

Jason M. Drangel (JD 7204)
jdrangel@ipcounselors.com
Ashly E. Sands (AS 7715)
asands@ipcounselors.com
Brienne Scully (BS 3711)
bscully@ipcounselors.com
Danielle S. Yamali (DY 4228)
dfutterman@ipcounselors.com
EPSTEIN DRANGEL LLP
60 East 42nd Street, Suite 2520
New York, NY 10165
Telephone: (212) 292-5390
Facsimile: (212) 292-5391
Attorneys for Plaintiff
Qlay Co.

20 CV 9782

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

QLAY CO.,

Plaintiff

v.

ANGELS IN TALES STORE, AUSTINJULY STORE,
AWATY LITHER STORE, BACKPACK SHOP24
STORE, COS BAG MADE STORE, GAO SHANG
STORE, GD002 STORE, HITSTARS STORE,
HOCLOCE STORE, KINGCOS STORE, K-POP
OFFICIAL STORE, LISA DISCOUNT STORE
STORE, LIVECUSTOM STORE, LOVED BABY,
LUCKYSHOP STORE, SHOP3626118 STORE,
SHOP5004150 STORE, SHOP5004496 STORE,
SHOP5060072 STORE, SHOP5074023 STORE,
SHOP5422025 STORE, SHOP5586026 STORE,
SHOP5778107 STORE, SHOP5881873 STORE,
SHOP900235162 STORE, SHOP900253394 STORE,
SHOP910413010 STORE, SHOP910552316 STORE,
SHOP910559300 STORE, SHOP910565351 STORE,
SHOP910717076 STORE, SHOP910759013 STORE,
SHOP910760026 STORE, SHOP910767007 STORE,
SHOP910770013 STORE, SHOP910863009 STORE,
SHOP910895008 STORE, SHOP910896015 STORE,
SHOP910904046 STORE, SHOP910919024 STORE,
SHOP910922015 STORE, SHOP910940069 STORE,
SHOP910951030 STORE, SHOP910959005 STORE,
SHOP910959006 STORE, SHOP910966066 STORE,
SHOP910980069 STORE, SHOP910986013 STORE,
SHOP911027044 STORE, SHOP911038119 STORE,

Civil Case No.:

~~PROPOSED~~

1) TEMPORARY RESTRAINING
ORDER; 2) ORDER RESTRAINING
MERCHANT STOREFRONTS AND
DEFENDANTS' ASSETS WITH
THE FINANCIAL INSTITUTIONS;
3) ORDER TO SHOW CAUSE WHY
A PRELIMINARY INJUNCTION
SHOULD NOT ISSUE; 4) ORDER
AUTHORIZING BIFURCATED
AND ALTERNATIVE SERVICE;
AND 5) ORDER AUTHORIZING
EXPEDITED DISCOVERY


FILED UNDER SEAL

SHOP911039036 STORE, SHOP911039159 STORE,
SHOP911040137 STORE, SHOP911044146 STORE,
SHOP911046144 STORE, SHOP911049121 STORE,
SHOP911051112 STORE, SHOP911051151 STORE,
SHOP911054143 STORE, SHOP911055157 STORE,
SHOP911056077 STORE, SHOP911056143 STORE,
SHOP911059115 STORE, SHOP911064135 STORE,
SHOP911065030 STORE, SHOP911068059 STORE,
SURPRISE HOUSE STORE, TRENDY-A CLOTHES
STORE, YMX STORE, YONGCUN NO01 STORE and
YPODSCUSTOM STORE,

