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JUDGE SCHOFIELD

18 CV 10524

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,	**CIVIL ACTION No. ___** ~~**[PROPOSED]**~~ JGL **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**

KAIXUANXIAORENJIA, KEEP GOING, KRISTINECOTTRELL, 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

On this day, the Court considered Plaintiffs' *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 by electronic means and 5) an order authorizing expedited discovery against 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, 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 (hereinafter collectively referred to as "Defendants" or individually as "Defendant"), ContextLogic (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, the Declarations of Jessica Arnaiz, Chris Harrs and Spencer Wolgang, along with exhibits attached thereto and other evidence submitted in

[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.

support thereof, the Court makes the following preliminary findings of fact and conclusions of law:

PRELIMINARY FINDINGS OF FACT & CONCLUSIONS OF LAW

1. Plaintiffs are part of a large, multinational toy and entertainment company started in 1994 that designs and sells innovative children's lifestyle products and toys ("Spin Master Product(s)") under their own well-known brands, including Twisty Petz, Flutterbye Fairy, Bunchems and Hatchimals, as well as under their licensed properties, such as Paw Patrol and Air Hogs.

2. Plaintiffs sell their Spin Master 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, Toys R Us, Target, Kohl's and Amazon.com.

3. One of Plaintiffs' most recent and successful Spin Master Products is Twisty Petz, which are bejeweled pets that transform into sparkly bracelets, necklaces or backpack accessories with a few simple twists ("Twisty Petz Products"). There are over 70 types of Twisty Petz to collect, ranging from Leona Lion to Pearly Puppy to Zaggy Zebra and more.

4. Twisty Petz has been named one of the "hottest toys for 2018" by the *New York Post* and was included in *Amazon's 2018 Holiday Toy List*.[2] The Twisty Petz Products are predicated to sellout and become impossible to find due to its popularity.[3]

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[2] Melanie Notkin, *These are the hottest toys for 2018* (April 5, 2018), NEW YORK POST, https://nypost.com/2018/04/05/these-are-the-hottest-toys-for-2018/; Remi Rosmarin, *Amazon predicts these will be the 100 hottest toys every kid wants this holiday season* (October 13, 2018), BUSINESS INSIDER, https://www.businessinsider.com/amazon-best-toys-games-holidays-christmas-2018-9.

[3] PR.COM, TOP 10 HOT HOLIDAY 2018 GIFTS THAT WILL BECOME IMPOSSIBLE TO FIND (October 1, 2018), http://www.lethalchickengames.com/blog/top-10-hot-holiday-2018-gifts-that-will-become-impossible-to-find.

5. While Spin Master has gained significant common law trademark and other rights in their Twisty Petz Products through their extensive use, advertising and promotion, Spin Master has also protected their valuable rights by filing for and obtaining a federal trademark registration.

6. Spin Master is the owner of U.S. Trademark Registration No. 5,514,561 for "TWISTY PETZ" for a variety of goods in Class 28 ("Twisty Petz Mark").

7. The Twisty Petz Mark is currently in use in commerce in connection with the Twisty Petz Products.

8. In addition, Spin Master owns both registered and unregistered copyrights in and related to the Twisty Petz Products.

9. Spin Master is the owner of U.S. Copyright Registration No. VA 1-305-408, covering the Twisty Petz Packaging Artwork & Collectors' Guides ("Twisty Petz Work").

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 Twisty Petz Mark and/or Twisty Petz Work, and/or products in packaging and/or containing labels and/or hang tags bearing the Twisty Petz Mark and/or Twisty Petz Work, and/or bearing or used in connection with marks and/or artwork that are confusingly or substantially similar to the Twisty Petz Mark and/or Twisty Petz Work and/or products that are identical or confusingly or substantially similar to the Twisty Petz Products (collectively referred to as, "Infringing Product(s)" or "Counterfeit Product(s)") through accounts with online marketplace platforms such as Wish.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. Wish.com is an online marketplace and e-commerce platform that allows manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their retail products originating primarily from China,[4] among other locations, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York (hereinafter, "Wish");

12. Defendants are not, nor have they ever been, authorized distributors or licensees of the Twisty Petz Products. Neither Plaintiffs, nor any of Plaintiffs' authorized agents, have consented to Defendants' use of the Twisty Petz Mark and/or Twisty Petz Work, nor have Plaintiffs consented to Defendants' use of any identical or confusingly similar marks or artwork;

