

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

EMOJI COMPANY GmbH,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE A HERETO,

Defendants.

Case No.: 21-cv-1653

Judge Charles P. Korocas

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on EMOJI COMPANY GmbH's Motion for a Preliminary Injunction, and this Court having considered the evidence before it hereby GRANTS Plaintiff's Motion for Entry of a Preliminary Injunction in its entirety against the Defendants identified in Schedule A attached hereto (collectively, the "Defendants").

THIS COURT HEREBY FINDS that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents can purchase products bearing infringing and/or counterfeit versions of Plaintiff's EMOJI Trademarks (the "EMOJI Products").

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order ("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 Plaintiff's previously granted Motion for a Temporary Restraining Order establishes that Plaintiff has a likelihood of success on the merits; that no remedy at law exists; and that Plaintiff will suffer irreparable harm if the injunction is not granted.

Specifically, Plaintiff has made a *prima facie* showing of trademark infringement because (1) the EMOJI Trademarks are distinctive marks and registered with the U.S. Patent and Trademark Office on the Principal Register as U.S. Trademark Registration Nos. 4,868,832; 5,202,078 and 5,415,510 for the EMOJI marks, (2) Defendants are not licensed or authorized to use the EMOJI Trademarks, and (3) Defendants' use of the EMOJI Trademarks are causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with EMOJI COMPANY GmbH. Furthermore, Defendants' continued and unauthorized use of the EMOJI Trademarks irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Plaintiff 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 enjoined and restrained from:
 - a. using Plaintiff's EMOJI Trademarks or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any

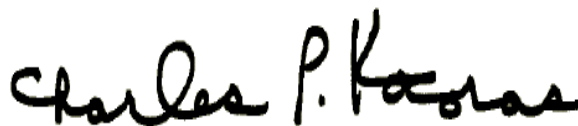
product that is not a genuine EMOJI Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's EMOJI Trademarks;

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine EMOJI Product or other product produced by Plaintiff, that is not Plaintiff's or is not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's EMOJI Trademarks;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. further infringing Plaintiff's EMOJI Trademarks and damaging Plaintiff's goodwill;
- e. 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 Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear Plaintiff's EMOJI Trademarks or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof;
- f. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts, the Defendant Domain Names, or any other domain name or online marketplace account that is being used to sell Counterfeit EMOJI Products; and

- b. disable the Defendant Domain Names and make them inactive and untransferable until further ordered by this Court.
4. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as iOffer, Wish, social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Domain Names, and domain name registrars, shall within three (3) business days of receipt of this Order:
 - a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using the EMOJI Trademarks, including any accounts associated with the Defendants listed in Schedule A;
 - b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the EMOJI Trademarks; and
 - c. take all steps necessary to prevent links to the Defendant Domain Names identified in Schedule A from displaying in search results. This includes, but is not limited to, removing links to the Defendant Domain Names from any search index.
6. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. Wish shall, within three (3) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:

- a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any Wish 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 ordered by this Court.
8. Plaintiff may provide notice of these proceedings to Defendants, including notice of any future hearings and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website to which the Defendant Domain Names are transferred to Plaintiff's control will redirect, or by sending an e-mail to the e-mail addresses identified in Schedule A hereto and any e-mail addresses provided for Defendants by third parties accompanied by a link to the website where the above-identified documents are located. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from domain name registrars and 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.
9. Plaintiff's Schedule A to the Complaint and the TRO is unsealed.
10. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Plaintiff or on shorter notice as set by this Court.

Dated: April 23rd, 2021



The Honorable Charles P. Korocas
U.S. District Judge

SCHEDULE A

No.	Defendant Name / Alias
1	ghvxdr
2	GIKHIKHIK
3	Gjhfutihkj
4	GJHJHUILJ
5	gjwcv
6	gybdr
7	gkiy
8	glamourShopROSEMARY
9	gnlpye
10	godshm
11	goffiga
12	Golabey Destruya
13	Good Job2
14	Good luck with shops
15	Grandet Store
16	grazfaei
17	grechr
18	gretgrrh
19	grimsh
20	grkyu7
21	gsfdgvfb
22	gsfdsfs
23	gsrte
24	gtvrt
25	guanstore
26	Gulanten
27	gunfty
28	Gupen Show Fishen
29	guyny
30	guziwe
31	guzmany
32	gverwd
33	gvewi
34	gvfbmjlo
35	gwsgdfj
36	gxchmjfg
37	gxcvbbg
38	gxdrw

