

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

AKAMATSU TAKAYOSHI,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS, AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE A HERETO,

Defendants.

Case No.: 20-cv-3416

Judge: Elaine E. Bucklo

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on AKAMATSU TAKAYOSHI's Motion for a Preliminary Injunction, and this Court having considered the evidence before it hereby GRANTS Plaintiff's Motion for Entry of a Preliminary Injunction in its entirety against the Defendants identified in Schedule A attached hereto (collectively, the "Defendants").

THIS COURT HEREBY FINDS that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents can purchase products bearing infringing and/or counterfeit versions of Plaintiff's Piske & Usagi and Kanahei Trademarks (the "Counterfeit Piske & Usagi and Kanahei Products").

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order ("TRO") should remain in place through the pendency of this

litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of Plaintiff's previously granted Motion for a Temporary Restraining Order establishes that Plaintiff has a likelihood of success on the merits; that no remedy at law exists; and that Plaintiff will suffer irreparable harm if the injunction is not granted.

Specifically, Plaintiff has proved a *prima facie* case of trademark infringement because (1) the Piske & Usagi and Kanahei Trademarks are distinctive marks and registered with the U.S. Patent and Trademark Office on the Principal Register as U.S. Trademark Registration No. 5,125,409 for the Piske & Usagi mark and 5,205,597 for the Kanahei mark, (2) Defendants are not licensed or authorized to use Piske & Usagi and Kanahei Trademarks, and (3) Defendants' use of the Piske & Usagi and Kanahei Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with AKAMATSU TAKAYOSHI. Furthermore, Defendants' continued and unauthorized use of the Piske & Usagi and Kanahei Trademarks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Plaintiff has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions.

Accordingly, this Court orders that:

1. Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily enjoined and restrained from:

- a. using Plaintiff's Piske & Usagi and Kanahei Trademarks or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Piske & Usagi and Kanahei Products or not authorized by Plaintiff to be sold in connection with Plaintiff's Piske & Usagi and Kanahei Trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Piske & Usagi and Kanahei Products or any other product produced by Plaintiff, that is not Plaintiff's or not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's Piske & Usagi and Kanahei Trademarks;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. further infringing Plaintiff's Piske & Usagi and Kanahei Trademarks and damaging Plaintiff's goodwill;
- e. otherwise competing unfairly with Plaintiff in any manner;
- f. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear Plaintiff's Piske & Usagi and Kanahei

Trademarks or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof;

- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts, the Defendant Domain Names, or any other domain name or online marketplace account that is being used to sell or is the means by which Defendants could continue to sell Counterfeit Piske & Usagi and Kanahei Products; and
 - h. operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing Plaintiff's Piske & Usagi and Kanahei Trademarks or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof that is not a genuine Piske & Usagi and Kanahei Products or not authorized by Plaintiff to be sold in connection with Plaintiff's Piske & Usagi and Kanahei Trademarks.
2. Each Defendant, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) their true name and physical address, (b) all websites and online marketplace accounts on any platform that they own and/or operate (c) their financial accounts, including all Amazon, Wish, eBay, DHgate and PayPal accounts, and (d) the steps taken by each Defendant to comply with paragraph 1, a through h, above.
 3. The domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afiliat Limited, CentralNic, Nominet, and the Public

Interest Registry, within three (3) business days of receipt of this Order or prior to expiration of this Order, whichever date shall occur first, shall, at Plaintiff's choosing:

- a. unlock and change the registrar of record for the Defendant Domain Names to a registrar of Plaintiff's selection until further ordered by this Court, and the domain name registrars shall take any steps necessary to transfer the Defendant Domain Names to a registrar of Plaintiff's selection until further ordered by this Court; or
 - b. disable the Defendant Domain Names and make them inactive and untransferable until further ordered by this Court.
4. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as iOffer and Alibaba Group Holding Ltd., Alipay.com Co., Ltd. and any related Alibaba entities (collectively, "Alibaba"), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Domain Names, and domain name registrars, shall within three (3) business days of receipt of this Order:
- a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using the Piske & Usagi and Kanahei Trademarks, including any accounts associated with the Defendants listed on Schedule A;
 - b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the Piske & Usagi and Kanahei Trademarks; and

