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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiff

v.

5ATOY 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_KITCHE,
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,

Civil Case No.: 18 Civ. 11280

~~TEMPORARY~~

1) TEMPORARY RESTRAINING
ORDER; 2) ORDER
RESTRAINING ASSETS AND
MERCHANT STOREFRONTS; 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

SHENZHEN HONGJIAXIN PLASTIC
PRODUCTS CO., LTD., SHENZHEN
LONGESEN TECHNOLOGY CO., 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

On this day, the Court considered Plaintiff's *ex parte* application for the following: 1) a temporary restraining order; 2) an order restraining assets and Merchant Storefronts (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 against Defendants 5ATOY 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_kitche, liangjingjing_no1, liangjingjing_no3, liangjingjing_watch, lightcrack, Lj Fun Store, lolSurprise official 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., 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 (hereinafter collectively referred to as “Defendants” or individually as “Defendant”), Third Party Service Providers (as defined *infra*) and Financial Institutions (as defined *infra*) in light of Defendants’ intentional and willful offerings for sale and/or sales of Counterfeit Products (as defined *infra*) (“Application”).¹ A complete list of Defendants is attached hereto as **Schedule A**, which also includes links to Defendants’ Merchant Storefronts. Having reviewed the Application, Declarations of Jessica Arnaiz, John Ardell and Brienne Scully, along with exhibits attached thereto and other evidence submitted in support thereof, the Court makes the following findings of fact and conclusions of law:

ALLEGATIONS

~~FACTUAL FINDINGS AND CONCLUSIONS OF LAW~~

1. Plaintiff is a leading global manufacturer and tech-entertainment company that designs and sells innovative consumer electronics, gaming products and children’s toys under its well-known brands, including Pomsies, as well as other proprietary properties, such as Recoil, Sky Viper and Mebo (“Skyrocket Product(s)”).
2. Plaintiff sells its Skyrocket Products throughout the U.S. and the world through major retailers, quality toy stores, department stores and online marketplaces, including, but not limited to, Walmart, Target and Amazon.com.
3. One of Plaintiff’s most recent and successful Skyrocket Products is Pomsies, which are interactive plush toy pets that children can play games with, cuddle and wear as accessories (“Pomsies Products”). Pomsies look like giant pom-poms that feature large, sparkly eyes and ears

¹ 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.

with a long, bendable tail that can wrap around a child's wrist, hair or backpack to take them on the go.

4. Pomsies not only react to touch and movement through hidden sensors built into the plush, but their eyes also change colors to reflect their moods. Pomsies can have up to 50 different reactions and there are currently 13 different Pomsies to collect, ranging from Boots the Cat to Sydney the Koala to Luna the Unicorn and more

5. While Plaintiff has gained significant common law trademark and other rights in its Pomsies Products through its extensive use, advertising and promotion, Plaintiff has also protected its valuable rights by filing for and obtaining a federal trademark registration.

6. Plaintiff is the owner of U.S. Trademark Registration No. 5,572,184 for "POMSIES" for a variety of goods in Class 28 ("Pomsies Mark").

7. The Pomsies Mark is currently in use in commerce in connection with the Pomsies Products and the constructive date of first use based on Plaintiff's federal trademark registration for the Pomsies Mark is at least as early as June 15, 2018.

8. In addition, Plaintiff owns both registered and unregistered copyrights in and related to the Pomsies Products.

9. Plaintiff is the owner of U.S. Copyright Registration No. VA 2-127-288, covering the Pomsies Cat, U.S. Copyright Registration No. VA 2-127-368, covering the Pomsies Dog, U.S. Copyright Registration No. VA 2-127-287, covering the Pomsies Dragon, U.S. Copyright Registration No. VA 2-127-381, covering the Pomsies Koala, U.S. Copyright Registration No. VA 2-127-371, covering the Pomsies Unicorn and U.S. Copyright Registration No. VA 2-127-295, covering the Pomsies Packaging, as well as numerous common law copyrights ("Pomsies Works").

