

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

TOHO CO., LTD.,

Plaintiff,

Civil Action No.: 1:21-cv-05455

v.

Judge Matthew F. Kennelly

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE “A”,

Defendants.

PRELIMINARY INJUNCTION ORDER

Plaintiff TOHO CO. LTD. (“TOHO” or “Plaintiff”) filed a Motion for Entry of a Preliminary Injunction against the against the fully interactive, e-commerce stores operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (collectively, “Defendants”) and using at least the online marketplace accounts identified in Schedule A (the “Online Marketplaces”). After reviewing the Motion and the accompanying record, this Court GRANTS TOHO’s Motion in part as follows.

This Court finds TOHO has provided notice to Defendants in accordance with the Temporary Restraining Order entered October 15, 2021, [18] (“TRO”), and Federal Rule of Civil Procedure 65(a)(1).

This Court also finds that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, TOHO has provided a basis to conclude that Defendants have targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more seller aliases, offer shipping to the United States, including Illinois, and have sold products using infringing and counterfeit versions of TOHO’s

federally registered trademarks which are protected by U.S. Trademark Registration Nos. 4,183,291; 2,360,489; 2,211,328; 1,858,403; 2,134,696; 1,161,858; 1,163,122; 6,172,295; and 5,093,240 (the “GODZILLA Trademarks”) to residents of Illinois. In this case, TOHO has presented screenshot evidence that each Defendant e-commerce store is reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores through which Illinois residents can purchase products using counterfeit versions of the GODZILLA Trademarks. *See* Docket No.12, which includes screenshot evidence confirming that each Defendant e-commerce store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the GODZILLA Trademarks.

This Court also finds that the injunctive relief previously granted in the 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 TOHO’s previously granted Motion for Entry of a TRO establishes that TOHO has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that TOHO will suffer irreparable harm if the injunction is not granted.

Specifically, TOHO has proved a *prima facie* case of trademark infringement because (1) the GODZILLA Trademarks are distinctive marks and are registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use any of the GODZILLA Trademarks, and (3) Defendants’ use of the GODZILLA Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants’ products with TOHO. Furthermore, Defendants continued and unauthorized use of the

GODZILLA Trademarks irreparably harms TOHO through diminished goodwill and brand confidence, damage to TOHO's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, TOHO 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 preliminarily enjoined and restrained from:
 - a. using the GODZILLA 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 TOHO product or not authorized by TOHO to be sold in connection with the GODZILLA Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine TOHO product or any other product produced by TOHO, that is not TOHO's or not produced under the authorization, control, or supervision of TOHO and approved by TOHO for sale under the GODZILLA Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of TOHO, or are sponsored by, approved by, or otherwise connected with TOHO; and
 - d. 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 TOHO, nor authorized by TOHO to be sold or offered for sale, and which bear any of TOHO's trademarks, including the GODZILLA Trademarks, or any reproductions, counterfeit copies, or colorable imitations.

2. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
3. Upon TOHO's request, Defendants and any third party with actual notice of this Order who is providing services for any of Defendants, or in connection with any of Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as ContextLogic, Inc. ("WISH"), (collectively, the "Third Party Providers"), shall, within seven (7) calendar days after receipt of such notice, provide to TOHO expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:
 - a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active 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 Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces; and
 - c. any financial accounts owned or controlled by Defendants, including their officers, agents, servants, employees, attorneys, and any persons acting in active concert or

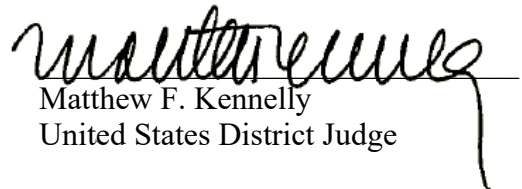
participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, WISH, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

4. Upon TOHO's request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 3 shall within seven (7) calendar 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 GODZILLA Trademarks.
5. Any Third Party Providers, including WISH, shall, within seven (7) calendar days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants' seller aliases, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto, the e-mail addresses identified in Exhibit 2 to the Declaration of Koji Ueda, and any e-mail addresses provided for Defendants by third parties; 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.
6. TOHO may provide notice of the proceedings in this case 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 Pleadings, this Order, and other relevant documents on a website and by sending an e-mail with a link to said website to the e-

mail addresses identified in Exhibit 2 to the Declaration of Koji Ueda and any e-mail addresses provided for Defendants by third parties. The Clerk of the Court is directed to issue a single original summons in the name of “1903 and all other Defendants identified in the 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.

