

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

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

Plaintiffs,

v.

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

Defendants.

Case No. 22-cv-02588

Judge Sharon Johnson Coleman

Magistrate Judge Maria Valdez

PRELIMINARY INJUNCTION ORDER

Plaintiffs KHARA INC. and GROUND WORKS CO., LTD (“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 May 23, 2022, [18] (“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 (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 and do purchase products using counterfeit 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, 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 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, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiffs 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 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 eBay, Inc. ("eBay"), PayPal, Inc. ("PayPal"), ContextLogic Inc. d/b/a Wish.com ("WISH"), and Alipay US, Inc. and its related companies and affiliates ("Alipay") shall, within five (5) 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, eBay, PayPal, WISH, and Alipay or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon GWC's request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 4, shall within five (5) 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.
6. Any Third Party Providers, including eBay, PayPal, WISH, and Alipay shall, within five (5) 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.
7. 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 "bicycle_sky and all other Defendants identified in the Complaint" that shall apply to all Defendants. The combination of providing notice via electronic publication or 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 Yasuhiro Kamimura [14], and the TRO [18] 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 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:

A handwritten signature in black ink, appearing to read 'Sharon Johnson Coleman', written over a horizontal line.

Sharon Johnson Coleman
United States District Judge

Dated: 6/17/2022

Schedule A

No.	Defendants
1	bicycle_sky
2	cute-anime
3	donaden_0
4	dragon_bike666
5	flashbuystore
6	gapg_store
7	lovelycostume
8	otosmile
9	poolcu_1
10	prasachathurangl
11	sogostore686
12	springinger
13	vision4ulife
14	vonestore1688
15	yesugito_0
16	yudanni066
17	zhen_2046
18	11JYH917J
19	2019trendy shops
20	aaomfmtttuu
21	aavvbb
22	Amy T Combs
23	Anna R Cooke
24	AppleTree Fashion Department Store Co., LTD
25	Beverly V Wilder
26	bghgfh75
27	biyun fashion
28	Brent J Dews
29	CAOHAO LOVE
30	Carolyn C Elliott
31	cgfb
32	chenxiaomei778317
33	Clarence R Medeiros
34	Daryl M Wright
35	David P Suggs
36	Debbie J Brewster
37	Donald Holt
38	Dorla M Hypes

39	e4uuzd
40	E77BD6E1
41	EdisonChristinekBvCp
42	Edith M Sulliva
43	ElectroAuto HH
44	fangqin fashion
45	fangyue77318
46	feiwan
47	fjlian
48	Francis J Martin
49	funnyshop666
50	growthmanship
51	GuoliBing
52	h8239eed
53	hanbao fashion
54	hanzunfengxnbvx
55	HeatherKimberleyHcX
56	HEMEN PANNUOYA GENTE BIEAN
57	houranran55007
58	huangpeng23
59	huangrunmei6608
60	huangzhanxunlu
61	Jackie O - talent agent
62	JackVictoriadIoC
63	James R Beaulieu
64	JaredElaineUhG
65	Jeanne Green
66	Jordan Valdez
67	JoyceAmosqUuUtA
68	Juan J Lanza
69	Karen R Larry
70	keguobi12
71	Keith B Croyle
72	KellyStoreDesign001
73	liguiyan77555
74	lihao461x
75	lijingjing2287
76	liuxuan2497
77	LJXART
78	LMJShopping
79	Louise B Lowry

80	Love trip store
81	luhuan99
82	lvminglan fashion
83	Machine Money
84	Mary Anne Jorgenson
85	MeiChunHong1120
86	Melanfdgdfs
87	mengxeng94
88	mianshijia6336
89	Michael J Hays
90	Michael RobertsPOLake
91	Montene Trimback
92	mrlaisuhdizopp
93	pandeng8563
94	pangmeili52607
95	panyingliang886
96	Patricia D Windham
97	pingping shopping
98	piyuan0871
99	ppyeyid online store
100	Rebecca G Owens
101	Robert M Lam
102	Russell Rubman34
103	SallyZonadNzGtN
104	Sara S Newell
105	StrannayaCyganova6173
106	sunblack
107	Suzannesmgl
108	Temporary Site Services
109	Tianwen Yu
110	Vella Peoples
111	Veronica M Johnson
112	Viva Cap
113	vvbngn
114	Wangfating
115	wangrui8023
116	wangwenle64987213978
117	wangxunpin52013
118	wanqiang wholeshop
119	wuyulunbisun
120	wuyunpeng3334

121	wuzhongye
122	xiangqian dianzi
123	xiantiansheng1314521
124	xiatianhuakso
125	xiegenhua36637
126	xjkfofHk63d
127	xuke1234
128	xuqingchu fashoin
129	yanchunyu008
130	yangfenglai Store
131	yangguizhi1356
132	yangjianbin123
133	yangjin9742
134	YANGLONGLIU
135	yangqiaorong0301
136	yangshuai8974
137	yangshuo5496
138	yangyue702566
139	Yaojiaxin012
140	yaoyi49341
141	yifan fashion
142	Yihao trading
143	yinmengyu4270
144	yinqi fashion
145	zenggangping
146	zhangyangyang369
147	zhangzhanyun123
148	zhaohongwei00852
149	zhaoyuying123123
150	ZHC-WS
151	zhipeng friday
152	Zhong xia ye majek
153	zhuguifan0209
154	zxLhy-LINGHAI
155	ZYLshoppingmall
156	Anime Toy Club Store
157	Baby Gifts Store
158	caleda anime Store
159	Cz Toy Store
160	DI qi 001 Store
161	Leyu2018 Store

162	Lucky Plush Store
163	mifen crafts Toy Manufacturing Store
164	Minecraf123 Store
165	Shop1100379006 Store
166	Shop7758258 Store Store
167	Shop911125275 Store
168	Step model Store
169	Sweeten Your Life Store
170	Toy Collector Store
171	Toy Factory Made Store
172	Toy wholesale Store
173	YU TOY Store