

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

Yoeu Inc

Plaintiff,

Case No.: 1:26-cv-00007

v.

Honorable Mary M. Rowland

The Partnerships and Unincorporated
Associations Identified on Schedule A,

Defendants.

**MEMORANDUM IN SUPPORT OF PLAINTIFF’S *EX PARTE* MOTION FOR
ENTRY OF A TEMPORARY RESTRAINING ORDER, INCLUDING A TEMPORARY
INJUNCTION, A TEMPORARY ASSET RESTRAINT, AND EXPEDITED DISCOVERY**

Plaintiff Yoeu Inc (“Plaintiff”) submits this *Ex Parte* Motion for Entry of a Temporary Restraining Order (“TRO”), including a temporary injunction, a temporary asset restraint, and expedited discovery (the “*Ex Parte* Motion”).

MEMORANDUM OF LAW

I. INTRODUCTION

Plaintiff is requesting temporary *ex parte* relief based on the actions of clear trademark infringement and counterfeiting committed by the defendants identified in the Schedule A to the Complaint (collectively, “Defendants”). As alleged in the Complaint, Defendants are selling unauthorized and unlicensed Batana hair oil products using the Plaintiff’s “UEUEKOKO” trademark (“Infringing Products”) through at least the fully interactive, e-commerce stores¹ operating under the seller aliases identified within the Schedule A attached to the Complaint (the “Seller Aliases”).

¹ The e-commerce store URLs are listed on Schedule A to the Complaint under the Online Marketplaces.

Defendants run a sophisticated counterfeiting operation and have targeted sales to Illinois residents by setting up and operating e-commerce stores using one or more Seller Aliases through which Illinois residents can purchase Infringing Products. Declaration of Zhang Hua (“Zhang Decl.”) at ¶ 8-9. Defendants’ activities, occurring in the same retail space and manner as one another, blend together to create a single negative impression on consumers such that they constitute the same occurrence or series of occurrences. Defendants attempt to avoid and mitigate liability by operating under one or more Seller Aliases to conceal both their true identities and the full scope and interworking of their operation. Declaration of Qin Zhuang (“Zhuang Decl.”) at ¶ 5. Plaintiff is forced to file this action to combat Defendants’ counterfeiting of its registered trademark, as well as to protect unknowing consumers from purchasing Infringing Products over the internet.

Defendants’ ongoing unlawful activities should be restrained. Plaintiff respectfully requests that this Court issue *ex parte* a Temporary Restraining Order.

II. STATEMENT OF FACTS

A. Plaintiff’s Business

Plaintiff Yoeu Inc. develops, markets, and sells genuine Batana hair oil products in U.S. interstate commerce under its federally registered trademark UEUEKOKO (U.S. Reg. No. 7,467,712) (the “Plaintiff Mark”). Zhang Decl. ¶¶ 3–4; see also Ex. 1.

Plaintiff’s genuine products sold under the Plaintiff Mark include, among others, Plaintiff’s genuine listing “Natural Batana Oil for Deep Hair Care” (the “Genuine Product”), which is offered through Plaintiff’s authorized sellers. See Zhang Decl. ¶¶ 3–4; see also Ex. 2. Plaintiff has continuously used the Plaintiff Mark in commerce in connection with genuine Batana hair oil products and has invested substantial time, money, and commercial effort to build

goodwill and consumer recognition associated with the Plaintiff Mark and Plaintiff's elevated quality standards. Zhang Decl. ¶ 7.

B. Defendants' Unlawful Activities

The success and consumer recognition of Plaintiff's genuine products and Plaintiff Mark has resulted in significant counterfeiting activity and attempts by unauthorized online sellers to trade on Plaintiff's goodwill. Plaintiff has discovered numerous fully interactive e-commerce stores, including those operating under the Seller Aliases identified in Schedule A, which have been offering for sale and selling Infringing Products to consumers within this Judicial District as well as throughout the United States. Zhang Decl. at ¶¶ 8-9. Plaintiff's well-pleaded allegations regarding registration patterns, similarities among the e-commerce stores operating under the Seller Aliases and the Infringing Products for sale thereon, and common tactics employed to evade enforcement efforts establish a logical relationship among the Defendants and that Defendants are interrelated. If Defendants provide additional information regarding their identities or information related to their business enterprise based on trademarks infringement, Plaintiff will appropriately amend the Complaint as necessary.

