

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

HONG KONG LEYUZHEN
TECHNOLOGY CO. LIMITED,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED IN SCHEDULE "A"
HERETO,

Defendants.

Case No.: 1:24-cv-03210-MMP-SMF

Honorable Martha M. Pacold

Magistrate Sheila M. Finnegan

**PLAINTIFF'S EMERGENCY MOTION FOR FIRST EXTENSION OF TEMPORARY
RESTRAINING ORDER**

Plaintiff Hong Kong Leyuzhen Technology Co. Limited ("Plaintiff"), by and through its counsel, the Bayramoglu Law Offices, LLC, submits this emergency motion for first extension of the temporary restraining order issued in this case (the "TRO"), entered by this Court on May 8, 2024 [Dkt. 20], currently extended up to and including May 22, 2024. Plaintiff also has filed its motion for entry of preliminary injunction on May 21, 2024, which is currently pending in this Court. [Dkt. 29].

Plaintiff requests to have the TRO extended an additional fourteen (14) days or until this Court issues its ruling on the motion to enter the preliminary injunction, and unseal Plaintiff's identity and change the case caption to reflect that fact. This application is based upon the pleading

and papers previously filed in the matter in support of the TRO, the arguments and evidence presented herein, the Declaration of Shawn A. Mangano (the “Mangano Decl.”), and any argument of counsel entertained by the Court.

DATED: May 22, 2024

Respectfully submitted,

By: /s/ Shawn A. Mangano
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of May 2024, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Illinois, Eastern Division, using the electronic case filing system. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. Notice of this filing is provided to unrepresented parties for whom contact information has been provided via email and by posting the filing on a URL contained on our website blointernetenforcement.com, and distributed to ecommerce platform, Amazon.

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Honorable Martha M. Pacold

Magistrate Sheila M. Finnegan

**MEMORANDUM IN SUPPORT OF PLAINTIFF’S EMERGENCY MOTION TO
EXTEND TEMPORARY RESTRAINING ORDER**

Plaintiff Hong Kong Leyuzhen Technology Co. Limited (“Plaintiff”), by and through its counsel, the Bayramoglu Law Offices, LLC, submits this Memorandum in Support of its Emergency Motion to Extend Temporary Restraining Order (the “Motion”).

Plaintiff’s Motion is made and based on the documents and previously submitted in support of its original *ex parte* request for entry of a temporary restraining order (Dkt. 7), the Declaration of Shawn A. Mangano, Esq. (the “Mangano Decl.”), and any arguments of counsel entertained by the Court.

I. INTRODUCTION

Plaintiff brings the present action against the defendants identified on Schedule A to the Complaint (collectively, the “Defendants”) for federal copyright infringement and counterfeiting (Count I), false designation of origin (Count II), and violate of the Illinois Uniform Deceptive Trade Practices Act (Count III). As alleged in Plaintiff’s Complaint [Dkt No. 1], the Defendants

are promoting, advertising, distributing, offering for sale, and selling unauthorized and unlicensed products using infringing and counterfeit versions of Plaintiff's Brand Copyrights (the "Counterfeit Products") through various fully interactive e-commerce stores operating under the seller aliases identified in Schedule A to the Complaint (collectively, the "Seller Aliases").

II. STATEMENT OF FACTS

On May 8, 2024, this Court granted Plaintiff's Motion for Entry of a Temporary Restraining Order (the "TRO"). [Dkt 20]. Plaintiff has filed its motion to enter a preliminary injunction May 21, 2024 which is now pending in this Court. [Dkt. 29]. An *Emergency Motion to Extend the Temporary Restraining Order* is necessary given the Temporary Restraining Order entered on May 8, 2024 [Dkt. No. 20] expires *today*. Without a ruling, this will result in numerous Defendants contacting Plaintiff's counsel requesting the asset restraint entered against them be immediately released before a ruling can issue on the motion to enter a preliminary injunction.