39	gyify
40	gyujnt
41	gyundrt
42	HAHA's MUM
43	HALIFE JEWELRY CO.,LIMITED
44	HALIFE JEWELRY CO.,LTD
45	HardyBo
46	hbcngfhd
47	hbdthx
48	hbgcvbgvnhjh
49	hbhyjrf
50	hbjytu
51	hbtrt
52	hbtyre
53	hcfbdgf
54	hdfgghj
55	hdfgsdr
56	hdgbgf
57	hdghjjuf
58	hdgsdfh
59	hdtaseg
60	Helen Goodluck Peinow winner
61	hennok
62	hfdcghd
63	hfdhgvj
64	hfgasf
65	hfgbdfg
66	hfgbhgt
67	hfgfgnk
68	hfghrws
69	hfgvy
70	hfhfhm
71	hgbcgf
72	hgdfgfh
73	hgfgdgdgdf
74	hgfhbw
75	hgfhkil
76	hghdgsg
77	hghfdfrg
78	hghjku
79	HIKGHIYHI

80	hioad
81	hirscp
82	hjbbytys
83	hjbfbg
84	hjbfsf
85	hjbsre
86	hjpgdfgj
87	hjndr
88	hkjhplpjho
89	hknftyuj
90	hmgfkl
91	hnjte
92	hougob
93	hqonxs
94	hrttywse
95	hsdtyh
96	htdfv
97	htutyut
98	huangxiaofen
99	Huanxiang
100	HuanXiangstore
101	Huashangjian
102	HUENG RANG NOLEN SDENG
103	HUGUTG
104	hukuyk
105	HuldaRe
106	huzhongstore
107	hvsefyj
108	hvserty
109	hvvzfg
110	hxawas
111	hyubg
112	iandtd
113	Ice Calen Brankbualg
114	ifutyut
115	ihjjgfj
116	IUUF JGW Classic Fashion Women's Bag Shop
117	In-ear Earphone Electronicsdianzimaoyi
118	infagg
119	infrab
120	IngramC

121	inteff
122	inwtvg
123	ipophk
124	isunqin
125	ivanskcwrxea
126	iyuouilk
127	jarratu
128	jbtyv
129	Jeeity
130	jerrel
131	jfghfhj
132	jfgys
133	jfhdfgrr
134	jfhnfvg
135	jgjdffh
136	jgopwa
137	jgsfds
138	jhbfd
139	jfhghgdf
140	jhghkl
141	jhggg
142	jhgvnfge
143	jhjfkuy
144	jhngvgfd
145	jhoshot
146	jhytjhj
147	jhytyf
148	jianghaonanoop
149	JiaXingWS
150	Jingou Bye Faitmasion
151	ghxgfhrrthERWE
152	Give you the best gift
153	gold is sprinkled of the water
154	golfull
155	gongjiangyang
156	gongxinxin
157	GoodHappyShopping6
158	goodlife188
159	gotowrist
160	GPOPMALL
161	Grand Business

162	GrapeTee
163	Great Trading Co., Ltd.
164	great-box
165	Gregory Taggart
166	Guangzhou international foreign trade wholesale and retail companies
167	guermei888
168	guohongliang 00856
169	guohongtao0888
170	guohui9380
171	guolin889900
172	guoping6854755
173	guoshoupin
174	Guoshun
175	GZProducts
176	Haersenfuny shaver
177	HailStore
178	haiwaixiu123
179	Hane Jiu Hao
180	HangcanshivV
181	Happy little life shop
182	hard work and determination
183	hdwgyg
184	he su qiong
185	HeadLiner
186	Heaven1
187	hechen878507712
188	hedahua66058
189	hefeier0708
190	heqing1022
191	hesei94OT887cvsu
192	heying1234568459547
193	Heypug
194	hfmj59
195	hgbdre
196	HHH8886
197	HippieTees
198	Hjinf30
199	HonePink
200	Hope Family
201	Hope So So

202	Hopefine
203	Hotbuying
204	hot-lands
205	hounuegua45
206	House_Merci
207	hshdhd
208	hshlym
209	htgdjchjgthj
210	hu4717z
211	huacoxinyu
212	huahuabaihuo
213	hualandian
214	Huamei Jewelry World
215	huang wen shan 856356
216	huangbo Store
217	huangfeixiang23430
218	huangjiaqin
219	Huangjinlong53
220	huangjiuwang33969
221	huangxueling store
222	hubeilinghui Fengkejiyouxiangongsi
223	hulingyan06288
224	huythongshop
225	huziyao45
226	I love my home store
227	Iodide
228	isaac handy
229	iuchsr
230	Jack sun World
231	jackysiu
232	Jake day
233	jdjjkshop
234	jeameng
235	jeason-dress
236	Jecen Mila Sister
237	Jeffrey Ault
238	Jessica89
239	jiachenyu
240	jiahai fashion
241	Jillex
242	JiMa1

243	jimartystore
244	jimengting520
245	JINAOSHIPING
246	jingliangliang
247	jitieliang847955
248	jj71leo2
249	jjbang
250	jjtsljinwqeqqg