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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

20-CV-10416

BANG & OLUFSEN A/S,

Plaintiff

v.

15626122961, 18520780903, ALICY2493, AMILA,
 ANDY BOUTIQUE STORE, BBLISHIWO, BLUE
 SKY GREEN SEA, BOOMLY, BOYCE,
 CAPFUYOU5703, CFORKTY, CZYOUTH0222,
 DEIDEI6666, DHYYOUTH0113, DSLKJFO5,
 DTYO31WW, DUXIAOXUELN99075, ESEPRENY
 BABY'S, FFGHM, FGJD7UY63, FGSRTWARTAW,
 FGXXHGRT, FHGDTR, FHGRTRE, FLOWERTON,
 FLTJRJVGR, FULL CAT, GCJAETWRQWEQW,
 HAPPY-LXL, HILLKY, HIS983Y7,
 HOLLESPIRATE, HOME CHENKU, HOP WITH
 YOUR FEELING, HOURMINU5, ILUMINATY,
 INABINE, IRNTBFDOE, ISNJA, JIANGKUN HOME
 STORE, JIECHENGDIANZI, JUNETRY,
 KUANGDUANG, LKSDJKGAL, LUOTIANXIU,
 MARICHU, NBSQ, NVMCFHSERT, PDORMMGDF,
 PEAHER, PERSPECTIVE01, PIPIXIADEAI,
 QITANGDASHENGUN, RENXINGBENSHAN,
 RRVTSPPPPP, SALE OFFICIAL STORE,
 SANKUTOY20, SHOP-STORE,
 SOLEDABRAVOIMPORT, SONGYUANYU,
 STT6556, SUNCHENGJING, SUNNY118,
 SUNSHINE WALL, SUNYANZHI, SZMLOVE,
 VCGJV, WANGSAN, WBT525, WEICHENPEN,
 WSP5322132, XIAOBINGFENGING, XULULUO,

**1) TEMPORARY RESTRAINING
 ORDER; 2) ORDER RESTRAINING
 MERCHANT STOREFRONTS AND
 DEFENDANTS' 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

XUMINGSHOP, YANHEMUKQ, YIFANG2015,
YUERNCVHF, ZHAOYALIN5155 and ZHOU12345,

Defendants

GLOSSARY

Term	Definition
Plaintiff or Bang & Olufsen	Bang & Olufsen A/S
Defendants	15626122961, 18520780903, alicy2493, amila, Andy boutique store, BBlishiwo, Blue sky Green sea, BOOMLY, boyce, capfuyou5703, cforkty, czyouth0222, deidei6666, dhyyouth0113, DSLKJFO5, dtyo31ww, duxiaoxueln99075, Esepreny Baby's, FFGHM, fgjd7uy63, fgsrtwartaw, fgxxhgrt, fhgdr, fhgtrt, flowerton, fltyrjvrg, full cat, gcjaetwrqweQW, Happy-LXL, HILLKY, his983y7, hollespirate, Home ChenKu, hop with your feeling, hourminu5, Iluminaty, InaBine, irntbfdoe, ISNJA, jiangkun home store, jiechengdianzi, junetry, kuangduang, lkdsjkgal, luotianxiu, Marichu, NBSq, nvmcfhsert, pdormmgdf, peaher, Perspective01, pipixiadeai, qitangdashengsun, renxingbenshan, rrvtsppppp, SALE Official Store, sankutoy20, shop-store, soledabravoimport, songyuanyu, stt6556, sunchengjing, Sunny118, Sunshine wall, sunyanzhi, szmLOVE, VCGJV, wangsan, wbt525, weichenpen, wsp5322132, Xiaobingfenging, xululuo, xumingshop, YanhemukQ, YIFang2015, yuerncvhf, zhaoyalin5155 and zhou12345
Wish	Wish.com, a San Francisco, California-based, online marketplace and e-commerce platform owned by ContextLogic, Inc., a Delaware corporation (“ContextLogic”), that allows manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their retail products, which, upon information and belief, primarily originate from China, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York
Epstein Drangel	Epstein Drangel LLP, counsel for Plaintiff
New York Address	244 Madison Ave, Suite 411, New York, New York 10016
Complaint	Plaintiff’s Complaint filed on December 10, 2020
Application	Plaintiff’s <i>Ex Parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined <i>infra</i>) and Defendants’ Assets (as defined <i>infra</i>) with the Financial Institutions (as defined <i>infra</i>); 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 filed on

