

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

Yoeu Inc,

Plaintiff,

vs.

The Partnerships and Unincorporated
Associations Identified on Schedule A,

Defendants.

Civil Action No.: 1:26-CV-00007

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF’S MOTION FOR ENTRY OF
A PRELIMINARY INJUNCTION AND FOR EXTENSION OF THE TEMPORARY
RESTRAINING ORDER**

Plaintiff Yoeu Inc. (“Plaintiff”), by and through its undersigned counsel, respectfully submits this Memorandum of Law in support of its Motion for Entry of a Preliminary Injunction and for extension of the Temporary Restraining Order currently in place in this action.

I. INTRODUCTION

This action arises from Defendants’ unlawful use of Plaintiff’s federally protected trademark in connection with the online advertising and sale of infringing products through e-commerce storefronts. Plaintiff initiated this lawsuit to stop Defendants’ coordinated activities involving the marketing and sale of products bearing confusingly similar versions of Plaintiff’s mark to consumers in the United States, including within the Northern District of Illinois.

After reviewing Plaintiff’s submissions, this Court entered a Temporary Restraining Order (“TRO”) on March 2, 2026, granting injunctive relief, imposing a temporary asset

restraint, authorizing electronic service of process, and permitting expedited discovery. The TRO was entered after the Court determined that Plaintiff had demonstrated the elements necessary for emergency injunctive relief. Since entry of the Temporary Restraining Order, Plaintiff has contacted Amazon to restrain accounts associated with the Defendant Stores. *See* Declaration of Shaoyi Che ¶ 4.

Plaintiff now seeks entry of a preliminary injunction continuing the relief already granted by the Court. Maintaining that relief is necessary to prevent Defendants from continuing their infringing activities and to preserve assets that may be subject to an accounting of profits. Plaintiff further requests that the Court extend the TRO to preserve the status quo until the Court rules on Plaintiff's request for preliminary injunctive relief.

II. PROCEDURAL POSTURE

Plaintiff commenced this action on January 2, 2026, asserting claims for trademark infringement under the Lanham Act against the Defendants identified on Schedule A. *See* Dkt. 1. Plaintiff subsequently filed a First Amended Complaint on January 14, 2026, and Schedule A identifying the Defendant storefronts was filed under seal. *See* Dkts. 7–8.

On January 14, 2026, Plaintiff filed a motion seeking entry of a temporary restraining order, including a temporary injunction, asset restraint, expedited discovery, and authorization for alternative service of process. *See* Dkt. 10. Plaintiff supported that motion with declarations and documentary evidence demonstrating that Defendants were advertising and selling products bearing infringing versions of Plaintiff's trademark through online storefronts. *See* Dkts. 11–14.

On February 10, 2026, the Court entered a Minute Order directing Plaintiff to submit a status report identifying which Defendants had actually shipped the allegedly infringing products into the Northern District of Illinois. *See* Dkt. 19. Plaintiff subsequently complied with that directive and submitted evidence showing that products purchased from Defendants were delivered to an address in Chicago, Illinois within this District. *See* Dkts. 23–24.

After reviewing Plaintiff’s submissions and supporting evidence, the Court granted Plaintiff’s *ex parte* motion for entry of a Temporary Restraining Order on March 2, 2026. *See* Dkts. 25–26. The Court’s order entered a temporary injunction against Defendants, imposed a temporary asset restraint, authorized electronic service of process pursuant to Federal Rule of Civil Procedure 4(f)(3), and permitted expedited discovery.

The Temporary Restraining Order remains in effect. Plaintiff now seeks entry of a preliminary injunction continuing the relief granted in the TRO and requests that the Court extend the TRO if necessary until the Court rules on Plaintiff’s motion.

III. LEGAL STANDARD

In the Seventh Circuit, the legal standard governing the issuance of a temporary restraining order and a preliminary injunction is the same. *See Charter Nat’l Bank & Trust v. Charter One Fin., Inc.*, No. 1:01-cv-00905, 2001 WL 527404, at *1 (N.D. Ill. May 15, 2001).

A court may grant preliminary injunctive relief when the plaintiff demonstrates: (1) a likelihood of success on the merits; (2) that it will suffer irreparable harm absent injunctive relief; (3) that the balance of hardships favors the plaintiff; and (4) that the public interest will

not be disserved by the requested injunction. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20, 129 S.Ct. 365, 172 L.Ed.2d 249 (2008); *Columbia Pictures Indus., Inc. v. Jasso*, 927 F. Supp. 1075, 1076 (N.D. Ill. 1996).

Courts in this District routinely apply these principles in actions involving online trademark infringement and counterfeiting, and have repeatedly entered preliminary injunctions following the issuance of temporary restraining orders in such cases. *See, e.g., Christian Dior Couture, S.A. v. P'ships*, No. 21-cv-04828, 2021 WL 6881868, at *1–4 (N.D. Ill. Oct. 19, 2021); *Oakley, Inc. v. P'ships*, No. 20-cv-06676, 2020 WL 9455191, at *1–3 (N.D. Ill. Dec. 11, 2020).

IV. ARGUMENTS

A. The Court Has Already Determined that Plaintiff Satisfies the Preliminary Injunction Standard

The Court's issuance of the TRO necessarily reflects a determination that Plaintiff has demonstrated the elements required for injunctive relief. Because the legal standards governing temporary restraining orders and preliminary injunctions are identical in this Circuit, the Court's prior findings support entry of a preliminary injunction continuing the same relief. *See Charter Nat'l Bank & Trust*, 2001 WL 527404, at *1; Dkt. 26.