7. Plaintiff’s Schedule A to the Complaint [2], Exhibit 2 to the Declaration of Koji Ueda [12], and the TRO [18] are unsealed.
8. 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. Any third party impacted by this Order may move for appropriate relief.
9. The Ten Thousand (\$10,000) bond posted by TOHO shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

SO ORDERED:


Matthew F. Kennelly
United States District Judge

Dated: October 22, 2021

Schedule A

No.	Defendants
1	1903
2	2508280188
3	17071963213m0
4	360buy
5	7714fumengzhen
6	9o_srxoj
7	aadcff
8	AAFDDGR
9	AAQQQ
10	ABVCFFD
11	acetonjcsalra
12	Adfcxss
13	aewrertrt
14	Afuergd
15	Afvcxvb
16	agbovcsgxe
17	ai18141
18	aiyuiyiy
19	ajkkj886
20	Ajwyxzn
21	akjgsuardsuafp
22	Alexnett
23	alian9258
24	alimuf
25	Allencool
26	Amandayyyy
27	amwaoyingwan
28	AmyChristianbQeL
29	Angelina Feliciano54
30	angrngp
31	aniello51
32	anlu7415
33	aoiuouio
34	apettonemptknea
35	apreferteoopszda
36	ArlenAthenawSrA
37	Arlenestlye
38	asdfghjkl16885
39	ASFFDDF
40	Atetryi
41	AugusAriesiViQd
42	Avamort
43	baiqiming75200
44	baixiaohong653986
45	banyucheng521
46	baodong8825

47	baselicetlizije
48	BBBB JJJJ
49	BBLstore
50	BChloeE
51	BDarcyG
52	bdssf
53	becrngyun
54	Bella Payne54
55	bernhardlee263
56	Best price auctions
57	Bett Life Mall
58	bielvegfdt
59	Big Backpackss
60	Big Collectors
61	bikjkl
62	bing fashion store
63	Bishengcai yi
64	blake durham3
65	BLAMLRO
66	Bmmbnbg
67	BoyanxianzhirSh
68	brandlerhyrjzqlftwtm
69	brigittebran
70	budongmei12345
71	buiguanqun123
72	Buyuijk
73	buzhur22
74	cainiane26
75	caipingwei Store
76	caixiaoqiang5588
77	caixuyunzi
78	CalvinBellegViWi
79	canbencanben
80	caojiao008
81	ccf521
82	ccKevinRenatahKsK
83	cdjhvkr
84	cengju747
85	Century Market
86	cfghb
87	CHAN NINTA
88	CHANG YOUNG
89	changda fashion
90	chaoliudanpin
91	Charlottwells
92	chenbaobao1453966
93	Chenfang258
94	chenfangzhu47781
95	chenflynn

96	Chengdongmei999
97	chenguoyan8515
98	chengyexea
99	chengyujiao
100	chengzhutao123
101	Chenhuaiping123
102	chenhui1681
103	chenlijun2536
104	chenmeili163
105	chenmingzhen1989
106	chenqinlin520
107	Chenshiqiang77017
108	chenxuewen1982
109	chenyelin1123
110	chenying88618
111	chenyingdi Store
112	chenyujie123
113	Cherie Hathaway
114	Christopher Holzwarth
115	Christy Riddle
116	chuxiaofeng1699
117	Clothing T-shirt DIY
118	coco animal
119	Coment nasen bull
120	CongbachuihP
121	crd15636708326
122	Crystalyy
123	curipktuonfd
124	CynthiaWrightes
125	dafe
126	dalianafsha
127	DangtangshidR
128	danyunlanqi
129	DaonashawenlYb
130	daoyu fashion
131	Daquawnfoot
132	daurmoakjgk
133	daylight ood degree
134	DBsdkaow
135	ddfdfeR
136	Deb Steele43
137	Debra Spurlock
138	delicacyJin
139	delusoulvvsper
140	denervlkoas
141	denggang66058
142	DengGuanHua199857
143	dengjie112
144	denglilistore