10. Defendants are manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or selling products bearing or used in connection with the Pomsies Mark and/or Pomsies Works, and/or products in packaging and/or containing labels and/or hang tags bearing the Pomsies Mark and/or Pomsies Works, and/or bearing or used in connection with marks and/or artwork that are confusingly or substantially similar to the Pomsies Mark and/or Pomsies Works and/or products that are identical or confusingly or substantially similar to the Pomsies Products (collectively referred to as, “Infringing Product(s)” or “Counterfeit Product(s)”) through accounts with online marketplace platforms such as Alibaba.com, AliExpress.com and DHgate.com, 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 (“User Accounts”) (see **Schedule A** for links to Defendants’ Merchant Storefronts and listings for Counterfeit Products);

11. Defendants are not, nor have they ever been, authorized distributors or licensees of the Pomsies Products. Neither Plaintiff, nor any of Plaintiff’s authorized agents, have consented to Defendants’ use of the Pomsies Mark and/or Pomsies Works, nor has Plaintiff consented to Defendants’ use of any identical or confusingly or substantially similar marks or artwork;

12. Plaintiff is likely to prevail on its Lanham Act claims, copyright claims and related state law claims at trial;

13. 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 Pomsies Mark and Pomsies Works;
- b. Plaintiff has well-founded fears that more Counterfeit Products will appear in the marketplace; that consumers may be misled, confused and disappointed by the quality of these Counterfeit Products, resulting in injury to Plaintiff's reputation and goodwill; and that Plaintiff may suffer loss of sales for its Pomsies 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 Pomsies Mark and Pomsies Works, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in their possession or under their control, (ii) inform their suppliers and others of Plaintiff's claims with the result being that those suppliers and others may also secret, conceal, sell-off or otherwise dispose of Counterfeit Products or other goods infringing the Pomsies Mark and Pomsies Works, 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 Pomsies Mark and Pomsies Works and records relating thereto that are in their possession or under their control and/or (iv) open new User Accounts 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 products, including 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 (“Merchant Storefront(s)”) under new or different names and continue to offer for sale and sell Counterfeit Products with little to no consequence;

14. 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 Pomsies Mark and Pomsies Works and to its reputations if a temporary restraining order is not issued;

15. Public interest favors issuance of the temporary restraining order in order to protect Plaintiff’s interests in and to its Pomsies Mark and Pomsies Works, and to protect the public from being deceived and defrauded by Defendants’ passing off of their substandard Counterfeit Products as Pomsies Products;

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

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

18. 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 Pomsies Mark and Pomsies Works. Therefore, good cause exists for granting Plaintiff’s request for an asset restraining order. It typically takes Financial Institutions a minimum of five (5) days after service of the Order (as defined *infra*) to locate, attach and freeze Defendants’ Assets (as defined *infra*) and/or Defendants’ Financial Accounts (as defined *infra*) and online marketplace platforms, including, without limitation, Alibaba.com, AliExpress.com

and DHgate.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 (“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.

19. 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 (the “Order”):

I. Temporary Restraining Order

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, that Defendants are hereby restrained and enjoined from engaging in any of the following acts or omissions pending the hearing and determination of Plaintiff’s Application for a preliminary injunction as referenced in **Paragraph (II)(A)** below:

- 1) manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Counterfeit Products, or any other products bearing the Pomsies Mark and/or marks that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the Pomsies Mark and/or incorporating the Pomsies Works and/or artwork that is substantially similar to, identical to and constitute an infringement of the Pomsies Works;
- 2) communicating, directly or indirectly, with any person or persons: (i) from whom they purchased or obtained any Counterfeit Products; (ii) to whom they sold or offered to sell such Counterfeit Products or (iii) of whom they know, or reasonably believe, to possess, control or have access to any such Counterfeit Products;
- 3) 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 any money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad) (hereinafter collectively referred to as "Defendants' Assets") and the manufacture, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products;
- 4) 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

- 5) 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) 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 Alibaba Group d/b/a Alibaba.com and Aliexpress.com (“Alibaba”) payment services (*e.g.*, Alipay.com Co., Ltd., Ant Financial Services), Dunhuang Group d/b/a DHgate.com (“DHgate”) (*e.g.*, DHpay.com), PayPal Inc. (“PayPal”), Payoneer Inc. (“Payoneer”) and PingPong Global Solutions, Inc. (“PingPong”) (Alibaba, DHgate, PayPal, Payoneer and PingPong are collectively referred to as the “Financial Institutions”) are hereby restrained and enjoined from engaging in any of the following acts or omissions pending the hearing and determination of Plaintiff’s Application for a preliminary injunction as referenced in **Paragraph (II)(A)** below, or until further order of the Court:

