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Qlay Co.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

QLAY CO.,

Plaintiff

v.

AMBROSIA OWEN, AN11GWAYASH, ANGELA
ROSE, ANGELAYY, ANRPSH, BERICHER AGAIN
AGAIN, BGH7, BOUNETWDTHGA,
CHENBOHUAN2418, CHENMINGZHEN1989,
CHERYL KLEIN, CLOTHING MEN'S WOMEN'S
MATERNAL AND INFANT STORES, COSTUME
RIDER, COURTNEY STEELE, CSFIUSYFISDF,
DOROTHYXS, EARL VAUGHAN, EARNESTYY,
FKDMTJSOIE589345, GALEXL,
GEXIAOTING85785, GFTYDSETGV,
HANYONGMAOYI, HEZHENXI1234,
HUCHUNYANG4578, IAN BLACKMAN,
JESSEMGL, JIANGCHENG780, KMZKA,
LIANGCHANGMI147258, LIMENGKUN,
LIPING870624, LIQIAN1994, LIYUANLI6666,
LVCHAO88988, MANUELTT,
MAYANNING274324, MAYNARDKO, MING
XIAO8869, MINHUIING COATS, MMXHNLY,
MSIFJ, NNBUPSHOP, OH MY GODNESS,
PATRICIAYY, PENGPENGER,
QINMEICHENG0216, RUIFS,
RUTHERFORDCORNELIA7, SAD DIMENSION 520
WATCH, SHILI1426, SHIYAN55667, SUYUQI0188,
SUZETTE, TEE PKL, TIM DALY,
TINGTING65892345, TRYH~6677, WANGBING556,

Civil Case No.: 21-cv-1784

**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

WANGMIIB,	WANGYILING123,
WANGYUYAN1234,	WILLIAMBERRY,
WUDUILINGTAO,	WUYUAN123,
WUZONGXIN66885,	XIANGYUANWEI,
XIAOTIANXIPU,	XINPIANZHANG,
ZACHARIAHMK,	ZHANG2010,
ZHANGERPENG11,	ZHANGSUNGONG32019 AND
ZHANGXINRAN60,	

Defendants

GLOSSARY

Term	Definition
Plaintiff or Qlay	Qlay Co.
Defendants	Ambrosia Owen, anllgwayash, Angela Rose, Angelayy, anrpsh, BERICHER Again Again, bgh7, bounetwdthga, chenbohuan2418, chenmingzhen1989, Cheryl Klein, Clothing men's women's maternal and infant stores, Costume rider, Courtney Steele, csfiusyfisdf, Dorothyxs, Earl Vaughan, Earnestyy, Fkdmjtsoie589345, Galexl, gexiaoting85785, gftydsetgv, HanYongMaoYi, hezhenxi1234, huchunyang4578, Ian Blackman, Jessemgl, jiangcheng780, Kmzka, liangchangmi147258, limengkun, liping870624, liqian1994, liyuanli6666, lvchao88988, Manueltt, mayanning274324, Maynardko, Ming Xiao8869, Minhuiing coats, mmxhnly, msifj, NNbupShop, OH MY GODNESS, Patriciayy, pengpenger, Qinmeicheng0216, ruifs, rutherfordcornelia7, Sad dimension 520 Watch, shili1426, shiyan55667, suyuqi0188, Suzette, Tee PKL, Tim Daly, tingting65892345, tryh~6677, wangbing556, wangmiib, wangyiling123, wangyuyan1234, WilliamBerry, wuduilingtao, Wuyuan123, wuzongxin66885, xiangyuanwei, xiaotianxipu, xinpianzhang, Zachariahmk, zhang2010, zhangerpeng11, zhangsungong32019 and zhangxinran60
Wish	Wish.com, a San Francisco, California-based, online marketplace and e-commerce platform owned by ContextLogic, Inc., a Delaware corporation (“ContextLogic”), that allows 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
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 March 2, 2021
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 March 2, 2021
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 Wish, 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 ContextLogic, PayPal Inc. (“PayPal”), Payoneer Inc. (“Payoneer”), 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 ContextLogic, such as Wish, 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 ("TRO"); 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 13.1 million subscribers and is best known for its action, adventure and mystery videos starring Chad Wild Clay and Vy Qwaint.

