

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

EMOJI COMPANY GmbH,

Plaintiff,

v.

AAPE888 et al.,

Defendants.

Case No.: 20-cv-3892

Judge: John J. Tharp, Jr.

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on EMOJI COMPANY GmbH's Motion for a Preliminary Injunction against the Defendants identified in Schedule A attached hereto (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 considered the evidence before it hereby GRANTS Plaintiff's Motion for Entry of a Preliminary Injunction as follows.

THIS COURT HEREBY FINDS, in the absence of adversarial presentation, that it has personal jurisdiction over the Defendants because the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers, offer shipping to the United States, including Illinois, accept payment in U.S. dollars, and have sold products using infringing and counterfeit versions of Plaintiff's EMOJI Trademarks (the "EMOJI Products") to residents of Illinois.

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 TRO establishes that Plaintiff has demonstrated 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 EMOJI Trademarks are distinctive marks and are registered with the U.S. Patent and Trademark Office on the Principal Register as U.S. Trademark Registration Nos. 4,868,832; 5,202,078 and 5,415,510 for the EMOJI marks, (2) Defendants are not licensed or authorized to use EMOJI Trademarks, and (3) Defendants’ use of the EMOJI Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with EMOJI COMPANY GmbH. Furthermore, Defendants’ continued and unauthorized use of the EMOJI 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 preliminarily enjoined and restrained from:

- a. using Plaintiff's EMOJI Trademarks or any reproductions, counterfeit copies, or colorable imitations in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine EMOJI Product or not authorized by Plaintiff to be sold in connection with Plaintiff's EMOJI Trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine EMOJI Product 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 EMOJI 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 EMOJI Trademarks and damaging Plaintiff's goodwill; and
- e. manufacturing, 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 EMOJI Trademarks or any reproductions, counterfeit copies or colorable imitations.

2. The domain name registries for the Defendants' Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afiliat Limited, CentralNic, Nominet, and the Public Interest Registry, and the domain name registrars, including, but not limited to, GoDaddy Operating Company LLC, Name.com, PDR LTD. d/b/a PublicDomainRegistry.com, and Namecheap Inc., within three (3) business days of receipt of this Order or prior to the expiration of this Order, whichever date shall occur first, shall disable Defendants' Domain Names and make them inactive and untransferable until further order by this Court.
3. Upon Plaintiff's request, 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 DHgate, 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 sufficient to determine:
 - 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 and all associated e-mail addresses;

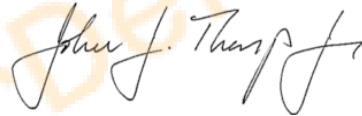
- b. the nature of Defendants' operations and all associated sales, methods of payment for services, and financial information, including, without limitation, identifying information associated with the Online Marketplace Accounts, the Defendant Domain Names, and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplace Accounts and Defendant Domain Names; and
 - c. 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, DHgate and Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
4. Upon Plaintiff's request, those with notice of the injunction, including the Third Party Providers, shall within three (3) business days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the EMOJI Trademarks.
5. Defendants shall be temporarily and preliminarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further order by this Court.

6. Any Third Party Providers, including DHgate, shall, within two (2) business days of receipt of this Order:
 - a. locate all accounts and funds of 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 from transferring or disposing of any money or other of Defendants' assets until further order by this Court.
7. Plaintiff may provide notice of these proceedings to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Amended Complaint, this Order, and other relevant documents on a website and 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 the Court is directed to issue a single original summons in the name of "aape888 and all other Defendants identified in Amended Complaint" that shall apply to all Defendants. The combination of providing notice via electronic publication and e-mail, along with any notice that Defendants receive from 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.
8. Plaintiff's Amended Complaint [8] and Exhibit 1 [8-1], Exhibit 1 to the Complaint [2], Schedule A to the Complaint [7] and the Amended Complaint [8-2], Plaintiff's Motion to Exceed Page Limitation [9], Plaintiff's Motion for Entry of a Temporary Restraining Order [10], Plaintiff's Memorandum in Support of the Motion for Entry of a Temporary Restraining Order [11], the accompanying Declaration of Jose Santiago [11-1] and Exhibit 1 thereto [11-

2], Declaration of Anna K. Reiter [11-3], and Exhibit 2 thereto [12] – [20], Declaration of Michael A. Hierl [11-4] and Exhibits 1-3 thereto [11-5] – [11-7], Plaintiff's Notice of Claims Involving Trademarks [21], and the TRO [23] are unsealed.