	December 10, 2020
Serup Dec.	Declaration of Morten R. Serup in Support of Plaintiff's Application
Drangel Dec.	Declaration of Jason M. Drangel in Support of Plaintiff's Application
B&O Products	High-end luxury Danish consumer electronics, including the BEOPLAY wireless earbuds, BEOPLAY and BEOSOUND portable sneakers and BEOPLAY headphones
B&O Marks	<p>U.S. Trademark Registration Nos.: 3,106,984 for “” for a variety of goods in Classes 9, 20, 35, 37, 41 and 42; 1,007,565 for “” for a variety of goods in Classes 7, 9, 11, 12 and 15; 3,063,786 for “BANG & OLUFSEN” for a variety of goods in Classes 9, 20, 35, 37, 41 and 42; 1,006,022 for “BANG & OLUFSEN” for a variety of goods in Class 9; 4,489,925 for “BEOPLAY” for a variety of goods in Classes 9, 20, 35, 36 and 38 and 2,340,801 for “BEOSOUND” for a variety of goods in Class 9</p>
Counterfeit Products	Products bearing or used in connection with the B&O Marks, and/or products in packaging and/or containing labels bearing the B&O Marks, and/or bearing or used in connection with marks that are confusingly similar to the B&O Marks and/or products that are identical or confusingly similar to the B&O Products
Infringing Listings	Defendants' listings for Counterfeit Products
User Accounts	Any and all websites and any and all accounts with online marketplace platforms such as Wish, 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
Merchant Storefronts	Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in 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
Defendants' Assets	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)

Defendants' Financial Accounts	Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad)
Financial Institutions	Any banks, financial institutions, credit card companies and payment processing agencies, such as ContextLogic, PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer"), PingPong Global Solutions, Inc. ("PingPong") and other companies or agencies that engage in the processing or transfer of money and/or real or personal property of Defendants
Third Party Service Providers	Online marketplace platforms, including, without limitation, those owned and operated, directly or indirectly, by ContextLogic, such as Wish, as well as any and all as yet undiscovered online marketplace platforms and/or entities 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 Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise

On this day, the Court considered Plaintiff's *ex parte* application for the following: 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 Defendants, Third Party Service Providers and Financial Institutions in light of Defendants' intentional and willful offerings for sale and/or sales of Counterfeit Products.¹ A complete list of Defendants is attached hereto as **Schedule A**, which also includes links to Defendants' Merchant Storefronts and Infringing Listings. Having reviewed the Application, Declarations of Morten Serup and Jason M. Drangel, along with exhibits attached thereto and other evidence submitted in support thereof, the Court makes the following findings of fact and conclusions of law:

FACTUAL FINDINGS & CONCLUSIONS OF LAW

1. Bang & Olufsen, launched in 1925, is a high-end luxury Danish consumer electronics company that designs audio products and television sets, which are distributed through various channels of trade in the United States and abroad.

2. The most popular and successful B&O Products are the BEOPLAY wireless earbuds, BEOPLAY and BEOSOUND portable speakers and BEOPLAY headphones. The BEOPLAY wireless earbuds couple iconic design aesthetics with anodized aluminum, and feature two built-in microphones on either side, with optimized passive noise cancelling for a top-notch sound experience. The BEOPLAY wireless earbuds are easy to pocket with the slim case design and have grooves on the earphones to improve the grip. The BEOPLAY headphones feature two customized titanium drivers and Bang & Olufsen's proprietary digital signal processing (DSP) engine


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.


and provide an unrivaled wireless listening experience.

3. The B&O Products are sold mainly by an extensive, independent retail network across more than 100 countries and some major U.S. retailers, such as Amazon, Best Buy and Neiman Marcus.