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 a 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 Ninjas Store at <https://www.spyninjasstore.com/>. All CWC Products bear the CWC design mark

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.



incorporating swords

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

5. While Qlay may have common law trademark and other rights in its CWC Mark and CWC Products through use, advertising and promotion, Qlay has also filed for and obtained 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 exporting, advertising, marketing, promoting, distributing, displaying, and/or offering for sale Counterfeit Product through Defendants’ User Accounts and Merchant Storefronts with Wish (*see* **Schedule A** for links to Defendants’ Merchant Storefronts and Infringing Listings).

8. Wish is an online marketplaces and e-commerce platforms, which allows 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 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 has attempted to make purchases from all Defendants in this action, and it has been successful in making purchase orders directed to New York for 71 out of the 74

Defendants in this litigation. Plaintiff did not make a successful purchase order from Defendants an11gwayash, anrpsh, or Patriciayy, and does not indicate—in its initial or supplemental briefing—the reason it failed to do so. Here, where Plaintiff’s application is made *ex parte*, I cannot find that Plaintiff has met its burden to establish personal jurisdiction over these three Defendants at this time. *See, e.g., Cenage Learning, Inc. v. Buckeye Books*, 531 F. Supp. 2d 596, 599 (S.D.N.Y. 2008) (“Lumping all the ‘defendants’ together for purposes of alleging connections to New York is, however, patently insufficient.”) Thus, I will not grant Plaintiff’s TRO, or any of Plaintiff’s requested relief, as to Defendants an11gwayash, anrpsh, or Patriciayy at this time.

11. As to the remaining 71 Defendants, I find that Plaintiff is likely to prevail on its Lanham Act and related common law claims at trial.

12. 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 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.

13. The balance of potential harm to Defendants of being prevented from continuing to profit from their illegal and infringing activities if a TRO is issued is 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. That said, to the extent that any or all Defendants lawfully offer some non-counterfeit products for sale on Wish, I am cognizant that an overly expansive remedy could cause significant harm to those Defendants in terms of revenue and goodwill and reputation.

14. Public interest favors issuance of the TRO in order to protect Plaintiff's interests in and to its CWC Mark, and to protect the public from being deceived and defrauded by the 71 Defendants' passing off of their Counterfeit Products as CWC Products.

15. Plaintiff has not publicized its request for a TRO in any way.

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

17. 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. According to Plaintiff, 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. Nevertheless, if the Third Party Service Providers fully remove all of the 71 Defendants' counterfeit items from Wish and provide requisite proof within this timeframe, I will not order the full freeze of Defendants' Merchant Storefronts.

18. 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 DENIED as to Defendants an1lgwayash, anrpsh, and Patriciayy.

IT IS FURTHER ORDERED that Plaintiff's Application is GRANTED as to the remaining 71 Defendants (the "71 Defendants") as follows:

I. Temporary Restraining Order

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, that the 71 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 the 71 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 the 71 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 the 71 Defendants and the 71 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 the 71 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 the 71 Defendants' Assets from or to the 71 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 the 71 Defendants' Assets and the 71 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 the 71 Defendants, the 71 Defendants' User Accounts and Merchant Storefronts, including, without limitation, continued operation of the 71 Defendants' User Accounts and Merchant Storefronts, unless the Third Party Service Providers provide proof that they have fully removed all of the 71 Defendants' infringing items from Wish within this timeframe²; 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. The 71 Defendants are hereby ORDERED to show cause before this Court on April 2, 2021 at 4 p.m. why a preliminary injunction, pursuant to Fed. R. Civ. P. 65(a), should not issue. The dial-in number for this telephonic conference is 888-363-4749 and the access code is 2682448.
- 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 March 26, 2021. Plaintiff shall file any Reply papers on or before March 31, 2021.

² If the Third Party Service Providers can remove those items entirely—meaning that the item will not be listed at all on the 71 Defendants' storefronts—there is no legitimate reason to shut down the 71 Defendants' storefronts entirely.

C. IT IS FURTHER ORDERED that the 71 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 the 71 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 ContextLogic pursuant to **Paragraph V(C)**.

- 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 PayPal 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 ContextLogic, Inc. will be able to download a PDF copy of this Order via electronic mail to ContextLogic Inc.'s counsel, Dwight Lueck, at Dwight.Lueck@btlaw.com, Brittany Smith, at Brittany.Smith@btlaw.com, and Rocky Cislak, at Rocky.Cislak@btlaw.com;
 - 3) 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
 - 4) 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 \$5,000 Dollars 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.

