

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

EMOJI COMPANY GmbH,

Plaintiff,

v.

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

Defendants.

No. 20-cv-05306

Judge John F. Kness

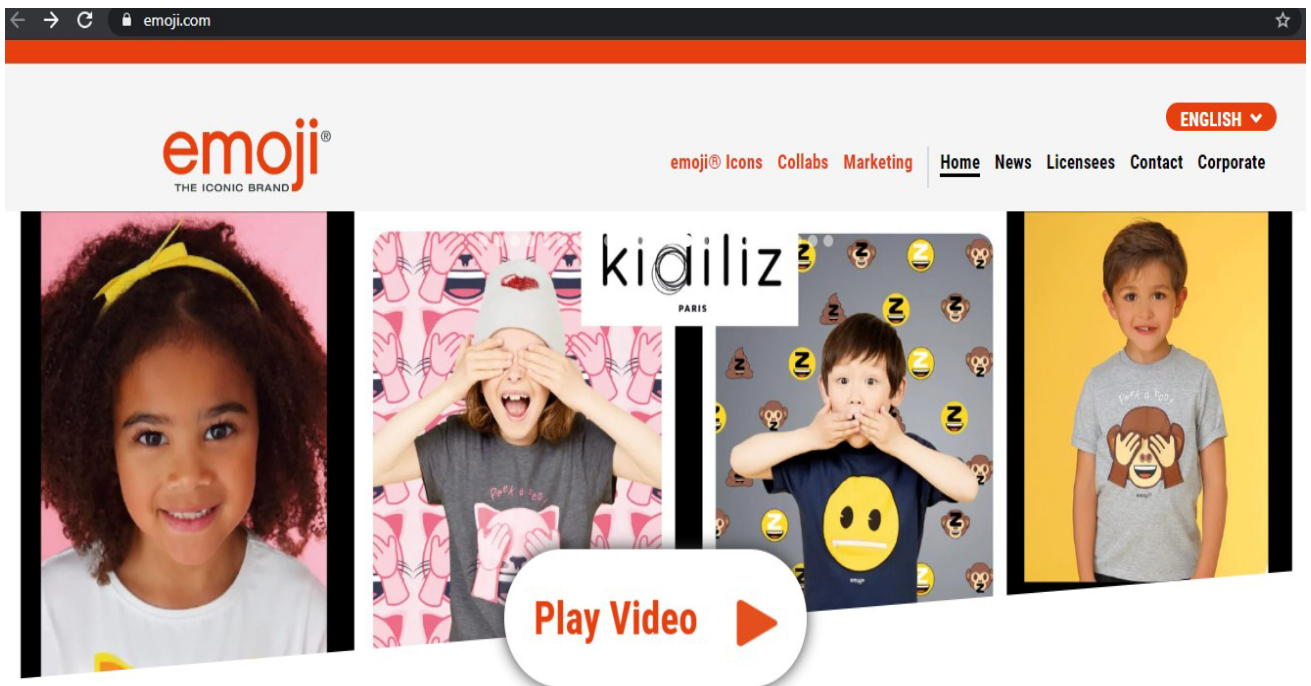
SEALED TEMPORARY RESTRAINING ORDER

THIS CAUSE being before the Court on 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 (the "Ex Parte Motion") against the defendants identified on Schedule A to the Complaint and 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 heard the evidence before it hereby GRANTS Plaintiff's *Ex Parte* Motion in its entirety.

This Court further 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, offering to sell and ship products into this Judicial District. 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 counterfeit versions of U.S. Trademark Registration Nos. 4,868,832; 5,202,078 and 5,415,510 (referenced below).

