

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

LEGEND PICTURES, LLC,

Plaintiff,

v.

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

Defendants.

Case No. 21-cv-05466

Judge Sara L. Ellis

Magistrate Judge Sunil R. harjani

PRELIMINARY INJUNCTION ORDER

Plaintiff LEGEND PICTURES, LLC (“LEGEND PICTURES”) 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 LEGEND PICTURES’ Motion in part as follows.

This Court finds LEGEND PICTURES has provided notice to Defendants in accordance with the Temporary Restraining Order entered October 21, 2021, [18] (“TRO”), and Federal Rule of Civil Procedure 65(a)(1).

This Court also finds, in the absence of adversarial presentation, that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, LEGEND PICTURES 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 LEGEND PICTURES' federally registered trademarks, which are protected by U.S. Trademark Registration Nos. 5,840,140; 5,840,142; 6,195,470; 6,205,935 (the "PACIFIC RIM Trademarks") and/or products infringing the PACIFIC RIM Works, which are protected by U.S. Copyright Registration Nos. PA0001859894 and PA0002091781 (the "PACIFIC RIM Works") to residents of Illinois. In this case, LEGEND PICTURES 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 and do purchase products using counterfeit versions of the PACIFIC RIM Trademarks and PACIFIC RIM Works. *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 PACIFIC RIM Trademarks and PACIFIC RIM Works.

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 LEGEND PICTURES' previously granted Motion for Entry of a TRO establishes that LEGEND PICTURES has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that LEGEND PICTURES will suffer irreparable harm if the injunction is not granted.

Specifically, LEGEND PICTURES has proved a *prima facie* case of trademark and copyright infringement because (1) the PACIFIC RIM Trademarks are distinctive marks and

are registered with the U.S. Patent and Trademark Office on the Principal Register and the PACIFIC RIM Works are registered with the United States Copyright Office, (2) Defendants are not licensed or authorized to use any of the PACIFIC RIM Trademark or PACIFIC RIM Works, and (3) Defendants' use of the PACIFIC RIM Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with LEGEND PICTURES. Furthermore, Defendants' continued and unauthorized use of the PACIFIC RIM Trademarks and PACIFIC RIM Works irreparably harms LEGEND PICTURES through diminished goodwill and brand confidence, damage to LEGEND PICTURES' reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, LEGEND PICTURES 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 PACIFIC RIM Trademarks and PACIFIC RIM Works 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 LEGEND PICTURES product or not authorized by LEGEND PICTURES to be sold in connection with the PACIFIC RIM Trademarks and PACIFIC RIM Works;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine LEGEND PICTURES product or any other product produced by LEGEND

PICTURES, that is not LEGEND PICTURES' or not produced under the authorization, control, or supervision of LEGEND PICTURES and approved by LEGEND PICTURES for sale under the PACIFIC RIM Trademarks and PACIFIC RIM Works;

- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of LEGEND PICTURES, or are sponsored by, approved by, or otherwise connected with LEGEND PICTURES; 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 LEGEND PICTURES, nor authorized by LEGEND PICTURES to be sold or offered for sale, and which bear any of LEGEND PICTURES' trademarks or copyrights, including the PACIFIC RIM Trademarks and PACIFIC RIM Works, 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 LEGEND PICTURES' 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 Amazon Payments, Inc. ("Amazon"), Alipay US Inc. ("Alipay") and its related companies and affiliates, AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), (collectively, the "Third Party Providers"), shall, within seven (7)

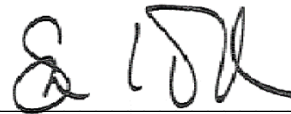
calendar days after receipt of such notice, provide to LEGEND PICTURES expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:

- 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, Alipay and Amazon, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
4. Upon LEGEND PICTURES' 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 PACIFIC RIM Trademarks.

5. Any Third Party Providers, including Alipay and Amazon, 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 3 to the Declaration of Kristina Holliman, 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. LEGEND PICTURES 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 3 to the Declaration of Kristina Holliman 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 "5128hao1zhuang1ceng 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. Schedule A to Plaintiff's Complaint [2], Exhibit 3 to the Declaration of Kristina Holliman [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 \$10,000 bond posted by LEGEND PICTURES shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'S. L. Ellis', written over a horizontal line.