13. Plaintiffs are likely to prevail on their Lanham Act claims, copyright claims and related state law claims at trial;

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

a. Defendants have offered for sale and sold substandard Counterfeit Products that infringe the Twisty Petz Mark and Twisty Petz Work;

b. Plaintiffs have 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 Plaintiffs' reputation and

[4] *See* Armando Roggio, *Ecommerce Lessons from the Wish Shopping App*, PRACTICALECOMMERCE (Jan. 7, 2015), https://www.practicalecommerce.com/Ecommerce-Lessons-from-the-Wish-Shopping-App.

goodwill; and that Plaintiffs may suffer loss of sales for their Twisty Petz Products; and

c. Plaintiffs have well-founded fears that if they proceed 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 Twisty Petz Mark and Twisty Petz Work, 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 Plaintiffs' 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 Twisty Petz Mark and Twisty Petz Work, 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 Twisty Petz Mark and Twisty Petz Work 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;

15. 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 Plaintiffs, their business, the goodwill and reputation built up in and associated with the Twisty Petz Mark and Twisty Petz Work and to their reputation if a temporary restraining order is not issued;

16. Public interest favors issuance of the temporary restraining order in order to protect Plaintiffs' interests in and to its Twisty Petz Mark and Twisty Petz Work, and to protect the public from being deceived and defrauded by Defendants' passing off of their substandard Counterfeit Products as Twisty Petz Products;

17. Plaintiffs have not publicized their request for a temporary restraining order in any way;

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

19. 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 Twisty Petz Mark and Twisty Petz Work. Therefore, good cause exists for granting Plaintiffs' request for an asset restraining order.

20. 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 ContextLogic a minimum of five (5) days to freeze Defendants' Merchant Storefronts. As such, the Court provides for bifurcated and

alternative service allowing enough time for Plaintiffs to serve the Financial Institutions and ContextLogic with this Order, and for the Financial Institutions and ContextLogic 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.

21. Similarly, if Defendants are given notice of the Application, they are likely to destroy, move, hide or otherwise make inaccessible to Plaintiffs 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, Plaintiffs have good cause to be granted expedited discovery.

ORDER

Based on the foregoing preliminary findings of fact and conclusions of law, Plaintiffs' 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 Plaintiffs' 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 Twisty Petz Mark and/or marks that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the Twisty Petz Mark and/or incorporating the Twisty Petz Work and/or artwork that is

substantially similar to, identical to and constitute an infringement of the Twisty Petz Work;

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 ContextLogic, Inc. ("ContextLogic"), PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer"), and PingPong Global Solutions, Inc. ("PingPong") (ContextLogic, 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 Plaintiffs' 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)(I) 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 ContextLogic is hereby restrained and enjoined from engaging in any of the following acts or omissions pending the hearing and determination of Plaintiffs' 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 _____ 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 November 27, 2018 at 11:15 a.m. JBS 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 Plaintiffs' 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 November 23, 2018. ~~Plaintiffs shall file any Reply papers on or before _____, 2018.~~ JBS

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 Plaintiffs' counsel.

IV. Order Authorizing Bifurcated and Alternative Service by Electronic Means

A. IT IS FURTHER ORDERED, as sufficient cause has been shown, that service shall first be effected on the Financial Institutions and ContextLogic and which may be made and shall be deemed effective as to the following if it is completed by November 14, 2018 and the below means: JBS

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 ContextLogic, via ContextLogic's DMCA Agent, will be able to download a PDF copy of this Order via electronic mail at elisa@wish.com and brand-protection@wish.com and to ContextLogic's counsel, Dwight Lueck, at Dwight.Lueck@btlaw.com;

3) 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

4) 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 Mathew Ball, counsel for PingPong, at Matthew.Ball@klgates.com.

B. IT IS FURTHER ORDERED, pursuant to FRCP 4(f)(3), as sufficient cause has been shown, that upon the Financial Institution and ContextLogic's compliance with **Paragraphs I(C), III(A) and V(C)** of this Order, 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 Dropbox.com, 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 Plaintiffs' Application seeking this Order to Defendants' e-mail addresses to be determined after having been identified by ContextLogic in compliance with **Paragraph V(C).**

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 "13385184960@163.com and all other Defendants identified in the Complaint" and the appendix to the Summons that will apply to all Defendants.

