

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

MSR IMPORTS, INC.,

Plaintiff,

v.

GLOBAL GOODS, *et al.*,

Defendants.

Civil Action No. 23-2133

Judge Hornak

**[PROPOSED] PRELIMINARY INJUNCTION ORDER**

WHEREAS, Plaintiff filed an *Ex Parte* Application for the following: 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 the Defendants identified on **Schedule “A”** to the Complaint and attached hereto (collectively, the “Defendants”)<sup>1</sup>. The Court has considered the Application, the evidence in the record, and the applicable law.

WHEREAS, Plaintiff 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 December 29, 2023, the Court entered the following Orders:

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<sup>1</sup> As alleged in the Complaint, Defendants are all infringing on at least one of Plaintiffs’ U.S. Copyright Registration Nos. VA-1-941-099 (SNOWMAN) and U.S. Copyright Registration No. VAu-1-414-313 (SANTA), the subject of each, respectively is the sculptures of Plaintiff’s Products. (“Plaintiff’s Works”), using at least one of the Amazon.com, eBay.com, Joybuy, Temu, Wish.com, Walmart.com, and Aliexpress.com online marketplaces (“Internet Marketplaces”) operating under the seller identities as set forth on **Schedule “A”** hereto (the “Seller IDs”)(“Infringing Products”)

(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 the Third-Party Service Providers and Financial Institutions, in light of Defendants’ intentional and willful offerings for sale and/or sales of Infringing Products (“Application”); and

(B) Order Authorizing Alternative Service on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) (“the Alternative Service Order”);

WHEREAS, on January 5, 2024, upon Plaintiff’s motion the TRO and show cause hearing was extended;

WHEREAS, pursuant to the terms of the Alternative Service Order, the Defendants have been served with notice of this Show Cause Hearing; and

WHEREAS, on December 19, 2023 Plaintiff, appeared for the Order to Show Cause Hearing. None of the other Defendants filed responses or contested the preliminary injunction order. Further, none of the Third-Party Service Provider(s) or Financial Institution(s) appeared. The Court having considered all of the arguments and evidence set forth in the respective parties filings, and as discussed in Court, having found good and sufficient cause to grant the injunctive relief as set forth below, and, for the reasons set forth on the record, it is hereby ORDERED:

### **I. Restraining Order**

A. IT IS HEREBY ORDERED, as good and sufficient cause has been shown, the injunctive relief previously granted on December 29, 2023, and extended by further Order, shall remain in place through the pendency of this litigation, and issuing this Preliminary Injunction

(hereafter “PI Order”) is warranted under 17 U.S. Code § 504, and Federal Rule of Civil Procedure 65.

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 are hereby restrained as follows:

- (1) from (a) their unauthorized and unlicensed use of Plaintiff’s Works in connection with the distribution, marketing, advertising, offering for sale, or sale of any products; and (b) shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner products which use Plaintiff’s Works;
- (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

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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 online marketplace platform(s) Amazon.com, eBay.com, Joybuy, Aliexpress.com, Temu, 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.

<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.

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 discontinue use of the Plaintiff's Works 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"), Joybuy Marketplace operated by

Jingdong E-Commerce (Trade) Hong Kong Co., Ltd. and JD E-Commerce America (“Joybuy”), Whaleco Inc., a Delaware Corporation, which is a wholly owned subsidiary of Pinduoduo Inc. which is owned by PDD Holdings (collectively, “Temu”), Walmart.com USA LLC and Walmart, Inc. (“Walmart”), 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”), Walmart d/b/a Walmart Pay (“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

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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.

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 Plaintiff's 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 information shall be made without notice to the account holders, until after those accounts are restrained.<sup>5</sup> 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 Plaintiff's 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;

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<sup>5</sup> The data produced to Plaintiff shall include the data and documents required to be collected by the Federal Trade Commission, pursuant to 15 U.S.C. § 45f and codified and incorporated into the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1, *et seq.*

- (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 the Plaintiff's Works;
- (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 PI 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 PI Order in accordance with the Alternative Service Order.

