

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

HONG KONG YU'EN E-COMMERCE CO. LIMITED,	)	
	)	
	)	
Plaintiff,	)	Case No: 1:24-cv-12483-EEB-
	)	MDW
v.	)	
	)	
THE INDIVIDUALS, CORPORATIONS,	)	Honorable Judge Elaine E. Bucklo
LIMITED LIABILITY COMPANIES,	)	Magistrate M. David Weisman
PARTNERSHIPS AND UNINCORPORATED	)	
ASSOCIATIONS IDENTIFIED IN	)	
SCHEDULE "A" HERETO,	)	
	)	
Defendants.	)	

**DECLARATION OF ZHENG GAO
IN SUPPORT OF DEFENDANT FUNLINGO'S
MOTION TO DISSOLVE PRELIMINARY INJUNCTION AND
FOR LEAVE TO CONDUCT EXPEDITED DISCOVERY**

I, Zheng Gao, an attorney admitted in this Court, declare as follows

1. I am a member of Reid & Wise, LLC, attorneys for FUNLINGO, a defendant in this case. I am familiar with the facts and circumstances of this case as contained in the file in my office. I base my declaration upon my personal knowledge, the review of document(s) referenced herein, and records and files kept by my office.

2. I respectfully submit this declaration in support of defendant FUNLINGO's motion to dissolve preliminary injunction and for leave to conduct expedited discovery ("Motion").

3. Exhibit A referenced in the Motion memorandum is a true copy of the list of 129 URLs Plaintiff has provided to Funlingo, which, according to Plaintiff, constitutes the evidence of

Funlingo's trademark infringement.

4. Exhibit B referenced in the Motion memorandum is a print-to-PDF of the URL:
<https://www.amazon.com/Funlingo-Square-Coverage-3X-Large/dp/B0C8RZL9Y9?th=1&psc=1>.
5. Exhibit C referenced in the Motion memorandum is a print-to-PDF of the URL:
<https://www.amazon.com/Funlingo-Square-Coverage-3X-Large/dp/B0C8RZL9Y9?th=1&psc=1>.
6. Exhibit D referenced in the Motion memorandum is a print-to-PDF of the URL:
<https://www.amazon.com/dp/B0C8RZL9Y9>.
7. Exhibit E referenced in the Motion memorandum is a print-to-PDF of the URL:
<https://www.amazon.com/coca-cola/dp/B0C8RZL9Y9>.
8. Exhibit F referenced in the Motion memorandum is a print-to-PDF of the URL:
<https://www.amazon.com/clarks/dp/B0C8RZL9Y9>.
9. Exhibit G referenced in the Motion memorandum is a print-to-PDF of the URL:
<https://www.amazon.com/Modlily/dp/B06XCPQPLC?th=1>.
10. Exhibit H referenced in the Motion memorandum is a print-to-PDF of the Civil Docket for Case #: 1:24-cv-11029 ("Former Action"), which was originally captioned "*XYZ Corporation v. The Individuals, Corporations, Limited Liability Companies, Partnerships, and Unincorporated Associations Identified in Schedule A Hereto*," and was later changed to "*Hong Kong YuEn E-Commerce Co., Ltd. v. USA 1st Store (Zando Exclusive Agency)*."
11. Exhibit I referenced in the Motion memorandum is a true copy of the original complaint filed in the Former Action on October 25, 2024, Case: 1:24-cv-11029 Document #: 1.
12. Exhibit J referenced in the Motion memorandum is a true copy of the transcript of the hearing held on November 12, 2024, before Judge Jeremy C. Daniel in the Former Action, Case: 1:24-cv-11029 Document #: 16.

13. Exhibit K referenced in the Motion memorandum is a true and complete copy of my email with Plaintiff's counsel from February 13, 2025, to March 6, 2025.

14. On February 13, 2025, I wrote an email to Plaintiff's counsel, asking why Funlingo was not "listed as a defendant in either the First Amended Complaint [Dkt. #27] or its Schedule A (Exhibit 2) [Dkt. #27.2]" (see Ex. K at 10).

15. On the same day, Plaintiff's counsel responded that "[a]n erroneous list was attached as Exhibit 2 [Dkt No. 27-2] while unsealing the original complaint and re-attaching the original Schedule A on the first amended complaint, which has now been corrected [Dkt No. 40]" (see Ex. K at 10).