9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and the Northern District of Illinois Local Rules.
10. Plaintiff shall post a bond with the Court within 1 week of entry of this order.

Dated: August 3, 2020



John J. Tharp, Jr.
United States District Judge

SCHEDULE A

No.	Defendants
1	aape888
2	Jyhuafei
3	Off01
4	Play01
5	losangelesd
6	sport1688
7	Dhfz04
8	nicefeelstore
9	leon2008dream
10	mybestsite
11	Brandcloth
12	Fimimi
13	di_men
14	marigold_fz
15	oneskycity
16	xiaomao2018
17	kokmohid
18	yabsera
19	goodly3128
20	hoodie888
21	beibei_shop
22	Luxury22
23	Apericots
24	armaniteeshirt
25	ashenna
26	baishi7
27	Baxiagogo
28	beautifuly
29	besttshirts201810
30	Buy10
31	carmarstore
32	cfashions
33	clothes_cafe_charity
34	clothingdh
35	designlife
36	Despicable_me
37	diytees2018
38	Docup

39	Edmund02
40	ellenice
41	emodezhao
42	Esp2018
43	eventswedding
44	fafaastore
45	fanyumaoyi02
46	Fashion2017store
47	Fashion89show
48	fashionbj
49	Fashionlot
50	feelingoodtees
51	Fushopping
52	Fuyastore
53	gaoling98
54	GI8888
55	goodsonline
56	Goodtime98
57	Guci88
58	hairstylish
59	handbeauty
60	Hangzhou8
61	haoppy
62	happy19891
63	happy668899store
64	Harrietai
65	Harrvey
66	helen20180628
67	italynest
68	jackhuang
69	jinmei01
70	Jst2015
71	jualy
72	Juneren
73	junlong02
74	junlong03
75	kaseller
76	kevin_echo04
77	lanlan998
78	lanselstore
79	lastdoc

80	lbdapparel
81	Leoreplica
82	lianmeijack
83	linmei0005
84	linnan00010
85	linnan06
86	lizhang02
87	lordofthetees
88	marigolder
89	meinuo110
90	Men_apparel
91	Mimang04
92	mountainshirt
93	mr_bacon
94	mujing
95	Mz908
96	Neidok
97	Newedd
98	newxf01store
99	nikktm
100	Ninglang04
101	Ninglang05
102	ninglang06
103	north_15
104	northface127
105	officesupplier
106	oldriver
107	oott
108	Paluo
109	peaceg
110	pearguo
111	pingguo1
112	pingguo6
113	pingguo99
114	Propha
115	purezony
116	qihengliu
117	Queen968
118	ridingsport
119	shen07
120	shenping02

121	shoptshirt
122	Sizhu
123	Snewa
124	sto6
125	store2002
126	Summerh
127	Superstore201898
128	supertshirts201803
129	sweet_honey
130	tastall
131	thefashioncartel
132	Tian2018514
133	tombusiness
134	topshoes666
135	Tuhua
136	underwearoem
137	Vanilla10
138	vickyhuang17
139	victoriata
140	vikey16
141	viviant
142	wangyicom
143	watchlove
144	waxeer
145	wayslestore
146	west-wind
147	Womenmall
148	Wudun
149	xingyan03
150	yaolei000
151	yerunku
152	yg06tshirt
153	yingluo
154	Yiyeluochen
155	yongbing88
156	yonnie
157	yubin10
158	Yuzhaolin
159	zch8989
160	zch9988
161	hcfz2

162	hcgj1
163	hcgj3
164	hcnb7
165	jffc4
166	jffc8
167	jfnb4
168	jfnb6
169	lkfc3
170	lkfc4
171	lkfc5
172	lkfc9
173	lkfz9
174	topapparelseller
175	xmnh3
176	awhazln
177	igochina002
178	igochina004
179	ranmeng
180	ajkobeshoes
181	angelina_baby
182	baobags
183	besgohomedecor
184	Chencloth66
185	enjoy_shopping_here
186	fivestage
187	fyj321
188	godefera
189	Hongxuanstore01
190	honry
191	hot_fashion_clothing
192	hotbuy
193	Hy28
194	jerry06
195	jokay
196	keviny
197	King_heihe
198	Lina_2016
199	loungersofa
200	Matetrade
201	meetanna
202	miaosen1

