

**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**

**DECLARATION OF JUN WU**

I, Jun Wu, of Yiwu, Zhejiang Province, China, declare as follows:

1. I am over 18 years of age. I have personal knowledge of the facts set forth herein.

I make this declaration in support of Plaintiff's Ex Parte Motion for Entry of Temporary Restraining Order, Including a Temporary Injunction and a Temporary Asset Restraint, Plaintiff's Motion for Electronic Service of Process Pursuant to Fed.R.Civ.P. 4(f)(3), Plaintiff's Motion for Leave to Conduct Expedited Third Party Discovery and for all purposes provided by law. If called as a witness, I could and would competently testify as follows:

2. I am the legal representative of Plaintiff Yiwu Baimei Electronic Commerce Co., Ltd. (hereinafter, "Plaintiff" or "Baimei"), a Chinese Corporation having its principal place of business at Rm. 206, Unit 6, Bldg. 9, Xijingyuefu, Yi Wu, Zhejiang Province, China.

3. Plaintiff is the registrant and owner of U.S. Federal Copyright Registration 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 (hereinafter, "the Hollow Halloween Works") which Plaintiff uses for

the advertising, marketing, and soliciting the sale of retail goods. A true and correct copy of the Certificate of Registration for Plaintiff's copyrights are attached hereto as composite Exhibit One.

4. Plaintiff's images were registered with the U.S. Copyright Office on August 22, August 23, and October 3, 2021. *See* Exh. One.

5. The Halloween-themed images comprising the Hollow Halloween Works are unique in that each design is original.

6. At all times relevant, Plaintiff has marketed and sold jewelry and other products depicting the Hollow Halloween Works through at least the Walmart e-commerce platform.

7. Plaintiff has actualized sales of products depicting the Hollow Halloween Works.

8. The registration of the Hollow Halloween Works constitutes *prima facie* evidence of its validity and offers conclusive evidence of Plaintiff's exclusive right to use the images in connection with the goods identified therein and other commercial goods. Likewise, the registration of the Hollow Halloween Works constitutes *prima facie* evidence of its validity and offers conclusive evidence of Plaintiff's exclusive right to use the images in connection with any marketing, advertising or offering for sale.

9. The registration of the Hollow Halloween Works also provides constructive notice to Defendants of Plaintiff's ownership and exclusive rights in its images.

10. The Hollow Halloween Works at issue in this case have been continuously used in interstate commerce and have never been abandoned and remain in full force and effect.

11. Since the first use of the images, the sales of products depicting the images have grown in market share. The products have been sold to customers in the United States, Canada, and United Kingdom, as well as other countries.

12. Plaintiff's images are distinctive when applied to products, signifying to the purchaser that the products come from and/or are approved by Plaintiff. As such, the goodwill associated with the images are of incalculable and inestimable value.

13. The Hollow Halloween Works are now recognized when applied to goods in Class 14, both throughout the world and within the State of Illinois and this judicial district.

14. The overwhelming success of the Hollow Halloween Works and the registered images have resulted in significant infringement by individuals and entities who unlawfully use the registered copyrights. These infringers rely upon the goodwill built by Plaintiff in this industry to display Plaintiff's Hollow Halloween Works in their offers for sale. Consequently, Plaintiff is forced to bring the instant suit to protect and enforce its intellectual property rights.

15. In order to counter widespread infringement of the Hollow Halloween Works, I, along with others under my control and supervision, have undertaken an investigation which established that Defendants are using storefronts on at least the Amazon.com, shein, temu and Walmart e-commerce platforms, as identified on the Schedule A to the Complaint and attached hereto as Exhibit Two, (hereinafter, the "Defendant Internet Stores") to display, advertise and market with the Hollow Halloween Works to consumers in the United States and the State of Illinois, including the Northern District of Illinois.

16. Attached hereto as composite Exhibit Three are true and correct copies of screenshots and photographs, produced as part of my investigation, of the Defendants' products advertised, marketed and offered for sale by the Defendant Internet Stores utilizing the Hollow Halloween Works. Defendants' products depicted in the offers for sale feature either a substantially similar or identical reflection of the Hollow Halloween Works.