4. While Bang & Olufsen has gained significant common law trademark and other rights in its B&O Marks and B&O Products through use, advertising and promotion, Bang & Olufsen also protected its valuable rights by filing for and obtaining federal trademark registrations.

5. For example, Bang & Olufsen owns the following U.S. Trademark Registration Nos.:

U.S. Trademark Registration Nos.: 3,106,984 for “” for a variety of goods in Classes 9, 20,

35, 37, 41 and 42; 1,007,565 for “” for a variety of goods in Classes 7, 9, 11, 12 and 15;

3,063,786 for “BANG & OLUFSEN” for a variety of goods in Classes 9, 20, 35, 37, 41 and 42;

1,006,022 for “BANG & OLUFSEN” for a variety of goods in Class 9; and 4,489,925 for

“BEOPLAY” for a variety of goods in Classes 9, 20, 35, 36 and 38; and 2,340,801 for

“BEOSOUND” for a variety of goods in Class 9.

6. Defendants are manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale or Counterfeit Product through Defendants’ User Accounts and Merchant Storefronts with Wish (*see* **Schedule A** for links to Defendants’ Merchant Storefronts and Infringing Listings);

7. Wish.com, a San Francisco, California-based, online marketplace and e-commerce platform owned by ContextLogic, Inc., a Delaware corporation, that allows manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their retail products, which, upon information and belief, primarily originate from China, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York

8. Defendants are not, nor have they ever been, authorized distributors or licensees of the B&O Products. Neither Plaintiff, nor any of Plaintiff's authorized agents, have consented to Defendants' use of the B&O Marks, nor has Plaintiff consented to Defendants' use of marks that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the B&O Marks;

9. Plaintiff is likely to prevail on its Lanham Act and related common law claims at trial;

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

- a. Defendants have offered for sale and sold substandard Counterfeit Products that infringe the B&O Marks;
- 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 B&O Products; and
- c. Plaintiff has well-founded fears that if it proceeds 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 B&O Marks, 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 Plaintiff's 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 B&O Marks, 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 B&O Marks and records relating thereto that are in their possession or under their control and/or (iv) open new User Accounts and Merchant Storefront under new or different names and continue to offer for sale and sell Counterfeit Products with little to no consequence;

11. 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 Plaintiff, its business, the goodwill and reputation built up in and associated with the B&O Marks and to its reputations if a temporary restraining order is not issued;

12. Public interest favors issuance of the temporary restraining order in order to protect Plaintiff's interests in and to its B&O Marks, and to protect the public from being deceived and defrauded by Defendants' passing off of their substandard Counterfeit Products as B&O Products;

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

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

15. 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 B&O Marks. 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 Defendants' Assets and/or Defendants' Financial Accounts and it is anticipated that it will take the Third Party Service Providers a minimum of five (5) days to freeze Defendants' Merchant Storefronts. 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) of this Order, respectively, before requiring service on Defendants.

16. Similarly, if Defendants are given notice of the Application, they are likely to destroy, move, hide or otherwise make inaccessible to Plaintiff 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 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 Defendants 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 this 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 B&O Marks and/or marks that are confusingly similar to, identical to and constitute a counterfeiting or infringement of the B&O Marks;
- 2) directly or indirectly infringing in any manner Plaintiff's B&O Marks;
- 3) using any reproduction, counterfeit, copy or colorable imitation of Plaintiff's B&O Marks to identify any goods or service not authorized by Plaintiff;
- 4) using Plaintiff's B&O Marks and/or any other marks that are confusingly similar to the B&O Marks on or in connection with Defendants' 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 Defendants 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 Defendants and Defendants' 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 their User Accounts, Merchant Storefronts or Defendants' 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 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
 - 8) 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)(7) 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 the Third Party Service Providers and Financial Institutions 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 Defendants' Assets from or to 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 any person or business entity to engage in any of the activities referred to in subparagraphs I(A)(I) through I(A)(7) 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 the Third Party Service Providers 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 Defendants, Defendants' User Accounts and Defendants' Merchant Storefronts, including, without limitation, continued operation of Defendants' User Accounts and Merchant Storefronts; and