Dated: March 19, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive style with a large, stylized "V" and "B".

Vernon S. Broderick
United States District Judge

SCHEDULE A

No.	Defendant	Infringing Listing	Merchant Storefront
1	Ambrosia Owen	https://www.wish.com/product/5efcfd32aff3d5671ad970fe	https://www.wish.com/merchant/5e86e1fed9c52da514c6aefa
2	an11gwayash	https://www.wish.com/product/5fed8139fd8250f29860bee	https://www.wish.com/merchant/5e8ea05ba660a6455547c551
3	Angela Rose	https://www.wish.com/product/5f979ca2a97b2e8febb2e6bd	https://www.wish.com/merchant/5e888edc29e78658dc20b1a9
4	Angelayy	https://www.wish.com/product/5fb9dc5b4756e87e0fab92ed	https://www.wish.com/merchant/5e94571946be6a9387df1dbd
5	anrps	https://www.wish.com/product/5f6dd474874bb81ddb03bda2	https://www.wish.com/merchant/5e8ed853a660a6726747c5ef
6	BERICHER Again Again	https://www.wish.com/product/5e8fd574b9161c1dd16df7f9	https://www.wish.com/merchant/5e75e05a5f90734829db822
7	bgh7	https://www.wish.com/product/5f8d48ea03730893f68878ca	https://www.wish.com/merchant/5e65e4242fcd773680e500db
8	bounetwdthga	https://www.wish.com/product/5f7194fc6e4ece26c7053f4c	https://www.wish.com/merchant/5e916290bdeb459f0041f39
9	chenbohuan2418	https://www.wish.com/product/600e75757d9a392767805ad0	https://www.wish.com/merchant/5fdd332b7778d03eb41495f9
10	chenmingzhen1989	https://www.wish.com/product/5f8400b0aea26c2613ba4f90	https://www.wish.com/merchant/5f42445729e78653ad0587d3
11	Cheryl Klein	https://www.wish.com/product/5efedb774e268006f8074d4f	https://www.wish.com/merchant/5e6c8b273ab6840a48b1efad
12	Clothing men's women's maternal and infant stores	https://www.wish.com/product/5f993613ce4f1603be14da91	https://www.wish.com/merchant/5d5647d75f3e1e7705642273
13	Costume rider	https://www.wish.com/product/5e4204f08c377e0d846b116a	https://www.wish.com/merchant/5deb69cbd4b69a02c051a11c
14	Courtney Steele	https://www.wish.com/product/5f05111dbfdda382b104be62	https://www.wish.com/merchant/5e63c752ad6a88a15d648b58
15	csfiusyisdf	https://www.wish.com/product/5fd9d0920f8eaf447fc0e99	https://www.wish.com/merchant/5f5f42fe588fa174e11ae54d
16	Dorothyxs	https://www.wish.com/product/5fa4c5c6f92b890056e7846f	https://www.wish.com/merchant/5e7ef237f76bbce0a655f0f3
17	Earl Vaughan	https://www.wish.com/product/5f9e8b4ba6c1a4622be89d5b	https://www.wish.com/merchant/5e65105600ff3761808f6d42
18	Earnesty	https://www.wish.com/product/5f054f079031ae26d08dea53	https://www.wish.com/merchant/5e942648a93efffa004b1cac
19	Fkdmjsoie589345	https://www.wish.com/product/5f1feb4db034985ecfb42301	https://www.wish.com/merchant/5e904a1f9bbc2b3a248e4560
20	Galexl	https://www.wish.com/product/5face10e74884e091e71e7c6	https://www.wish.com/merchant/5e85a3db5402f67139b42e66
21	gexiaoting85785	https://www.wish.com/product/5fbf768c843a35e64ba496c9	https://www.wish.com/merchant/5f8be0a1eaac353e3bc84f89
22	gftydsetgv	https://www.wish.com/product/5fc08c33802160bda5099d63	https://www.wish.com/merchant/5e6f4e4b29e786333bdd6f17
