

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

YIWU BAIMEI ELECTRONIC COMMERCE
CO., LTD.,

Plaintiff,

v.

THE PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A,"

Defendants.

Case No. 25-cv-13831

Judge John J. Tharp Jr.

Magistrate Judge M. David Weisman

**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. 10]. The scope of the Preliminary Injunction is substantially identical to the Temporary Restraining Order entered on December 15, 2025. [Doc. 31]. 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 November 11, 2025 [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 ("the Hollow Halloween Copyrighted Works"). On November 21, 2025, Plaintiff filed its Motion for Expedited Discovery. [Doc. 20]. This Court granted Plaintiff's Motion for Expedited Discovery, on December 15, 2025. [Doc. 31]. On November 21, 2025, Plaintiff filed

its Motion for Entry of an *ex parte* Temporary Restraining Order, Including a Temporary Injunction and Temporary Asset Restraint enjoining the selling and/or offering for sale products utilizing unauthorized and infringing copies of the Hallow Halloween Copyrighted Works. [Doc. 19]. Plaintiff also filed a Motion for Electronic Service of Process [Doc. 18]. This Court granted Plaintiff's Motion for Electronic Service of Process on November 24, 2025. [Doc. 22]. This Court granted Plaintiff's Motion for Expedited Discovery and Motion for Temporary Restraining Order on December 15, 2025. [Doc. 31]. On December 26, 2025, Plaintiff moved to extend the TRO for fourteen days. [Doc. 32]. On December 29, 2025, this Court granted Plaintiff's motion to extend the TRO through January 12, 2026. [Doc. 35].

The Complaint alleges that Defendants, who are individuals, partnerships and unincorporated associations identified on Second Amended Schedule "A", willfully and intentionally infringed on Plaintiff's Hallow Halloween Copyrighted Work to promote, advertise, display, and offer for sale various jewelry-related products. [Doc. 1 at ¶¶ 28-29, 41-44, 47]. Defendants engage in this activity within this district and throughout the United States by operating storefronts on at least the Walmart platform, as identified by the Seller Name ("Seller IDs" hereinafter). *See* Declaration of Jun Wu [Doc. 14] (hereinafter "Wu Dec.") at ¶¶ 17-20. As provided in the Declaration of Jun Wu, Plaintiff has obtained evidence demonstrating that Defendants use Seller IDs over the Internet to advertise, offer for sale, and display the Hollow Halloween Copyrighted Works utilizing Plaintiff's registered photographs and/or registered mark in the listings. *Id.* By these activities as described in the Declaration of Jun Wu and the Declaration

of L. Ford Banister, II, Defendants are defrauding Plaintiff and the consuming public for their own gain. *Id.* at ¶¶25-26, 32-36; [Doc. 19-1].

Plaintiff now moves to convert the Temporary Restraining Order into a Preliminary Injunction.

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 convert temporary restraining orders into preliminary injunctions. *See Viacom International Inc. v. The Partnerships, et al.*, Case No. 23-cv-02736, (N.D. Ill. June 5, 2023) (Kennelly, J.); *Sega Corporation et al v. The Partnerships, et al.*, Case No. 23-cv-16654 (N.D. Ill. January 22, 2024) (Rowland, J.); *Collectanea J. Limited v. The Partnerships, et al.*, Case No. 24-cv-06472, (N.D. Ill. Oct. 9, 2024) (Daniel, J.); *Luxottica Group S.p.A. v. The Partnerships, et al.*, Case No. 22-cv-02425 (N.D. Ill. June 15, 2022) (Guzman, J.); *Mob Entertainment, Inc. v. The P'ships, et al.*, Case No. 25-cv-03881 (N.D. Ill. July 22, 2025) (Tharp, 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 platforms have restrained accounts used to facilitate the display, marketing, advertising, listings for sale and sale of counterfeit and infringing goods utilizing the Hollow Halloween Copyrighted Works. In the absence of a preliminary injunction, Defendants will likely attempt to move any assets from accounts in U.S.-based financial institutions to offshore, thus denying Plaintiff the equitable remedy of an accounting for profits.

This Court has already found that Plaintiff has met the requirements for a Temporary Restraining Order by virtue of its prior orders implementing a TRO. Plaintiff respectfully relies upon its prior recitation of facts in its Complaint [Doc. 1], Declaration of Jun Wu [Doc. 14], Motion for Temporary Restraining Order and Supporting Memorandum [Doc. 19] and Motion for Extension of Temporary Restraining Order [Doc. 32] to support the argument that immediate and

irreparable injury, loss, or damage will result to Plaintiff without the relief requested. By virtue of this Court's prior orders granting the temporary restraining order and extension of the temporary restraining order, this Court has already found that immediate and irreparable harm will be mitigated or prevented by the injunctive relief granted, including the asset restraint. Plaintiff respectfully submits that there has been no change in circumstances which would affect this Court's consideration of any immediate and irreparable injury, loss, or damage to Plaintiff without the relief requested herein. 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 offshore accounts, thus denying Plaintiff the equitable remedy of accounting for profits.

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 January, 2026.

/s/ William J. Hausman
Bar No. 6353083
L. Ford Banister, II
Bar No. 5446539
Ford Banister LLC
305 Broadway – Floor 7
New York, NY 10007
Telephone: 212-500-3268
Email: whausman@fordbanister.com
Email: ford@fordbanister.com
Attorneys for Plaintiff