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Lashify, Inc

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LASHIFY, INC.,

Plaintiff

v.

SHANDONGCHUANGMEIWEISHENGYONGPINO
UXIANGONGSI a/k/a QINGDAO LODY HAIR
PRODUCTS CO., LTD d/b/a B&QAUGEN,

Defendant

CIVIL ACTION NO.

**DECLARATION OF ASHLY E.
SANDS AND ACCOMPANYING
EXHIBITS IN SUPPORT OF
PLAINTIFF'S *EX PARTE*
APPLICATION FOR: 1)
TEMPORARY RESTRAINING
ORDER; 2) AN ORDER
RESTRAINING DEFENDANT'S
WEBSITE, USER ACCOUNTS,
MERCHANT STOREFRONT AND
ASSETS WITH THE FINANCIAL
INSTITUTIONS; 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

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

DECLARATION OF ASHLY E. SANDS¹

I, Ashly E. Sands, hereby declare as follows:

1. I am an attorney with the law firm of Epstein Drangel LLP, located at 60 East 42nd Street, Suite 1250, New York, New York 10165 and represent Plaintiff Lashify, Inc. in the above-referenced action. I make and submit this declaration in connection with Plaintiff's *ex parte* application for the following: 1) a temporary restraining order; 2) an order restraining Defendant's Website, User Accounts, Merchant Storefront and Defendant's Assets with the Financial Institutions; 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 Defendant in light of Defendant's intentional and willful offerings for sale and/or sales of Infringing Products.
2. Epstein Drangel represents Plaintiff in intellectual property matters and has reviewed purchases of Defendant's Infringing Products, Defendant's Website, Defendant's Merchant Storefront and Infringing Listings and has confirmed that Defendant offers for sale and sells, without authorization, products that infringe the Lashify Patent.
3. Based on my research, Amazon is a Seattle, Washington-based global online marketplace and e-commerce platform owned by Amazon.com, Inc., a Delaware corporation,² that allows manufacturers and other third-party merchants, like Defendant, to advertise, distribute, offer for sale, sell and ship their retail products, which, upon information and

¹ Where a defined term is referenced herein but not defined, it should be understood as it is defined in the Glossary in the Complaint or Memorandum of Law.

² *FAQs*, Amazon.com, Inc., <https://ir.aboutamazon.com/corporate-governance/documents-and-charters/certificate-of-incorporation/default.aspx> (last visited Nov. 18, 2024).

belief, primarily originate from China, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York.

4. Amazon is recognized as one of the leaders of the worldwide e-commerce and digital retail market and the company's net sales were \$169.9 billion in the fourth quarter of 2023.³ Sales to the U.S. make up a significant percentage of the business done on Amazon.⁴ As of September 27, 2023, Amazon had a market capital of \$1.84 trillion, making it the fourth most valuable company in the U.S.⁵
5. Many of the third-party merchants, that have User Accounts with and operate Merchant Storefronts on Amazon, like Defendant, are located in China (or Hong Kong), who recently accounted for nearly half of all businesses on Amazon.⁶
6. In Q4 of 2023, third party merchants generated \$43.56 billion, accounting for 61% of Amazon's sales.⁷
7. Amazon aggressively uses the Internet and television, to market itself and the products offered for sale and/or sold by its third-party merchant users to potential consumers, particularly in the U.S. In 2023 alone, Amazon spent \$44.4 billion on marketing, up from \$42.3 billion the previous year.⁸

³ *Amazon's Record Earnings in 2023 Propelled by Strong Fourth-Quarter Results*, MSN (Mar. 8, 2024), www.msn.com/en-us/money/companies/amazon-s-record-earnings-in-2023-propelled-by-strong-fourth-quarter-results/ar-BB1ijMBv

⁴ See Amazon.com, Inc., Quarterly Results Q4 Earnings (Form 10-K) (Feb. 1, 2024).

⁵ STOCK ANALYSIS (last visited Mar. 8, 2024), <https://stockanalysis.com/stocks/amzn/market-cap/>.

⁶ John Herrman, *The Junkification of Amazon Why does it feel like the company is making itself worse?*, NEW YORK MAGAZINE (Jan. 30, 2023), <https://nymag.com/intelligencer/2023/01/why-does-it-feel-like-amazon-is-making-itself-worse.html>.

⁷ Daniela Coppola, *Quarterly value of Amazon third-party seller services 2017-2023*, STATISTA (Feb. 8, 2024), <https://www.statista.com/statistics/1240236/amazon-third-party-seller-services-value/#:~:text=Amazon%27s%20net%20sales%20generated%20through%20its%20third-party%20seller,fees%20and%20other%20services%20related%20to%20third-party%20sellers>, Daniela Coppola, *Share of paid units sold by third-party sellers on Amazon platform from 2nd quarter 2007 to 4th quarter 2023*, STATISTA (Feb. 8, 2024), <https://www.statista.com/statistics/259782/third-party-seller-share-of-amazon-platform/>.