Defendants

GLOSSARY

Term	Definition
Plaintiff or Qlay	Qlay Co.
Defendants	<p>Angels in tales Store, AustinJuly Store, Awaty Lither Store, Backpack shop24 Store, COS BAG MADE Store, gao shang Store, GD002 Store, Hitstars Store, HOCLOCE Store, Kingcos Store, k-pop Officiall Store, Lisa discount store Store, livecustom Store, loved baby, Luckyshop Store, Shop3626118 Store, Shop5004150 Store, Shop5004496 Store, Shop5060072 Store, Shop5074023 Store, Shop5422025 Store, Shop5586026 Store, Shop5778107 Store, Shop5881873 Store, Shop900235162 Store, Shop900253394 Store, Shop910413010 Store, Shop910552316 Store, Shop910559300 Store, Shop910565351 Store, Shop910717076 Store, Shop910759013 Store, Shop910760026 Store, Shop910767007 Store, Shop910770013 Store, Shop910863009 Store, Shop910895008 Store, Shop910896015 Store, Shop910904046 Store, Shop910919024 Store, Shop910922015 Store, Shop910940069 Store, Shop910951030 Store, Shop910959005 Store, Shop910959006 Store, Shop910966066 Store, Shop910980069 Store, Shop910986013 Store, Shop911027044 Store, Shop911038119 Store, Shop911039036 Store, Shop911039159 Store, Shop911040137 Store, Shop911044146 Store, Shop911046144 Store, Shop911049121 Store, Shop911051112 Store, Shop911051151 Store, Shop911054143 Store, Shop911055157 Store, Shop911056077 Store, Shop911056143 Store, Shop911059115 Store, Shop911064135 Store, Shop911065030 Store, Shop911068059 Store, Surprise House Store, Trendy-A clothes Store, ymx Store, yongcun NO01 Store and ypodscustom Store</p>
Alibaba	Alibaba.com, an online marketplace platform that allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, offer for sale, sell, distribute and ship their wholesale and retail products originating from China directly to consumers across the world and specifically to consumers residing in the U.S., including New York
AliExpress	Aliexpress.com, an online marketplace platform that allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, offer for sale, sell, distribute and ship their wholesale and retail products originating from China directly to consumers

	across the world and specifically to consumers residing in the U.S., including New York
Epstein Drangel	Epstein Drangel LLP, counsel for Plaintiff
New York Address	244 Madison Ave, Suite 411, New York, New York 10016
Complaint	Plaintiff's Complaint filed on November 19, 2020
Application	Plaintiff's <i>Ex Parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined <i>infra</i>) and Defendants' Assets (as defined <i>infra</i>) with the Financial Institutions (as defined <i>infra</i>); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery filed on November 19, 2020
Clay Dec.	Declaration of Chad Wild Clay in Support of Plaintiff's Application
Drangel Dec.	Declaration of Jason M. Drangel in Support of Plaintiff's Application
CWC	Chad Wild Clay
CWC Content	YouTube videos on the Chad Wild Clay YouTube Channel, best known for its action, adventure and mystery videos starring Chad Wild Clay and Vy Qwaint
CWC Mark	U.S. Trademark Registration No. 6,012,760 for “  ” for a variety of goods in Classes 9, 14, 16, 18, 22, 25 and 35
CWC Products	A variety of consumer products, including t-shirts, hoodies, backpacks and other gear, bearing the CWC Mark
Counterfeit Products	Products bearing or used in connection with the CWC Mark, and/or products in packaging and/or containing labels bearing the CWC Mark, and/or bearing or used in connection with marks that are confusingly similar to the CWC Mark and/or products that are identical or confusingly similar to the CWC Products
Infringing Listings	Defendants' listings for Counterfeit Products
User Accounts	Any and all websites and any and all accounts with online marketplace platforms such as Alibaba, AliExpress, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them
Merchant Storefronts	Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants

	and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them
Defendants' Assets	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)
Defendants' Financial Accounts	Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad)
Financial Institutions	Any banks, financial institutions, credit card companies and payment processing agencies, such as PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer"), the Alibaba Group d/b/a Alibaba.com payment services (e.g., Alipay.com Co., Ltd., Ant Financial Services Group), PingPong Global Solutions, Inc. ("PingPong") and other companies or agencies that engage in the processing or transfer of money and/or real or personal property of Defendants
Third Party Service Providers	Online marketplace platforms, including, without limitation, those owned and operated, directly or indirectly by Alibaba and/or AliExpress, as well as any and all as yet undiscovered online marketplace platforms and/or entities through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise

On this day, the Court considered Plaintiff's *ex parte* application for the following: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts and Defendants' Assets with the Financial Institutions; 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery against Defendants, Third Party Service Providers and Financial Institutions in light of Defendants' intentional and willful offerings for sale and/or sales of Counterfeit Products.¹ A complete list of Defendants is attached hereto as **Schedule A**, which also includes links to Defendants' Merchant Storefronts and Infringing Listings. Having reviewed the Application, Declarations of Chad Wild Clay and Jason M. Drangel, along with exhibits attached thereto and other evidence submitted in support thereof, the Court makes the following findings of fact and conclusions of law:

FACTUAL FINDINGS & CONCLUSIONS OF LAW

1. Established in 2010, the Chad Wild Clay YouTube Channel has 12.5 million subscribers and has surpassed 3 billion views. This YouTube channel is best known for its action, adventure and mystery videos starring Chad Wild Clay and Vy Qwaint. The CWC Content is enjoyed by both youth and their parents.