- c. take all steps necessary to prevent links to the Defendant Domain Names identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Domain Names from any search index.
5. Defendants and any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of Defendants' websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as iOffer and Alibaba, advertisers, Facebook, Internet Service Providers ("ISP"), web hosts, back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers, including Amazon, PayPal, eBay, DHgate, Wish and Western Union, third party processors and other payment processing service providers, shippers, and domain name registrars (collectively, the "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to Plaintiff expedited discovery, including copies of all documents and records in such person's or entity's possession or control relating to:
 - a. The identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information;
 - b. the nature of Defendants' operations and all associated sales and financial information, including, without limitation, identifying information associated with the Online Marketplace Accounts, the Defendant Domain Names, and Defendants' financial accounts, as well as providing a full

accounting of Defendants' sales and listing history related to their respective Online Marketplace Accounts and Defendant Domain Names;

- c. Defendants' websites and/or any Online Marketplace Accounts;
 - d. The Defendant Domain Names or any domain name registered by Defendants; and
 - e. Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, Amazon Payments Inc., PayPal, eBay, DHgate, Wish and Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
6. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
 7. Western Union shall, within two (2) business days of receipt of this Order, block any Western Union money transfers and funds from being received by the Defendants identified in Schedule A until further ordered by this Court.
 8. PayPal, Inc. ("PayPal") shall, within two (2) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:

- a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any PayPal accounts connected to the information listed in Schedule A hereto; and
 - b. Restrain and enjoin any such accounts or funds that are China or Hong Kong based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

9. ContextLogic, Inc. ("Wish") shall, within two (2) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any Wish accounts connected to the information listed in Schedule A hereto; and
 - b. Restrain and enjoin any such accounts or funds that are China or Hong Kong based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

10. Amazon Payments, Inc. ("Amazon") shall, within two (2) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any Amazon accounts connected to the information listed in Schedule A hereto; and
 - b. Restrain and enjoin any such accounts or funds that are China or Hong Kong based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

11. DHgate shall, within two (2) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any DHgate accounts connected to the information listed in Schedule A hereto; and
 - b. Restrain and enjoin any such accounts or funds that are China or Hong Kong based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

12. eBay shall, within two (2) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any eBay accounts connected to the information listed in Schedule A hereto; and
 - b. Restrain and enjoin any such accounts or funds that are China or Hong Kong based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

13. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any of Defendants' Online Marketplace Accounts or websites, shall within two (2) business days of receipt of this Order:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any accounts connected to the information listed in Schedule A hereto; and

- b. Restrain and enjoin such accounts from receiving, transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
14. Plaintiff may provide notice of these proceedings to Defendants, including notice of the preliminary injunction hearing and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website to which the Defendant Domain Names which are transferred to Plaintiff's control will redirect, or by sending an e-mail to the e-mail addresses identified in Schedule A hereto; and any e-mail addresses provided for Defendants by third parties that includes a link to said website. The Clerk of Court is directed to issue a single original summons in the name of "aozhouqie and all other Defendants identified in Complaint" Schedule A that shall apply to all Defendants. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from domain name registrars and payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.
15. Plaintiff's Schedule A to the Complaint, and the TRO are unsealed.
16. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Plaintiff or on shorter notice as set by this Court.
17. The \$10,000 bond posted by Plaintiff shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.
18. Plaintiff shall file the \$10,000 bond with the Court as soon as the Court re-opens to the public.

19. The Clerk is directed to unseal any previously sealed documents including the TRO, Schedule A and docket entries 2, 3, 8, 10-20 and 24.

Dated: July 14, 2020


U.S. District Court Judge

 SellerDefense

SCHEDULE A

No.	Defendant Name / Alias
1	aozhouqie
2	pagoda
3	raymonu
4	flaminglily
5	miniatur
6	cocopark800
7	hiram22_3
8	home-garden-us
9	jewelry-base
10	joanne345
11	koreacolors
12	trs-seller2012
13	dongchengde
14	Zouyue
15	brandpenm
16	bright689
17	chongyangclothes007
18	copy03
19	dracaenor
20	eternalltd
21	Gyposphila
22	jiao201919
23	stobranda
24	sunshine_boy
25	toptomhome
26	totebeauty
27	Valineful
28	Cangnan Aite Bag Co., Ltd.
29	Dongguan Newstar Crafts Co., Ltd.
30	king-chan1999
31	o.m.g-shop
32	phoenix-store-hk
33	The Pocket Store
34	Fugubag
35	Keroyeah
36	Lusta
37	Redvelvett
38	Saltyk

