

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

MILLIMAGES S.A.,

Plaintiff,

v.

THE PARTNERSHIPS and  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE A,

Defendants.

Case No. 23-cv-1614

Judge Thomas M. Durkin

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**PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff, Millimages S.A. (“Millimages” or “Plaintiff”) hereby moves this Court for entry of a Preliminary Injunction. The scope of the Preliminary Injunction is substantially identical to the Temporary Restraining Order, entered February 29, 2024 [Dkt. No. 15]. In support of its Motion, Plaintiff files herewith a Memorandum of Law and a further Declaration of Sofia Quezada Hastings.

Dated: March 25, 2024

Respectfully submitted,

/s/ Sofia Quezada Hastings

Sofia Quezada Hastings

***One of the Attorneys for Millimages S.A.***

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system; electronically published on a website to which the Defendants have been directed pursuant to the Service of Process; and/or emailed to all email addresses identified or provided for Defendants by the Defendants or third-parties, which includes a link to said website.

/s/ Sofia Quezada Hastings  
*Attorney for Plaintiff*

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

Plaintiff, Millimages S.A. (“Millimages” or “Plaintiff”) brings the present action against the defendants identified on Schedule A to the Complaint (collectively, the “Defendants”) for federal trademark and copyright infringement. As alleged in the Complaint [Dkt. No. 1], the Defendants are promoting, advertising, distributing, and offering for sale infringing goods of Plaintiff’s federally registered trademarks and copyrights (the “Infringing Millimages Products”) through various fully interactive, commercial Internet stores operating under at least the online marketplace accounts identified in Schedule A to the Complaint (collectively, the “Defendant Internet Stores” or “Seller Aliases”).

## **I. BACKGROUND**

On February 29, 2024, this Court granted Plaintiff’s *Ex Parte* Motion for Entry of a Temporary Restraining Order (“the TRO”) [15]. The TRO authorized Millimages 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 provided for Defendants by third parties that includes a link to said website. [15] at ¶ 8. This Court granted Millimages’s *Ex Parte* Motion to Extend the Temporary Restraining Order until March 28, 2024. [19]. Since, and pursuant to entry of the TRO, several financial accounts associated with the Defendant Internet Stores have been frozen. See Declaration of Sofia Quezada Hastings (“Hastings Decl.”) at ¶ 2.

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

## **II. A Preliminary Injunction Extending Relief Already Granted in the TRO Is Appropriate**

Millimages 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 infringement 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).

### *i. This Court Has Already Found that the Requirements for a Preliminary Injunction Have Been Satisfied*

The standard for granting a TRO and the standard for granting a preliminary injunction are identical in this Circuit; as such, 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.*, 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.

Indeed, Millimages’s motion for a TRO includes screenshots of the Defendant’s infringing products on various website platforms. Millimages incorporates by reference its memorandum in support of the TRO and accompanying evidentiary materials. Dkt 9.

ii. *The Equitable Relief Sought Remains Appropriate*

The Lanham Act provides that an injunction may be granted as a remedy for trademark infringement and that a plaintiff “shall be entitled to a rebuttable presumption of irreparable harm . . . upon a finding of a likelihood of success on the merits.” 15 U.S. Code § 1116(a). Similarly, the Copyright Act provides that a court may grant injunctive relief “on such terms as it deems reasonable to prevent or restrain infringement of a copyright.” 17 U.S. Code § 502(a).

Millimages requests conversion of the TRO to a preliminary injunction so that Defendants’ accounts in U.S.-based financial institutions remain frozen. Since entry of the TRO, e-commerce platforms and payment processors such as eBay, Inc. (“eBay”), PayPal, Inc. (“PayPal”), Walmart, Inc. (“Walmart”), Temu (“Whaleco Inc.”), and Alipay US, Inc. (“Alipay”) (collectively referred to herein as “Payment Processors”), have provided Millimages with information, including the identification of several financial accounts linked to the Defendant Internet Stores which were offering for sale and/or selling Unauthorized Millimages Products.

The amount of damages to which Millimages is entitled, as set forth in the Complaint, far exceeds any amount contained in any of the Defendants’ frozen financial accounts. For example, statutory damages can be up to \$2 million from each Defendant for each count of willful trademark infringement, and \$150,000 for each count of willful copyright infringement. In addition, and as established in Millimages’s TRO Memorandum [9], 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.*, 2005 WL 3115892 (N.D. Ill. Nov. 8, 2005). As such, an order continuing to freeze the Defendants’ assets should be granted.

Additionally, without an injunction it is assured that Defendants will move, or attempt to move, any assets from any accounts in U.S.-based financial institutions to an offshore account. Therefore, Defendants’ assets should remain frozen for the remainder of the proceedings.

### III. CONCLUSION

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

Dated: March 25, 2024

Respectfully submitted,

/s/ Sofia Quezada Hastings

Sofia Quezada Hastings

***One of the Attorneys for Plaintiff,  
Millimages S.A.***

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/s/ Sofia Quezada Hastings  
*Attorney for Plaintiff*



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**DECLARATION OF SOFIA QUEZADA HASTINGS**

I, Sofia Quezada Hastings, of the City of Chicago, in the State of Illinois, declare as follows:

1. 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 the attorney for Plaintiff, Millimages S.A. (“Millimages” or “Plaintiff”). Except as otherwise expressly stated to the contrary, I have personal knowledge of the following facts and, if called as a witness, I could and would competently testify as follows:

2. Since and pursuant to entry of the TRO, several financial accounts associated with the Defendant Internet Stores have been frozen.

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

Executed on this Monday, March 25, 2024 in Chicago, Illinois.

Dated: March 25, 2024

Respectfully submitted,

/s/ Sofia Quezada Hastings  
Sofia Quezada Hastings

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/s/ Sofia Quezada Hastings  
*Attorney for Plaintiff*