JSS

V. Order Authorizing Expedited Discovery

A. IT IS FURTHER ORDERED, as sufficient cause has been shown, that:

5) Within fourteen (14) days after receiving service of this Order, each Defendant shall serve upon Plaintiffs' 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 Wish.com and/or any and all other online marketplace platforms 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) Plaintiffs 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 Plaintiffs or Plaintiffs' counsel.

2) Plaintiffs 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 Plaintiffs or Plaintiffs' 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 Plaintiffs and/or Plaintiffs' 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, ContextLogic shall identify any and all of Defendants' User Accounts and Merchant Storefronts, and provide Plaintiffs and/or Plaintiffs' 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 Plaintiffs' 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, ContextLogic shall provide to Plaintiffs' 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 ContextLogic 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 Twisty Petz Mark and/or marks that are confusingly similar to, identical to and constitute an infringement of the Twisty Petz Mark and/or incorporating the Twisty Petz Work and/or artwork that is substantially similar to, identical to and constitutes infringement of the Twisty Pet Work.

VI. Security Bond

A. IT IS FURTHER ORDERED that Plaintiffs shall place security in the amount of Ten Thousand Dollars ($10,000) 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 Plaintiffs' Complaint and exhibits attached thereto, and Plaintiffs' *ex parte* Application and the Declarations of Jessica Arnaiz, Chris Harrs and Spencer Wolgang in support thereof and exhibits attached thereto and this Order shall remain sealed until the Financial Institutions and ContextLogic comply with **Paragraphs I(C), III(A) and V(C)** of this Order.

SO ORDERED.

SIGNED this 13th day of November, 2018, at 4:00 p.m.

