

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

Collectanea J. Limited,)	
a Hong Kong Limited Corporation)	Case: 24-cv-05184
)	
Plaintiff,)	Judge: Sunil R. Harjani
)	
v.)	Mag. Judge: Jeannice W. Appenteng
)	
The Partnerships And)	
Unincorporated Associations)	
Identified On Schedule "A")	
)	
Defendants.)	
)	

**PLAINTIFF’S MOTION FOR ENTRY OF A PRELIMINARY
INJUNCTION AND INCORPORATED MEMORANDUM OF LAW**

Plaintiff Collectanea J. Limited (“Plaintiff” or “Collectanea”) seeks entry of a Preliminary Injunction against the Defendants identified on Schedule A [Doc. 4]. The scope of the Preliminary Injunction is substantially identical to the Temporary Restraining Order entered on July 2, 2024. [Doc. 16] In support thereof, Plaintiff submits the following Memorandum of Law.

MEMORANDUM OF LAW

I. BACKGROUND AND PROCEDURAL HISTORY

Plaintiff filed the instant civil action on June 21, 2024 [Doc. 1], to combat the willful and intentional counterfeiting and infringement of its federally registered trademark and copyright, which is covered by Trademark Registration No. 4,663,497 (“the Beadnova Mark” hereinafter) and Copyright Registration Nos. VA 2-348-112 and VA 2-348-115 (“the Beadnova Works”

hereinafter”). On June 26, 2024, Plaintiff filed a motion for entry of an ex parte temporary restraining order, including a temporary injunction and temporary asset restraint enjoining the display, distribution, offering for sale, and use of the Beadnova Mark and Works [Doc. 14]. Plaintiff also filed a motion for alternate service [Doc. 12] and expedited discovery [Doc. 13]. On July 2, 2024, this Court granted Plaintiff’s motion for expedited discovery, motion for alternate service, and a two week temporary restraining order. [Doc. 16].

In its Temporary Restraining Order, this Court ordered for Plaintiff to post an \$8,000 bond, as security, as adequate for the payment of damages in the event of a wrongful restraint. [*Id.* at ¶ 11]. Plaintiff attempted to post the bond, however it encountered multiple difficulties. Significantly, Plaintiff has posted bond in multiple infringement actions with similar underlying facts to the instant case. *See Collectanea J. Limited v. The Partnerships, Unincorporated Associations and Individuals Identified on Schedule A*, Case Nos. 24-cv-3821 (N.D. Ill. —)(J. Ellis), 24-cv-4731 (N.D.Ill. —)(J. Alonso), 24-cv-4984 (N.D.Ill. —)(J. Tharp), 24-cv-5462 (N.D.Ill. —)(J. Harjani); *Collectanea J. Limited v. 33 Corner et. al*, Case No. 23-cv-61538 (S.D.Fla. —)(J. Middlebrooks). In each of these pending cases, Plaintiff timely posted bond. However, Plaintiff, a humbly successful ecommerce merchant, attempted in the instant case to proceed to post bond in the instant case through a surety company. After conferring several times with the surety company through the undersigned, Plaintiff was ultimately unable to post bond due to its foreign citizenship. Finally, the 4th of July holiday delayed the ability for Plaintiff to quickly arrange for the financial transactions, as the surety company and banks had limited hours of operation which delayed the ability to more quickly resolve the issues surrounding the posting of bond. Due to these circumstances, the TRO expired in this case prior to Plaintiff’s ability to timely post bond.

At this time, Plaintiff seeks a preliminary injunction and advises this Court that it has transferred funds allocated for bond to its counsel's trust account and is prepared to move forward immediately to post bond should this Court grant its preliminary injunction. In addition, Plaintiff is in receipt of the email addresses provided by the platform associated with the Defendants Identified in Schedule A. Therefore, Plaintiff will be able to serve Defendants with proper notice of the instant motion.

II. ARGUMENT

a. A Preliminary Injunction Extending Relief Already Granted in the TRO Is Appropriate

Plaintiff respectfully requests that this Court grant relief similar to that provided in the TRO to prevent unlawful conduct by Defendants. In cases addressing similar allegations of the Internet-based violation of intellectual property rights, including trademark and copyright infringement, district courts in the Northern District of Illinois and elsewhere regularly issue preliminary injunctions for plaintiffs following a temporary restraining order. *Collectanea J. Limited v. The Partnerships, Unincorporated Associations and Individuals Identified on Schedule A*, Case Nos. 24-cv-3821 (N.D. Ill. —)(J. Ellis), 24-cv-4731 (N.D.Ill. —)(J. Alonso), 24-cv-4984 (N.D.Ill. —)(J. Tharp), 24-cv-5462 (N.D.Ill. —)(J. Harjani); *Collectanea J. Limited v. 33 Corner et. al*, Case No. 23-cv-61538 (S.D.Fla. —)(J. Middlebrooks).

b. This Court Has Already Found that the Requirements for a Preliminary Injunction Have Been Satisfied

Since the standard for granting a TRO and the standard for granting a preliminary injunction are identical in this Circuit, the requirements for entry of a preliminary injunction extending the TRO have been satisfied. *See, e.g. Charter Nat'l Bank & Trust v. Charter One Fin., Inc.*, No. 1:01-cv-00905 at *1 (N.D. Ill. May 15, 2001) (citations omitted). A temporary restraining order or preliminary injunction may be issued upon a showing that: "(1) there is a

reasonable likelihood that Plaintiff will succeed on the merits; (2) Plaintiff will suffer irreparable injury if the order is not granted because there is no adequate remedy at law; (3) the balance of hardships tips in Plaintiff's favor; and (4) the public interest will not be disserved by the injunction." *Columbia Pictures Indus., Inc. v. Jasso*, 927 F. Supp. 1075, 1076 (N.D. Ill. 1996). By virtue of this Court's entry of the TRO, it has found that the above requirements have been satisfied.

Plaintiff respectfully submits that the expiration of the TRO does not change the facts which this Court relied upon in finding that an injunction and asset restraint was appropriate. Indeed, the ownership of the Beadnova Mark and the Beadnova Works has not changed, nor has any of the evidence which was relied upon for the temporary injunction order issued by this Court. Finally, Plaintiff believes that due to the knowledge of Walmart's disbursement schedule, the assets likely have not been changed. Plaintiff fears that it will suffer injury if this Court does not issue a preliminary injunction and asset restraint in this case.

c. The Equitable Relief Sought Remains Appropriate

The Lanham Act authorizes courts to issue injunctive relief "according to 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..." 15 U.S.C. § 1116(a). Likewise, the Copyright Act provides that courts may grant injunctive relief "on such terms as it may deem reasonable to prevent or restrain infringement of a copyright." 17 U.S.C. § 502(a).

In the instant case, Plaintiff requests that the Court grant relief which it had found appropriate only nineteen days ago. Plaintiff respectfully submits that the circumstances have not changed. In the absence of a preliminary injunction, Defendants will likely attempt to move any assets from any accounts in U.S.-based financial institutions to an offshore account, thus denying Plaintiff the equitable remedy of an accounting for profits.

III. CONCLUSION

In view of the foregoing, Plaintiff respectfully requests that this Court enter the preliminary injunction in the form submitted herewith.

Respectfully submitted this 23rd day of July, 2024.

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