# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

AJQS,

ALLSTAR MARKETING GROUP, LLC,

Plaintiff

ADOCFAN-US,

v.

BAJIUDAOMANKEPAICHANGKUAILE, BANGEQD, BEIBEI0001, BEST FULIQIETE, BIG FISH BEGONIA, BYT121, CHANGWEI, CREATEFUTURE, DA YU HAI TANG. DIMOCAX. DONGGENGGUITRADE, EAPHOE. FANGHOU, FENGXINGKE, FONITA, GEZHUO STORE, GUANGZHOUXIYUEFUZHUANGYOUXIANGO NGSI, HENAN DORIT BIOTECHNOLOGY CO., LTD., JKOCPD, JOYCE , K228, KWJILIGUALA±,

KYWKJ NA, LANCAISHI, LANYIN GRASS, LEIBOWANGLEI, LHSMGS, LJB STORE, MA DING, MASTERLUMISSHUSHOP, MILD MILK., MILLIONS UPON MILLION, MYHH, P&E MOULD TRADE LIMITEDH, RUCHUJIAN, SHIYI GIRL, SUDUOBUYI9, SUJIN, TANWO, THE ORCHID SHOP. TATACO. WO2US. XINRONGHE. XIERMU. XINGHEWANG, YIDIANDIAN!. YOLO17&&H¬. ZFSM. ZHEJUNWANG, ZHIPU, ZHUZHU STORE. ZNBHJXB, 富腾 and 爱上班,

Defendants

**Civil Case No.: 21-CV-3623** 

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 Allstar	Allstar Marketing Group, LLC			
Defendants	Adocfan-US, AJQS, BaJiuDaoManKePaiChangKuaiLe, Bangeqd, beibei0001, BEST FULIQIETE, Big Fish Begonia, BYT121, Changwei, CreateFuture, Da Yu Hai Tang, Dimocax, DONGGENGGUITRADE, Eaphoe, fanghou, fengxingke, FONITA, Gezhuo Store, guangzhouxiyuefuzhuangyouxiangongsi, Henan Dorit Biotechnology Co., Ltd., JKOCPD, Joyce_, k228, kwjiliguala±, KYWKJ NA, LANCAISHI, LanYin grass, LeiboWanglei, LHSMGS, ljb store, MA DING, MasterLuMissHushop, Mild Milk., Millions upon million, MYHH, P&E MOULD TRADE LIMITEDh, RUCHUJIAN, SHIYI Girl, Suduobuyi9, SUJIN, Tanwo, TATACO, The orchid shop, WQ2US, XiErMu, xinghewang, xinronghe, YIDIANDIAN!, Yolo17&&h¬, zfsm, zhejunwang, ZhiPu, Zhuzhu			
	store, ZNBHJXB, 富腾 and 爱上班			
Jay At Play	Jay At Play International Hong Kong Limited d/b/a Jay At Play			
Amazon	Amazon.com, a Seattle, Washington-based, online marketplace and e-commerce platform owned by Amazon.com, Inc., a Delaware corporation, 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			
Application	Plaintiff's Ex Parte Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined infra) and Defendants' Assets (as defined infra) with the Financial Institutions (as defined infra); 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			
De Marco Dec.	Declaration of Jennifer De Marco in Support of Plaintiff's Application			
Drangel Dec.	Declaration of Jason M. Drangel in Support of Plaintiff's Application			
Happy Nappers Marks	U.S. Trademark Registration Nos.: 6,102,208 for			

