

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 6.3.2 (Chicago)
CIVIL DOCKET FOR CASE #: 1:20-cv-01666

Art Ask Agency v. The Individuals, Corporations, Limited Liability Companies,
Partnerships, and Unincorporated Associations Identified on Schedule A Hereto
Assigned to: Honorable Steven C. Seeger
Cause: 15:1051 Trademark Infringement

Date Filed: 03/09/2020
Jury Demand: Plaintiff
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Date Filed	#	Docket Text
03/09/2020	1	COMPLAINT filed by Art Ask Agency; Jury Demand. Filing fee \$ 400, receipt number 0752-16807253. (Attachments: # 1 Exhibit Group Exhibit 1)(Hierl, Michael) (Entered: 03/09/2020)
03/09/2020	2	CIVIL Cover Sheet (Hierl, Michael) (Entered: 03/09/2020)
03/09/2020	3	ATTORNEY Appearance for Plaintiff Art Ask Agency by Michael A. Hierl (Hierl, Michael) (Entered: 03/09/2020)
03/09/2020	4	ATTORNEY Appearance for Plaintiff Art Ask Agency by William Benjamin Kalbac (Kalbac, William) (Entered: 03/09/2020)
03/09/2020	5	NOTIFICATION of Affiliates pursuant to Local Rule 3.2 by Art Ask Agency <i>Plaintiff's Corporate Disclosure Statement and Notification as to Affiliates Pursuant to Fed R. Civ. P. 7.1 and Local Rule 3.2</i> (Hierl, Michael) (Entered: 03/09/2020)
03/09/2020	6	MOTION by Plaintiff Art Ask Agency for leave to file <i>Plaintiff's Motion for Leave to File Under Seal</i> (Hierl, Michael) (Entered: 03/09/2020)
03/09/2020	7	SEALED DOCUMENT by Plaintiff Art Ask Agency <i>Sealed Schedule A</i> (Hierl, Michael) (Entered: 03/09/2020)
03/09/2020		CASE ASSIGNED to the Honorable Steven C. Seeger. Designated as Magistrate Judge the Honorable Maria Valdez. Case assignment: Random assignment. (jg,) (Entered: 03/09/2020)
03/10/2020	8	NOTICE TO THE PARTIES - The Court is participating in the Mandatory Initial Discovery Pilot (MIDP). The key features and deadlines are set forth in this Notice which includes a link to the (MIDP) Standing Order and a Checklist for use by the parties. In cases subject to the pilot, all parties must respond to the mandatory initial discovery requests set forth in the Standing Order before initiating any further discovery in this case. Please note: The discovery obligations in the Standing Order supersede the disclosures required by Rule 26(a)(1). Any party seeking affirmative relief must serve a copy of the following documents (Notice of Mandatory Initial Discovery and the Standing Order) on each new party when the Complaint, Counterclaim, Crossclaim, or Third-Party Complaint is served. (sxb,) (Entered: 03/10/2020)
03/10/2020	9	MAILED Trademark report to Patent Trademark Office, Alexandria VA (sxb,) (Entered: 03/10/2020)
03/10/2020	10	MAILED to plaintiff(s) counsel Lanham Mediation Program materials (sxb,) (Entered: 03/10/2020)
03/10/2020	11	MOTION by Plaintiff Art Ask Agency for temporary restraining order <i>Plaintiff's Ex Parte Motion for Entry of a Temporary Restraining Order, Including a Temporary Injunction, a Temporary Transfer of the Defendant Domain Names, a Temporary Asset Restraint, Expedited Discovery, and Service of Process by Email and/or Electronic Publication</i> (Hierl, Michael) (Entered: 03/10/2020)
03/10/2020	12	MEMORANDUM by Art Ask Agency in support of motion for temporary restraining order, 11 (Attachments: # 1 Declaration Declaration of Maria Strid, # 2 Exhibit Exhibit 1, # 3 Declaration Declaration of Michael A. Hierl, # 4 Exhibit Hierl Exhibit 1, # 5 Exhibit Hierl Exhibit 2, # 6 Exhibit Hierl Exhibit 3)(Hierl, Michael) (Entered: 03/10/2020)
03/10/2020	13	SEALED DOCUMENT by Plaintiff Art Ask Agency <i>Exhibit 2 Part 1 of Strid Declaration</i> (Hierl, Michael) (Entered: 03/10/2020)
03/10/2020	14	SEALED DOCUMENT by Plaintiff Art Ask Agency <i>Exhibit 2 Part 2 of Strid Declaration</i> (Hierl, Michael) (Entered: 03/10/2020)
03/10/2020	15	SEALED DOCUMENT by Plaintiff Art Ask Agency <i>Exhibit 2 Part 3 of Strid Declaration</i> (Hierl, Michael) (Entered: 03/10/2020)
03/10/2020	16	SEALED DOCUMENT by Plaintiff Art Ask Agency <i>Exhibit 2 Part 4 of Strid Declaration</i> (Hierl, Michael) (Entered: 03/10/2020)
03/10/2020	17	SEALED DOCUMENT by Plaintiff Art Ask Agency <i>Exhibit 2 Part 5 of Strid Declaration</i> (Hierl, Michael) (Entered: 03/10/2020)
03/10/2020	18	NOTICE of Motion by Michael A. Hierl for presentment of motion for temporary restraining order, 11 , motion for leave to file 6 before Honorable Steven C. Seeger on 3/17/2020 at 09:00 AM. (Hierl, Michael) (Entered: 03/10/2020)