⁸ Daniela Coppola, *Worldwide Amazon marketing expenditure 2010-2023*, STATISTA (Feb. 8, 2024), <https://www.statista.com/statistics/506535/amazon-marketing->

8. As reflected in the federal lawsuits filed against third-party merchants offering for sale and selling infringing and/or counterfeit products on Amazon,⁹ and as recently addressed in news reports, an astronomical number of counterfeit and infringing products are offered for sale and sold on Amazon at a rampant rate.¹⁰
9. Despite the fact that Amazon has a system in place to report intellectual property infringement,¹¹ sellers of counterfeit and/or infringing products frequently re-post their listings for such products on their respective Merchant Storefronts on Amazon once taken down or open new User Accounts and/or Merchant Storefronts on Amazon under different seller names and post the same and/or similar listings for counterfeit and/or infringing products.
10. Given our experience in policing against infringement on Amazon and other similarly-situated online marketplaces, sellers operating User Accounts and Merchant Storefronts, like Defendant, often use evasive tactics, such as aliases, false addresses and other incomplete identification information to conceal their identities and avoid detection. These tactics commonly are used to attempt to circumvent restraining orders and other remedies issued with prior notice, by disappearing or claiming ignorance of their responsibilities while simultaneously destroying any evidence of their infringing actions and draining their

spending/#:~:text=In%20the%20fiscal%20year%202023%2C%20Amazon%E2%80%99s%20marketing%20spendi ng,42.3%20billion%20U.S.%20dollars%20in%20the%20previous%20year.

⁹ See, e.g., *Apple Inc. v. Mobile Star LLC*, No. C17-1120 RAJ (W.D. Cal. Aug. 4, 2017) and *Daimler AG v. Amazon.com, Inc.*, 16-cv-00518-RSM (W.D. Wash. Mar. 11, 2019).

¹⁰ Brittney Myers, *Some Shoppers Are Fleeing Amazon Because of Counterfeit Goods*, THE ASCENT (Jan. 17, 2023), <https://www.fool.com/the-ascent/personal-finance/articles/some-shoppers-are-fleeing-amazon-because-of-counterfeit-goods/>; see Brendan Case, *Amazon, Third-Party Sellers Spur Fake Goods, Group Says*, BLOOMBERG (Oct. 13, 2021), <https://www.bloomberg.com/news/articles/2021-10-13/amazon-third-party-sellers-spur-counterfeit-boom-group-says#xj4y7vzkg>.

¹¹ See Amazon.com, Inc., Counterfeit Crimes Unit, (last visited Nov. 18, 2024), [https://brandservices.amazon.com/counterfeitcrimesunit#:~:text=Amazon%20Counterfeit%20Crimes%20Unit%20\(CCU,actors%20and%20hold%20them%20accountable](https://brandservices.amazon.com/counterfeitcrimesunit#:~:text=Amazon%20Counterfeit%20Crimes%20Unit%20(CCU,actors%20and%20hold%20them%20accountable).

financial accounts.

11. Further, based upon my research, and upon information and belief, foreign sellers rarely, if ever, provide registered business names or trade names, contact names, complete addresses or any other true and correct contact information on their Merchant Storefronts. As a result, Defendant's correspondence is limited to messaging through its User Accounts and communications otherwise transmitted over the Internet.
12. The aforementioned elusive tactics, as well as disappearing, destroying evidence of infringing activities and draining of financial accounts, are commonly used by sellers to attempt to circumvent, among other remedies, restraining orders issued with prior notice.
13. Epstein Drangel investigated and researched manufacturers, wholesalers and/or third-party merchants offering for sale Infringing Products through their respective Merchant Storefronts on Amazon. Through this process, Epstein Drangel identified Defendant's Merchant Storefront which is entirely dedicated to the sale of products that infringe the Lashify Patent. True and correct screenshots of Defendant's Infringing Listings on Amazon are included in **Exhibit A** attached hereto and incorporated herein by reference.
14. Thereafter, Epstein Drangel discovered Defendant's Website, which likewise is entirely dedicated to the sale of Infringing Products. True and correct screenshots of Defendant's Website are included in **Exhibit A** and incorporated herein by reference.
15. Through visual inspection of the Defendant's Merchant Storefront and Defendant's Website, we also confirmed that Defendant's Infringing Listings and Defendant's Website accept payment in U.S. dollars.
16. Through visual inspection of the Infringing Listings and Defendant's Website, we verified that Defendant offers shipping to the U.S.

17. Through visual inspection of the Infringing Listings and Defendant's Website, we confirmed that Defendant offers for sale and sells Infringing Products, and targets, markets, distributes and ships such products to customers located in the U.S., including New York.
18. Epstein Drangel purchased an Infringing Product via Defendant's Merchant Storefront through an Amazon account associated with the New York Address, provided the New York Address as the shipping address, paid in U.S. dollars and received the Infringing Product from Defendant at the New York Address. True and correct copies of the checkout page and order confirmation showing the New York Address as the shipping addresses are included in **Exhibit B**.
19. Once Epstein Drangel received the Infringing Product purchased via one of Defendant's Infringing Listings, Epstein Drangel compared the Infringing Product to the claims of the Lashify Patent. Epstein Drangel reviewed and prepared the claim chart identifying the infringing elements as shown in **Exhibit C** and incorporated herein by reference. Through this inspection and comparison, Epstein Drangel was able to confirm with certainty that the Infringing Product offered for sale by Defendant via the Infringing Listing does, in fact, infringe the Lashify Patent. Epstein Drangel was also able to confirm that the Infringing Products and the Lashify System are interchangeable in that they are both DIY lash extensions that are made and used for under lash application.
20. In addition, Defendant uses its User Accounts on various social media platforms to advertise, promote, offer for sale and/or sell Infringing Products including but not limited to its User Accounts with Instagram, Facebook, YouTube and TikTok. True and correct examples of Defendant's advertisements for Infringing Products posted on Defendant's social media User Accounts are included in **Exhibit D** and incorporated herein by

reference.

