

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

Senvok Medical Inc

Plaintiff,

v.

Arix Med Inc

Defendant.

Case No. 1:25-cv-11219

**District Judge:**

Honorable Matthew F. Kennelly

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

Plaintiff, Senvok Medical Inc, submits this Memorandum of Law in support of its Motion for Entry of a Preliminary Injunction (the "Motion").

**I. INTRODUCTION AND SUMMARY OF FACTS**

On October 23, 2025, this Court granted Plaintiff's *Ex Parte* Motion for Entry of a Temporary Restraining Order ("the TRO"). [18]. This Court also granted Plaintiff's Motion for Electronic Service which authorized Plaintiff to provide notice of preliminary injunction hearing by electronically publishing a link to the Complaint, this TRO Order and other relevant documents on a website and by sending an e-mail with an attachment of the relevant documents and a link to said website to an e-mail address for Defendant. [17]. Since and pursuant to entry of the TRO, the financial account associated with Defendant's Amazon's store has been frozen. (Yu Decl. ¶ 2, as attached as Exhibit 1).

Plaintiff respectfully requests that this Court convert the TRO to a preliminary injunction against Defendant, so that it remains enjoined from the manufacture, importation, distribution,

offering for sale, and sale of Infringing Product during the pendency of this litigation. As part of the Preliminary Injunction, Plaintiff requests that Defendant's financial accounts remain frozen until completion of these proceedings.

## II. ARGUMENT

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

Plaintiff respectfully requests that this Court convert the TRO to a preliminary injunction to prevent further unlawful conduct by Defendant. Courts addressing similar allegations of Internet-based counterfeiting have also issued preliminary injunctions following a temporary restraining order. See, e.g., *Christian Dior Couture, S.I. v. P'ships, et al.*, No. 21-cv-04828, 2021WL 6881868, at \*1-4 (N.D. III. Oct. 19, 2021); *Oakley, Inc. v. P'ships, et al.*, No. 20-cv-06676, 2020 WL 9455191, at \* 1-3 (N.D. Ill. Dec. 11, 2020).

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

In the Northern District, Courts hold that: "The standards for issuing temporary restraining orders are identical to the standards for preliminary injunctions." *Long v. Bd. of Educ.*, 167 F. Supp. 2d 988, 990 (N.D. III. 2001). "A plaintiff seeking a preliminary injunction must establish: (1) that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest." Fed. R. Civ. P. 65(b)(1)(A). *Spectrum Brands, Inc. v. Individuals, Corps., L.L.C., Partnerships, & Unincorporated Assocs. Identified in Schedule A*, Case No. 1:24-cv-04849, 2024 WL 4449945, at \*2 (N.D. III. Oct. 9, 2024) (formatting added) quoting *Winter v. Nat. Res. Def Council, Inc.*, 555 U.S. 7, 20 (2008).

By issuing the TRO, the Court has already found that Plaintiff has met the burden on this motion for preliminary injunction. In details, Plaintiff is likely to succeed on the merits because the Infringing Product is an exact copy of designs protected by Plaintiff Design Patents and uses images that are substantially similar to Plaintiff Copyright. Irreparable harm is likely to be inflicted due to the nature of infringement (direct copy and counterfeiting) and potential reduction of sales. For the

same reasons based on the nature of infringement, the balance of equities tips in Plaintiff's favor and the injunction is in the public interest by preventing the Infringing Product from entering into marketplace to deceive the public.

ii. The Equitable Relief Sought Remains Appropriate

The Patent Act authorizes the courts having jurisdiction of cases to “grant injunctions in accordance with the principles of equity to prevent the violation of any right secured by patent, on such terms as the court deems reasonable.” 35 U.S.C. § 283. Likewise, the Copyright Act authorizes the courts having jurisdiction of a civil action to “grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain infringement of a copyright.” 17 U.S. Code § 502(a).

To prevent Defendant from further manufacture, importation, distribution, offering for sale, and sale of Infringing Products and to provide notice to Defendant regarding these proceedings, Plaintiff respectfully requests that the injunctive relief already awarded be extended through the pendency of this case.

Plaintiff also requests conversion of the TRO to a preliminary injunction so that Defendant's account remains frozen. Since entry of the TRO, third party platforms such as Amazon have provided Plaintiff with information, including the identification of financial accounts linked to Defendant's store which was offering for sale and/or selling Infringing Products. In the absence of a preliminary injunction, Defendant may attempt to transfer financial assets to offshore accounts. Therefore, Defendant's asset should remain frozen for the remainder of the proceedings.

