

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

HONGKONG LEYUZHEN TECHNOLOGY CO., LTD.

Plaintiff,

v.

Case No.:
1:24-cv-04067
Honorable
LaShonda A.
Hunt

The Individuals, Corporations, Limited Liability
Companies, Partnerships and Unincorporated
Associations Identified in Schedule A Hereto

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, July 19, 2024:

MINUTE entry before the Honorable LaShonda A. Hunt: The Court previously entered an order [21] finding that Plaintiff had failed to meet its burden of establishing that permissive joinder of 105 defendants in this case was proper under Fed. R. Civ. P. 20(a)(2). The Court pointed out that it was not persuaded by Plaintiff's contention that joinder was proper because the alleged acts of infringement occurred on the same online platform, were accomplished through a common supply chain source, and infringed on the same or similar registered copyrights. Plaintiff was granted leave to file an amended complaint and amended Schedule A consistent with that ruling. In response, Plaintiff filed an amended Schedule A [22–2] listing 35 defendants and attached a supplement to its pending TRO motion including only the defendants' names, an image of the copyrighted photo, an image of the infringing product, and a link to the infringing product. Plaintiff also filed an amended complaint [22] which is identical in substance to its original complaint. Plaintiff's amended complaint alleges only that "[u]nique identifiers common to Defendants' internet stores, such as design elements and similarities in Defendant[s]' unlawful use of the Asserted Brand Copyrights, establish a logical relationship between [Defendants] and suggest that Defendants' illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences" and Defendants "bear similarities and indicia of interrelatedness, suggesting they are manufactured by and come from a common source... include[ing a] lack of contact information, same or similar products for sale, identically or similarly priced items and sales discounts, shared hosting service, similar name servers, and their common infringement of Plaintiff's Asserted Brand Copyrights." Plaintiff presumably contends that such similarities support its contention that Defendants' actions arise out of the same transaction, occurrence, or series of transactions or occurrences, but the Court remains unconvinced. See Viking Arm AS v. P'ships & Unincorporated Ass'ns Identified on Schedule A, No. 24 C 1566, 2024 WL 2952105, at *2 (N.D. Ill. June 6, 2024) (finding that plaintiff had merely identified a

but that does not make them all partners in collusion) (emphasis in original); *Bailie, et al. v. P'ships & Unincorporated Ass'ns Identified on Schedule A*, No. 24 C 2150, 2024 WL 2209698, at *5 (N.D. Ill. May 15, 2024) (finding use of same images and similar product titles and descriptions insufficient to support joinder); *Ilustrata Servicios Design, Ltd. v. P'ships & Unincorporated Ass'ns Identified on Schedule A*, No. 21 C 5993, 2021 WL 5396690, at * 2 (Nov. 18, 2021) (holding that plaintiff's speculation that defendants were interrelated because they shared notable features "including use of the user name registration patterns, unique shopping cart platforms, accepted payment methods, check-out methods, meta data, illegitimate SEO tactics, HTML user-defined variables, lack of contact information, identically or similarly priced items and volume sales discounts, similar hosting services, similar name servers, and the use of the same text and images" did not support joinder); *Bose Corp. v. P'ships & Unincorporated Ass'ns Identified on Schedule A*, 334 F.R.D. 511, 514 (N.D. Ill. Fed. 19, 2020) (holding that even if defendants were selling the same products and defendants' webpages were identical "that would not overcome the likelihood that Defendants are just copycats" and that an allegation that defendants communicate through chat rooms and website based on "information and belief," without connecting any defendants to such chat rooms or websites, is insufficient to support joinder). Because Plaintiff has failed to cure the misjoinder here, the Court exercises its discretion to do so. Therefore, the Court dismisses Defendants 2 through 35 without prejudice for improper joinder. This action will proceed as to Defendant 1 only. Plaintiff's Ex Parte Motion for Entry of a Temporary Restraining Order, Including a Temporary Injunction, a Temporary Asset Restraint, Expedited Discovery, and Service of Process by Email and/or Electronic Publication [9], [14] as to all defendants is terminated as moot. By 7/26/24, Plaintiff may file a renewed TRO motion as to Defendant 1, whose identity shall remain under seal until that date. If Plaintiff does not request further relief as to Defendant 1, all previously sealed documents will be unsealed, and this case may be dismissed without prejudice. Mailed notice(mjc,)

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