III. ARGUMENT

Defendants' purposeful, intentional, and unlawful conduct is causing and will continue to cause irreparable harm to Plaintiff's reputation and the goodwill symbolized by the Plaintiff's Mark. Zhang Decl. at ¶¶ 11-12. Fed. R. Civ. P. 65(b) provides that this Court may issue an *ex parte* TRO where immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or that party's attorney can be heard in opposition. Fed R. Civ. P. 65(b). The entry of an *ex parte* TRO is appropriate in this matter because it would immediately stop

Defendants' use of Plaintiff's Mark and preserve the status quo until a hearing may be held. Zhuang Decl. at ¶¶ 7-8.

The TRO must be granted without notice in order to prevent further irreparable harm to Plaintiff. In the absence of a TRO without notice, Defendants can — and will — register new ecommerce stores under new aliases, move all of the assets to off-shore bank accounts outside the jurisdiction of this Court, and thereby frustrate and deprive Plaintiff of any opportunity to seek equitable relief. Zhuang Decl. at ¶¶ 5-6. Courts recognize that civil actions against infringers present special challenges that warrant proceeding on an *ex parte* basis. *Columbia Pictures Indus., Inc. v. Jasso*, 927 F. Supp. 1075, 1077 (N.D. Ill. 1996) (observing that “proceedings against those who deliberately traffic in infringing merchandise are often useless if notice is given to the infringers”). As such, Plaintiff requests that this Court issue the requested *ex parte* TRO.

This Court has original subject matter jurisdiction given the claims in this proceeding arise out of the Lanham Act. 15 U.S.C. § 1114, § 1115, 28 U.S.C. § § 1338(a)-(b), and 28 U.S.C. § 1331. This Court additionally maintains supplemental jurisdiction over Plaintiff's related state law claims as they arise out of the same case or controversy as Plaintiff's federal claims. 28 U.S.C. § 1367. Venue is proper pursuant to 28 U.S.C. § 1391.

Personal jurisdiction is proper over Defendants. Defendants directly target business activities toward consumers in the United States, including Illinois, through at least the fully interactive, e-commerce stores operating under the Seller Aliases. Specifically, 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, accept payment in U.S. dollars and, on information and belief, have sold

Infringing Products to residents of Illinois. Zhang Decl. at ¶¶ 8-9; see also Complaint at ¶¶ 6-8. See, e.g., *Monster Energy Company v. Wensheng*, 136 F. Supp. 3d 897, 905 (N.D. Ill. 2015) (citing *Dental Arts Lab., Inc. v. Studio 360 The Dental Lab, LLC*, No. 10 C 4535, 2010 WL 4877708, at *7 (N.D. Ill. Nov. 23, 2010)) (“As long as one tortious act is committed in Illinois, the courts of the state, and thus this Court, may exercise personal jurisdiction over Defendant.”). Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Plaintiff substantial injury in the State of Illinois.

A. Legal Standard for Temporary Restraining Order and Preliminary Injunction.

District Courts within this Circuit hold that the standard for granting a TRO and the standard for granting a preliminary injunction are identical. See, e.g., *Charter Nat’l Bank & Trust v. Charter One Fin., Inc.*, 2001 WL 527404, at *1 (N.D. Ill. May 15, 2001) (citation omitted). A party seeking to obtain a preliminary injunction must demonstrate: (1) that such party’s case has some likelihood of success on the merits; (2) that no adequate remedy at law exists; and (3) that such party will suffer irreparable harm if the injunction is not granted. See *Ty, Inc. v. The Jones Group, Inc.*, 237 F.3d 891, 895 (7th Cir. 2001).