- 2) 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)(7), 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 why a preliminary injunction pursuant to Fed. R. Civ. P. 65(a), should not issue, at a telephone hearing on **January 6, 2021, at 12:00 p.m. New York time.** To participate in the hearing, parties shall dial 1-888-557-8511, and enter passcode 9300838.
- B. IT IS FURTHER ORDERED that opposing papers, if any, shall be sent to the Court by email at OetkenNYSChambers@nysd.uscourts.gov, filed electronically on ECF, and served on Plaintiff's 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 December 31, 2020. Plaintiff may file any Reply papers on or before January 5, 2021.
- 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 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 Defendants'

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 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 NutStore.com, a large mail link created through Rmail.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 Plaintiff's Application seeking this Order to Defendants' e-mail addresses to be determined after having been identified by ContextLogic pursuant to **Paragraph V(C)**.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that such alternative service by electronic means ordered herein shall be deemed effective as to Defendants, 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(C)** of this Order.

D. IT IS FURTHER ORDERED, as sufficient cause has been shown, that the Clerk of the Court shall issue a single original summons directed to all Defendants as listed in an attachment to the summons that will apply to all Defendants.

E. 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 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, Inc. will be able to download a PDF copy of this Order via electronic mail to ContextLogic Inc.'s counsel, Dwight Lueck, at Dwight.Lueck@btlaw.com, Brittany Smith, at Brittany.Smith@btlaw.com, and Rocky Cislak, at Rocky.Cislak@btlaw.com;
- 3) 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 via electronic mail to Payoneer Inc.'s Customer Service Management at customerservicemanager@payoneer.com and Edward Tulin, counsel for Payoneer Inc., 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 Global Solutions Inc. will be able to download a PDF copy of this Order via electronic mail to PingPong Global Solutions Inc.'s Legal Department legal@pingpongx.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, each Defendant shall serve upon Plaintiff's 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 any Third Party Service Provider platform 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.
- 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 Defendants who are served with this Order 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 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 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 shall identify any and all of Defendants' 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 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, the Third Party Service Providers shall identify any and all of Defendants' User Accounts and Merchant Storefronts, and provide Plaintiff's 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 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 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, the Third Party Service Providers 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 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 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 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 B&O Marks and/or marks that are confusingly similar to, identical to and constitute an infringement of the B&O Marks.

VI. Security Bond

- A. IT IS FURTHER ORDERED that Plaintiff shall place security in the amount of \$5000 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 Morten Serup and Jason M. Drangel 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)-(C), III(A) and V(C)** of this Order.

SO ORDERED.

SIGNED this 21st day of December, 2020, at 1:45 p.m.



