

Jason M. Drangel (JD 7204)
jdrangel@ipcounselors.com
Ashly E. Sands (AS 7715)
asands@ipcounselors.com
Danielle S. Futterman (DY 4228)
dfutterman@ipcounselors.com
Gabriela N. Nastasi
gnastasi@ipcounselors.com
Melissa J. Levine
mlevine@ipcounselors.com
EPSTEIN DRANGEL LLP
60 East 42nd Street, Suite 1250
New York, NY 10165
Telephone: (212) 292-5390
Facsimile: (212) 292-5391
Attorneys for Plaintiff
Supercell Oy

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUPERCELL OY,

Plaintiff

v.

WWW.CLASHOFCLANSMERCH.COM,

Defendant

Civil Case No. 25-cv-2731 (VSB)

**1) TEMPORARY
RESTRAINING ORDER; 2)
ORDER RESTRAINING
DEFENDANT'S WEBSITE AND
DEFENDANT'S ASSETS WITH
THE FINANCIAL
INSTITUTIONS; 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

VERNON BRODERICK, United States District Judge:

On this day, the Court considered Plaintiff's *ex parte* application for the following: 1) a temporary restraining order; 2) an order restraining Defendant's Website 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 Defendant, Third Party Service Providers and Financial Institutions in light of Defendant's allegedly intentional and willful offerings for sale and/or sales of Counterfeit Products.¹ Having reviewed the Application, Declarations of Markku Ignatius and Melissa J. Levine, along with exhibits attached thereto and other evidence submitted in support thereof, the Court makes the following findings of fact and conclusions of law:

PRELIMINARY FACTUAL FINDINGS & CONCLUSIONS OF LAW

1. Plaintiff is a leading global game development company that designs and develops engaging multiplayer and social games, including, but not limited to: Brawl Stars, Clash of Clans, Hay Day, Boom Beach and Clash Royale ("Supercell Brand").

2. Founded in 2010, Supercell is known for creating unique and high-quality games that are all free to download. Two of Supercell's most popular games are Clash of Clans and Brawl Stars, which allow players to build community and engage with other players. Due to Supercell's commitment to innovative games, it has developed a large and loyal following.

3. Despite the ultra-competitive landscape, in 2020, Supercell remained "among the top 10 most successful publishers on the iPhone and Android app stores."

4. Plaintiff is the owner of the intellectual property assets for the popular Clash of Clans Game and Brawl Stars Game.

¹ Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Glossary, which is part of Plaintiff's Complaint, filed on April 2, 2025.

5. While Supercell has gained significant common law trademark and other rights in its Supercell Brand, Clash of Clans Products and Brawl Stars Products, through its use, advertising and promotion, Supercell has also protected its valuable rights by filing for and/or obtaining federal trademark registrations.

6. For example, Supercell is the owner the U.S. Trademark Registration No. 4,911,561 for “SUPERCCELL” for goods and services in classes 9, 16, 18, 20, 21, 25, 26 and 28; the owner of the Clash of Clans Marks, which are listed in Exhibit B of the Complaint; and the owner of the Brawl Stars Marks, which are listed in Exhibit D of the Complaint.

7. The Supercell Mark, Clash of Clans Marks and Brawl Stars Marks are currently in use in commerce in connection with the Supercell Brand, Clash of Clans Products and Brawl Stars Products, respectively.

8. In addition, Supercell is also the owner of registered copyrights in and related to the Clash of Clans Products and Brawl Stars products.

9. For example, Supercell owns the Clash of Clans Works and Brawl Stars Works, and the U.S. copyright registrations covering the same, which are listed in Exhibit C and Exhibit E to the Complaint, respectively.

10. Defendant is manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or selling Counterfeit Products through Defendant’s Website, including in the Infringing Domain Name.

