

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

CANON KABUSHIKI KAISHA,

Plaintiff,

v.

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

Defendants.

Case No. 22-cv-01889

Judge Martha M. Pacold

Magistrate Judge Sunil R. Harjani

PRELIMINARY INJUNCTION ORDER

Plaintiff Canon Kabushiki Kaisha (“Canon” or “Plaintiff”) filed a Motion for Entry of a Preliminary Injunction against the against the fully interactive, e-commerce stores¹ operating under the seller aliases identified in Schedule A 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 Canon’s Motion in part as follows.

This Court finds Canon has provided notice to Defendants in accordance with the Temporary Restraining Order entered April 21, 2022, [22] (“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

¹ The e-commerce store urls are listed on Schedule A hereto under the Online Marketplaces.

consumers in the United States, including Illinois. Specifically, Canon 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 Canon's federally registered trademarks (the "Canon Trademarks") to residents of Illinois. In this case, Canon 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 Canon Trademarks. *See* Docket No. [17], 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 Canon 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 Canon's previously granted Motion for Entry of a TRO establishes that Canon has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that Canon will suffer irreparable harm if the injunction is not granted.

Specifically, Canon has proved a *prima facie* case of trademark infringement because (1) the Canon 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 Canon Trademarks, and (3) Defendants' use of the Canon Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with Canon. Furthermore, Defendants' continued and unauthorized use of the Canon Trademarks irreparably harms Canon through diminished goodwill and brand confidence, damage to Canon's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Canon 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 Canon 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 Canon product or not authorized by Canon to be sold in connection with the Canon Trademarks;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Canon product or any other product produced by Canon, that is not Canon's or not produced under the authorization, control, or supervision of Canon and approved by Canon for sale under the Canon Trademarks;
 - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of Canon, or are sponsored by, approved by, or otherwise connected with Canon; 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 Canon, nor authorized by Canon to be sold or offered for sale, and which bear any of Canon's trademarks, including the Canon 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 Canon'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 eBay, Inc. ("eBay"), Amazon.com, Inc. ("Amazon"), and ContextLogic Inc. d/b/a Wish.com ("Wish.com"), (collectively, the "Third Party Providers"), shall, within seven (7) calendar days after receipt of such notice, provide to Canon 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, PayPal, Inc. (“PayPal”), Wish.com, Walmart, Amazon Pay, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

4. Upon Canon’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 Canon Trademarks.
5. Any Third Party Providers, including PayPal, eBay, Wish.com, and Amazon Pay, 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; 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. Canon 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 Jin Toyoda 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 “The Partnerships 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 the Complaint [2], Exhibit 3 to the Declaration of Jin Toyoda [17], and the TRO [22] 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 Canon shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

Date: June 9, 2022

/s/ Martha M. Pacold
United States District Judge

**Canon Kabushiki Kaisha v. The Partnerships and Unincorporated Associations Identified on Schedule "A" -
Case No. 22-cv-1889**

Schedule A

Defendant Online Marketplaces		
No	URL	Name / Seller Alias
1	amazon.com/sp?seller=A1PXES27V1SXBO	Bindpon
2	amazon.com/sp?seller=A1I0Q6VYG0EMLV	EVGDGF-US
3	amazon.com/sp?seller=A1OLX39YQW13C2	Huitezou-US
4	amazon.com/sp?seller=AGBDPZ6DW2M6O	Jix flower
5	DISMISSED	DISMISSED
6	amazon.com/sp?seller=A2BNE1MUIIJ2WT	Longxiaope-US
7	amazon.com/sp?seller=A3T8RGXVPRPYQB	Mugast
8	amazon.com/sp?seller=A3FFFOOXUJSYN0	Oumij1
9	amazon.com/sp?seller=A3ACQBU2JLJNVU	Shen zhen shi jing ming ya ke ji you xian gong si
10	amazon.com/sp?seller=A3AA3GNDWQRWK2	shenzhenshidejikejiyouxiangongsi
11	amazon.com/sp?seller=A1ODSOEXDX2W6S	shopping more
12	amazon.com/sp?seller=A2JJO7WDBVN2BU	SPEEX
13	amazon.com/sp?seller=A2PXZ5RHENH35N	Stone-Tech
14	ebay.com/usr/bondscamera	bondscamera
15	DISMISSED	DISMISSED
16	ebay.com/usr/chencia-60	chencia-60
17	DISMISSED	DISMISSED
18	DISMISSED	DISMISSED
19	ebay.com/usr/grand_technology	grand_technology
20	DISMISSED	DISMISSED
21	DISMISSED	DISMISSED
22	DISMISSED	DISMISSED
23	DISMISSED	DISMISSED
24	DISMISSED	DISMISSED
25	ebay.com/usr/minibaby2015	minibaby2015
26	DISMISSED	DISMISSED
27	ebay.com/usr/mybox2016	mybox2016
28	ebay.com/usr/myorders202019	myorders202019
29	DISMISSED	DISMISSED
30	DISMISSED	DISMISSED
31	ebay.com/usr/njytouch	njytouch
32	DISMISSED	DISMISSED
33	DISMISSED	DISMISSED

34	ebay.com/usr/princechou	princechou
35	ebay.com/usr/q.stars	q.stars
36	ebay.com/usr/ring.bow	ring.bow
37	ebay.com/usr/rise*uk022	rise uk022
38	ebay.com/usr/rise-uk*no09	rise-uk no09
39	ebay.com/usr/ronaldo1998	ronaldo1998
40	ebay.com/usr/roxsen	roxsen
41	DISMISSED	DISMISSED
42	ebay.com/usr/starry1412	starry1412
43	ebay.com/usr/thousand-spray	thousand-spray
44	ebay.com/usr/tinyuedoor	tinyuedoor
45	ebay.com/usr/tssy2005	tssy2005
46	ebay.com/usr/vicwz	vicwz
47	ebay.com/usr/wxm-cn019	wxm-cn019
48	DISMISSED	DISMISSED
49	ebay.com/usr/yang_lian_72	yang_lian_72
50	ebay.com/usr/zhaihaiqing	zhaihaiqing
51	ebay.com/usr/zhuli333	zhuli333
52	wish.com/merchant/5f401dcc5c6a882f07dc2887	Tool family