If these three conditions are satisfied then the Court must consider harm that the nonmoving party will suffer if preliminary relief is granted, balancing such harm against the irreparable harm the moving party will suffer if relief is denied. *Id.* Lastly, the Court should consider the potential effect on the public interest (non-parties) in denying or granting the injunction. *Id.* The Court then weighs all of these factors, “sitting as would a chancellor in equity,” when the Court decides whether to grant an injunction. *Id.* (quoting *Abbott Labs. v. Mead Johnson & Co.*, 971 F.2d 6, 11 (7th Cir. 1992)). Under “the sliding scale approach[.]” the

more likely the plaintiff will succeed on the merits, the less the balance of harms need favor the plaintiff's position. *Id.*

B. Plaintiff is Likely to Succeed on the Merits.

The Lanham Act provides that “Any person who shall, without the consent of the registrant, use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion . . . shall be liable in a civil action by the registrant for the remedies hereinafter provided.” 15 U.S.C. § 1114(a). A Lanham Act trademark infringement claim has two elements. See 15 U.S.C. § 1125(a). First, plaintiff must show “that its mark is protected under the Lanham Act.” *Barbecue Marx, Inc. v. 551 Ogden, Inc.*, 235 F.3d 1041, 1043 (7th Cir. 2000). Second, a plaintiff must show that the challenged mark is likely to cause confusion among consumers. *Id.*

Plaintiff in this matter is the lawful owner of the Plaintiff Mark, and owns exclusive rights to use the Plaintiff Mark on Plaintiff's registration's covered products. Zhang Decl. at ¶¶ 3-4. Plaintiff has submitted substantial evidence and documentation of Defendants' clear and blatant use of Plaintiff's trademarks in order to make, use, offer for sale, sell, and/or import into the United States for subsequent sale or use products that bear the protected Plaintiff's Mark. This evidence clearly supports the rational conclusion that an ordinary consumer would likely be confused as to the origin of Defendants' Infringing Products and potentially deceived into buying Infringing Products from Defendants rather than authentic products sold by Plaintiff. Zhang Decl. at ¶ 10; see also *Competitive Edge, Inc. v. Staples, Inc.*, 763 F. Supp. 2d 997, 1011 (N.D. Ill. 2010) (citing *Egyptian Goddess, Inc. v. Swisa, Inc.*, 543 F.3d 665, 672 (Fed. Cir. 2008)). Plaintiff, from Plaintiff's investigation of the Defendants' storefronts, has not authorized Defendants to

use the Plaintiff Mark and Plaintiff does not believe that any of the Defendants are authorized retailers of genuine Plaintiff Products. Zhang Decl. at ¶ 6. Plaintiff has thereby established a *prima facie* case of trademarks infringement, counterfeiting, and false designation of origin.

C. There is No Adequate Remedy at Law, and Plaintiff Will Suffer Irreparable Harm in the Absence of Preliminary Relief

Plaintiff is likely to suffer irreparable harm due to Defendants blatant and unlawful acts of trademarks infringement. Defendants' infringement of Plaintiff's trademark threatens the Plaintiff's established goodwill with customers and reputational harm. Zhang Decl. at ¶¶ 7, 11-12. Harm is presumed irreparable (rebuttably) upon a showing of likelihood of success in trademark infringement actions. 15 U.S.C. § 1116(a); see also *Processed Plastic Co. v. Warner Comms., Inc.*, 675 F.2d 852, 858 (7th Cir. 1982) ("this readiness to find irreparable injury arises in part from the realization that [t]he most corrosive and irreparable harm attributable to trademarks infringement is the inability of the victim to control the nature and quality of the defendant's goods. Even if the infringer's products are of high quality, the plaintiff can properly insist that its reputation should not be imperiled by the acts of another.") (internal citations omitted); *Miyano Mach. USA, Inc. v. MiyanoHitec Mach., Inc.*, 576 F. Supp. 2d 868, 887 (N.D. Ill. 2008) ("Damages suffered as a result of trademarks infringement are presumed to be irreparable because it is nearly impossible to calculate the precise economic harm caused by damage to goodwill and reputation on account of such infringement."); see also, *Int'l Kennel Club of Chicago, Inc. v. Mighty Star, Inc.*, 846 F.2d 1079, 1091 (7th Cir. 1988) (arguing that Plaintiff need not prove loss of business in order for irreparable harm to be found by the Court). Defendants have infringed Plaintiff's trademarks explicitly thereby warranting the presumption of irreparable harm. *Miyano Mach.*, 576 F. Supp. 2d at 887.