- 1) secreting, concealing, transferring, disposing of, withdrawing, encumbering or paying Defendants’ Assets from or to financial accounts associated with or utilized by any Defendant or any Defendant’s User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad) (“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)(1) through I(A)(4) and I(B)(1) through I(B)(2) above and I(C)(1) below.

C. IT IS HEREBY ORDERED, as sufficient cause has been shown, that the Third Party Service Providers are hereby restrained and enjoined from engaging in any of the following acts or omissions pending the hearing and determination of Plaintiff's Application for a preliminary injunction as referenced in **Paragraph (II)(A)** below, or until further 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, 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 in Courtroom 15D 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 December 18, 2018 at 1:20 P.m. or at such other time that this Court deems appropriate, why a preliminary injunction, pursuant to FRCP 65(a), should not issue.
- 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 December 13, 2018. Plaintiff shall file any Reply papers on or before December 17, 2018.

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 FRCP 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 FRCP 64 and 65 and CPLR 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 Alternative Service by Electronic Means

A. IT IS FURTHER ORDERED pursuant to FRCP 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, and (ii) a link to a secure website (including NutStore.com, a large mail link created through RPost.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, as identified in **Schedule A** or may otherwise be determined; or

- 2) delivery of a message to Defendants through the same means that Plaintiff's agents have previously communicated with Defendants, namely the system for communications established by the Third Party Service Providers on their respective platforms, notifying Defendants that an action has been filed against them in this Court and providing a link to a secure website (such as NutStore.com or a large mail link created through RPost.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.

B. 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.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that the Clerk of the Court shall issue a single original summons in the name of "5ATOY Store and all other Defendants identified in the Complaint" that will apply to all Defendants.

D. 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 will be able to download a PDF copy of this Order via electronic mail to EE Omaha 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 AliPay will be able to download a PDF copy of this Order via electronic mail to Mr. Benjamin Bai, Vice President and Chief IP Counsel of Ant Financial Services Group at

banjamin.bai@alipay.com and/or Mr. Di Zhang, Member of the Legal & Compliance Department – IP, at di.zd@alipay.com;

- 3) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Alibaba will be able to download a PDF copy of this Order via electronic mail to Ms. Jacqueline Ko, Legal Counsel, Alibaba Group at jacqueline.ko@alibaba-inc.com;
- 4) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where DHgate (including DHPay.com) will be able to download a PDF copy of this Order via electronic mail to Ms. Emily Zhou, Intellectual Property Management, Trust and Safety Department, DHgate at zhouxu@dhgate.com;
- 5) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Payoneer will be able to download a PDF copy of this Order via electronic mail to Payoneer's Customer Service Management at customerservicemanager@payoneer.com and Edward Tulin, counsel for Payoneer, at Edward.Tulin@skadden.com; and
- 6) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PingPong will be able to download a PDF copy of this Order via electronic mail to PingPong's Legal Department at xieqt@pingpongx.com and legal@pingpongx.com and Matthew Ball, counsel for PingPong, at Matthew.Ball@khgates.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.

- 1) 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.
- 2) Plaintiff may serve requests for the production of documents pursuant to FRCP 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 Pomsies Mark and/or marks that are confusingly similar to, identical to and constitute an infringement of the Pomsies Mark and/or incorporating the Pomsies Works and/or artwork that is substantially similar to, identical to and constitute infringement of the Pomsies Works.

VI. Security Bond

- A. IT IS FURTHER ORDERED that Plaintiff shall place security in the amount of twenty five thousand Dollars (25,000) with the Court which amount is determined adequate for the payment of any damages any person may be entitled to recover as a result of an improper or wrongful restraint ordered hereunder.

VII. Sealing Order

A. IT IS FURTHER ORDERED that Plaintiff's Complaint and exhibits attached thereto, and Plaintiff's *ex parte* Application and the Declarations of Jessica Arnaiz, John Ardell and Brienne Scully 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(C), III(A) and V(C)** of this Order.