21. Epstein Drangel located Defendant's address, No. 150, Road South, 100 meters from the intersection of Jie Fang Road and Lin Xi 13th Road, Lanshan District, Linyi City, Shandong Province, as displayed on Defendant's Merchant Storefront.
22. The terms and conditions page on Defendant's Website, however, displays an address located in Hong Kong, Flat/RM 185 G/F, Hang Wai Ind Centre No. 6 Kin Tai St Tuen Mun N.T HK ("Hong Kong Address").
23. For this reason and the reasons discussed earlier, the true identity, location and contact information of Defendant, as well as the location of the Infringing Products that Defendant is offering for sale and/or selling, are unclear and virtually impossible for Plaintiff to obtain independently.
24. Given the uncertainty that remains as to the accuracy of the Defendant's address, in our experience, service by a combination of Federal Express at the Hong Kong Address and email is the most effective way to notify the Defendant of the lawsuit. This is especially the case as Defendant is a merchant on an online platform and must have a good and accurate email address in order to operate its online business. Plainly, it would be virtually impossible for Defendant to operate its Merchant Storefront and Defendant's Website and not check and utilize its email account frequently.
25. As part of Plaintiff's Application, it seeks alternative service, and upon entry of an order by the Court granting Plaintiff's requested relief, Plaintiff will serve such order on Amazon. It is my understanding and expectation that Amazon will provide Plaintiff's counsel with Defendant's true and accurate email address.
26. It is my understanding that the e-mail addresses to be provided by Amazon will be true and

accurate as, based on my experience and understanding, Amazon provides Plaintiff's counsel with the e-mail address that Defendant uses to log in to its User Account on Amazon, to operate its Merchant Storefront, communicate with customers, complete transactions and receive funds.

27. Epstein Drangel has used RMail's online services and confirm that its services include verifying valid proof of authorship, content and delivery of an email as well as the official time and date an email was sent and received.

28. Moreover, the Chinese Ministry of Commerce published an article regarding Epstein Drangel's involvement in litigation regarding the sale of Chinese counterfeits on e-commerce platforms.¹²

29. In our experience, a small group of attorneys represent defendants in anti-counterfeiting lawsuits similar to the case at hand, and we have been informed by said defense counsel that they closely monitor the PACER docket, looking for potential new cases and clients.

30. Likewise, we recently discovered our law firm was impersonated by various defendants in similar lawsuits who falsified court orders as a way to get their respective frozen accounts released by the platform.

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

¹² See Ministry of Commerce of the People's Republic of China, Tips for avoiding the risk of PayPal accounts that are blocked as a result of infringement (Nov. 2017), available at <http://shangwutousu.mofcom.gov.cn/article/resume/af/201711/20171102664964.shtml>.

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 21st day of November 2024 in Los Angeles, California.

By:

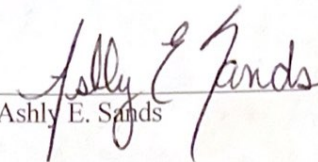

Ashly E. Sands

EXHIBIT A

Amazon.com: B&Qaugen Lash Cl... Amazon.com

https://www.amazon.com/s?me=A18X1UNLZ9C0XP&marketplaceID=ATVPDKIKX0DER

amazon prime Deliver to Hans New York 10016 B&Qaugen Beauty Home Search Amazon

All Medical Care Amazon Basics Customer Service Music Custom Products Groceries Shop By Interest Household, Health & Baby Care Amazon Home Amazon Business Subscribe & Save

prime & Up Get it by Tomorrow New Subscription Options Shipping Options Availability 78 results Sort by Featured

Results

Check each product page for other buying options.

B&Qaugen Lash Clusters B02 DIY Eyelash 72 Cluster Lashes C D Curl Mega Volume Individual Lashes Eyelash Clusters Wispy Lashes Cluster DIY at Home (NM-D-8-16MIX)

Individual 72 Piece Assortment

★★★★★ 5,795

2K+ bought in past month

\$9.99 (\$9.99/Count) List: \$12.97

Save more with Subscribe & Save

prime One-Day

FREE delivery Tomorrow, Sep 14

1 sustainability feature

Add to cart

Lash Extension Kit for Beginners 280pcs Eyelash Extension Kit 40D+50D 9-16 Mixed Lash Clusters Kit D Curl Lash Kit with Lash Bond and Seal Individual Lashes Kit DIY (KIT,40D+50D-D-9-16MIX)

Individual 282 Piece Set

Options: 12 sizes

★★★★★ 553

1K+ bought in past month

\$9.99 (\$0.04/Count)

Save more with Subscribe & Save

prime One-Day

FREE delivery Tomorrow, Sep 14

Add to cart

https://www.amazon.com/refnav_logo

Lash Remover for Lash Clusters 10 MI Lash Cluster Remover Cluster Lash Remover Cluster Lash Bond

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Amazon.com: B&Qaugen Lash Cl... Amazon.com: B&Qaugen Lash Cl...

https://www.amazon.com/Clusters-Eyelash-Extensions-Individual-NM-D-8-16MIX/dp/B09WHWZ52P?ref_=ast_sto_dp

amazon prime Deliver to Hans New York 10016 Beauty & Personal Care Search Amazon

All Beauty Premium Beauty Makeup Skin Care Hair Care Fragrance Tools & Accessories Personal Care Oral Care Men's Grooming Professional Beauty Best Sellers New Arrivals FSA Eligible Items

Individual Cluster Lash Glue

Individual Lash Glue Lash Cluster Glue DIY Eyelash Extension Adhesive Long Lasting Waterproof Low Irritation Eyelash Glue for Professional and Self U... \$8.99 prime