Substantively, the TRO authorized a freeze of Defendant's online store accounts maintained through the Amazon sales platform, and Plaintiff's identity can now be unsealed and change the case caption to reflect that fact. If the TRO, which expires today, is not extended, these asset freezes, which are essential to providing Plaintiff with any meaningful way to enforce its federally protected copyright registrations would no longer be effective. Once they are no longer effective, every named Defendant will transfer the funds out of these accounts and to some offshore financial entity over which the Court lacks jurisdiction. Moreover, Defendants would start to immediately delete all online store links to their operations, which essentially destroys all sales information related to these online stores. Accordingly, Plaintiff respectfully requests that Court extend the TRO fourteen (14) days or until Judge Pacold is able to rule on the preliminary injunction.

III. ARGUMENT

a. There is Good Cause to Extend the Temporary Restraining Order Until There is a Ruling on the Motion for Preliminary Injunction

Plaintiff seeks to extend the TRO to maintain the status quo until there is a ruling on Plaintiff's Motion for Entry of a Preliminary Injunction. Rule 65 dictates that under ordinary circumstances, a temporary restraining order cannot exceed 14 days, although the court may extend it "for a like period" for good cause. Fed. R. Civ. Pr. 65(b)(2). However, in *H-D Mich., LLC v. Hellenic Duty Free Shops S.A.*, the Seventh Circuit affirmed that allowing a TRO to remain in effect until a decision on a motion for preliminary injunction was proper. 694 F.3d 827, 843-45 (7th Cir. 2012). In affirming the TRO extension, the Seventh Circuit explicitly recognized that there will be cases where the maximum 28-day limit does not give the parties sufficient time to prepare for a preliminary injunction hearing. *Id.* If the extension exceeds the maximum duration for a TRO under Rule 65(b), the extension "becomes in effect a preliminary injunction that is appealable, but the order remains effective." *Id.* at 844. *See also, Christian Dior Couture, S.A. v. The Partnerships, et al.*, No. 21-cv-04861 (N.D. Ill. Nov. 19, 2021) (Docket Entry 32) (further extending TRO to and including the date on which the Court would adjudicate the motion for preliminary injunction, exceeding the maximum duration for a TRO under Rule 65(b)); *Luxottica Group S.p.A., et al. v. rbzxr.com, et al.*, No. 20-cv-02297 (N.D. Ill. May 12, 2020) (Docket Entry 52) (same).

Defendants have notice of this case, they have been provided with a briefing schedule to oppose the order to show cause as to why a preliminary injunction should not issue, and they have not, nor could they, present any meaningful evidence of hardship that they would suffer by keeping

the TRO in place. (Mangano Decl. ¶ 12.) In addition, Plaintiff respectfully submits that there is good cause to extend the TRO, since there is a high probability that the Defendants will continue to harm Plaintiff without the TRO in place, especially since Defendants have notice of this case. (Mangano Decl. ¶ 12.) Specifically, Defendants will likely attempt to move any assets from their financial accounts to offshore bank accounts without the TRO in place while this Motion is pending. (Id.).

As demonstrated above, Plaintiff's request to extend the TRO for an additional fourteen (14) days or until there is a ruling on the preliminary injunction is supported by a clear showing of good cause. As such, the TRO should be extended by the Court for an additional fourteen (14) days up to and including June 5, 2024, or until there is a ruling on the preliminary injunction.

IV. CONCLUSION

Based on the foregoing, Plaintiff respectfully requests that the TRO be extended for a period of fourteen (14) days up to and including June 5, 2024, or to maintain the status quo until there is a ruling on Plaintiff's Motion for Entry of a Preliminary Injunction.

DATED: May 22, 2024

Respectfully submitted,

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Honorable Martha M. Pacold

Magistrate Sheila M. Finnegan

DECLARATION OF SHAWN A. MANGANO, ESQ.
IN SUPPORT OF PLAINTIFF'S EMERGENCY MOTION TO EXTEND TEMPORARY
RESTRAINING ORDER

I, Shawn A. Mangano, of the City of Las Vegas, in the State of Nevada, declare as follows:

1. Except as otherwise expressly stated to the contrary, this declaration is based upon my personal knowledge of the following facts and, if called as a witness, I could and would competently testify to the statements made herein.

2. I make this declaration in support of Plaintiff's Emergency Motion to Extend Temporary Restraining Order (the "Motion").