J. PAUL OETKEN
United States District Judge

SCHEDULE A

No.	Defendant	Infringing Listing	Merchant Storefront
1	15626122961	https://www.wish.com/product/5e622c78e872ef2cc377fd27	https://www.wish.com/merchant/5e38219fe489d5559c965d64
2	18520780903	https://www.wish.com/product/5e622c7666baf82cdf896f2d	https://www.wish.com/merchant/5e35212b913001037cdbbd9b
3	alicy2493	https://www.wish.com/product/5fbb63c0902c5a3d309310c1	https://www.wish.com/merchant/5f9a21940e46e92d9cc8042c
4	amila	https://www.wish.com/product/5f074ae4a50cd9653301a527	https://www.wish.com/merchant/584cfaa473c8764c842b1909
5	Andy boutique store	https://www.wish.com/product/5fb781f329ab41358ee23f1f	https://www.wish.com/merchant/5d5151e0838897074ee6915d
6	BBlishiwo	https://www.wish.com/product/5f5f10b73ca8952291989c22	https://www.wish.com/merchant/5acc77a0a71fbf46c7c8846e
7	Blue sky Green sea	https://www.wish.com/product/5f865ce98a35e40050baf54d	https://www.wish.com/merchant/5b064fe35920697682e5a56e
8	BOOMLY	https://www.wish.com/product/5fb32adac87997398661d603	https://www.wish.com/merchant/5e69670548635a003f23858f
9	boyce	https://www.wish.com/product/5f66ccd748656478a05bb235	https://www.wish.com/merchant/57985b1521933e2f22d37f82
10	capfuyou5703	https://www.wish.com/product/5f895c1d41db45003d175c1b	https://www.wish.com/merchant/5eca22a300ef97b61637dc6a
11	cforkty	https://www.wish.com/product/5f598ad43f63f607c8f3d96f	https://www.wish.com/merchant/5e37ba8c24c3ff4731501bf3
12	czyouth0222	https://www.wish.com/product/5f3e083ab852832b869297df	https://www.wish.com/merchant/59e998f9471c1478a178a41b
13	deidei6666	https://www.wish.com/product/5f6990d3c2aeb500400a265d	https://www.wish.com/merchant/5b99d5378e9f941f30ed8666
14	dhyyouth0113	https://www.wish.com/product/5f3e08723d4fae168f2d7463	https://www.wish.com/merchant/5a03fa46eea5c572eae606b
15	DSLKJFO5	https://www.wish.com/product/5f6082d5de554e153a9b264f	https://www.wish.com/merchant/5d4cc9c1b97c255c3fcd41ff
16	dtyo31ww	https://www.wish.com/product/5f5f12dd2e08d5c08b93b2d7	https://www.wish.com/merchant/5ef2ca0e4e0b2926800dbda7
17	duxiaoxueln99075	https://www.wish.com/product/5f71756c258e0f4673518279	https://www.wish.com/merchant/5b558633bd48481ab141d90d
18	Esepreny Baby's	https://www.wish.com/product/5f44c381286521003f0c3f39	https://www.wish.com/merchant/5ec7599218a38a414278d83b
19	FFGHM	https://www.wish.com/product/5f33861b053e55003ca33421	https://www.wish.com/merchant/5e695171f2699af490c3d2da
20	fgjd7uy63	https://www.wish.com/product/5f4ef544b440c502ed21f5c2	https://www.wish.com/merchant/5ee050d8b3f3941c022db019
21	fgsrtwartaw	https://www.wish.com/product/5f928c7dbade670e45afb5d1	https://www.wish.com/merchant/5ec656123082d50ac13e2b3d
22	fgxhxgrt	https://www.wish.com/product/5f87c0a87fb8f306e00e12f4	https://www.wish.com/merchant/5f2f6f520b0742ab54c49322
23	fhgdr	https://www.wish.com/product/5f695d9fc02ec7f6867e1e59	https://www.wish.com/merchant/5f12a49db7402f2cd2a90f40
24	fhgtrre	https://www.wish.com/product/5f9a4cc9945bb609ce22e57d	https://www.wish.com/merchant/5f082340fc2f262ba4832d48
25	flowerton	https://www.wish.com/product/5f3237008414870d9eedef95	https://www.wish.com/merchant/5e37b58e5ba64b45a5b798ba
26	fltyrjvrg	https://www.wish.com/product/5f45fb758befc50fc383aa10	https://www.wish.com/merchant/5ec64c4f01e08d3f22ba4487
27	full cat	https://www.wish.com/product/5f3a19812ee069eff4340bad	https://www.wish.com/merchant/5d438e138982b93e7ae062d3
28	gcjaetwrqweQW	https://www.wish.com/product/5f3cc1168af35205ab03a759	https://www.wish.com/merchant/5e9d43e6da2ff2220147a0e5
29	Happy-LXL	https://www.wish.com/product/5f59da7f6751b218d2f56759	https://www.wish.com/merchant/5d3d635e72b0c92c421ead7d
30	HILLKY	https://www.wish.com/product/5faa2eda26da06dbe39011d8	https://www.wish.com/merchant/5e694b78c6a6e6f588be76de
31	his983y7	https://www.wish.com/product/5f55d802b908740044a7b21b	https://www.wish.com/merchant/5d48d4f122f3011148e6ddca
32	hollespirate	https://www.wish.com/product/5f3a1976289b9211d65f3e18	https://www.wish.com/merchant/56d6f64499b3a916b8552e36
33	Home ChenKu	https://www.wish.com/product/5f68009957addf0f247cd69d	https://www.wish.com/merchant/5dfcccd93aff1121c94f32b3
34	hop with your feeling	https://www.wish.com/product/5e9028056a3dd84efaa5c27d	https://www.wish.com/merchant/57011735c1bed108976cd95f
35	hourminu5	https://www.wish.com/product/5f32290096c57f003e44f292	https://www.wish.com/merchant/5e379f9c99c710100020186d
36	lluminaty	https://www.wish.com/product/5f6ae7ec23780ff58534b83d	https://www.wish.com/merchant/5f6030bb137df432fe541aba
37	InaBine	https://www.wish.com/product/5f6800c2c85c96b31857ca3a	https://www.wish.com/merchant/5e00de6cf3b39d1ec6ce98ee
38	irntbfdoe	https://www.wish.com/product/5f32370b6a58e6004bdc7173	https://www.wish.com/merchant/5e33b79b08561e08d1c3eda9

