

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

EMOJI COMPANY GmbH,)	
)	
Plaintiff,)	
)	No. 20-cv-04678
v.)	
)	Judge Andrea R. Wood
THE INDIVIDUALS, CORPORATIONS,)	
LIMITED LIABILITY COMPANIES,)	
PARTNERSHIPS AND UNINCORPORATED)	
ASSOCIATIONS IDENTIFIED ON)	
SCHEDULE A HERETO,)	
)	
Defendants.)	

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on EMOJI COMPANY GmbH’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 EMOJI Trademarks (the “EMOJI 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 made a *prima facie* showing of trademark infringement because (1) the EMOJI Trademarks are distinctive marks and 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 the EMOJI Trademarks, and (3) Defendants' use of the EMOJI Trademarks are 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 officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under or in active concert with them be enjoined and restrained from:
 - a. using Plaintiff's EMOJI 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 EMOJI Product or is 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 other product produced by Plaintiff, that is not Plaintiff's or is 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. 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 confusingly similar reproductions, counterfeit copies or colorable imitations thereof;
- f. 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 Counterfeit EMOJI Products; and

- 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, eBay, PayPal, 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. This includes, but is not limited to, removing links to the Defendant Domain Names from any search index.
6. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. eBay shall, within five (5) 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 from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

8. PayPal shall, within five (5) 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 from 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 any future hearings 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 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 accompanied by a link to the website where the above-identified documents are located. 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 Schedule A to the Complaint and the TRO is unsealed.
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.

ENTERED:



Andrea R. Wood
United States District Judge

Dated: June 22, 2021

SCHEDULE A

No.	Defendant Name / Alias
1	mingx-20
2	mrhuaxin
3	guojdon_0
4	iklq_55
5	jiama11
6	lacksold4
7	larkcalled
8	lbad4227065-4
9	ledmarket2016
10	liulan84
11	livenshop
12	lixunte
13	ljw2015330-0
14	longautobox
15	loreset
16	lovbabseller
17	lvxingjiatravel2018
18	magicbliz-38
19	mountainpeak668_9
20	mrwangsshop
21	my-avi-shop
22	olgg1-0
23	onenightsix
24	openup3-9
25	osmo98
26	p0kk56
27	petehighma_0
28	ptkr6069
29	pur3259
30	qultor1
31	safebuy_73
32	sandstorm85_9
33	sea665
34	serendipitything
35	shaugefe_0
36	shinysun88
37	shuxinshop
38	shuzhiwomen_2

39	starjingsheng_tech
40	summerpan2014
41	sunwoif
42	super_deals2018
43	tale-2451
44	grvjewelry2018
45	heritage84_jewelry
46	hi-world
47	hu-7456
48	huy69581
49	jaipurhandmadejewelry
50	jewelrxi
51	jewelleryparadise2019
52	jewelry.hub
53	jewels_yard
54	jewelsquare
55	vyotijewels
56	ladyjanejewels
57	linj35
58	liuyue1993
59	lovegifttime
60	lsjewellery4261
61	lucky-hyf
62	maeplqrgmgm86
63	maharajahjewels
64	mandsdiamond
65	mayank_jewels
66	meerajewels
67	meng_2018
68	minjing-0607
69	mou_jewels
70	myjewelery
71	nityanandia
72	nz.company
73	one-icon
74	online0369
75	orange-supplies
76	orendj32
77	poonamdiamondjewels
78	qingyunlive8
79	reyow-jewelry

80	romanticism2012
81	sgxing2
82	shmbt2011
84	mayracollection
85	mayrahub
86	greatotop
87	gy-shoppingmall
88	haapy-team
89	hugebegin-top912
90	i726freesports
91	juliejulybuy
92	kiddypet
93	lastnightlover
94	leisure-z
95	liam-store
96	luckystar*usa
97	mymall2017tx
98	nice_purses_collector
99	nlnk1399
100	ochirchic
101	olafshop
102	one-world-one-deal
103	jinggx
104	jinhualia
105	lalangshop
106	lch2_bewdrd
107	leavetogo6
108	manshop3
109	moldb1983
110	mycyk2
111	newstyle1500
112	ohdream
113	oo-shop8
114	qinpensk
115	rentg7
117	hantetecha
118	ingdata_3
119	jamesr0615
120	lingjin1801-5
121	lovelyshop09
122	lovescm2014

123	michael9292
124	monsterxa
125	mountaintop-cloud
126	onlin7922
127	quleeleo
128	sellmartcenter
129	sinlingwang-6
130	statias10
131	homegoods_sky
132	laddjaro0
133	left-right778
134	liuyijia159
135	longcoastofsummer
136	magpiestore
137	mastra-asia
138	mohanramraje-0
139	mothrbud
140	natautoparts
141	rctruckhobby2005
142	happyjourney95
143	happy-one88
144	lh1029888
145	lu_2030
146	matan_buy2yourself
147	nindan-5
149	oneo-54
150	ozpittosporum93
151	renchunxv8899665
152	indywearshop
153	infiniteforce6688
154	lingyunlv02
155	machine-world2012
156	mamumoo
157	miraclellady9999
158	napharnch
159	natsawan31
160	solopatch
161	lihuanxiao
162	ll2458
163	lightlyshopping
164	lou36931_7

166	nat.ro.yis
167	nyshopping2012
168	onlyone19
169	perfect-gadget
170	lycheefashion
171	macpa85
172	gxb0411_1
173	layinga
174	malltoall
175	mostvalued
176	guoxiangmm7
177	hombeauty
178	home_garden360
179	lily_gift
180	streshopping2014
181	hara_store
182	jacques.norsar2018
183	lunxiu
184	nmm4u
185	ochirshine
186	hugee6
187	maayanoha
188	moshifashion
189	mrdshoppe
190	reikiworld
191	goog2018
192	guaitai2018
193	hopedust
194	hotsu_40
195	igben_14
196	iunsdfvg
197	jupiterbkk
198	kanzazol-uk
199	keholy
200	lanlan518
201	learnam
202	life_wedding2020
203	liue_86
204	lovej-globle
205	lovelif-89
206	lowingplus

207	luqiupin-5
208	lxldx_1
209	madunheho-7
210	manembren_0
211	marulasafi-0
212	mazeltov.2010
213	meet2018
214	moyushop
215	nabihahaza
216	ningcastle_9
217	nortonm-989
218	our*warm
219	ourwarm
220	ourwarmparty
221	pdinad_0
222	prettylife15
223	reimagineindia
224	rucui2010
225	shsnas_888
227	ssent-018
228	stangels2138
229	stayreal2013
230	szbhkei12
231	t0m08