39	Tinypari
40	Tpx_backpack
41	Wangbeiche
42	2019dajidali
43	to_rated2018
44	Shenzhen Louis Toys & Gifts Co., Ltd.
45	Yangzhou Home Ka Crafts Ltd.
46	Yangzhou Jijia Toys Co., Ltd.
47	cavvac88
48	er-sa2010
49	global_sales2019
50	hantetecha
51	hujian873484
52	lisen888_9
53	twins-1999
54	zhongwwzj5
55	liubin042
56	Tescosupermarket
57	ventepushtoy
58	royal120
59	vinci1200
60	23stars
61	Shimin&stationery Store
62	hrne2083
63	shippingtime007
64	gaozhao
65	MAGICAL onlie store
66	ZYJ & store
67	cn_home
68	daaimaoxiong
69	hotstore2
70	xiaotouming
71	Dongguan OK Silicone Gift Co., Ltd.
72	Shenzhen Topgame Trade Co., Ltd.
73	Suzhou Boce Culture Promotion Gifts Co., Ltd.
74	Wenzhou Mega Trading Co., Ltd.
75	casedomtag
76	gaoguiyun2016_2
77	rorysmartkey
78	ai_158
79	gadgetsworld

80	Yucaowei
81	topdream.toys
82	hjkikljl1
83	JIAJIAGOUWU666
84	One swallow does not make a summer
85	babyeden
86	beauty1688
87	havory
88	kennyxhd3
89	sightly
90	wangxiaoqin199015
91	Shenzhen Boying Industry Co., Ltd.
92	accespersonalised26
93	hdwv5076
94	ahlam19
95	Carriezone
96	digital_world2
97	szaister2190
98	Zhongshan Lion Metal Crafts Co., Ltd.
99	grandliu
100	Luckyyear
101	universitystore
102	wishopen
103	VVVStudio
104	trendytimes
105	Office Decoration
106	PPL21
107	Qiangweiflo
108	angluy
109	yunt2016
110	fashionfavor2016
111	kateeskitty
112	Guangzhou Showpoo Anime Co., Limited
113	kingfull-electronic-company
114	beautydeal
115	shopox
116	Wenzhou Yipu Import & Export Commercial Co., Ltd.
117	dhgdriver
118	peaceg
119	Dongguan Yi Kang Plush Toys Co., Ltd.
120	Guangzhou Zhengmao Printing Co., Ltd.

121	Shanghai Xiyuan Imp. & Exp. Co., Ltd.
122	Wenzhou Linyao International Trading Co., Ltd.
123	aldrichy
124	max4072
125	rosebox
126	wholesale2012

No.	Defendant Marketplaces URL
1	https://www.dhgate.com/store/20061377
2	https://www.dhgate.com/store/20717044
3	https://www.dhgate.com/store/20291429
4	https://www.dhgate.com/store/20717046
5	https://www.dhgate.com/store/20714219
6	https://www.ebay.com/usr/cocopark800
7	https://www.ebay.com/usr/hiram22_3
8	https://www.ebay.com/usr/home-garden-us
9	https://www.ebay.com/usr/jewelry-base
10	https://www.ebay.com/usr/joanne345
11	https://www.ebay.com/usr/koreacolors
12	https://www.ebay.com/usr/trs-seller2012
13	https://www.wish.com/merchant/58df5f50d2028052e05e951b
14	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=ATRUFVAM9GVVR&tab=&vasStoreID=
15	https://www.dhgate.com/store/21394839
16	https://www.dhgate.com/store/19970985
17	https://www.dhgate.com/store/21080384
18	https://www.dhgate.com/store/20322638
19	https://www.dhgate.com/store/20714271
20	https://www.dhgate.com/store/21390466
21	https://www.dhgate.com/store/20717075
22	https://www.dhgate.com/store/21264250
23	https://www.dhgate.com/store/21394844
24	https://www.dhgate.com/store/14360315
25	https://www.dhgate.com/store/20796815
26	https://www.dhgate.com/store/20986891
27	https://www.dhgate.com/store/20987092
28	https://huayuprint.en.alibaba.com

