

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

LEGEND PICTURES, LLC,

Plaintiff,

v.

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

Defendants.

Civil Action No.: 1:21-cv-02334

Judge Sara L. Ellis

Magistrate Judge Heather K. McShain

**PRELIMINARY INJUNCTION ORDER**

THIS CAUSE being before the Court on Plaintiff, LEGEND PICTURES, LLC (“LEGEND PICTURES” or “Plaintiff”), Motion for a Preliminary Injunction, and this Court having heard 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 (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. “In the context of cases like this one, that means a plaintiff must show that each defendant is actually operating an interactive website that is accessible in Illinois and that each defendant has aimed such site at Illinois by standing ready, willing and able to ship its counterfeit goods to customers in Illinois in particular (or otherwise has some sufficient voluntary contacts with the state).” *Am. Bridal & Prom Indus. Ass’n v. P’ships & Unincorporated Ass’ns Identified on Schedule A*, 192 F.Supp.3d 924, 934 (N.D. Ill. 2016). In this case, Plaintiff has presented screenshot evidence that each Defendant Internet 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 Plaintiff's trademarks and copyrights. *See* Docket No. 12 which includes screenshot evidence confirming that each Defendant Internet Store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the PACIFIC RIM trademarks, U.S. Trademark Registration Nos. 5,840,140; 5,840,142; 6,195,470; 6,205,935 (collectively, the "PACIFIC RIM Trademarks") and/or products infringing the PACIFIC RIM Works, Copyright Registration Nos. PA0001859894 and PA0002091781 (the "PACIFIC RIM Works").

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 LEGEND PICTURES's previously granted Motion for a Temporary Restraining Order establishes that LEGEND PICTURES has a likelihood of success on the merits; that no remedy at law exists; and that LEGEND PICTURES will suffer irreparable harm if the injunction is not granted.

Specifically, LEGEND PICTURES has proved a *prima facie* case of trademark infringement because (1) the PACIFIC RIM Trademarks are distinctive marks and are registered with the U.S. Patent and Trademark Office on the Principal Register and the PACIFIC RIM Works are registered with the United States Copyright Office, (2) Defendants are not licensed or authorized to use the PACIFIC RIM Trademarks and PACIFIC RIM Works, and (3) Defendants' use of the PACIFIC RIM Trademarks and PACIFIC RIM Works is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with LEGEND PICTURES. Furthermore, Defendants continued and unauthorized use of the PACIFIC RIM Trademarks and PACIFIC RIM Works irreparably harms LEGEND PICTURES through diminished goodwill and

brand confidence, damage to LEGEND PICTURES's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, LEGEND PICTURES 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 affiliates, officers, agents, employees, attorneys, and all persons acting for, with, by, through, under or in active concert with them be temporarily enjoined and restrained from:
  - a. using the PACIFIC RIM Trademarks and PACIFIC RIM Works or any 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 PACIFIC RIM product or not authorized by LEGEND PICTURES to be sold in connection with the PACIFIC RIM Trademarks and PACIFIC RIM Works;
  - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine PACIFIC RIM product or any other product produced by LEGEND PICTURES, that is not LEGEND PICTURES's or not produced under the authorization, control or supervision of LEGEND PICTURES and approved by LEGEND PICTURES for sale under the PACIFIC RIM Trademarks and PACIFIC RIM Works;
  - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of

LEGEND PICTURES, or are sponsored by, approved by, or otherwise connected with PACIFIC RIM;

- d. further infringing the PACIFIC RIM Trademarks and PACIFIC RIM Works and damaging LEGEND PICTURES's goodwill;
- e. otherwise competing unfairly with LEGEND PICTURES in any manner;
- f. 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 LEGEND PICTURES, nor authorized by LEGEND PICTURES to be sold or offered for sale, and which bear any of the PACIFIC RIM Trademarks and PACIFIC RIM Works or any reproductions, counterfeit copies or colorable imitations thereof;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Online Stores, or any other online marketplace account that is being used to sell or is the means by which Defendants could continue to sell Counterfeit/Infringing PACIFIC RIM products; and
- h. operating and/or hosting at the Defendant Online Stores and any other online marketplace accounts registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing the PACIFIC RIM Trademarks and PACIFIC RIM Works or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine PACIFIC RIM product or not authorized by LEGEND PICTURES to be sold in connection with the PACIFIC RIM Trademarks and PACIFIC RIM Works.

2. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as, but not limited to, eBay, PayPal, and Alibaba Group Holding Ltd. along with any related Alibaba entities (collectively, "Marketplaces"), social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, 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 PACIFIC RIM Trademarks and PACIFIC RIM Works, 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 PACIFIC RIM Trademarks and PACIFIC RIM Works; and
  - c. take all steps necessary to prevent links to the Defendant Online Stores identified in Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Online Stores from any search index.
  
3. Defendants and any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of Defendants' Online Stores, including, without limitation, any online marketplace platforms such as Marketplaces, advertisers, Facebook, Internet Service Providers ("ISP"), web hosts, back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers, including PayPal, Alibaba, Western Union, third party processors and other payment processing service providers, shippers, and online marketplace registrars

(collectively, the "Third Party Providers") shall, within three (3) business days after receipt of such notice, provide to LEGEND PICTURES expedited discovery, including copies of all documents and records in such person's or entity's possession or control relating to:

- a. the identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information;
- b. the nature of Defendants' operations and all associated sales and financial information, including, without limitation, identifying information associated with Defendant Online Stores, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Defendant Online Stores;
- c. Defendants' websites and/or any Online Marketplace Accounts;
- d. the Defendant Online Stores registered by Defendants; and
- e. any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in 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, eBay, PayPal, Alipay, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

4. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
5. eBay, Inc. ("eBay") and PayPal, Inc. ("PayPal") shall, within three (3) business days of receipt of this Order, for any Defendant or any of Defendant Online Stores:
  - a. locate all accounts and funds connected to Defendants, Defendant Online Stores, including, but not limited to, any eBay and PayPal accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 3 to the Declaration of Kristina Holliman; and
  - b. restrain and enjoin any such accounts or funds that are non-U.S. foreign based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
6. Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any Defendant Online Stores, shall within three (3) business days of receipt of this Order:
  - a. locate all accounts and funds connected to Defendants, or Defendants' Online Stores, including, but not limited to, any accounts connected to the information listed in Schedule A hereto or the email addresses identified in Exhibit 3 to the Declaration of Kristina Holliman; and
  - b. restrain and enjoin such accounts from receiving, transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. LEGEND PICTURES may provide notice of these proceedings to Defendants, including notice of the preliminary injunction hearing 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, or by sending an e-mail to the e-mail addresses identified in Exhibit 3 to the Declaration of Kristina Holliman and any e-mail addresses provided for Defendants by third parties that includes a link to said website. The Clerk of Court is directed to issue a single original summons in the name of “funtoy 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 Online Marketplace Accounts 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.

8. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on five days' notice to LEGEND PICTURES or on shorter notice as set by this Court.
9. The \$10,000 bond posted by LEGEND PICTURES shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.
10. The Clerk is directed to unseal any previously sealed documents in this matter, namely (1) Plaintiff's Schedule A attached to the Complaint, which includes a list of the Defendant Online Stores; (2) screenshot printouts showing the active Defendant Online Stores (Exhibit 3 to the Declaration of Kristina Holliman) and (3) the Temporary Restraining Order.

