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FIN-GEARS, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

No. 21-CV-331

FIN-GEARS, LLC,

Plaintiff

v.

17UK, AIMIHUI5, APG-STORE,
AQUINOBURNS, COLORLIGHT, CX BABYWU,
DAOER02, EMERALDSWORD, EUPHORBIA
OBESA INTERNATIONAL,
FENGQIAOTONG123456, FFDEEW221,
GOETHE INTERNATIONAL, GUO998, JERFRY
EVANS, JOSHUA SMITH, KALLOS
INTERNATIONAL, KK SHOPY, LANYANZHII,
LILIMEIRONGMEIFA, LITTLETOMATOBABY,
MANTANGTE, MISS YOU LL, MOUSSES,
OULINZHI113, PAMELA HAGGERTYE,
PREETTYGOOD, PUERYIN TECH.LTD.CO.,
QINMAY, QUARTE CEZEN REABIT,
RESPONSIBILITY, RUIXINGSHIPIN,
SERENITY88, SHANNAHJSMITH, SURPRISING
SHOP, TIM TUFFYE, VGYNII, WFH13, XIA AAA
LADIES'BAKERY, XISCIUT, YUANHAOSHOP,
ZENG TECHNOLOGY, ZHANGQIQIWA,
ZHANGXIAOQIANG1 and ZIPOMSTORE,


Defendants

**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

GLOSSARY

Term	Definition
Plaintiff or FIN-GEARS	FIN-GEARS, LLC
Defendants	17UK, aimihui5, APG-STORE, AquinoBurns, Colorlight, CX babywu, Daoer02, emeraldsword, Euphorbia obesa International, fengqiaotong123456, ffdeew221, Goethe International, guo998, JerFry Evans, Joshua Smith, Kallos International, Kk shopy, LanyanzhiJ, lilimeirongmeifa, littletomatobaby, Mantangte, miss you LL, Mousses, oulinzhi113, Pamela Haggertye, Preettygood, Pueryin Tech.ltd.co., Qinmay, Quarte Cezen reabit, Responsibility, ruixingshipin, serenity88, ShannahJSmith, Surprising Shop, Tim Tuffye, vgynij, wfh13, XIA AAA Ladies'Bakery, xisciut, YuanHaoShop, Zeng Technology, zhangqiqiwa, zhangxiaoqiang1 and zipomstore
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 January 14, 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 January 14, 2021
Okhrimenko Dec.	Declaration of Denys Okhrimenko in Support of Plaintiff’s Application
Drangel Dec.	Declaration of Jason M. Drangel in Support of Plaintiff’s Application
Fin-Gears Marks	U.S. Trademark Registration Nos.: 6,214,511 for “FIN-GEARS” for goods in Class 28; and 6,214,512 for “

	 ” for goods in Class 28
Fin-Gears Works	U.S. Copyright Registration Nos.: VA 2-213-715, covering the Fin-Gears Instruction Manual; and VA 2-213-807, covering the Fin-Gears Packaging
Fin-Gears Products	A multipurpose fidget made of magnetic rings, which are used for tricks, games and stress relief
Counterfeit Products	Products bearing or used in connection with the Fin-Gears Marks and/or Fin-Gears Works, and/or products in packaging and/or containing labels and/or hang tags bearing the Fin-Gears Marks and/or Fin-Gears Works, and/or bearing or used in connection with marks and/or artwork that are confusingly or substantially similar to the Fin-Gears Marks and/or Fin-Gears Works and/or products that are identical or confusingly or substantially similar to the Fin-Gears 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; 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 Denys Okhrimenko 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. Plaintiff has been developing and creating intricate sets of models of magnetic gears since 2017;
2. Fin-Gears are a multipurpose fidget made of magnetic rings, which are used for tricks, games and stress relief;
4. Plaintiff sells its Fin-Gears Products throughout the U.S. and the world through major retailers, quality toy stores, department stores and online marketplaces, including, but not limited to, Amazon.com, Learning Express and Denmay Inc;
5. In addition, Plaintiff sell its Fin-Gears Products directly through Plaintiff's

