

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

CANVASFISH.COM, LLC,  
a Montana Limited Liability Company,

Plaintiff,

Case No.: 1:21-cv-3676  
Hon Virginia M. Kendall

v.

JOHN DOES 1-XX,

Defendants.

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**SEALED TEMPORARY RESTRAINING  
ORDER AND ORDER FOR ELECTRONIC  
SERVICE OF PROCESS**

THIS CAUSE being before the Court on Plaintiff Canvasfish.com LLC's ("Plaintiff" or "Canvasfish") *Ex Parte* Motion for Entry of a Temporary Restraining Order, including a Temporary Injunction, a Temporary Asset Restraint, and Expedited Discovery, and Motion for Electronic Service of Process Pursuant to Fed. R. Civ. P. 4(f)(3) (the "Motions") against the fully interactive, e-commerce stores operating under the aliases identified in the Complaint, and this Court having heard the evidence before it hereby GRANTS Plaintiff's Motions in their entirety.

- a. This Court further finds that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more aliases and domains identified in Schedule A, offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, have sold products bearing unauthorized copies of the Canvasfish Copyrighted Works (including U.S. Copyright Registration Nos. VA 1-910-379, VA 1-992-855, VA 1-934-603, VA 1-900-160, VA 2-076-270, VA 1-970-688, VA 1-934-679, VA 1-934-674, VA 1-970-688, VA 1-934-676, VA 1-934-591, VA 1-970-688, VA 1-970-693, VA 1-934-744, VA 2-101-364, VA 2-218-646, VA 1-934-684, VA 1-934-681, VA 2-076-246, VA 1-934-685, VA 1-917-463, VA 2-076-204, VA 1-934-627, VA 1-934-647, VA 1-

934-677) and/or using infringing and counterfeit versions of the Plaintiff's trademark: DEYOUNG (USPTO Reg. No. 6,157,362).

This Court also finds that issuing this Order without notice pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure is appropriate because Plaintiff has presented specific facts in the Declaration of Derek DeYoung in support of the Motion for Temporary Restraining Order and accompanying evidence clearly showing that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition. Specifically, in the absence of an *ex parte* Order, defendants could and likely would move any assets from accounts in financial institutions under this Court's jurisdiction to offshore accounts. As other courts have recognized, proceedings against those who deliberately traffic in counterfeit merchandise are often useless if notice is given to the adverse party. Accordingly, this Court orders that:

1. Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily enjoined and restrained from:
  - a. using Canvasfish's DEYOUNG mark, or any 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 Canvasfish Product or not authorized by Canvasfish to be sold in connection with the DEYOUNG mark;
  - b. reproducing, distributing copies of, making derivative works of, or publicly displaying the Canvasfish Copyrighted Works in any manner without the express authorization of Canvasfish;

- c. passing off, inducing, or enabling others to sell or pass off any product as a genuine Canvasfish product or any other product produced by Canvasfish, that is not Canvasfish's or not produced under the authorization, control or supervision of Canvasfish and approved by Canvasfish for sale under the DEYOUNG mark and/or the Canvasfish Copyrighted Works;
  - d. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Canvasfish, or are sponsored by, approved by, or otherwise connected with Canvasfish;
  - e. further infringing the DEYOUNG mark, and/or the Canvasfish Copyrighted Works and damaging Canvasfish's goodwill and reputation; and
  - f. manufacturing, shipping, delivering, importing, 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 Canvasfish, nor authorized by Canvasfish to be sold or offered for sale, and which bear Plaintiff's DEYOUNG mark, or any reproductions, counterfeit copies or colorable imitation thereof and/or which bear the Canvasfish Copyrighted Works.
2. The name servers for the Domain Names, including, but not limited to, Cloudflare, Registrar-servers.com, Domain Control, and BigCommerce within five (5) business days of receipt of this Order or prior to expiration of this Order, whichever date shall occur first, shall, at Canvasfish's choosing:
- a. unlock and change the registrar of record for the Domain Names to a registrar of Canvasfish's selection until further ordered by this Court; or

