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Low Tech Toy Club, LLC d/b/a The Woobles

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOW TECH TOY CLUB, LLC d/b/a THE WOOBLES,

Plaintiff

v.

1688 3C ELECTRONICS DIRECT STORE, 3 SEE
ZONE STORE, 999 ODESSA ELECTRONICS STORE,
ABCDIYEA STORE, BLUE GROTTO STORE,
CONVENIENT DEPARTMENT STORE STORE,
HOME FURNISHING SHOP STORE, HOMEDECOR
STORE, HOMEY HOMEY STORE, HOSPORT CLUB
STORE, INDEPENDENT-DESIGN STORE, NEW
TRENDY CLOTHES CO.,LTD. STORE, NINGBO
SHINEGIFTS IMPORT & EXPORT CO., LTD., OFFICE
DIGITAL STORE, PINKY HOUSE, PRETTYOK
STORE, PROFESSIONAL SPORTING STORE,
SHANGHAI YONGJIU TEXTILE TECHNOLOGY
CO., LTD., SHENZHEN JIUMAI E-COMMERCE CO.,
LTD., SHOP1102928665 STORE, SHOP1102978789
STORE, SHOP1103287323 STORE, SHOP1103295299
STORE, SHOP1103299290 STORE, SHOP1103333011
STORE, SHOP1103349094 STORE, SHOP1103349099
STORE, SHOP1103357069 STORE, SHOP1103358063

CIVIL ACTION NO.

**DECLARATION OF XINLI
ZHANG AND ACCOMPANYING
EXHIBITS IN SUPPORT OF
PLAINTIFF'S *EX PARTE*
APPLICATION FOR: 1)
TEMPORARY RESTRAINING
ORDER; 2) AN ORDER
RESTRAINING DEFENDANTS'
MERCHANT STOREFRONTS
AND DEFENDANTS' 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

STORE, SHOP1103391407 STORE, SHOP1103391478
STORE, SHOP1103393406 STORE, SHOP1103411029
STORE, SHOP1103413022 STORE, SHOP1103774241
STORE, SHOP1103842411 STORE, SHOP1103875903
STORE, SHOP1103996318 STORE, SHOP1104002584
STORE, SHOP1104026321 STORE, SHOP1104098123
STORE, SHOP1104106565 STORE, SHOP1104194743
STORE, SHOP1104273961 STORE, SHOP1104301514
STORE, SHOP1104336521 STORE, SHOP1104405394
STORE, SHUNMAII CAMPING SPECIALTY STORE,
SSS-DIGITAL STORE, SSWEET1128 STORE, SU
CHENG ZI STORE, SWQ STORE, TAIZHOU QILIN
AUTO PARTS CO., LTD., THE-FUN-TOY STORE,
TOP AUTO TECH MALL, TWINKLE-FASHION
STORE, WINHOLDER-TOP-RATED STORE, XINYI
HONGYUAN (TIANJIN) TECHNOLOGY
DEVELOPMENT CO., LTD., YOUME LIFE STORE,
YUYAO DN SCIENTIFIC & EDUCATIONAL
INSTRUMENT CO., LTD. and ZHENGZHOU JING
YUAN INTERNATIONAL TRADE CO., LTD.,

Defendants

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

DECLARATION OF XINLI ZHANG¹

I, Xinli Zhang 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 the Co-Founder of Low Tech Toy Club, LLC d/b/a The Woobles (“The Woobles”) a domestic limited liability company organized and existing under the laws of the state of New York. I am involved in all aspects and have full knowledge of the Woobles Products, Woobles Marks and Woobles Work. I make and submit this Declaration in connection with Plaintiff’s *ex parte* application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts and Defendants’ 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 above-captioned Defendants in light of Defendants’ intentional and willful offerings for sale and/or sales of Counterfeit Products.
3. The Woobles is a manufacturing company that creates and distributes learn to crochet kits, and related products, mainly geared towards beginners, under “The Woobles” trademark.
4. The Woobles Products allow users to create a litany of cute characters, and each kit

¹ Where a defined term is referenced herein but not defined, it should be understood as it is defined in the Glossary in Plaintiff’s Complaint or Application.

contains a pouch packaging that once opened, contains yarn, a crochet needle, and other materials, along with a card with a link and/or QR code to Plaintiff's website that provides a video tutorial of how to make the specific character purchased.

