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Off-White LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OFF-WHITE LLC,

Plaintiff

v.

1000PERCENT1000, CICADA-ORANGE, CISAN64,
DNPB-FFOOS, FLY-PE-47, FOX-DOGWOOD,
GOOD-MORNING-STORE, GOOSE-REDBUD,
HONGSHIZIT603, INS-HOME36,
JINBOYANC380_5, LIKUAN01, LITIA905793,
LITIAN-24, LIULIPINGQ, LSMSUMI777, MANTIS-
QUINCE, MOUSE-PEONY, OFF44EVER, PANDA-
HAWTHORN, SJBNSJ, SQUIRREL-CA_25,
TIANIANY86, TORTOISE-WISTERIA,
WENJING1, WOLF-AZALEA, YEEZYANDME,
YQC262511_0, ZEBRA-HIBISCUS and
ZHONGH_55,

Defendants

Civil Case No.: 21-cv-3626 (PAE)









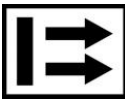


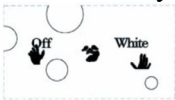




~~[PROPOSED]~~

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

FILED UNDER SEAL

GLOSSARY

Term	Definition
Plaintiff or Off-White Defendants	Off-White LLC 1000percent1000, cicada-orange, cisan64, dnp-g-ffoos, fly-pe-47, fox-dogwood, good-morning-store, goose-redbud, hongshizit603, ins-home36, jinboyanc380_5, likuan01, litia905793, litian-24, liulipingq, lsmsumi777, mantis-quince, mouse-peony, off44ever, panda-hawthorn, sjbnsj, squirrel-ca_25, tiantiany86, tortoise-wisteria, wenjing1, wolf-azalea, yeezyandme, yqc262511_0, zebra-hibiscus and zhongh_55
eBay	eBay.com, a San Jose, California-based online marketplace and e-commerce platform owned by eBay Inc., a Delaware corporation, that allows manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale and/or sell in what it characterizes as either auction-style or fixed-price formats and ship their retail products, which, upon information and belief, originate from China, among other locations, directly to consumers worldwide and specifically to consumers residing in the U.S., including in 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 <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
Abloh Dec.	Declaration of Virgil Abloh in Support of Plaintiff's Application
Drangel Dec.	Declaration of Jason M. Drangel in Support of Plaintiff's Application
Off-White Products	A young, successful luxury fashion label founded by American creative designer Virgil Abloh, specializing in men's and women's lifestyle and high-end streetwear, as well as shoes, accessories, jewelry, homeware and other ready-made goods
Off-White Registrations	U.S. Trademark Registration Nos.: 5,119,602 for "OFF WHITE" for a variety of goods in Class 25 with a constructive date of first use of January 25, 2012; 5,713,397 for "OFF-WHITE" for a variety of goods in Class 25; 5,710,328 for "OFF-WHITE C/O VIRGIL

ABLOH” for a variety of goods in Class 9; 5,572,836
 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety
 of goods in Class 25; 5,710,287 for “OFF-WHITE C/O
 VIRGIL ABLOH” for a variety of goods in Class 14;
 5,150,712 for  for a variety of goods in Class 18
 and 25; 5,710,288 for  for a variety of goods in
 Class 14; 5,307,806 for  for a variety of goods in
 Class 18 and 25; 5,835,552 for  for a variety of
 goods in Class 9; 5,387,983 for  for a variety of
 goods in Class 25; 5,445,222 for  for a variety of
 goods in Class 25; 5,800,414 for  for a variety
 of goods in Class 9 and 25; 5,681,805 for  for
 a variety of goods in Class 9; 5,663,133 for  for
 a variety of goods in Class 25; 6,054,044 for
 for a variety of goods in Class 25; 6,272,565
 for  for a variety of goods in Class 25;
 6,290,768 for  for a variety of goods in
 Class 25; 6,114,562 for **OFF** for a variety of
 goods in Class 25; 6,131,346 for **OFF** for
 a variety of goods in Class 18; 6,035,585 for  for
 a variety of goods in Class 25; and 6,137,880 for
   for a variety of goods in

	Class 25
Off-White Application	U.S. Trademark Serial Application No. 88/041,456 for  , for a variety of goods in Class 18 and Class 25
Off-White Marks	The Marks covered by the Off-White Registrations and Off-White Application
Counterfeit Products	Products bearing or used in connection with the Off-White Marks, and/or products in packaging and/or containing labels bearing the Off-White Marks, and/or bearing or used in connection with marks that are confusingly similar to the Off-White Marks and/or products that are identical or confusingly similar to the Off-White 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 eBay, 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 and all banks, financial institutions, credit card companies and payment processing agencies, such as PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer") and 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 eBay, 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
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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 Virgil Abloh 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. Off-White, launched in or about 2013, is the owner of a young, successful and high-end lifestyle streetwear line of men's and women's apparel, as well as accessories, jewelry, homeware and other ready-made goods which are distributed through various channels of trade in the United States and abroad.~~

