="https://www.ebay.ca/usr/libby-jo17">https://www.ebay.ca/usr/libby-jo17</a>
216	linyul-36	linyul-36	<a href="https://www.ebay.com/usr/linyul-36">https://www.ebay.com/usr/linyul-36</a>
217	m.cloud-2	m.cloud-2	<a href="https://www.ebay.com/usr/m.cloud-2">https://www.ebay.com/usr/m.cloud-2</a>
218	maalv8321	maalv8321	<a href="https://www.ebay.com/usr/maalv8321">https://www.ebay.com/usr/maalv8321</a>
219	miss_you15	miss_you15	<a href="https://www.ebay.com/usr/miss_you15">https://www.ebay.com/usr/miss_you15</a>
220	nailia41	nailia41	<a href="https://www.ebay.com/usr/nailia41">https://www.ebay.com/usr/nailia41</a>
221	naofa-5780	naofa-5780	<a href="https://www.ebay.com/usr/naofa-5780">https://www.ebay.com/usr/naofa-5780</a>



222	o-fashion2020	o-fashion2020	<a href="https://www.ebay.com/usr/o-fashion2020">https://www.ebay.com/usr/o-fashion2020</a>
223	perfectidealbuy-1	perfectidealbuy-1	<a href="https://www.ebay.com/usr/perfectidealbuy-1">https://www.ebay.com/usr/perfectidealbuy-1</a>
224	pix-link_official	pix-link_official	<a href="https://www.ebay.com/usr/pix-link_official">https://www.ebay.com/usr/pix-link_official</a>
225	puzair-79	puzair-79	<a href="https://www.ebay.com/usr/puzair-79">https://www.ebay.com/usr/puzair-79</a>
226	qhov61	qhov61	<a href="https://www.ebay.com/usr/qhov61">https://www.ebay.com/usr/qhov61</a>
227	sahpo_69	sahpo_69	<a href="https://www.ebay.com/usr/sahpo_69">https://www.ebay.com/usr/sahpo_69</a>
228	shang.sunny	shang.sunny	<a href="https://www.ebay.com/usr/shang.sunny">https://www.ebay.com/usr/shang.sunny</a>
229	shaoyo-5	shaoyo-5	<a href="https://www.ebay.com/usr/shaoyo-5">https://www.ebay.com/usr/shaoyo-5</a>
230	sidah-40	sidah-40	<a href="https://www.ebay.com/usr/sidah-40">https://www.ebay.com/usr/sidah-40</a>
231	simicang18	simicang18	<a href="https://www.ebay.com/usr/simicang18">https://www.ebay.com/usr/simicang18</a>
232	sunsanlin37078	sunsanlin37078	<a href="https://www.ebay.com/usr/sunsanlin37078">https://www.ebay.com/usr/sunsanlin37078</a>
233	super-pandas	super-pandas	<a href="https://www.ebay.com/usr/super-pandas">https://www.ebay.com/usr/super-pandas</a>
234	tangtang-2	tangtang-2	<a href="https://www.ebay.com/usr/tangtang-2">https://www.ebay.com/usr/tangtang-2</a>
235	tianmen.mountain	tianmen.mountain	<a href="https://www.ebay.com/usr/tianmen.mountain">https://www.ebay.com/usr/tianmen.mountain</a>
236	w-100kg	w-100kg	<a href="https://www.ebay.com/usr/w-100kg">https://www.ebay.com/usr/w-100kg</a>
237	weiga41	weiga41	<a href="https://www.ebay.com/usr/weiga41">https://www.ebay.com/usr/weiga41</a>
238	xedstore.3	xedstore.3	<a href="https://www.ebay.com/usr/xedstore.3">https://www.ebay.com/usr/xedstore.3</a>
239	yepst-1	yepst-1	<a href="https://www.ebay.com/usr/yepst-1">https://www.ebay.com/usr/yepst-1</a>
240	yew.fashion20	yew.fashion20	<a href="https://www.ebay.com/usr/yew.fashion20">https://www.ebay.com/usr/yew.fashion20</a>
241	yirangc-94	yirangc-94	<a href="https://www.ebay.com/usr/yirangc-94">https://www.ebay.com/usr/yirangc-94</a>
242	yuzaib60	yuzaib60	<a href="https://www.ebay.com/usr/yuzaib60">https://www.ebay.com/usr/yuzaib60</a>
243	zhaog-10	zhaog-10	<a href="https://www.ebay.com/usr/zhaog-10">https://www.ebay.com/usr/zhaog-10</a>
244	zhenzhen-8	zhenzhen-8	<a href="https://www.ebay.com/usr/zhenzhen-8">https://www.ebay.com/usr/zhenzhen-8</a>