17. I personally analyzed each of the screenshots and photographs of the infringing products contained in Exhibit Three and determined that the Hollow Halloween Works are being used in offers for sale to residents of the United States and the State of Illinois. I reached this conclusion through visual inspection of the products as they appeared on the Defendant Internet Stores and because the Defendant Internet Stores offered shipping to Illinois.

18. I also personally analyzed each of the screenshots and photographs of the offers for sale contained in Exhibit Three and determined that the offers for sale displayed images either substantially similar or identical to the Hollow Halloween Works. These offers for sale were targeted toward consumers in the United States and offered shipping to the State of Illinois.

19. The Defendant Internet Stores have no authority to utilize Plaintiff's Hollow Halloween Works. None of the Defendant Internet Stores have a license to display the Hollow Halloween Works, nor are they authorized to display the Hollow Halloween Works.

20. The Defendants facilitate sales by designing the Defendant Internet Stores so that they appear to unknowing consumers to be authorized online retailers, outlet stores or wholesalers. Many of the Defendant Internet Stores look sophisticated and accept payment in U.S. dollars via at least credit cards and PayPal. The Defendant Internet Stores often include content and design elements that make it very difficult for consumers to distinguish from an authorized licensee or a reseller's listing. Many Defendant Internet Stores further perpetuate the illusion of legitimacy by offering customer service and using indicia of authenticity and security that consumers have come to associate with authorized retailers.

21. Many Defendant Internet Stores also deceive unknowing consumers by using the images without authorization within the content, text, and/or meta tags of their online marketplace listings in order to attract various search engines crawling the Internet looking for

websites relevant to consumer searches of Plaintiff's products. Additionally, upon information and belief, the Defendant Internet Stores use other unauthorized search engine optimization (SEO) tactics and social media spamming so that the Defendant Internet Stores' listings show up at or near the top of relevant search results and misdirect consumers searching for Plaintiff's Products. Other Defendant Internet Stores use strategic item titles and descriptions that will trigger their listings when consumers are searching for Plaintiff's Products.

22. The Defendant Internet Stores go to great lengths to conceal their identities and often use multiple fictitious names and addresses to register and operate their network of Defendant Internet Stores. On information and belief, the Defendant Internet Stores regularly create new online marketplace accounts on various platforms using the identities listed in the Schedule A to the Complaint, as well as other unknown fictitious names and addresses. These stores use electronic mail to communicate with platforms and for purposes of electronic financial transactions for their stores. Such Defendant Internet Store registration patterns are one of many common tactics used by the Defendant Internet Stores to conceal their identities, the full scope and interworking of their infringing operation and to avoid being shut down.

23. Even though the Defendant Internet Stores operate under multiple fictitious names, there are numerous similarities among the Defendant Internet Stores. The Defendant Internet Stores also include other notable common features, including use of the same accepted payment methods, check-out methods, illegitimate SEO tactics, identically or similarly priced items, the same incorrect grammar and misspellings and the use of the same text and images, including content copied from Plaintiff's official webstores.

24. In addition to operating under multiple fictitious names, the Defendant Internet Stores in this case and defendants in other similar cases against online infringers use a variety of

other common tactics to evade enforcement efforts. For example, infringers like the Defendant Internet Stores will often register new online marketplace accounts under new aliases once they receive notice of a lawsuit. Infringers also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection.

25. Infringers such as the Defendant Internet Stores typically operate multiple credit card merchant accounts and vendor accounts such as PayPal accounts behind layers of payment gateways so that they can continue operation in spite of the enforcement efforts of Plaintiff and other copyright holders. On information and belief, the Defendant Internet Stores maintain off-shore bank accounts and regularly move funds from their PayPal accounts or other financial accounts to off-shore bank accounts outside the jurisdiction of this Court.