03/13/2020	19	MINUTE entry before the Honorable Steven C. Seeger: Motion hearing set for March 17, 2020 is stricken and reset for April 13, 2020 at 9:30 a.m. Mailed notice. (jjr,) (Entered: 03/13/2020)
03/16/2020	20	MOTION by Plaintiff Art Ask Agency Reset hearing <i>Plaintiff's Motion to Re-Set Hearing Date of April 13, 2020 for Plaintiff's Ex Parte Motion for Temporary Restraining Order</i> (Hierl, Michael) (Entered: 03/16/2020)
03/16/2020	21	NOTICE of Motion by Michael A. Hierl for presentment of motion for miscellaneous relief 20 before Honorable Steven C. Seeger on 3/19/2020 at 09:00 AM. (Hierl, Michael) (Entered: 03/16/2020)
03/16/2020	22	ORDER Amended General Order 20-0012 IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY Signed by the Chief Judge Rebecca R. Pallmeyer on March 16, 2020. All open cases are impacted by this Amended General Order. See attached Order for guidance. Signed by the Honorable Rebecca R. Pallmeyer on 3/16/2020: Mailed notice. (tg,) (Entered: 03/16/2020)
03/18/2020	23	MOTION by Plaintiff Art Ask Agency for temporary restraining order <i>Plaintiff's Emergency Ex Parte Motion for Entry of a Temporary Restraining Order, Including a Temporary Injunction, a Temporary Transfer of the Defendant Domain Names, a Temporary Asset Restraint, Expedited Discovery, and Service of Process by Email and/or Electronic Publication</i> (Hierl, Michael) (Entered: 03/18/2020)
03/18/2020	24	MEMORANDUM by Art Ask Agency in support of motion for temporary restraining order, 23 <i>Memorandum in Support of Plaintiff's Emergency Ex Parte Motion for Entry of a Temporary Restraining Order, Including a Temporary Injunction, a Temporary Transfer of the Defendant Domain Names, A Temporary Asset Restraint, Expedited Discovery, and Service of Process by E-Mail and/or Electronic Publication</i> (Hierl, Michael) (Entered: 03/18/2020)
03/18/2020	25	NOTICE of Motion by Michael A. Hierl for presentment of motion for temporary restraining order, 23 before Honorable Steven C. Seeger on 3/20/2020 at 09:00 AM. (Hierl, Michael) (Entered: 03/18/2020)
03/18/2020	26	MINUTE entry before the Honorable Steven C. Seeger: Plaintiff's Motion to Re-Set Hearing Date of April 13, 2020 for Plaintiff's Ex Parte Motion for Temporary Restraining Order (Dckt. No. 20) is denied. Order to follow. Motion hearing set for March 19, 2020 is vacated. Mailed notice. (jjr,) (Entered: 03/18/2020)
03/18/2020	27	ORDER Signed by the Honorable Steven C. Seeger on 3/18/2020. Mailed notice. (jjr,) (Entered: 03/18/2020)
03/18/2020	28	MINUTE entry before the Honorable Steven C. Seeger: Plaintiff's Emergency Ex Parte Motion for Entry of a Temporary Restraining Order, Including a Temporary Injunction, a Temporary Transfer of the Defendant Domain Names, a Temporary Asset Restraint, Expedited Discovery, and Service of Process by Email and/or Electronic Publication (Dckt. No. 23) is hereby denied. Order to follow. Motion hearing set for March 20, 2020 is vacated. Mailed notice. (jjr,) (Entered: 03/18/2020)
03/18/2020	29	ORDER In light of the public health situation, the Court encourages all parties and their counsel to take precautions, be reasonable, and use common sense in pending cases. In General Order No. 20-0012 dated March 16, 2020 (and amended on March 17), the U.S. District Court for the Northern District of Illinois extended all deadlines in civil cases by three weeks. Parties should assume that this Court will accommodate reasonable requests for extensions in the coming weeks, and counsel should show flexibility and accommodate each other too. This Court will grant a six-week extension of fact discovery if requested (and there is no need for an immediate request). Parties should not take depositions before April 17 unless (1) they take place telephonically; and (2) all parties and the witness(es) consent. Even a telephonic deposition often requires an in-person meeting to prepare the witness, so telephonic