SO ORDERED.

SIGNED this 4th day of December, 2018, at 4:40 p.m.


UNITED STATES DISTRICT JUDGE

Schedule A

N o	Defendant	Merchant Storefront	User Account	Account Name/Email	Account Number	Seller ID
1	1 SATOY Store	https://www.aliexpress.com/item/Kawaii-lovely-pommes-cat-push-toys-cute-cat-stuffed-push-toys-for-baby-kids-cartoon-animal/32951462056.html	https://www.aliexpress.com/store/1995110/			1995110
2	2 b2b baby	https://www.dhgate.com/product/pommes-surprise-plush-smart-cat-sparkle/429265613.html#14-15-year 3503642854	https://www.dhgate.com/store/20379591			20379591
3	3 CoolToy Store	https://www.aliexpress.com/item/Surprise-Pommes-Cat-Electronic-plush-interactive-Toys-Little-Live-Pets-Wrapples-monkey-for-kids-xmas-gift/329459857.html	https://cooltoy.aliexpress.com/store/1966227			1966227
4	4 cordaale toy store Store	https://www.aliexpress.com/item/Cute-Plush-Toy-Pommes-Surprise-soft-toy-Pommes-Cat-Toys-Stuffed-Toy-Wrapples-cat-Christmas-Birthday/32946161159.html	https://www.aliexpress.com/store/3684040			3684040
5	5 doubled	https://www.dhgate.com/product/surprise-pommes-cat-plush-interactive-toys/428039040.html	https://www.dhgate.com/store/20981230			20981230
6	6 Dropship Professional Service Store	https://www.aliexpress.com/item/Little-Live-Wrapples-Monkey-Toys-Pets-Interactive-Advanced-With-Interactive-Features-Toys-For-Girls-Children-Christmas/32956983581.html	https://www.aliexpress.com/store/3862058			3862058
7	7 Dz_Jewelry al/n/a DZ-Toys and Games online store	https://www.dhgate.com/product/surprise-pommes-cat-plush-interactive-toys/430928156.html	https://www.dhgate.com/store/20085092			20085092
8	8 edenking	https://www.dhgate.com/product/snowball-plush-interactive-toys-white-pink/427816437.html	https://www.dhgate.com/store/20238793			20238793
9	9 ekinchan	https://www.dhgate.com/product/pommes-surprise-plush-smart-cat-sparkle/430572209.html	https://www.dhgate.com/store/18198554			18198554
10	10 GOOD SISDER Store	https://www.aliexpress.com/item/Kids-Plush-Toy-Surprise-Pommes-Cat-Plush-Interactive-Toys-Pommes-Wrapples-Electronic-Toys-For-Children-Boy-Girl/32953902704.html	https://www.aliexpress.com/store/4558048			4558048
11	11 HitzeChu Toy Store	https://www.aliexpress.com/item/Soft-Baby-Plush-Toy-Creative-Surprise-Plush-Cat-Cat-Plush-Interactive-Band-Toys-Cat-Dog-for-Children/32948997324.html	https://www.aliexpress.com/store/4599006			4599006
12	12 jaysung	https://www.dhgate.com/product/2018-new-snowball-plush-interactive-pommes/429702617.html	https://www.dhgate.com/store/21009281			21009281