39	ISNJA	https://www.wish.com/product/5f62c99b30b76501a204afc9	https://www.wish.com/merchant/5e6ef8b4eb2b33c18077df61
40	jiangkun home store	https://www.wish.com/product/5f6065cd3a72cc00409a6849	https://www.wish.com/merchant/564ac274b5360536281ba079
41	jiechengdianzi	https://www.wish.com/product/5e64cd9fc6ead817cdac2326	https://www.wish.com/merchant/570a770fa18a3f58f96cf5ea
42	junetry	https://www.wish.com/product/5f507f8921c4360afb559530	https://www.wish.com/merchant/5e37a9320f13ee44f3bc682d
43	kuangduang	https://www.wish.com/product/5f61d7eb5e127b0049028cbe	https://www.wish.com/merchant/5d5a8c7b40defd04feaca689
44	lkdsjkgal	https://www.wish.com/product/5f533e480de213004ebc43bc	https://www.wish.com/merchant/5d49421f516537578d7d903d
45	luotianxiu	https://www.wish.com/product/5f3ccf07639d2b004622518c	https://www.wish.com/merchant/5eb4bfae72cc9b0c9b2cbc45
46	Marichu	https://www.wish.com/product/5f59df98445842165aec19c6	https://www.wish.com/merchant/5cd68d508da3ad22123ddeeef
47	NBsq	https://www.wish.com/product/5f71ab125cefbe29922bdc8a	https://www.wish.com/merchant/5dad91f175bebf0df00d1f7b
48	nvmcfhsert	https://www.wish.com/product/5faa202cbe5d11b09850210f	https://www.wish.com/merchant/5f856c5aff5ff7ff95c0f200
49	pdormmgdf	https://www.wish.com/product/5f5ed8cc36e3a7b5dba0d18e	https://www.wish.com/merchant/5e9bff1329e786236530680a
50	peaher	https://www.wish.com/product/5f6df82a0326a627ca85e484	https://www.wish.com/merchant/58e633cff16e6a1ec46a0542
51	Perspective01	https://www.wish.com/product/5f9680365f1219979315681a	https://www.wish.com/merchant/5e2ba81b7c168a0779238596
52	pipixiadeai	https://www.wish.com/product/5f66b2200ee73573eae6f7be	https://www.wish.com/merchant/5adab9fa421595351d87dea4
53	qitangdashengsun	https://www.wish.com/product/5f32b4ee8329b7003a3a972a	https://www.wish.com/merchant/58bab94cde2276510787be3c
54	renxingbenshan	https://www.wish.com/product/5f68495e99b8bcb586d6f1b	https://www.wish.com/merchant/5b7a2c73fbcfde166a3e61d3
55	rrvtsppppp	https://www.wish.com/product/5face05c26e6b2a90a763768	https://www.wish.com/merchant/5f677b82471217491152a8e2
56	SALE Official Store	https://www.wish.com/product/5fbf16d2ea00bdc0925727b0	https://www.wish.com/merchant/5d5659b433f0b46c16f7046b
57	sankutoy20	https://www.wish.com/product/5f1e51dedea354003a462520	https://www.wish.com/merchant/5e3683005ba64b1957b798cc
58	shop-store	https://www.wish.com/product/5f6e24ecf7d86627dd747157	https://www.wish.com/merchant/5815a290af5d3c34857e95b5
