

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOGGIE DENTAL, INC., *et al.*,

Plaintiffs,

v.

AVANTDIGITAL, *et al.*,

Defendants.

Civil Action No. 21-565

**FILED UNDER SEAL**

**[PROPOSED] PRELIMINARY INJUNCTION ORDER**

WHEREAS, on April 29, 2021, Plaintiffs Doggie Dental Inc. and Peter Dertsakyan filed an *Ex Parte* Application seeking 1) a temporary restraining order; 2) an order restraining assets and “Merchant Storefronts”, as defined *infra*; 3) an order to show cause why a preliminary injunction should not issue; and 4) an order authorizing expedited discovery against all of the Defendants identified on the attached Schedule “A”, Alibaba.com US LLC d/b/a Aliexpress.com (“Aliexpress”), Amazon.com, Inc. and its affiliate, Amazon Services LLC d/b/a Amazon.com (“Amazon”), eBay, Inc. d/b/a eBay.com (“eBay”), and Context Logic, Inc d/b/a wish.com (“Wish”) (“Third Party Service Provider(s)”) and AliPay US Inc. d/b/a Alipay.com (“Alipay”), Amazon Payments, Inc. d/b/a pay.amazon.com, and PayPal, Inc. d/b/a paypal.com (“PayPal”) (“Financial Institution(s)”), in light of Defendants’ intentional and willful offerings for sale and/or sales of Infringing Products<sup>1</sup> (“Application”);

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<sup>1</sup> As alleged in Plaintiffs’ Complaint, “. . .the Defendants identified in **Schedule “A”** of the Complaint, were and/are currently manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and or/selling products that have infringed upon one or more of the claims of U.S. Patent No. 10,477,838 (“Plaintiffs’ Patent” or “the ‘838 patent”) by offering for sale, selling, and distributing knock-off versions of Plaintiffs’ BRISTLY® dog toothbrush (“Infringing Products”). Defendants accomplish

WHEREAS, on the same day, Plaintiffs filed an Ex Parte Motion for an Order Authorizing Alternative Service on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3);

WHEREAS on May 13, 2021, the Court entered the following Orders:

(A) 1) a temporary restraining order; 2) an order restraining assets and Merchant Storefronts; 3) an order to show cause why a preliminary injunction should not issue; and 4) an order authorizing expedited discovery against all of the Defendants identified on the attached **Schedule “A”**, and Amazon (“TRO”) (ECF No. 20); and

(B) an Order Authorizing Alternative Service on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) (ECF No. 23);

WHEREAS, on May 25, 2021, upon Plaintiffs’ Motion, the Court extended the temporary restraining order and ordered the Defendants to appear on June 10, 2021 at 1:30 p.m, and show cause why a preliminary injunction should not be entered (ECF No. 18);

WHEREAS, on June 10, 2021 at 1:30 p.m., Plaintiffs appeared for the Order to Show Cause Hearing, however no Defendants appeared. Further, no Third Party Service Providers or Financial Institutions appeared.

### **ORDER**

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, the injunctive relief previously granted on May 13, 2021 and extended on May 25, 2021, shall remain in place through the pendency of this litigation or until further order of this Court, and issuing this Preliminary Injunction is warranted under 35 U.S.C. § 283, Federal Rules of Civil Procedure 64 and 65, and The All Writs Act, 28 U.S.C. § 1651(a).

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their infringing sales through the use of, at least, the Internet based e-commerce stores operated via at least the Third Party Service Provider marketplace platform.

Accordingly, each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order shall continue to be restrained as follows:

- (1) from (a) their unauthorized and unlicensed use of Plaintiffs' Patent, distribution, marketing, advertising, offering for sale, or sale of any Infringing Products; and (b) shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner products that infringe upon at least one claim of the Plaintiff's Patent;
- (2) from 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 their User Accounts,<sup>2</sup> Merchant Storefronts<sup>3</sup> or any money, securities or other property or assets of Defendants (hereinafter collectively referred to as "Defendants' Assets");
- (3) 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, and/or display for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order;

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<sup>2</sup> As defined in the Application, a "User Account" is, as defined in the Complaint, any and all accounts with at least one of the online marketplace platform(s), Amazon.com, eBay.com, Aliexpress.com, and Wish.com, 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 other persons in active concert with any of them.

<sup>3</sup> As defined in the Application, a "Merchant Storefront" is 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 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.

