

18 CV 8821

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*Mattel, Inc.*

JUDGE KAPLAN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MATTEL, INC.

*Plaintiff*

v.

1622758984, 1922529011, 3237063196,  
3ADIANPU, AISAITÉ, AJKKXIAO,  
ALINA\_ZLL, AMAKEUPSTORE, AMAPO,  
ANDRÉA-LOVEKOBÉ, AT THE BEGINNING  
OF LANGUAGE, BABY HI, BANGXING,  
BEAUTY, OUTDOOR AND ELECTRONIC,  
BEBEST, BENGBU TRADE LIMITED BY  
SHARE LTD, BEST HOPE, BLUESKY588,  
BURNING FIRE, BUYINFUN, C-BEAR,  
CECILIASTYLE, CHERRYSTORE6, CHINA  
SOUL, COCOMENGXIANGJIA, DE YANG,  
DIDIAO, DREAMTOP, ELYSIAN FIELDS,  
FANCYBABY JEWELRY, FANTASTIC5,  
FASHION MEMORIES, FASHIONGOGOGO,  
FASHIONISTAS, FATE STAY NIGHT,  
FATIONSHOP, FENGJIANYU45033, FESENZ,  
FFBFDNDFNDRF, FIRMTOWN94, FPPF,  
GEORGE ELLIOT, GN SERVICE CO.LTD.,  
GODEAL2017, GRACEQQ,

CIVIL ACTION No.

**DECLARATION OF JESSICA  
ARNAIZ AND ACCOMPANYING  
EXHIBIT IN SUPPORT OF  
PLAINTIFF'S *EX PARTE*  
APPLICATION FOR: 1)  
TEMPORARY RESTRAINING  
ORDER; 2) AN ORDER  
RESTRAINING ASSETS AND  
MERCHANT STOREFRONTS; 3) AN  
ORDER TO SHOW CAUSE WHY A  
PRELIMINARY INJUNCTION  
SHOULD NOT ISSUE; 4) ORDER  
AUTHORIZING ALTERNATIVE  
SERVICE BY ELECTRONIC  
MEANS AND 5) ORDER  
AUTHORIZING EXPEDITED  
DISCOVERY**

**FILED UNDER SEAL**

GUANGZHOUFENGSEWANGJUYINGHUAM  
AOYIYOUXIANGONGSI,  
GUOJUN1991@163.COM,  
HANGZHOUJINGPINBAOBAO,  
HAPPYDREAM2016, HEADACHES, HELLO  
BODY, HOME GOODS, HONG KONG QI  
SHENG, HONGXIN TRADING COMPANY,  
HYLL2016, IFOUND, JJACKON, JOHNY PAPI,  
JTD, JTWAREHOUSE, JUSTICE, KÉ, KISS  
YOUR LIFE, LINDAF JEWELRY, LINJUBUY,  
LINZHIHEN, LIPENG TRADING CO.,  
LIMITED, LITTLELOVE, LONELY PLANET,  
LUCK2017, LUCKY DOG8, LUCKY-1, LUSYS,  
LY2016, MATCHBESTCT, MEIRENYUHA,  
MICROHAPPYWISE, MRROBINSON,  
MW1023214, MY TREASURE, NANJING MH  
COMPANY, NEWBEAR, NEWIN, NIUQI  
DIGITAL FRANCHISE, ORIENT  
INTERNATIONAL TRADING CO., LTD.,  
PEACH PARTY, PEGGY, PERFECT  
ELECTRONIC TECHNOLOGY CO., LTD,  
QINGDAOTIANCHANGZHENGQUANSHIYE  
YOUXIANGONGSI,  
QIPILANGZHENPISHOUBAO,  
RFHBTGNDERFGBESDR, SAML, SAMLIR,  
SANDI MARKET, SHANGHAI YEE TONG  
TRADING CO., LTD.,  
SHANGHAIBINJIAWANGLUOGONGCHENG  
YOUXIANGONGSI,  
SHANGHAIYEJIAJINCHUKOUYOUXIANGO  
NGSI, SHENZHEN NATURE MAKER,  
SHENZHEN SAFE TECHNOLOGY CO., LTD,  
SHENZHENSHIXINGJIEXUNDIANZIYOUXI  
ANGONGSI, SMALL HOUSEHOLD  
APPLIANCES CONCENTRATION CAMP,  
SSSDD, SUNSHINE DAY, TAMIIX,  
TAOLIHUA, TAOZI123, THBFDHFG, THE  
COSMETICS, TOP FASHION CLUB,  
TOP\_MVP, TOPFASHIONTOWN, TOXIC  
PERFUME, TUKIISS, UNIQUE CREATE,  
VSHINE, WAGPUAL TACTICAL AIRSOFT  
WHOLESALE HOME, WANG'S, WANGPAI,  
WLOUDS, WEIWEIT, WEIWO999, WENMY,  
WHENEVER INTEREST, WX123456,  
XI LIAN, XIAOHHH, XIAOYANGO,  
XIAOYUPPP, XIEFANG625,  
XINXIANGSHICHENG6698,

