

**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.

Case No.: 21-cv-2802

Judge Joan B. Gottschall

**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. 4,296,841 and 5,743,801 for the EMOJI marks, (2) Defendants are not licensed or authorized to use 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

- g. 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 or any confusingly similar reproductions, counterfeit copies, or colorable imitations thereof that is not a genuine EMOJI Product or is 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 it owns and/or operates (c) their financial accounts, including all Amazon accounts, and (d) the steps taken by that Defendant to comply with paragraph 1, a through g, above.
- 3. The domain name registries for the Defendant Domain Names, including, but not limited to, Amazon.com ("Amazon"), VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, within ten (10) 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. Defendants and all those acting in active concert or participation with them, including any online marketplaces such as iOffer, Amazon, 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, with actual notice of this Order, within ten (10) 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.
5. 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.
6. Amazon shall, within ten (10) 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 from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
8. 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 [ECF 7], Exhibit 2 to the Declaration of Anna K. Reiter [ECF Nos. 11-16], and the TRO are unsealed.
11. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order as permitted by and in accordance with the Federal Rules of Civil Procedure and Northern District of Illinois Local Rules.

Dated: June \_\_\_\_, 2021

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The Honorable Joan B. Gottschall  
U.S. District Judge

## **SCHEDULE A**

<b>No.</b>	<b>Defendant Name / Alias</b>
1	CHANGZHOU
2	cqkj
3	DFHUJTD
4	LIFENGBD
5	· GJBHD ·
6	Ability Storm
7	Achievement Noble
8	AEari
9	agilitynoun
10	AGUIBAIHUO
11	AiSR Store
12	Akally
13	Alan Pulitzer
14	anlan-angel
15	ANthonyw
16	Aomi
17	Aprildecember
18	aProperty
19	Arnold Glenn
20	Augustus-Shop
21	baijiashunsz
22	BAKAM Direct
23	Banghui Electronics
24	BANIU
25	bao yu sen lin sheng tai kai fa
26	BaronHanJH
27	Beautiful Cloud
28	Bellahouse
29	best &
30	Best moment
31	best sunnysky
32	BingFengLaoBao
33	BinTenger
34	Blue shell photography
35	Bluxury Flagship
36	BN21HK21.
37	BOKASM
38	Boutique furniture com



39	bqxwv
40	BraitonUS-store
41	BrandOakky
42	Brawvy
43	Bulckrew
44	bwireorr
45	Callmebrother
46	cation
47	CELISII
48	ChangYuanShiYuJiaBaiHuoDian
49	chaochijianshegongcheng
50	ChaoDaiJin
51	CHAOLI
52	Charmoon
53	CHENCAN01
54	chengdujinzehuanyangshangmaoyouxiangongsi
55	chenjiahaobld
56	chenyangao
57	Chic Charms
58	CHMYK
59	chuanyenongziy
60	chuanyuetoys
61	chuanzidianzi
62	CJXNB
63	COCOKUBU
64	Contend
65	Coolcarlights
66	CozyRoomz
67	Crystal-Home
68	CursonMaty
69	Cute Snail
70	CX Home
71	CYEfuzhuang
72	daimengmeng
73	Dancelike
74	Darknesss
75	DDADDJY
76	Dear friend
77	dechengquyicaijiushuishangdian
78	Delaman
79	DERCLIVE Dirc

80	Dfform
81	DFSHSDF
82	dhryxbs
83	dingquanyi
84	District Army Fei shangmao
85	diu diu
86	Diversity Online
87	Djyqsmm
88	dongguanshisenguan
89	dongjiguang01
90	DONGLWI
91	Dongyang Huapai Clothing Co., Ltd
92	dscxdvxc
93	DuJuanHuaYuan
94	EC-Touch
95	enshishicunshixishangmaoyouxiangongsi
96	ERTG 
97	ETERLY
98	EVILTO
99	Ewarm
100	F.O.T
101	fadeless
102	Fairyforest
103	fancebaihuodian
104	fancheng show
105	fangyingshangmao888
106	Fengqi Zhou
107	Fengranjie Internatio
108	FFYC1118
109	Flower Online
110	FSUNTONGY
111	FUANGSHI
112	Fung Fook Shun department store
113	FWfahion
114	Game-JAY
115	GaoJinPengUS
116	GAOM
117	gaoyongqiangyyy
118	Gentle Meow
119	Geometric Aesthetic
120	gjuJinJiaoDianMenSh