11. Defendant is not, nor have has it ever been, an authorized distributor or licensee of the Clash of Clans Products and/or Brawl Stars Products. Neither Plaintiff, nor any of Plaintiff’s authorized agents, have consented to Defendant’s use of the Supercell IP, nor has Plaintiff

consented to Defendant's use of marks and/or artwork that are confusingly and/or substantially similar to, identical to and constitute a counterfeiting or infringement of any of the Supercell IP.

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

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

- a. Defendant has offered for sale and sold substandard Counterfeit Products that infringe the Supercell IP. Plaintiff's counsel declares that they purchased Counterfeit Products from Defendant's Website, and attaches copies of various order confirmations and receipts for these test purchases. (Levine Decl. ¶ 7.)²
- b. Plaintiff has well-founded fears that more Counterfeit Products will appear in the marketplace; that consumers may be misled, confused and disappointed by the quality of these Counterfeit Products, resulting in injury to Plaintiff's reputation and goodwill; and that Plaintiff may suffer loss of sales for its Clash of Clans Products and Brawl Stars Products; and
- c. Plaintiff has well-founded fears that if it proceeds on notice to Defendant on this Application, Defendant will: (i) secret, conceal, destroy, alter, sell-off, transfer or otherwise dispose of or deal with Counterfeit Products or other goods that infringe the Supercell IP, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in its possession or under its control, (ii) inform its suppliers and others of Plaintiff's claims with the result being that those suppliers

² "Levine Decl." refers to the Declaration of Melissa J. Levine, dated April 2, 2025.

and others may also secret, conceal, sell-off or otherwise dispose of Counterfeit Products or other goods infringing the Supercell IP, the means of obtaining or manufacturing such Counterfeit Products, and records relating thereto that are in its possession or its their control, (iii) secret, conceal, transfer or otherwise dispose of its ill-gotten proceeds from its sales of Counterfeit Products or other goods infringing the Supercell IP and records relating thereto that are in its possession or under its control and/or (iv) change the host of Defendant's Website and/or create new websites under new or different names and continue to offer for sale and sell Counterfeit Products with little to no consequence.

14. The balance of potential harm to Defendant of being prevented from continuing to profit from its illegal and infringing activities if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiff, its business, the goodwill and reputation built up in and associated with the Supercell IP and to its reputation if a temporary restraining order is not issued.

15. Public interest favors issuance of the temporary restraining order in order to protect Plaintiff's interests in and to its Supercell IP, and to protect the public from being deceived and defrauded by Defendant's passing off of its substandard Counterfeit Products as Clash of Clans and/or Brawl Stars Products.

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

17. The next issue is Plaintiff's request for alternative service. Federal Rule of Civil Procedure 4(f) allows three means of service on a defendant in a foreign country: "(1) by any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial

Documents; (2) if there is no internationally agreed means, or if an international agreement allows but does not specify other means, by a method that is reasonably calculated to give notice . . .; or (3) by other means not prohibited by international agreement, as the court orders.” “The decision whether to allow alternative methods of serving process under Rule 4(f)(3) is committed to the sound discretion of the district court.” *Vega v. Hastens Beds, Inc.*, 342 F.R.D. 61, 64 (S.D.N.Y. 2022) (internal quotation marks omitted). “China is a signatory to the Hague Convention.” *Pinkfong Co., Inc. v. Avensy Store (“Pinkfong I”)*, No. 23-CV-09238, 2023 WL 8531602, at *1 (S.D.N.Y. Nov. 30, 2023) (citation omitted). Plaintiff requests alternative service, regardless of whether the Hague Convention applies in this context.

18. First, Plaintiff argues that the Hague Convention does not apply because, despite reasonable efforts, Plaintiff was not able to locate Defendant’s address. An address is “not known” if Plaintiff demonstrates that it “exercised reasonable diligence in attempting to discover a physical address for service of process and was unsuccessful in doing so.” *Advanced Access Content Sys. Licensing Adm’r, LLC v. Shen*, No. 14-CV-1112, 2018 WL 4757939, at *4 (S.D.N.Y. Sept. 30, 2018).