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.

website, www.fin-gears.com;

6. The Fin-Gears Products have achieved great success since their introduction in 2017 and generally retail for \$19.99;

7. While Plaintiff has gained significant common law trademark and other rights in its Fin-Gears Products, through use, advertising and promotion, Plaintiff has also protected its valuable rights by filing for and obtaining federal trademark registrations;

8. For example, Plaintiff owns the Fin-Gears Marks, including U.S. Trademark Registration Nos.: 6,214,511 for “FIN-GEARS” for goods in Class 28; and 6,214,512 for “

 ” for goods in Class 28;

9. In addition, Plaintiff also owns the registered copyrights related to the Fin-Gears Products. For example, Plaintiff is the owner of the following U.S. Copyright Registration Nos.: VA 2-213-715, covering the Fin-Gears Instruction Manual; and VA 2-213-807, covering the Fin-Gears Packaging;

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

11. Wish is an online marketplace and e-commerce platform, 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;

12. Defendants are not, nor have they ever been, authorized distributors or licensees of the Fin-Gears Products. Neither Plaintiff, nor any of Plaintiff’s authorized agents, have consented

to Defendants' use of the Fin-Gears Marks, nor has Plaintiff consented to Defendants' use of marks and/or artwork that are confusingly or substantially similar to, identical to and constitute a counterfeiting or infringement of the Fin-Gears Marks and/or Fin-Gears Works;

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

14. 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 Fin-Gears Marks and/or Fin-Gears Works;
- 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 Fin-Gears 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 Fin-Gears Marks and/or Fin-Gears Works, 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 Fin-Gears Marks, 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 Fin-Gears Marks and/or Fin-Gears Works 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;

15. 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 Fin-Gears Marks and to its reputations if a temporary restraining order is not issued;

16. Public interest favors issuance of the temporary restraining order in order to protect Plaintiff's interests in and to its Fin-Gears Marks and Fin-Gears Works, and to protect the public from being deceived and defrauded by Defendants' passing off of their substandard Counterfeit Products as Fin-Gears Products;

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

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

19. 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 Fin-Gears Marks and/or Fin-Gears Works. 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.

20. 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 pending the hearing and determination of Plaintiffs' application for a preliminary injunction as referenced in Paragraph II(A) below:

- 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 Fin-Gears Marks and/or Fin-Gears Works and/or marks or artwork that are confusingly or substantially similar to, identical to and constitute a counterfeiting or infringement of the Fin-Gears Marks and/or Fin-Gears Works;
- 2) directly or indirectly infringing in any manner Plaintiff's Fin-Gears Marks and/or Fin-Gears Works;

- 3) using any reproduction, counterfeit, copy or colorable imitation of Plaintiff's Fin-Gears Marks and/or Fin-Gears Works to identify any goods or service not authorized by Plaintiff;
- 4) using Plaintiff's Fin-Gears Marks and/or Fin-Gears Works and/or any other marks or artwork that are confusingly or substantially similar to the Fin-Gears Marks and/or Fin-Gears Works 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 pending the hearing and determination of Plaintiffs' application for a preliminary injunction as referenced in Paragraph II(A) below:

- 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 **pending the hearing and determination of Plaintiffs' application for a preliminary injunction as referenced in Paragraph II(A) below:**

- 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 **on February 4, 2021 at 3:00 p.m.** why a preliminary injunction, pursuant to Fed. R. Civ. P. 65(a), should not issue. In light of the COVID-19 crisis, the Court will hold this conference by telephone. **The parties shall use the dial-in information provided below to call into the conference: Call-in Number: (888) 363-4749; Access Code: 1015508. This conference line is open to the public.**
- 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 January 28, 2021. Plaintiff shall file any Reply papers on or before February 1, 2021. Defendants may also serve Plaintiff with their opposing papers via email at jdrangel@ipcounselors.com.
- 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.com, 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., via ContextLogic Inc.'s DMCA Agent, 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 Fin-Gears Marks and/or marks that are confusingly similar to, identical to and constitute an infringement of the Fin-Gears Marks.

