

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOONBUG ENTERTAINMENT LIMITED,

Plaintiff,

- against -

6383702, 9654956, AIRINA4U-AIRINA4U,
BINGOHERE4U, BLESSERNN, CIAOCIAOSTORE_1,
CLASSY*MISSY, CREAT_KELLY,
DREAMAKER1201, FZSHENGMAOXIN,
GATHERING-RETAIL, GKEVER2016,
JACKINTHEBOX02, JFBCHUPMEI, JOHLEVI94,
LAZYCORNER, LONGJFLI-1, LUOMEIKIT,
LVXINGJIATRAVEL2016, MARIOCOSTUME,
MARK-CONDOR, MEILIANDUOTOA, MWZUK,
NATURALIFT_BEAUTY, PRETTYCLOTHA,
SHENGXINYIDE2021NEW, SHIHENGTRAD,
SPRING-2010, THINKINGTIMEW,
TIANCHUANGBUILD04, TOMASOCOSTUME,
TOYCITY-02, TOYSCHINA2011, XUEME-28,
YHZB520, YIHEYH, and ZBYH1314,

Defendants.

ORDER

21 Civ. 4311 (PGG)

This matter comes before the Court by motion filed by Plaintiff for the entry of final judgment and permanent injunction by default against Defendants for Defendants' trademark infringement, trademark counterfeiting, false designation of origin, passing off, and unfair competition, and related state and common law claims arising out of Defendants' unauthorized use of Plaintiff's Blippi Marks, without limitation, in their manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, or offering for sale and/or selling and/or sale of Counterfeit Products.

WHEREAS this Court has considered the Memorandum of Law (Dkt. No. 28) and Affidavit of Danielle (Yamali) Futterman in support of Plaintiff's Motion for Default Judgment and

a Permanent Injunction Against Defaulting Defendant (Dkt. No. 27), the Certificate of Service of the Summons and Complaint (Dkt. No. 15), the Certificate of the Clerk of the Court stating that no answer has been filed in the instant action (Dkt. No. 23), and upon all other pleadings and papers on file in this action;

WHEREAS on July 19, 2021, Plaintiff voluntarily dismissed Defendant toyschina2011 (Dkt. Nos. 16-17);

WHEREAS this Court has determined that Plaintiff has not established a basis for the Court to exercise jurisdiction over Defendant luomeikit (see Dkt. No. 34);

WHEREAS this Court has issued an Order of Default against all Defendants except Defendants luomeikit and toyschina2011 (“Defaulting Defendants”) (Dkt. No. 34); and

WHEREAS this Court has referred this matter to Magistrate Judge Lehrburger for an inquest into damages (Dkt. No. 35);

It is hereby ORDERED as follows:

I. PERMANENT INJUNCTION

1) Defaulting Defendants, their respective officers, agents, servants, employees, and all persons acting in concert with or under the direction of Defaulting Defendants (regardless of whether located in the United States or abroad) who receive actual notice of this Order are permanently enjoined and restrained from:

A. 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 Blippi Marks and/or marks that are confusingly similar to, identical to, and constitute a counterfeiting and/or infringement of the Blippi Marks;

- B. directly or indirectly infringing in any manner any of Plaintiff's Blippi Marks;
 - C. using any reproduction, counterfeit, copy, or colorable imitation of Plaintiff's Blippi Marks to identify any goods or services not authorized by Plaintiff;
 - D. using any of Plaintiff's Blippi Marks, or any other marks that are confusingly similar to the Blippi Marks on or in connection with the manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling, and/or otherwise dealing in the Counterfeit Products;
 - E. secreting, concealing, destroying, altering, selling off, transferring, or otherwise disposing of and/or dealing with: (i) Counterfeit Products; or (ii) any computer files, data, business records, documents, or any other records or evidence relating to:
 - i. Defaulting Defendants' User Accounts and/or Merchant Storefronts;
 - ii. Defaulting Defendants' Assets; and
 - iii. the manufacture, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale, and/or sale of Counterfeit Products by Defaulting Defendants and by their respective officers, employees, agents, servants, and all persons in active concert or participation with any of them; and
 - F. effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform, User Accounts, Merchant Storefronts, 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.
- 2) IT IS FURTHER ORDERED that Defaulting Defendants must deliver up for destruction to Plaintiff any and all Counterfeit Products and any and all packaging, labels, tags, advertising

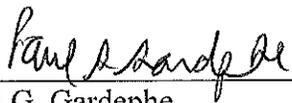
and promotional materials, and any other materials in the possession, custody, or control of Defaulting Defendants that infringe any of Plaintiff's trademarks, copyrights, or other rights including, without limitation, the Blippi Marks, or bear any marks that are confusingly similar to the Blippi Marks pursuant to 15 U.S.C. § 1118.

II. MISCELLANEOUS RELIEF

- 1) Any failure by Defaulting Defendants to comply with the terms of this Order shall be deemed contempt of Court, subjecting Defaulting Defendants to contempt remedies to be determined by the Court, including fines and seizure of property.
- 2) This Court shall retain jurisdiction over this matter and the parties in order to construe and enforce this Order.

Dated: New York, New York
May 6, 2022

SO ORDERED.



Paul G. Gardephe
United States District Judge