19. “Plaintiffs have been found to have exercised reasonable diligence to discover a physical address where the plaintiff [1] researched defendant’s websites associated with defendant’s domain names, [2] completed multiple Internet-based searches, [3] called known phone numbers, and [4] conducted in-person visits, where the plaintiff [5] performed extensive investigation and [6] issued subpoenas to the relevant domain registrars and email providers, and where a plaintiff [7] has attempted to obtain the defendant’s address in a variety of ways.” *Pinkfong I*, 2023 WL 8531602, at *2 (citations omitted and alterations adopted).

20. Here, Plaintiff’s counsel proffers its unsuccessful attempts to discover Defendant’s

physical address. Defendant's Website provides two addresses for Defendant's purported warehouse locations in the United States: (1) 2455 S. Carr St. Littleton, Colorado 80128 and (2) 3405 S. Carr St. Littleton, Colorado 80128. (Levine Decl. ¶ 10.) Plaintiff's counsel states that the two addresses are associated with other websites that seem to sell counterfeit products from other brands. (*Id.* ¶ 11.) Plaintiff's counsel declares that "these addresses appear to be fake with no connection to the Defendant and/or the Defendant's Website." (*Id.* ¶ 12.) Moreover, "these specific addresses do not exist" according to Google Maps, and a similar address is in a suburban neighborhood, "which shows no indication of a warehouse whatsoever." (*Id.*) Plaintiff's counsel states that "[n]o other contact information has been provided for Defendant's Website and/or it has been intentionally concealed." (*Id.* ¶ 14.) I find that the two addresses provided on Defendant's Website appear to be false addresses, and that despite Plaintiff's reasonable efforts, Defendant's real, physical address cannot be discovered. *See Pinkfong Co., Inc. v. Avenisy Store* ("Pinkfong *II*"), No. 23-CV-09238, 2023 WL 8530159, at *3 (S.D.N.Y. Nov. 30, 2023) (allowing alternative service only as to defendants who had "false addresses"). Plaintiff's counsel states that it is "impossible" for them "to locate a true and correct physical address for Defendant," but that Defendant must necessarily have "a current and operation email address(es) to operate Defendant's Website and conduct its business." (*Id.* ¶ 16.) Accordingly, Plaintiff's motion for alternative service is GRANTED.

21. Service on Defendant by alternative means is reasonably calculated to result in proper notice to Defendant.

22. If Defendant is given notice of the Application, it is likely to secret, conceal, transfer or otherwise dispose of its ill-gotten proceeds from its sales of Counterfeit Products or other goods infringing the Supercell IP. Therefore, good cause exists for granting Plaintiff's

request for an asset restraining order. It typically takes the Financial Institutions a minimum of five (5) days after service of the Order to locate, attach and freeze Defendant's Assets and/or Defendant's Financial Accounts. As such, the Court allows enough time for Plaintiff to serve the Financial Institutions and Third Party Service Providers with this Order, and for the Financial Institutions and Third Party Service Providers to comply with the Paragraphs I(B)(1) through I(B)(2) and I(C)(1) through I(C)(2) of this Order, respectively, before requiring service on Defendant.

23. Similarly, if Defendant is given notice of the Application, it is likely to destroy, move, hide or otherwise make inaccessible to Plaintiff the records and documents relating to Defendant's manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and/or sale of Counterfeit Products. Therefore, Plaintiff has good cause to be granted expedited discovery.

ORDER

Based on the foregoing findings of fact and conclusions of law, Plaintiff's Application is hereby **GRANTED** as follows:

I. Temporary Restraining Order

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, that Defendant is hereby restrained and enjoined from engaging in any of the following acts or omissions for fourteen (14) days from the date of this order, and for such further period as may be provided by order of the Court:

- 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 Supercell IP and/or marks and/or artwork that are

confusingly and/or substantially similar to, identical to and constitute a counterfeiting or infringement of the Supercell IP;

