

**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-04194

Judge Sara L. Ellis

Magistrate Judge Jeffrey T. Gilbert

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 25, 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 Trademarks, and (3) Defendants' use of the NEON GENESIS 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:

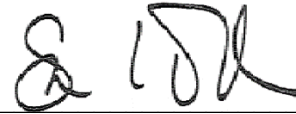
- a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including all known contact information and all associated e-mail addresses;
 - b. the nature of Defendants' operations and all 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 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 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 "gouxin fashion 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.
8. 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:

A handwritten signature in black ink, appearing to read 'S. L. Ellis', is written over a horizontal line.

Sara L. Ellis
United States District Judge

Dated: September 6, 2022

Schedule A

No.	Defendants
1	gouxin fashion
2	Gravitational
3	Grow into the sun
4	gsgs
5	guanqingli
6	guanweixin8936
7	guanyinghua7890
8	guayrn
9	gucellcase11
10	guhjhjhghhh
11	guofang6002
12	guozhe1389665
13	guozheng38505
14	guozhenxu
15	guzhangphonecase
16	Hanyue426
17	HaydenOctaviauBrPz
18	Hayineer Bedfits
19	Hbeijiayou
20	HD printed painting
21	Heather N Carr
22	hechunlei4569
23	Heesure International Trading Limited
24	hefeier0708
25	Hefeilema0831
26	hello123world
27	hgjkhg
28	High qality
29	HilaryShop
30	Hiram Arbogast
31	Hoai Shop
32	holleuwffk
33	hongshenglong02034
34	HousePainting
35	houzhiyuan0034
36	hshdhd
37	huanfgcui2134
38	huanghongkai30964
39	huangjiahui95691
40	huangjingxuan4258660
41	huangluocheng1149
42	huangshufang123123
43	huangxianhui66058
44	huangyukun0705
45	huanping15804
46	HuaQi Decoration Co.,LTD

47	HughGriseldadByPq
48	huhuiyuan1134
49	huizhiming72261
50	hulingyan06288
51	HUNAH0
52	Huwnfgku
53	huzhongstore
54	huziyao45
55	HZCZMSZX
56	i9oaldd
57	Ian Blackman
58	IbizaShopVzla
59	IdaLambertwJqF
60	IGASAI11
61	incongruent
62	ing auo
63	Isletas bodegon
64	J&T Express TOO
65	j7shop
66	Jaince House
67	Jainersy Bags
68	James D Roy
69	James Murray
70	Jane Buster
71	Janet Delaney
72	JasonHaroldvLmHgT
73	jassica
74	jbpet58shop
75	JeremyWallisoEsL
76	jfidnvnuj
77	JFR8Y6QUX
78	jiajia0409
79	jianghaonanooop
80	jianghuajiang2584
81	JIANGYANG520
82	jianhuaxie
83	Jiantangshi4852
84	jianzhipeng1997
85	jiaohao0640
86	jiayue34
87	jieraonan5192
88	jieyuan fashion
89	Jillex
90	jin506
91	jinbaiwan
92	Jinger jackets
93	Jinglinger Vase
94	Jinhua Jsdcar Tech Co., Ltd
95	jinxiao35879

96	jiuma888
97	jkkfgirl
98	jlfkjdsioifjso
99	jodsaf
100	Joicelyn Fashion Online
101	JonathanWhite
102	JonnyStoreDesign
103	Joseph Jones123
104	Joseph M Dunn
105	Joshua R Bullard
106	Juby269955731
107	Judoth Strong
108	juliana
109	Julie Yant
110	JuliusAndrewCuNk
111	JUN
112	jyvguvji
113	kalamhvnd
114	kandiesaipeng
115	kangzhan2
116	Kathleen D Wilson
117	Kathryn Moser
118	kdoelds
119	keisermrlxgvy
120	Kelly M Holland
121	Kenca Franshin tochbugow
122	KENNETH L LEMONS
123	kforiotrty
124	Kihgunw
125	Kimiku
126	kinedxb
127	konglingju8164
128	Kongruye
129	koonnorhayyden
130	kouninsjing
131	kouyue3048
132	Kristin Terry
133	kuangzhenhua2927
134	Kwajalein
135	KyleRichardxNhCo
136	Kylie J Rockey
137	LaDonnike Morgan
138	lailei81
139	langligelang
140	laohanyongdian19361
141	Laoren
142	Larry Ericson
143	lawrencebt22rm6
144	lb1995

145	LeibishandQs
146	leiguihua907790543
147	leirt
148	LenaRalapoGtNzF
149	LeopoldMichaelqEbQ
150	Lessons
151	lfott
152	Li wenf shop
153	Liajinayin Bags
154	liangbaoxia50347
155	liangbin1993
156	liangdetian123
157	liaoxueyi22
158	libei123456
159	lichangqing1134
160	licuicui5203
161	lidan7321
162	liguangqiang
163	lihongwei66058
164	lijia0816
165	lijiachengz
166	Lijiaye12332
167	likehao48554
168	liliaiai55
169	lilianxi3572
170	LiliLI-yuan
171	Lillian A Veliz
172	LilyCaishop
173	limengru4678
174	liming fashion
175	limomo1126
176	Linda J Mestas
177	linlina31439
178	linlixing fashion
179	Linsey LaPlant
180	linyuanlin
181	liqulong99087
182	lishengwei91877
183	litony
184	little black glasses
185	littlesalt
186	Liu Feng Fashion
187	Liuchuang12332
188	liuchuanzheng258
189	LiuGuoqiang1988510
190	liuhaipeng6152
191	liuhao13680
192	liukang2734
193	liulanying888

194	liupenglong71665
195	liuqingyao187
196	LIURENTIAN
197	liushuo39497
198	liutaobaihuo39537
199	liuwei5779
200	liuxiaoyan9489
201	liuxinyu76494
202	liuzexiang2234
203	liuzhiqiang0318
204	liuzhiyi2766
205	Liweihua1995305
206	lixinxin8888
207	lixiujuan32