Plaintiff lacks any adequate fair remedy at law for a matter involving trademark infringement in this manner. *See Ideal Industries v. Gardner Bender Inc.*, 612 F.2d 1018 (7th Cir. 1979); *Processed Plastic*, 675 F.2d at 858 (arguing the damages occasioned by trademarks infringement are by their very nature irreparable and not susceptible of adequate measurement for remedy at law). Even without this presumption, Defendants' infringement of Plaintiff's Mark is likely to cause consumer confusion with the Plaintiff's authentic goods, damage to Plaintiff's reputation, and a serious risk of loss of customer goodwill. Therefore, this Court's entry of a TRO will provide the appropriate equitable remedy that is required in this matter.

Finally, because Defendants are individuals and businesses who, upon information and belief, reside in the People's Republic of China or other foreign jurisdictions with no U.S. presence, all monetary based judgement is highly likely to be uncollectible. *E.g., Aevoe Corp. v. AE Tech Co., Ltd.*, No. 2:12-cv-0053, 2012 WL 760692, at *5 (D. Nev. Mar. 7, 2012) (“[A] finding of irreparable harm was not clearly erroneous because it also found that since AE Tech is a foreign corporation, money damages would be insufficient.”); *Otter Prods. v. Anke Group Indus. Ltd.*, 2:13-cv-00029, 2013 WL 5910882, at *2 (D. Nev. Jan. 8, 2013) (“because Anke has no presence in the United States, it may be difficult or impossible for Otterbox to enforce a monetary judgement against Anke”); *Bushnell, Inc. v. Brunton Co.*, 673 F. Supp.2d 1241, 1263 (D. Kan. 2009) (granting preliminary injunction; “the prospect of collecting money damages from a foreign defendant with few to no assets in the United States tips in favor of a finding of irreparable harm”); *Nike, Inc. v. Fujian Bestwinn Industry Co., Ltd.*, 166 F. Supp. 3d 1177, 1179 (D. Nev. 2016) (“[B]ecause Bestwinn has no presence in the United States, it may be difficult or impossible for NIKE to recover a money judgement against Bestwinn”).

For the reasons stated above, Plaintiff will suffer immediate and irreparable injury, loss, or damage if an *ex parte* Temporary Restraining Order is not issued in accordance with FED. R. CIV. P. 65(b)(1). Zhang Decl. at ¶ 12.

D. The Balancing of Harms Weighs in Plaintiff's Favor and the Public Interest is Served by Entry of the Injunction

As noted above, if the Court is satisfied that Plaintiff has demonstrated (1) a likelihood of success on the merits, (2) no adequate remedy at law, and (3) the threat of irreparable harm if preliminary relief is not granted, then the Court must next consider the harm that Defendants will suffer if preliminary relief is granted, balancing such harm against the irreparable harm Plaintiff will suffer if relief is denied. *Ty, Inc.*, 237 F.3d at 895. As willful infringers, Defendants are entitled to little equitable consideration. “When considering the balance of hardships between the parties in infringement cases, courts generally favor the trademark owner.” *Krause Int’l Inc. v. Reed Elsevier, Inc.*, 866 F. Supp. 585, 587-88 (D.D.C. 1994). This is because “[o]ne who adopts the mark of another for similar goods acts at his own peril since he has no claim to the profits or advantages thereby derived.” *Burger King Corp. v. Majeed*, 805 F. Supp. 994, 1006 (S.D. Fla. 1992) (internal quotation marks omitted). Therefore, the balance of harms “cannot favor a defendant whose injury results from the knowing infringement of the plaintiff’s trademark.” *Malarkey-Taylor Assocs., Inc. v. Cellular Telecomms. Indus. Ass’n.*, 929 F. Supp. 473, 478 (D.D.C. 1996). Defendants took a calculated risk when they engaged in trademark infringement and their supposed “harm” should be given minimal deference.