- 2) directly or indirectly infringing in any manner Plaintiff's Supercell IP;
- 3) using any reproduction, counterfeit, copy or colorable imitation of Plaintiff's Supercell IP, to identify any goods or service not authorized by Plaintiff;
- 4) using Plaintiff's Supercell IP and/or any other marks that are confusingly similar to the Supercell Mark, Clash of Clans Marks and/or Brawl Stars Marks and/or any other artwork that is substantially similar to the Clash of Clans Works and/or Brawl Stars Works, on or in connection with Defendant's manufacturing, importing, exporting, advertising, marketing, promoting, distributing, offering for sale, selling and/or otherwise dealing in Counterfeit Products;
- 5) using any false designation of origin or false description, or engaging in any action which is likely to cause confusion, cause mistake and/or to deceive members of the trade and/or the public as to the affiliation, connection or association of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendant with Plaintiff, and/or as to the origin, sponsorship or approval of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defendant and Defendant's commercial activities and Plaintiff;
- 6) 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 Defendant's Website or Defendant's Assets and the manufacture, importation, exportation, advertising,

marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products;

- 7) effecting assignments or transfers, forming new entities or associations, or utilizing any other device for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order;
- 8) linking, transferring, selling and/or operating Defendant's Website;
- 9) registering, trafficking in or using any domain names that incorporate any of Plaintiff's Supercell IP, or any colorable imitation thereof, including the Infringing Domain Name; and
- 10) knowingly instructing any other person or business entity to engage in any of the activities referred to in subparagraphs I(A)(1) through I(A)(9) above and I(B)(1) through I(B)(2) and I(C)(1) through I(C)(2) below.

B. IT IS HEREBY ORDERED, as sufficient cause has been shown, that Defendant and all persons in active concert and participation with them who receive actual notice of this Order, including Third Party Service Providers and Financial Institutions who satisfy those requirements and are identified in this Order are hereby restrained and enjoined from engaging in any of the following acts or omissions for fourteen (14) days from the date of this order, and for such further period as may be provided by order of the Court:

- 1) secreting, concealing, transferring, disposing of, withdrawing, encumbering or paying Defendant's Assets from or to Defendant's 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 Defendant's Assets and Defendant's Financial Accounts;
and

- 3) knowingly instructing any person or business entity to engage in any of the activities referred to in subparagraphs I(A)(1) through I(A)(9) and I(B)(1) through I(B)(2) above and I(C)(1) through I(C)(2) below.

C. IT IS HEREBY ORDERED, as sufficient cause has been shown, that Defendant and all persons in active concert and participation with them including the Third Party Service Providers who satisfy those requirements and are identified in this Order are hereby restrained and enjoined from engaging in any of the following acts or omissions for fourteen (14) days from the date of this order, and for such further period as may be provided by order of the Court:

- 1) within five (5) days after receipt of service of this Order, providing services to Defendant, including, without limitation, those relating to the continued operation of Defendant's Website;
- 2) permitting the transfer, sale and/or assignment of Defendant's Website; and
- 3) knowingly instructing any other person or business entity to engage in any of the activities referred to in subparagraphs I(A)(1) through I(A)(8), I(B)(1) through I(B)(2) and I(C)(1) through I(C)(2) above.

II. Order to Show Cause Why A Preliminary Injunction Should Not Issue And Order Of Notice

A. Defendant is hereby ORDERED to show cause before this Court in a telephonic hearing to be held **May 30, 2025 at 2 p.m.** which Plaintiff may present its arguments in support of its request for issuance of a preliminary injunction. At such time, any Defendants may also be heard as to opposition to Plaintiff's Application. The dial-in number is **1-855-244-8681** and the access code is **2309 3085 835**. There is no attendee ID.

- B. IT IS FURTHER ORDERED that opposing papers, if any, shall be filed electronically with the Court and served on Plaintiff's counsel by delivering copies thereof to the office of Epstein Drangel LLP at 60 East 42nd Street, Suite 1250, New York, NY 10165, Attn: Jason M. Drangel on or before **May 23, 2025**. Plaintiff shall file any Reply papers on or before **May 28, 2025**.
- C. IT IS FURTHER ORDERED that Defendant is 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 Fed. R. Civ. P. 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 Fed. R. Civ. P. 64 and 65 and N.Y. C.P.L.R. 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 Defendant's Financial Accounts and shall provide written confirmation of such attachment to Plaintiff's counsel.

