

USDCSDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/18/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOYVATION LLC,

Plaintiff,

v.

QINGRONG YANG; and DOES 1-10,

Defendants.

Civil Action No. 1:23-cv-02039-AT

FINAL JUDGMENT AND INJUNCTION ON CONSENT

WHEREAS, Plaintiff Toyvation LLC (“Plaintiff”) and Defendant Qingrong Yang d/b/a Amazon Seller “saalem-us” (“Defendant” and together with Plaintiff, “the Parties”) have agreed to the terms and conditions representing a negotiated resolution of this action. Now the parties, by their respective undersigned attorneys, hereby stipulate and consent to entry of judgment in this action as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. This Court has jurisdiction over the parties and subject matter of this action for entry and enforcement of this Final Judgment and Injunction on Consent for one year after entry.
2. Plaintiff created and is the owner of all copyright rights in the original, ornamental, and distinctive product and package designs for the MINDSPROUT Dino Blasters (“Dino Blasters”), an air powered rocket launcher that includes three rockets—green, orange and red—bearing a dinosaur theme with unique and original dinosaur heads and body graphics, as shown below:



3. Plaintiff is the owner of several U.S. copyright registrations for the Dino Blasters rockets, including the following (collectively, “Plaintiff’s Works”):

Title	U.S. Copyright Reg. No.
Toy Rocket Fuselage (Green)	VA0002335123
Toy Rocket Fuselage (Orange)	VA0002335117
Toy Rocket Fuselage (Red)	VA0002335120
Toy Rocket Head (Green)	VA0002335417
Toy Rocket Head (Orange)	VA0002335411
Toy Rocket Head (Red)	VA0002335415

4. Plaintiff’s Works are valid and enforceable.

5. Through an Amazon product listing (ASIN: B0BRCVSCFV), Defendant has been offering for sale an exact reproduction of the Dino Blasters toy, including Plaintiff's Works ("Infringing Product"), in the United States.

6. Shown below are photographs of the Infringing Product sold by Defendant:



7. The manufacture and sale by Defendant of the Infringing Product infringes Plaintiff's Works.

8. Defendant acknowledges and agrees that Plaintiff has suffered and will continue to suffer irreparable harm and injury from Defendant's continued importation, offering for sale and sale of the Infringing Product in the United States.

9. Defendant and all persons or entities acting on behalf of or in active concert or participation with Defendant, including but not limited to any owners or operators of the Amazon Seller account "salem-us", are hereby enjoined until the last to expire of Plaintiff's Works from making, distributing, displaying, and selling the Infringing Product or any

substantially similar imitation thereof in the United States, and from any other act of infringement of Plaintiff's Works, including reproducing, distributing, displaying and preparing derivative works of Plaintiff's Works in the United States.

10. If the Court finds that Defendant has violated this Final Judgment and Injunction on Consent, Plaintiff shall be entitled to (a) pursue any and all remedies available to it for such violation, including, but not limited to, seeking an order finding Defendant in contempt of the Injunction, and (b) an award of damages, attorneys' fees and costs incurred as a result of Plaintiff having to pursue such violation.

11. Each party waives its right to appeal this Final Judgment and Injunction on Consent.

12. Each party shall bear its own costs and attorneys' fees related to this Civil Action.

13. This Final Judgment and Injunction on Consent shall be deemed to have been served upon Defendant at the time of its entry by the Court.

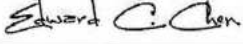
14. This court retains jurisdiction to enforce the provisions of this Final Judgment and Injunction on Consent by way of contempt motion or otherwise for one year after entry.

IT IS SO STIPULATED:

Dated: May 18, 2023



Mark Berkowitz
TARTER KRINSKY & DROGIN LLP
1350 Broadway
New York, NY 10018
Tel : (212) 216-8000
Fax: (212) 216-8001
E-mail: mberkowitz@tarterkrinsky.com



Edward Chen, Esq.
LAW OFFICES OF EDWARD C CHEN
17800 Castleton St. Ste 338
City of Industry, CA 91748
Tel.: (949) 241-9097
E-mail: e.chen@edchenlaw.com

Attorney for Plaintiff Toyvation LLC

Attorney for Defendant Qingrong Yang

SO ORDERED:

This 18 day of May, 2023
New York, New York



ANALISA TORRES
United States District Judge