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*Skyrocket, LLC d/b/a Skyrocket Toys LLC*

18 CV 11280

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SKYROCKET, LLC d/b/a SKYROCKET TOYS  
LLC,

*Plaintiff*

v.

SATOY STORE, B2B\_BABY, COOLTOY  
STORE, CORDAZLE TOY STORE STORE,  
DOUBLED, DROPSHIP PROFESSIONAL  
SERVICE STORE, DZ\_JEWELRY A/K/A DZ-  
TOYS AND GAMES ONLINE STORE,  
EDENKING, EKINCHAN, GOOD SISDER  
STORE, HIZOECHU TOY STORE, JAYSUING,  
JIANGYUANZE, JINKEDA688, JOCESTYLE  
GLOBAL DIRECT STORE, JTOY, KIDS\_DRESS,  
KIDS\_SHOW, LENOVA,  
LIANGJINGJING\_KITCHEN,  
LIANGJINGJING\_NO1, LIANGJINGJING\_NO3,  
LIANGJINGJING\_WATCH, LIGHTCRACK, LJ  
FUN STORE, LOLSURPRISE OFICIAL STORE,  
LOYUDAY STORE, MANDYE STORE,  
MICSELLCOM, MVP999 STORE, NINGBO  
JINGFENG INTERNATIONAL TRADE CO.,  
LTD., OUMEIDA TOY STORE, SHENZHEN  
HONGJIAXIN PLASTIC PRODUCTS CO., LTD.,  
SHENZHEN LONGESEN TECHNOLOGY CO.,

CIVIL ACTION No. \_\_\_\_\_

**DECLARATION OF JESSICA  
ARNAIZ AND ACCOMPANYING  
EXHIBIT IN SUPPORT OF 1) *EX  
PARTE* APPLICATION FOR 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) ORDER  
AUTHORIZING BIFURCATED  
AND ALTERNATIVE SERVICE  
AND 5) ORDER AUTHORIZING  
EXPEDITED DISCOVERY**

**FILED UNDER SEAL**

LTD., SHENZHEN XINQI TECHNOLOGY CO.,  
LTD., SHINE FOR YOU STORE, SHOP2945021  
STORE, SHOP2951139 STORE, SHOP3661063  
STORE, SHOP3680088 STORE,  
SWEET\_CARGO, TOP\_TOY, TOYGUYS,  
TRITRUT, YANGZHOU DU LALA CRAFTS  
CO., LTD., YANGZHOU HOME KA CRAFTS  
LTD., YIWU CITY TRENDZ ACCESSORIES  
CO., LTD., YIWU DEMI ELECTRONIC  
COMMERCE CO., LTD., YIWU HAO YI PAPER  
PRODUCTS FIRM and YIWU TOP TOY  
FACTORY,

*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 Plaintiff Skyrocket, LLC d/b/a Skyrocket Toys LLC's ("Skyrocket" or "Plaintiff") *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 bifurcated and alternative service; and 5) an order authorizing expedited discovery against the above-named Defendants, Third Party Service Providers and Financial Institutions, in light of Defendants' intentional and willful offerings for sale and/or sales of Counterfeit Products (as defined *infra*).
3. NAL is a company that provides trademark infringement research services among other business and digital marketing services.
4. Counsel for Skyrocket, 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 bearing and/or using the Pomsies Mark and/or marks that

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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.



are substantially similar to, identical to and constitute an infringement of the Pomsies Mark and/or displaying and/or incorporating the Pomsies Works and/or works that are substantially similar to, identical to and constitute infringement of the Pomsies Works and/or otherwise infringe the Pomsies Products ("Counterfeit Products" or "Infringing Products") on online marketplace platforms such as Alibaba.com, Aliexpress.com and DHgate.com, which allow manufacturers and third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their retail products, originating from China, directly to consumers worldwide and specifically to consumers residing 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 Merchant Storefronts and User Accounts on the online marketplace platforms Alibaba.com, AliExpress.com and DHgate.com. 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 Pomsies Mark and/or featuring and/or displaying one or more of the Pomsies Works without authorization, and that the products that each Defendant is offering for sale, using virtually identical copies of the Pomsies Mark or Pomsies Works, are, in fact, Counterfeit Products.
8. We contacted each of the Defendants through their respective Merchant Storefronts on the online marketplace platforms Alibaba.com, AliExpress.com and DHgate.com, expressing interest in placing a bulk order for the Counterfeit Products, and often inquired as to whether payment could be made for said orders of Counterfeit Products through either

Defendants' PayPal, Inc. ("PayPal") accounts or by wire transfer directly to Defendants' bank accounts.

9. If one was not provided, we also requested that Defendants provide an e-mail address for further communications.
10. During our correspondence with Defendants, 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.
11. True and correct copies of our communications with Defendants via their Merchant Storefronts are included in **Exhibit A** attached hereto and incorporated herein by reference.
12. Our investigation revealed that AliExpress.com and DHgate.com have comprehensive checkout pages that automatically assign a shipping address to an order based on the address associated with the customer's user account, whereas Alibaba.com requires the completion of an order form that requests the customer's shipping address.
13. 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.
14. Additionally, some Defendants provided us with pro forma invoices for the Counterfeit Products which also display the New York Address as the shipping address. True and correct copies of such pro forma invoices from Defendants are included in **Exhibit A** attached hereto and incorporated herein by reference.
15. As a result of our conversations with Defendants and 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.

16. Further, through our visual inspection of the Infringing Listings, we verified that Defendants offer shipping to the U.S. In some instances, Defendants' Infringing Listings show North America as one of Defendants' top markets, often making up between twenty percent (20%) and fifty percent (50%) of Defendants' total revenue, and/or indicate Defendants' recent transactions to buyers in the U.S.
17. Several of the Defendants' Merchant Storefronts and User Accounts reflect multiple sales to consumers across the world, including repeat sales to consumers in the U.S. that makes up significant percentages of Defendants' total revenues (and are estimated, in several cases to be in the millions of dollars).
18. A representative sample of true and correct screenshots taken from Defendants' Infringing Listings evidencing Defendants' shipping to the U.S. and/or North America as one of Defendants' top markets and/or Defendants' recent transactions with purchasers located in the U.S. are attached hereto as **Exhibit A** and incorporated herein by reference.
19. Neither I, nor anyone else at NAL, to the best of my knowledge, have publicized this Application or Skyrocket'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 30 day of November, 2018 in Cebu City,

Philippines.

By: \_\_\_\_\_



Jessica Arnaiz