Sara L. Ellis
United States District Judge

Dated: November 17, 2021

Schedule A

No.	Defendants
1	5128hao1zhuang1ceng
2	72GXDYS
3	AllenAndres
4	Anime custom shop
5	aruipro
6	Azzzzz
7	badfgdsbwsaxvc
8	baojisigaoxinquxiaonizineiyidian
9	Beauty Person
10	Benping Trading Firm
11	BEWQA
12	BOBP
13	chengdudiangesudizichanpinjingyingbu
14	chengduxinyikaishangmaoyouxiangongsi
15	chengweishangmaoyouxiangongsi
16	Chenjianxin Art
17	chenjuanfacai
18	CHENXXGJXXABXXOPU
19	CHUFNHYUA
20	chunshenyu216
21	Cute Little Painter
22	CXHFDC US
23	Dami Advertising Co., Ltd.
24	DBQ
25	Dehao Tec
26	dfsbkfsfk
27	FLIUJIANGY
28	flying man
29	fuyixinshangmaoyouxian
30	FZIGUOY
31	Gal Shoes
32	Good shop1
33	GuangZhouKeXiMaoYiYouXianGongSi1
34	Guangzhoulanxindemaoyishanghang
35	guangzhounanshaqutangfeimaoyiyouxiancompany
36	guangzhouwanzhongnanmaoyiyouxiancompany
37	guangzhouxieyankejyioxiancompany
38	haikouliqinbaoshangmaoyouxiancompany
39	haikoulonghuaqianmeibaihuodian
40	HeBeiDeQianMaoYiYouXianGongSi
41	hejunwei158
42	hezejinfandianzishangwuyouxiancompany

43	hezeshirunfeidianzishangwuyouxiancompany
44	HEZHIYONGdian
45	HJWHDZ
46	Hongzhuccs
47	Huaibei Qidong Network Technology Co., Ltd.
48	Huang Zhenping
49	huangshishitailuodianzishangwuyouxiangongsi
50	Huangzebin Art
51	HUANGZHIGUANG
52	HUINA-CHEN
53	huiqi237
54	HuiYea
55	Huizhong mc
56	HXX-Shops
57	HYEKE
58	Informationyo
59	is Fearless
60	Italy NestWilk
61	JamesUS
62	Jessica's crafts
63	Jghamon
64	JIANGYANG
65	jiaxueshangmaoyouxian
66	jiayouds
67	Jie Shi Trading
68	jin niu qu hong yang yang shang mao
69	Jinalikenru89
70	jingjiangshijiaoyanshangmaoyouxiangongsi
71	JINGUImao
72	jingyuanxianhaijunshanghang
73	jinshu259
74	jinyutech
75	JL-12 cloths
76	JSJDUWB
77	J-SY
78	JueDou
79	JUHSSAA
80	Junjun Trading
81	jxjsdad
82	jxloxt
83	JYZHWD
84	kalimacha
85	Ke Yongjian
86	Kerefgmus
87	Kevin Giggs

88	KevinETod
89	KEWRE
90	KHD-Shops
91	KHL-Shops
92	lankangshangmao
93	L-melo store
94	L'xin
95	007 New Store
96	100% cotton T-shirt AT Store
97	100% cotton T-shirt MX Store
98	cht0522 Store
99	Colorskin Stickers Store
100	Cotton t-shirt WW Store
101	Eilen Decor Store
102	Elegance Zone Store
103	fish wall art Store
104	Fuya-Fashion Store
105	GEY Store
106	GK park Store
107	Glod Posters Store
108	Golebo Store
109	Henessy Store
110	High-end Gaming Mat A23 Store
111	HouseholdSupplies Store
112	KDH16 Store
113	KDH4 Store
114	lehao Store
115	Little-Whale Store
116	LvEcho Store
117	MKTOYS Official Store
118	MOCHO-Fashion Store
119	NeighborTee Store
120	OECD Store
121	Pin-Jia Store
122	PLD9 Store
123	pu tian Store
124	Redemption Store
125	SevenCode Store
126	Shop3190020 Store
127	Shop5413088 Store
128	Shop5584071 Store
129	Shop910323356 Store
130	Shop910566322 Store
131	Shop910947036 Store
132	Shop911039141 Store

133	Shop911232102 Store
134	Shop911442148 Store
135	Shop911609231 Store
136	Shop912312127 Store
137	Thathing Store
138	ToyExpress Store
139	Treadless Store
140	TuFang ART Store
141	YHM Store
142	Zzzz toy Store