As Plaintiff has demonstrated, Defendants have been profiting from the sale of Infringing Products. The balance of equities clearly leans in Plaintiff’s favor. *See Ideal Indus., Inc. v. Gardner Bender, Inc.*, 612 F.2d 1018, 1025 (7th Cir. 1979) (“The existence of irreparable injury

is positively supported by the fact that the alleged trademarks and the infringing use are identical, that the products are the same, and that the markets are the same. These factors by themselves are indicative of irreparable injury.”); *National Financial Partners Corp. v. Paycom Software, Inc.*, 2015 WL 3633987, at *12 (N.D. Ill. June 10, 2015) (compelling evidence of consumer confusion supports a finding of irreparable harm). The enforcement of the trademark laws prevents consumer confusion. *Eli Lilly & Co. v. Nat. Answers, Inc.*, 233 F.3d 456, 469 (7th Cir. 2000); *USA-Halal Chamber of Commerce, Inc. v. Best Choice Meats, Inc.*, 402 F. Supp. 3d 427, 440 (N.D. Ill. 2019). It is in the best interest of the public if the Court were to grant Plaintiff’s requested Temporary Restraining Order. *See Park’n Fly, Inc. v. Dollar Park & Fly, Inc.*, 469 U.S. 189, 193, (1985) (“Because trademarks desirably promote competition and the maintenance of product quality, Congress determined that a sound public policy requires that trademarks should receive nationally the greatest protection that can be given them.”) (internal quotation omitted); *Stahly, Inc. v. M. H. Jacobs Co.*, 183 F.2d 914, 917 (7th Cir. 1950) (“It must be remembered that the trade-marks laws...are concerned not alone with the protection of a property right existing in an individual, but also with the protection of the public from fraud and deceit.”).

Defendants will suffer no harm that was not warranted by their infringing actions if the Court grants Plaintiff’s request for a Temporary Restraint Order. Plaintiff’s risk of serious irreparable harm greatly outweighs the minor harm to Defendants. The TRO would also be in the best interest of the public to safeguard consumers from further unlawful infringement by Defendants. Accordingly, this Court should grant Plaintiff’s request for a Temporary Restraining Order.

IV. THE EQUITABLE RELIEF SOUGHT IS APPROPRIATE

The Lanham Act authorizes this Court to issue injunctive relief. “The several courts vested with jurisdiction of civil actions arising under this chapter shall have power to grant injunctions, according to the principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of the registrant of a mark registered in the Patent and Trademark Office or to prevent a violation under subsection (a), (c), or (d) of section 1125 of this title...” . 15 U.S.C. § 1116(a).

A. An *Ex Parte* Temporary Restraining Order Without Notice is Appropriate and Necessary to Combat Unique Circumstances of Offshore Internet Infringement

An *ex parte* TRO is necessary and justified in this case given the unique circumstances of offshore e-commerce counterfeiting. Courts have recognized that civil actions against counterfeiters present special challenges that justify proceeding on an *ex parte* basis. See *Columbia Pictures Indus., Inc. v. Jasso*, 927 F. Supp. 1075, 1077 (N.D. Ill. 1996) (observing that “proceedings against those who deliberately traffic in infringing merchandise are often useless if notice is given to the infringers”). Here, each Defendant is engaged in the inherently deceptive act of intellectual property infringement from outside the U.S. Zhuang Decl. at ¶ 7; also see *Gucci Am., Inc. v. Weixing Li*, 768 F.3d 122, 132-33 (2d Cir. 2014) (confirming authority to issue TRO and preliminary injunction freezing assets of offshore defendants selling counterfeit goods online); *Animale Grp. Inc. v. Sunny’s Perfume Inc.*, 256 F. App’x 707, 709 (5th Cir. 2007) (affirming TRO and preliminary injunction freezing assets of defendants selling counterfeit goods); *Reebok Int’l Ltd. v. Marnatech Enterprises, Inc.*, 737 F. Supp. 1521, 1527 (S.D. Cal. 1990) (“Due to the international aspect of the defendants’ business, the Court is concerned that unless the assets are frozen, defendants may hide their allegedly ill-gotten funds.”), *aff’d*, 970 F.2d at 561 (9th Cir. 1992); *Levi Strauss & Co. v. Sunrise Int’l Trading Inc.*, 51 F.3d 982, 987-88