23	HanYongMaoYi	https://www.wish.com/product/5f86af6a11127a2278867714	https://www.wish.com/merchant/5d54fd7c3db43e61003580d3
24	hezhenxi1234	https://www.wish.com/product/5fc073cf1ade969bb7c3d7cb	https://www.wish.com/merchant/5f86b1f4887225d6bfd5f5e8
25	huchunyang4578	https://www.wish.com/product/5fbb232b2cc7bebc4e39511a	https://www.wish.com/merchant/5fa8e37000c0bb5a9e7f1442
26	Ian Blackman	https://www.wish.com/product/5fe20325346bf938c45ed0f3	https://www.wish.com/merchant/5f452f129e7862c53491412
27	Jesseml	https://www.wish.com/product/5f6b661e6fa88cbfaed9e06e	https://www.wish.com/merchant/5e86ed15fde56e148564e99d
28	jiangcheng780	https://www.wish.com/product/5fbcf25bcd341911d8520b0e	https://www.wish.com/merchant/5fa766a40c42de1b2e1ea2f4
29	Kmzka	https://www.wish.com/product/5f2ad4bec0f71113fa57286d	https://www.wish.com/merchant/5e9013623795e5318068fdbf
30	liangchangmi147258	https://www.wish.com/product/5fcb2d587c6529c1b4725c28	https://www.wish.com/merchant/5f8e4d5c909abf862096c96f
31	limengkun	https://www.wish.com/product/5fbc9c92464146c65ad5dfe2	https://www.wish.com/merchant/5e6850ef57521802b550b52e
32	liping870624	https://www.wish.com/product/5f60a0dbdcdbd4016c166a683	https://www.wish.com/merchant/5f1fb2045b1afe00518df18b
33	liqian1994	https://www.wish.com/product/5f6843d859522c0041038301	https://www.wish.com/merchant/5f1eb30e33682b5c7e1af1b3
34	liyuanli6666	https://www.wish.com/product/5fbb1db582f418cc97e1c820	https://www.wish.com/merchant/5fa8f2166bae157e6cb6cbd8
35	lvchao88988	https://www.wish.com/product/5f4dc601d27d6d0046f69f27	https://www.wish.com/merchant/5f3b4afb8bf5aa6ded0d24f1
36	Manueltt	https://www.wish.com/product/5f7e025d968a75052ec26b6e	https://www.wish.com/merchant/5e9401fb29e78601db848110
37	mayanning274324	https://www.wish.com/product/5fc0c322df1ad13ae3f4434	https://www.wish.com/merchant/5fa8da6a77cf910b4c78f28b
38	Maynardko	https://www.wish.com/product/5fc05d5fa0d0fd0c4e913113	https://www.wish.com/merchant/5e85bb6850035dfdaa1d5aa2
39	Ming Xiao8869	https://www.wish.com/product/5fc452b7cf32058206a5f89e	https://www.wish.com/merchant/5e7b610f29e78665388cf071
40	Minhuiing coats	https://www.wish.com/product/5faf8dcd87a9027cdbe306f	https://www.wish.com/merchant/5e633cef24fc93c866c2077
41	mmxhnlly	https://www.wish.com/product/5fc35831c5a56644a87f99fd	https://www.wish.com/merchant/5e61ba9ade60d90b7565ab97
42	msifj	https://www.wish.com/product/5f8d48f41b081b93f9af2dc2	https://www.wish.com/merchant/5e63b4a02fcd7796ebe15b48
43	NNbupShop	https://www.wish.com/product/5df37265faf03e0c8c5bc9ac	https://www.wish.com/merchant/5de79cac04d8681df30a6911
44	OH MY GODNESS	https://www.wish.com/product/5e8b3006d9b444073a538615	https://www.wish.com/merchant/58771dd06bd391695bc1bf03
45	Patriciayy	https://www.wish.com/product/5f04b6dbaf595f8be08d54f1	https://www.wish.com/merchant/5e9426af4883f2232b358abb
46	pengpeng	https://www.wish.com/product/5faf8dcd82b64d2afc68a652	https://www.wish.com/merchant/5e685f6b1f08511812895484