5. The Woobles primarily sells its Woobles Products, which are available in standalone kits (ranging in price typically from \$25.00-\$40.00), as well as bundles, directly through its website, available at <https://thewoobles.com>, along with third-party retail stores in the United States, Canada, and Australia.
6. Since the official launch of the Woobles Products in or about 2020, the Woobles Products have generated millions of dollars in sales.
7. In September 2022, The Woobles took the brand to the next level by appearing on *Shark Tank* with the Woobles Products and attracting the interest of numerous investors thereon.
8. While Plaintiff has gained significant common law trademark and other rights in its trademarks through its extensive use, advertising and promotion, The Woobles has also protected its valuable rights by filing for and obtaining federal trademark registrations.
9. For example, The Woobles has filed for and/or obtained a number of federal trademark registrations, including U.S. Trademark Registration Nos.: 6,265,698, covering

the
Woobles

for goods in Class 26 ("Knitting kits comprised primarily of knitting needles and also including yarn, printed knitting patterns, and other tools and accessories for knitting in the nature of stitch markers, safety eyes, stuffing, and tapestry needles") and 7,575,531, covering "THE WOOBLES" for goods in Class 26 ("Knitting kits comprised primarily of knitting needles and also including yarn, printed knitting patterns, and other tools and accessories for knitting in the nature of stitch markers,

safety eyes, stuffing, and tapestry needles”) (collectively, the “Woobles Marks”). True and correct copies of Plaintiff’s registration certificates for the Woobles Marks are attached hereto as **Exhibit A** and incorporated herein by reference.

10. The Woobles Marks are currently in use in commerce in connection with the Woobles Products.

11. In addition, The Woobles is the owner of U.S. Copyright Registration No. VA 2-357-202, covering Pierre the Penguin (the “Woobles Work”). A true and correct copy of the U.S. copyright registration certificate for the Woobles Work, as well as the corresponding deposit materials, is attached hereto as **Exhibit B** and incorporated herein by reference.

12. Notably, the Woobles Work – one of the six original Woobles Products – was one of the characters featured on the above-referenced Shark Tank segments, and is one of The Woobles’ bestselling Woobles Products.

13. The success of the Woobles Products is due in part to The Woobles’ extensive marketing, advertising, promotion and distribution efforts.

14. The success of the Woobles Products is also due to its consumers, and the word-of-mouth buzz that its consumers have generated, particularly via social media.

15. The Woobles’ efforts, the quality of its Woobles Products, its marketing, promotion and distribution efforts, as well as the word-of-mouth buzz generated by its consumers have made the Woobles Products, Woobles Marks and Woobles Work prominently placed in the minds of the public. Retailers, retail buyers, consumers and members of the public have become familiar with the Woobles Products and associate them exclusively with The Woobles.

16. As a result of such associations, The Woobles, its Woobles Products, Woobles Marks and Woobles Work have acquired a valuable reputation and goodwill among the public.
17. The Woobles has gone to great lengths to protect its interests in and to the Woobles Marks, Woobles Work, and Woobles Products. No one other than Plaintiff is authorized to manufacture, import, export, advertise, offer for sale or sell any goods utilizing the Woobles Marks and/or Woobles Work without the express permission of The Woobles.
18. Particularly in light of The Woobles' success, its Woobles Products, as well as the reputation it has gained, The Woobles and the Woobles Products have become targets for unscrupulous individuals and entities that wish to capitalize on the goodwill and reputations that The Woobles and the Woobles Products have amassed. The Woobles routinely investigates and enforces against such activities.
19. As part of these efforts, The Woobles authorized Epstein Drangel to investigate and research manufacturers and/or third-party merchants offering for sale and/or selling Counterfeit Products on online marketplace platforms such as Alibaba and/or AliExpress, which allow manufacturers and third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship retail products, originating from China, among other locations, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York.
20. Through Epstein Drangel's investigative and enforcement efforts, The Woobles learned of Defendants' infringing and counterfeiting actions, which vary and include, but are not limited to, manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or selling Counterfeit Products to U.S. consumers, including those located in New York, through Defendants' User Accounts and Merchant Storefronts on Alibaba and/or AliExpress.