(11th Cir. 1995) (internal quotations omitted) (affirming a preliminary injunction freezing assets of U.S.-based defendants who arranged for making counterfeits in China). The Court should also consider actions taken by similarly situated defendants to evade court orders and/or move proceeds of infringing sales offshore. *See Cisco Sys.*, 2020 U.S. Dist. LEXIS 158008, at *10; *In re Vuitton Et Fils S.A.*, 606 F.2d 1, 4 (2d Cir. 1979).

Plaintiff has submitted evidence showing that Defendants are selling Infringing Products and operate from China or other foreign jurisdictions. Defendants “take advantage of a set of circumstances—the anonymity and mass reach afforded by the internet and the cover afforded by international borders—to violate [Plaintiff’s] trademarks with impunity.” *Bose Corp. v. P’ships, et al.*, 334 F.R.D. 511, 516 (N.D. Ill. 2020). Specifically, Plaintiff has established that Defendants operate offshore in China or other foreign jurisdictions. Zhang Decl. at ¶ 8. Plaintiff has concurrently filed a declaration evidencing that infringers like Defendants set up new e-commerce stores, and transfer proceeds of infringing sales to bank accounts outside the United States once they have received notice of a lawsuit. Zhuang Decl. at ¶¶ 5-6. Defendants are likely aware that it would be “difficult if not impossible to enforce U.S. judgments in China.” *Cisco Sys.*, 2020 U.S. Dist. LEXIS 158008 at *25; Zhuang Decl. at ¶ 9.

B. A Temporary Restraining Order Immediately Enjoining Defendants, Unauthorized and Unlawful Use of the Plaintiff’s Trademarks is Appropriate

Plaintiff requests a Temporary Injunction requiring the Defendants to immediately cease making, using, offering, for sale, selling, and importing any products not authorized by Plaintiff and that includes any reproduction, copy, or colorable imitation of the trademarks owned by Plaintiff. Such relief is necessary to stop the ongoing harm to Plaintiff’s control over Plaintiff’s rights to the Plaintiff Mark, Plaintiff’s brand, associated goodwill, as well as harm to consumers,

and to prevent the Defendants from continuing to benefit and unjustly enrich themselves from unauthorized use of Plaintiff's trademark. Zhang Decl. at ¶¶ 10-12. The need for *ex parte* relief is necessitated by today's global economic conditions where infringers can operate anonymously over the Internet and often escape the jurisdictional reach of the authorities. Plaintiff is presently unaware of both the true identities and locations of the Defendants, as well as other e-commerce stores used to distribute Defendants Infringing Products. Courts have often authorized immediate injunctive relief in similar cases involving the sale of Infringing Products. *See, e.g., Deckers Outdoor Corp. v. P'ships, et al.*, No. 13-cv-00167, 2013 U.S. Dist. LEXIS 47248, at *24 (N.D. Ill. Mar. 27, 2013).

C. Preventing the Wrongful Transfer of Assets is Appropriate

Plaintiff requests *an ex parte* restraint of Defendants' assets so that Plaintiff's right to an equitable accounting of Defendants' profits from Defendants' sales of Infringing Products is not frustrated.² Zhuang Decl. at ¶ 8. Issuing an *ex parte* restraint will ensure Defendants' compliance. If such a restraint is not granted, Defendants will likely ignore their responsibilities and transfer financial assets overseas to accounts out of reach of this jurisdiction. Zhuang Decl. at ¶ 6. Specifically, upon information and belief, the Defendants in this case hold most of their assets in offshore accounts, making it easy to hide or dispose of assets, which will render an accounting by Plaintiff meaningless.