B. IT IS HEREBY ORDERED, as sufficient cause has been shown, that upon Plaintiff's request, any Internet marketplace that 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 Plaintiff's 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 five (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 HEREBY ORDERED, as the Plaintiff has established that the following products as pictured below are the subject of federally registered Copyrights for the sculptures of Plaintiff's SNOWMAN and SANTA light covers,



consequently sufficient cause has been shown, that, upon Plaintiff's request, within no later than five (5) calendar days of Plaintiff's request: all online marketplaces, including but not limited to, Amazon.com, ebay.com, Joybuy, aliexpress.com, Temu, 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 copyrighted

SNOWMAN light cover and the SANTA light cover, 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 Plaintiff's 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 Plaintiff's 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 Plaintiff's 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 Plaintiff's 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 Plaintiff's Works in connection with the distribution, marketing, advertising, offering for sale, or sale of any Infringing Products.

### **III. Security Bond**

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

**SO ORDERED.**

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2024, at \_\_\_\_ .m.  
Pittsburgh, Pennsylvania

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CHIEF UNITED STATES DISTRICT JUDGE  
MARK R. HORNAK

**Schedule “A” CAPS  
Defendants with Store Name and Seller ID**

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
1	GLOBAL GOODS	52727208131
2	BAOBAO CATS	5918425625726
3	FOLDING CATS	634418211864856
4	LIFEPLAY	634418211909796
5	LIXYU	6058158891562
6	LUCY FELICITY	319517022974
7	MOMOSUPER	5469724842863
8	NAGAR	5753620733339
9	SALEEA	6056977586430
10	STAR SELLING	634418211649094
11	SUPER DEAL	1420461441
12	SURPRISE CABIN	634418212107604
13	VURINMI	634418211127970
14	WARM LIGHTING THE DARK	634418211925191
15	WDTEC	315161591397
16	YC SPORTING GOODS	4619980814795
17	ACACIA BEAR STORE	1102565491
18	AESTHETICISM HOUSE STORE	1101333903
19	CUTESLIVING STORE	1101351612
20	FANTASY DROPSHIPPING STORE	1101574567
21	GLIMMER HOUSE STORE	1102907110
22	HAPPIES PARTY CITY 111 STORE	1101820948
23	HIFUN PARTY STORE	1102733451
24	HOBBYLANE KITCHEN STORE	1102303241
25	HOLIDAY BOUTIQUE STORE	1101355561
26	HOME DECORATIVE STORE	1102187467
27	HOME LIFE SMART STORE	1102161243
28	JENABOM STORE	1102766021
29	JONAS MARKET STORE	1102439316
30	LOVE WITH HOME STORE	1102049324
31	MAGIC MIRROR FASHION HOME STORE	1102923243

32	MINTIML FRIENDLY STORE	1101394638
33	NOVELTY HOMES STORE	1102938454
34	SHOP5370096 STORE	1101356467
35	SHOP911266320 STORE	1101591628
36	SUPER HAPPY PARTY STORE	1101796508
37	TETOU HOUSE STORE	1101437028
38	TSSAAG STORE	1100612105
39	YOUZI KOREAN STYLE HOME DECOR STORE	1102801441
40	AIIONP-DIRECT	A24GF43U5E8OW6
41	ARECWY	AP087KS5AEXPQ
42	ARIESTARS	ABPCOGRIDWOEQ
43	AUTOALI-US	A1HC2ZB98VJFUL
44	CHENZHIZHOU	AXVV05JU5FNQK
45	CHERLINE	A365K4KKYQITLY
46	EDDHOMES	AIDLH6Y80QJLI
47	EVINO	A3CEOI893EVHL
48	GOFASTY	A3CL7NDXYCSZLA
49	HIOE	A1AHWBD1FWQ64P
50	HUZHOUZHILITANGGUOGUI	AF4SM32OEPIFL
51	JSFWLH	A3OIY62N5H3LPN
52	KE YU	A3VXTHY0V0KG7T
53	KWEIDA	A1MGL93I8BNOOR
54	LIJIARUNUS	A34M7ZWKW1H106
55	MSDMSASD	A3GB153ML8NH2M
57	NEXLEEVE	A2WSJCM3YPMQAQ
58	SHAOSAI	A1RG54WY4XSK8
59	SHENG XUANYA	A3CVN1OPC9TUEB
60	SMIRDX® DIRECTSTORE	A29QWE2BYUC94M
62	WUHUSHIGOUGOUDIANZISHA	A25IOLK63JU6K3
64	YUNASEA	A12QA8HQZPEMOM
65	ZHANGYAWENUS	A2QCSUWBWA6KIB
66	ZHONGMAOHUI-US	A25L3O1DRXPGXL
67	ZMCUS	A13QNL7QCQT8IL