47	Qinmeicheng0216	https://www.wish.com/product/5f5739f780e8c0bf4483b598	https://www.wish.com/merchant/5f20ea410df8abcb8d792da5
48	ruifs	https://www.wish.com/product/5fa11a97f217ee092e6c71e0	https://www.wish.com/merchant/5e7e3695355e4ed7ebd2fdd5
49	rutherfordcornelia7	https://www.wish.com/product/5f155f431543520a8aa8369a	https://www.wish.com/merchant/5e8f5c1724067de0dedf44fa
50	Sad dimension 520 Watch	https://www.wish.com/product/5d9ca93c23741346d91c41a1	https://www.wish.com/merchant/5b3f77b426dfa1218b128ac0
51	shili1426	https://www.wish.com/product/5f9fdb49afe2f003db22537	https://www.wish.com/merchant/5f66e9b62f66f3b41b951df1
52	shiyan55667	https://www.wish.com/product/5f882109aa7b4d17e28bf9f2	https://www.wish.com/merchant/5e60f76da6757d5303430320
53	suyuqi0188	https://www.wish.com/product/5ff437a3a75c791407b5a4ac	https://www.wish.com/merchant/5fe1b5da063d6522a995fb21
54	Suzette	https://www.wish.com/product/5f5ac2e436e3a7003ca0d0bb	https://www.wish.com/merchant/5e8c77b48c456be3a629e2b0
55	Tee PKL	https://www.wish.com/product/5ff347dc56bde60b262d32ce	https://www.wish.com/merchant/5feb50598f98362e4f534bcb
56	Tim Daly	https://www.wish.com/product/5f921b27df36d53d25991129	https://www.wish.com/merchant/5e816fc893fb00ec89ca7a03
57	tingting65892345	https://www.wish.com/product/5fc59f6e54aa4d97e0864573	https://www.wish.com/merchant/5e79a9e0f1ea1438011ac456
58	tryh~6677	https://www.wish.com/product/5f55f33c049a1b8534456485	https://www.wish.com/merchant/5de73140a0ea76073cf12163
59	wangbing556	https://www.wish.com/product/5fe57bd4c57a6504649d8a47	https://www.wish.com/merchant/5f9b90ccea8f25a89293ad4
60	wangmiib	https://www.wish.com/product/5ff015800c2fbf0045fec194	https://www.wish.com/merchant/5e54e02c207f9d0343efde65
61	wangyiling123	https://www.wish.com/product/5fc5a44082f418e5bce1a36c	https://www.wish.com/merchant/5fa904b4f9a0a2811c23dfdf
62	wangyuyan1234	https://www.wish.com/product/5fc5a3707ddf97b7fa44c063	https://www.wish.com/merchant/5fa8e9cf00c0bb62e07f134f
63	WilliamBerry	https://www.wish.com/product/5ff2e921d6b9b73202dbc6ed	https://www.wish.com/merchant/5e71944029e7866580948296
64	wuduilingtao	https://www.wish.com/product/5f05b43429572d011f5f9698	https://www.wish.com/merchant/5efd7b79ee9279a3df036527
65	Wuyuan123	https://www.wish.com/product/5f5773ab61cafdc718036e9d	https://www.wish.com/merchant/5f1e3c0c21721f19ed7cfb65
66	wuzongxin66885	https://www.wish.com/product/5fc4b69e180a8ffd7efdf3f5	https://www.wish.com/merchant/5f8aa6a6db0534245159bea0
67	xiangyuanwei	https://www.wish.com/product/5fd772f7cfbc7ce50db77c20	https://www.wish.com/merchant/5f1e7807eaa1cab2040a53cf
68	xiaotianxipu	https://www.wish.com/product/5e83112714a6e24dbfb24242	https://www.wish.com/merchant/5e5f32203e5b85421354c5d3
69	xinpianzhang	https://www.wish.com/product/5e8b3295b9b80a34c086e541	https://www.wish.com/merchant/56daa6be3a9cb801ea74a9ea
70	Zachariahmk	https://www.wish.com/product/5fb879e319112305a75d50fa	https://www.wish.com/merchant/5e85a10202a800784613eddf
71	zhang2010	https://www.wish.com/product/5f6859801623b7004cc8c039	https://www.wish.com/merchant/5f13fc3946b64bd6f79a3710
72	zhangerpeng11	https://www.wish.com/product/5fbf84d4c99c72f8c5ee4c0d	https://www.wish.com/merchant/5f324234f012ef8851b28fa2
73	zhangsungong32019	https://www.wish.com/product/5fb5d1a9e19841004d946afa	https://www.wish.com/merchant/5d5612ce40defd3d033d571d
74	zhangxinran60	https://www.wish.com/product/5fec4560cfefb65f9a1ec404	https://www.wish.com/merchant/5fe59b29e033e9004f454563