121	Goddessstore
122	GoesChange
123	Good/Trading
124	greatgg
125	GreatTry
126	GSERAD
127	GSFMMG
128	guangdongxuhaixinxijish uyouxiangongsi
129	GUAngqi
130	Guangzhou Tianhe District Furen Network Technology Co., Ltd.
131	guangzhouhanbeisimaoyiyouxiangongsi
132	Guangzhouqingchuangxuyiyuanyouxiangongsi
133	guangzhouxiaoyipifabu
134	Guangzhouzefenghangkongpiaowuyouxiangongsi
135	Guo UISSK
136	GuoXiang111
137	gzatgxkjL
138	GZCDHWLKJ
139	HAILAN
140	HanDarrenson
141	hangzhouzhonglelejiankangyouxiangongsi
142	HaniCo
143	HaoYDP
144	Haozhenzhen Network Technology Co., Ltd.
145	Happy Hours
146	Hariier Store
147	HECHUANGWANBANG®
148	Hefei Haomeiyi Trading Company
149	Henaa
150	Henangubaoxincailiaokeyiyouxiangongsi
151	HH88XIAO66A
152	HH-Love-Kids
153	HOMESHINING INDUSTRY AND TRADE CO., LTD
154	HOMUT
155	Hong CAi shope
156	hongdabaihuodian
157	HONMWYTQ
158	houzhangshangmaoSHOP
159	HQQNB
160	HSSKSP

161	huachengsn
162	huangshishimeiwenshangmaoyouxiangongsi
163	Hubei Xinrui Children's Products Co., Ltd.
164	huilaixinbaiguodian
165	hunand
166	Hunkie
167	HUYUE-6
168	hvbuihuiohnoi
169	hwsdgnetcxbadf
170	Image Canvas
171	iNewcow
172	Jakarta J
173	JDyouuu
174	JERY-stylish
175	JiaHeShu
176	JIAJI
177	Jiang Bai Company
178	JiangSuErChaoShangMaoYouXianGongSi
179	jiawangqulaokuangzhengshuaikuaicandian
180	JIAWANSHUNUS
181	jiayouds
182	jichangxingjing
183	Jimiong
184	Jing Jing You Pin
185	Jingibang
186	Jingjiang Yifeng Trading Co., Ltd.
187	JingJingBaiHuoDian
188	Jinjien
189	Jiujiang Yushuyan Co., Ltd.
190	JJLZS
191	jjyydzsw
192	Jliyamam
193	JLTCM
194	JOWQK
195	jrsn
196	JTR LIMITED
197	juanli7
198	Just For Fashion
199	justin coffee
200	JUYA
201	JZWNB-JP

202	KAKAWIINI
203	Kimkoala
204	King Label
205	KKGG-us
206	Knownyou
207	Kukwu
208	kuunjun
209	KWCake
210	lanzha0707
211	lasucougin
212	Laurel Marcus
213	LAYCH
214	ldl202081
215	LFelder Store
216	LiaoNingYiLianMaoYiYouXiaongSi
217	LightNetSee
218	Lincanbin
219	LINCKECHANGYUAN
220	linguin
221	linna3555
222	linxianjunjunjiajudian
223	LinXianLiuJiaHuiZhenDongQinBaiHuoShangDian
224	linyidongyimuzuojaiauyouxiangongsi
225	linyishilanshanquliyingyongfandian
226	linyishilanshanqushuhuadianzishangwudian
227	Lionisorcking
228	lishiqulifeiyanbianlidian
229	Little Cute Exclusive Space
230	little-women
231	LIUCHANGXIEYE
232	LiuHDP
233	liuweihuan1512
234	LIVACASA-US
235	LJADMZ
236	lliang
237	LoaTongRem
238	LOT BASIC
239	LOVEgrace Store
240	LoveHikeH
241	Lu Fan XD
242	Luck James

243	LuckyBamboo
244	LUEST
245	Lulectro
246	Luo He Cai Yao Shang Mao You Xian Gong Si
247	Luosnow
248	LUPINZ
249	Lvliangshilishiqulujianxintiyuyongpindian
250	lvliangshilishiquwangjunaichaoshi