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

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| Yiwu Baimei Electronic Commerce Co., Ltd., a Chinese Limited Corporation | ) | Case: 1:24-cv-02743 |
| Plaintiff, | ) | Judge: Sharon Johnson Coleman |
| v. | ) | Mag. Judge: Jeffrey T. Gilbert |
| The Partnerships And Unincorporated Associations Identified On Schedule "A" | ) | |
| Defendants. | ) | |

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

Plaintiff Yiwu Baimei Electronic Commerce Co., Ltd. ("Plaintiff" or "Baimei") seeks entry of a Preliminary Injunction against the Defendants identified on the Amended Schedule A [Doc. 10]. The scope of the Preliminary Injunction is substantially identical to the Temporary Restraining Order entered on May 14, 2024. [Doc. 18] 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 April 5, 2024 [Doc. 1], to combat the willful and intentional counterfeiting and infringement of its federally registered trademark, which is covered by U.S. Trademark Registration No. 5,805,891 ("the Mark" hereinafter") and its federally registered copyright, which is covered by U.S. Copyright Registration No. VA 2-330-282 ("the Long Tail Cat Image") [Doc. 1 at ¶¶ 5-8]. On April 11, 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 Mark and the Long Tail Cat Image [Doc. 16]. Plaintiff also filed a motion for alternate service [Doc. 15] and expedited discovery [Doc. 14]. On May 14, 2024, this Court granted Plaintiff's motion for expedited discovery, motion for alternate service, and motion for temporary restraining order, with the TRO becoming effective on May 14, 2024 [Doc. 19]. On May 23, 2024, Plaintiff moved to extend the TRO for fourteen days. [Doc. 21]. This Court granted Plaintiff's motion to extend the TRO on May 28, 2024. [Doc. 22], extending the TRO to June 11, 2024. On June 11, 2024 Plaintiff's second motion to extend he TRO was granted to extend the TRO to June 25, 2024 [Doc. 25].

## 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 the Internet-based violation of intellectual property rights, including trademark infringement, counterfeiting and copyright infringement, this Court and others in the Northern District of Illinois regularly issue preliminary injunctions following a temporary restraining order, including in favor of Plaintiff. *See Bad Vibes Forever, LLC v. The Partnerships, et al.*, Case No. 1:22-cv-00785, (N.D. Ill. April 6, 2022) (Valderrama, J.) (Doc. 24); *Shenzhen Dejiayun Network Technology Co., Ltd. v. The Partnerships, et al.*, Case No. 21-cv-6607 (N.D. Ill. Jan. 24, 2022) (Kocoras, J.) (Doc. 27); *Luxottica Group S.p.A. v. The Partnerships, et al.*, Case No. 22-cv-02425 (N.D. Ill. June 15, 2022) (Guzman, J.) (Doc. 39).

**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 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).

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 facilitate the sale of counterfeit and infringing Plaintiff's Products. 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. As shown by the orders cited above, this Court and others in the Northern District of Illinois regularly grant requests for similar injunctive relief as that requested by Plaintiff here.

## 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 21st day of June, 2024,

/s/ Michael T. Stanley

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