

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

THOSE CHARACTERS FROM CLEVELAND,
LLC,

Plaintiff,

v.

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

Defendants.

Case No. 24-cv-11678

Judge Georgia N. Alexakis

Magistrate Judge Gabriel A. Fuentes

**PRELIMINARY INJUNCTION ORDER AGAINST DEFENDANT NOS. 151, 191 AND
193**

THIS CAUSE being before the Court on THOSE CHARACTERS FROM CLEVELAND, LLC's Motion for a Preliminary Injunction against Defendant Nos. 151, 191 and 193, and this Court having considered the evidence before it hereby GRANTS Plaintiff's Motion for Entry of a Preliminary Injunction against Defendant Nos. 151, 191 and 193 in its entirety against the Defendant Nos. 151, 191 and 193 identified in Amended 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, Defendant Nos. 151, 191 and 193 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 CARE BEARS Copyrights (the "CARE BEARS 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 CARE BEARS Copyright is copyrighted artwork protected by U.S. Copyright Reg. No. VA 1-982-408 (the "CARE BEARS Copyright"), (2) Defendants are not licensed or authorized to use the CARE BEARS Copyright, and (3) Defendants' use of the CARE BEARS Copyright is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with THOSE CHARACTERS FROM CLEVELAND, LLC. Furthermore, Defendants' continued and unauthorized use of the CARE BEARS Copyright 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 CARE BEARS Copyright 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 CARE BEARS Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's CARE BEARS Copyright;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine CARE BEARS 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 CARE BEARS Copyright;
- 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 CARE BEARS Copyright 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 CARE BEARS Copyright or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof; and
- f. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts or online marketplace account that are being used to sell Counterfeit CARE BEARS Products.

2. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as Alibaba, Alipay, social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo and domain name registrars, shall within three (3) business days of receipt of this Order:

a. disable and cease providing services for the accounts listed in Amended Schedule A through which Defendant Nos. 151, 191 and 193 engage in the sale of counterfeit and infringing goods using the CARE BEARS Copyright;

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 CARE BEARS Copyright; and

c. take all steps necessary to prevent links in connection with the sale of counterfeit and infringing goods using the CARE BEARS Copyright to the Online Marketplace Accounts identified in Amended Schedule A from displaying in search results. This includes, but is not limited to, removing links to the Online Marketplace Accounts from any search index.

3. 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 traceable to the proceeds of sales of counterfeit and infringing goods using the CARE BEARS Copyright until further ordered by this Court.

4. Alibaba and Alipay shall, within five (5) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:

a. Restrain and enjoin the accounts listed in Amended Schedule A from transferring or disposing of any money or other of Defendants' assets traceable to the proceeds of sales of

counterfeit and infringing goods using the CARE BEARS Copyright until further ordered by this Court.

5. 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 and by sending an e-mail to the e-mail addresses identified in Exhibit 3 to the Declaration of Sean Gorman 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.

6. Plaintiff's Amended Schedule A to the Amended Complaint [Dkt. No. 15], Exhibit 3 to the Declaration of Sean Gorman [Dkt. No. 19] and the TRO [Dkt. No. 26] are unsealed.

7. 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: January 16, 2025

A handwritten signature in cursive script, appearing to read "Georgia N. Alexakis", written in black ink.

The Honorable Georgia N. Alexakis
U.S. District Judge

AMENDED SCHEDULE A

No.	Defendant Name / Alias
151	Hebei Chaoer Chaoer Cultural Creativity Co., Ltd.
191	Yiwu Mingjiang Crafts Ltd.
193	Yiwu Tianjie Jewelry Co., Ltd.

No.	Defendant Account Number
151	2216994362966
191	2217092713567
193	2217284657586