68	SHENZHEN EMERSON INTERNET E-COMMERCE TECHNOLOGY CO., LTD	10050
69	SHENZHEN HONGYUAN SUPPLY CHAIN MANAGEMENT CO. LTD	8076
70	SHENZHEN SHALLOW CHINA TRADING CO., LTD	9340
71	SHENZHEN WISH LIST NETWORK TECHNOLOGY CO., LTD	8450
72	SHENZHEN ZERO MACHINE TECHNOLOGY CO., LTD	12678
73	SHENZHEN ZHONGXINDA TECHNOLOGY DEVELOPMENT CO., LTD	8481
74	DXSTAR	101116134
75	GIFT OF GREAMS	101175534
76	HONGYUAN' CHOICE CO. LTD	101262825
77	HYDTMSL	101192131
78	IRONKOI	101180746
79	JIASEN	101239890
80	LINLINSHOP	101268206
81	REGIS	101092474
82	S&C CO.LTD	101043428
83	SIWEIKEJI	101129229
84	SZMYXX CO.LTD	101137513
85	UU CO.LTD	101299302
86	YIXING TOYS LLC	101255074
87	YOURHOME CO.LTD	101243696
88	ZHENGZHOU LANMAJIWANG LUOKEJI	101523320
89	CAISHIQINOVO	5e6cc70229e786308bdd6da3
90	DINGWEFONG	5efd4b5b534f08dd46cdb378
91	FASHIONMENSWATCH	5a01bbcfddda8c513ade048b
92	FENGHUIQIN666	5e5101c3397cba8b691118a0
93	G3G3H6	5e941240563c0514442aa4e1
94	GUANQIN WATCHES	5909777f88aafc1d2db5e98e
95	HANPEIYAOKB	5edf45f402755b7df73d8127
96	HAPPYLANDS	59142527fc9cce47200a08b0
97	HUJDTUSYJ	5de621c202c87404085d884e
98	JAYFENSITUAN	5acaf787db5f1f10839a1722
99	JJUUGGG	5e8ed7712397df7002e2bb2e

100	KUDILAITI	5ac48f1d9bda4e6c5c72d860
101	LEEYOO (SHANGHAI) CO., LTD.	55017436a0086e174ce65829
102	LIWENQI5869	6049ab6735e25603c02337df
103	LIXIAOLI7749	61614557efe8e435840e56b0
104	NN651	5e85ce99826ea421ad0d6717
105	QIUHAISZ	5b063a3b6d232a65b82757d 0
106	REDDY4	6474818df88f38080ca2c0eb
107	SCRAPINGANDREFLECTINGDREAMSMF	5f50127fcc75303e6368aba2
108	SONGZIJIAN	5ac49b0a2dde5e6c45852131
109	TOUYIXI15	5e635e992724a854afdc4b8d
110	WINNI MAKER INTERNATIONAL	53e7a092ff4d6d289c95a781
111	WUHUANYAN1119	5e74be5eea5a6e514209e699
112	ZHANGQINGYUN	582c4f6ef6872e3885dfff14
113	ZQINKEMS	61ee56bc8768c576b6a693df