

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

LUXOTTICA GROUP S.p.A. and OAKLEY,  
INC.,

Plaintiffs,

v.

YAOLONG HE, et al.,

Defendants.

Case No. 18-cv-07237

Judge Jorge L. Alonso

Magistrate Judge Sheila M. Finnegan

**EXTENSION OF TEMPORARY RESTRAINING ORDER**

THIS CAUSE being before the Court on Plaintiff Luxottica Group S.p.A. and Oakley, Inc.'s ("Plaintiffs") *Ex Parte* Motion to Extend the Temporary Restraining Order against the defendants identified in Schedule A to the Amended Complaint (collectively, the "Defendants") and using at least the domain names identified in Schedule A (the "Defendant Domain Names") and the online marketplace accounts identified in Schedule A (the "Online Marketplace Accounts"), and this Court having heard the evidence before it hereby GRANTS Plaintiffs' *Ex Parte* Motion and orders that the Temporary Restraining Order ("TRO") entered on November 7, 2018, shall be extended for a period of fourteen (14) days until December 5, 2018, and shall apply to the Defendants identified in Schedule A attached to the TRO.

Rule 65(b)(2) states that a temporary restraining order entered without notice may be extended provided a party can show, prior to expiration of the order, good cause for such an extension. Fed. R. Civ. P. 65(b)(2). This Court finds good cause for an extension and that additional time is needed before a preliminary injunction hearing can be held in this case for at least the reasons stated herein. Specific facts in the Declaration of Justin R. Gaudio showed that additional time is needed for third parties to comply with the TRO. Good cause also exists for the

extension because there is a high probability that the Defendants will continue to harm Plaintiffs without the TRO in place. Specifically, Defendants will likely attempt to move any assets from their financial accounts to off-shore bank accounts. As found by the Court in granting the TRO, this possibility of harm is significant. Accordingly, in the interest of justice, extension of the TRO is necessary.

This Court also finds that issuing this Order without notice pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure is appropriate because Plaintiffs have presented specific facts in the Declaration of Jason Groppe included with Plaintiffs' *Ex Parte* Motion for Entry of a Temporary Restraining Order and accompanying evidence clearly showing that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition. Specifically, in the absence of an *ex parte* Order, Defendants could and likely would modify registration data and content, change hosts, redirect traffic to other websites in their control, and move any assets from Defendants' accounts in U.S.-based financial institutions, to an offshore account. As this Court and other courts have recognized, proceedings against those who deliberately traffic in counterfeit merchandise are often useless if notice is given to the adverse party. Accordingly, this Court orders that the TRO shall be extended for a period of fourteen (14) days until December 5, 2018.

ENTERED:

11/20/18

A handwritten signature in black ink, appearing to be 'JL', enclosed within a large, hand-drawn oval.

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Jorge L. Alonso  
United States District Judge