1

	"HAPPY NAPPERS" for goods in Class 20 and 24; and			
	3,998,335 for "HAPPY NAPPERS" for goods in Class			
	28			
Happy Nappers Works	U.S. Copyright Reg. Nos.: VA 2-227-806 covering Shak			
Happy Nappers Works	the Shark; VA 2-227-789 covering Arianna the White			
	Unicorn; VA 2-227-807 covering Duncan the Dragon;			
	VA 2-227-808 covering Lilly the Lady Bug; VA 2-227-810 govering Manigue the Bink Unicorn; VA 2-227-816			
	810 covering Monique the Pink Unicorn; VA 2-227-816			
	covering Kodiak the Grey Husky; VA 2-227-818			
	covering Dusty the Yellow Dog; and VA 2-227-820			
	covering Charlotte the Pink Kitty			
Happy Nappers	A soft plush pillow toy that when unzipped, expands into			
Products	a comfy sleep sack			
Counterfeit Products	Products bearing or used in connection with the Happy			
	Nappers Marks and/or Happy Nappers Works, and/or			
	products in packaging and/or containing labels and/or			
	hang tags bearing the Happy Nappers Marks and/or			
	Happy Nappers Works, and/or bearing or used in			
	connection with marks and/or artwork that are			
	confusingly or substantially similar to the Happy			
	Nappers Marks and/or Happy Nappers Works and/or			
	products that are identical or confusingly or			
	substantially similar to the Happy Nappers 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 Amazon, as well			
	1 1			
	as any and all as yet undiscovered accounts with			
	1			
	as any and all as yet undiscovered accounts with			
	as any and all as yet undiscovered accounts with additional online marketplace platforms held by or			
	as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers,			
Merchant Storefronts	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			
Merchant Storefronts	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	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  Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants			
Merchant Storefronts	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  Any and all User Accounts through which Defendants,			
Merchant Storefronts	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  Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with			
Merchant Storefronts	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  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,			
Merchant Storefronts	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  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,			
Merchant Storefronts	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  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			
Merchant Storefronts	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  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,			
Merchant Storefronts	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  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			
Merchant Storefronts  Defendants' Assets	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  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			
	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  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  Any and all money, securities or other property or			
	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  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  Any and all money, securities or other property or assets of Defendants (whether said assets are located in			
Defendants' Assets	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  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  Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)			
Defendants' Assets  Defendants' Financial	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  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  Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)  Any and all financial accounts associated with or			
Defendants' Assets	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  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  Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)  Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User			
Defendants' Assets  Defendants' Financial	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  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  Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)  Any and all financial accounts associated with or			

	T		
Financial Institutions	Any banks, financial institutions, credit card companies		
	and payment processing agencies, such as		
	Amazon.com, Inc., Amazon Payments, Inc. ("Amazon		
	Pay"), 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	Online marketplace platforms, including, without		
Providers	limitation, those owned and operated, directly or		
	indirectly, by Amazon, such as Amazon.com, 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. 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 Jennifer De Marco and Jason M. Drangel, along with exhibits attached thereto and other evidence submitted in support thereof, the Court finds that the requested relief is warranted.

#### **ORDER**

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:
  - 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 Happy Nappers Works and/or Happy Nappers Marks and/or marks and/or artwork that are confusingly and/or substantially similar to,

<sup>&</sup>lt;sup>1</sup> Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Glossary.

- identical to and constitute a counterfeiting or infringement of the Happy Nappers Works and/or Happy Nappers Marks;
- directly or indirectly infringing in any manner Plaintiff's Happy Nappers Works and/or Happy Nappers Marks;
- 3) using any reproduction, counterfeit, copy or colorable imitation of Plaintiff's Happy
  Nappers Works and Happy Nappers Marks, to identify any goods or service not
  authorized by Plaintiff;
- using Plaintiff's Happy Nappers Works and/or Happy Nappers Marks and/or any other marks that are confusingly similar to the Happy Nappers Marks and/or any other artwork that is substantially similar to the Happy Nappers 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;
- 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;
- 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 this Court:
  - 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, aiding or abetting any person or business entity in engaging in any of the activities referred to in subparagraphs I(A)(I) 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 this Court:
  - 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, aiding, or abetting any other person or business entity in engaging in any of the activities referred to in subparagraphs I(A)(1) through I(A)(4), 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 at a telephone conference on June 8, 2021, at 3:00 p.m. New York time 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. At the designated time, counsel and any interested parties shall dial (888) 557-8511 and enter access code 9300838.
- 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 42<sup>nd</sup> Street, Suite 2520, New York, NY 10165, Attn: Jason M. Drangel on or before **May 14, 2021**. Plaintiff shall file any Reply papers on or before **May 21, 2021**.
- 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:
  - 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 Amazon

    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:
  - 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 true and correct copy of this Order via Federal Express to Amazon.com, Inc. at Corporation Service Company 300 Deschutes Way SW, Suite 304, Tumwater, WA 98501, (ii) a PDF copy of this Order or (iii) a link to a secure website where Amazon.com, Inc. and Amazon Pay will be able to download a PDF copy of this Order via electronic mail to Deana Ahn counsel for Amazon Pay, at deanaahn@dwt.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 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 SectionI, 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;

- 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 Happy Nappers Marks and/or Happy Nappers Works and/or marks and/or artwork that are confusingly and/or substantially similar to, identical to and constitute an infringement of the Happy Nappers Marks and/or Happy Nappers Works.