16. On February 26, 2025, I wrote an email to Plaintiff's counsel, asking for (1) documents Plaintiff had filed under seal in this case, (2) documents Plaintiff has received from Amazon through Court-permitted expedited discovery, and (3) the Schedule A filed by Plaintiff in the Former Action. In my email, I explained the reason for the requests and their relevance to Funlingo's potential motion to dissolve the preliminary injunction, motion to dismiss, and possibly a Rule 11 motion (see Ex. K at 8-9).

17. I did not receive a response from Plaintiff's counsel until after I sent a follow-up email the next day, on February 27, 2025, in which I stated that I would interpret Plaintiff's silence as a refusal and asked whether Plaintiff would object to our motion for expedited discovery (see Ex. K at 7-8).

18. On February 27, 2025, Plaintiff's counsel, Ms. Freeman, eventually responded, and we scheduled a Zoom conference to discuss (see Ex. K at 7).

19. On February 28, 2025, at 2:00 PM CST, I had a Zoom conference with Ms. Freeman, during which I explained again why Funlingo needed the requested documents.

20. Through screen-sharing, I also showed Ms. Freeman, step-by-step, why the appearance of “Modlily” in the post-domain URLs was not evidence of infringement. On the shared screen, I typed the first URL from the list (see Ex. A), “<https://www.amazon.com/Funlingo-Square-Modlily-Coverage-3X-Large/dp/B0C8RZL9Y9?th=1&psc=1>,” into my web browser, and this URL directed me to the Amazon webpage selling “Funlingo 2024 Women’s Long Sleeve Tops Dressy Pleated Square Neck Tunic Blouses Casual Loose Shirts” (see Ex. B). Then I deleted “Modlily” from that URL, and the resulting URL – “<https://www.amazon.com/Funlingo-Square-Coverage-3X-Large/dp/B0C8RZL9Y9?th=1&psc=1>” – directed me to the same webpage (see Ex. C). I then inserted “coca-cola” between “www.amazon.com/” and “/dp/B0CRZL9Y9,” and the resulting URL, “<https://www.amazon.com/coca-cola/dp/B0C8RZL9Y9>,” still directed me to this website (see Ex. E).

21. I asked Ms. Freeman how Plaintiff obtained the 129 URLs. Ms. Freeman stated that she was newly assigned to this case after Mr. Mangano left, and that she needed time to investigate what I showed her before she could answer my question.

22. We also discussed Funlingo’s request for the “Schedule A” Plaintiff filed under seal in the Former Action (“[Case: 1:24-cv-11029, Document #: 2-2](#)”). Ms. Freeman raised concerns that disclosing the identity of the 20 defendants listed in the sealed Schedule A might alert them and thus cause irreparable harm to Plaintiff’s investigation. I expressed my understanding of her concern but asked her to at least provide an answer as to whether Funlingo was listed in that Schedule A.

23. Ms. Freeman and I agreed to have another conference on Tuesday, March 4, 2025, at 1:00 PM CST, and I immediately sent a Zoom link for the conference (see Ex. K at 4).

24. However, Ms. Freeman did not show up on March 4, 2025, and suggested

rescheduling the conference to March 5, 2025, or March 6, 2025 (see Ex. K at 3).

25. I immediately responded, asking for her availability on March 5, 2025 at 10:00 AM CST, but did not receive a response (see Ex. K at 2-3).

26. I tried to call Ms. Freeman on March 5, 2025, at 10:00 AM CST, but could not reach her. Therefore, I left a voice message asking her to call me back and promptly sent a follow-up email (see Ex. K at 2). I did not receive her call back.

27. I tried to call Ms. Freeman again in the morning of March 6, 2025, but still could not reach her. After leaving a voice message, I sent her an email informing her that Funlingo would not wait any longer and would proceed with moving the Court for expedited discovery, to dissolve the preliminary injunction, to dismiss, and to impose Rule 11 sanctions, and asked if Plaintiff would object to these motions (see Ex. K at 2).

28. Ms. Freeman eventually responded to my email, stating that she had been tied up the day before, and, with respect to Funlingo's intended motions, stated that Plaintiff "would not oppose your motion to obtain the sealed documents in this case, as that is your right ... but would oppose a motion for expedited discovery, sanctions, and dissolution of the [preliminary injunction]" (see Ex. K at 1).

29. Funlingo will file an Unopposed Motion for Access to Documents Filed Under Seal, concurrently with this motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 7, 2025.

/s/ Zheng Gao
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