depositions can go forward only if everyone agrees. If any party or witness wants a deposition to take place in person, the deposition will take place after April 17. Needless to say, that date may change as the public health situation continues to evolve. Parties should continue to make progress in their cases when possible, but in a manner that is consistent with public health and safety. In the meantime, continue to work together cooperatively in the best traditions of our shared profession. The Court thanks all parties and their counsel for their patience and understanding during this difficult time. Signed by the Honorable Steven C. Seeger on 3/18/2020: Mailed notice. (docket1,) (Entered: 03/18/2020)
03/18/2020	30	E-MAIL CORRESPONDENCE dated March 12, 2020 by Art Ask Agency. (Attachments: # 1 Text of Proposed Sealed Temporary Restraining Order) (jjr,) (Entered: 03/18/2020)
03/18/2020	31	MINUTE entry before the Honorable Steven C. Seeger: Plaintiff's Ex Parte Motion for Entry of a Temporary Restraining Order (Dckt. No. 11) is denied without prejudice. Injunctive relief is an "extraordinary remedy," and it is "not granted routinely." 11A Charles Alan Wright & Arthur Miller, Federal Practice and Procedure § 2942 (3d ed. 2019). "Perhaps the most significant single component in the judicial decision whether to exercise equity jurisdiction and grant permanent injunctive relief is the court's discretion." Id. It is a fact-specific inquiry, and "depends on the circumstances of each case." Id. Here, Plaintiff makes next to no showing that it will suffer irreparable harm unless this Court issues emergency relief. The gist of the motion is that Plaintiff will suffer harm from the sale (and the offer for sale) of counterfeit unicorn products on the internet. But Plaintiff gives this Court no information about the anticipated loss of sales. Not even an estimate. Plaintiff doesn't even tell this Court anything about its own sales, let alone anything about the volume of sales that it will lose without immediate Court action. Maybe the loss of sales is de minimis, or maybe not. But the point is that Plaintiff has made no such showing. A generic allegation of harm, without more, does not weigh heavily in the balance. On the flipside, one of the most important considerations before awarding equitable relief is the public interest. Here, Plaintiff proposes a bloated order that imposes extraordinary demands on third parties, including a wide array of technology companies and financial institutions. (Dckt. No. 30) Plaintiff's proposed order would require immediate action, in a matter of days, from firms that have nothing to do with this case. In the meantime, the country is in the midst of a crisis from the coronavirus, and it is not a good time to put significant demands on innocent third parties. See

generally General Order 20-0012 (as amended on March 17, 2020). All of them undoubtedly have (more) pressing matters on their plates right now. To put it bluntly, Plaintiff's proposed order seems insensitive to others in the current environment. Simply put, trademark infringement is an important consideration, but so is the strain that the rest of country is facing, too. It is important to keep in perspective the costs and benefits of forcing everyone to drop what they're doing to stop the sale of knock-off unicorn products, in the midst of a pandemic. Without a showing of immediate, real-world harm, this Court cannot impose significant demands on third parties in the current environment. That said, this Court denies the motion without prejudice. Later, perhaps Plaintiff will make a better showing. But for now, Plaintiff has come up short (by a wide margin). As a reminder, the Court expects Plaintiff and its counsel to follow General Order 20-0012, including the admonition about emergency motions. Mailed notice. (jjr,) (Entered: 03/18/2020)

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