<https://www.emoji.com/>



This Court also finds that issuing this Order without notice pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure is appropriate because Plaintiff has presented specific facts in the Declarations of José Santiago, Anna K. Reiter and Michael A. Hierl and accompanying evidence clearly showing that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition. Specifically, in the absence of an *Ex Parte* Order, Defendants could and likely would modify registration data and content, change

hosts, redirect traffic to other websites in their control, and move any assets from accounts in U.S.-based financial institutions, including Aliexpress and Alipay accounts, to offshore accounts. As other courts have recognized, proceedings against those who deliberately traffic in counterfeit merchandise are often useless if notice is given to the adverse party. 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 EMOJI Trademarks or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any products that are not genuine EMOJI products 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 products as genuine EMOJI products or any other products 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;

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 any of Plaintiff's EMOJI Trademarks or any 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 EMOJI 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 EMOJI Trademarks and any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine EMOJI products or not authorized by Plaintiff to be sold in connection with Plaintiff's EMOJI 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 Aliexpress and Alipay 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., Afilias 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, Aliexpress and Alipay and any related entities, 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 EMOJI Trademarks, including any accounts associated with the Defendants listed in 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 EMOJI Trademarks; and

c. take all steps necessary to prevent links to the Defendant Domain Names identified in 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, Aliexpress and Alipay, 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 Aliexpress and Alipay, third party processors and other payment processing service providers, shippers, and domain name registrars (collectively, the "Third Party Providers") shall, within ten (10) 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, Aliexpress and Alipay, 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. Alipay and its related companies and affiliates shall, within two (2) business days of receipt of this Order, identify and restrain all funds and ongoing account activity, in or which hereafter are transmitted into the Alipay accounts related to Defendants as identified in Schedule A hereto, as well as all funds in or which are transmitted into (i) any other accounts of the same customer(s), (ii) any other accounts which transfer funds into the same financial institution account(s), and/or any of the other Alipay accounts subject to this Order; and (iii) any other Alipay accounts tied to or used by any of the Seller IDs identified in Schedule A hereto; Alipay shall further, provide Plaintiff's counsel with all data which details (i) an accounting of the total funds restrained and identifies the financial account(s) which the restrained funds are related to, and (ii) the account transactions related to all funds transmitted into the financial account(s) which have been restrained. Such restraining of the funds and the disclosure of the related financial institution account information shall be made without notice to the account owners until after those accounts are restrained. No funds restrained by this Order shall be transferred or surrendered by

Alipay for any purpose (other than pursuant to a chargeback made pursuant to Alipay's security interest in the funds) without the express authorization of this Court.

8. 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 to the Complaint; 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.

9. 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 to the Complaint 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 "3cCreative Products Store and all other Defendants identified in the Complaint" 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.


10. Plaintiff's Complaint, Schedule A to the Complaint, and this Order shall remain sealed until Defendants' financial accounts are restrained. Plaintiff shall file unsealed versions of the Complaint, Schedule A to the Complaint, and this Order using the CM/ECF system prior to the expiration of this Order. Plaintiff shall deposit with the Court Ten Thousand Dollars (\$10,000), either cash, cashier's check or surety bond, as security, which amount was determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful restraint hereunder.

11. 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.

This Temporary Restraining Order without notice is entered on September 11, 2020 at 4:30 p.m. and shall remain in effect for fourteen (14) days.

SO ORDERED.

Date: September 11, 2020



JOHN F. KNESS
United States District Judge

SCHEDULE A

No.	Defendant Name / Alias
1	3cCreative Products Store
2	Diverse Stationery Store
3	Hey Relax Study Stationery Store
4	Car shop A Store
5	Car X4 Store
6	3C House Store
7	Ankun Ran's store
8	BeautyBigBang No.2 Officially Authorized Store
9	Burson Princess stationery - erasable pen Store
10	BUYINGMORE Ali Store
11	Coffee beans Store
12	Colorful Painting Store
13	DAWASARU Store
14	earlfamily A3 Store
15	EASYSHOP8 Store
16	Exclusive Your Toy
17	Fashion-Home
18	Gamilike Store
19	GBZT Digital Store
20	Good OK Store
21	Happy time stock
22	HappyBB Store
23	Harphia BeLoved Store
24	HE DAO Official Store
25	HMZC 3C Store
26	noxllao Official Store
27	Travel Stickers Store
28	YuanYangSticker Store
29	aook Store
30	Babyloveu Store
31	babytoyenjoys Store
32	Brave child Store
33	Cookie J Store
34	EnjoyYourLife Store
35	Fun Life Global Store
36	gerrng Store
37	Happiness Kids Worth Store
38	hediyesePETI Store

