

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

SOCIETE POUR L'OEUVRE ET LA
MEMOIRE D'ANTOINE DE SAINT
EXUPERY - SUCCESSION DE SAINT
EXUPERY-D'AGAY,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE A HERETO,

Defendants.

Case No. 24-cv-5737

Judge Sunil R. Harjani

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on SOCIETE POUR L'OEUVRE ET LA MEMOIRE D'ANTOINE DE SAINT EXUPERY - SUCCESSION DE SAINT EXUPERY-D'AGAY's Motion for a Preliminary Injunction Against Defendants, and this Court having considered the evidence before it hereby GRANTS Plaintiff's Motion for Entry of a Preliminary Injunction in its entirety against Defendants identified in Amended Schedule A attached hereto (collectively, the "Defendants").

THIS COURT HEREBY FINDS that it has personal jurisdiction over Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents

can purchase products bearing infringing and/or counterfeit versions of Plaintiff's THE LITTLE PRINCE Trademarks (the "THE LITTLE PRINCE Products").

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order ("TRO") should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of Plaintiff's previously granted Motion for a Temporary Restraining Order establishes that Plaintiff has a likelihood of success on the merits; that no remedy at law exists; and that Plaintiff will suffer irreparable harm if the injunction is not granted.

Specifically, Plaintiff has made a *prima facie* showing of trademark infringement because (1) THE LITTLE PRINCE Trademarks are distinctive marks and registered with the U.S. Patent and Trademark Office on the Principal Register as U.S. Trademark Registration Nos. 2,695,996; 5,706,587; 5,706,588; 5,706,589; and 5,751,737 for THE LITTLE PRINCE marks, (2) Defendants are not licensed or authorized to use THE LITTLE PRINCE Trademarks, and (3) Defendants' use of THE LITTLE PRINCE Trademarks are causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with SOCIETE POUR L'OEUVRE ET LA MEMOIRE D'ANTOINE DE SAINT EXUPERY - SUCCESSION DE SAINT EXUPERY-D'AGAY. Furthermore, Defendants continued and unauthorized use of THE LITTLE PRINCE Trademarks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Plaintiff has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions.

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 enjoined and restrained from:
 - a. using Plaintiff's THE LITTLE PRINCE Trademarks or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine THE LITTLE PRINCE Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's THE LITTLE PRINCE Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine THE LITTLE PRINCE Product or other product produced by Plaintiff, that is not Plaintiff's or is not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's THE LITTLE PRINCE Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
 - d. further infringing Plaintiff's THE LITTLE PRINCE Trademarks and damaging Plaintiff's goodwill;
 - e. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be

sold or offered for sale, and which bear Plaintiff's THE LITTLE PRINCE Trademarks or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof; and

- f. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts or any other online marketplace account that is being used to sell Counterfeit THE LITTLE PRINCE Products;
2. Each Defendant, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) their true name and physical address, (b) all websites and online marketplace accounts on any platform that it owns and/or operates (c) their financial accounts, including all Alibaba Group Holding Ltd. and any related Alibaba entities ("Alibaba"), Alipay.com Co., Ltd. ("Alipay"), Amazon.com ("Amazon"), eBay.com ("eBay"), and PayPal.com ("PayPal") accounts, and (d) the steps taken by that Defendant to comply with paragraph 1, a through f, above.
3. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as iOffer, Alibaba, Alipay, Amazon, eBay, PayPal, social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Online Marketplace Accounts, and domain name registrars, shall within three (3) business days of receipt of this Order:
- a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using THE LITTLE PRINCE Trademarks, including any Alibaba, Alipay, Amazon, eBay and PayPal accounts associated with the Defendants listed in Amended Schedule A; and

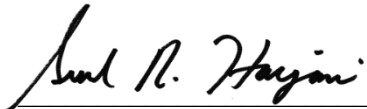
- b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using THE LITTLE PRINCE Trademarks;
- 4. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
- 5. Alibaba and Alipay shall, within five (5) business days of receipt of this Order, for Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any Alibaba and Alipay accounts connected to the information listed in Amended Schedule A hereto; 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.
- 6. Amazon shall, within five (5) business days of receipt of this Order, for Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any Amazon accounts connected to the information listed in Amended Schedule A hereto; 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.

7. eBay shall, within five (5) business days of receipt of this Order, for Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any eBay accounts connected to the information listed in Amended Schedule A hereto; 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.
8. PayPal shall, within five (5) business days of receipt of this Order, for Defendants' Online Marketplace Accounts or websites:
 - c. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any PayPal accounts connected to the information listed in Amended Schedule A hereto; and
 - d. 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.
9. Plaintiff may provide notice of these proceedings to Defendants, including notice of any future hearings and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Amended Complaint, this Order and other relevant documents on a website and by sending an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Olivier d'Agay and any e-mail addresses provided for Defendants by third parties accompanied by a link to the website where the above-identified documents are

located. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from domain name registrars and 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.

10. Plaintiff's Amended Complaint [Dkt. No. 36], Schedule A [Dkt. No. 37], Exhibit 2 to the Declaration of Olivier d'Agay [Dkt. No. 47], and the TRO [Dkt. No. 49] are unsealed.
11. Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Plaintiff or on shorter notice as set by this Court.

Dated: November 12, 2024

A handwritten signature in black ink, reading "Sunil R. Harjani". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Sunil R. Harjani
United States District Judge

AMENDED SCHEDULE A

No.	Defendant Name / Alias
2	candy.bean-4
3	eveningstore f
4	jewelry-apple
5	lskoc858
7	mark-shop-week
8	miss you18
9	muou h
10	ubigface
11	zihual-hengzhf22
12	zmny169
13	Guangzhou Linke International Trade Co., Ltd.
14	Nanchang Yong Guan Trading Co., Ltd.
21	flyone-6
22	ha-smile-5
24	home-lifehao
29	liannao16
30	majfmfu69
33	new beauty7
34	oqrzj 36
39	shang-fn4
43	wedding4426
46	xiuying1-hfhzhe
47	yanz1520
48	zta7_53
58	henan sugudianzishangwu youxian gongsi
78	Xihou Trading
124	Lianyungang Yuzongwang International Trade Co., Ltd.
125	Quanzhou Conris Electronic Technology Co., Ltd.
148	Yiwu KM Crafts Co., Ltd.
150	Yiwu Mengqiu E-Commerce Firm