

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

TOHO CO., LTD.,

Plaintiff,

Civil Action No.: 1:21-cv-04987

v.

Judge Charles R. Norgle, Sr.

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE "A",

Magistrate Judge Gabriel A. Fuentes

Defendants.

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff, TOHO CO., LTD. ("TOHO" or "Plaintiff"), Motion for a Preliminary Injunction, and this Court having heard 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 (collectively, the "Defendants") and using at least the online marketplace accounts identified in Schedule A (the "Defendant Internet Stores").

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. Plaintiff has presented screenshot evidence that each Defendant Internet 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 Plaintiff's GODZILLA trademarks, 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 (collectively the "GODZILLA Trademarks").

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 TOHO's previously granted Motion for a Temporary Restraining Order establishes that TOHO has 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 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 affiliates, officers, agents, employees, attorneys, and all persons acting for, with, by, through, under or in active concert with them be temporarily enjoined and restrained from:
 - a. using the GODZILLA 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 product that is not a

genuine GODZILLA 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 GODZILLA 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 GODZILLA;
- d. further infringing the GODZILLA Trademarks and damaging TOHO's goodwill;
- e. otherwise competing unfairly with TOHO 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 TOHO, nor authorized by TOHO to be sold or offered for sale, and which bear any of the GODZILLA Trademarks or any reproductions, counterfeit copies or colorable imitations thereof;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Internet Stores, or any other online marketplace account that is being used to sell or is the means by which Defendants could continue to sell Counterfeit/Infringing GODZILLA products; and
- h. operating and/or hosting at the Defendant Internet Stores and any other online marketplace accounts registered or operated by Defendants that are involved

with the distribution, marketing, advertising, offering for sale, or sale of any product bearing the GODZILLA Trademarks or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine GODZILLA product or not authorized by TOHO to be sold in connection with the GODZILLA Trademarks.

2. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as, but not limited to, eBay, PayPal, Amazon and Alibaba Group Holding Ltd. along with any related Alibaba entities (collectively, "Marketplaces"), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, 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 GODZILLA 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 GODZILLA Trademarks; and
 - c. take all steps necessary to prevent links to the Defendant Internet Stores identified in Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Internet Stores from any search index.
3. 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' online marketplace

accounts, including, without limitation, any online marketplace platforms such as Marketplaces, 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 eBay, PayPal, Amazon, Alibaba, Western Union, third party processors and other payment processing service providers, shippers, and online marketplace registrars (collectively, the "Third Party Providers") shall, within three (3) business days after receipt of such notice, provide to TOHO 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 Defendant Internet Stores, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Defendant Internet Stores;
- c. Defendants' websites and/or any online marketplace accounts;
- d. the Defendant Internet Stores 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, Amazon, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

4. 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.
5. eBay, Inc. ("eBay"), PayPal, Inc. ("PayPal"), and Amazon Payments, Inc. ("Amazon") shall, within three (3) business days of receipt of this Order, for any Defendant or any of Defendant Internet Stores:
 - a. locate all accounts and funds connected to Defendants, Defendant Internet Stores, including, but not limited to, any Amazon accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Koji Ueda; and
 - b. restrain and enjoin any such accounts or funds that are non-U.S. foreign based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
6. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any Defendant Internet Stores, shall within three (3) business days of receipt of this Order:
 - a. locate all accounts and funds connected to Defendants, or Defendants' online marketplace accounts, including, but not limited to, any accounts connected to

the information listed in Schedule A hereto or the email addresses identified in Exhibit 2 to the Declaration of Koji Ueda; 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.

7. TOHO 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, or by sending an e-mail 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 that includes a link to said website. The Clerk of Court is directed to issue a single original summons in the name of "5913138 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 Online Marketplace Accounts 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.
8. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on three (3) days' notice to TOHO or on shorter notice as set by this Court.
9. The \$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.
10. The Clerk is directed to unseal any previously sealed documents in this matter, namely (1) Plaintiff's Schedule A attached to the Complaint [2], which includes a list of the Defendant Internet Stores; (2) screenshot printouts showing the active Defendant Internet Stores

(Exhibit 2 to the Declaration of Koji Ueda) [12] and (3) the Temporary Restraining Order [17].