VI. Security Bond

- A. IT IS FURTHER ORDERED that Plaintiff shall place security in the amount of five thousand Dollars (\$5,000) 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 Denys Okhrimenko 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 15 day of January, 2021.

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', with a long horizontal flourish extending to the right.

RONNIE ABRAMS
UNITED STATES DISTRICT JUDGE

SCHEDULE A

No.	Defendant	Infringing Listing	Merchant Storefront
1	17UK	https://www.wish.com/product/5f1e990657b41905619abbbc	https://www.wish.com/merchant/5b4d4ec00fa36918f022b097
2	aimihui5	https://www.wish.com/product/5f154dc4b9411d1adb0f1394	https://www.wish.com/merchant/5e01b45808f554002fe99235
3	APG-STORE	https://www.wish.com/product/5f211c4ef9bcd64e547f15ee	https://www.wish.com/merchant/58c13ee5c684775179cc9482
4	AquinoBurns	https://www.wish.com/product/5f4e137f043acf0040253563	https://www.wish.com/merchant/597af5963eb22a743f3553e3
5	Colorlight	https://www.wish.com/product/5f211c2de8e1f74cfe07383e	https://www.wish.com/merchant/59311ef50d7f401109afa8bc
6	CX babywu	https://www.wish.com/product/5f1563ed8fa4042bfb5238da	https://www.wish.com/merchant/5d468c3072b0c92abccf9819
7	Daoer02	https://www.wish.com/product/5f2fa2d79802c3004c2612c8	https://www.wish.com/merchant/5b72ab53cfdde14121ea1af34
8	emeraldsword	https://www.wish.com/product/5f238ffb4d073f2b1e1e69dd	https://www.wish.com/merchant/5c516c2af16fcc05275550f8
9	Euphorbia obesa International	https://www.wish.com/product/5f17ecf5cd344254c313555d	https://www.wish.com/merchant/5e50d88829e78635c2b235dc
10	fengqiaotong123456	https://www.wish.com/product/5f1be5d58c1634243261e7e3	https://www.wish.com/merchant/5e9932cbeece7647f6663fde
11	ffdeew221	https://www.wish.com/product/5f11105afbcdec245f7de7ae	https://www.wish.com/merchant/5dd65a59703f615a743886ad
12	Goethe International	https://www.wish.com/product/5f0a0c006c982515560b554c	https://www.wish.com/merchant/549d71b7546ead0d4456eb46
13	guo998	https://www.wish.com/product/5f367f97078d7e3e323ae953	https://www.wish.com/merchant/5b504f9f24b35932e5e2ee6b
14	JerFry Evans	https://www.wish.com/product/5f22c520fdbb9c004ff7d924	https://www.wish.com/merchant/5e92a66e29e7862e6c8481d2
15	Joshua Smith	https://www.wish.com/product/5f24124043e38b3bf632899e	https://www.wish.com/merchant/5e92aab064ecd4b88099691c
16	Kallos International	https://www.wish.com/product/5f17ece82ef4eb0fbf10559a	https://www.wish.com/merchant/5d70fc87af968f74c0289126
17	Kk shopy	https://www.wish.com/product/5f1a9599aceaf4003ce99477	https://www.wish.com/merchant/5de46b6ba0f020c15f00667a
18	LanyanzhiJ	https://www.wish.com/product/5f156b0c4899723fcc497bf5	https://www.wish.com/merchant/5eabeb4fa12fdb840596ca99
19	lilimeirongmeifa	https://www.wish.com/product/5f2b976388f74d0b28ac42a7	https://www.wish.com/merchant/5d43ec484c78556e30e5a01f
20	littletomatobaby	https://www.wish.com/product/5f0ea02df8b5bf3fdeb408b8	https://www.wish.com/merchant/5d5e22a0560eca4d26b2d983
