

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

MOOMIN CHARACTERS OY, LTD.,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-01069

Judge Manish S. Shah

PRELIMINARY INJUNCTION ORDER

Plaintiff, MOOMIN CHATRACTERS OY, LTD. (“MOOMIN” 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 [Amended] Schedule A to the Complaint and attached hereto (collectively, “Defendants”) and using at least the online marketplace accounts identified in [Amended] Schedule A (the “Online Marketplaces”). After reviewing the Motion and the accompanying record, this Court GRANTS MOOMIN’s Motion as follows.

This Court finds MOOMIN has provided notice to Defendants in accordance with the Temporary Restraining Order entered March 4, 2022, [17] (“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, MOOMIN 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 MOOMIN's federally registered trademarks, which are protected by U.S. Trademark Registration Nos. 4,516,745; 4,523,736; 5,056,717; 5,056,718; 5,066,370; 5,070,546; 5,080,020; 5,126,194; 5,158,342; and 5,510,559 (collectively the "MOOMIN Trademarks") to residents of Illinois. *See* Docket No. [13], 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 MOOMIN 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 MOOMIN's previously granted Motion for Entry of a TRO establishes that MOOMIN has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that MOOMIN will suffer irreparable harm if the injunction is not granted.

Specifically, MOOMIN has proved a *prima facie* case of trademark infringement because (1) the MOOMIN 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 MOOMIN Trademarks, and (3) Defendants' use of the MOOMIN Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with MOOMIN. Furthermore, Defendants' continued and unauthorized use of the

MOOMIN Trademarks irreparably harms MOOMIN through diminished goodwill and brand confidence, damage to MOOMIN's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, MOOMIN 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 MOOMIN 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 MOOMIN product or not authorized by MOOMIN to be sold in connection with the MOOMIN Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine MOOMIN product or any other product produced by MOOMIN, that is not MOOMIN's or not produced under the authorization, control, or supervision of MOOMIN and approved by MOOMIN for sale under the MOOMIN Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of MOOMIN, or are sponsored by, approved by, or otherwise connected with MOOMIN; 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 MOOMIN, nor authorized by MOOMIN to be sold or offered for sale, and which bear any of MOOMIN's trademarks, including the MOOMIN 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 MOOMIN'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"), shall, within seven (7) calendar days after receipt of such notice, provide to MOOMIN 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 or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
4. Upon MOOMIN'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 MOOMIN Trademarks.
5. Any Third Party Providers, including 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 [Amended] Schedule A hereto, the e-mail addresses identified in Exhibit 2 to the Declaration of Roleff Kråkström, 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. MOOMIN 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 Roleff Kråkström 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 “AREG’s and all other Defendants identified in the Operative 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 [Amended] Schedule A to the Complaint [8], Exhibit 2 to the Declaration of Roleff Kråkström [13], and the TRO [17] 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 Dollar (\$10,000) bond posted by MOOMIN shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

SO ORDERED:



Manish S. Shah
United States District Judge

Dated: April 4, 2022

[Amended] Schedule A

No.	Defendants
1	AREG's
2	DISMISSED
3	chenlinshangmaoyouiangongsi
4	Corsir
5	dfhfacai
6	gaozuyhen
7	JDJSIHUsa
8	Nxcveyyr
9	Shuminxiaodian
10	SiHaGDh
11	sihaiishanghang
12	SYSHUNZI
13	TINA JOO
14	Toy store gift puzzle
15	WXzjswens
16	xiuxianmaiganren
17	ZHAOYANGSHENG