2. At first, Spy Ninjas was simply a name for the collective fans of the Chad Wily Clay and Vy Qwaint YouTube Channels, but it is now a narrative that encompasses the duo's YouTube videos, an expanding cast of characters, a mobile game and line of toys at Target, Walmart and Amazon.

3. In addition to mobile games and toys, Qlay has also developed a variety of consumer products, such as t-shirts, hoodies, backpacks and other gear, which it sells through the Official Spy

¹ Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Glossary.

Ninjas Store at <https://www.spyninjasstore.com/>. All CWC Products bear the wildly popular CWC



design mark incorporating swords

4. The CWC Products typically retail for between \$3.99 - \$44.99.

5. While Qlay has gained significant common law trademark and other rights in its CWC Mark and CWC Products through use, advertising and promotion, Qlay also protected its valuable rights by filing for and obtaining a federal trademark registration.

6. For example, Qlay owns U.S. Trademark Registration No. 6,012,760 for “



” for a variety of goods in Classes 9, 14, 16, 18, 22, 25 and 35.

7. Defendants are manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale or Counterfeit Product through Defendants’ User Accounts and Merchant Storefronts with Alibaba and/or AliExpress (see **Schedule A** for links to Defendants’ Merchant Storefronts and Infringing Listings);

8. Alibaba and AliExpress are online marketplaces and e-commerce platforms, which allow manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their retail products, which, upon information and belief, primarily originate from China, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York.

9. Defendants are not, nor have they ever been, authorized distributors or licensees of the CWC Products. Neither Plaintiff, nor any of Plaintiff’s authorized agents, have consented to Defendants’ use of the CWC Mark, nor has Plaintiff consented to Defendants’ use of marks that

are confusingly similar to, identical to and constitute a counterfeiting or infringement of the CWC Mark;

10. Plaintiff is likely to prevail on its Lanham Act and related common law claims at trial;

11. As a result of Defendants' infringements, Plaintiff, as well as consumers, are likely to suffer immediate and irreparable losses, damages and injuries before Defendants can be heard in opposition, unless Plaintiff's Application for *ex parte* relief is granted:

- a. Defendants have offered for sale and sold substandard Counterfeit Products that infringe the CWC Mark;
- b. Plaintiff has well-founded fears that more Counterfeit Products will appear in the marketplace; that consumers may be misled, confused and disappointed by the quality of these Counterfeit Products, resulting in injury to Plaintiff's reputation and goodwill; and that Plaintiff may suffer loss of sales for its CWC Products; and
- c. Plaintiff has well-founded fears that if it proceeds on notice to Defendants on this Application, Defendants will: (i) secret, conceal, destroy, alter, sell-off, transfer or otherwise dispose of or deal with Counterfeit Products or other goods that infringe the CWC Mark, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their possession or under their control, (ii) inform their suppliers and others of Plaintiff's claims with the result being that those suppliers and others may also secret, conceal, sell-off or otherwise dispose of Counterfeit Products or other goods infringing the CWC Mark, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their possession or under their control, (iii) secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from its sales of Counterfeit Products or other goods infringing the CWC Mark and records relating thereto that are in their

possession or under their control and/or (iv) open new User Accounts and Merchant Storefront under new or different names and continue to offer for sale and sell Counterfeit Products with little to no consequence;

12. The balance of potential harm to Defendants of being prevented from continuing to profit from their illegal and infringing activities if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiff, its business, the goodwill and reputation built up in and associated with the CWC Mark and to its reputations if a temporary restraining order is not issued;

13. Public interest favors issuance of the temporary restraining order in order to protect Plaintiff's interests in and to its CWC Mark, and to protect the public from being deceived and defrauded by Defendants' passing off of their substandard Counterfeit Products as CWC Products;

14. Plaintiff has not publicized its request for a temporary restraining order in any way;

15. Service on Defendants via electronic means is reasonably calculated to result in proper notice to Defendants.

16. If Defendants are given notice of the Application, they are likely to secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from their sales of Counterfeit Products or other goods infringing the CWC Mark. Therefore, good cause exists for granting Plaintiff's request for an asset restraining order. It typically takes the Financial Institutions a minimum of five (5) days after service of the Order to locate, attach and freeze Defendants' Assets and/or Defendants' Financial Accounts and it is anticipated that it will take the Third Party Service Providers a minimum of five (5) days to freeze Defendants' Merchant Storefronts. As such, the Court allows enough time for Plaintiff to serve the Financial Institutions and Third Party Service Providers with this Order, and for the Financial Institutions and Third Party Service Providers to comply with the Paragraphs I(B)(1) through I(B)(2) and I(C)(1) of this Order, respectively, before requiring service on Defendants.

