

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

SNEAKER MATCH, LLC,
an Arizona Limited Liability Company,

Plaintiff,

v.

JOHN DOES 1-10,

Defendants.

Case No.: 1:20-cv-06563

Honorable Mary M. Rowland

Magistrate Judge Heather K. McShain

PLAINTIFF’S MOTION FOR ENTRY OF PRELIMINARY INJUNCTION

Plaintiff Sneaker Match, LLC (“Plaintiff” or “Sneaker Match”) hereby moves this Honorable Court for entry of a Preliminary Injunction. The scope of the Preliminary Injunction is substantially identical to the Temporary Restraining Order entered November 18, 2020. [18]. In support of its Motion, Plaintiff files herewith its attached Memorandum in Support, Proposed Preliminary Injunction, and a further Declaration of Amanda Osorio.

Respectfully submitted,

Date: December 01, 2020

Sneaker Match, LLC

/s/Amanda Osorio
Amanda Osorio
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**MEMORANDUM IN SUPPORT OF PLAINTIFF’S MOTION FOR ENTRY OF PRELIMINARY
INJUNCTION**

Plaintiff Sneaker Match, LLC (“Plaintiff” or “Sneaker Match”) submits this Memorandum in support of its Motion for Entry of a Preliminary Injunction (“Injunction”).

MEMORANDUM OF LAW

I. INTRODUCTION

Plaintiff Sneaker Match, LLC (“Plaintiff” or “Sneaker Match”) brings this action against defendants John Does identified via several aliases and associations on Schedule A to the Amended Complaint (collectively, the “Defendants”) for trademark infringement, counterfeiting, false designation of origin, and copyright infringement against the Defendants. As alleged in Sneaker Match’s Amended Complaint [09], Defendants are promoting, advertising, marketing, distributing, offering for sale, and selling products, including clothing and fashion accessories, using infringing and counterfeit versions of Sneaker Match’s federally registered trademarks, unauthorized copies of Sneaker Match’s federally registered copyrighted designs, or both (collectively, the “Unauthorized Sneaker Match Products”), through, at least, the fully interactive, e-commerce stores operating under several aliases, via online marketplaces, and at several domain names (collectively “Seller Aliases”).

II. STATEMENT OF FACTS

On November 18, 2020, this Court granted Sneaker Match’s Motion for Entry of a Temporary

Restraining Order (“TRO”). [18] The TRO authorized Sneaker Match to provide notice of these proceedings to Defendants by electronically publishing a link to the Amended Complaint, the TRO, and other documents on a website to which the domain names transferred to Plaintiff’s control redirect, or by sending an email to the email addresses identified for Defendants provided by third parties. [18] at ¶ 9.

Since the entry of the TRO, several financial accounts have been identified and frozen and several of the Defendants’ domain names have been transferred to Plaintiff’s control. Plaintiff is still in the process of requesting transfer of the domain names and closing of the Defendants’ marketplace seller accounts. Furthermore, Plaintiff is waiting for full compliance with the expedited discovery requests as to third parties which will facilitate further identification of the Defendants. Defendants continue to act in bad faith as evidenced by the fact that as soon as Plaintiff effectuates the transfer of a domain name, the same or similar website is created under another domain name. Exhibit A – A. Osorio Declaration

Sneaker Match respectfully requests that this Court convert the TRO to a Preliminary Injunction against Defendants, so that they remain enjoined from the manufacture, importation, distribution, offering for sale, and sale of Unauthorized Sneaker Match Products during the pendency of this litigation. As part of the Preliminary Injunction, Sneaker Match requests that the Domain Names remain in Sneaker Match’s control and that Defendants’ financial accounts remain frozen until completion of these proceedings. Sneaker Match further requests that the Court Order the transfer of additional domain names, closing of the marketplace seller accounts, and the freezing of financial accounts found to be additional aliases of Defendants via further discovery. Sneaker Match provides a slightly edited version of the TRO attached as Exhibit B – Proposed Preliminary Injunction Order with the foregoing clarification regarding subsequently discovered aliases of Defendants.

III. ARGUMENT

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

Sneaker Match respectfully requests that this Court convert the TRO to a preliminary injunction to prevent further unlawful conduct by Defendants. Courts addressing similar

allegations of Internet-based counterfeiting have also issued preliminary injunctions following a temporary restraining order. *See, e.g., Deckers Outdoor Corporation v. The Partnerships, et al.*, No. 15-cv- 3249 (N.D. Ill. May 6, 2015) (unpublished).

i. 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, 2001 WL 527404, 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 already found that the above requirements have been satisfied.

ii. 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).

1. *The Domain Name Transfer Order Remains Appropriate*

Sneaker Match seeks a conversion of the TRO issued by this Court on November 18, 2020, allowing Sneaker Match to retain control of the Domain Names until the completion of these proceedings. To prevent the Defendants from further manufacture, importation, distribution, offering for sale, and sale of Unauthorized Sneaker Match Products and to provide notice to

Defendants regarding these proceedings, Sneaker Match respectfully requests that the injunctive relief already awarded be extended through the pendency of this case. Sneaker Match further requests that the Order make clear to third parties that Defendants' Domain Names may not have been included on Plaintiff's Schedule A – Defendants' Aliases but include all infringing domain names connected to Defendants' infringement scheme as identified by Plaintiff via further research and third party discovery.

2. *The Asset Restraining Order Remains Appropriate*

Sneaker Match also requests conversion of the TRO to a preliminary injunction so that Defendants' accounts remain frozen. Since entry of the TRO, PayPal, Inc. ("PayPal"), Wish.com, and Amazon have provided Plaintiff with information, including the identification of several financial accounts linked to the Seller Aliases which were offering for sale and/or selling Unauthorized Sneaker Match Products. In the absence of a preliminary injunction, Defendants may attempt to transfer financial assets to off-shore accounts. Therefore, Defendants' assets should remain frozen for the remainder of the proceedings.

The amount of damages to which Sneaker Match is entitled as set forth in the Amended Complaint far exceeds any amount contained in any of the Defendants' frozen financial accounts. For example, Sneaker Match's prayer for relief requests statutory damages of \$2 million from each Defendant. [09]. In addition, and as established in Sneaker Match's TRO Memorandum [], many federal courts, including the Northern District of Illinois, have granted orders preventing the fraudulent transfer of assets. *See, e.g., Lorillard Tobacco Co. v. Montrose Wholesale Candies & Sundries, Inc.*, No. 1:03-cv-04844, 2005 WL 3115892 (N.D. Ill. Nov. 8, 2005). As such, an order continuing to freeze the Defendants' assets should be granted.

II. CONCLUSION

In view of the foregoing, Sneaker Match respectfully requests that this Court enter the

preliminary injunction.

Respectfully submitted,

Date: December 01, 2020

Sneaker Match, LLC

/s/Amanda Osorio

Amanda Osorio

Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on the first day of December 2020, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, and on December 02, 2020, I will electronically publish the documents on a website to which the Domain Names that have been transferred to Dior's control now redirect, and I will send an e-mail any e-mail addresses identified for Defendants or provided for Defendants by third parties that includes a link to said website.

Date: December 01, 2020

Sneaker Match, LLC

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