“[T]he Court unquestionably has authority to freeze assets to preserve an equitable accounting of profits, a remedy provided to counterfeiting victims by 15 U.S.C. § 1117(a).” *Johnson & Johnson v. Advanced Inventory Mgmt.*, 2020 U.S. Dist. LEXIS 248831, at *8 (N.D. Ill. July 20, 2020) (internal citations omitted); *see also Animale Grp. Inc.*, 256 F. App'x at 709

² Plaintiff has filed a Motion for Leave to File Under Seal certain documents for this same reason.

(collecting cases); *CSC Holdings, Inc. v. Redisi*, 309 F.3d 988, 996 (7th Cir. 2002) (upholding asset restraint to preserve profits remedy). Plaintiff has demonstrated a strong likelihood of success on the merits of Plaintiff's trademarks infringement claim under 15 U.S.C. § 1114, and Plaintiff is entitled to recover the extent of Defendants' total profits. 15 U.S.C. § 1117(a). Plaintiff seeks, among other relief, that Defendants account for and pay to Plaintiff all profits realized by Defendants due to their unlawful acts. This Court should therefore grant Plaintiff's request for a prejudgment asset freeze to preserve the effectiveness of the relief. The Northern District of Illinois has entered asset restraining orders for trademarks infringement claims asserted against stores selling counterfeit cigarettes. *Lorillard Tobacco Co. v. Montrose Wholesale Candies*, 2005 WL 3115892, at *13 (N.D. Ill. Nov. 8, 2005). The Court recognized it was proper to restrain said assets when the plaintiff was seeking equitable relief. *Id.* (citing *Grupo Mexicano, de Desarrollo, S.A. v. Alliance Bond Fund*, 527 U.S. 308, 325 (1999) (finding that an asset freeze was warranted when the plaintiff sought a disgorgement of profits, an equitable remedy)).

Plaintiff has shown a clear likelihood of success on the merits and an immediate and irreparable harm incurred due to Defendants' infringement. Unless Defendants' assets are frozen, Defendants will hide or move their unlawfully obtained funds to offshore bank accounts. Zhuang Decl. at ¶ 5. Accordingly, an asset restraint is proper.

D. Plaintiff is Entitled to Expedited Discovery

The United States Supreme Court has held that "federal courts have the power to order, at their discretion, the discovery of facts necessary to ascertain their competency to entertain the merits." *Vance v. Rumsfeld*, No. 1:06-cv-06964, 2007 WL 4557812, at *6 (N.D. Ill. Dec. 21, 2007). (quoting *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351, 98 S.Ct. 2380 (1978)).

Courts have wide latitude in determining whether to grant a party's request for discovery. *Id.* (citation omitted). Furthermore, courts have broad power over discovery and may permit discovery in order to aid in the identification of unknown defendants. See Fed. R. Civ. P. 26(b)(2).

Plaintiff respectfully requests expedited discovery to discover bank and payment system accounts Defendants use for their sales operations. The expedited discovery requested in Plaintiff's Proposed TRO is limited to what is essential to prevent further irreparable harm. Discovery of these financial accounts so that they can be frozen is necessary to ensure that these activities will be contained. *See, e.g., Deckers Outdoor Corp. v. The P'ships, et al.*, No. 15-cv-3249 (N.D. Ill. April 21, 2015). Plaintiff's seizure and asset restraint may have little meaningful effect without the requested relief.

E. A Bond Should Secure the Injunctive Relief

The posting of security upon issuance of a TRO or preliminary injunction is vested in the Court's sound discretion. *USA-Halal Chamber of Commerce, Inc. v. Best Choice Meats, Inc.*, 402 F. Supp. 3d 427, 441 (N.D. Ill. 2019). Because of the strong and unequivocal nature of Plaintiff's evidence of trademarks infringement, Plaintiff respectfully requests that this Court require Plaintiff to post a bond of no more than one hundred forty six thousand dollars (\$146,000.00) (\$1,000 per Defendant).

V. CONCLUSION

In view of the foregoing, Plaintiff respectfully requests that this Court enter a Temporary Restraining Order in the form submitted herewith.

Dated: January 14, 2026

Respectfully submitted,

/s/ *Qin Zhuang*

Qin Zhuang

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