

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

CELINE SA,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A”,

Defendants.

Case No. 24-cv-03881

District Judge Manish S. Shah

Magistrate Judge M. David Weisman

**MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFF’S MOTION FOR ENTRY OF A PRELIMINARY INJUNCTION**

Plaintiff Celine SA submits this Memorandum of Law in support of its Motion for Entry of a Preliminary Injunction, stating as follows.

I. INTRODUCTION

Plaintiff Celine brings the present action against the defendants identified on Schedule A to the Complaint (collectively, the “Defendants”) for federal trademark infringement and counterfeiting (Count I), and false designation of origin (Count II). As alleged in Celine’s Complaint (Dkt. 1), the Defendants are promoting, advertising, distributing, offering for sale, and selling products using infringing and counterfeit versions of Celine’s federally registered trademarks (collectively, the “Counterfeit Celine Products”) through at least the 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 June 3, 2024, this Court granted Celine's Motion for Entry of a Temporary Restraining Order ("the TRO"). (Dkt. 35.) The TRO authorized Celine 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 and by sending an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Nicolas Lambert and any e-mail addresses provided for Defendants by third parties that includes a link to said website. (*Id.* ¶ 7.)

Pursuant to the TRO, Plaintiff has contacted AliExpress, DHgate, Amazon, Wish.com and other third parties, who have frozen the financial accounts associated with the Seller Aliases. (Declaration of John Haarlow, Jr. ¶ 2, filed herewith.) In addition, on June 20, 2024, Plaintiff served Defendants by sending an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Nicolas Lambert submitted by Celine in connection with the motion for TRO and the e-mail addresses provided for Defendants by third parties which attached the Summons, Complaint, and TRO and by publishing those documents on a website linked in the email. (*Id.* ¶ 3.) Upon the filing of Celine's Motion for Entry of a Preliminary Injunction, Memorandum in support thereof, and this Declaration (the "PI Papers"), Plaintiffs will serve Defendants with the PI Papers by the same means. (*Id.*)

Celine 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 Counterfeit Celine Products during the pendency of this litigation. As part of the Preliminary Injunction, Celine requests that Defendants' financial accounts remain frozen until completion of these proceedings.

III. ARGUMENT

A. A Preliminary Injunction Is Appropriate

Celine 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).¹

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 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 This unpublished Order is attached to the Haarlow Declaration as Exhibit 1.

Celine also requests conversion of the TRO to a preliminary injunction so that Defendants' accounts remain frozen. Since entry of the TRO, Plaintiff has obtained information, including the identification of several accounts linked to the Seller Aliases that were offering for sale and/or selling Counterfeit Celine 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 Celine is entitled as set forth in the Complaint far exceeds any amount contained in any of the Defendants' frozen financial accounts. In addition, and as established in Celine's TRO Memorandum (Dkt. 12), 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.

IV. CONCLUSION

In view of the foregoing, Celine respectfully requests that this Court enter the preliminary injunction.

Dated June 21, 2024.

Respectfully submitted,

/s/ John Haarlow, Jr.
Counsel for Plaintiff Celine SA

John Haarlow, Jr. (ARDC #6283018)
MERCER OAK LLC
29 North Ada Street
Chicago, IL 60607
(872) 248-0601
john@merceroaklaw.com

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2024, I will cause the foregoing to be filed electronically with the Clerk of the Court using the CM/ECF system, published on a website, and cause to be sent an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Nicolas Lambert and any e-mail addresses provided for Defendants by third parties that includes a link to said website.

/s/ John Haarlow, Jr.
Counsel for Plaintiff Celine SA