39	Littleblackhorse
40	masterlighting Store
41	Shop2881177-ilbw Store
42	Thumbs
43	Vilead MyHome Store
44	Yaya Home520 Store
45	YIYAO BABY Store
46	363 Bag Store
47	365 Good Tools Store
48	365 Purchase Store
49	Aosbos Official Store
50	Charlene Store
51	CHELLA Official Store
52	CNY Trade Co.,Ltd
53	ConciseStyle Store
54	Dibiaozuiqiang Bag Store
55	DIYSome Store
56	Fairytale Design Store
57	Good Tools&lights Store
58	Goodlong Store
59	Happiness House Store
60	Tanglian Store
61	Voguestar Store
62	XLElephant Tools Lamps Store
63	Alice2 Store
64	AliceHe Store
65	Birthday Funny Store
66	Brilliant Party Life Store
67	CBEC Party Store
68	Exquisite life 365 Store
69	FENGRISE Microstar Store
70	Fun Fun Fun Party Store
71	Huiran Hahaa Store
72	Kmxun Store
73	Shop1904396 Store
74	3C-Mall Store
75	A Backpack Store
76	cheng xin Anime Store
77	Fancyart Store
78	hevenwie Official Store
79	MiPing Stationery Store

80	Shop4059038 Store
81	stationery YOU QI
82	xiao yu stationery Store
83	YUANMAN Store
84	champkey Store
85	Changjiang Store
86	D&M Childhood Store
87	Dor's Toy Store
88	J&Cgolf Store
89	LITTLE BABY SMILING Store Store
90	Shop5430096 Store
91	Tale&technical Factory Store
92	wosofe golfgoods Store
93	999999999 Store
94	Iretmis Store
95	JOINMEB Store
96	ShenZhen Caixi Co.,Ltd Store
97	Shop3568003 Store
98	Shop5073381 Store
99	Shop5872554 Store
100	ArmaganO Store
101	big nose HIPHOP Store
102	Hongsheng jewelry factory
103	Kutaydan Store
104	Melek Store
105	Shop5880635 Store
106	AB05 Store
107	AlpCollection Store
108	Dance with Beauties Store
109	First Day Children's Store
110	Shop5655032 Store
111	Miya House
112	MIYAHOUSE Official Store
113	Miyahouse-backpack Store
114	Shop339087 Store
115	Shop730950 Store
116	Alice's Generation Store
117	Autohistory Store
118	BeiDi Store
119	Bellsimo Store
120	Chandler Official Store

121	China Rui International Trade Co., Ltd
122	China*toy Store
123	CP ARAGAO Erotic Store
124	Cyrus Dropshipping Store
125	dealsocean store
126	Decor Essentials
127	Dongcai Official Store
128	DoYu Store
129	DRIP Hiphop Store
130	DSPLAY Official Store
131	DSplay Store
132	Fantasy-Life Store
133	Feellife Store
134	Funny Childhood Store
135	Good Lucky-Home Store
136	goose Store
137	Hi-Lumix Factory Store
138	Humble Store
139	Jetting Toy Store
140	JsaonTao Store
141	Life Museum Store
142	LucyCraft Store
143	lychee life Crafts Lover Store
144	PartiniSec Store
145	Shop1760184 Store
146	Shop2823096 Store
147	Shop5051444 Store
148	Shop5614046 Store
149	Shop5777543 Store
150	Shop5778184 Store
151	Shop5780901 Store
152	Shop5790868 Store
153	Shop5794169 Store
154	SongRockey Store
155	SP&CITY Official Store
156	Sunny Craft
157	The truth fashion
158	YOUKIN Factory Store