21	Mantangte	https://www.wish.com/product/5f19530a1bfb1350541598d6	https://www.wish.com/merchant/5ebbbd06e8446d138298df3c
22	miss you LL	https://www.wish.com/product/5f0fc71c5e4bd1017b8d3c14	https://www.wish.com/merchant/5eafcebe7edfbdf6c84bec60
23	Mousses	https://www.wish.com/product/5f310d96479880ebcb1050d1	https://www.wish.com/merchant/5e84966cab205e80008f0926
24	oulinzhi113	https://www.wish.com/product/5f0d4224926d1825c4f25281	https://www.wish.com/merchant/595f24ca646f82060afdd9c2
25	Pamela Haggertye	https://www.wish.com/product/5f2136f73bd035063e1ce600	https://www.wish.com/merchant/5e674c6829e78675c3176dee
26	Preettygood	https://www.wish.com/product/5f0d5d9aae894128a8e633e2	https://www.wish.com/merchant/540ec7661d2d431f2d4b5d66
27	Pueryin Tech.ltd.co.	https://www.wish.com/product/5f24315200f1a810f3ef9b36	https://www.wish.com/merchant/5b597f115d12791e44654e8d
28	Qinmay	https://www.wish.com/product/5f250bf7a0fae7003a37b7d4	https://www.wish.com/merchant/5b0a7c422c3c1d398d507d69
29	Quarte Cezen reabit	https://www.wish.com/product/5f12a4c2c332d61013a05ee2	https://www.wish.com/merchant/5d46df1c70327a2f82ef951d
30	Responsibility	https://www.wish.com/product/5f221cfb4a321a14bac1f86f	https://www.wish.com/merchant/5d4b78d95badb0314edddb7c
31	ruixingshipin	https://www.wish.com/product/5f1a49533339b91b74af0818	https://www.wish.com/merchant/566a46a8598d3a269b6b912c
32	serenity88	https://www.wish.com/product/5f221cfb6f7a0b15ab1e2522	https://www.wish.com/merchant/5d5647ec5f3e1e166b63684b
33	ShannahJSmith	https://www.wish.com/product/5f129d4df8e3f5185d3e21f0	https://www.wish.com/merchant/5842367e1e83774e3685cf2f
34	Surprising Shop	https://www.wish.com/product/5f108480d32ddf8dc2b74bd5	https://www.wish.com/merchant/55463e7d5135880c09f43dde
35	Tim Tuffye	https://www.wish.com/product/5f214e7fb2380116dcc78c0c	https://www.wish.com/merchant/5e674b1325de036dd224741a
36	vgynij	https://www.wish.com/product/5f116a5480490b613ab2face	https://www.wish.com/merchant/5d427fc0e4b65d2aa9be83e4
37	wfh13	https://www.wish.com/product/5f17fa5471c90522d779d049	https://www.wish.com/merchant/5e693de05c6818e9eccfad3c
38	XIA AAA Ladies' Bakery	https://www.wish.com/product/5f1541832e8bee264748873f	https://www.wish.com/merchant/5d535d558efc8156e066454c
39	xiscuit	https://www.wish.com/product/5f2cb6bd7b2e7c004c179ae2	https://www.wish.com/merchant/5d426c1d0ff7f94e728fb747
40	YuanHaoShop	https://www.wish.com/product/5f1bfce340261c6a0b91454e	https://www.wish.com/merchant/5aa3a6759d5e974a1e416922
41	Zeng Technology	https://www.wish.com/product/5f43cb00b61d38835943e9a1	https://www.wish.com/merchant/5f14f8ef46b64b22a19a39b0
42	zhangqiqiwa	https://www.wish.com/product/5f0fbb3e7da0ab203cb895d2	https://www.wish.com/merchant/5ee4a105a16bcf05c8dcab5c
43	zhangxiaoqiang1	https://www.wish.com/product/5f1a82dc3113cb0c09e04fc1	https://www.wish.com/merchant/5eb4ca6729e7864192680662
44	zipomstore	https://www.wish.com/product/5f211c6be99bd24d81ca0677	https://www.wish.com/merchant/5a3c8556a6b65c2663430d17