UNITED STATES DISTRICT JUDGE

SCHEDULE A

No	Defendant	Merchant Storefront	User Account	Seller ID
1	YOYOBESS	https://www.wish.com/c/5bc6a130effed76df6eb3164	https://www.wish.com/merchant/5a1e733cb72a6b503814e533	5a1e733cb72a6b503814e533
2	Mikeqyq	https://www.wish.com/c/5bc1b26d837aec4317adf8e7	https://www.wish.com/merchant/546b44fc8edcfa51e3e0e6b0	546b44fc8edcfa51e3e0e6b0
3	Shenzhen Yinfa Technology LTD	https://www.wish.com/c/5ba3513066a0611461da4ed4	https://www.wish.com/merchant/55a4ce3cd7f6d940619e9876	55a4ce3cd7f6d940619e9876
4	efashioner	http://www.wish.com/c/5bca97900b25b108a2289c3d	https://www.wish.com/merchant/5963016928943501d03a1011	5963016928943501d03a1011
5	yehudieye	https://www.wish.com/c/5bb86d8fc76f6216f34d98a8	https://www.wish.com/merchant/58cd0b6e11f4366f30670755	58cd0b6e11f4366f30670755
6	YiHuiandYiHui	https://www.wish.com/c/5bc1b04982b4bf088ed76ce9	https://www.wish.com/merchant/5ae035229c15ff6626f33b06	5ae035229c15ff6626f33b06
7	huaxiawaimaoshang	http://www.wish.com/c/5b9bcea5236cce4e62c5a400	https://www.wish.com/merchant/567bbd9e4aae9b290abcc973	567bbd9e4aae9b290abcc973
8	Yquan	https://www.wish.com/c/5bba15df5da3e37c0f6f4ef8	https://www.wish.com/merchant/5b7a5d2cc9944a146828d5fe	5b7a5d2cc9944a146828d5fe
9	Jasonstore1	http://www.wish.com/c/5bcd8038ca7048257e3a3458	https://www.wish.com/merchant/58b6c28f8085d851048666d5	58b6c28f8085d851048666d5
10	kristinecottrell	https://www.wish.com/c/5bd18ac0577cba6c0a620dfe	https://www.wish.com/merchant/589ffba1af2bbf4f4898c0b7	589ffba1af2bbf4f4898c0b7
11	Fella	http://www.wish.com/c/5ba499e0dfd9c52154d882c6	https://www.wish.com/merchant/5a639c4063aa6d3d0c9e4701	5a639c4063aa6d3d0c9e4701
12	zhenzhen-fashion	https://www.wish.com/c/5bc6f53e94fce11b5ef559f5	https://www.wish.com/merchant/58e0f8a0ba56eb52bc7216f2	58e0f8a0ba56eb52bc7216f2
13	YOUR FASHION JEWELRY	https://www.wish.com/c/5bc45e61e1d4f74a5bec269c	https://www.wish.com/merchant/576df968205dbd29b3327d42	576df968205dbd29b3327d42
14	wangjuhua11365	https://www.wish.com/c/5bc1895ea16a3a43bfdb2248	https://www.wish.com/merchant/59f8401b518c1c6c02b4184c	59f8401b518c1c6c02b4184c
15	zhenpinhui	https://www.wish.com/c/5bcc272732f18a7e16ed2bea	https://www.wish.com/merchant/58d3cd027586f77588b1494a	58d3cd027586f77588b1494a
16	DIY Gem shop	https://www.wish.com/c/5ba4d1f624a596421ca7b9e0	https://www.wish.com/merchant/5ac878f01baafe71c036b76d	5ac878f01baafe71c036b76d
17	Lostiu8	https://www.wish.com/c/5bc579f4af74426602e89991	https://www.wish.com/merchant/5ab4d8d1856edf10a3eb0131	5ab4d8d1856edf10a3eb0131
18	angelcityer	https://www.wish.com/c/5bd71294e52ce5170d886d1b	https://www.wish.com/merchant/5ab248b370cf696b0c36957a	5ab248b370cf696b0c36957a
19	caoping	https://www.wish.com/c/5bc1b0668c9c6c4588057722	https://www.wish.com/merchant/59aa9e9a0415f81fa0b60320	59aa9e9a0415f81fa0b60320
20	give your dream	https://www.wish.com/c/5ba1c68cac5aac391c958295	https://www.wish.com/merchant/58c0fac32327655183541300	58c0fac32327655183541300
21	Dumbledor shop	https://www.wish.com/c/5bd408154d34c316a49ce908	https://www.wish.com/merchant/596c9ff7a26f6e5026546c81	596c9ff7a26f6e5026546c81
22	kaixuanxiaorenjia	http://www.wish.com/c/5bc1b054a646db136d14b7e7	https://www.wish.com/merchant/5b052ea7012875650bb16cf8	5b052ea7012875650bb16cf8
23	ISYISY	https://www.wish.com/c/5bc8079c06ad372d58b84b19	https://www.wish.com/merchant/56a0c8fd9f94d60dec357404	56a0c8fd9f94d60dec357404
24	zhangdongyue	https://www.wish.com/c/5baf437bbb344c049896daf5	https://www.wish.com/merchant/5aeda2b9f0b75f4d9abd5d5c	5aeda2b9f0b75f4d9abd5d5c
25	qomxzhk	https://www.wish.com/c/5bc0b7f810e24016bae91444	https://www.wish.com/merchant/5b0274e0e6b6cb2cfd441c29	5b0274e0e6b6cb2cfd441c29
26	yuxitao	https://www.wish.com/c/5bcae37a411224230d159c60	https://www.wish.com/merchant/58ec72931211f52c7b06c35b	58ec72931211f52c7b06c35b
27	Valuable	https://www.wish.com/c/5b9e4696d512995a110ef64c	https://www.wish.com/merchant/54e946e4560def4593ce3a5b	54e946e4560def4593ce3a5b
28	Utopia2017	https://www.wish.com/c/5bc2b680e15fe817144ac6db	https://www.wish.com/merchant/58a6a9750e16e97a4436a68e	58a6a9750e16e97a4436a68e
29	maomao1608@163.com	https://www.wish.com/c/5b97a358d023a31699a6f3a8	https://www.wish.com/merchant/585cc4d3728de6725b81e2b2	585cc4d3728de6725b81e2b2
30	Fullusset	http://www.wish.com/c/5bcc197c82fa315aa3013804	https://www.wish.com/merchant/5ab63d17ccf0c82ea2301cd3	5ab63d17ccf0c82ea2301cd3
31	MOMTUTUS	https://www.wish.com/c/5bb194dcd0a4bf167815e75f	https://www.wish.com/merchant/58f74f3e66c93511cb7f5fcd	58f74f3e66c93511cb7f5fcd
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34	xyrstorekl	https://www.wish.com/c/5b964018de4e7a16966d52e8	https://www.wish.com/merchant/5b32f01b3204f41a2e9c9719	5b32f01b3204f41a2e9c9719
35	yiwu blue sky	https://www.wish.com/c/5ba4d50fefecce1add6c56cc	https://www.wish.com/merchant/5971f620905fdb2b2312ea3c	5971f620905fdb2b2312ea3c
36	Keep going	https://www.wish.com/c/5bd417759bbdc976bb97e1ee	https://www.wish.com/merchant/58c375ea9148fb2c78199d36	58c375ea9148fb2c78199d36
37	dreamships	https://www.wish.com/c/5bad752dd5129927554a7018	https://www.wish.com/merchant/5a38d10b12fa1c74b68f096f	5a38d10b12fa1c74b68f096f
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41	yeqirong	https://www.wish.com/c/5b9a4f34504e7f01dc18198a	https://www.wish.com/merchant/58d2568eb967536ca614096d	58d2568eb967536ca614096d
42	wendy E-commerce	https://www.wish.com/c/5bacfe838c9a8017381e5132	https://www.wish.com/merchant/559478f6c0863a6ca153a1db	559478f6c0863a6ca153a1db
43	ivanicababyshop	https://www.wish.com/c/5bbdc636971aa1406c84ff26	https://www.wish.com/merchant/574a96392a3c855cf82f39fc	574a96392a3c855cf82f39fc