~~2. The Off-White Products are marketed under the Off-White Marks.~~


~~3. The Off-White Products are sold at luxury retailers, such as Selfridges and Bergdorf Goodman, as well as Off-White's boutiques located in prominent fashion epicenters, including, without limitation, London, Tokyo, Hong Kong, Seoul, Beijing, Shanghai, Toronto, Shenyang, Xian, Dubai, Bangkok, Busan, Macau, Manila, Mykonos, Tianjin, Paris, Vancouver, Kuala Lumpur, Sydney, Taipei, Melbourne, Manchester, Singapore and New York City.~~


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.



4. Since the launch of Off-White approximately eight (8) years ago, the Off-White Brand and Off-White Products have been featured in numerous press publications, including, but not limited to, *New York Magazine*, *GQ*, *W Magazine*, *Vogue* and *The Business of Fashion*, among others. Recently, *Lyst* named Off-White as the “hottest fashion brand in the World”.

5. While Plaintiff has gained significant common law trademark and other rights in its Off-White Products and Off-White Marks through its use, advertising and promotion, Plaintiff has also protected its valuable rights by filing for and obtaining federal trademark registrations.

6. For example, Off-White owns the following U.S. Trademark Registration Nos.: 5,119,602 for “OFF WHITE” for a variety of goods in Class 25 with a constructive date of first use of January 25, 2012; 5,713,397 for “OFF WHITE” for a variety of goods in Class 25; 5,710,328 for “OFF WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 9; 5,572,836 for “OFF WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 25; 5,710,287 for “OFF

WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 14; 5,150,712 for  for a



variety of goods in Class 18 and 25; 5,710,288 for  for a variety of goods in Class 14;

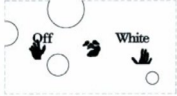
5,307,806 for  for a variety of goods in Class 18 and 25; 5,835,552 for  for a variety of



goods in Class 9; 5,387,983 for  for a variety of goods in Class 25; 5,445,222 for 

for a variety of goods in Class 25; 5,800,414 for  for a variety of goods in Class 9 and 25;




5,681,805 for  for a variety of goods in Class 9; 5,663,133 for  for a variety of

goods in Class 25; 6,054,044 for  for a variety of goods in Class 25; 6,272,565 for 

for a variety of goods in Class 25; 6,290,768 for  for a variety of goods in Class 25;

6,114,562 for  for a variety of goods in Class 25; 6,131,346 for 

for a variety of goods in Class 18; 6,035,585 for  for a variety of goods in Class 25; and

6,137,880 for    for a variety of goods in Class 25. Off-White also owns

U.S. Trademark Serial Application No. 88/041,456 for , for a variety of goods in Class 18 and Class 25.

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

8. eBay is an online marketplaces 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.

9. Defendants are not, nor have they ever been, authorized distributors or licensees of the Off-White Products. Neither Plaintiff, nor any of Plaintiff's authorized agents, have consented to Defendants' use of the Off-White Marks, nor has Plaintiff consented to Defendants' use of marks

~~that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the Off-White Marks.~~

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

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

~~a. Defendants have offered for sale and sold substandard Counterfeit Products that infringe the Off-White Marks;~~

~~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 Off-White 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 Off-White Marks, 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 Off-White 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 Off-White Marks 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.~~

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

4. ~~13.~~ Public interest favors issuance of the temporary restraining order in order to protect Plaintiff's interests in and to its Off-White Marks, and to protect the public from being deceived and defrauded by Defendants' passing off of their substandard Counterfeit Products as Off-White Products.

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

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

6. ~~16.~~ If Defendants are given notice of the Application, they are likely to secret, conceal, transfer or otherwise dispose of their ill-gotten proceeds from their sales of Counterfeit Products or other goods infringing the Off-White Marks. ~~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.~~

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

ORDER

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

I. Temporary Restraining Order

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

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

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

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

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

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

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

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

- A. Defendants are hereby ORDERED to show cause before this Court in Courtroom 1305 of the United States District Court for the Southern District of New York at ~~500 Pearl Street~~/40 Foley Square, New York, New York on May 7, 2021 at 1:00 p.m. or at such other time that this Court deems appropriate, why a preliminary injunction, pursuant to Fed. R. Civ. P. 65(a), should not issue, subject to Addendum A.
- 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 April 30, 2021. Plaintiff shall file any Reply papers on or before May 6, 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:

- 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 eBay 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 eBay, via eBay's Registered Agent, will be able to download a PDF copy of this Order via electronic mail at copyright@ebay.com, to Bryce Baker at brybaker@ebay.com and to Joanna Lahtinen at jlahtinen@ebay.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 Off-White Marks and/or marks that are confusingly similar to, identical to and constitute an infringement of the Off-White Marks.