- (4) each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order shall immediately offering for sale the Infringing Products within metatags or other markers within website source code, from use on any web page (including as the title of any product listing), from any advertising links to other websites, from search engines' databases or cache memory, and any other form of use such terms or works which is visible to a computer user or serves to direct computer searches to Internet based e-commerce stores owned, or operated by each Defendant, including the Merchant Storefronts operating under the Seller IDs;
- (5) each Defendant shall not transfer ownership of the User Accounts or Merchant Storefronts associated with the Seller IDs;
- (6) each Defendant shall preserve copies of all computer files relating to the use of any User Accounts and/or Merchant Storefronts under the Seller IDs and shall take steps necessary to retrieve computer files relating to the use of the User Accounts and/or Merchant Storefronts under their Seller IDs that may be deleted before the entry of this Order;
- (7) upon receipt of notice of this Order, Defendants and all financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to Alibaba.com US LLC d/b/a Aliexpress.com ("Aliexpress"), Amazon.com, Inc. and its affiliate, Amazon Services LLC d/b/a Amazon.com ("Amazon"), eBay, Inc. d/b/a eBay.com ("eBay"), and Context Logic, Inc d/b/a wish.com ("Wish") ("Third Party Service Provider(s)") and AliPay US Inc. d/b/a Alipay.com ("Alipay"), Amazon Payments, Inc. d/b/a pay.amazon.com, and PayPal, Inc. d/b/a paypal.com ("PayPal") ("Financial Institution(s)"), and their related companies and

affiliates, shall immediately identify and restrain all funds, as opposed to ongoing account activity, in or which are hereafter transmitted into the accounts related to the Defendants as identified on Schedule “A” hereto, as well as all funds in or which are transmitted into (i) any other accounts of the same customer(s); (ii) any other accounts which transfer funds into the same financial institution account(s), and/or any of the other accounts subject to this Order; and (iii) any other accounts tied to or used by any of the Seller IDs identified on Schedule “A” hereto;<sup>4</sup>

- (8) upon receipt of notice of this Order, Defendants and all financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to the Third Party Service Provider(s) and the Financial Institution(s), shall immediately divert to a holding account for the trust of the Court all funds in or which are hereafter transmitted into all accounts related to Defendants identified in Schedule “A” hereto, and associated payment accounts, and any other accounts for the same customer(s) as well as any other accounts which transfer funds into the same financial institution account(s) as any other accounts subject to this Order;
- (9) The Third Party Service Provider(s) and Financial Institution(s) shall further, within five (5) business days of receiving this Order, provide Plaintiffs’ counsel with all data that details (i) an accounting of the total funds restrained and identifies the financial account(s) which the restrained funds are related to, and (ii) the account transactions related to all funds transmitted into financial account(s) which have been restrained. Such restraining of the funds and the disclosure of the related financial institution account

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<sup>4</sup> This Order contemplates that discovery may reveal that Defendants may have other user accounts operated by other Third Party Service Providers and Financial Institutions and that the additionally discovered Third Party Service Providers and Financial Institutions, once identified and provided with notice, shall also be subject to the discovery, restraints and injunctions set forth in this Order.

information shall be made without notice to the account holders, until after those accounts are restrained. No funds restrained by this Order shall be transferred or surrendered by any Third Party Service Provider or Financial Institution for any purpose (other than pursuant to a chargeback made pursuant to that Third Party Service Provider or Financial Institution's security interest in the funds) without express authorization of this Court;

(10) Upon Plaintiffs' request, any Internet marketplace who is provided with notice of this Order, including but not limited to the Third Party Service Provider(s) and Financial Institution(s), shall immediately cease fulfillment of and sequester Defendants' inventory assets corresponding to the Seller IDs identified on Schedule "A" hereto in its inventory, possession, custody, or control, and hold such goods in trust for the Court during pendency of this action;

(11) this Order shall apply to the Seller IDs, associated Accounts and Merchant Storefronts, and any other seller identification names, Accounts or Merchant Storefronts, Third Party Service Provider or Financial Institution accounts which are being used by Defendants for the purpose of infringing on at least one claim of the Plaintiffs' Patent;

(12) Defendants and all financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to the Third Party Service Provider(s) and the Financial Institution(s), subject to this Order may petition the Court to modify the asset restraint set out in this Order; and

(13) this Order and the Alternative Service Order shall remain in effect during the pendency of this action or until further order of the Court, and Plaintiff shall serve the Defendants with a copy of this Order in accordance with the Alternative Service Order.

