

**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-1739

Judge John Robert Blakey

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 and do

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
 - g. operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing Plaintiff's EMOJI Trademarks or any confusingly similar reproduction, counterfeit copy, or colorable imitation thereof that is not a genuine EMOJI Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's EMOJI Trademarks.
2. Each Defendant, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) their true name and physical address, (b) all websites and online marketplace accounts

on any platform that it owns and/or operates (c) their financial accounts, including all Amazon accounts and Joom accounts, and (d) the steps taken by that Defendant to comply with paragraph 1, a through g, above.

3. The domain name registries for the Defendant Domain Names, including, but not limited to, Amazon.com (“Amazon”), Joom.com (“Joom”), VeriSign, Inc., Neustar, Inc., Afiliast Limited, CentralNic, Nominet, and the Public Interest Registry, within three (3) business days of receipt of this Order or prior to expiration of this Order, whichever date shall occur first, shall, at Plaintiff’s choosing:
 - a. unlock and change the registrar of record for the Defendant Domain Names to a registrar of Plaintiff’s selection until further ordered by this Court, and the domain name registrars shall take any steps necessary to transfer the Defendant Domain Names to a registrar of Plaintiff’s selection until further ordered by this Court; or
 - 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, Amazon, Joom, 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. Amazon shall, within five (5) 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 Amazon 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. Joom shall, within five (5) 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 Joom 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.
9. 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.

10. Plaintiff's Schedule A to the Complaint and the TRO is unsealed.
11. 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: May 6, 2021

Entered:



John Robert Blakey
United States District Judge

Case No. 21-cv-1739

SCHEDULE A

No.	Defendant Name / Alias
1	dousty
2	LinYiShiHuiChuangMuZhiPinChang
3	392991170
4	1 Milion
5	A_jdxz3h
6	ACXOP
7	aelstores.
8	AHIUTOO
9	AILNLIA US
10	AISSO
11	Alexander Hamilton
12	Alisaly
13	AllOverAgain
14	aloneotice
15	Amaze Owzone
16	AouMug
17	Aronidea
18	Artibox
19	Aventik INT
20	Azika
21	bangpingbaihuo
22	BAOLIANLZ
23	Bear Orange Club
24	Best Cool Gift
25	Best4Life Store
26	Biye
27	Brhome
28	CafePress
29	cainfy
30	CAO THI MY shop
31	CATSDER
32	CHengQiSM
33	chengxiangqu longqiao linzongshi xiemaodian
34	chengxiangqulongqiaolinzongdibaihuolingshoubianlid
35	Chinart
36	Choose & Chill
37	Christine's house

38	Chuocstorebae
39	Cindy&Will
40	classikhouse
41	cold master DIY lab
42	Commepartr
43	ConceptSuit
44	CRAFTSGALAXY
45	Crown Medemt
46	Crystal&
47	CS—DB
48	Customize Store
49	Dabangjewels
50	daisysnow
51	daiyundian
52	daliuings
53	Danny Tina
54	datianxianhanxianghuaiwangdian
55	DaTongShiLinYiKeJiYouXianGongSi
56	Dawei Trading
57	Dayone(Trackable Epacket,7-15days arrive)
58	DecalMile
59	Deng Chao
60	Dengfragi
61	Design With Vinyl
62	DIYHOT
63	DO THI TRUC LY
64	Dododi
65	DongDongMeiZhou
66	dongdonggrizadian
67	dongwanyiankejigufen
68	Double Gift
69	duaifuzhuangdian
70	Eden Edies
71	Emily Boyle666
72	FA OCEAN
73	fan pin dian zi
74	fancy land
75	FancyMug US
76	FeiXianGuoYingBanCaiChang
77	fjsdmlswer
78	forgetl

