

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

KHARA INC. and GROUND WORKS CO., LTD.,

Plaintiffs,

Civil Action No.: 1:22-cv-00783

v.

Judge Gary Feinerman

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

Magistrate Judge Young B. Kim

Defendants.

PRELIMINARY INJUNCTION ORDER

Plaintiffs KHARA INC., and GROUND WORKS CO., LTD. (collectively, “GWC” or “Plaintiffs”) 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 GWC’s Motion as follows.

This Court finds GWC has provided notice to Defendants in accordance with the Temporary Restraining Order entered February 22, 2022, [15] (“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, GWC 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 GWC’s

federally registered trademarks, which are protected by U.S. Trademark Registration Nos. 2,923,657; 6,193,482; and 6,187,814 (collectively the “NEON GENESIS EVANGELION Trademarks”) to residents of Illinois. In this case, GWC 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 and infringing versions of the NEON GENESIS EVANGELION 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 NEON GENESIS EVANGELION 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 GWC’s previously granted Motion for Entry of a TRO establishes that GWC has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that GWC will suffer irreparable harm if the injunction is not granted.

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

EVANGELION Trademarks irreparably harms GWC through diminished goodwill and brand confidence, damage to GWC's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, GWC 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, 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 NEON GENESIS EVANGELION 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 GWC product or not authorized by GWC to be sold in connection with the NEON GENESIS EVANGELION Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine GWC product or any other product produced by GWC, that is not GWC's or not produced under the authorization, control, or supervision of GWC and approved by GWC for sale under the NEON GENESIS EVANGELION Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of GWC, or are sponsored by, approved by, or otherwise connected with GWC; 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 GWC, nor authorized by GWC to

be sold or offered for sale, and which bear any of GWC's trademarks, including the NEON GENESIS EVANGELION 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 GWC'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 Alipay US, Inc. ("Alipay"), shall, within three (3) business days after receipt of such notice, provide to GWC 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 or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

4. Upon GWC's request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 3, shall within three (3) business 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 NEON GENESIS EVANGELION Trademarks.
5. Any Third Party Providers, including Alipay, shall, within three (3) business 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 Yasuhiro Kamimura, 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. GWC 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 Complaint, this Order, and other relevant documents on a website or by sending an e-mail with a link to said website to the e-mail addresses identified in Exhibit 2 to the Declaration of Yasuhiro Kamimura 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 “100% cotton T-shirt SD Store 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. Plaintiffs’ Schedule A [2], Exhibit 2 to the Declaration of Yasuhiro Kamimura [12], and the TRO [15] 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 GWC shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

SO ORDERED:



U.S. District Court Judge

Dated: March 22, 2022

Schedule A

No.	Defendants
1	100% cotton T-shirt SD Store
2	100% cotton....tshirts.. Store
3	1096 sold Store
4	11+11 Store
5	123 Boom Store
6	123XXX Store
7	1325-BDSMD Store
8	1815201314 Store
9	2021 Tees Store
10	20218688 Store
11	2345 Sold Store
12	334195121 Store
13	400 Store
14	4598451 Store
15	666 Art Store
16	A clwczt Store
17	A feast for the eyes Store
18	A future life Store
19	A+clothes Store
20	A377 Store
21	A400 Store
22	A-A Store
23	AAH2 Store
24	Aberyl Toy Store
25	ADMAR Offer Dropshipping Store
26	agudfysgfb Store
27	Ahuluna Official Store
28	ai bu Store
29	aiak002 270821 Store
30	Ainclu Official Store
31	Ainiel Apparel Store
32	AK001 Store
33	Ali Children's Toy Store
34	Alibabas Anime Store
35	All Is Good Store
36	All of fun Store
37	AllClothes Store
38	allhat Store
39	AN AN Store
40	Angels Wall Art Store
41	Anime cloak Store
42	Anime Clothes Factory Store

43	Anime Figures Store
44	Anime JP Store
45	Anime T-shirts is worth it worth Store
46	Animetoychiteng Store
47	ANNISOUL-Fashion Store
48	Anytime-04 Store
49	Anytime-05 Store
50	anytime-21 Store
51	anytime-factory Store
52	Anytime-usa16 Store
53	apppgg Store
54	AprilMOMO Store
55	A-Streetwear Store
56	Atina Store
57	atinfor Official Store
58	ATSUNNY Streetwear Store
59	A-Z-88 Store
60	Azzjake Store
61	B Dropshipping Store
62	Baby Teeshow Store
63	Babyniubi Store
64	Baby's Toy Store
65	bai du Store
66	Ballard Store
67	Baseballcap8 Store
68	Baseballhats Store
69	Bazinga Store
70	BBaduos Store
71	BBOTTRUOYS Toy Store
72	Beautiful boys girl clothes Store
73	BEIJIE Store
74	BEIYE TOY Store
75	bestoys Store
76	Black box toy assemble Store
77	Blohsh Store
78	BlueDream Anime Store
79	BOT BOD Store
80	BT dropshipping Store
81	Casual Colourful 168 Store
82	Champrint Tops Store
83	CHAMPRINT T-shirts Store
84	Chao Zan Store
85	Chen-Jinhao Store
86	Child collar Store
87	Chinese Casual Harajuku Hoodies Store