The amount of damages to which Plaintiff is entitled under the law far exceeds any amount contained in Defendant's frozen financial accounts. In addition, and as established in Plaintiff's TRO Memorandum [7], 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.*, No. 1:03-cv04844, 2005 WL 3115892 (N.D. Ill. Nov. 8, 2005). As such, an order continuing to freeze the Defendant's assets should be granted.

**B. There is Good Cause to Extend the Temporary Restraining Order Until There is a Ruling on this Motion**

In the event that the Court does not rule on this Motion before the current TRO expiration date (November 6, 2025), Plaintiff also seeks to extend the TRO to maintain the status quo until there is a ruling on Plaintiff's Motion for Entry of a Preliminary Injunction. Rule 65 dictates that under ordinary circumstances, a temporary restraining order cannot exceed 14 days, although the court may extend it "for a like period" for good cause. Fed. R. Civ. P. 65(b)(2). However, in *HD Mich., LLC v. Hellenic Duty Free Shops S.A.*, the Seventh Circuit affirmed that allowing a TRO to remain in effect until a decision on a motion for preliminary injunction was proper. *HD Mich., LLC*, 694 F.3d 827, 843-45 (7th Cir. 2012). In affirming the TRO extension, the Seventh Circuit explicitly recognized that there will be cases where the maximum 28-day limit does not give the parties sufficient time to prepare for a preliminary injunction hearing. *Id.* If the extension exceeds the maximum duration for a TRO under Rule 65(b), the extension "becomes in effect a preliminary injunction that is appealable, but the order remains effective." *Id.* at 844.

Defendant has notice of this case and this pending Motion and has presented no evidence of hardship that would occur by keeping the TRO in place. In addition, Plaintiff respectfully submits that there is good cause to extend the TRO, since there is a high probability that the Defendant will continue to harm Plaintiff without the TRO in place, especially since Defendant has notice of this case. Specifically, Defendant will likely attempt to move any assets from their financial accounts to off-shore bank accounts without the TRO in place while this Motion is pending.

**C. THE BOND FOR THE TRO SHOULD REMAIN AT US\$10,000**

Federal Rule of Civil Procedure 65(c) requires that an applicant for a TRO or preliminary injunction provide security against the potential effects of a wrongfully issued injunction. Fed. R. Civ. P. 65(c). "The appropriate amount of the bond is subject to the court's discretion." *Monster Energy Co. v. Wensheng*, 136 F. Supp. 3d 897, 910 (N.D. Ill. 2015).

In issuing the *ex parte* TRO on October 23, 2025, this Court mandated that Plaintiff post a bond at US\$10,000. Plaintiff has thus complied with this mandate and deposited a cashier's check of \$10,000. [21]. Plaintiff respectfully submits that the bond should remain at \$10,000.00 with

respect to Defendant that would be impacted by this proposed injunction.

### **III. CONCLUSION.**

In view of the foregoing and consistent with previous similar cases, Plaintiff requests that the Court enter a Preliminary Injunction Order.

Dated: November 1, 2025.

Respectfully submitted,

*/s/ Diqing Vincent Yu*

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Diqing Vincent Yu  
NY Bar No. 4895058  
Admitted to N.D. Ill.  
EBIZ LAW LLC  
1178 Broadway, 3rd Floor #3142  
New York, NY 10001  
Mobile: (213) 863-5688  
Email: vincent.yu@ebiz.law

**CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2025, simultaneous with the filing of this Submission, a copy of this submission was served on the Docket using the CM/ECF system and a courtesy copy to the email of Defendant at [service@arixmed.com](mailto:service@arixmed.com) (service email at arixmed.com) and [damaozan-us@outlook.com](mailto:damaozan-us@outlook.com) (Amazon store email). This motion will also be posted on the website accessible to Defendant, which will also be sent to the above email address.

Respectfully submitted,

*/s/ Diqing Vincent Yu*

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Diqing Vincent Yu

NY Bar No. 4895058

Admitted to N.D. Ill.

EBIZ LAW LLC

1178 Broadway, 3rd Floor #3142

New York, NY 10001

Mobile: (213) 863-5688

Email: [vincent.yu@ebiz.law](mailto:vincent.yu@ebiz.law)