

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

PAWESOME PET PRODUCTS LLC, et al.

Plaintiffs,

v.

DREAMBLISS STORES, *et al.*,

Defendants.

Civil Action No. 22-cv-1584

(Judge Hornak)

[PROPOSED] PRELIMINARY INJUNCTION ORDER

WHEREAS, on November 9, 2022, Plaintiffs Pawesome Pet Products LLC and Cindy Ghukasyan 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)”), and Walmart Pay operated by Wal-Mart.com USA, LLC, in light of Defendants’ intentional and willful offerings for sale and/or sales of Infringing Products¹ (“Application”);

¹ 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.

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, 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”**, the Third-Party Service Provider and the Financial Institutions (“TRO”)(November 17, 2022) (ECF No. 22); and

(B) an Order Authorizing Alternative Service on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3)(November 14, 2022) (ECF No. 15);

WHEREAS, on November 26, 2022, upon Plaintiffs’ Motion, the Court extended the temporary restraining order and ordered the Defendants to appear on December 8, 2022 at 11:00 a.m., EDT, and show cause why a preliminary injunction should not be entered (ECF No. 29);

WHEREAS, on December 8, 2022 at 11:00 a.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 good and sufficient cause has been shown, the injunctive relief previously granted on November 17, 2022, and extended on November 26, 2022,

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 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.

shall remain in place through the pendency of this litigation or until further order of this Court, and there is good and sufficient cause for issuing this Preliminary Injunction 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). The Court finds that Plaintiffs rely upon a presumptively valid patent, and that nothing in the record calls that validity into question. The evidence establishes that Plaintiffs have shown a sufficient likelihood of success on the merits of this action. The Court also concludes that Plaintiffs have shown that immediate and irreparable injury, loss, and damage will likely result should the relief entered by this Order not be granted. Specifically, the Court finds that Defendants' infringing products are likely to continue to cause Plaintiffs to suffer loss profits, compromise the value of Plaintiffs' brand, and negatively effect Plaintiffs' relationships with its current customers and its ability to attract new customers. Defendants will not be harmed by the imposition of the injunctive relief requested, because the injunction only prohibits Defendants from taking actions they are otherwise not entitled to perform under the law. And finally, the public interest favors the issuance of the requested injunction, and Plaintiffs have no adequate remedy at law for the immediate and irreparable harms identified.

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,² Merchant Storefronts³ 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;
- (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 cease 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

² 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, Walmart.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.

³ 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.

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), Walmart Pay operated by Walmart.com USA, LLC, ("Walmart")") and Zhejiang Ant Small and Micro Financial Services Group Co., Ltd. AliPay (China) Internet Technology Co. Ltd., and Alipay.com Co., Ltd. (collectively referred to as "AliPay")⁴, 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

⁴ WorldPay US, Inc. ("WorldPay") processes transactions on behalf of Alibaba and Alipay, which may appear as "Aliexpress" on a cardholder's credit card statement.

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;⁵

(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

⁵ 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 discovery 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:

(1) Amazon is ordered to remove any seller identified by Plaintiffs from the following Amazon Standard Identification Numbers (ASINs): B075KYV2DT (small BRISTLY[®]), B075L4L1T2 (medium BRISTLY[®]), and B075KTSHRT (large BRISTLY[®])⁶;

(2) Amazon is ordered to suspend any ASIN listing product that Plaintiffs assert infringes at least one claim of the Plaintiffs' Patent, and is identified as originating outside of the United States (i.e. any seller is prevented from listing for sale under the identified ASIN); and

(3) Amazon is ordered to suspend any ASIN that was associated with a product already identified by prior Order of this Court in the present lawsuit to be Counterfeit, Infringing, or unfairly competing, as designated in the Schedule A third column under "**Amazon ASIN Number(s)**" (i.e. any seller is prevented from listing for sale under the identified ASIN);

(4) 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, Walmart.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:

⁶ These are the current ASINs assigned to the Plaintiffs' Products by Amazon.