17. Similarly, if Defendants are given notice of the Application, they are likely to destroy, move, hide or otherwise make inaccessible to Plaintiff the records and documents relating to Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or sale of Counterfeit Products. Therefore Plaintiff has good cause to be granted expedited discovery.

ORDER

Based on the foregoing findings of fact and conclusions of law, Plaintiff's Application is hereby **GRANTED** as follows:

I. Temporary Restraining Order

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, that Defendants are hereby restrained and enjoined from engaging in any of the following acts or omissions for fourteen (14) days from the date of this order, and for such further period as may be provided by order of the Court:

- 1) manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Counterfeit Products, or any other products bearing the CWC Mark and/or marks that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the CWC Mark;
- 2) directly or indirectly infringing in any manner Plaintiff's CWC Mark;
- 3) using any reproduction, counterfeit, copy or colorable imitation of Plaintiff's CWC Mark to identify any goods or service not authorized by Plaintiff;
- 4) using Plaintiff's CWC Mark and/or any other marks that are confusingly similar to the CWC Mark on or in connection with Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, offering for sale, selling and/or otherwise dealing in Counterfeit Products;

- 5) using any false designation of origin or false description, or engaging in any action which is likely to cause confusion, cause mistake and/or to deceive members of the trade and/or the public as to the affiliation, connection or association of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants with Plaintiff, and/or as to the origin, sponsorship or approval of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendants and Defendants' commercial activities and Plaintiff;
- 6) secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with: (i) Counterfeit Products and/or (ii) any computer files, data, business records, documents or any other records or evidence relating to their User Accounts, Merchant Storefronts or Defendants' Assets and the manufacture, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products;
- 7) effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform, User Account, Merchant Storefront or any other means of importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order; and
- 8) knowingly instructing any other person or business entity to engage in any of the activities referred to in subparagraphs I(A)(1) through I(A)(7) above and I(B)(1) through I(B)(2) and I(C)(1) below.

B. IT IS HEREBY ORDERED, as sufficient cause has been shown, that the Third Party Service Providers and Financial Institutions are hereby restrained and enjoined from engaging in any of the following acts or omissions for fourteen (14) days from the date of this order, and for such further period as may be provided by order of the Court:

- 1) secreting, concealing, transferring, disposing of, withdrawing, encumbering or paying Defendants' Assets from or to Defendants' Financial Accounts until further ordered by this Court;
- 2) secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with any computer files, data, business records, documents or any other records or evidence relating to Defendants' Assets and Defendants' Financial Accounts; and
- 3) knowingly instructing any person or business entity to engage in any of the activities referred to in subparagraphs I(A)(1) through I(A)(7) and I(B)(1) through I(B)(2) above and I(C)(1) below.

C. IT IS HEREBY ORDERED, as sufficient cause has been shown, that the Third Party Service Providers are hereby restrained and enjoined from engaging in any of the following acts or omissions for fourteen (14) days from the date of this order, and for such further period as may be provided by order of the Court:

- 1) within five (5) days after receipt of service of this Order, providing services to Defendants, Defendants' User Accounts and Defendants' Merchant Storefronts, including, without limitation, continued operation of Defendants' User Accounts and Merchant Storefronts; and

- 2) knowingly instructing any other person or business entity to engage in any of the activities referred to in subparagraphs I(A)(1) through I(A)(7), I(B)(1) through I(B)(2) and I(C)(1) above.

II. Order to Show Cause Why A Preliminary Injunction Should Not Issue And Order Of Notice

A. Defendants are hereby ORDERED to show cause before this Court in Courtroom 141A of the United States District Court for the Southern District of New York at 500 Pearl Street/40 Foley Square, New York, New York on 12/2, 2020 at 10⁰⁰ 17 a.m. or at such other time that this Court deems appropriate, why a preliminary injunction, pursuant to Fed. R. Civ. P. 65(a), should not issue.

B. IT IS FURTHER ORDERED that opposing papers, if any, shall be filed electronically with the Court and served on Plaintiff's counsel by delivering copies thereof to the office of Epstein Drangel LLP at 60 East 42nd Street, Suite 2520, New York, NY 10165, Attn: Jason M. Drangel on or before 11/30, 2020. Plaintiff shall file any Reply papers on or before 12/1, 2020.