Beauty & Personal Care Tools & Accessories Makeup Brushes & Tools Eye False Eyelashes & Adhesives False Lashes

Sponsored

B&Qaugen Lash Clusters B02 DIY Eyelash 72 Cluster Lashes C D Curl Mega Volume Individual Lashes Eyelash Clusters Wispy Lashes Cluster DIY at Home (NM-D-8-16MIX)

Visit the B&Qaugen Store

4.4 ★★★★★ 5,795 ratings | Search this page

1 sustainability feature

2K+ bought in past month

-23% \$9.99 (\$9.99 / Count)

List Price: \$12.97

prime One-Day

Save up to 28% with business pricing. Sign up for a free Amazon Business account

Bundles with this item

Lash Clusters B02 + B16

-14% \$16.99

Was: \$19.98

See all bundles

Color B 02

Delivery Pickup

One-time purchase:

\$9.99 (\$9.99 / Count)

prime One-Day

FREE delivery Tomorrow, September 14. Order within 6 hrs 24 mins

Deliver to Hans - New York 10016

In Stock

Quantity: 1

Add to Cart

Buy Now

Ships from Amazon

Sold by B&Qaugen Beauty Home

Returns Non-returnable due to Product safety reasons

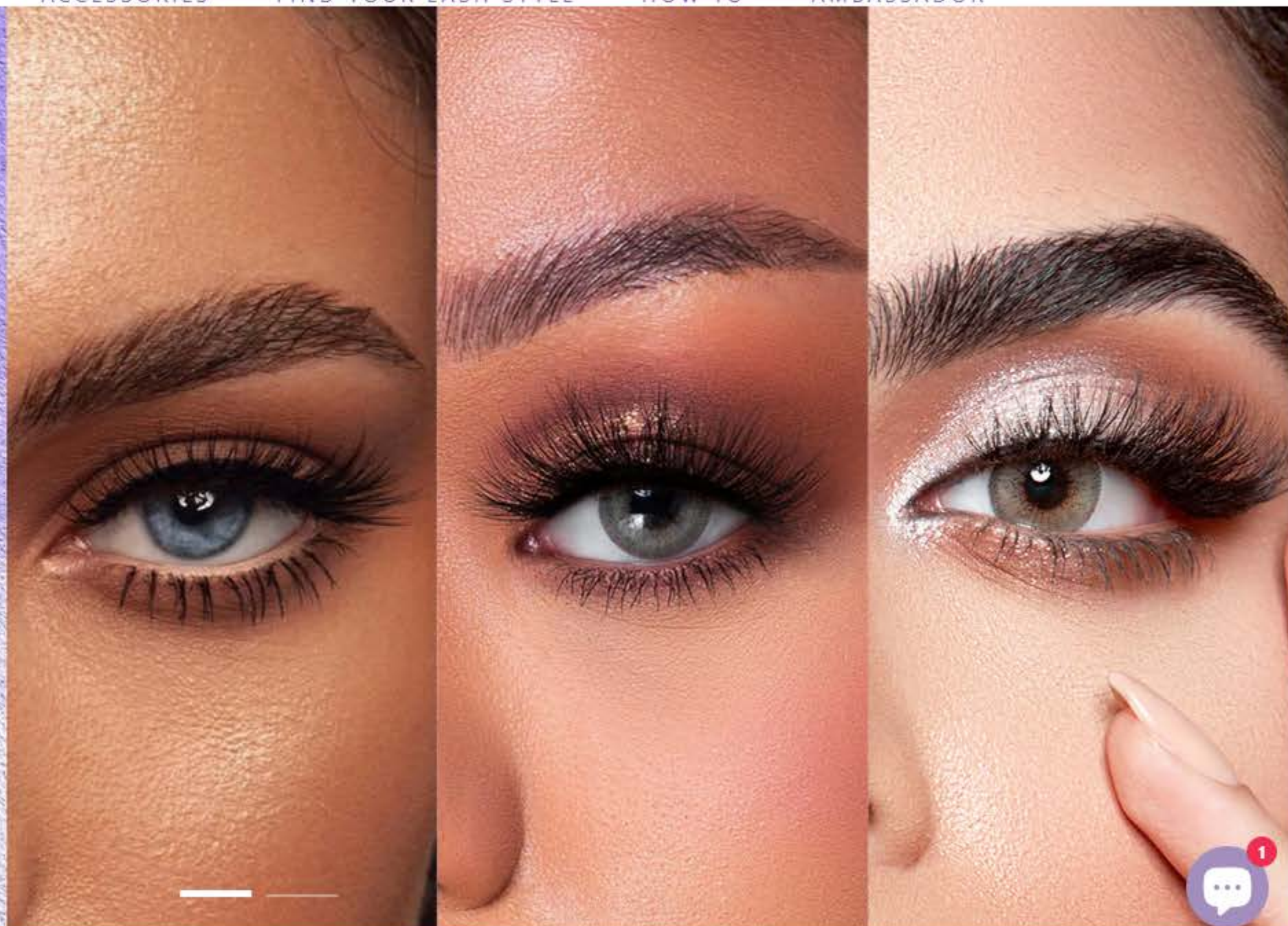
Payment Secure transaction

See more

Add a gift receipt for easy returns

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SHOP NOW



atic Discount 60% OFF NOW | Automatic Discount 60% OFF NOW | Automatic Discount 60% OFF NOW | Automatic Discount

Featured Products

ALL Lashes

BUY 2 GET 30%OFF

CODE: **BFSALE**

Availability

[Reset](#)

☐ In stock (30)

☐ Out of stock (5)

Price

[Reset](#)