145	dengqingfei8965
146	deratoughthina
147	Derrick Johannes43
148	dfgdwa
149	dfgfdhggf5455
150	dghdtrh
151	dianshang001hao
152	Dikeyireng
153	dingxiaohui9890
154	dingyannian
155	dingzhong fashion
156	DiqiaoyanlV
157	Discover material
158	dkxnbffjckmdns
159	dl521
160	dmpchengbin
161	DOJHIJjkdcls
162	dongtingzhao2733
163	DongwengmoubuoJ
164	Dsasdsf
165	duanjian12345
166	duanxiulaner
167	ducanpaiteng
168	dukun Store
169	duqing DU
170	dushihua Store
171	dwajkhasds
172	Early bird 2019
173	Eespatpi
174	emileighhtunpr
175	enjeathome
176	Eric Despres
177	Excellent15390
178	fanggongzi66
179	FANSZUYEJF
180	FanteBoy
181	FanteGirlShop
182	fanzhiwei fashion
183	Faremer Hugur
184	Fashio clothes
185	Fashion password
186	fdraz
187	fdsbvkjxdbvkk
188	feng xiangdong
189	fengcaizhen567
190	fengchen13138
191	fengjianhua123456
192	fengqiuxianzhongfuyangzhizhuanyeheshe
193	fengteng Store

194	fertgfd
195	fghdvg
196	FishFishER
197	Forever Socks
198	ftbyst
199	Fuqiuli2020
200	FuwoliaooulC
201	fuyaoyao
202	fvmvvhmvf
203	G YBUN
204	g8g8g8
205	gahsuiagtpoas
206	GanjiuheiqXq
207	GAOCHANG22
208	gaojiale Store
209	gaokegang Store
210	gaomeng0218
211	gaopengh
212	gaoshanliushui001
213	gaosiyang Store
214	gaoyongbao5566
215	gaozijing79463
216	gch5465
217	gdhgf45g78fg7
218	genhji
219	George Katsimatides43
220	GeRongRong0808
221	GetAllUcan
222	ghcuryetert
223	GLKTPOIUTYRTE
224	Glue daily necessities
225	Goldtronglasses
226	gomaillgo
227	gongan93
228	Goujiayu7641
229	Grimaldi Commercial Realty
230	Grow into the sun
231	guangdong.fuzhuangshang99
232	guangminghall
233	GuanpujingjiavB
234	guanqingli
235	Gulili898989
236	guokang166836
237	Guoop
238	guoweijie Store
239	guoyulong7819
240	haimei2018
241	haixueyan1990
242	HaleLambertiYsTm

243	hanliang2019
244	hanlianghao5211314
245	haoandtang
246	happydog004
247	hasjkjdioahplsag
248	hbbbw789
249	HBN2WQ34
250	Heatheryyy
251	Heavenl
252	hechen878507712
253	hedahua66058
254	hehe fashion
255	hehui fashion
256	hejiaxin5238
257	helibin7758258
258	helin Store
259	HEPINGSHENG
260	hesiyu852
261	hexiaodong11220
262	Hexiaowei2288
263	heying1234568459547
264	heyiqiang Store
265	hezhenxi1234
266	hgjsw
267	High qality
268	hjdf456gh4j65df
269	hjhjtg
270	hluyi
271	hounuegua45
272	hrjfhjgfdyj
273	hshdhd
274	htxhkjffbh
275	htyqminghua
276	hu4717z
277	Hua World 19
278	huangchangqing888
279	huangchun147258
280	huangcuiorong427
281	huanghongkai30964
282	huangmeng3412
283	huangwancai18918
284	huangxianhui66058
285	huangxiaoli163
286	huangzhiqiang66058
287	huangzifeng1856356
288	huaqian5980
289	huchunyang4578
290	hufuyong3648
291	huhuali123

292	huixu Friday
293	huxiao619
294	huxiaoliang289
295	HuYuHui
296	huzhiqiu123
297	IBARRA JAMES SELLS
298	ieioruoje
299	IJHJFUYHU
300	import virginia
301	inloveart
302	Inversiones Pereira C.A
303	ipqrgjshop
304	iuwu58
305	Jacksmart
306	JacquelineDonnahDdHpY
307	Jalanoccashop
308	James Russell
309	Jason Straus
310	jcfcyute
311	jdbhsud
312	Jeffwait
313	Jennifer Roberts
314	Jennifera