203	mingbag001
204	nbkingstar
205	ninghongmy
206	penbake
207	rebecca
208	runningxu123
209	sola1990
210	sweet59
211	toponlineshop
212	Trendysocks
213	universe111
214	vanilla13
215	wilove
216	zhanhuaclothes
217	de_de
218	Nonion
219	autoparts1
220	Best_sunglasses
221	buypal
222	Hqy86
223	jet007
224	leviis
225	Naixing
226	oem_jewelry
227	pbqy008
228	sd005
229	tophat5
230	wangxiaofeng806
231	Youarenice
232	Airsoftwholesaler
233	howtobuydhgate
234	Feida98

No.	Defendants Online Marketplace
1	https://www.dhgate.com/store/21407000
2	https://www.dhgate.com/store/20324530
3	https://www.dhgate.com/store/21504148
4	https://www.dhgate.com/store/21503499
5	https://www.dhgate.com/store/20157450
6	https://www.dhgate.com/store/21034627
7	https://www.dhgate.com/store/21491893
8	https://www.dhgate.com/store/20437129
9	https://www.dhgate.com/store/13763018
10	https://www.dhgate.com/store/14332253
11	https://www.dhgate.com/store/21027089
12	https://www.dhgate.com/store/21141963
13	https://www.dhgate.com/store/21065049
14	https://www.dhgate.com/store/20996083
15	https://www.dhgate.com/store/21223701
16	https://www.dhgate.com/store/21171788
17	https://www.dhgate.com/store/21499269
18	https://www.dhgate.com/store/20245996
19	https://www.dhgate.com/store/19967460
20	https://www.dhgate.com/store/21205073
21	https://www.dhgate.com/store/14498470
22	https://www.dhgate.com/store/21423933
23	https://www.dhgate.com/store/21134673
24	https://www.dhgate.com/store/21122567
25	https://www.dhgate.com/wholesale/products/ff808081711b462b01712a23dab211cc.html
26	https://www.dhgate.com/store/21092126
27	https://www.dhgate.com/store/20968564
28	https://www.dhgate.com/store/20773085
29	https://www.dhgate.com/store/21124475
30	https://www.dhgate.com/store/20488062
31	https://www.dhgate.com/store/21119360
32	https://www.dhgate.com/store/20467760
33	https://www.dhgate.com/store/21148991
34	https://www.dhgate.com/store/20944969
35	https://www.dhgate.com/store/20800367
36	https://www.dhgate.com/store/20082851
37	https://www.dhgate.com/store/21096688
38	https://www.dhgate.com/store/21128762
39	https://www.dhgate.com/store/20325793
40	https://www.dhgate.com/store/21416939

41	https://www.dhgate.com/store/20248928
42	https://www.dhgate.com/store/21078215
43	https://www.dhgate.com/store/19905723
44	https://www.dhgate.com/store/20922423
45	https://www.dhgate.com/store/21092937
46	https://www.dhgate.com/store/20637066
47	https://www.dhgate.com/store/21145995
48	https://www.dhgate.com/store/20511658
49	https://www.dhgate.com/store/21142112
50	https://www.dhgate.com/store/21135682
51	https://www.dhgate.com/store/21142093
52	https://www.dhgate.com/store/21154211
53	https://www.dhgate.com/store/21150920
54	https://www.dhgate.com/store/21333800
55	https://www.dhgate.com/store/21134634
56	https://www.dhgate.com/store/21152983
57	https://www.dhgate.com/store/21108560
58	https://www.dhgate.com/store/21134452
59	https://www.dhgate.com/store/19863217
60	https://www.dhgate.com/store/20828665
61	https://www.dhgate.com/store/20774916
62	https://www.dhgate.com/store/21141638
63	https://www.dhgate.com/store/20652318
64	https://www.dhgate.com/store/21079218
65	https://www.dhgate.com/store/20242305
66	https://www.dhgate.com/store/21072901
67	https://www.dhgate.com/store/21154449
68	https://www.dhgate.com/store/14047056
69	https://www.dhgate.com/store/19888604
70	https://www.dhgate.com/store/19927019
71	https://www.dhgate.com/store/20826633
72	https://www.dhgate.com/store/21218003
73	https://www.dhgate.com/store/19936448
74	https://www.dhgate.com/store/19936449
75	https://www.dhgate.com/store/21034611
76	https://www.dhgate.com/store/21029127
77	https://www.dhgate.com/store/21185158
78	https://www.dhgate.com/store/21148853
79	https://www.dhgate.com/store/21223148
80	https://www.dhgate.com/store/19752844
81	https://www.dhgate.com/store/21410204

