

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

KHARA INC. and GROUNDWORKS CO., LTD.,

Plaintiffs,

v.

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

Defendants.

Case No. 22-cv-04199

**Judge Thomas M. Durkin**

**Magistrate Judge Jeffrey Cole**

**PRELIMINARY INJUNCTION ORDER**

Plaintiff 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 “Defendant Internet Stores”). 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 August 11, 2022, [18] (“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, 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. [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 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 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' Defendant Internet Stores, including, without limitation, any online marketplace platforms such as ContextLogic Inc. d/b/a Wish.com ("WISH") (collectively, the "Third Party Providers"), shall, within seven (7) calendar 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 Defendant Internet Stores and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Defendant Internet Stores; 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, WISH, 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 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 NEON GENSIS EVANGELION Trademarks.
5. Any Third Party Providers, including WISH, 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, 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 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 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 “liyang82383 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 to the Complaint [2], Exhibit 2 to the Declaration of Yasuhiro Kamimura [13], and the TRO [18] 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:



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Hon. Thomas M. Durkin  
United States District Judge

Dated: August 24, 2022

**Schedule A**

<b>No.</b>	<b>Defendants</b>
1	liyang82383
2	liyuting1
3	lizhch
4	lizhenglun2553
5	lizhenzhen8s8s3
6	lizi3202
7	ljifehaya
8	llq88889999
9	lodivhjtg
10	Lofun Zaitou Koming
11	loovjfg
12	Louie H Perez
13	love yu
14	Lovely style company
15	Luis Borel
16	lujiazhen92883
17	Lujings womanclothes
18	Lum Phi Ni_Wear
19	luoqi4455
20	luornpeng
21	luoruixiang2580
22	luossphone
23	luoxiaoliang fashion
24	luoyanhui12345
25	luqianlai fashion
26	lushengwen6310
27	LZX8910
28	mabo fashion
29	mage666
30	magicshop2014
31	Mahorse snowy
32	Mai Yang
33	majingrui62
34	mali fashion
35	MALING998
36	MaMa Maker International
37	MAMAD
38	mameilizhu
39	mammiyami
40	Man has invented machines larger than man's power
41	maofeng Store me
42	Margaret Needham

43	mariajosevesn
44	Mariesha Williams
45	mark Persaud
46	markgeffers4
47	matteoantho
48	Matthew J May
49	mayihua68310
50	medhurstdomingo
51	Melissa E Christian
52	Melody Malone
53	memorydeep315
54	mengkecen70328
55	mengmeng56202
56	mengstore1991
57	mengxin1994
58	MerlinGeoffreypSrY
59	miaozhenghai0987
60	MichaeliaNickaGsFrQ
61	MichelleJeremydNgZ
62	mijiti09276
63	minxue
64	MK7RVUUh
65	Mking
66	Morris654
67	Motionrover
68	msixa6shop
69	MSJJ5688
70	mtaxc
71	nanaonlineshop
72	nanshengjun07
73	NatoshaGerber
74	nawanyi147258
75	Nayaoyiyi
76	new and strange shop
77	Nick huang2019
78	Nicky Superior Store
79	niconreoma
80	niebromick543
81	ningdan24
82	nishoptpkxhv
83	nlhpjo
84	nnvhuqupo
85	noastotplrev
86	NONGJIAPIN
87	Norman A Santoro



88	nortonf3gkl62f
89	okvoyfuon
90	One swallow does not make a summer
91	Otto M Vargas
92	PanaderiaBuy TheMarianela
93	panweikang30841
94	paradise 3
95	pengminghiu9733r
96	Penguin Brothers
97	PeNoah
98	Perfect Solution Co.
99	peterliang1995
100	phone parts
101	plumulaceous
102	PP rty shop
103	puyumei
104	gear2874
105	QFG7-tansport
106	qi art
107	QianxianychipCo
108	QIanXuan art store
109	qiaocaijia0
110	qiaoqiaoshop
111	QiaoWei15783
112	qiluyao520
113	qinfeifei66
114	qingpinsuijin
115	qinqinqin16
116	qinyun fashion
117	QION QION
118	qioujinhua
119	qiqiguaiguai
120	Qiu12345
121	Qiuyun8617
122	qqgoodab
123	qwergrmbt
124	RalapEvanjDjD
125	ramel Herrmann
126	RandolphMartinjUtQz
127	Rank Electronics
128	Ray and Sandy Herve
129	Rebeccarr22vscca
130	Regina M Hawks
131	renjianpo
132	renqingsong

133	Renyongfen3225
134	ReRushop
135	rhondagraham305
136	rhondi guido
137	ri99a
138	ricefrankie856
139	Richard Liu
140	Richarter
141	RodAlvatXkXl
142	Rodolfo Morris
143	Rongxinhome
144	Rosalynl
145	RoyBoughner
146	RUIRUIGOUWU888
147	Russelaaee
148	Sabekillof
149	Sale Off
150	SamanthaSusanaQfSf
151	sanseng
152	sanshu
153	sara swan
154	Sarengaowa
155	schmafrnckwiet
156	Scott Johnsonl
157	scr3f
158	sd7hg89sdkgh
159	sdtfgGSGFD
160	Selleveryday
161	sfderg shopping
162	Sgchvhcjhbnhbjvbw
163	shangzhenfei3826
164	shanshan2015
165	shaoqiu fashion
166	Shaw Investing Gold
167	Shcgvfhcjhchvngvvvbcvbc
168	shelbyyya
169	shenjiejiulin
170	shenjun95339
171	shenqijun5866
172	Shipaijiezongnlh
173	shiqu1carstyle
174	Shirley R Constable
175	ShirleyfHnHk
176	shiyani0016
177	shopkeepers

178	shuyanxu
179	siling wholesale store
180	simple_yu
181	SIQIULIU
182	Skfneodnwofnsifnsinfsi64
183	Sknxxmmmxdnxjxknxmxnm
184	SOLASI
185	Songchenhui820
186	songruibin5847
187	Songxil
188	Sophia"s shopping center
189	Spring Vandiver
190	springd
191	stevebechtelar78
192	Steven Heimerl Z
193	Study well and make progress every day
194	sujiedongstore
195	sunfengchun
196	sunguiru
197	sunxiaoquan6688
198	sunyang fashion
199	superstarsupplier
200	svrcbhf
201	SYBELAR
202	tainrenxin85696
203	tandanhua76494
204	TANFANG9528