C. IT IS FURTHER ORDERED that Defendants are hereby given notice that failure to appear at the show cause hearing scheduled in **Paragraph II(A)** above may result in the imposition of a preliminary injunction against them pursuant to Fed. R. Civ. P. 65, which may take effect immediately upon the expiration of this Order, and may extend throughout the length of the litigation under the same terms and conditions set forth in this Order.

III. Asset Restraining Order

A. IT IS FURTHER ORDERED pursuant to Fed. R. Civ. P. 64 and 65 and N.Y. C.P.L.R. 6201 and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order, the Financial Institutions shall locate and attach Defendants'

Financial Accounts and shall provide written confirmation of such attachment to Plaintiff's counsel.

IV. Order Authorizing Bifurcated and Alternative Service by Electronic Means

A. IT IS FURTHER ORDERED pursuant to Fed. R. Civ. P. 4(f)(3), as sufficient cause has been shown, that service may be made on, and shall be deemed effective as to Defendants if it is completed by the following means:

- 1) delivery of: (i) PDF copies of this Order together with the Summons and Complaint, or (ii) a link to a secure website (including NutStore, a large mail link created through Rmail.com and via website publication through a specific page dedicated to this Lawsuit accessible through ipcounselorslawsuit.com) where each Defendant will be able to download PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Plaintiff's Application seeking this Order to Defendants' e-mail addresses to be determined after having been identified by Alibaba and/or AliExpress pursuant to **Paragraph V(C)**; or
- 2) delivery of a message to Defendants through the system for communications established by the Third Party Service Providers on their respective platforms, notifying Defendants that an action has been filed against them in this Court and providing a link to a secure website (such as NutStore or a large mail link created through Rmail.com) where each Defendant will be able to download PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Plaintiff's Application seeking this Order.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be deemed effective as to Defendants, Third Party Service Providers and Financial Institutions through the pendency of this action.

- C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be made within five (5) days of the Financial Institutions and Third Party Service Providers' compliance with **Paragraphs III(A)** and **V(C)** of this Order.
- D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that the Clerk of the Court shall issue a single original summons directed to all Defendants as listed in an attachment to the summons that will apply to all Defendants.
- E. IT IS FURTHER ORDERED, as sufficient cause has been shown, that service may be made and shall be deemed effective as to the following if it is completed by the below means:
- 1) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PayPal Inc. will be able to download a PDF copy of this Order via electronic mail to EE Omaha Legal Specialist at EEOMALegalSpecialist@paypal.com;
 - 2) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where AliPay.com Co., Ltd., Ant Financial Services will be able to download a PDF copy of this Order via electronic mail Mr. Di Zhang, Member of the Legal & Compliance Department – IP, at di.zd@alipay.com;
 - 3) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Alibaba will be able to download a PDF copy of this Order via electronic mail to Chloe He, Alibaba Group at chloe.he@alibaba-inc.com;
 - 4) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Payoneer Inc. will be able to download a PDF copy of this Order via electronic mail to Payoneer Inc.'s Customer Service Management at customerservicemanager@payoneer.com and Edward Tulin, counsel for Payoneer Inc., at Edward.Tulin@skadden.com; and
 - 5) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PingPong Global Solutions Inc. will be able to download a PDF copy of this Order via electronic mail

to PingPong Global Solutions Inc.'s Legal Department legal@pingpongx.com.

V. Order Authorizing Expedited Discovery

A. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days after receiving service of this Order, each Defendant shall serve upon Plaintiff's counsel a written report under oath providing:
 - a. their true name and physical address;
 - b. the name and location and URL of any and all websites that Defendants own and/or operate and the name, location, account numbers and URL for any and all User Accounts and Merchant Storefronts on any Third Party Service Provider platform that Defendants own and/or operate;
 - c. the complete sales records for any and all sales of Counterfeit Products, including but not limited to number of units sold, the price per unit, total gross revenues received (in U.S. dollars) and the dates thereof;
 - d. the account details for any and all of Defendants' Financial Accounts, including, but not limited to, the account numbers and current account balances; and
 - e. the steps taken by each Defendant, or other person served to comply with **Section I**, above.
- 2) Plaintiff may serve interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure as well as Local Civil Rule 33.3 of the Local Rules for the Southern and Eastern Districts of New York and Defendants who are served with this Order shall provide written responses under oath to such interrogatories within fourteen (14) days of service to Plaintiff's counsel.
- 3) Plaintiff may serve requests for the production of documents pursuant to Fed. R. Civ. P. 26 and 34, and Defendants who are served with this Order and the requests for the production

