

**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-04175

Judge Gary Feinerman

Magistrate Judge Young B. Kim

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 “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 18, 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 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, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff 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' 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).
5. Upon GWC's request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 4, 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 GENESIS EVANGELION Trademarks.
6. 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.
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 "tangjiayi21 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. Plaintiffs' Schedule A to the Complaint [2], Exhibit 2 to the Declaration of Yasuhiro Kamimura [13], 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:



Gary Feinerman
United States District Judge

Dated: 9/6/2022

Schedule A

No.	Defendants
1	tangjiayi21
2	tangnimeng
3	tanmenru
4	TanYan73
5	teatearlsmr
6	The glorious years to go together
7	The horizon and the sun
8	Thomas Goldberg
9	tiancai store
10	tianfeifei0145
11	tianhua plaza
12	tiany56
13	TINH
14	Tonya Gonzalez
15	toonesrnrhm
16	TOP Quality Wall Painting
17	Toreyyy
18	Toys wholesale and retail trade
19	Toys&Hobbies&gifts
20	TRAC KLOU
21	traceeschmeler
22	trhrthrjy
23	TT Case Store
24	tur323783
25	Tyler lehnertz
26	Unjktghak
27	vicky home decor
28	Vintage Poster
29	Vivi Vmojo
30	vkash35shop
31	volaza
32	vusateecyij
33	W E R T Y I D F H
34	wanganling
35	Wangdadashiwo
36	Wangdongshuai
37	wangfeixiao76456
38	wangguiqin158668
39	wangguowei66209
40	wanghao90151
41	wanghuany
42	wanghui55031
43	wangjiangpeng09514
44	wangjiangwei1120
45	wangkexin5566
46	wangming0707

47	wangnannan4205
48	wangpeiying147258
49	wangqiuyan1627
50	wangsen9704
51	wangshengbing467945
52	wangxingwang1542
53	wangyuxiang66058
54	wangzixu1630
55	wanxiaomina12
56	weiqiumei226
57	weixiaopanjin
58	weiyayun8615
59	wengyinrong123
60	wenjin fashion
61	WENZEJIE142536
62	weoclo
63	weve
64	whpongbo
65	WIFUE WOOFMA WOMAN WEARING SHOP
66	Willyam Romero
67	WoadStore
68	Wonder Cos
69	workbovssoer
70	Worksifjeornskfnskdjsjh70
71	World Shop Hello
72	Worshiperstore
73	wuaecase
74	wuchengjiu
75	wufush
76	wulihua12353
77	wunschincencia
78	wuqian Store me4838
79	wuyanquan865
80	wuyunhong29920
81	x1d6c15
82	Xhfgjghgjhvhfgdyfhfghfgffg
83	xiadongzhu1542
84	xiaguoqiang01020
85	xialiang905
86	xiangjushan4
87	xianliang fashion
88	xiaojian2736
89	xiaoling fashion
90	xiaoqiaofeng
91	xiaoqiunvzhuang
92	xiaoyaojing5566
93	xiaoyuqijiandian
94	xiashulin9748
95	xiatao7896

96	xieliang fashion
97	xiexinyu1134
98	Xinme
99	xinyunamam
100	xinzhong decor work
101	xiongqian242
102	xiu phone
103	xizhiwen2289
104	XMCTS
105	xoedkvg
106	xubaoyue88888
107	xuecailian
108	xuedandan2049
109	xuejun88
110	xuhao Store
111	xuhongzhe27933
112	xuhuimei54768
113	xujun92547
114	xukang7914
115	xulingfeng2759
116	xuqingqing0748
117	xuqingyi4029
118	xuxinyi Store
119	xuyanting4269
120	xuyaqin345
121	xuyixiang92330
122	xuyonghui53741
123	xuzhenyu66688
124	yanglijun033
125	yangmengyu55009
126	yangqing123
127	yangruize63726
128	yangsaichao4256
129	yangtianxing09884
130	yangting3695
131	yangyang0701
132	yangyunna321
133	YANPHOO
134	yanwei187216
135	yanwenxue48580
136	yanxinyan067
137	yanyanjy
138	yanyanyystore
139	yanzhenyu5638
140	yaojiaxiang24930
141	yaopeng975454
142	yaqiang fashion store
143	YebeishanbD
144	yedezhidwq

145	yepu8963
146	Yfang
147	yijia fashion store
148	yijiashe
149	YIJIN48
150	yijinhui369728
151	yimoshiyang
152	YingGefashion
153	yinlanzhi1
154	yinweini
155	Yinyijun423
156	Yiwu New Time E-Commercial Business Firm
157	Your clothes store
158	youyoulin62032
159	YOYO FUN LIFE
160	ysjd8653479
161	yuan binf
162	yuanlin05
163	yuanshi5
164	Yuanyuan886
165	yuebushinio
166	yuelweistore
167	YUMI OGATAHALL
168	YUNBING
169	yusuo3843
170	yutengf
171	Yuthreen Golden
172	yuwanting30727
173	yuzishun36583
174	yyjmx0shop
175	YYZMN
176	YZ fashion store
177	ZaraEmmaqCpPuD
178	zengfayu fashion
179	zengqingping6779
180	Zengs store
181	zhanchuanqiu
182	zhangbeiwaimaofushi
183	zhangchenfeng988
184	zhangddona
185	zhangguirong543
186	zhanghaixin
187	zhanghaopeng115150
188	zhanghongyu63624
189	zhanghuaqing147258
190	zhangjie1234
191	zhangjihao4240
192	zhangjinhua12
193	zhangjuna

194	Zhangkge1314
195	zhangla2134
196	zhangleilei163
197	zhangliangwei00906
198	zhangliduo hgj8
199	zhanglingyan
200	zhangliping921
201	zhangmeng30842
202	zhangmengge73353
203	zhangmenghan32680
204	zhangminghui1
205	zhangruojing14509
206	zhangshenchaog
207	zhangsong373664
208	Zhangtaidian
209	zhangxinyi Store
210	zhangyikai1497
211	ZHANGYINGTONG
212	zhangzhenyu0808
213	zhaochuang3721
214	zhaohuiling245
215	zhaokang Store
216	zhaolifei0747
217	zhaoming1536
218	zhaoxiaoxue fashion
219	zhaoxinglin1998
220	Zhaoyi28463
221	zhaoyongle77917
222	zhapmengyuan44705
223	zhengjie07313
224	zhengwen fashion
225	Zhengxiqian12323
226	zhenjiang fashion store
227	Zhenshan Online Trade
228	zhonglunbo1457
229	zhongyue fashion
230	zhoujieying fashion
231	zhoulian fashion
232	zhoumo6753
233	zhoupancheng00284
234	zhoushasha4202
235	zhouxiyu40247
236	zhouzhiqiang886
237	zhuangzhouzahuopu
238	zhuebez
239	zhuhaibin4512
240	zhujie6398
241	ZhuojingheliangaCc
242	zhuwei7995

243	zhuxiaohua1174
244	zilai fshion
245	zimei fashion
246	zipengdaoyue
247	Zizisunny Toys
248	zmhflynn
249	zqlartSHOP
250	Zuflydaei bags