21. Through visual inspection of Defendants' Infringing Listings, we confirmed that each Defendant displays the Woobles Marks and/or uses the Woobles Work in the Infringing Listings without authorization, and that the products that each Defendant offers for sale using and featuring virtually identical copies of The Woobles' Woobles Marks and/or Woobles Work are, in fact, Counterfeit Products.
22. We have also confirmed that all Defendants are not, nor have they ever been, authorized distributors or licensees of the Woobles Products. The Woobles never consented to Defendants' use of the Woobles Marks and/or Woobles Work, nor did The Woobles consent to Defendants' use of any identical or confusingly or substantially similar marks or artwork.
23. The Woobles uses high-quality materials and processes in making the Woobles Products to meet or exceed U.S. requirements and standards.
24. Our inspection of the Infringing Listings revealed, among other things, improper packaging, incorrect labeling, wrong coloring and below-market pricing.
25. One of the principal reasons The Woobles instituted an active anti-counterfeiting/enforcement program is to protect its consumers from purchasing counterfeit and/or infringing consumer products that wrongly bear or are sold/offered for sale in connection with The Woobles' name, the Woobles Marks and/or Woobles Work and which may be unsafe or of poor quality.
26. Defendants' intentional and deceitful misconduct has likely resulted in lost profits to Plaintiff and has damaged the inherent value of the Woobles Marks and Woobles Work, impaired Plaintiff's reputation for providing high-quality products and services and diluted Plaintiff's brands and the goodwill associated therewith, thereby negatively affecting

Plaintiff's relationships with current customers (including both retail customers as well as end consumers) and its abilities to attract new customers.

27. Plaintiff keeps its procedures to determine Counterfeit Products confidential to streamline and ensure accuracy of the identification process for Plaintiff and its anti-counterfeiting team. Plaintiff has trained Epstein Drangel to identify infringing and/or counterfeit Woobles Products. Epstein Drangel is available and able to identify additional differences between the Counterfeit Products and the Woobles Products upon request of the Court.
28. Neither I, nor anyone else at The Woobles, to the best of my knowledge, have publicized this Application or The Woobles' intent to seek entry of a temporary restraining order against Defendants or 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 14 day of May 2025 in North Carolina.

By: 
Xinli Zhang

EXHIBIT A

United States of America

United States Patent and Trademark Office

the
Woobles

Reg. No. 6,265,698

Registered Feb. 09, 2021

Int. Cl.: 26

Trademark

Principal Register

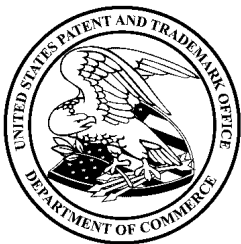
Low Tech Toy Club, LLC (NEW YORK LIMITED LIABILITY COMPANY), DBA The Woobles
499 Dean St Apt 2b
Brooklyn, NEW YORK 11217

CLASS 26: Knitting kits comprised primarily of knitting needles and also including yarn, printed knitting patterns, and other tools and accessories for knitting in the nature of stitch markers, safety eyes, stuffing, and tapestry needles

FIRST USE 10-2-2018; IN COMMERCE 10-2-2018

The mark consists of the cursive stylized wording "THE WOOBLES".

SER. NO. 90-041,769, FILED 07-08-2020



Donna H. H. H.

Performing the Functions and Duties of the
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office



United States of America

United States Patent and Trademark Office

THE WOOBLES

Reg. No. 7,575,531

Registered Nov. 26, 2024

Int. Cl.: 26

Trademark

Principal Register

Low Tech Toy Club, LLC (NEW YORK LIMITED LIABILITY COMPANY), DBA The Woobles

#108

411 Emissary Drive

Cary, NORTH CAROLINA 27519

CLASS 26: Knitting kits comprised primarily of knitting needles and also including yarn, printed knitting patterns, and other tools and accessories for knitting in the nature of stitch markers, safety eyes, stuffing, and tapestry needles

FIRST USE 10-2-2018; IN COMMERCE 10-2-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 6265698

SER. NO. 97-876,642, FILED 04-06-2023

Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office



REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

EXHIBIT B

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shirley P. Matthews
United States Register of Copyrights and Director

Registration Number

VA 2-357-202

Effective Date of Registration:

June 13, 2023

Registration Decision Date:

August 08, 2023

Title

Title of Work: Pierre the Penguin

Completion/Publication

Year of Completion: 2021

Date of 1st Publication: November 17, 2021

Nation of 1st Publication: United States

Author

• **Author:** Low Tech Toy Club, LLC dba The Woobles
Author Created: sculpture
Work made for hire: Yes
Citizen of: United States

Copyright Claimant

Copyright Claimant: Low Tech Toy Club, LLC dba The Woobles
411 Emissary Dr., #108, Cary, NC, 27519, United States

Rights and Permissions

Organization Name: Low Tech Toy Club, LLC, dba The Woobles
Address: 411 Emissary Dr., #108
Cary, NC 27519 United States

Certification

Name: John H. Choi
Date: June 13, 2023
Applicant's Tracking Number: 971C001A1-US