VI. Security Bond

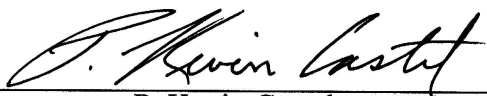
- A. IT IS FURTHER ORDERED that Plaintiff shall place security in the amount of Five Thousand Dollars (\$5,000.00) with the Court which amount is determined adequate for the payment of any damages any person may be entitled to recover as a result of an improper or wrongful restraint ordered hereunder.

VII. Sealing Order

- A. IT IS FURTHER ORDERED that Plaintiff's Complaint and exhibits attached thereto, and Plaintiff's *ex parte* Application and the Declarations Virgil Abloh 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. **Addendum A is an integral part of this Order.**

SO ORDERED.

SIGNED this 23 day of April, 2021, at 5:00 p.m.


P. Kevin Castel
United States District Judge

Part I

SCHEDULE A

No.	Seller Name	Product Link	Storefront Link
1	1000percent1000	https://www.ebay.com/itm/New-Off-White-Style-Virgil-Abloh-Backpack-Small-Bag-For-Travel-School-Backpacks/154334649651	https://www.ebay.com/usr/1000percent1000
2	cicada-orange	https://www.ebay.com/itm/2021-US-New-Hoodie-OFF-white-Print-Hoodie-Casual-Jacket-Loose-Sweatshirt-1/154405367612	https://www.ebay.com/usr/cicada-orange
3	cisan64	https://www.ebay.com/itm/Off-White-Belt/353389107764	https://www.ebay.com/usr/cisan64
4	dnpg-ffoos	https://www.ebay.com/itm/Unisex-OFF-WHITE-World-Cup-Hoodie-Printing-33-Men-Long-Sleeved-Hooded-Sweater/233964193724	https://www.ebay.com/usr/dnpg-ffoos
5	fly-pe-47	https://www.ebay.com/itm/2021-US-New-Hoodie-OFF-white-Print-Hoodie-Casual-Jacket-Loose-Sweatshirt/184751331775	https://www.ebay.com/usr/fly-pe-47
6	fox-dogwood	https://www.ebay.com/itm/OFF-WHITE-Hoodie-v-Abloh-Pyrex-Vision-Street-Sweatshirt-Hip-hop-Wear-Jumper-US/363350502638	https://www.ebay.com/usr/fox-dogwood
7	good-morning-store	https://www.ebay.com/itm/New-Off-White-Industrial-Keychain-Key-Buckle-lanyard-sneaker-streetwear-Key-ring/333771578584	https://www.ebay.com/usr/good-morning-store
8	goose-redbud	https://www.ebay.com/itm/Off-white-men-Hoodie-Cherry-blossoms-Streetwear-Jumper-Sweatshirt-Activewear-us/393236626704	https://www.ebay.com/usr/goose-redbud
9	hongshizit603	https://www.ebay.com/itm/Hoodie-OFF-White-Mona-Lisa-Print-Hoodie-Loose-Street-Wear-Sweatshirts/114765133191	https://www.ebay.com/usr/hongshizit603
10	ins-home36	https://www.ebay.com/itm/OFF-WHITE-Sweatpants-Trousers-Hip-hop-Couple-Version-Arrow-Print-Loose-Sports/393242366746	https://www.ebay.com/usr/ins-home36
11	jinboyanc380_5	https://www.ebay.com/itm/OFF-White-Mona-Lisa-Print-Hoodie-Loose-Street-Wear-Sweatshirts-Jumper/402781904157	https://www.ebay.com/usr/jinboyanc380_5
12	likuan01	https://www.ebay.com/itm/OFF-WHITE-Hoodie-Virgil-Abloh-Pyrex-Street-Sweatshirt-Hip-hop-Wear-Jumper-Unisex/313456520632	https://www.ebay.com/usr/likuan01
13	litia905793	https://www.ebay.com/itm/New-Unisex-Cotton-Letter-Short-Sleeve-T-shirt-OFF-WHITE-Loose-Hip-Hop/133674299990	https://www.ebay.com/usr/litia905793
14	litian-24	https://www.ebay.com/itm/New-Unisex-Cotton-Letter-Short-Sleeve-T-shirt-OFF-WHITE-Loose-Hip-Hop/203285917648	https://www.ebay.com/usr/litian-24