IV. Order Authorizing Bifurcated and Alternative Service by Electronic Means

- A. IT IS FURTHER ORDERED pursuant to Fed. R. Civ. P. 4(f)(3), as sufficient cause has been shown, that service may be made on, and shall be deemed effective as to Defendant if it is completed by the following means:
- 1) delivery of: (i) PDF copies of this Order together with the Summons and Complaint, and (ii) a link to a secure website (including NutStore, a large mail link created through Rmail.com and by website publication through a specific page dedicated to this Lawsuit accessible through ipcounselorslawsuit.com) where Defendant will be able to download

PDF copies of this Order together with the Summons and Complaint, and all papers filed in support of Plaintiff's Application seeking this Order to Defendant's e-mail addresses, contact@clashofclansmerch.com, heworld38@gmail.com and payment.info@onesanfordpoe24.com.

- B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service ordered herein shall be deemed effective as to Defendant, Third Party Service Providers and Financial Institutions through the pendency of this action.
- C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be made within five (5) days of the Financial Institutions and Third Party Service Providers' compliance with **Paragraphs III(A) and V(B)-(C)** of this Order.
- D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that service may be made and shall be deemed effective as to the following if it is completed by the below means:
- 1) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PayPal Inc. will be able to download a PDF copy of this Order by electronic mail to PayPal 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 Payoneer Inc. will be able to download a PDF copy of this Order by electronic mail to Payoneer Inc.'s Customer Service Management at Third Party Requests at thirdpartyrequests@payoneer.com;
 - 3) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where PingPong Global Solutions Inc. will be able to download a PDF copy of this Order by electronic mail to legal-int@pingpongx.com;

- 4) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where Cloudflare, Inc. will be able to download a PDF copy of this Order by electronic mail to abuse@cloudflare.com;
- 5) delivery of: (i) a PDF copy of this Order, or (ii) a link to a secure website where NameCheap, Inc. will be able to download a PDF copy of this Order by electronic mail to Legal@namecheap.com;
- 6) delivery of (i) a PDF copy of this Order, or (ii) a link to a secure website where Visa Inc. will be able to download a PDF copy of this Order by electronic mail to businessconduct@visa.com;
- 7) delivery of (i) a PDF copy of this Order, or (ii) a link to a secure website where American Express Company will be able to download a PDF copy of this Order by electronic mail to amexsru@aexp.com;
- 8) delivery of (i) a PDF copy of this Order, or (ii) a link to a secure website where Mastercard Inc. will be able to download a PDF copy of this Order by electronic mail to ipinquiries@mastercard.com; and
- 9) delivery of (i) a PDF copy of this Order, or (ii) a link to a secure website where Apple, Inc. will be able to download a PDF copy of this Order by electronic mail to lawenforcement@apple.com;

V. Order Authorizing Expedited Discovery

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

- 1) Within fourteen (14) days after receiving service of this Order, Defendant shall serve upon Plaintiff's counsel a written report under oath providing:
 - a. its true name and physical address(es);

- b. the name and location and URL of any and all websites that Defendant owns and/or operates;
 - 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 Defendant's Financial Accounts, including, but not limited to, the account numbers and current account balances; and
 - e. the steps taken by Defendant, or other persons served to comply with **Section I**, above.
- 2) Plaintiff may serve interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure as well as Local Civil Rule 33.3 of the Local Rules for the Southern and Eastern Districts of New York and Defendant shall provide written responses under oath to such interrogatories within fourteen (14) days of service to Plaintiff's counsel.
- 3) Plaintiff may serve requests for the production of documents pursuant to Fed. R. Civ. P. 26 and 34, and Defendant, if served with this Order and the requests for the production of documents shall produce all documents responsive to such requests within fourteen (14) days of service to Plaintiff's counsel.
- B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order the Financial Institutions served with this Order shall identify any and all of Defendant's Financial Accounts, and provide Plaintiff's counsel with a summary report containing account details for any and all such accounts, which shall include, at a minimum, identifying information for Defendant, including contact information for Defendant (including, but not limited to, mailing addresses and e-mail addresses), account numbers and

account balances for any and all of Defendant's Financial Accounts and confirmation of said compliance with this Order.

C. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within five (5) days of receipt of service of this Order, the Third Party Service Providers served with this Order shall identify any and all of Defendant's Website, and provide Plaintiff's counsel with a summary report, which shall include, at a minimum, identifying information for Defendant's Website (i.e. URLs), contact information for Defendant (including but not limited to, mailing addresses and e-mail addresses) and confirmation of said compliance with this Order.

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

1) Within fourteen (14) days of receiving actual notice of this Order, all Financial Institutions who are served with this Order shall provide Plaintiff's counsel all documents and records in their possession, custody or control (whether located in the U.S. or abroad) relating to any and all of Defendant's 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 Defendant and/or Defendant's Website, 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 Defendant's Financial Accounts;

- e. any and all deposits and withdrawals during the previous year from each and every one of Defendant's 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 Defendant's Financial Accounts during the previous year, including, but not limited to, documents sufficient to show the identity of the destination of the transferred funds, the identity of the beneficiary's bank and the beneficiary's account number.

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

- 1) Within fourteen (14) days of receipt of service of this Order, the Third Party Service Providers served with this Order shall provide to Plaintiff's counsel all documents and records in its possession, custody or control (whether located in the U.S. or abroad) relating to Defendant's Website, including, but not limited to, documents and records relating to:
 - a. account details, including, without limitation, identifying information and URLs for any and all accounts or websites that Defendant has ever had and/or currently maintain with the Third Party Service Providers that were not previously provided pursuant to Paragraph V(C);
 - b. the identities, location and contact information, including any and all e-mail addresses of Defendant that were not previously provided pursuant to Paragraph V(C);
 - c. the nature of Defendant's business(es) and operation(s), methods of payment, methods for accepting payment and any and all financial information, including, but not limited to, information associated with Defendant's Website, a full

accounting of Defendant's sales history and listing history under such accounts and Defendant's Financial Accounts with any and all Financial Institutions associated with Defendant's Website; and

- d. Defendant's manufacturing, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products, or any other products bearing the Supercell IP and/or marks and/or artwork that are confusingly and/or substantially similar to, identical to and constitute an infringement of the Supercell IP.

VI. Security Bond

- A. IT IS FURTHER ORDERED that Plaintiff shall place security in the amount of five-thousand Dollars (\$5,000) with the Court which amount is determined adequate for the payment of any damages any person may be entitled to recover as a result of an improper or wrongful restraint ordered hereunder.

VII. Sealing Order

- A. IT IS FURTHER ORDERED that Plaintiff's Complaint and exhibits attached thereto, and Plaintiff's *ex parte* Application and the Declarations of Markku Ignatius and Melissa J. Levine in support thereof and exhibits attached thereto, and this Order shall remain sealed until the Financial Institutions and Third Party Service Providers comply with **Paragraphs I(B), III(A) and V(C)** of this Order.

B. IT IS FURTHER ORDERED that Plaintiff's counsel submit a letter notifying me why this case should remain under seal, given the presumption of access and the public's First Amendment right to access judicial documents. *See generally Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Such a letter shall be filed within 14 days after Defendant is served with (1) the Complaint and exhibits attached thereto, (2) Plaintiff's ex parte Application and accompanying Declarations and exhibits attached thereto, and (3) this Order.

This Temporary Restraining Order without notice is entered **May 16, 2025** and shall remain in effect for fourteen (14) days.

SO ORDERED.

Dated: May 16, 2025
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

Vernon S. Broderick
United States District Judge