13	13 jiangyuanse	https://www.dhgate.com/product/p-3-controller-wireless-controller-game/423725871.html#14-15-year 3503642854	https://www.dhgate.com/store/20714733			20714733
14	14 linkeda688	https://www.dhgate.com/product/2018-new-snowball-plush-interactive-toys/429451474.html	https://www.dhgate.com/store/20696883			20696883
15	15 JOCESTYLE Global Direct Store	https://www.aliexpress.com/item/Soft-Baby-Plush-Toy-Creative-Surprise-Plush-Cat-Cat-Plush-Interactive-Band-Toys-Cat-Dog-for-Children/32948997324.html	https://www.aliexpress.com/store/4531015			4531015
16	16 jtoy	https://www.dhgate.com/product/10y-smart-sparkle-pommes-surprise-cat-with/428789749.html	https://www.dhgate.com/store/20811367			20811367
17	17 kids_dress	https://www.dhgate.com/product/29-colors-cc-gitter-pony-tail-hat-naapack/41404897.html	https://www.dhgate.com/store/20266251			20266251
18	18 kids_show	https://www.dhgate.com/product/pommes-cat-plush-toy-interactive-toys-pommes/429103578.html	https://www.dhgate.com/store/20626464			20626464
19	19 lenova	https://www.dhgate.com/product/pommes-patches-plush-interactive-pinky-toys/429986464.html	https://www.dhgate.com/store/20949827			20949827
20	20 lianlingling_kitche	https://www.dhgate.com/product/pommes-surprise-plush-smart-cat-sparkle/429166196.html	https://www.dhgate.com/store/20265346			20265346
21	21 lianlingling_no1	https://www.dhgate.com/product/surprise-pommes-cat-plush-interactive-toys/429295454.html	https://www.dhgate.com/store/19994194			19994194
22	22 lianlingling_no3	https://www.dhgate.com/product/pommes-surprise-plush-smart-cat-sparkle/430599286.html	https://www.dhgate.com/store/19994515			19994515
23	23 lianlingling_watch	https://www.dhgate.com/product/pommes-surprise-plush-smart-cat-sparkle/429262330.html#cabbBox	https://www.dhgate.com/store/20230859			20230859
24	24 lightcrack	https://www.dhgate.com/product/snowball-plush-interactive-toys-white-pink/429400866.html	https://www.dhgate.com/store/21103665			21103665
25	25 Li Fun Store	https://www.aliexpress.com/item/2018-New-Pommes-cat-Interactive-Plush-Toy-For-Children-Speckles-Snowball-Pink-Patches-Little-Live-Pets/32949053547.html	https://lfunstore.aliexpress.com/store/4614009	incarmultimedia@gmail.com		4614009
26	26 loSurprise official Store	https://www.aliexpress.com/item/Kids-Plush-Toy-Surprise-Unicorn-Cat-Fluffy-Animal-Plush-for-Children-Boy-Girl-Best-Gift-Boy/32958455089.html	https://www.aliexpress.com/store/4637043			4637043