29	https://goodbags.en.alibaba.com/
30	https://www.ebay.com/usr/king-chan1999
31	https://www.ebay.com/usr/o.m.g-shop
32	https://www.ebay.co.uk/usr/phoenix-store-hk
33	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A2DAZUG4UFRFDF&tab=&vasStoreID=
34	https://www.dhgate.com/store/21223332
35	https://www.dhgate.com/store/21066299
36	https://www.dhgate.com/store/21093226
37	https://www.dhgate.com/store/21000485
38	https://www.dhgate.com/store/21100696
39	https://www.dhgate.com/store/21068580
40	https://www.dhgate.com/store/20922560
41	https://www.dhgate.com/store/21083877
42	https://www.ebay.com/usr/2019dajidali
43	https://www.ebay.co.uk/usr/to_rated2018
44	https://louistoys.en.alibaba.com/
45	https://yztoy.en.alibaba.com
46	https://jijiatoy.en.alibaba.com
47	https://www.ebay.com/usr/cavvac88
48	https://www.ebay.com/usr/er-sa2010
49	https://www.ebay.com/usr/global_sales2019
50	https://www.ebay.com/usr/hantetecha
51	https://www.ebay.com/usr/hujian873484
52	https://www.ebay.com/usr/lisen888_9
53	https://www.ebay.com/usr/twins-1999
54	https://www.ebay.com/usr/zhongwwzj5
55	https://www.dhgate.com/store/19779288
56	https://www.dhgate.com/store/20143235
57	https://www.dhgate.com/store/21181545
58	https://www.dhgate.com/store/20543811
59	https://www.dhgate.com/store/21393425
60	https://23stars.ecrater.com/
61	https://www.aliexpress.com/store/4669024
62	https://www.ebay.com/usr/hrne2083
63	https://www.ebay.com/usr/shippingtime007
64	https://www.wish.com/merchant/597d98ef6544877080fc84ae
65	https://www.wish.com/merchant/59f6c26515da072bf7352c10
66	https://www.wish.com/merchant/5da9708e0ecd2813ec636e41
67	https://www.dhgate.com/store/21139471
68	https://www.dhgate.com/store/20497991

69	https://www.dhgate.com/store/21041995
70	https://www.dhgate.com/store/20755587
71	https://oksiliconegift.en.alibaba.com
72	https://topgamechina.en.alibaba.com/
73	https://cinhaigifts.en.alibaba.com
74	https://cnmig.en.alibaba.com
75	https://www.ebay.com/usr/casedomtag
76	https://www.ebay.com/usr/gaoguiyun2016_2
77	https://www.ebay.com/usr/rorysmartkey
78	https://www.dhgate.com/store/14153175
79	https://www.dhgate.com/store/20992969
80	https://www.dhgate.com/wholesale/products/ff808081622f666a01626296d799266c.html
81	https://www.ebay.com/usr/topdream.toys
82	https://www.wish.com/merchant/5ad18f4ea6f62e405893b65c
83	https://www.wish.com/merchant/5b0d0be2c721a95c785efc9b
84	https://www.wish.com/merchant/5acdba4e1baafe549d489021
85	https://www.dhgate.com/store/21209691
86	https://www.dhgate.com/store/17313253
87	https://www.dhgate.com/store/20513710
88	https://www.dhgate.com/store/21126709
89	https://www.dhgate.com/store/19969134
90	https://www.dhgate.com/store/20148622
91	https://sheginelby.en.alibaba.com
92	https://www.ebay.com/usr/accespersonalised26
93	https://www.ebay.com/usr/hdww5076
94	https://www.dhgate.com/wholesale/products/ff80808166f8ea61016735e762ba79fd.html
95	https://www.dhgate.com/store/21165798
96	https://www.dhgate.com/store/21353403
97	https://www.dhgate.com/store/21185196
98	https://sonier-craft.en.alibaba.com
99	https://www.dhgate.com/store/21109645
100	https://www.dhgate.com/store/20520708
101	https://www.dhgate.com/store/21075975
102	https://www.dhgate.com/store/13603460
103	https://www.etsy.com/shop/vvvstudio
104	https://www.ebay.com/usr/trendytimes
105	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A3AZ4QJ5UVNORX&tab=&vasStoreID=

106	https://www.amazon.com/sp?_encoding=UTF8&asin=&isAmazonFulfilled=&isCBA=&marketplaceID=ATVPDKIKX0DER&orderID=&seller=A22T68X3WPGU1B&tab=&vasStoreID=
107	https://www.dhgate.com/store/21078969
108	https://www.ebay.com/usr/angluy
109	https://www.ebay.com/usr/yunt2016
110	https://www.ebay.com/usr/fashionfavor2016
111	https://www.ebay.com/usr/kateeskitty
112	https://showpoo.en.alibaba.com
113	https://www.ebay.com/usr/kingfull-electronic-company
114	https://www.dhgate.com/store/21041570
115	https://www.dhgate.com/store/20793232
116	https://wzeport.en.alibaba.com
117	https://www.dhgate.com/store/20915454
118	https://www.dhgate.com/store/20660350
119	https://yktoys.en.alibaba.com
120	https://linmaoprint.en.alibaba.com
121	https://shxiyuan.en.alibaba.com
122	https://lanxiangpacking.en.alibaba.com
123	https://www.dhgate.com/store/20291773
124	https://www.dhgate.com/store/19926741
125	https://www.dhgate.com/store/21346327
126	https://www.dhgate.com/store/14042597