15	liulipingq	https://www.ebay.com/itm/Off-White-Belt-Yellow-W-Tags-Bag/393201127456	https://www.ebay.com/usr/liulipingq
16	lsmsumi777	https://www.ebay.com/itm/200CM-OW-OFF-WHITE-C-O-Virgil-Abloh-Tie-Down-Nylon-Big-Iron-Head-Industrial-Belt/274350598878	https://www.ebay.com/usr/lsmsumi777
17	mantis-quince	https://www.ebay.com/itm/Unisex-OFF-WHITE-World-Cup-Hoodie-Printing-33-Men-Long-Sleeved-Hooded-Sweater-wh/233959917596	https://www.ebay.com/usr/mantis-quince
18	mouse-peony	https://www.ebay.com/itm/Black-Off-White-Supreme-Hoodie-Streetwear-Jumper-Sweatshirt-HoodiesSweatshirts-x/402783850775	https://www.ebay.com/usr/mouse-peony
19	off44ever	https://www.ebay.com/itm/New-Off-White-Style-Virgil-Abloh-Backpack-Small-Bag-For-Travel-School-Backpacks/383771164158	https://www.ebay.com/usr/off44ever
20	panda-hawthorn	https://www.ebay.com/itm/OFF-WHITE-OW-oil-painting-arrow-print-Short-Sleeve-tee-Top-Unisex-T-Shirt-Street/333949839727	https://www.ebay.com/usr/panda-hawthorn
21	sjbnsj	https://www.ebay.com/itm/Off-white-men-Hoodie-Cherry-blossoms-Streetwear-Jumper-Sweatshirt-Activewear-us/402787302432	https://www.ebay.com/usr/sjbnsj
22	squirrel-ca_25	https://www.ebay.com/itm/Black-Off-White-Supreme-Hoodie-Streetwear-Jumper-Sweatshirt-HoodiesSweatshirts/393236651792	https://www.ebay.com/usr/squirrel-ca_25
23	tiantiany86	https://www.ebay.com/itm/New-Hoodie-OFF-white-Print-Hoodie-Casual-Jacket-Loose-Sweatshirt/233964630145	https://www.ebay.com/usr/tiantiany86
24	tortoise-wisteria	https://www.ebay.com/itm/OFF-Hoodie-OFF-White-Mona-Lisa-Print-Hoodie-Loose-Street-Wear-Sweatshirts-Jumper/184751335579	https://www.ebay.com/usr/tortoise-wisteria
25	wenjing1	https://www.ebay.com/itm/OFF-White-Mona-Lisa-Print-Hoodie-Loose-Street-Wear-Sweatshirts-Jumper/284226018432	https://www.ebay.com/usr/wenjing1
26	wolf-azalea	https://www.ebay.com/itm/Hoodie-OFF-White-Mona-Lisa-Print-Hoodie-Loose-Street-Wear-Sweatshirts-Jumper/402783728567	https://www.ebay.com/usr/wolf-azalea
27	yeezyandme	https://www.ebay.com/itm/Off-White-C-O-Virgil-Abloh-Nylon-Embroidered-Letter-Industrial-Belt-Thick-2mm/294106529011	https://www.ebay.com/usr/yeezyandme
28	yqc262511_0	https://www.ebay.com/itm/OFF-WHITE-HYPERDUNK-2017-FLYKNIT-THE-10-THE-TEN-AJ4578-100-US-7-11/224369776216	https://www.ebay.com/usr/yqc262511_0
29	zebra-hibiscus	https://www.ebay.com/itm/black-Off-White-Mens-T-shirt-Flying-Man-Jordan-Short-Sleeve-Grey-Couple-T-shirt/373531335869	https://www.ebay.com/usr/zebra-hibiscus
30	zhongh_55	https://www.ebay.com/itm/Off-White-Yellow-Nylon-Cotton-Big-IRON-Head-Industrial-Belt-White-buckle/373276776594	https://www.ebay.com/usr/zhongh_55

Addendum A

21 cv 3626 (PAE) has been assigned to Judge Engelmayer. 21 cv 3628 (U/A) and 21 cv 3630 (U/A) (the “Other Off-White Actions”) are unassigned. The Other Off-White Actions will be heard on May 7, 2021 at 1 p.m. either before Judge Engelmayer or the Judge to whom they are assigned or the Part I Judge. Any of the foregoing Judges, of course, may reschedule the matter to a more convenient time and place.