of documents shall produce all documents responsive to such requests within fourteen (14) days of service to Plaintiff's counsel.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order the Financial Institutions shall identify any and all of Defendants' Financial Accounts, and provide Plaintiff's counsel with a summary report containing account details for any and all such accounts, which shall include, at a minimum, identifying information for Defendants, including contact information for Defendants (including, but not limited to, mailing addresses and e-mail addresses), account numbers and account balances for any and all of Defendants' Financial Accounts and confirmation of said compliance with this Order.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order, the Third Party Service Providers shall identify any and all of Defendants' User Accounts and Merchant Storefronts, and provide Plaintiff's counsel with a summary report containing account details for any and all User Accounts and Merchant Storefronts, which shall include, at a minimum, identifying information for Defendants and Defendants' User Accounts and Defendants' Merchant Storefronts, contact information for Defendants (including, but not limited to, mailing addresses and e-mail addresses) and confirmation of said compliance with this Order.

D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days of receiving actual notice of this Order, all Financial Institutions who are served with this Order shall provide Plaintiff's counsel all documents and records in their possession, custody or control (whether located in the U.S. or abroad) relating to any and all of Defendants' Financial Accounts, including, but not limited to, documents and records relating to:

- a. account numbers;

- b. current account balances;
- c. any and all identifying information for Defendants, Defendants' User Accounts and Defendants' Merchant Storefronts, including, but not limited to, names, addresses and contact information;
- d. any and all account opening documents and records, including, but not limited to, account applications, signature cards, identification documents and if a business entity, any and all business documents provided for the opening of each and every of Defendants' Financial Accounts;
- e. any and all deposits and withdrawals during the previous year from each and every one of Defendants' Financial Accounts and any and all supporting documentation, including, but not limited to, deposit slips, withdrawal slips, cancelled checks and account statements; and
- f. any and all wire transfers into each and every one of Defendants' Financial Accounts during the previous year, including, but not limited to, documents sufficient to show the identity of the destination of the transferred funds, the identity of the beneficiary's bank and the beneficiary's account number.

E. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

- 1) Within fourteen (14) days of receipt of service of this Order, the Third Party Service Providers shall provide to Plaintiff's counsel all documents and records in its possession, custody or control (whether located in the U.S. or abroad) relating to Defendants' User Accounts and Defendants' Merchant Storefronts, including, but not limited to, documents and records relating to:
 - a. any and all User Accounts and Defendants' Merchant Storefronts and account details, including, without limitation, identifying information and account numbers for any and all User Accounts and Defendants' Merchant Storefronts that

Defendants have ever had and/or currently maintain with the Third Party Service Providers that were not previously provided pursuant to Paragraph V(C);

- b. the identities, location and contact information, including any and all e-mail addresses of Defendants that were not previously provided pursuant to Paragraph V(C);
- c. the nature of Defendants' businesses and operations, methods of payment, methods for accepting payment and any and all financial information, including, but not limited to, information associated with Defendants' User Accounts and Defendants' Merchant Storefronts, a full accounting of Defendants' sales history and listing history under such accounts and Defendants' Financial Accounts with any and all Financial Institutions associated with Defendants' User Accounts and Defendants' Merchant Storefronts; and
- d. Defendants' manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or selling of Counterfeit Products, or any other products bearing the CWC Mark and/or marks that are confusingly similar to, identical to and constitute an infringement of the CWC Mark.

VI. Security Bond

- A. IT IS FURTHER ORDERED that Plaintiff shall place security in the amount of \$10,000.00 Dollars (\$10,000.00) with the Court which amount is determined adequate for the payment of any damages any person may be entitled to recover as a result of an improper or wrongful restraint ordered hereunder.


VII. Sealing Order

- A. IT IS FURTHER ORDERED that Plaintiff's Complaint and exhibits attached thereto, and Plaintiff's *ex parte* Application and the Declarations Chad Wild Clay and Jason M. Drangel in

support thereof and exhibits attached thereto and this Order shall remain sealed until the Financial Institutions and Third Party Service Providers comply with **Paragraphs I(B)-(C), III(A) and V(C)** of this Order.

SO ORDERED.

SIGNED this 20 day of November, 2020, at 2³⁰ p.m.