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44	magic Curry	https://www.wish.com/c/5bd08e05f0dd0523fd5405e4	https://www.wish.com/merchant/56fbaf214826f258b98d4262	56fbaf214826f258b98d4262
45	threeqiaoway	https://www.wish.com/c/5bbc6ec0ebf47b3b5f210834	https://www.wish.com/merchant/5553646fd1a6480e719c1455	5553646fd1a6480e719c1455
46	siermaoyiyouxiangongsi	https://www.wish.com/c/5bd169e3a032022f97d235e4	https://www.wish.com/merchant/5416ad5882b9ac45de73e979	5416ad5882b9ac45de73e979
47	dandanxiaowu	https://www.wish.com/c/5bd169cb8a85023ec9e611e9	https://www.wish.com/merchant/5a32512887c25b6dc2e7b795	5a32512887c25b6dc2e7b795
48	fhijhcf	https://www.wish.com/c/5bd1699e2abf7a19a38a284f	https://www.wish.com/merchant/5afe46ce0cef7c1dbfd0c104	5afe46ce0cef7c1dbfd0c104
49	smallsmallworld	https://www.wish.com/c/5bc45e6139ad8216c3c1aa39	https://www.wish.com/merchant/59ba726e23513426238b4427	59ba726e23513426238b4427
50	Mr.P	https://www.wish.com/c/5bae0c00633e5716a9d2ed04	https://www.wish.com/merchant/578d9fbba1dd410ecd4b23b0	578d9fbba1dd410ecd4b23b0
51	lianjiaxiaodian	https://www.wish.com/c/5bc2d8ca1304fa16652142d9	https://www.wish.com/merchant/5a6b2d7387c25b64a18b538f	5a6b2d7387c25b64a18b538f
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54	huashaoshot	https://www.wish.com/c/5bc9ddc717cf39660bff0611	https://www.wish.com/merchant/5aa8bd0e2fbbdc2247aaf03e	5aa8bd0e2fbbdc2247aaf03e
55	Renderingyou	https://www.wish.com/c/5bb11241d5129954998b0878	https://www.wish.com/merchant/5ac1f8e1c3911a292aeb6768	5ac1f8e1c3911a292aeb6768
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57	Mr.Zxx	https://www.wish.com/c/5bbac7000de25416a049c3d9	https://www.wish.com/merchant/57fb3ba2b2d3661979ab5b29	57fb3ba2b2d3661979ab5b29
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59	fashionable and sport store	https://www.wish.com/c/5bcfedebbe191a6be4ed1fd6	https://www.wish.com/merchant/579f05e2ab4062664972c2c2	579f05e2ab4062664972c2c2
60	Godcup	https://www.wish.com/c/5bcee726ccf7df6daa13c5f2	https://www.wish.com/merchant/5ae3decf75599a145b3fcfc0	5ae3decf75599a145b3fcfc0
61	Show You Now	https://www.wish.com/c/5bc975ac2b89c833d7a5f7c7	https://www.wish.com/merchant/5927fe3d3c5b7364d8925cc0	5927fe3d3c5b7364d8925cc0
62	Green Fashion	https://www.wish.com/c/5bc4377d2b24e916acb9a727	https://www.wish.com/merchant/577e2ebbe8aa892b1e2c85f9	577e2ebbe8aa892b1e2c85f9
63	Yangmingxiongdi	https://www.wish.com/c/5bc2b765cde8403a6eea6ebe	https://www.wish.com/merchant/5aa638ab856edf4f7ac3a288	5aa638ab856edf4f7ac3a288
64	Jahurto	https://www.wish.com/c/5bd08d7c53d611173d21f759	https://www.wish.com/merchant/56d653c42345ae1693e5d173	56d653c42345ae1693e5d173
65	Shu panpan wu shoushou	https://www.wish.com/c/5bca9d66d98d0016b30bffc9	https://www.wish.com/merchant/5b681da1d76b4514756c314b	5b681da1d76b4514756c314b
66	Every day there will be a new sun	https://www.wish.com/c/5bbd657d69f5931743b73339	https://www.wish.com/merchant/584f9e23bcb1826aa7a25520	584f9e23bcb1826aa7a25520
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70	giftshop2017	https://www.wish.com/c/5b9baae4a1c5bc4b37373b45	https://www.wish.com/merchant/585be7bb36cedf4ca4c7129e	585be7bb36cedf4ca4c7129e
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75	JL&prefect	https://www.wish.com/c/5bc745071188b06a7794eed3	https://www.wish.com/merchant/575cfcccd588f05ebaa7ee5e	575cfcccd588f05ebaa7ee5e
76	fashiondofu	https://www.wish.com/c/5bc704dcd3fa64256c9eaae0	https://www.wish.com/merchant/5b1f65927b94e1580598fa03	5b1f65927b94e1580598fa03
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78	Diamond boutique	https://www.wish.com/c/5bb4defe504e7f0a038adb7f	https://www.wish.com/merchant/57d4ca04a47d914ab75b0c3d	57d4ca04a47d914ab75b0c3d
79	shenzhenyiweikejiyouxiangongsi	https://www.wish.com/c/5bc1b0388823651693722c8b	https://www.wish.com/merchant/5552016089b62d0e7e49f609	5552016089b62d0e7e49f609
80	Small Y Clothes Store	https://www.wish.com/c/5bc73acf48527d0eaf9b3573	https://www.wish.com/merchant/5714c3960f47e858fe3f59dd	5714c3960f47e858fe3f59dd
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82	global-spirit	https://www.wish.com/c/5bbd9b7018970930ff8b5c19	https://www.wish.com/merchant/5927f5563c5b7364d8925b2c	5927f5563c5b7364d8925b2c
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84	18888236883@163.com	https://www.wish.com/c/5bc59db09c56493d04d27457	https://www.wish.com/merchant/5958b37c7fe24173f4d33ec0	5958b37c7fe24173f4d33ec0
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87	lanxihuanglongdong	https://www.wish.com/c/5bc73ac06332c74575258cab	https://www.wish.com/merchant/582fe9e242abfb1b9555520c	582fe9e242abfb1b9555520c