26. On information and belief, Defendants are in constant communication with each other and regularly participate in QQ.com and WeChat chat rooms and through websites such as sellerdefense.cn regarding tactics for operating multiple accounts, evading detection, pending litigation and potential new lawsuits.

27. Each sale made by the Defendant Internet Stores results in a direct loss to Plaintiff. Monetary damages cannot adequately compensate Plaintiff for ongoing infringement because monetary damages fail to address the loss of control and damage to the exclusivity of the images, Plaintiff's reputation and goodwill. Furthermore, monetary damages are difficult, if not impossible, to ascertain due to the inability to calculate damages in dollars and cents the harm caused to Plaintiff's reputation and goodwill by the Defendant Internet Stores' acts of infringement.

28. Plaintiff's goodwill and reputation are irreparably damaged when the Hollow Halloween Works are used in advertisements and marketing for goods not authorized, produced

or manufactured by Plaintiff. Moreover, consumers' brand confidence is damaged, which can result in loss of future sales and market share for the Plaintiff and its products. The extent of harm to Plaintiff's reputation and goodwill and the possible diversion of customers due to loss in brand confidence are largely unquantifiable.

29. Plaintiff is further irreparably harmed by the unauthorized use of the images because infringers take away Plaintiff's ability to control the nature and quality of Plaintiff's Products. Loss of quality control over goods bearing and/or sold using the images and, in turn, loss of control over Plaintiff's reputation, is neither calculable nor precisely compensable. This loss of goodwill devalues all the time, money, and work spent in developing the Hollow Halloween Works.

30. The sale of Defendants' products using the Hollow Halloween Works is likely causing and will continue to cause consumer confusion that weakens image recognition and reputation. Consumers who mistakenly believe that the Defendants' products originated from or are authorized by Plaintiff will come to believe that Plaintiff offers low quality products. Inferior quality products will result in increased skepticism and hesitance in consumers presented with products from Plaintiff, resulting in a loss or undermining of Plaintiff's reputation and goodwill. Some customers may not be aware of how to identify Plaintiff's products or advertisements. Prospective consumers who purchase from Defendants and are unhappy with Defendants' products or read Defendants' negative reviews reported by other consumers may consequently develop a poor impression of Plaintiff's products. Such post-sale confusion results in further damage to Plaintiff's reputation and correlates to a loss of unquantifiable future sales.

31. Plaintiff is further irreparably damaged due to a loss of exclusivity. Plaintiff's extensive marketing and innovative designs are aimed at growing and sustaining sales. The

Hollow Halloween Works Image are distinctive and signify to consumers that the products and the offers for sale originate from Plaintiff. When infringers use the images on goods without authorization, the exclusivity of Plaintiff's Products, as well as Plaintiff's reputation, are damaged and eroded, resulting in a loss of unquantifiable future sales. When infringers use the Hollow Halloween Works without authorization, consumers associate the infringers with Plaintiff.

32. Defendants' true identities and locations are now unknown to Plaintiff. However, upon information and belief, Defendants are primarily individuals and business entities who reside in the People's Republic of China or other foreign jurisdictions. Tactics used by the Defendant Internet Stores to conceal their identities and the full scope of their infringing operation make it virtually impossible for Plaintiff to learn Defendants' true identities and the exact interworking of their network.

33. In order to facilitate Plaintiff's ongoing investigation into the identity and location of the Defendant Internet Stores as well as the scope and interworking of their infringing activities and the profits derived from the sales of products utilizing the Hollow Halloween Works, I respectfully request that the Court grant Plaintiff expedited discovery.

34. Without an order permitting expedited discovery and permitting electronic service of process, Plaintiff will not be able to identify and serve the Defendant Internet Stores.

35. Plaintiff will be irreparably harmed if a temporary restraining order is not entered prohibiting Defendants from further infringement of the images and prohibiting Defendants from further displaying the Hollow Halloween Works, as well as freezing Defendants' U.S. based assets.

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

Executed this 20 day of November 2025 at Yiwu, Zhejiang Province, China.

Jun Wu  
Jun Wu