UNITED STATES DISTRICT JUDGE

**m*

*Plaintiff shall file proof of service
by 11/30/20.*

*SO ordered.
On 6/26/20
U.S.D.-5*

11/20/20

SCHEDULE A

No.	Defendant	Infringing Listing	Merchant Storefront
1	Angels in tales Store	https://www.aliexpress.com/item/1005001704202686	https://www.aliexpress.com/store/910967036
2	AustinJuly Store	https://www.aliexpress.com/item/4001237911098	https://www.aliexpress.com/store/5877026
3	Awayt Lither Store	https://www.aliexpress.com/item/4000984500208	https://www.aliexpress.com/store/5793178
4	Backpack shop24 Store	https://www.aliexpress.com/item/4001333421653	https://www.aliexpress.com/store/5082063
5	COS BAG MADE Store	https://www.aliexpress.com/item/1005001479150991	https://www.aliexpress.com/store/3659008
6	gao shang Store	https://www.aliexpress.com/item/4001296935581	https://www.aliexpress.com/store/4645080
7	GD002 Store	https://www.aliexpress.com/item/4000988413035	https://www.aliexpress.com/store/5788717
8	Hitstars Store	https://www.aliexpress.com/item/4001199621967	https://www.aliexpress.com/store/5887537
9	HOCLOCE Store	https://www.aliexpress.com/item/1005001460578555	https://www.aliexpress.com/store/5626268
10	Kingcos Store	https://www.aliexpress.com/item/4001217291919	https://www.aliexpress.com/store/4871115
11	k-pop Officiall Store	https://www.aliexpress.com/item/4000895709679	https://www.aliexpress.com/store/2821023
12	Lisa discount store Store	https://www.aliexpress.com/item/1005001625736231	https://www.aliexpress.com/store/910367074
13	livecustom Store	https://www.aliexpress.com/item/1005001528433518	https://www.aliexpress.com/store/910677010
14	loved baby	https://www.aliexpress.com/item/4000825428789	https://www.aliexpress.com/store/1587117
15	Luckyshop Store	https://www.aliexpress.com/item/4001307470355	https://www.aliexpress.com/store/5879603
16	Shop3626118 Store	https://www.aliexpress.com/item/1005001527088534	https://www.aliexpress.com/store/3626118
17	Shop5004150 Store	https://www.aliexpress.com/item/1005001411773586	https://www.aliexpress.com/store/5004150
18	Shop5004496 Store	https://www.aliexpress.com/item/4001057720988	https://www.aliexpress.com/store/5004496
19	Shop5060072 Store	https://www.aliexpress.com/item/1005001644274224	https://www.aliexpress.com/store/5060072
20	Shop5074023 Store	https://www.aliexpress.com/item/1005001588411113	https://www.aliexpress.com/store/5074023
21	Shop5422025 Store	https://www.aliexpress.com/item/1005001566536310	https://www.aliexpress.com/store/5422025
22	Shop5586026 Store	https://www.aliexpress.com/item/1005001609827213	https://www.aliexpress.com/store/5586026
23	Shop5778107 Store	https://www.aliexpress.com/item/1005001686649978	https://www.aliexpress.com/store/5778107
24	Shop5881873 Store	https://www.aliexpress.com/item/1005001728685308	https://www.aliexpress.com/store/5881873
25	Shop900235162 Store	https://www.aliexpress.com/item/1005001723908273	https://www.aliexpress.com/store/900235162
26	Shop900253394 Store	https://www.aliexpress.com/item/1005001330486464	https://www.aliexpress.com/store/900253394
27	Shop910413010 Store	https://www.aliexpress.com/item/1005001708011250	https://www.aliexpress.com/store/910413010
28	Shop910552316 Store	https://www.aliexpress.com/item/1005001686429127	https://www.aliexpress.com/store/910552316
29	Shop910559300 Store	https://www.aliexpress.com/item/1005001510429455	https://www.aliexpress.com/store/910559300
30	Shop910565351 Store	https://www.aliexpress.com/item/1005001694286429	https://www.aliexpress.com/store/910565351
31	Shop910717076 Store	https://www.aliexpress.com/item/1005001551291737	https://www.aliexpress.com/store/910717076
32	Shop910759013 Store	https://www.aliexpress.com/item/1005001687446961	https://www.aliexpress.com/store/910759013
33	Shop910760026 Store	https://www.aliexpress.com/item/1005001579891321	https://www.aliexpress.com/store/910760026
34	Shop910767007 Store	https://www.aliexpress.com/item/1005001574256090	https://www.aliexpress.com/store/910767007