No	Defendants Online Marketplace
1	https://www.aliexpress.com/store/5419191
2	https://www.aliexpress.com/store/4796010
3	https://www.aliexpress.com/store/4762020
4	https://www.aliexpress.com/store/2916014
5	https://www.aliexpress.com/store/3375019
6	https://www.aliexpress.com/store/2963206
7	https://www.aliexpress.com/store/404642
8	https://www.aliexpress.com/store/5593009
9	https://www.aliexpress.com/store/2134022
10	https://www.aliexpress.com/store/4652149
11	https://www.aliexpress.com/store/3136012
12	https://www.aliexpress.com/store/5240062
13	https://www.aliexpress.com/store/5738024
14	https://www.aliexpress.com/store/4700018
15	https://www.aliexpress.com/store/5372366
16	https://www.aliexpress.com/store/2131136
17	https://www.aliexpress.com/store/419294
18	https://www.aliexpress.com/store/3624153
19	https://www.aliexpress.com/store/2335093
20	https://www.aliexpress.com/store/1940861
21	https://www.aliexpress.com/store/819558
22	https://www.aliexpress.com/store/5434132
23	https://harphia.aliexpress.com/store/1980560
24	https://hedao.aliexpress.com/store/1630585
25	https://www.aliexpress.com/store/2345206
26	https://www.aliexpress.com/store/5003330
27	https://www.aliexpress.com/store/1898534
28	https://www.aliexpress.com/store/5886664
29	https://aook6.aliexpress.com/store/2946070
30	https://www.aliexpress.com/store/3206027
31	https://www.aliexpress.com/store/4848048
32	https://www.aliexpress.com/store/5489165
33	https://www.aliexpress.com/store/2906240
34	https://www.aliexpress.com/store/2631007
35	https://www.aliexpress.com/store/5378237
36	https://www.aliexpress.com/store/5035046
37	https://www.aliexpress.com/store/1170120
38	https://www.aliexpress.com/store/5363050
39	https://www.aliexpress.com/store/1630799
40	https://www.aliexpress.com/store/3516075

41	https://www.aliexpress.com/store/2881177
42	https://bestwensdshop.aliexpress.com/store/1899814
43	https://www.aliexpress.com/store/1725257
44	https://www.aliexpress.com/store/4299034
45	https://www.aliexpress.com/store/4036029
46	https://www.aliexpress.com/store/829962
47	https://www.aliexpress.com/store/4653039
48	https://www.aliexpress.com/store/5005013
49	https://aosbos.aliexpress.com/store/1543501
50	https://www.aliexpress.com/store/5368142
51	https://chella.aliexpress.com/store/2403020
52	https://www.aliexpress.com/store/1966009
53	https://www.aliexpress.com/store/4554021
54	https://www.aliexpress.com/store/3977028
55	https://www.aliexpress.com/store/5787203
56	https://www.aliexpress.com/store/622054
57	https://www.aliexpress.com/store/4930013
58	https://www.aliexpress.com/store/5007168
59	https://www.aliexpress.com/store/3185012
60	https://www.aliexpress.com/store/5244008
61	https://www.aliexpress.com/store/613635
62	https://bigelephant.aliexpress.com/store/3138021
63	https://www.aliexpress.com/store/3599003
64	https://www.aliexpress.com/store/2548025
65	https://www.aliexpress.com/store/4983034
66	https://www.aliexpress.com/store/5019098
67	https://www.aliexpress.com/store/2885255
68	https://www.aliexpress.com/store/3482015
69	https://www.aliexpress.com/store/1770070
70	https://www.aliexpress.com/store/4496049
71	https://www.aliexpress.com/store/4426130
72	https://kmxun.aliexpress.com/store/1230386
73	https://www.aliexpress.com/store/1904396
74	https://www.aliexpress.com/store/5485267
75	https://www.aliexpress.com/store/4552026
76	https://www.aliexpress.com/store/3515083
77	https://www.aliexpress.com/store/4405162
78	https://hevenwie.aliexpress.com/store/3667046
79	https://www.aliexpress.com/store/3906007
80	https://www.aliexpress.com/store/4059038
81	https://www.aliexpress.com/store/2190086