\$ 

Price: USD\$0 – USD\$39.99

SORT BY

31 products

##² ###³ ####⁴



Buy One, Get One Half Off

B&QAUGEN

70D+90D Ultra-Soft Fluffy Individual Lashes Kit
USD\$29.99



B02 KIT 8-18MIX

B&QAUGEN

B02 DIY Cluster Lash Extensions Essential Kit-160Pcs
~~USD\$29.99~~ From **USD\$16.99**



B&QAUGEN

3D Effect Natural Volume DIY Cluster Lash Extensions Kit- D03
USD\$39.99



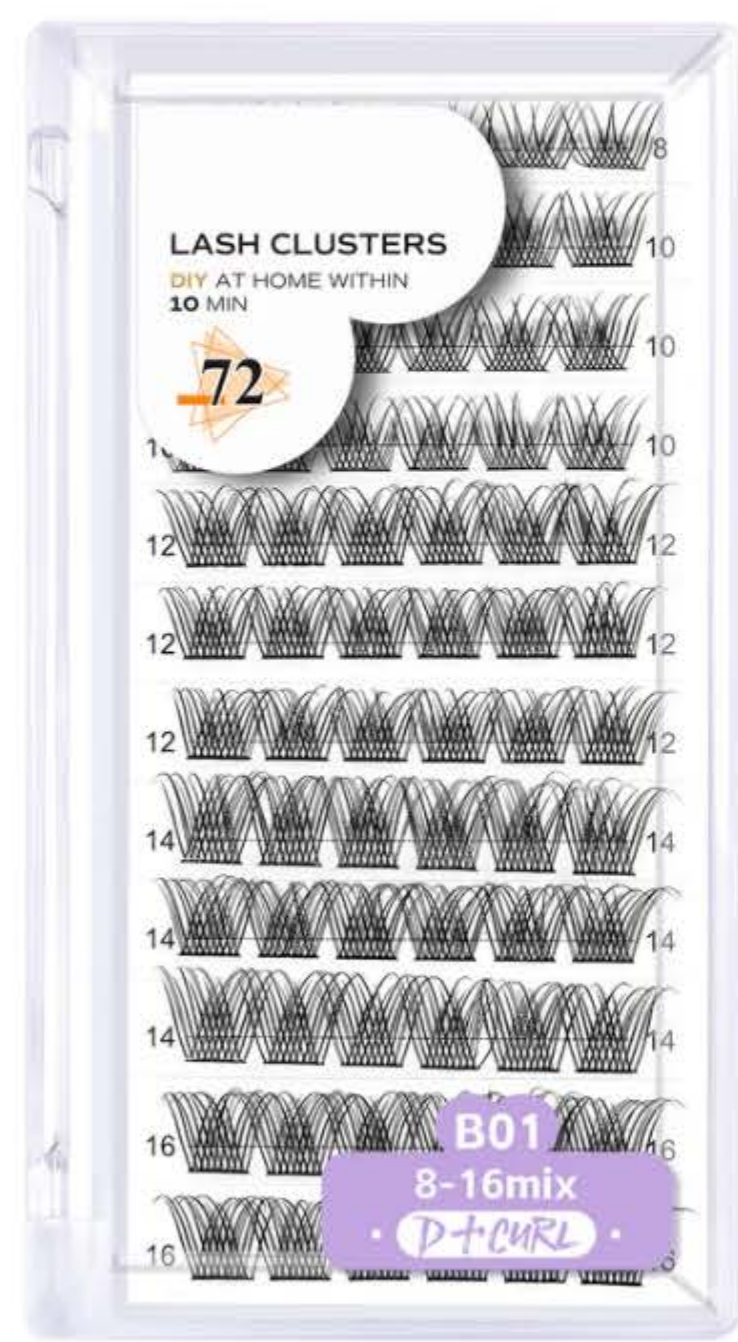
B&QAUGEN

BM03 Flat Matte DIY Cluster Lash Extensions Kit
~~USD\$39.99~~ **USD\$33.99**



-11% LASH EXTENSION KIT

-11% LASH EXTENSION KIT



HOME / ALL LASHES /

B01 Lash Clusters DIY Eyelash Extensions 72 Clusters Lashes

USD\$9.99
Shipping calculated at checkout.

♥ CRAZY SALE|40%OFF NOW

LENGTH

- 12-18mix
 - ~~10mm~~
 - ~~12mm~~
 - ~~14mm~~
 - 16mm
 - 18mm
- ~~8-16mix~~

CURL

- D

- 1 +

ADD TO CART

Pay with **PayPal**

[More payment options](#)



EXHIBIT B

amazon prime Secure checkout

Delivering to Hans Diamond
244 MADISON AVE STE 411, NEW YORK, NY, 10016-2817, United States
Change

Add delivery instructions
^ FREE pickup available nearby
Amazon Go • 0.7 mi (See details)
Change to pickup

Paying with American Express 5002
Change
Want to use American Express Membership Rewards® points for this order?
Learn more
Use a gift card, voucher, or promo code

Arriving Sep 14, 2024
If you order in the next 6 hours and 8 minutes Details

B&Qaugen Lash Clusters B02 DIY
Eyelash 72 Cluster Lashes C D Curl
Mega Volume Individual Lashes
Eyelash Clusters Wispy Lashes Cluster
DIY at Home (NM-D-8-16MIX)
2K+ bought in past month
\$9.99 (\$9.99 / Count)
prime
Ships from Amazon.com
Sold by B&Qaugen Beauty Home

Quantity: 1 Change
Add gift options

Choose your delivery option:
☒ Tomorrow, Sep 14
FREE One Day Delivery
☐ Monday, Sep 16
FREE Amazon Day Delivery
Fewer boxes, fewer trips.
Change delivery day

Place your order
By placing your order, you agree to Amazon's
privacy notice and conditions of use.