27	Loyuday Store	https://www.aliexpress.com/item/Surprise-Pommes-Cat-Plush-Interactive-Toys-Wrapples-Electronic-Toys-Children-Gift/32949232545.html	https://www.aliexpress.com/store/2138155/			2138155
28	Mandye Store	https://www.aliexpress.com/item/Cat-comb-set-Girl-s-plush-toy-Surprise-Pommes-Cat-Plush-Interactive-Toys-Pommes-cats-For/32951937161.html	https://www.aliexpress.com/store/4498062			4498062
29	mitcelcom	https://www.dhgate.com/product/pommes-little-live-scruff-a-luvs-plush-interactive/428846167.html	https://www.dhgate.com/store/20184707			20184707
30	WV9999 Store	https://www.aliexpress.com/item/Kawaii-Surprise-Pommes-Cat-Plush-Interactive-Toys-Little-Live-Pets-Wrapples-Scruff-A-Luvs-Electric-plush/32957287416.html	https://www.aliexpress.com/store/3291006			3291006
31	Ningbo Jingfeng International Trade Co., Ltd.	https://www.alibaba.com/product-detail/Pommes-Kids-Snowball-Girls-Plush_60843580613.html	https://nbflighting.en.alibaba.com	sun19870213@aliyun.com		nbflighting
32	Qumeda Toy Store	https://www.aliexpress.com/item/Surprise-Cat-Pommes-Patches-Plush-Interactive-Toys-Wrapples-Electronic-Toys-For-Children/32954394147.html	https://www.aliexpress.com/store/634979/			634979
33	Shenzhen Hongjixin Plastic Products Co., Ltd.	https://www.alibaba.com/product-detail/lot-seller-Stuffed-Plush-Toy-Animal_60818220582.html	https://shye.en.alibaba.com	984385973@qq.com		shye
34	Shenzhen Longsen Technology Co., Ltd.	https://www.alibaba.com/product-detail/Cute-Plush-Toy-Surprise-soft-Pommes_60819126940.html	https://slongesen.en.alibaba.com/	184673258@qq.com		slongesen
35	Shenzhen Xinqi Technology Co., Ltd.	https://www.alibaba.com/product-detail/Pommes-Snowball-Girls-Pink-Plush-Interactive_60816956619.html	https://sunrise2go.en.alibaba.com		13750446903	sunrise2go
36	Shine For You Store	https://www.aliexpress.com/item/2018-Surprise-Electric-Cat-Unicorn-Doll-Stuffed-Fluffy-Animals-Plush-Toy-for-Children-Toddler-Kids-Christmas/32951810053.html	https://www.aliexpress.com/store/3658003/			3658003
37	Shop2945021 Store	https://www.aliexpress.com/item/Baby-children-Cute-Plush-toy-Cat-Interactive-Toys-Wrapples-Electronic-Toys-For-Kids-Adults-hot-sales/32948710505.html	https://www.aliexpress.com/store/2945021			2945021
38	Shop2951139 Store	https://www.aliexpress.com/item/Laoto-Surprise-Pommes-Cat-Plush-Interactive-Toys-Little-Live-Pets-Wrapples-Scruff-A-Luvs-Electronic-Toys/3295645406.html	http://www.aliexpress.com/store/2951139			2951139
39	Shop3661063 Store	https://www.aliexpress.com/item/2018-Hot-Surprise-Pommes-Cat-Plush-Interactive-Toys-Pommes-Wrapples-Toys-For-Children-Christmas-birthday-Girl/32954337115.html	https://www.aliexpress.com/store/3661063			3661063
40	Shop3680088 Store	https://www.aliexpress.com/item/Surprise-Pommes-Cat-Plush-Interactive-Toys-Little-Live-Pets-Wrapples-Electronic-Plush-Toys-for-Children-Christmas/32954301328.html	https://www.aliexpress.com/store/3680088			3680088
41	sweet_cargo	https://www.dhgate.com/product/love-pink-letter-tracksuit-outfits-short/413293179.html	https://www.dhgate.com/store/20950685			20950685
42	top_loy	https://www.dhgate.com/product/smart-sparkle-pommes-surprise-cat-with-a/427974376.html	https://www.dhgate.com/store/20329487			20329487
43	toyluvs	http://www.dhgate.com/product/2018-new-snowball-plush-interactive-toys/426513210.html	https://www.dhgate.com/store/21062927			21062927
44	triturit	https://www.dhgate.com/product/pommes-surprise-plush-smart-cat-sparkle/431135070.html	https://www.dhgate.com/store/20817958			20817958
45	Yangzhou Du Lala Crafts Co., Ltd.	https://www.alibaba.com/product-detail/Drop-shipping-Pommes-Surprise-Cats-Children_60815078135.html	https://lulala.en.alibaba.com/	houshiyun.love@163.com		lulala
46	Yangzhou Home Ka Crafts Ltd.	https://www.alibaba.com/product-detail/Surprise-Cats-Pommes-Cat-Monkey-peluche_60816809727.html	https://vctoy.en.alibaba.com		1566 0100 1980 6393 5	vctoy
47	Yiwu City Trends Accessories Co., Ltd.	https://www.alibaba.com/product-detail/2018-Hot-New-Product-Unicorn-Plush_60818756345.html	https://a-beau.en.alibaba.com/	yw.a-beau@wp.163.com	1627760523720630000	a-beau
48	Yiwu Demi Electronic Commerce Co., Ltd.	https://www.alibaba.com/product-detail/Newly-Little-live-Pets-Wrapples-Pommes_60814884135.html	https://dealmi.en.alibaba.com/	1566 0100 1181 2292 6		dealmi
49	Yiwu Hao Yi Paper Products Firm	https://www.aliexpress.com/item/Surprise-Pommes-Cat-Plush-Interactive-Toys-Little-Live-Pets-Wrapples-Scruff-A-Luvs-Electronic-Toys-for/32951099047.html	https://haoyin.en.alibaba.com/	409881106@qq.com		haoyin
50	YIWU TOP TOY FACTORY		https://www.aliexpress.com/store/328818			328818