B. IT IS HEREBY ORDERED, as sufficient cause has been shown, that upon Plaintiffs' request, any Internet marketplace who is provided with notice of this Order, including but not limited to the Third Party Service Providers and Financial Institutions, is hereby restrained and enjoined from engaging in any of the following acts or omissions pending the hearing and determination of Plaintiffs' Application for a preliminary injunction, or until further order of the Court:

- (1) secreting, concealing, transferring, disposing of, withdrawing, encumbering or paying Defendants' Assets from or to financial accounts associated with or utilized by any Defendant or any Defendant's User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad) ("Defendants' Financial Accounts") until further ordered by this Court; and
- (2) within (5) days after receiving notice 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 any other listings linked to the same sellers or linked to any other alias seller identification names being used and/or controlled by Defendants.

C. IT IS FURTHER ORDERED, , as sufficient cause has been shown, that, upon Plaintiffs' request, within no later than five (5) calendar days of Plaintiffs' request:

The Plaintiff has demonstrated that the following products as pictured in the attached **Schedule "B"** are either made, used by, offered for sale or sold into the United States contain every element or equivalent of at least one claim of the Plaintiff's Patent; consequently, all

online marketplaces, including but not limited to, Amazon.com, ebay.com, aliexpress.com, and wish.com, shall upon receipt of this Order, suspend, block, tombstone, and/or delete any and any product listings identified by the Plaintiff as either identical or substantially similar, to the above-described products in **Schedule “B”**, whether sold by the Defendant or other persons or entities.

## **II. Order Authorizing Expedited Discovery**

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

- (1) Plaintiffs may propound interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, and Defendants, their respective officers, employees, agents, servants and attorneys, and all persons in active concert or participation with any of them, who receive actual notice of this Order, shall provide written responses under oath to such interrogatories within fourteen (14) days of service to Plaintiffs’ counsel.
- (2) Plaintiffs may serve requests for the production of documents pursuant to FRCP 26 and 34, and Defendants, their respective officers, employees, agents, servants and attorneys, and all persons in active concert or participation with any of them, who receive actual notice of this Order, shall produce all documents responsive to such requests within fourteen (14) days of service to Plaintiffs’ counsel.
- (3) Plaintiffs may serve requests for admissions pursuant to FRCP 26 and 36, and Defendants, their respective officers, employees, agents, servants and attorneys, and all persons in active concert or participation with any of them, who receive actual notice of this Order, shall provide written responses under oath to such requests within fourteen (14) days of service to Plaintiffs’ counsel.

B. IT IS FURTHER ORDERED, as sufficient cause has been shown, that within fourteen (14) days of receiving actual notice of this Order, Defendants and all financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to the Third Party Service Provider(s) and the Financial Institution(s), shall provide to Plaintiffs' counsel all documents and records in their 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:

- (1) 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 respective Third Party Service Provider;
- (2) the identities, location and contact information, including any and all e-mail addresses of Defendants that were not previously provided;
- (3) the Defendants' 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 associated with Defendants' User Accounts and Defendants' Merchant Storefronts; and
- (4) Defendants' unauthorized and unlicensed use of Plaintiffs' Patent.

### **III. Security Bond**

IT IS FURTHER ORDERED the \$5,000.00 bond posted by Plaintiff shall remain with the Court until a final disposition of this case or until further order of this Court, or until this Order is terminated.

**SO ORDERED.**

SIGNED this \_\_\_\_\_ day of June, 2021, at \_\_\_\_\_ .m.  
Pittsburgh, Pennsylvania

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MARK R. HORNAK  
CHIEF UNITED STATES DISTRICT JUDGE

## Schedule "A"

### Defendants With Store Name and Seller ID

<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
1	avantdigital	402012390038
2	0731*2013	264358064699
3	2013blingmall	372657554625
4	2018outdoor5	113881101110
5	777myshop777	312851162528
6	86010-2022	173978261167
7	abigalekids	163998900765
8	aiwengoing	264570773784
9	alminko_0	392620628407
10	alwaysgood14	143481869914
11	antop3302	223766125027
12	antw4489	401832627358
13	arrowhunt	133278654922
14	ateamgo	193110900595
15	avram-2-deals	114054879835
16	awesome.365	143468073178
17	azbase	352776594675
18	azcool	163812406734
19	ban6067	283731592587
20	bayshinecooler	333340822090
21	belabu0	193200279599

