

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

Collectanea J. Limited, a Hong Kong Limited Corporation)	
)	Case: 1:24-cv-05462
Plaintiff,)	
)	Judge: Sunil R. Harjani
v.)	
)	Mag. Judge: Jeffrey Cole
)	
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 pursuant to Fed.R.Civ.P. 65(a) against the Defendants identified on the Schedule A as numbers 1-10. The scope of the Preliminary Injunction is identical to the Temporary Restraining Order entered on July 11, 2024 [Doc. 15] and the Extension of Temporary Restraining Order entered on July 19, 2024 [Doc. 18]. In support thereof, Plaintiff submits the following Memorandum of Law.

MEMORANDUM OF LAW

I. PROCEDURAL HISTORY

Plaintiff filed the instant civil action on June 28, 2024, to combat the willful and intentional infringement of its federally registered copyrights, which are covered by Copyright Registration Nos. VA 2-348-112 and VA 2-348-115 (“the Beadnova Works” hereinafter”). [Doc. 1 at ¶¶ 3, 10]. Plaintiff filed its Amended Complaint on July 2, 2024 [Doc. 6]. The Complaint

alleges that Defendants, who are individuals, partnerships and unincorporated associations identified on Schedule “A” (hereinafter “Defendants”), willfully and intentionally infringed on Plaintiff’s Beadnova Works to promote, advertise, display, and offer for sale various beaded jewelry related products. [Doc. 6 at ¶¶ 21-22]. Defendants engage in this activity within this district and throughout the United States by operating storefronts on the Amazon platform, as identified by the Seller Name (“Seller IDs” hereinafter). [Declaration of Yu Chung Ting at Doc. 8 at ¶¶ 16-18]. As provided in the Declaration of Yu Chung Ting, Plaintiff has obtained evidence demonstrating that Defendants use Seller IDs over the Internet to advertise, offer for sale, and display the Beadnova Works utilizing Plaintiff’s registered photographs in the listings. (*Id.*). By these activities as described in the Declaration of Yu Chung Ting and the Declaration of Lydia Pittaway, Defendants are defrauding Plaintiff and the consuming public for their own gain. [Doc. 8 at ¶¶17-21; Doc. 13-1].

As a result of the irreparable harm through the loss of exclusivity to Plaintiff and the loss of goodwill, 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 Works [Doc. 13]. Plaintiff also filed a motion for alternate service [Doc. 12] and expedited discovery [Doc. 11]. On July 11, 2024, this Court granted Plaintiff’s motion for expedited discovery, motion for alternate service, and motion for temporary restraining order. [Doc. 15]. On July 19, 2024, Plaintiff moved to extend the TRO for fourteen days. [Doc. 17]. On July 19, 2024, this Court granted Plaintiff’s motion to extend the TRO. [Doc. 18]. Plaintiff now moves to convert the Temporary Restraining Order into a Preliminary Injunction.

II. ARGUMENT

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

Plaintiff respectfully requests that this Court convert the TRO to a preliminary injunction to prevent further unlawful conduct by Defendants. In cases addressing similar allegations of Internet-based copyright infringement, this Court and others in the Northern District of Illinois regularly convert temporary restraining orders into preliminary injunctions. *Collectanea J. Limited v. The Partnerships, Unincorporated Associations and Individuals Identified on Schedule A*, Case Nos. 24-cv-3821 (N.D. Ill. —)(J. Ellis)(Doc. 33), 24-cv-4731 (N.D.Ill. —)(J. Alonso)(Doc. 29), 24-cv-4984 (N.D.Ill. —)(J. Tharp)(Doc. 14); Case No. 24-cv-05184 (N.D.Ill. —)(J. Harjani)(Doc. 15); *Collectanea J. Limited v. 33 Corner et. al*, Case No. 23-cv-61538 (S.D.Fla. —)(J. Middlebrooks)(Doc. 43).

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.

c. The Equitable Relief Sought Remains Appropriate

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).

A party seeking to obtain a preliminary injunction must demonstrate:

- (1) a substantial likelihood of success on the merits,
- (2) a substantial threat of irreparable injury if the injunction were not granted,
- (3) that the threatened injury to the plaintiff outweighs the harm an injunction may cause the defendant, and
- (4) that granting the injunction would not disserve the public interest.

Plaintiff requests conversion of the TRO to a preliminary injunction so that Defendants’ accounts in U.S.-based financial institutions remain restrained. Since the entry of the TRO, the e-commerce platform has restrained accounts used to advertise, market, and list products for sale utilizing Plaintiff’s registered Beadnova Works. 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.

This Court has already found that Plaintiff has met the requirements for a Temporary Restraining Order by virtue of its prior orders implementing a TRO. Plaintiff respectfully relies upon its prior recitation of facts in its Amended Complaint (D.E. 6), Motion for Temporary Restraining Order (D.E. 13) and Motion for Extension of Temporary Restraining Order (D.E. 17) to support the argument that immediate and irreparable injury, loss, or damage will result to the movant without the relief requested. By virtue of this Court’s prior orders granting the temporary restraining order and extension of the temporary restraining order, this Court has already found that immediate and irreparable harm will be mitigated or prevented by asset restraint. Plaintiff respectfully submits that there has been no change in circumstances which would affect this Court’s reconsideration of any immediate and irreparable injury, loss, or damage to movant

without the relief requested herein. 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 accounting for profits.

III. CONCLUSION

In view of the foregoing, Plaintiff respectfully requests that this Court grant Plaintiff's motion for preliminary injunction and enter the preliminary injunction in the form submitted herewith.

Respectfully submitted this 1st of August 2024,

BY: /s/ Michael T. Stanley

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