

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

Yiwu Baimei Electronic Commerce Co., Ltd.,)	
a Chinese Limited Corporation)	Case: 24-cv-11216
)	
Plaintiff,)	Judge: Lindsay C. Jenkins
)	
v.)	Mag. Judge: Jeffrey T. Gilbert
)	
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 Yiwu Baimei Electronic Commerce Co., Ltd. (“Plaintiff” or “Baimei”) seeks entry of a Preliminary Injunction against the Defendants identified on the Second Amended Schedule A [Doc. 16]. The scope of the Preliminary Injunction is substantially identical to the Temporary Restraining Order entered on November 21, 2024 [Doc. 18] and extended on December 3, 2024 [Doc. 20]. 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 October 31, 2024 [Doc. 1] to combat the willful and intentional infringement of its federally registered Copyright Registrations Nos. VA 2-270-357, VA 2-270-532, VA 2-270-548, VA 2-270-545, VA 2-270-544, VA 2-270-547, VA 2-270-546, VA 2-265-759 (hereinafter referred to collectively as “the Hollow Halloween Works”). On November 14, 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 Hollow Halloween Works Images [Doc. 14]. Plaintiff also filed a motion for alternate service [Doc. 13] and expedited discovery [Doc. 12]. On November 21, 2024, this Court granted Plaintiff's motion for expedited discovery, motion for alternate service, and motion for temporary restraining order [Doc. 18]. On November 27, 2024, Plaintiff moved to extend the TRO for fourteen days. [Doc. 19]. On December 3, 2024, this Court granted Plaintiff's motion to extend the TRO through December 19, 2024. [Doc. 20].

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 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 Ali Gulec v. The Partnerships and Unincorporated Associations Identified on Schedule A*, Case No. 1:22CV06276 (N.D.Ill. Jan. 19, 2023)(Shah, J.); *Yiwu Baimei Electronic Commerce Co., Ltd. v. The Partnerships and Unincorporated Associations Identified On Schedule A*, Case No. 24-cv-8704 (N.D.Ill. —)(Jenkins, J.); *Vista Outdoor Operations, LLC v. The Partnerships and Unincorporated Associations Identified on Schedule "A"*, Case No. Case No. 23-cv-3584 (N.D. Ill. June 15, 2023), (Hunt, J.).

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 display and facilitate the sale of products utilizing the Hollow Halloween 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. 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 9th day of December, 2024,

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