

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

POOF-SLINKY, LLC,

Plaintiff,

– against –

A.S. PLASTIC TOYS CO., LTD., ET AL,

Defendants.

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DATE FILED: Dec. 13, 2019

**ORDER**

19 Civ. 9399 (ER)

Ramos, D.J.:

On October 16, 2019, POOF-Slinky, LLC (“POOF-Slinky” or “Plaintiff”) served Defendants with a Summons, Complaint, a Temporary Restraining Order (“TRO”) signed by the Court on October 10, 2019, and all papers filed in support of its application for a Preliminary Injunction against all defendants in the above civil case.<sup>1</sup> Doc. 15. POOF-Slinky alleges that the defendants are merchants who infringed upon its federal trademark registration for a variety of goods associated with “Slinky,” a classic toy. Doc. 5, 4–5.

The Court held a show cause hearing on October 24, 2019. Attorney Sergei Orel (“Mr. Orel”) made an appearance and represented that he had been retained to represent sixteen unidentified defendants—and possibly more. Doc. 27, 1. He requested an extension of time to oppose the Preliminary Injunction, which the Court granted until November 7, 2019 for all defendants, keeping the TRO in place until that time. *Id.* On November 27, 2019, Mr. Orel filed a motion to dismiss pursuant to Federal Rule of Civil Procedures 12(b)(2) and 12(b)(6) on behalf

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<sup>1</sup> The Court notes this case was originally filed under seal on October 10, 2019 and was unsealed on October 25, 2019. Docs. 1, 3.

of thirty-four defendants (collectively, the “Orel Defendants”).<sup>2</sup> Doc. 20. On December 4, 2019, Mr. Orel requested an extension of time, up to and including January 14, 2020, to complete discovery and oppose the pending Preliminary Injunction. Doc. 23.

On December 6, 2019, the Court directed POOF-Slinky to respond by December 10, 2019. Doc. 26. POOF-Slinky consented to Mr. Orel’s request for an extension but requested that this be the final one granted to the Orel Defendants. Doc. 27, 2. POOF-Slinky also requested an extension of time, up to and including January 28, 2020, to file an opposition to the Orel Defendants’ motion to dismiss, Doc. 20, as Plaintiff has yet to receive the full expedited discovery from them. *Id.* Finally, POOF-Slinky requested that the Court enter an order preliminarily enjoining all defendants not represented by Mr. Orel and that the Court extend the TRO against the Orel Defendants pending the outcome of the motion to dismiss. *Id.*

Accordingly, the Court: (1) GRANTS the Orel Defendants’ request for an extension of time to produce discovery and oppose the Preliminary Injunction up to and including January 14, 2020; but this is the final time the Court will grant this request absent good cause shown; (2) GRANTS POOF-Slinky’s request for an extension of time to oppose the motion to dismiss up to and including January 28, 2020; (3) for the reasons set forth on the show case hearing record, GRANTS POOF-Slinky’s request for injunctive relief as to all defendants, except for the Orel

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<sup>2</sup> The Orel Defendants are: A.S. Plastic Toys Co., Ltd., Amy & Benton Toys And Gifts Co., Ltd., Believe-Fly Trading (Toys) Co., Ltd. Shantou, GREAT INTERNATIONAL TOYS LIMITED, Guangdong Hershey Spring Industrial Co., Ltd., Hengjun Plastic Toys Manufactory, Longyan Lang Ling Heng Chuang Trading Co., Ltd., Ningbo ZhenRong International Trading Co., Ltd. (JUST IN), Shantou Chenghai Haoda Toys Co., Ltd., Shantou Chenghai Hengya Toys Co., Ltd., Shantou Chenghai Kaishenglong Toys Factory, Shantou Chenghai Pengcheng Toy Ind. Co., Ltd., Shantou Chenghai Sweet Baby Toys Firm, Shantou Chenghai Yuansheng Toys Industry Co., Ltd., Shantou Chenghai Yueqi Toys Firm, Shantou City Chenghai Xinbooming Toys Factory, Shantou H&C Toys & Crafs Manufactory, Shantou Jinyu Trading Co., Ltd., Shantou Kunyang Trading Co., Ltd., Shantou Longhu XuChang Toys Firm, Shantou Lucky Toys & Gift Firm, Shantou Mingtong Toys Industrial Co., Ltd., Shantou South Toys Factory, Shantou Tianyi Toys Industrial Co., Ltd., Shaoxing Jinlangte Sports Goods Co., Ltd., Shenzhen Gift Joint Promo Co., Ltd., Shenzhen X-World Technology Co., Ltd., Wenling Bestone Commodity Factory, Yiwu B&T Crafts & Arts Co., Ltd., Yiwu Power Import & Export Co., Ltd., Yiwu Qida Household Items Factory, Zhangping TK Toys And Gifts Co., Ltd., hhsmile Store, and nbjustin Store.

Defendants; and lastly, (4) GRANTS POOF-Slinky's request for an extension of the TRO against the Orel Defendants pending the outcome of the motion to dismiss, Doc. 20.

It is SO ORDERED.

Dated: December 13, 2019  
New York, New York



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Edgardo Ramos, U.S.D.J.