#### VI. Security Bond

A. IT IS FURTHER ORDERED that Plaintiff shall place security in the amount of 5000 dollars (\$5000) 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 of Jennifer De Marco 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 4th day of May, 2021, at 9:30 a.m. New York, New York

J. PAUL OETKEN United States District Judge

# **SCHEDULE A**

No. Defendant	Infringing Listing	Merchant Storefront
1 Adocfan-US	https://www.amazon.com/Portable-Foldable-Sleeping-Wearable-Children/dp/B08Q2V1D5B	https://www.amazon.com/s?me=A3DNKQSIBJGPBI
2 AJQS	https://www.amazon.com/VWMYQ-Sleeping-Children-Foldable-All-Season/dp/B08QZBG6HR	https://www.amazon.com/s?me=A2G8KQHXSOTTX4
3 BaJiuDaoManKePaiChangKuaiLe	https://www.amazon.com/Unicorn-Sleeping-Play-Pillow-Surprise/dp/B08P2LBPSJ	https://www.amazon.com/s?me=A3AM0I2S967P46
4 Bangeqd	https://www.amazon.com/Nappers-Sleeping-Cartoon-Foldable-snoozzoo/dp/B08R1FBPY8	https://www.amazon.com/s?me=A3KQYH8G1ZKS1L
5 beibei0001	https://www.amazon.com/Sleeping-Surprise-One-Piece-Childrens-Pajamas/dp/B08NJQ821J	https://www.amazon.com/s?me=A3FTCIX8GLMY1K
6 BEST FULIQIETE	https://www.amazon.com/Animal-Sleeping-Slumber-Ladybug-Surprise/dp/B08P25WN6Z	https://www.amazon.com/s?me=A2IZXBEHCG1T9Q
7 Big Fish Begonia	https://www.amazon.com/SITAILI-Nappers-Pillow-Sleepy-Camping/dp/B08P4M4YSP	https://www.amazon.com/s?me=A3MHJLO8WEK547
8 BYT121	https://www.amazon.com/YYuan-Animal-Sleeping-Nappers-Pillow/dp/B08R17B1N7	https://www.amazon.com/s?me=A1YD55JBBIUA8Z
9 Changwei	https://www.amazon.com/Sleeping-Pillow-Nappers-Portable-Foldable/dp/B08RDBTMRX	https://www.amazon.com/s?me=AUHCHH9VCZWI1
10 CreateFuture	https://www.amazon.com/Enjoy4Life-Nappers-Sleeping-Foldable-Blanket/dp/B08T9XP6BS	https://www.amazon.com/s?me=A6UUEUODR3BP7
11 Da Yu Hai Tang	https://www.amazon.com/DOLIMI-Sleeping-Foldable-Slumber-Children/dp/B08Q75SC5W	https://www.amazon.com/s?me=A32J24B060HXN5
12 Dimocax	https://www.amazon.com/Aicheng-Wearable-Childrens-Sleeping-Children/dp/B08MKQN4RJ	https://www.amazon.com/s?me=AJP0PD103DGA2
13 DONGGENGGUITRADE	https://www.amazon.com/Sleeping-Nappers-Pillow-Surprise-Animal/dp/B08PB1T41M	https://www.amazon.com/s?me=A3OUEYJ4BX9WA
14 Eaphoe	https://www.amazon.com/Sleeping-Nappers-rinow-surprise-Animalydp/Book B1141Wi	https://www.amazon.com/s?me=A3D5QRRXB619Q8
15 fanghou	https://www.amazon.com/DOLIMI-Sleeping-Foldable-Slumber-Children/dp/B08Q75SC5W	https://www.amazon.com/s?me=A16XWKOKYBGIB4
16 fengxingke	https://www.amazon.com/Animal-Sleeping-Slumber-Ladybug-Surprise/dp/B08P25WN6Z	https://www.amazon.com/s?me=AUALA9KSOOF1V
17 FONITA	https://www.amazon.com/Sleeping-Surprise-One-Piece-Childrens-Pajamas/dp/B08NJQ821J	https://www.amazon.com/s?me=A2TFPXT3UG2ZDR
18 Gezhuo Store	https://www.amazon.com/SITAILI-Nappers-Pillow-Sleepy-Camping/dp/B08P4M4YSP	https://www.amazon.com/s?me=A2TFFXT30G22DK
19 guangzhouxiyuefuzhuangyouxiangongsi	https://www.amazon.com/Animal-Sleeping-Slumber-Ladybug-Surprise/dp/B08P25WN6Z	https://www.amazon.com/s?me=A3SM9TBCVXLF8H
20 Henan Dorit Biotechnology Co., Ltd.	https://www.amazon.com/Sleeping-Sumber-Ladybug-Surprise/dp/808PVFHXSG	https://www.amazon.com/s?me=AO1URF93K5KA
21 JKOCPD	https://www.amazon.com/JKOCPD-Sleeping-Portable-Foldable-Comfortable/dp/B0912WHN29	https://www.amazon.com/s?me=ATIVFLMZRVGJ6
	https://www.amazon.com/VARWANEO-Unicorn-Sleeping-Multifunctional-55inx17-7inx3-9in/dp/B08TT95WZ7	
22 Joyce_ 23 k228		https://www.amazon.com/s?me=A3SU6W0S79VTJU
	https://www.amazon.com/Children-Sleeping-Unicorn-Pillow-Compact/dp/B08Q854R86	https://www.amazon.com/s?me=A52N3SZOYW2
