

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Ford Motor Company,

Plaintiff,

v.

The Individuals, Business Entities, and  
Unincorporated Associations Identified in  
Exhibit “A,”

Defendants.

Civil Action No. 1:24-cv-4076

Judge Sharon Johnson Coleman


Magistrate Judge M. David Weisman

**PLAINTIFF’S AMENDED *EX PARTE* MOTION FOR  
TEMPORARY RESTRAINING ORDER AND OTHER RELIEF**

Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, Plaintiff Ford Motor Company (“Ford” or “Plaintiff”) seeks an *ex parte* temporary restraining order and other relief under the Lanham Act, 15 U.S.C. § 1051, *et seq.*, enjoining the willful acts of trademark counterfeiting, trademark infringement, dilution, unfair competition, and violations of Illinois state and common law by the individuals, business entities, and unincorporated associations identified in Exhibit “A” (collectively, “Defendants”). This Amended *Ex Parte* Motion supersedes Ford’s prior *Ex Parte* Motion (Dkt. No. 12). In support of this Amended *Ex Parte* Motion, Ford states as follows:

1. Ford offers a wide range of genuine automotive parts and accessories under its

FORD,  (“FORD Script Logo”),  (“FORD Oval Logo”), MOTORCRAFT,

and  (“Speeding Car Logo”) trademarks (collectively, the “Ford Marks”) and owns extensive common law rights and valid U.S. registrations for these marks.

Ford’s trademarks have earned substantial fame and considerable goodwill among the public and

are critical to Ford's business success.

2. Without Ford's authorization or consent, Defendants are advertising, offering for sale, selling, and distributing substantial quantities of identical counterfeit DG-511 ignition coils bearing the Ford Marks (the "Counterfeit Parts") to consumers online while claiming that the parts are genuine and authentic. However, Defendants' Counterfeit Parts are not manufactured or authorized by Ford, and Ford has no ability to control the nature and quality of the Counterfeit Parts provided under the Ford Marks. By selecting and using marks identical to Ford's registered FORD, FORD Script Logo, FORD Oval Logo, MOTORCRAFT, and Speeding Car Logo marks, Defendants' conduct is done with the knowledge and intent that such Counterfeit Parts will be mistaken for the genuine, high-quality automotive parts offered by Ford. Not only does such conduct create a likelihood of confusion, consumers have been actually confused. Consequently, Defendants' use of Ford's registered marks constitutes trademark counterfeiting and trademark infringement (not to mention dilution and unfair competition). In fact, due to the Defendants' use of the identical registered Ford Marks with Counterfeit Parts, Ford has a high likelihood of success on the merits of its trademark counterfeiting and trademark infringement claims, and Ford has no adequate remedy at law.

3. Defendants' unauthorized use of the Ford Marks has and will continue to irreparably harm Ford through damage to its reputation, diminished goodwill, loss of exclusivity and control over use of its marks, and possible diversion of sales. Effectively, Ford's stellar reputation and goodwill is placed in the hands of questionable third parties. Moreover, the only purpose in using the Ford Marks in this manner is to lure customers into believing they are purchasing genuine Ford parts, when they are not. The use of non-genuine Ford parts of the kind offered and sold by Defendants can damage engine systems, resulting in engine failure and

impacting overall life and performance of the vehicles, and potentially compromise consumer expectations because they do not meet Ford's rigorous testing and quality control standards, among other potential safety issues. As a result, the public will also suffer irreparable harm if Defendants' conduct is not immediately enjoined.

4. Defendants will suffer no irreparable harm if Ford's Motion is granted and there is a strong public interest in granting Ford's Motion because Defendants' conduct is harming the public and there is a need to prevent any further confusion in the marketplace. As a result, there is a sufficient basis for the Court to grant Ford's Motion.

5. Attorneys for Ford have not given notice of this Motion to Defendants because doing so would impact Ford's ability to seek the relief requested herein. As detailed in the supporting Memorandum of Law, upon notice of the relief requested herein, Defendants could delete their eBay accounts, transfer and conceal ill-gotten profits, destroy evidence, and undertake additional efforts to conceal their financial accounts and other information associated with their businesses to prevent Ford from pursuing appropriate relief from this Court. Due to the egregious nature of the counterfeiting and infringing conduct, the eBay Stores must be shut down immediately and all evidence preserved to allow for further investigation into Defendants and their operations, and to identify the full extent of harm caused. An order freezing the assets held in accounts owned, controlled, and/or used by Defendants for financial transactions associated with their counterfeiting and infringing conduct is also necessary to preserve Ford's equitable remedies.

6. This Motion is based upon the First Amended Complaint, accompanying Memorandum of Law in Support, and supporting declarations of Brian O'Rourke, Lisa Woods, and Luis Moreau and accompanying exhibits.

WHEREFORE, Ford respectfully requests that this Court:

- A. Enter a temporary restraining order requiring Defendants to immediately cease all use of the Ford Marks;
- B. Enter an order preserving the evidence in this case;
- C. Enter an order freezing assets held in accounts that Defendants own, control and/or use for financial transactions associated with their counterfeiting and infringing conduct;
- D. Enter an order regarding expedited discovery and disclosure of information, including information from certain third parties.
- E. Set a hearing date and subsequently enter a preliminary injunction enjoining Defendants from using the Ford Marks and freezing assets until final adjudication of the merits of this action; and
- F. Grant such further relief as may be just and equitable under the circumstances.

Respectfully submitted,

FORD MOTOR COMPANY

Dated: June 7, 2024

By: /s/ Christian S. Morgan

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