59	soledabravoimport	https://www.wish.com/product/5f97c6bedd6123005068a7fe	https://www.wish.com/merchant/5f4589c01c7fa48f9ee292a2
60	songyuanyu	https://www.wish.com/product/5f71757bbd0c80041677afa	https://www.wish.com/merchant/5d6dd1ebaef7d475fce2dea3
61	stt6556	https://www.wish.com/product/5f48956ecccc4f003fdf5095	https://www.wish.com/merchant/5e32953cc3417512c2c4900f
62	sunchengjing	https://www.wish.com/product/5fc485c1bd10f7c767f47b65	https://www.wish.com/merchant/5f3f6d129847300a83bfd06
63	Sunny118	https://www.wish.com/product/5e9d1147d2054e1030ecdca3	https://www.wish.com/merchant/5adae64940626a32656e1680
64	Sunshine wall	https://www.wish.com/product/5f601989a9ff3b0049e25e00	https://www.wish.com/merchant/5e2a9ce4a6ae900f2e6a13d2
65	sunyanzhi	https://www.wish.com/product/5fb3d9f5e8aa01e0ea2ca40e	https://www.wish.com/merchant/5b88fbd89996c825a4d3989a
66	szmLOVE	https://www.wish.com/product/5f3e08833d4fae09922d856c	https://www.wish.com/merchant/5acc633e5ebcfcd36a8b51198
67	VCGJV	https://www.wish.com/product/5fbf24477ec813eda54070c5	https://www.wish.com/merchant/5f6ae9fca38675003f3ca97b
68	wangsan	https://www.wish.com/product/5f316adaceee986486662d42	https://www.wish.com/merchant/589c38eccc73c24f555008f3
69	wbt525	https://www.wish.com/product/5f1e52a1990a4d374a37dd05	https://www.wish.com/merchant/5e3537ce29e7866d6404eaa1
70	weichenpen	https://www.wish.com/product/5f2f97b8520d15970cba5439	https://www.wish.com/merchant/5b7bd4b1650d2d202b2b63bd
71	wsp5322132	https://www.wish.com/product/5fbf5205c2952b94813696c4	https://www.wish.com/merchant/5e186f400bd2311ca2bdb930
72	Xiaobingfenging	https://www.wish.com/product/5f5f13b5d05280bc2edc7ea6	https://www.wish.com/merchant/5acecd7c9722334bcf3b37ec
73	xululuo	https://www.wish.com/product/5f71758afd495b0040854661	https://www.wish.com/merchant/5d6e105484bdc6020b46ea5e
74	xumingshop	https://www.wish.com/product/5f2776bf70ca650047017189	https://www.wish.com/merchant/5e65a08f00ff37df5a8f3bf8
75	YanhemukQ	https://www.wish.com/product/5fb0eac6fcca15d9491bb8	https://www.wish.com/merchant/5e6de1025510404065a39174
76	YIFang2015	https://www.wish.com/product/5f6e25fb2634b631e10fedc2	https://www.wish.com/merchant/576b81350fb17f7f2e2c174c
77	yuerncvhf	https://www.wish.com/product/5f8a8fb8e7d29a11d7be9867	https://www.wish.com/merchant/5e9d50c52aad6e80cce81b9c

78	zhaoyalin5155	https://www.wish.com/product/5fb71ab5dedf910050487bf8	https://www.wish.com/merchant/5eca366e29e7861648816201
79	zhou12345	https://www.wish.com/product/5e65a8301d85879383953b54	https://www.wish.com/merchant/5e312730e19bb70e56315c4b