Items: \$9.99
Shipping & handling: \$0.00
Estimated tax to be collected: \$0.89
Order total: \$10.88

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amazon prime Search Amazon

Order placed, thanks!
Confirmation will be sent to your email.
Shipping to Hans Diamond, 244 MADISON AVE STE 411, NEW YORK, NY, 10016-2817, United States
Tomorrow, Sept. 14
Estimated delivery
You saved \$9.99 in shipping fees on this order with Prime. Learn more
Review or edit your recent orders

Follow the brand
Get deals, new products updates, and more.
B&Q
B&Qaugen
Follow

Get a Get a \$200 Amazon Gift Card upon approval for the Amazon Business Prime Card.
Terms apply. Learn more

Inspired by your browsing history
Page 1 of 4

Gucci Eyeglasses
Square/Rectangle Optical

GINJKGO Purse Straps
Replacement Crossbody -

Miss Dior Eau de Parfum
Mini Splash for Women,

Gucci GG00260 013
Nude Cat-Eye Women's

Generic Savage for Men
3.4 Oz Men's Eau De

MAYFAIR B64SLOWB 000 Alesio II Toilet...
★★★★★ 485
\$34.99 prime

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Review and pay



receipts@ipcounselors.com

Ship to

Country/Region
United States

First name
Ken

Last name
Springs

Address
244 Madison Ave suite 411

City
New York

State
New York

ZIP code
10016

Phone

Shipping method

Free Standard Shipping (5-12 business days) · FREE

Payment method

PayPal · receipts@ipcounselors.com

☒ Email me with news and offers

☒ Use shipping address as billing address

Pay now



1 B01 Lash Clusters DIY Eyelash Extensions 72
Clusters Lashes
12-18mix / D

\$9.99

Discount code or gift card

Apply

Subtotal \$9.99

Shipping [?] FREE

Total USD **\$9.99**



Search





Confirmation #CGFWJLJ19
Thank you, Ken!



Your order is confirmed

You'll receive a confirmation email with your order number shortly.

[Download Shop to track package](#)

☐ Email me with news and offers

Order details

Contact information

receipts@ipcounselors.com

Shipping address

Ken Springs
244 Madison Ave suite 411
New York NY 10016
United States
2122925390

Shipping method

Payment method

Express - \$9.99

Billing address

Ken Springs
244 Madison Ave suite 411
New York NY 10016
United States
2122925390



B01 Lash Clusters DIY Eyelash Extensions 72
Clusters Lashes
12-18mix / D
\$9.99


Subtotal \$9.99
Shipping FREE

Total USD \$9.99


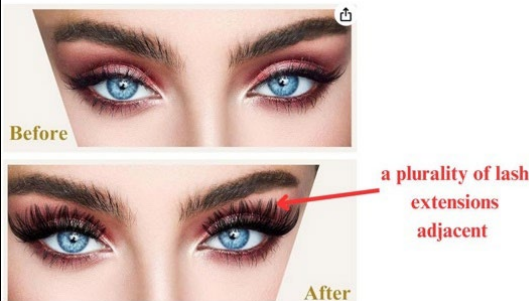
EXHIBIT C


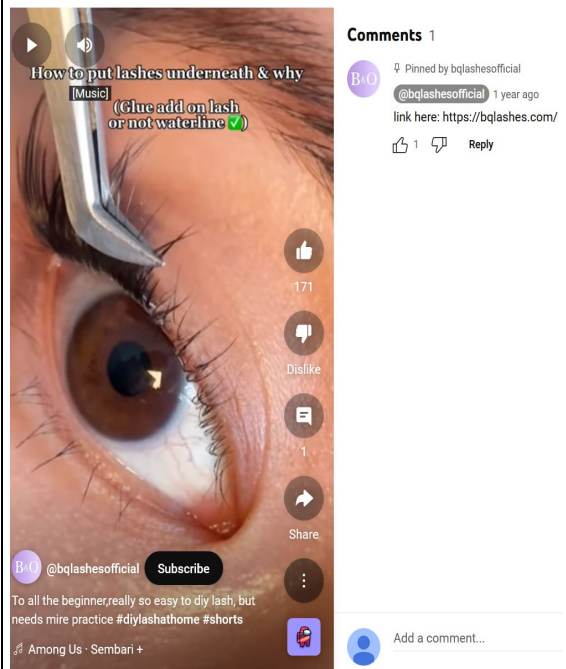
Infringement of U.S. Patent No. 11,253,020 By B&Qaugen

B&Qaugen makes, designs, develops, offers for sale, sells for importation within the United States products which infringe at least claims 1, 3, and 5-6 of U.S. Patent No. 11,253,020 (“the ’020 patent”), as set forth below. The chart below provides only an exemplary identification of infringement of claims 1, 3, and 5-6 of the ’020 patent based on facts and information known to date. Images in the chart below are exemplary only, as each accused Infringing Product includes similar if not identical components and instructions identified in the chart below.