The Lanham Act authorizes courts to issue injunctive relief to prevent ongoing trademark violations. 15 U.S.C. § 1116(a). There has been no change in circumstances since entry of the TRO that would warrant altering that conclusion. To the contrary, allowing the TRO to expire

would permit Defendants to resume the very conduct that prompted the Court's intervention.

B. Continued Asset Restraint Is Necessary to Preserve Effective Relief

The TRO also imposed a temporary restraint on financial accounts associated with Defendants' online storefronts. That relief remains appropriate and necessary to preserve Plaintiff's ability to recover Defendants' profits derived from their infringing conduct. The record demonstrates that Defendants have been advertising and selling products bearing infringing versions of Plaintiff's trademark through online storefronts directed to U.S. consumers. *See* Dkt. 23-2–23-6. Such conduct causes ongoing injury to Plaintiff's goodwill, reputation, and brand value—harms that cannot be readily quantified or fully compensated through monetary damages alone.

Absent continued injunctive relief, Defendants are likely to continue operating their online storefronts and profiting from the sale of infringing products. Because most Defendant storefronts operate through online marketplaces and are controlled by entities located outside the United States, there is a substantial risk that the proceeds of those sales could be transferred or concealed before Plaintiff has an opportunity to obtain effective relief. Courts addressing similar online infringement schemes have recognized that asset restraints are appropriate in such circumstances to prevent defendants from placing funds beyond the reach of the court. *See Deckers Outdoor Corp. v. P'ships*, 2013 U.S. Dist. LEXIS 205985, at *7 (N.D. Ill. Oct. 30, 2013); *see also Lorillard Tobacco Co. v. Montrose Wholesale Candies & Sundries, Inc.*, 2005 WL 3115892 (N.D. Ill. Nov. 8, 2005).

Maintaining the restraint is also consistent with the Lanham Act's framework for recovering the profits of infringing sellers. When a trademark owner seeks an accounting of

profits, the infringing defendant bears the burden of demonstrating that certain portions of its revenues were not derived from unlawful sales. *See WMS Gaming Inc. v. WPC Prods. Ltd.*, 542 F.3d 601, 608 (7th Cir. 2008). Courts therefore begin with the presumption that the defendant's sales represent recoverable profits unless the defendant establishes otherwise. *See Dyson Tech. Ltd. v. David 7 Store*, 132 F.4th 526, 529 (7th Cir. 2025).

Defendants remain free to demonstrate that particular funds are unrelated to the alleged infringement. *See Monster Energy Co. v. Wensheng*, 136 F. Supp. 3d 897, 910 (N.D. Ill. 2015). Until such evidence is presented, however, the funds currently restrained provide the most reliable indication of the revenue generated by the Defendant storefronts through their allegedly infringing sales.

Allowing those assets to be released now would create a significant risk that Defendants could move or dissipate the proceeds of their sales, thereby frustrating Plaintiff's ability to recover the profits derived from the infringement. Therefore, continued asset restraint is necessary to preserve the status quo and ensure that the Court retains the ability to award complete relief if Plaintiff prevails.

C. The Temporary Restraining Order Should Be Extended Until The Court Rules On This Motion

Plaintiff also respectfully requests that the Court extend the existing TRO if necessary to maintain the status quo while the Court considers the motion for preliminary injunction.

Federal Rule of Civil Procedure 65(b)(2) provides that a temporary restraining order may

remain in effect for fourteen days and may be extended for a similar period for good cause. The Seventh Circuit has confirmed that a district court may allow a TRO to remain in place pending a decision on a preliminary injunction motion when doing so is necessary to preserve the status quo. *See HD Mich., LLC v. Hellenic Duty Free Shops S.A.*, 694 F.3d 827, 843–45 (7th Cir. 2012).

That principle applies here. The Court has already determined, based on the evidence submitted with Plaintiff's TRO motion, that immediate injunctive relief was warranted to prevent ongoing trademark infringement and to restrain assets associated with the infringing sales. Dkt. 26. If the TRO were permitted to lapse before the Court rules on Plaintiff's request for a preliminary injunction, Defendants could immediately resume offering the infringing products for sale through their online storefronts. Such conduct would undermine the Court's prior order and expose Plaintiff to the very harms the TRO was designed to prevent.

In addition, the TRO currently restrains financial accounts linked to the Defendant storefronts. Allowing those restraints to expire during the pendency of the preliminary injunction motion would create a substantial risk that Defendants could transfer or conceal funds derived from the alleged infringement, thereby frustrating Plaintiff's ability to obtain meaningful relief if it ultimately prevails in this action.

Finally, Defendants have received notice of this action and of the relief sought by Plaintiff. Maintaining the TRO for the limited period necessary for the Court to decide this motion will not impose any cognizable hardship on Defendants, as the order merely prevents them from continuing unlawful conduct and preserves assets potentially subject to recovery.

Accordingly, good cause exists to extend the Temporary Restraining Order until the

Court resolves Plaintiff's motion for entry of a preliminary injunction.

VII. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court enter a preliminary injunction continuing the relief granted in the Temporary Restraining Order and extend the Temporary Restraining Order as necessary until the Court issues a ruling on Plaintiff's motion.

Date: March 13, 2026

Respectfully submitted
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CERTIFICATE OF SERVICE

I, Shaoyi Che, hereby certify that a true and correct copy of the foregoing was electronically filed with the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Shaoyi Che
Shaoyi Che