82	https://www.dhgate.com/store/17986479
83	https://www.dhgate.com/store/19914231
84	https://www.dhgate.com/wholesale/products/ff80808165e7d16401668b05b8e55384.html
85	https://www.dhgate.com/wholesale/products/ff80808165e7d2810166682ce01e3744.html
86	https://www.dhgate.com/store/19857046
87	https://www.dhgate.com/store/21134633
88	https://www.dhgate.com/store/20717092
89	https://www.dhgate.com/store/20969581
90	https://www.dhgate.com/store/21028750
91	https://www.dhgate.com/store/21174890
92	https://www.dhgate.com/store/21134449
93	https://www.dhgate.com/store/20935000
94	https://www.dhgate.com/store/20059024
95	https://www.dhgate.com/store/21008233
96	https://www.dhgate.com/store/21142010
97	https://www.dhgate.com/store/21142062
98	https://www.dhgate.com/store/21139067
99	https://www.dhgate.com/store/21182967
100	https://www.dhgate.com/store/21467205
101	https://www.dhgate.com/store/21467258
102	https://www.dhgate.com/store/21467259
103	https://www.dhgate.com/store/21521896
104	https://www.dhgate.com/store/21416476
105	https://www.dhgate.com/store/14125087
106	https://www.dhgate.com/store/20625637
107	https://www.dhgate.com/store/19848629
108	https://www.dhgate.com/store/20063278
109	https://www.dhgate.com/store/20660350
110	https://www.dhgate.com/store/21087541
111	https://www.dhgate.com/store/20686034
112	https://www.dhgate.com/store/21083113
113	https://www.dhgate.com/store/21082909
114	https://www.dhgate.com/store/21227298
115	https://www.dhgate.com/store/21155170
116	https://www.dhgate.com/store/21223607
117	https://www.dhgate.com/store/20638054
118	https://www.dhgate.com/store/21134627
119	https://www.dhgate.com/store/19902632
120	https://www.dhgate.com/store/19758064
121	https://www.dhgate.com/store/20768437
122	https://www.dhgate.com/store/20063315

123	https://www.dhgate.com/store/21077834
124	https://www.dhgate.com/store/20443537
125	https://www.dhgate.com/store/20615444
126	https://www.dhgate.com/store/20322103
127	https://www.dhgate.com/store/21086206
128	https://www.dhgate.com/store/21157229
129	https://www.dhgate.com/store/20049390
130	https://www.dhgate.com/store/20947953
131	https://www.dhgate.com/store/20141463
132	https://www.dhgate.com/store/21045908
133	https://www.dhgate.com/store/21176996
134	https://www.dhgate.com/store/21167931
135	https://www.dhgate.com/store/20058609
136	https://www.dhgate.com/store/21414486
137	https://www.dhgate.com/store/20322515
138	https://www.dhgate.com/store/21291782
139	https://www.dhgate.com/store/20707352
140	https://www.dhgate.com/store/21052878
141	https://www.dhgate.com/store/20245019
142	https://www.dhgate.com/store/21034777
143	https://www.dhgate.com/store/19978394
144	https://www.dhgate.com/store/20717057
145	https://www.dhgate.com/store/21119643
146	https://www.dhgate.com/store/14183508
147	https://www.dhgate.com/store/20477675
148	https://www.dhgate.com/store/20997340
149	https://www.dhgate.com/store/19930438
150	https://www.dhgate.com/store/21027856
151	https://www.dhgate.com/store/21105314
152	https://www.dhgate.com/wholesale/products/ff80808164ea54f201651cec247b0158.html
153	https://www.dhgate.com/store/21105613
154	https://www.dhgate.com/store/21301456
155	https://www.dhgate.com/store/21156526
156	https://www.dhgate.com/store/21060821
157	https://www.dhgate.com/wholesale/products/ff8080816773e119016778f7648847f8.html
158	https://www.dhgate.com/store/20968287
159	https://www.dhgate.com/store/19991029
160	https://www.dhgate.com/store/20653660
161	https://www.dhgate.com/store/21161365
162	https://www.dhgate.com/store/21162137
163	https://www.dhgate.com/store/21162035