- b. disable the Domain Names and make them inactive and untransferable until further ordered by this Court.
3. The domain name registrars, including, but not limited to, GoDaddy Operating Company LLC (“GoDaddy”), Name.com, Namecheap Inc. (“Namecheap”), NameSilo LLC, Mat Bao Corporation, Porkbun LLC, and Google, LLC, within five (5) business days of receipt of this Order or prior to expiration of this Order, whichever date shall occur first, shall take any steps necessary to transfer the Domain Names to a registrar account of Canvasfish’s selection so that the Domain Names can be redirected or disabled until further ordered by this Court.
4. Upon Canvasfish’s request, any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of Defendants’ Online Marketplaces and Domain Names, including, without limitation, any online marketplace platforms, privacy service providers such as Cloudflare, WhoIsGuard, DomainsbyProxy, BigCommerce, Ebay, Etsy, and Social Media companies, including without limitations, Facebook, Instagram, and Twitter, (collectively, the “Third-Party Providers”) shall, within five (5) business days after receipt of such notice, provide to Canvasfish expedited discovery, including copies of all documents and records in such person’s or entity’s possession or control relating to:
  - a. the identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information, and all associated e-mail addresses;

- b. the nature of Defendants' operations and all associated advertising, sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the Online Marketplaces, Domain Names, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplaces and Domain Names; and
  - c. any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal, Inc. ("PayPal"), Alipay, Amazon Pay, Wish.com, Stripe, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon Canvasfish's request, those with notice of the injunction, including the Third-Party Providers as defined in Paragraph 4, shall, within five (5) business days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the Plaintiff's Trademarks and/or which bear the Canvasfish Copyrighted Works.
6. Defendants shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. Any Third-Party Providers identified herein or through discovery, including but not limited to, PayPal, Alipay, Wish.com, Stripe, Payoneer, and Amazon Pay, shall, within five (5) business days of receipt of this Order:

- a. locate all accounts and funds connected to Defendants' aliases, Online Marketplaces and Domain Names, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto and any additional information provided for Defendants by third parties; 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. Canvasfish is authorized to issue expedited written discovery, pursuant to Federal Rules of Civil Procedure 33, 34, and 36, related to:
  - a. the identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information, including any and all associated e-mail addresses; and
  - b. the nature of Defendants' operations and all associated sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the Online Marketplaces, Domain Names, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplaces and Domain Names.

Canvasfish is authorized to issue any such expedited discovery requests via e-mail. Defendants shall respond to any such discovery requests within five (5) business days of being served via e-mail.

9. Canvasfish may provide notice of these proceedings to Defendants, including notice of the preliminary injunction hearing, service of process pursuant to Fed. R. Civ. P. 4(f)(3), and

any future motions, by electronically publishing a link to the Complaint, this Order and other relevant documents on a website to which the Domain Names which are transferred to Canvasfish's control will redirect, or by sending an e-mail to the e-mail addresses identified via expedited discovery. The Clerk of the Court is directed to issue a single original summons in the name of "made4fans.com and all other Defendants identified in Schedule A" that shall apply to all Defendants. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from domain name registrars, Third-Party service providers, 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 Complaint, Plaintiff's Motion for Entry of a Temporary Restraining Order, Plaintiff's Memorandum in Support of the Motion for Entry of a Temporary Restraining Order, the accompanying Declaration of Derek DeYoung, and Exhibits thereto, Plaintiff's Motion Electronic Service of Process Pursuant to Fed. R. Civ. P. 4(f)(3), Plaintiff's Memorandum in Support of the Motion for Electronic Service of Process Pursuant to Fed. R. Civ. P. 4(f)(3), Plaintiff's Notification of Affiliates, Plaintiff's Notice of Claims Involving Trademarks, and this Order shall remain sealed until further ordered by this Court.
11. Canvasfish shall deposit with the Court Ten Thousand Dollars (\$10,000.00), either cash or surety bond, as security, which amount was determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful restraint hereunder, such bond to be deposited with the Court once in-person civil case hearings resume.

12. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and Northern District of Illinois Local Rules.

13. This Temporary Restraining Order without notice is entered at 9:30 a.m. on August 10, 2021 and shall remain in effect for fourteen (14) days.

Dated: 8/10/2021

  
HON. VIRGINIA M. KENDALL  
U.S. DISTRICT JUDGE