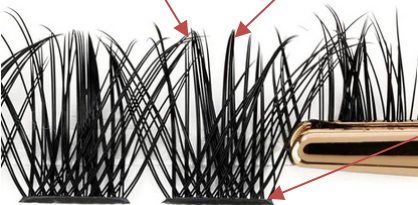


Claim	Exemplary Infringing Product
1. An artificial lash extension system comprising:	<p>B&Qaugen specifically designs each version of its lash extensions with artificial lashes advertised as made of PBT synthetic fibers, including, but not limited to, its DIY Lash Extension Kit B01+B02+B19 [B0CCDDLKL9], and DIY Lash Extension Kit B01+B10 [B0C6MLGLL7]. The accused Infringing Products have “lash clusters” that satisfy the elements of claim 1, as shown in further detail below. B&Qaugen advertises its lash clusters and kits as DIY lash extensions to be applied to the natural lashes (and thus are a lash extension system).</p> <div style="display: flex; align-items: center; justify-content: center;">  <div style="margin-left: 20px;"> <p>Lash Clusters Kit B01+B02+B19 Eyelash Extension Kit DIY Lash Extension Kit 156 PCS Lash Clusters 8-18mm Cluster with Lash Bond and Seal Lash Applicator Tool (Kit,Andromeda)</p> <p>Visit the B&Qaugen Store</p> </div> </div>

Claim	Exemplary Infringing Product
	<div data-bbox="578 254 1019 682"> </div> <div data-bbox="1047 302 1484 491"> <p>Lash Extension Kit 192 pcs Eyelash Extension Kit B01+B10 8-18mm Mixed Lash Clusters Kit Individual Lashes Kit Wispy with Lash Glue and Remover Applications Eyelash Kit (B01+B10, Kit)</p> <p>Visit the B&Qaugen Store</p> </div> <p data-bbox="548 690 1511 800">The DIY Lash Extension Kit B01+B02+B19 and B01+B10 each include “lash clusters” that are also sold by B&Qaugen as sets of individual lash clusters and not as part of a kit, as shown and illustrated below.</p> <div data-bbox="553 804 894 1131"> </div> <div data-bbox="940 873 1310 1127"> <p>Lash Clusters B01 DIY Eyelash Extensions 72 Clusters Lashes C D Curl Mega Volume Individual Lashes Eyelash Clusters Extensions Wispy Lashes Cluster DIY at...</p> <p>Size:72 Piece Assortment</p> <p>Color:B 01</p> </div> <div data-bbox="553 1171 927 1528"> </div> <div data-bbox="946 1316 1383 1526"> <p>Lash Clusters B02 D Curl 18mm DIY Eyelash Extensions 72 Clusters Lashes C D Curl Mega Volume Individual Lashes Eyelash Clusters Extensions Individual Lashes Cluster DIY at Home (NM-D-18mm)</p> <p>Visit the B&Qaugen Store</p> </div> <div data-bbox="548 1562 886 1898"> </div> <div data-bbox="972 1635 1351 1894"> <p>Lash Clusters B19 D Curl 18mm DIY Lash Extensions 72 Clusters Lashes B&Qaugen LASH Wispy Fluffy Eyelash Clusters Extensions Single Lashes Individual...</p> <p>Size:D-18 mm</p> <p>Color:B 19</p> </div>

Claim	Exemplary Infringing Product
	 <p data-bbox="930 428 1354 621">Lash Clusters B10 D Curl 18mm DIY Eyelash Extensions 72 Clusters Lashes Eyelash Clusters Eyelash Extensions Volume Wispy Individual Lash Cluster: at Home Lash Extensions (B10,D-18mm)</p> <p data-bbox="930 625 1097 640">Visit the B&Qaugen Store</p>
<p data-bbox="191 674 537 932">[1a] a plurality of lash extensions designed to attach adjacent to one another at an underside of natural lashes, each of the plurality of lash extensions comprising:</p>	<p data-bbox="537 674 1520 751">The B&Qaugen product comprises a plurality of lash extensions designed to attach adjacent to one another at an underside of natural lashes.</p> <p data-bbox="537 785 1279 825">As shown and described in Amazon listings for B10 style:</p> <div data-bbox="537 831 1062 1129">  </div> <ul data-bbox="537 1150 1214 1535" style="list-style-type: none"> • 【Suitable to Wear】 : Use a tweezer to pinch the band of cluster eyelashes and apply lash clusters below your natural lashes. You can barely feel the cluster lashes. The bottom of the clusters is flat and hardly noticeable. The lash band part will not stab your eyelid area when you blink. Bring you a perfect experience during lash application. • 【New Style New Possibility】 : The individual cluster lashes are great for a natural look or glam look. You can apply silk cluster lashes in ascending order which gives a nice cat-eye effect—different sizes for different sections to choose from. The individual lashes blend effortlessly with other lengths and your own lashes and match more possibilities. <p data-bbox="537 1570 1255 1600">In Amazon listings describing the entire “B” Series of lashes:</p>

Claim	Exemplary Infringing Product
	<div data-bbox="537 254 1099 789"><p>NATURAL STYLE LASHES FROM “B” SERIES</p><p>When you want to have attractive and natural eyelashes, you can choose this style. It will make your eye makeup more perfect, make your eyes more vivid.</p><p>B02</p><p>GREAT TEXTURE -Looks real and have great quality.</p><p>NO KNOT -Lightweight, easy to comb.</p><p>THIN BAND -Fits perfectly to the root of your lashes.</p></div> <p data-bbox="537 947 1302 982">On videos posted on the B&Qaugen YouTube official page:</p> <div data-bbox="537 1024 1099 1688"><p>Comments 1</p><p>Pinned by bqlashesofficial</p><p>@bqlashesofficial 1 year ago link here: https://bqlashes.com/</p><p>171 Dislike 1 Share</p><p>@bqlashesofficial Subscribe</p><p>To all the beginner, really so easy to diy lash, but needs more practice #diylashathome #shorts</p><p>Among Us · Sembari +</p></div> <p data-bbox="537 1724 1205 1759">Screenshot from B&Qaugen YouTube official page:</p>