24 kwjiliguala± 25 KYWKJ NA	https://www.amazon.com/Sleeping-Nappers-Pillow-Surprise-Animal/dp/B08PB1KRNN	https://www.amazon.com/s?me=A2RCFR10RMAVMU
	https://www.amazon.com/Sleeping-Surprise-One-Piece-Childrens-Pajamas/dp/B08NJQ821J	https://www.amazon.com/s?me=AN7LD69M9UX40
	https://www.amazon.com/Animal-Sleeping-Foldable-Pillow-Season/dp/B08Q7XX1XM	https://www.amazon.com/s?me=A3UN1EWYM7007Z
	https://www.amazon.com/NFSQYDT-Nappers-Sleeping-Foldable-Children/dp/B08QN8C6HG	https://www.amazon.com/s?me=A3EONR5JOV6U5U https://www.amazon.com/s?me=AKNHYJST46GZK
28 LeiboWanglei	https://www.amazon.com/Sleeping-Nappers-Pillow-Surprise-Animal/dp/B08PB1JR1X	1 17
29 LHSMGS	https://www.amazon.com/Animal-Foldable-Sleeping-Christmas-Birthday/dp/B08MZWTYK4	https://www.amazon.com/s?me=A310XM0ASBRTR9
30 ljb store	https://www.amazon.com/Animal-Sleeping-Slumber-Ladybug-Surprise/dp/B08P25WN6Z	https://www.amazon.com/s?me=A3ACTTVUX6554S
31 MA DING	https://www.amazon.com/NUFR-Happy-Sleeping-Portable-Foldable-Suitable/dp/B08R1K2RQX	https://www.amazon.com/s?me=A2U8MCVY2MZ60P
32 MasterLuMissHushop	https://www.amazon.com/Unicorn-Sleeping-Play-Pillow-Surprise/dp/B08P2LBPSJ	https://www.amazon.com/s?me=A3RTCG92M7OJ89
33 Mild Milk.	https://www.amazon.com/Sleeping-Nappers-Pillow-Surprise-Animal/dp/B08PB1JR1X	https://www.amazon.com/s?me=AP5N6HIAPCHCY
34 Millions upon million	https://www.amazon.com/YUESUO-nappers-Sleeping-Compact-Season/dp/B08SL1YRC5	https://www.amazon.com/s?me=A2OHRV1EJXXCWQ
35 MYHH	https://www.amazon.com/Animal-Foldable-Sleeping-Christmas-Birthday/dp/B08MZWTYK4	https://www.amazon.com/s?me=APQMSFBK6JOLZ
36 P&E MOULD TRADE LIMITEDH	https://www.amazon.com/Animal-Sleeping-Foldable-Pillow-Season/dp/B08PV2RDYL	https://www.amazon.com/s?me=A2Q1UFLGPPIJU0
37 RUCHUJIAN	https://www.amazon.com/Sleeping-Surprise-One-Piece-Childrens-Pajamas/dp/B08NJQ821J	https://www.amazon.com/s?me=A2A86K8D12J721
38 SHIYI Girl	https://www.amazon.com/Sleeping-Surprise-One-Piece-Childrens-Pajamas/dp/B08NJQ821J	https://www.amazon.com/s?me=AIU1IMGVXVAZQ
39 Suduobuyi9	https://www.amazon.com/Cartoon-Children-Sleeping-Portable-Foldable/dp/B08QYQHT28	https://www.amazon.com/s?me=A3RW24WAZBDVSR
40 SUJIN	https://www.amazon.com/DOLIMI-Sleeping-Foldable-Slumber-Children/dp/B08Q75SC5W	https://www.amazon.com/s?me=A3KLZ83ROPZZP8
41 Tanwo	https://www.amazon.com/Unicorn-Sleeping-Play-Pillow-Surprise/dp/B08P2LBPSJ	https://www.amazon.com/s?me=A3LIX5UFN24STH
42 TATACO	https://www.amazon.com/Nappers-Portable-Sleeping-Foldable-Slumber/dp/B08Q4LMCBW	https://www.amazon.com/s?me=A1T8P0CI15SS92
43 The orchid shop	https://www.amazon.com/Unicorn-Sleeping-Play-Pillow-Surprise/dp/B08P2LBPSJ	https://www.amazon.com/s?me=AZ4JDOFF8X61C
44 WQ2US	https://www.amazon.com/YYuan-Animal-Sleeping-Nappers-Pillow/dp/B08R17B1N7	https://www.amazon.com/s?me=A247PLI0SHKD3P
45 XiErMu	https://www.amazon.com/Unicorn-Sleeping-Play-Pillow-Surprise/dp/B08P2LBPSJ	https://www.amazon.com/s?me=A1M5OLZ8803XBF
46 xinghewang	https://www.amazon.com/Animals-Sleeping-Foldable-Bedroom-Outdoor/dp/B08P8G9R84	https://www.amazon.com/s?me=AGP0DXY6RNBGE
47 xinronghe	https://www.amazon.com/Unicorn-Sleeping-Play-Pillow-Surprise/dp/B08P2LBPSJ	https://www.amazon.com/s?me=A3SO4J0WP7XP7W
48 YIDIANDIAN!	https://www.amazon.com/Cartoon-Children-Sleeping-Portable-Foldable/dp/B08QYQ2ZPK	https://www.amazon.com/s?me=A2ONRE2EKOBBH4
49 Yolo17&&h-	https://www.amazon.com/Unicorn-Sleeping-Play-Pillow-Surprise/dp/B08P2LBPSJ	https://www.amazon.com/s?me=AUBXF2TRMPR6X

