

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

HANGZHOU CHIC INTELLIGENT	)	
TECHNOLOGY CO. and UNICORN	)	
GLOBAL, INC.,	)	
	)	
Plaintiffs,	)	Case No. 20-cv-5905
	)	
v.	)	Hon. Steven C. Seeger
	)	
THE PARTNERSHIPS AND	)	
UNINCORPORATED ASSOCIATIONS	)	
IDENTIFIED ON SCHEDULE A,	)	
	)	
Defendants.	)	
	)	

**SEALED TEMPORARY RESTRAINING ORDER**

Plaintiffs Hangzhou Chic Intelligent Technology Co. and Unicorn Global, Inc. filed an *ex parte* Motion for Temporary Restraining Order (“TRO”) (Dckt. No. 11), including Temporary Injunction, a Temporary Asset Restraint, Expedited Discovery, and Motion for Electronic Service of Process Under Federal Rule of Civil Procedure 4(f)(3) (“Motions”) against the e-commerce stores operating under seller aliases identified in Schedule A to the Amended Complaint (collectively, “Defendant Internet Stores”). Plaintiffs later filed an *ex parte* Motion for Entry of a Preliminary Injunction (Dckt. No. 41), in violation of the Federal Rules, but the Court will treat the motion as a motion for a temporary restraining order. After reviewing the motion and the accompanying record, the Court hereby GRANTS Plaintiffs’ motion (Dckt. No. 41) as stated in this Order.

This Court finds, without adversarial presentation, that it has personal jurisdiction over the Defendants because 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, Plaintiffs have provided some basis to conclude that Defendants may have reached out and targeted sales to reach out to do business with Illinois residents by operating one or more commercial, interactive e-commerce stores through which Illinois residents can and have purchased products that infringe on U.S. Patent Nos. D737,723 (“the ’D723 patent”), D738,256 ’D256 patent”), D784,195 (“the ’D195 patent”), D785,112 (“the ’D112 patent”) (collectively, “Patents-in-Suit”).

This Court finds that issuing this Order under Federal Rule of Civil Procedure 65(b)(1) is appropriate, because Plaintiffs have presented specific facts in the accompanying declarations and evidence that demonstrate Plaintiffs will suffer immediate and irreparable injury, loss, or damage if the adverse party can be heard in opposition. Specifically, in the absence of an *ex parte* TRO, 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. Proceedings against those who deliberately traffic in infringing merchandise may be ineffective if notice is given to the adverse party. 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. offering for sale, selling, and importing any products not authorized by Plaintiffs and that include any reproduction, copy or colorable imitation of the design claimed in the Patents-in-Suit.
  - b. aiding, abetting, contributing to, or otherwise assisting anymore in infringing upon the Patents-in-Suit; and

c. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) and (b).

2. PayPal, Inc. ("PayPal"), Amazon Pay, Walmart Marketplace payment partner(s), Payoneer.com, (collectively the "Third Party Payment Providers") that provide payment processing services to 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 the Defendant Internet Stores or other online marketplace accounts operated by Defendants, including, without limitation, any online marketplace platforms such as eBay, Amazon.com, and Walmart, web hosts, sponsored search engine or ad-word providers, credit cards, banks, merchant account providers, third party processors and other payment processing service providers, and Internet search engines such as Google, Bing, and Yahoo (collectively, the "Third Party Providers"), shall, within seven (7) days of receipt of this Order:

a. locate all accounts and funds connected to Defendants or the Defendant Internet Stores, including, but not limited to, any email addresses and financial accounts connected to the information listed in Schedule A and any email 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 until further ordered by this Court.

3. The Court authorizes Plaintiffs to serve third-party discovery on an expedited basis, with responses due not less than 10 days after service. The requests shall be proportional to the immediate needs of the case. *See* Fed. R. Civ. P. 26(b)(1). For example, a request for "documents sufficient to show X" is better than a request for "all documents showing X."

Plaintiffs shall consider what documents they genuinely need at this early stage, and shall take into account the burden on third parties. Plaintiffs shall work cooperatively with third parties impacted by this Order and make reasonable, good faith efforts to ease the burdens imposed by Plaintiffs' request for expedited discovery.

4. 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 Defendants' assets until further order by this Court.

5. Plaintiffs may provide notice of these proceedings to Defendants, including notice of the preliminary injunction hearing and service of process under Federal Rule of Civil Procedure 4(f)(3), and any future motions by sending an email to any email addresses provided for Defendants by the Third Party Providers. The Clerk of the Court is directed to issue a single original summons in the name of "MOTOPARTSSUPERSTORE and all other Defendants identified in the Complaint" that shall apply to all Defendants. The combination of providing notice via electronic publication and e-mail, along with any notice that Defendants receive from 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.

6. Complaint and Exhibits 1, 2, 3, 4, and 5; Schedule A attached to the Complaint; Plaintiffs' Motion for entry of a Temporary Restraining Order, including a Temporary Injunction, a Temporary Asset Restraint, and Expedited Discovery, and accompanying supporting memorandum, declarations of Arthur Yuan, Jiawei Ying, and Jinyuan Lei, and Plaintiffs' Motion for Electronic Service of Process Under Fed. R. Civ. P. 4(f)(3), and accompanying supporting memorandum, declaration of Arthur Tan-Chi Yuan, and accompanying exhibits; the Amended


Complaint; Plaintiffs' Notification of Affiliates; and Plaintiffs' Notice of Claims Involving Patents, and this Order shall remain sealed until further ordered by this Court.

7. Plaintiffs shall deposit with the Court One Hundred Thousand Dollars (\$100,000), either cash 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, taking into account the large number of Defendants, such bond to be deposited with the Court once in-person civil case hearings resume.

8. Any Defendants 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 Northern District of Illinois Local Rules. Any third party impacted by this Order may move for appropriate relief.

This Temporary Restraining Order without notice is entered on December 21, 2020 at 5:00 p.m., and shall remain in effect for fourteen (14) days.

Date: December 21, 2020

  
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Steven C. Seeger  
United States District Judge