Dated: September 29, 2021



U.S. District Court Judge

SCHEDULE A

No.	Defendants
1	5913138
2	2011-christmas
3	2011wanglov
4	2012*fashionshop
5	2014goshopping
6	2014jingjingstore
7	2014superstore
8	2016bubblegum
9	2018fafa
10	2020ap10
11	2020laap
12	3d-clothes-shop
13	59xopw
14	7hk4909
15	912c gg
16	a201900
17	abdulbasi21
18	abigailzsy1996-7
19	adinatailee0
20	adkawur 0
21	aeba 62
22	afand-id2015
23	agen1995_1
24	ahdi 6
25	ahmamasduk 0
26	ahmaprasoj-0
27	aihuangli8
28	ain.rfiq9
29	aini 69
30	aiweierkj
31	aiweierkja
32	ajinshop
33	alberwidjaj0
34	alex theodore
35	alfiapratam0
36	alfrediakironey 0
37	alimsak0
38	angelwings0816
39	anhakimb 0
40	anime-dolphin
41	animehgk
42	animehobbies1123

43	antoinarg6
44	arjama 0
45	artkailin
46	aurli-10
47	avder-1
48	awesome house
49	babyface*goodjob
50	bagjore
51	baguangor0
52	baima-16
53	baishijia2018
54	beautifulchineseantique
55	beautyandluck
56	beautyangelking
57	benevoli2019
58	bengoodon
59	besthappystore
60	besthomedecoridea
61	biannaye
62	biyan0114
63	bj_hotsale
64	blackpearlshop
65	blasbluz
66	bleu ocean
67	boemenstore
68	bopras 17
69	borokbu 66
70	boutiquegroceries
71	brodzik-15
72	budsudarson-0
73	candy-sell
74	carecheng5437
75	cc.smartshop 4
76	cef8860
77	chalfak-0
78	chandes-19
79	changqingyc
80	chenlitong20188
81	chestclear18
82	chotpmattha 0
83	chuy8988
84	conajunt.jknbh
85	cosplay-family
86	cosplayuser
87	crystalhome66

88	csbstore2014
89	cwt8655
90	dadansudraja 0
91	dailysale new7
92	3XC2X3C21
93	3ZZX33ITHG
94	67A74D1EQ5
95	67FY76RFKS
96	68uoeaocpoj
97	8HPP5OTNNE
98	Adachi Ayumi
99	ADIMISO
100	AiYaYaShangMao
101	AJJ CLUB
102	AlaskaAK
103	Alish Haley
104	AMBER STONEdfgasdfdf
105	AMELIE LLOYD
106	Amke
107	AngelCitya
108	Anime-design
109	Anime-fashion
110	Ann Wolfe
111	ANNAA NAME
112	AnnaBGuillaume
113	anzikeji
114	ARCHIE JENNINGS
115	ARCHIE OLIVER
116	ARCHIE PERKINS
117	Art Fish
118	AshangHousehold
119	ASHWILSONANT
120	Aurora Blade
121	AZQQA
122	Baalaa
123	bahuluo
124	BaiLiNing
125	Banana Fancy
126	BAPEDY
127	BEATRICE US
128	Beautiful Decoration Poster
129	Beijing Huayou Fengyi Trading Co., Ltd.
130	beijingjiayekaixinkejiyouxiangongsi
131	beijingruiyuanshengyeshangmaoyouxiangongsi
132	Ben Jakme

133	better sell
134	Beverly H. Griffin
135	Bgdfyusdf
136	BHRETI
137	bianfang1111
138	biaohe
139	BIBIL
140	BIERELAOZI
141	BIGCOS
142	BISHOP-us
143	bitingyishuguan
144	Bizhu Department
145	BJAMK
146	bohuamaiduoduo
147	BOLox
148	bora electronic
149	Bradley Henrietta
150	Brienna007
151	brightes
152	Bryan Zepeda
153	BryanLesters
154	BULAGEGE
155	BUYAOSHANGAHI
156	c99pints
157	caijiangquodian
158	Calculug
159	caoxiandongshennuokejizixunjingyingbu
160	caoxianshengyianjiajuzhuangshibu
161	Caozhiwen
162	Cassa D Rataft
163	cengjunjieshop
164	Chairs sezi
165	ChangJiangQuShenWuBaiHuoDian
166	changshafenglanwangluokejiyouxiangongsi
167	CHAOSHJU58
168	Chen Jinguang
169	chen siminSRTSE
170	CHENENB
171	ChengDuNanGuChunJiShangMaoYouXianGongSi
172	CHENGYA
173	ChenJianhui Art
174	Chenling666
175	chenmeie
176	ChenMingrunya
177	chenweiyuan-summer

178	chenxinghao9
179	ChenYeSheng
180	chifujk
181	Child Goods
182	ChiZhenWang
183	CHLZD
184	ChongXiFuShi
185	Chunfeng Shop
186	Chutorial
187	CIHE-GR
188	Circee
189	Clear rain
190	Clonkly
191	Clothing Hall
192	ClothingDivisi
193	Cloverdresses
194	coldblood
195	CoolTlong
196	CooSymp
197	COTECCONS
198	COUDOYLE
199	CraigScott
200	Crested source trading company
201	Cute-Gifts
202	D.M.X RIP
203	DABAODAN POSTER STORE