- (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 December, 2022, at _____ .m.
Pittsburgh, Pennsylvania

MARK R. HORNAK
CHIEF UNITED STATES DISTRICT JUDGE

Schedule “A”
Defendants with Store Name and Seller ID

Defendant Number	Seller ID/Store	ASIN
1	Dreambliss stores	A18U48J9OM5PF3
2	bhsmllt	A31OPD7QJQIIM1
3	DoggyFunPlay	A1048T814RY9TC
4	duoer	A3TEJPE4GLCVAG
5	eipgufllLU	A39PWGMV8JH4O
6	eokoy	A2D1N323YLIILS
7	hanwangwangbudianzishangwu	A2C8AI7ALRQWP9
8	Happy Puppy Unlimited, LLC	A3KHYU4ZTMVEZS
9	hnhcsm	A2EK5YEE5DWEMR
10	Hshen	A2LQZW00C1HYQS
11	jingxingzeshangmaobu	A233GLQMJ9GBU1
12	lihongjiede	A28R9UZEWWPGWC
13	Maidoul	A2IK8WH054SEFZ
14	Min Yue Shang Mao	A13NGEFRMB3EHP
15	Most Wanted Merch	ADM5A2BNDZZX8
16	MZBoutiques	AAPDG0QHCKVN7
17	Rocita Home	A3IZ3Q8N7J07P3
18	SZXBUS	ALL3AH0LRSXGF
19	Toys 4 Spot	A2PQ9FYWW2L5NC
20	ViviBear	A2LOPLW7UTR9QQ
21	wulili955	AXO28SXGK8CO2
22	xielaixixie	A2HEREZ98NE8JP
23	Yaoxing	A10HI6LUDCHJA4
24	Guangzhou Kinyu Outdoor Products Co., Inc.	1600201372177
25	100%Funhome Store	1101817337
26	ABQP PET Store	1101776386
27	Brave Forward Pets store Store	1102128731
28	CAT DOG DP Store	1102132073
29	CHHC Grocery Store	1102029069
30	CutePet Supplier Store	1101688980
31	Dear Pet Home Store	1100925449
32	GREATYYT Official Store	1101585683
33	happy xiaole Store	1102038655
34	Hi Pets Store	1101569600
35	It Is Your Life Store	1101804626

36	keidinolife Store	1102209627
37	Kunpeng Pet Toys Store	1102178187
38	League of Pets Store	1101322760
39	LOLlive Store	1101706698
40	LovelyPets Store	1101880608
41	ME Pet Care Store	1102058877
42	OwnLifeYF Store	1101665639
43	Pets Homes Store	1101332164
44	Referral officer Store	1101564239
45	RLSOO official store Official Store	1101880429
46	Shop1100227793 Store	1102025168
47	Shop1100371004 Store	1102050849
48	Shop1102094194 Store	1102085250
49	Shop1102168731 Store	1102166875
50	Shop911427269 Store	1101620817
51	Sunflowerpet Store	1101528663
52	SUNYKOI Life Store	1101438600
53	Super Far Show Store	1101281385
54	SuperDeal Store	1101460314
55	tianxiashanhe01 Store	1102011911
56	Tobey Pets Products Store	1101798639
57	TT PET Store	1101985115
58	V-Life Store	1101568644
59	warm-home Store	1101396878
60	xinglongyuan Store	1101363147
61	Xmpromo Store	1101193098
62	Ylyc's Life Together Store	1101358370
63	cheapbunny	125525895763
64	chitownstore	265234150290
65	darwoods	115477676837
66	massimiliano235	233682894938
67	morsta.jnjh5cn	284060570573
68	nason02	362996898106
69	pauladeh	144121813777
70	u_deserve	184386349995
71	yalgopala_0	385068727298
72	bengbutianchaodianzishangwuyouxiangongsi	101191125
73	changlixianbuleishangmaoyouxiangongsi	101210283
74	COSARRETY	101055903
75	GF-Huinong	101175048
76	Guangzhoushihuangdoukuajingmaoyiyouxiangongsi	101182353

77	HONGRON	101195583
78	Laidan	101130950
79	ningbochangrongnonglinfazhanyouxiangongsi	101188698
80	Sailing International Trading	101062286
81	shanghaiantuowangluokejiyouxianzerengongsi	101191914
82	Shenzhen Guangyao Minghui Technology Co., Ltd	101211131
83	ShenZhenShiYiZhuoDianZiYouXianGongSi	101224522
84	YICHANGSHICONGTENGDIANZISHANGWUYOUXIANGONGSI	101231955
85	Lucy Jelery World	5d4583a070327a1e80f07542

Schedule “B” Patent Infringing Products

Type 1 Infringing Product



Type 2 Infringing Product



Type 3 Infringing Product



Type 4 Infringing Product