Claim	Exemplary Infringing Product
	<p>About ×</p> <p>🔗 Hey luvs, welcome to B&Q Lash Official Channel! We are working on our own website! Our mission is to provide the Best Quality lashes products to our clients. Website: https://bqlashes.com/</p> <p>🌟 Here you will learn the easiest way to achieve stunning lashes in your home with this DIY lashes tutorial!</p> <p>🌟 We also included some helpful tips and tricks to make the process easier for you. So grab your lashes and begin the DIY journey to perfect lashes!</p> <p>💜 Don't forget to like and subscribe for more beauty tutorials like this!</p> <p>🔗 Use coupon code "YOUTUBE10" for more discounts.</p> <p>Links</p> <p> Shop Now linktr.ee/bqlashesofficial</p> <p> Instagram instagram.com/bqlashesofficial</p> <p> Tiktok tiktok.com/@bqlashesofficial</p> <p> Facebook facebook.com/bqlashesofficial</p> <p>Channel details</p>
<p>[1b] a plurality of clusters of artificial hairs, each of the plurality of clusters comprising at least two artificial hairs; and</p> <p>a base from which the at least two artificial hairs of each of the plurality of clusters protrude,</p> <p>wherein at least some of the artificial hairs are connected to one another at a respective part of the base by at least an application of heat.</p>	<p>The DIY Lash Extension product comprises a plurality of clusters of artificial hairs,</p> <p>Screen shot from Amazon B&Qaugen DIY Lash Extension Kit B01+B10 [B0C6MLGLL7]</p> <ul style="list-style-type: none"> • 【Great Quality】 Lash kit choose high-quality PBT material and the individual lashes, which is comfortable and lightweight, and the eyelash extension band is thinner and comfortable to wear. Looking forward eye lash extension lash kit to giving you looks real gorgeous results. <p>Furthermore, the DIY Lash Extension products sold by B&Qaugen comprise a plurality of clusters of artificial hairs, each of the plurality of clusters comprising at least two artificial hairs, and a base from which at least two of the artificial hairs of each of the plurality of clusters protrude:</p>

Claim	Exemplary Infringing Product
	<p data-bbox="578 289 954 352">Plurality of Clusters comprising at least two artificial hairs</p> <p data-bbox="1078 342 1328 405">Base with protruding artificial hairs:</p>  <p data-bbox="545 575 1487 646">Screenshot from Amazon BQaugen Lash Clusters B02 DIY Eyelash 72 Cluster Lashes C D Curl Mega Volume [B09WHWZS2P]</p> <p data-bbox="537 684 1503 793">As shown below, in its Amazon listings B&Qaugen explicitly shows and states that its artificial hairs are connected to one another at a respective part of the base by being “Heat Bonded” and “Will not fall apart”:</p>  <p data-bbox="537 1266 1495 1373">Thus, the B&Qaugen DIY Lash Clusters include at least some artificial hairs that are connected to one another at a respective part of the base by at least an application of heat.</p>
<p data-bbox="196 1381 505 1486">3. The artificial lash extension system of claim 1,</p> <p data-bbox="196 1524 493 1707">wherein the base of each of the plurality of lash extensions is formed by at least the application of heat.</p>	 <p data-bbox="537 1791 1487 1890">As shown above, in its Amazon listings B&Qaugen explicitly shows and states that the base of each of the plurality of lash extensions is formed by being “Heat Bonded.”</p>

Claim	Exemplary Infringing Product
	Thus, the B&Qaugen DIY Lashes meet the limitation that the base of each of the plurality of lash extensions is formed by at least an application of heat.
Claim	Accused Product
5. The artificial lash extension system of claim 1, wherein the at least two artificial hairs comprise a synthetic material.	<p>Screen shot from Amazon B&Qaugen DIY Lash Extension Kit B01+B10 [B0C6MLGLL7], PBT is a synthetic material:</p> <ul style="list-style-type: none"> • 【Great Quality】 Lash kit choose high-quality PBT material and the individual lashes, which is comfortable and lightweight, and the eyelash extension band is thinner and comfortable to wear. Looking forward eye lash extension lash kit to giving you looks real gorgeous results.
Claim	Accused Product
6. The artificial lash extension system of claim 5, wherein the at least two artificial hairs comprise polybutylene terephthalate (PBT).	See screen shot above for claim 5, where the synthetic material is identified as PBT.

EXHIBIT D

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B&Q Lashes Official Website



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F03+F05 Ultra-soft DIY Cluster Lash Extensions Kit



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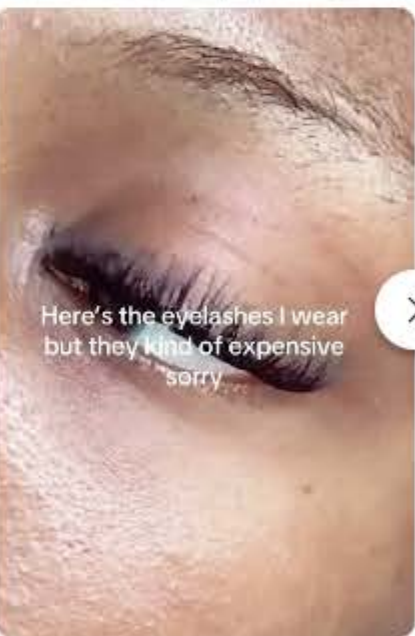
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