YANGFANSHANGMAO, YANGKAIJIE,  
YEHAOJJSTORE, YEMINQING, YIDAS,  
YIWU CITY HAOZHUO CRAFTS LIMITED  
COMPANY, YIWU XIANGPEI  
INTERNATIONAL TRADE COMPANY,  
YIWUSHIGUIKANGDIANZISHANGWUSHA  
NGXING,  
YIWUYINHAIIDIANZISHANGWUYOUXIAN  
GONGSI, YONGYANONLINE, ZHOU DU  
STORES, ZIWEIXING ANGEL AGEL  
ECOMMERCE LTD and ZSDDP,

*Defendants*



**CONFIDENTIAL/FILED UNDER SEAL  
NOT TO BE OPENED EXCEPT BY ORDER OF THE COURT**

**DECLARATION OF JESSICA ARNAIZ<sup>1</sup>**

I, Jessica Arnaiz, hereby declare as follows:

1. I am over eighteen (18) years of age. I have never been convicted of a felony or any criminal offense involving moral turpitude, and I am fully competent to testify to the matters stated herein. I have personal knowledge of every statement made in this Declaration and such statements are true and correct.
2. I am a Marketing Manager for New Alchemy Limited (“NAL”). I make and submit this affirmation in connection with the *ex parte* application for 1) a temporary restraining order; 2) an order restraining assets and Merchant Storefronts; 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing alternative service and 5) an order authorizing expedited discovery submitted by Plaintiff, Mattel, Inc. (“Mattel” or “Plaintiff”), against above-named Defendants in light of Defendants’ intentional and willful offerings for sale and/or sales of Counterfeit Products (as defined *infra*) (“Application”).
3. NAL is a company that provides trademark infringement research services, among other business and digital marketing services.
4. Counsel for Mattel, Epstein Drangel LLP (“Epstein Drangel”), retained NAL to investigate and research manufacturers, wholesalers and/or third-party merchants offering for sale and/or selling products displaying and/or incorporating the UNO Works and/or works that are substantially similar to, identical to and constitute infringement of the UNO Works

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<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 Complaint or Application.

and/or bearing and/or using the UNO Marks and/or marks that are substantially similar to, identical to and constitute an infringement of the UNO Marks and/or otherwise infringe the UNO Products (“Counterfeit Products” or “Infringing Products”) on Wish.com (“Wish”) to consumers located in the U.S., including New York.

5. Epstein Drangel has trained us on how to identify Counterfeit Products.
6. During our investigation, we identified Defendants as offering for sale and/or selling Counterfeit Products through their respective storefronts on Wish. True and correct copies of Defendants’ listings for Counterfeit Products (“Infringing Listings”) are included in **Exhibit A** attached hereto and incorporated herein by reference.
7. Through visual inspection of Defendants’ Infringing Listings for Counterfeit Products, we confirmed that each Defendant is using the UNO Marks and/or featuring and/or displaying one or more of the UNO Works without authorization, and that the products that each Defendant is offering for sale, using virtually identical copies of the UNO Marks or UNO Works, are, in fact, Counterfeit Products.
8. We specified a shipping address located in New York (the “New York Address”) and verified that each Defendant provides shipping to the New York Address.
9. True and correct copies of the checkout pages or order forms for the Counterfeit Products being offered for sale by Defendants showing the New York Address as the shipping address are included in **Exhibit A** attached hereto and incorporated herein by reference.
10. As a result of our completion of the checkout pages or order forms for the Counterfeit Products, we confirmed that each Defendant was and/or is still currently offering for sale and/or selling Counterfeit Products through their respective Merchant Storefronts and User Accounts and that each Defendant provides shipping and/or has actually shipped Counterfeit Products to the U.S., including to customers located in New York.


11. Further, through our visual inspection of the Infringing Listings, we verified that Defendants offer shipping to the U.S.

12. Neither I, nor anyone else at NAL, to the best of my knowledge, have publicized this Application or Mattel's intent to seek entry of a temporary restraining order against the Defendants to any third party.

I declare under the penalty of perjury under the laws of the United States of America that to the best of my knowledge the foregoing is true and correct.

Executed on this 21 day of September 2018 in Cebu City,  
Philippines.

By:

  
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Jessica Amaiz