82	https://www.aliexpress.com/store/5004061
83	https://www.aliexpress.com/store/3268019
84	https://www.aliexpress.com/store/5596175
85	https://www.aliexpress.com/store/1056023
86	https://debizhong.aliexpress.com/store/4326002
87	https://www.aliexpress.com/store/4967086
88	https://jcgolf.aliexpress.com/store/1665498
89	https://www.aliexpress.com/store/3252073
90	https://www.aliexpress.com/store/5430096
91	https://www.aliexpress.com/store/2348226
92	https://wosofegolfgoods.aliexpress.com/store/2670029
93	https://www.aliexpress.com/store/4786027
94	https://www.aliexpress.com/store/1739520
95	https://www.aliexpress.com/store/2944057
96	https://www.aliexpress.com/store/2344327
97	https://www.aliexpress.com/store/3568003
98	https://www.aliexpress.com/store/5073381
99	https://www.aliexpress.com/store/5872554
100	https://www.aliexpress.com/store/5586341
101	https://www.aliexpress.com/store/5246025
102	https://www.aliexpress.com/store/1019486
103	https://www.aliexpress.com/store/5248081
104	https://www.aliexpress.com/store/5627071
105	https://www.aliexpress.com/store/5880635
106	https://www.aliexpress.com/store/5588198
107	https://www.aliexpress.com/store/5620053
108	https://www.aliexpress.com/store/5044374
109	https://www.aliexpress.com/store/5888308
110	https://www.aliexpress.com/store/5655032
111	https://miyahouse-handbag.aliexpress.com/store/131147
112	https://wallet-miyahouse.aliexpress.com/store/426947
113	https://miyahouse-backpack.aliexpress.com/store/628233
114	https://www.aliexpress.com/store/339087
115	https://www.aliexpress.com/store/730950
116	https://www.aliexpress.com/store/2337174
117	https://autohistory.aliexpress.com/store/5395011
118	https://www.aliexpress.com/store/5499047
119	https://www.aliexpress.com/store/900238068
120	https://chandlerqiandi.aliexpress.com/store/2793107
121	https://www.aliexpress.com/store/207489
122	https://www.aliexpress.com/store/5072130

123	https://www.aliexpress.com/store/5588306
124	https://www.aliexpress.com/store/4781007
125	https://xuwenjie.aliexpress.com/store/1311088
126	https://www.aliexpress.com/store/1407353
127	https://dongcai.aliexpress.com/store/2663146
128	https://www.aliexpress.com/store/5017051
129	https://driphiphop.aliexpress.com/store/5620041
130	https://www.aliexpress.com/store/4665167
131	https://dsplay-party.aliexpress.com/store/3133016
132	https://www.aliexpress.com/store/5040154
133	https://www.aliexpress.com/store/5376294
134	https://www.aliexpress.com/store/3384012/
135	https://www.aliexpress.com/store/5405035
136	https://www.aliexpress.com/store/4992484
137	https://www.aliexpress.com/store/2490006
138	https://www.aliexpress.com/store/225619
139	https://www.aliexpress.com/store/2955030
140	https://www.aliexpress.com/store/2882096
141	https://www.aliexpress.com/store/3241098
142	https://www.aliexpress.com/store/5047379
143	https://www.aliexpress.com/store/1918388
144	https://www.aliexpress.com/store/5430170
145	https://www.aliexpress.com/store/1760184
146	https://www.aliexpress.com/store/2823096
147	https://www.aliexpress.com/store/5051444
148	https://www.aliexpress.com/store/5614046
149	https://www.aliexpress.com/store/5777543
150	https://www.aliexpress.com/store/5778184
151	https://www.aliexpress.com/store/5780901
152	https://www.aliexpress.com/store/5790868
153	https://www.aliexpress.com/store/5794169
154	https://www.aliexpress.com/store/3216066
155	https://www.aliexpress.com/store/3087123
156	https://www.aliexpress.com/store/1040750
157	https://www.aliexpress.com/store/2095080
158	https://www.aliexpress.com/store/5656025