3. I am an attorney at law, duly admitted to practice before the Courts of the State of Illinois and the United States District Court for the Northern District of Illinois. I am one of the attorneys for Plaintiff Hong Kong Leyuzhen Technology Co. Limited ("Plaintiff"). I make this declaration from my matters within my own knowledge unless stated otherwise herein.

4. On May 8, 2024, this Court granted Plaintiff's Motion for Entry of a Temporary Restraining Order (the "TRO"). [Dkt. 20]. Plaintiff requests an additional fourteen (14) day extension of the TRO or until there's a ruling on the Preliminary Injunction to maintain the status quo.

5. Plaintiff's operative Complaint in this action is but one piece in a multi-action copyright enforcement campaign that seeks to dismantle a criminal network that operates through six (6) of the largest online retail platforms in existence and includes over 2,500 named Schedule "A" Defendants. These named Schedule "A" Defendants are alleged to be engaged in the practice of copying Plaintiff's copyright protected product images almost instantaneously after they are first displayed on the company's website and then associating these images with sale and promotion of unauthorized, counterfeit products of substandard quality, thereby deceiving consumers – including the citizens of the State of Illinois. Moreover, given the nature of Plaintiff's goods, such large-scale sales operations over multiple online retail platforms require considerable supply chain coordination that could not reasonably be accomplished independently by any of the named Defendants.

6. The sophistication of Defendants' online, counterfeit sales network is further demonstrated by the skill with which they identify Schedule "A" plaintiffs, their allegedly infringed products or brands, and then immediately disseminating this information throughout their network by posting on online websites such as "SellerDefense.cn." The dissemination of this information then immediately results in the named Defendants siphoning off all illicit funds held in their online accounts. (*Id.*) This results in plaintiffs being deprived of any meaningful opportunity to redress the harm caused by Defendants' infringing conduct by attacking their financial resources.

7. As also previously argued to this Court in support of its request for entry of a temporary restraining order, Plaintiff would unquestionably suffer irreparable harm absent entry of injunctive relief through the spoliation of essential evidence and Defendants absconding with significant ill-gotten gains derived from their intentional infringement of Plaintiff's federally secured copyright protected works. These facts still exist today and support Plaintiff's request to extend the TRO.

8. Substantively, the TRO authorized and directed Plaintiff to provide notice of these proceedings and the preliminary injunction hearing to Defendants by electronically publishing a link to the Complaint, the TRO, and other relevant documents on a website, together with effectuating electronic service by email transmission to any addresses provided for Defendants by third party online platforms. [Dkt. No. 20 ¶ 7.] Plaintiff has complied with these requirements by serving the designated online platform with a copy of the TRO and the related subpoena requesting information, including that required to effectuate electronic service, for the named Defendants.

9. On May 17, 2024, the designated online platform provided Plaintiff with the requested email addresses associated with Defendants' online accounts necessary to effectuate electronic service of process. The same day, Plaintiff completed electronic service of process by e-mail on the named Schedule "A" Defendants as required by the TRO. [Dkt. 25].

10. Since and pursuant to entry of the TRO, financial accounts associated with the Seller Aliases have been frozen, and Plaintiff can now unseal its identity and have the case caption reflect that fact.

11. Plaintiff's request to extend the TRO issued in this action for an additional fourteen (14) days is fully supported by good cause. Defendants have notice of this case and this pending Motion and have presented no evidence of hardship that would occur by keeping the TRO in place.

In addition, Plaintiff respectfully submits that there is good cause to extend the TRO, since there is a high probability that the Defendants will continue to harm Plaintiff without the TRO in place, especially since Defendants have notice of this case. Specifically, Defendants will likely attempt to move any assets from their financial accounts to offshore bank accounts without the TRO in place while this Motion is pending.

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

Executed on May 22, 2024 in Las Vegas, Nevada.

By: /s/ Shawn A. Mangano
SHAWN A. MANGANO, ESQ.

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of May 2024, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Illinois, Eastern Division, using the electronic case filing system. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. Notice of this filing is provided to unrepresented parties for whom contact information has been provided via email and by posting the filing on a URL contained on our website blointernetenforcement.com, and distributed to ecommerce platform, Amazon.

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