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88	guangdonghuatai	https://www.wish.com/c/5ba9fa178d4c962af5ee3de5	https://www.wish.com/merchant/55dacbd7aed1de105570b1ac	55dacbd7aed1de105570b1ac
89	Utopia1973	https://www.wish.com/c/5bc2b70a42ce4b1718f52ce8	https://www.wish.com/merchant/5885ea6973ee304ce87015f5	5885ea6973ee304ce87015f5
90	Altay	https://www.wish.com/c/5bc21f474d63b34dc88dfc9b	https://www.wish.com/merchant/57a445d2b2ea3e3b4784ff20	57a445d2b2ea3e3b4784ff20
91	NewMerchantFashion	https://www.wish.com/c/5bc5ac23b8ea065836ba0d1c	https://www.wish.com/merchant/59339ff52219336625e15369	59339ff52219336625e15369
92	ISHOP	https://www.wish.com/c/5bc80368ab9c272d85b5bb77	https://www.wish.com/merchant/5502531ba0086e2e5241f34f	5502531ba0086e2e5241f34f
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94	xiongdistore	https://www.wish.com/c/5bc2b7bbfa5f5616aa788d92	https://www.wish.com/merchant/5abc9e6540626a5aea0e8aa7	5abc9e6540626a5aea0e8aa7
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97	xinyudiyiyi	https://www.wish.com/c/5b9f4b8fce78a6218936f803	https://www.wish.com/merchant/59ca5cc43eb22a2a57314fd8	59ca5cc43eb22a2a57314fd8