88	cick001_270821 Store
89	Classic Poster Store
90	CmetNi Official Store
91	Colorful Covers Store
92	Comi Plush Store
93	COS Costume Store
94	COS World Store
95	COS&SUPERHERO Store
96	Cosicon Store
97	cosual Store
98	CoTini Store
99	Courageous Baby Store
100	C-P-Alliance Store
101	Cruel QQ Store
102	CSHOW SHIRT Store
103	CUTECASE Store
104	CX330 Factory Store
105	da song Store
106	dabaokuan Store
107	Dance Costume Dress Factory
108	DaosjCC Store
109	DaosjXX Store
110	DaosjZZ Store
111	Dark adult pop Store
112	DATU Store
113	Day Day Up N.18 Store
114	Design t-shirt Store
115	Design-Top-Tee Store
116	Desing Appare Store
117	Dezza men Hoddies Store
118	Dika Store
119	Direct sales Hoodie Store
120	DNC Store
121	Dreamy Goblin Store
122	Dropship win-win Store
123	Dropshipping Explosive trendy Store
124	Dropshippings Store
125	Dshztooma Dshztooma Store
126	Dsj tshirt Store
127	DSJ6 Store
128	Dumb costume Store
129	Eatop-Fashion Store
130	Elissa Store
131	Emperor Art Store
132	fain zoe macket Store

133	Fair Store
134	Fandatai Store
135	FanFanCosplay Store
136	FANNA Store
137	fashion-hub Store
138	FashionVersatile Store
139	Fashionwell Store Store
140	FBBALF Store
141	fengfu Store
142	Feragamo Store
143	Field wind hoodie Store
144	Floating Art Store
145	FN Hoodies Store
146	Fn.2 Hoodies Store
147	Fogimoya Store
148	Fortunate-99 Store
149	Frederick Store
150	FreeSoul Store
151	Fun toy store Store
152	Funny Shirt Store
153	Furlar Store
154	GAI T-shirt Store
155	Game toy Store
156	Ganyoja Store
157	GDD88 Store
158	gelvshi006 Store
159	Gelvshi05 Store
160	GFNANHAI Official Store
161	GGM03 Store
162	Gifts for children Store
163	Give Me A Chance Store
164	gk119 Store
165	GKSKY LuxuryBrandCase4 Store
166	GLANC Store
167	GL-Cool Store
168	GL-Print Store
169	golucky Store
170	Good Tees NO.255 Store
171	gothiscyn Official Store
172	Greek words 6666 Store
173	GSF Ladring Store
174	GStorm Store
175	Guanghuiyimeijia Dropship Store
176	guorong zhuang Store
177	GYM or HIPHOP T-shirt Store

178	GZTC Dropshipping Store
179	GZXM Dropshipping Store
180	HaiZhu Store
181	Hallo Kitea 2234 Store
182	hally Store
183	Harajuku Anime Clothes Store
184	Harajuku casual Store
185	Harajuku Hoodies Store
186	Healthy Kitchen Life Store
187	hei dong Store
188	HELLOGObuyit Store
189	HELLOGOTOBYE Store
190	HHG Store
191	High Quality Prime Cotton Manga Anime Casual Hippop Indie Oversized Store
192	himinih Store
193	Hitstars Store
194	HIZILENT GIRL Store
195	hjkkm Store
196	HN Streetwear Store
197	HO Trend House Store
198	HODIEJAN Store
199	Hoodie clothes Store
200	Hoodies Factory. Store
201	Hoodie-T-Shirt Store
202	Hotty Art Store
203	huangkaiquan5201314 Store
204	huangkaiquan661982 Store
205	HZS.001 Store
206	I LLOVE YOU PAINTING Store
207	ILIKEYOU Store
208	Ilink013 Store
209	Imaginative Store
210	IPQC520 Store
211	Irony23333 Store
212	It's either black or white Store
213	Jandon Store
214	Jayden Very Important Person Store
215	JENNIFERB Store
216	Jiduole Store
217	jingbao Store
218	jiuwuguoji188 Store
219	JIUZHE Store
220	Johnny Hallyday Store
221	Judy Garment Store

222	Juma Tees Store
223	June F Toy Store
224	Juxin Huida Phonecase Store
225	Juyou discount Store
226	J-Venus Store
227	KAIXIAZ Store
228	Katsura Ei 999 Store
229	Kavsenraies Official Store
230	KDH19 Store
231	Ke bi ya Store
232	Kiddo Store
233	KingGo Global Dropshoping Store
234	Kinwoo Store
235	KK-Case Store
236	KKKNA Store
237	KKL01 Store
238	KKPP01 Store
239	KLYWOO OfferDropshipping Store
240	K-Pop Trendy88 Clothes Store
241	Kpop-Classic Clothes Store
242	L3187 Store
243	LacauchCos Store
244	Ladybug Store
245	LALQ Dropshipping Store
246	Lazy Art Store
247	ldc1542512247 Store
248	LDZF PAINTING Store

