

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

TOHO CO., LTD.,

Plaintiff,

v.

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

Defendants.

No. 22-cv-00011

Judge Franklin U. Valderrama

**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, the Court GRANTS TOHO’s Motion in part as follows.

The Court finds TOHO has provided notice to Defendants in accordance with the Temporary Restraining Order entered January 4, 2022, [17], which became effective January 10, 2022 [19] (“TRO”), and Federal Rule of Civil Procedure 65(a)(1).

The Court also finds, in the absence of adversarial presentation, that it has personal jurisdiction over Defendants based on TOHO’s un rebutted assertions that 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.

The 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, the 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, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) the identity and location, including contact information, their true name and physical address, and all associated e-mail addresses, of Defendant; (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 Stores of Defendants, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history; and (c) the steps taken by Defendants to comply with paragraphs 1, (a)–(d) above.
- 3. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
- 4. 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 Amazon Payments, Inc. (“Amazon”), PayPal, Inc. (“PayPal”), and Heguang International Limited or Dunhuang Group d/b/a DHGATE, DHgate.com DHPORT, DHLINK, and DHPAY (“DHgate”), (collectively, the “Third Party Providers”), shall, within ten (10) 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, Amazon, DHgate, and PayPal, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon TOHO’s request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 4 shall within ten (10) 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.

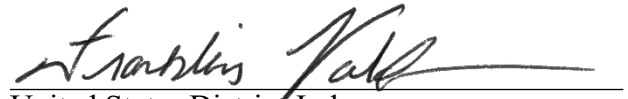
6. Any Third Party Providers, including Amazon, DHgate, and PayPal, shall, within ten (10) calendar days of receipt of this Order:
  - a. locate all accounts and funds connected to Defendants' seller aliases, including, but not limited to, any financial accounts connected to the information listed in 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 the Court.
7. 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 "43wetgs54uhth 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.

8. Plaintiff's Schedule A to the Complaint [2], Exhibit 2 to the Declaration of Koji Ueda [12], the TRO [17], and the amended TRO [19] are unsealed.
9. 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.
10. 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.

IT IS SO ORDERED:

Date: 1/21/2022

  
United States District Judge  
Franklin U. Valderrama

**Schedule A**

<b>No.</b>	<b>Defendants</b>
1	43wetgs54uhth
2	95Supr
3	ABEPALEQ HELGREN
4	Amtyag
5	Ant88
6	AOJINKA
7	Arctic Garden
8	Baidu955
9	bailichengpiju45
10	Beathebox
11	Beeyran
12	BeiJingJiuDaYunJiSuanYouXianGongSi
13	Best US Store
14	Billy boy
15	Bishop Ramsden
16	Blair Embry
17	boyidianzishangmao
18	Candice Edith
19	Changsha Zechuan Electronic Commerce Co., Ltd.
20	chengdouyufu
21	Cocoa trade
22	custom gift
23	DAZZLING WORLD
24	DeadlyB
25	DNOMTAD
26	dongyongshangmaogongsi
27	ERANDFULL
28	Fedaries
29	Felipe BarrosS
30	fuzhoushigulouqugongminxiaochidian
31	gouyunwangluokeji
32	GREIT
33	guang zhoushengshengshangmaoyouxiangongsi
34	guangjinshangmao0
35	guangraoxiandaiwangzhenzuiiaixiaoxiebaodian
36	Guangxu
37	haiboxiangyuanshipinyouxiangongsi
38	hdfhdfh
39	HEFEIJINGJIJISHUKAIFAQUWAGANGRIYONGPINJINGYINGBU
40	Henan Haitianyi Biological Technology Co., Ltd.
41	Henul
42	HOCHE
43	imobaby
44	Indimization
45	Jiajian socks
46	jingtaixianjiangxinyangzhizhuanyehezuoshe



47	jyuanshijingrongbaihuodian
48	Jmayer
49	John D Izard
50	kangdayiliaokeji
51	classical333
52	clothesfemale
53	clothing19
54	clothingc
55	cls6688522
56	cls6688523
57	clubsexydesignerdres
58	coco569
59	colourfashion
60	commes
61	compressionshirt
62	conbostore
63	coopose
64	cosplay2015
65	countrysidelocks
66	cover3129
67	cozywine
68	cravat
69	cseior8smoke
70	csmoke8nike
71	cthebelt38
72	customsneakermart
73	customtshirt201802
74	customtshirt201804
75	customtshirt201805
76	dajm168
77	dajm568
78	dalivid
79	designtshirts201805
80	designtshirts201810
81	dfbeauty
82	doublentees
83	dusala
84	dyf363636
85	dzupright
86	dzuprightc
87	dzuprighth
88	easme
89	erzhang
90	eventswedding
91	facenorthpalace
92	fair2015
93	fanny anne
94	fanyumaoyi03
95	fanyumaoyi04

96	fanyumaoyi09
97	fanyumaoyi10
98	fashion_fable
99	fashioncentre
100	fatcuckoo
101	feiyancao
102	Felix06
103	femmeclottheswardrobe
104	fenglei2008
105	Fidegt..Toy
106	fightershop
107	fittingstore
108	flaky
109	forseason
110	fourcup
111	foyastore
112	freshtees
113	funnybonetees
114	funnyteesshirt
115	funnyteesstore
116	gadarr
117	gali1
118	gali4
119	gali5
120	gali6
121	gali7
122	gaobei04
123	gaobei10
124	gaozang
125	gbranddesigner
126	GDF333DM
127	gfootl
128	gfthe2belt5fashion
129	gftoy33fashion2
130	gghhtyft123
131	goodshirt
132	goodtshirts201801
133	groceryshop1
134	gucci24armani
135	guccmen
136	gucking
137	guesstshirt
138	gunshowtees
139	guoshan1018
140	guyul1
141	gymclothes8
142	h_ss
143	hahaonecup
144	hai01

145	hai08
146	handsup09
147	haomaoo
148	harrvey
149	headlong
150	hermestshirt
151	heronarmorhommes
152	heying168
153	high end goods
154	hj272211689
155	hombrespantalones
156	honghui004
157	hongkonglady
158	hongxuanstore02
159	hongyeli
160	Honjiao
161	houmian
162	Huangwenhe2020
163	huweilan
164	islanddesign
165	iwallart
166	jadavu
167	jeanshomme
168	Jerkin
169	jie024
170	jie025
171	jie027
172	jie033
173	jie034
174	jie037
175	jie11
176	jie43
177	jie44
178	jie45
179	jie46
180	jie47
181	jiehao
182	jinfao001
183	jingyan005
184	jingyan009
185	jk23
186	jm568
187	jmbape168
188	jmbape88
189	jmccoco
190	jmccoco88
191	jmmake88
192	jmmikico
193	jmmizon

194	joantcottonshirts
195	jodeclothes
196	jonestar
197	jujubery
198	junxcj
199	justdoitmen
200	jzsp0916
201	k555
202	kanken28
203	kanyedesigner
204	kanyemensjeans
205	karel
206	kawaii toys
207	ke2315018391
208	kendymade
209	kenzo123
210	kidsdesignerclothes
211	kittyes
212	kk_girl
213	kobemantees
214	ladyhill
215	ladylbdcloth
216	laftfly
217	lanshiren5
218	laorenstar
219	lastdoc
220	layette66
221	lefan02
222	liangcloth
223	liguo0051
224	lijain91
225	lijain97