Dated: May 12, 2021



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U.S. District Court Judge Sara L. Ellis



**SCHEDULE A**

<b>No.</b>	<b>Defendants</b>
1	funtoy
2	Shenzhen Sfun Toys Co., Ltd.
3	0-hk172
4	1*6figure
5	2011wanglov
6	2012*fashionshop
7	6cn1801
8	7.us634
9	86dd_m
10	aappos-store
11	action_city
12	amazing-prints
13	amoysquare
14	amy68114
15	amywangshopp
16	anime_memory
17	animetropolis
18	animetropolis2020
19	annicer
20	anymili
21	au2020
22	autofamily2015
23	babyface*goodjob
24	begawan99
25	bid_bid_world
26	bigshotlove
27	binglian023031
28	bingohere4u
29	blackandwhite001
30	bracehz
31	budimsutej
32	cap2019
33	chenflyfly
34	cheng4-29
35	chensi99105-0
36	chenyuy-50
37	chinadongstore_7886
38	chuan289

39	chyf00000
40	coolqueenyc
41	cosleilei
42	costoy231
43	cyfrading78
44	d156171
45	dada123_play
46	daiwo_365
47	dand-zh
48	dangfan_14
49	daydayup1971
50	dehongxian2020
51	diam_bang
52	diehard_diecast
53	djfungshing
54	dollar-tree
55	don_2892
56	dongybest
57	dongyueshop
58	drevodirect
59	durab01
60	eheo6498
61	ehxf5609
62	encounter-u
63	englum73
64	etu_3073
65	faceizhifu888
66	fairytale-197
67	fang19801117
68	fang19801117-1
69	fe4-81
70	fengyingmy
71	firabunaf_0
72	fjeldjfiedi-0
73	flutteringshop
74	fziyue2
75	gangubako
76	gaoqiongmore
77	gaoyufa2019
78	ggf65588
79	ggzil1

80	gift_store_market
81	gift_stylish
82	gkstatues6
83	godblesseveryone258
84	goodsmartshop
85	goodworkhardo
86	gostep8899
87	guezntoys
88	guokaih_76
89	guosenq83
90	guoyong77777
91	guya-5590
92	gwqv5168
93	gy052sd
94	hanbaiki
95	happy-toy2019
96	happy-zhangting2020
97	hi-msmousse
98	hi-msmousse111
99	hi-msmousse168
100	hi-msmousse2020
101	hi-msmousse520
102	hi-msmousse666
103	hi-msmousse-chao
104	hkpokemonseller
105	hmyg518
106	hngs-11
107	hngs-15
108	home-store-2000
109	homevoila-anna
110	hongtaistore123
111	hongweishq
112	hualishop2016
113	huihaomye
114	hxwfmymy1998
115	hyy19-80
116	iphon333
117	iqid_t_6
118	jenny-1125
119	jia-happy2010
120	jiangenyong

121	jieyu01618
122	jinp-08
123	joeyyamamoto
124	judongstore
125	kammeiwu
126	katy0347
127	kcmank
128	kekeculture_007
129	ladypara
130	lampbulbs2016-3
131	leihuang2015-9
132	lemontree1168
133	linashop2016
134	lingling0126
135	linpe_2635
136	linwangz_89
137	linwangzhicheng02
138	littleelf18
139	liweike.2010
140	loulanhoney
141	lovetoydreame0
142	lubron1122
143	lucky*shop
144	lus2250
145	luxuryqueenf
146	luzhen4527
147	luzz-1945
148	mdka-03
149	mdk-online
150	meimeistore
151	men_9788
152	miaikaw0
153	mingtian5372
154	miyatoy616
155	morningsun201409
156	msk868
157	nanadiy2018
158	nijun-72
159	numerousteng
160	orelzohar
161	outdoorflashlight

162	pa-lamplight4
163	palamps-9
164	pamu29232071397
165	pbztxl7122-7
166	pengyou20212018
167	pingcenebbyy2
168	plbf4045
169	pppi4897
170	printe6
171	prizeshop
172	prmj8780
173	qiang_9
174	qins31
175	qizhiyi68_0
176	qualitylove
177	quell655
178	raising1234
179	regina12168
180	reismawarn0
181	reyk3312
182	right4u2018
183	rocknrolljj
184	sc_store9999
185	shanshan2719
186	shapsta
187	sheng8906
188	shengxinyide2018
189	shi5-2089
190	shibg55
191	shiyaxuan
192	shmkshm
193	shu2022
194	shub5633
195	shuduoshangmaogs
196	sincere_cosplay
197	sinocenter
198	smaller-penguins
199	sogostore686
200	speedy-china