<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
22	best_fashional	164273595246
23	bestinthebest	174076101628
24	bestonline88	163915862321
25	bruce-cui	113814974377
26	buyadise	184102976494
27	buyitnpw	133489860155
28	ccs3226	223763062302
29	centerstock	113951084441
30	chollatis	274122803013
31	cloud1437	143478416113
32	coacheer	312731674586
33	craftdiyonline	372866370318
34	createlifestyle	264199042185
35	daybuydayforyou	163946768803
36	discount-e-mall	392534370753
37	d-mall	163860365170
38	dogstagramlove	124006622658
39	dondi-56	184076117210
40	doublawin	233371613174
41	e.shop.2019	312565371324
42	eifaction	293204505573
43	energysaving-led	163755339541
44	estoresg	113831782676
45	euroup	174025838713

<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
46	faaashion_store	283603616551
47	fairyard	293331718874
48	fastnewsales	124001711587
49	feaboa0	383071343627
50	feiaia0213s	153735447637
51	fenl-top	123983636590
52	freestyle_shopping	352885610729
53	funbuyit	233375502283
54	gadgetkingdom2014	153508139927
55	galibestbuyonline	392352571042
56	ggg_global	312749041688
57	goldenfield*2014	392399215448
58	happylifedeals	174119467409
59	heba_kh	401877607094
60	homies_good	163745449534
61	hopscotchabc	163623614288
62	i-domestic	113841227571
63	ilovetabletpc2014	202680519565
64	in*god*we*trust	113901221334
65	inbarfarkash2001	153784306800
66	iokhouse-19	392333503215
67	iucool	233281726583
68	james2012	123429913849
69	jingyu2014	202804497331

<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
70	julapanya-0	392564481520
71	june_085	254070575583
72	justinyrd	383137659115
73	juvy97	183801005946
74	kingsea8	163828756170
75	kyucim	324019228431
76	largeworld3	202781277044
77	letterbu619	264573932362
78	lifefirstplace	303301960701
79	lillyk91	332925089849
80	lilyyangstore	202808953596
81	linyan1986_3	202859618622
82	love.sunflower	202751830727
83	lpchenmj	264498250039
84	luckyauction2011	143373384669
85	lykuanmall	352881777541
86	lynworrall_0	143374452638
87	magic.house2013	163808640129
88	malibu_queenie	163898259594
89	manfredog	372766306534
90	michaeeliyah_0	153624866049
91	migostore87	202750360621
92	msw4baby	264414891858
93	mymagicstick	123874021096

<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
94	myphonestarthere	333416417525
95	nice85225	254427504451
96	nicevisit	392360097758
97	nimodream	312609922771
98	nj-store	174042685526
99	no1d-19	362742508647
100	ocdealspro	153632895086
101	olga5555	362690495170
102	omer5158	283609144325
103	onele5	113994688273
104	orbelii	333429017931
105	ordinaryworld2009	202804497484
106	pamake74	352901526669
107	pjs298	333339905672
108	priyaper-0	223767345193
109	pro4u2012	303218952266
110	pulsation	264498283805
111	quwanhome	401961981320
112	ral8881010	193264684414
113	real-deal-now-only	143472286021
114	regainstore	352837113568
115	reynasta_shop	163751188668
116	rlexport	303410178166
117	rosy_days	163660341166

<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
118	safelectron	264428221704
119	samsun16	323711282483
120	satukerek	352747106774
121	saveonlinedeals	372752737702
122	scarborough-8	123836582850
123	shoecap888	184011024852
124	shop667788	273991716320
125	shushho-0	123762427055
126	skycorpworld	324031607956
127	speedlife2011	323959590273
128	sportlichund	123903300574
129	staypositive_store	401862599047
130	storeadil	193102459921
131	stylishmoment	223491681303
132	talshimon	274139963660
133	thta70	324032846916
134	tmarter	183961064926
135	top-deals-us	202730249622
136	transbetter	372851702556
137	turtgoods	223658138543
138	universalstore2018	132876527010
139	vakewear	392544851502
140	varyzone	264501436914
141	vf957	303608827989

<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
142	vvshen	323883200951
143	wef-store	274146166190
144	wholesalefellas	153632033254
145	willbeyours	233450065883
146	wonderfulmall	372657563327
147	xioch31	193239622946
148	yangchuanliandht	184050300347
149	yebow215	303202870642
150	yomsua-0	233349739901
151	youdeserveitgood	312750159542
152	yufurong9	163961516107
153	zhanjusun-0	173985206062

**Schedule “B”  
Patent Infringing Products**

**Type 1 Infringing Product**



**Type 2 Infringing Product**



**Type 3 Infringing Product**



**Type 4 Infringing Product**



**Type 5 Infringing Product**



## Type 6 Infringing Product