164	https://www.dhgate.com/store/21162572
165	https://www.dhgate.com/store/21161639
166	https://www.dhgate.com/store/21161673
167	https://www.dhgate.com/store/21162385
168	https://www.dhgate.com/store/21162550
169	https://www.dhgate.com/store/21161683
170	https://www.dhgate.com/store/21161684
171	https://www.dhgate.com/store/21161685
172	https://www.dhgate.com/store/21161817
173	https://www.dhgate.com/store/21162032
174	https://www.dhgate.com/store/21281883
175	https://www.dhgate.com/store/21162156
176	https://www.dhgate.com/store/20724439
177	https://www.dhgate.com/store/21503093
178	https://www.dhgate.com/store/21509746
179	https://www.dhgate.com/store/21460525
180	https://www.dhgate.com/store/20998235
181	https://www.dhgate.com/store/20304738
182	https://www.dhgate.com/store/20555466
183	https://www.dhgate.com/store/21396556
184	https://www.dhgate.com/store/20996614
185	https://www.dhgate.com/store/19857414
186	https://www.dhgate.com/store/21157355
187	https://www.dhgate.com/store/20296726
188	https://www.dhgate.com/store/20329174
189	https://www.dhgate.com/store/21079982
190	https://www.dhgate.com/store/20249181
191	https://www.dhgate.com/store/21086629
192	https://www.dhgate.com/store/14775145
193	https://www.dhgate.com/store/20725242
194	https://www.dhgate.com/store/20526288
195	https://www.dhgate.com/store/20656315
196	https://www.dhgate.com/store/20242382
197	https://www.dhgate.com/store/21227673
198	https://www.dhgate.com/store/20364398
199	https://www.dhgate.com/store/20336474
200	https://www.dhgate.com/store/19814025
201	https://www.dhgate.com/store/21238970
202	https://www.dhgate.com/store/20798227
203	https://www.dhgate.com/store/21067916
204	https://www.dhgate.com/store/19961421

205	https://www.dhgate.com/store/20673991
206	https://www.dhgate.com/store/21068348
207	https://www.dhgate.com/store/20253991
208	https://www.dhgate.com/store/20022363
209	https://www.dhgate.com/store/20913947
210	https://www.dhgate.com/store/20062549
211	https://www.dhgate.com/store/21210825
212	https://www.dhgate.com/store/21296625
213	https://www.dhgate.com/store/20324156
214	https://www.dhgate.com/store/20322815
215	https://www.dhgate.com/store/20597698
216	https://www.dhgate.com/store/21105617
217	https://www.dhgate.com/store/20523376
218	https://www.dhgate.com/store/20496896
219	https://www.dhgate.com/store/18528253
220	https://www.dhgate.com/store/21293926
221	https://www.dhgate.com/store/19908831
222	https://www.dhgate.com/store/20434530
223	https://www.dhgate.com/store/20759017
224	https://www.dhgate.com/store/21303967
225	https://www.dhgate.com/store/20059003
226	https://www.dhgate.com/store/21022583
227	https://www.dhgate.com/store/21303794
228	https://www.dhgate.com/store/20916828
229	https://www.dhgate.com/store/20779927
230	https://www.dhgate.com/store/21259671
231	https://www.dhgate.com/store/21230034
232	https://www.dhgate.com/store/21445643
233	https://www.dhgate.com/store/21507237
234	https://www.dhgate.com/store/14398609