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18 CV 10524

JUDGE SCHOFIELD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPIN MASTER LTD. and SPIN MASTER, INC., *Plaintiffs* v. 13385184960@163.COM, 18888236883@163.COM, ALTAY, ANGELCITYER, BAMBOO001, CAOPING, CONGCONG2, DANDANXIAOWU, DAYINGJIA1256, DIAMOND BOUTIQUE, DIY GEM SHOP, DREAMSHIPS, DUMBLEDOR SHOP, EFASHIONER, EVERY DAY THERE WILL BE A NEW SUN, FASHIONABLE AND SPORT STORE, FASHIONDOFU, FELLA, FHIJHCF, FULLUSSET, GIFTSHOP2017, GIVE YOUR DREAM, GLOBAL_DAWN, GLOBAL-SPIRIT, GODCUP, GREEN FASHION, GUANGDONGHUATAI, GUIGIUDEDIAN, HAPPYSTORE99, HUASHAOSHOT, HUAXIAWAIMAOSHANG, ISHOP, ISYISY, IVANICABABYSHOP, JAHURTO, JASONSTORE1, JL&PREFECT, JUZIEJIA, KAIXUANXIAORENJIA, KEEP GOING, KRISTINECOTTRELL,	**CIVIL ACTION No.** **DECLARATION OF JESSICA ARNAIZ AND ACCOMPANYING EXHIBIT IN SUPPORT OF PLAINTIFFS' *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 BIFURCATED AND ALTERNATIVE SERVICE AND 5) ORDER AUTHORIZING EXPEDITED DISCOVERY** **FILED UNDER SEAL**

LANXIHUANGLONGDONG, LIANJIAXIAODIAN, LOSTIU8, MAGIC CURRY, MAISYSTORE001, MAOMAO1608@163.COM, MIKEQYQ, MOMTUTUS, MR. P, MR.ZXX, MRY_STORE, NEWMERCHANTFASHION, NVC, PANDORA LOVE, QIQIYANYAN, QOMXZHK, RENDERINGYOU, SHENZHENYIWEIKEJIYOUXIANGONGSI, SHENZHEN YINFA TECHNOLOGY LTD, SHOW YOU NOW, SHU PANPAN WU SHOUSHOU, SIERMAOYIYOUXIANGONGSI, SMALL Y CLOTHES STORE, SMALLSMALLWORLD, THREEQIAOWAY, TIANCONG135, TOMIK18816764436, UTOPIA1973, UTOPIA2017, VALUABLE, YEHUDIEYE, WANGJUHUA11365, WENDY E-COMMERCE, WULI0014, WXXWW, XINYUDIYIYI, XYRSTOREKL, YIWU BLUE SKY, XIONGDISTORE, XUANXUAN636187, XZH, YANGMINGXIONGDI, YANGLIU248, YEKAIQIANG, YEQIRONG, YIHUIANDYIHUI, YOUR FASHION JEWELRY, YOUYOUSHANXI, YOYOBESS, YQUAN, YUXITAO, YY6752SDD, ZHANGDONGYUE, ZHANGXIAXIAZHANG, ZHENPINHUI and ZHENZHEN-FASHION,

Defendants

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

DECLARATION OF JESSICA ARNAIZ[1]

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 bifurcated and alternative service and 5) an order authorizing expedited discovery submitted by Plaintiffs Spin Master Ltd. and Spin Master, Inc. (collectively, "Spin Master" or "Plaintiffs"), 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 Spin Master, 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 Twisty Petz Work and/or works that are substantially similar to, identical to and constitute infringement of

[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.

the Twisty Petz Work and/or bearing and/or using the Twisty Petz Mark and/or marks that are substantially similar to, identical to and constitute an infringement of the Twisty Petz Mark and/or otherwise infringe the Twisty Petz 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 Twisty Petz Mark and/or featuring and/or displaying the Twisty Petz Work without authorization, and that the products that each Defendant is offering for sale, using virtually identical copies of the Twisty Petz Mark or Twisty Petz Work, 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 Spin Master'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 8 day of November 2018 in Cebu City, Philippines.

By: _____
Jessica Arnaiz