35	Shop910770013 Store	https://www.aliexpress.com/item/1005001723895851	https://www.aliexpress.com/store/910770013
36	Shop910863009 Store	https://www.aliexpress.com/item/1005001728736477	https://www.aliexpress.com/store/910863009
37	Shop910895008 Store	https://www.aliexpress.com/item/1005001671893777	https://www.aliexpress.com/store/910895008
38	Shop910896015 Store	https://www.aliexpress.com/item/1005001708703100	https://www.aliexpress.com/store/910896015
39	Shop910904046 Store	https://www.aliexpress.com/item/1005001701249111	https://www.aliexpress.com/store/910904046
40	Shop910919024 Store	https://www.aliexpress.com/item/1005001609649249	https://www.aliexpress.com/store/910919024
41	Shop910922015 Store	https://www.aliexpress.com/item/1005001694733896	https://www.aliexpress.com/store/910922015
42	Shop910940069 Store	https://www.aliexpress.com/item/1005001633654525	https://www.aliexpress.com/store/910940069
43	Shop910951030 Store	https://www.aliexpress.com/item/1005001694949651	https://www.aliexpress.com/store/910951030
44	Shop910959005 Store	https://www.aliexpress.com/item/1005001690340817	https://www.aliexpress.com/store/910959005
45	Shop910959006 Store	https://www.aliexpress.com/item/1005001690420650	https://www.aliexpress.com/store/910959006
46	Shop910966066 Store	https://www.aliexpress.com/item/1005001698574466	https://www.aliexpress.com/store/910966066
47	Shop910980069 Store	https://www.aliexpress.com/item/1005001660016047	https://www.aliexpress.com/store/910980069
48	Shop910986013 Store	https://www.aliexpress.com/item/1005001640364678	https://www.aliexpress.com/store/910986013
49	Shop911027044 Store	https://www.aliexpress.com/item/1005001722052205	https://www.aliexpress.com/store/911027044
50	Shop911038119 Store	https://www.aliexpress.com/item/1005001714925913	https://www.aliexpress.com/store/911038119
51	Shop911039036 Store	https://www.aliexpress.com/item/1005001690050858	https://www.aliexpress.com/store/911039036
52	Shop911039159 Store	https://www.aliexpress.com/item/1005001726384320	https://www.aliexpress.com/store/911039159
53	Shop911040137 Store	https://www.aliexpress.com/item/1005001715136814	https://www.aliexpress.com/store/911040137
54	Shop911044146 Store	https://www.aliexpress.com/item/1005001721349050	https://www.aliexpress.com/store/911044146
55	Shop911046144 Store	https://www.aliexpress.com/item/1005001711648723	https://www.aliexpress.com/store/911046144
56	Shop911049121 Store	https://www.aliexpress.com/item/1005001742678120	https://www.aliexpress.com/store/911049121
57	Shop911051112 Store	https://www.aliexpress.com/item/1005001709934284	https://www.aliexpress.com/store/911051112
58	Shop911051151 Store	https://www.aliexpress.com/item/1005001718177551	https://www.aliexpress.com/store/911051151
59	Shop911054143 Store	https://www.aliexpress.com/item/1005001718369358	https://www.aliexpress.com/store/911054143
60	Shop911055157 Store	https://www.aliexpress.com/item/1005001724013518	https://www.aliexpress.com/store/911055157
61	Shop911056077 Store	https://www.aliexpress.com/item/1005001703446123	https://www.aliexpress.com/store/911056077
62	Shop911056143 Store	https://www.aliexpress.com/item/1005001715326023	https://www.aliexpress.com/store/911056143
63	Shop911059115 Store	https://www.aliexpress.com/item/1005001711256005	https://www.aliexpress.com/store/911059115
64	Shop911064135 Store	https://www.aliexpress.com/item/1005001719065864	https://www.aliexpress.com/store/911064135
65	Shop911065030 Store	https://www.aliexpress.com/item/1005001695867288	https://www.aliexpress.com/store/911065030
66	Shop911068059 Store	https://www.aliexpress.com/item/1005001725364261	https://www.aliexpress.com/store/911068059
67	Surprise House Store	https://www.aliexpress.com/item/1005001612219167	https://www.aliexpress.com/store/910799006
68	Trendy-A clothes Store	https://www.aliexpress.com/item/4000567732098	https://www.aliexpress.com/store/5380165
69	ymx Store	https://www.aliexpress.com/item/1005001690317522	https://www.aliexpress.com/store/910327293

70	yongcun NO01 Store	https://www.aliexpress.com/item/1005001656958315	https://www.aliexpress.com/store/910997024
71	ypodscustom Store	https://www.aliexpress.com/item/1005001646836032	https://www.aliexpress.com/store/910969033