50	zfsm	https://www.amazon.com/Sleeping-Children-Cartoon-Ultra-Soft-140x45x10cm/dp/B08QD5DJFF	https://www.amazon.com/s?me=A28YG1MXM2DUIK
51	zhejunwang	https://www.amazon.com/Animal-Foldable-Sleeping-Christmas-Birthday/dp/B08MZWTYK4	https://www.amazon.com/s?me=A2SQGXO30UH5SS
52	ZhiPu	https://www.amazon.com/SITAILI-Nappers-Pillow-Sleepy-Camping/dp/B08P4M4YSP	https://www.amazon.com/s?me=A2G3U2TTU7I822
53	Zhuzhu store	https://www.amazon.com/DOLIMI-Sleeping-Foldable-Slumber-Children/dp/B08Q75SC5W	https://www.amazon.com/s?me=A3B5JI65VSIOJ0
54	ZNBHJXB	https://www.amazon.com/SITAILI-Nappers-Pillow-Sleepy-Camping/dp/B08P4M4YSP	https://www.amazon.com/s?me=A30Y4Z1I0OLO6T
		https://www.amazon.com/Unicorn-Sleeping-Play-Pillow-Surprise/dp/B08P2LBPSJ	https://www.amazon.com/s?me=A3ES2RZ98J72YB
56	爱上班	https://www.amazon.com/DOLIMI-Sleeping-Foldable-Slumber-Children/dp/B08Q75SC5W	https://www.amazon.com/s?me=A3II8F8OZ9GXFJ