79	Giles Bellamy
80	Glittering Jewel
81	GNOCE
82	GRAFY
83	Great Fams
84	Grenf
85	gthytuj
86	GTN Tech
87	guanghanshangmao
88	GuangZhouDeXinYuanShangMaoYouXianGongSi
89	guangzhouxuelongmaoyiyouxiangongsi
90	guqishaomao SHOP
91	HAMIQI®
92	hanki
93	haofulinshenghuochaoshi
94	HAOYUBOTONG-US
95	Harmon Mug store
96	Hcode
97	HeBeiGuWeiXinCaiLiaoYouXianGongSi
98	henanshifangzhuangshigongchengyouxiangongsi
99	henanxuanyangguojihuoyundailiyouxiangongsi
100	HLPbabysbreath
101	HoArts
102	Home L6
103	HouYiCanYinFuWuYouXianGongSi
104	HQXMD
105	HRUNC8
106	Hu Ji Long
107	iaoyoufs
108	IGROWING
109	Ilgyu Choe Store
110	INILO Blessings
111	IUHUYFYTFY
112	ivyva
113	J. Ann Fashion
114	Jason Paigei
115	JayaMuseum
116	JIAHEJIA
117	JIAJU--DJ
118	jiangwei19752021
119	jieshunrong

120	Jikasifa-US
121	Jinan Lixia District Meiju E-commerce
122	jindengtaishangmao
123	JiShuiXianPanXianBaiHuoDian
124	JK Home Online
125	JOKUMO
126	Jolly Factory
127	Joyway cookware
128	Justin Daisy
129	KaiFengSheOuShangMaoYou
130	KAPOKKU
131	KATERN
132	Kelly Moll
133	KEVIN MANIS
134	Kilo-24K
135	Koba Mug
136	L&C HOME
137	LanKhieu
138	LEE-JOHN fashion
139	LEIGESAN
140	Leshuo
141	Lethe mall
142	Lifetime-US
143	LIMEUP
144	linsen US
145	liyirong
146	lrchanR
147	Luannee
148	LUCKY MUG
149	luckyschool
150	Luixuum
151	LuJunZhangUS
152	luohetenghua
153	LUONG TRUNG
154	LUZHOU
155	LvMeiXiaMenMaoYiYouXianGongSi
156	LvYuanQuAoZheBanGongYongPinJingXiaoChu
157	MALOLIK
158	manbl
159	Matching Stuff
160	May Gift Department Store

161	meigzhehg
162	Meowster
163	midongmin
164	Ming-store
165	mingyangwangluo
166	minxyinfushi
167	miyuntianranju
168	Moddk Fide
169	MRSBB1
170	MTJJ
171	MType
172	Mucsoy Jet
173	MuyuTech
174	My Smart Choice
175	ngoclinhspa
176	nguyenkimnganhust
177	NicholePHutsel
178	Nuts-7
179	NVC-STORE
180	OKGD
181	OlyLns
182	Only One Fits You
183	Oopat Balloon Artist
184	OPDENK
185	oQuZhuDaoShuDian
186	OTK Cap-US
187	PANGDUN
188	PaniniL
189	Parkerfnfzss
190	PerfectoStore Official Shop
191	xuanwuqubinggegejisuanjixitongzhongxin
192	XuChangLiangZheJianCaiYouXianGongSi
193	xueminlidianzi
194	xunwudongshanguoyezhuanyehezuoshe
195	xyxyshop
196	YAOHX
197	YAZILIND JEWELRY LTD
198	yifuliangyoujingyingbu
199	YiJiaWangLuoKeJiYouXianGongSi
200	Yingzidian
201	YIWMHE

202	Yozef Tzabary
203	Ytb-home
204	Yuanke Vanes
205	YuCiYangZiXieDian
206	yuechenyun
207	yuechuangshangmao
208	Yuelan Trading
209	YuNan
210	yunlajishangmaoyouxiangongsi
211	YUXINYAOiip
212	YXTXD
213	YYGLJ
214	Z.C.L
215	zdl2020
216	zhanbingchenbaihuojingyingbu
217	zhang lifa
218	zhangqianling shop
219	ZhangZhouYuYuanDianZiShangWuYouXianGongSi
220	Zhaoyujuan-us
221	zhifuqusangairiyongbaihuodian
222	ZHIMAtangyuan
223	ZhouKouDongShengDianZiKeJiYouXianGongSi
224	ZHU MNAU
225	ZIMALUS
226	zmpaint
227	ZORRO
228	ZSL SHOP
229	Aihogard
230	AutoElectronics
231	bentainAH
232	bentianP
233	B-Mug
234	BX
235	CHUHAN
236	cozyhome
237	Electronic Supply
238	Ephonecase
239	Fly2Green
240	Haizhihong
241	Highfun
242	Home Craftdiy Store

243	Jm-Butterfly15
244	Jm-Qimei19
245	jujia
246	LvoelyGreen
247	magichome
248	Modern family
249	Officeschoolone
250	QimingJewelry