

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

AFG MEDIA LTD,

Plaintiff,

v.

lemonseven, *et al.*,

Defendants.

Civil Action No. 24-cv-557

(Judge Stickman)

FILED UNDER SEAL

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”)¹. 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 April 17, 2024, following a hearing, the Court entered the following Orders:

¹ As alleged in the Complaint, are Defendants are Defendants are using without authorization Plaintiff’s Alien Costume protected by Copyright Registration No. VA-2-261-150, the subject of which is the 2-D sculpture of Plaintiff’s Product. (“Plaintiff’s Work”), while promoting, selling, offering for sale, and distributing knock-offs of Plaintiff’s Product, thus infringing on Plaintiff’s Work. (the “Infringing Product”), throughout the United States, including within the Commonwealth of Pennsylvania and this district, by operating fully interactive, commercial Internet based e-commerce stores accessible in Pennsylvania, via at least the Aliexpress.com Amazon.com, eBay.com, Joybuy, Temu, Walmart.com, and wish.com Internet market place platforms operating using the seller identities identified on Schedule “A” to the Complaint (the “Seller IDs”).

(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 (“TRO”), 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, upon motion, the TRO and briefing schedule were extended and the Show Cause Hearing was set for May 6, 2024;

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 May 6, 2024, Plaintiff, appeared for the Order to Show Cause Hearing. None of the Defendants filed oppositions or appeared to contest the preliminary injunction order. Further, none of the Third-Party Service Provider(s) or Financial Institution(s) appeared. The 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:

ORDER

I. Restraining Order

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, the injunctive relief previously granted on April 17, 2024, and extended upon Plaintiff’s motion, shall remain in place through the pendency of this litigation, and issuing this Preliminary Injunction

(hereafter “PI Order”) is warranted under 15 U.S.C. § 1116, 17 U.S.C. § 502, and Federal Rules of Civil Procedure 64 and 65.

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 are hereby restrained as follows:

- (1) from (a) their unauthorized and unlicensed use of Plaintiff’s Copyrighted Work, 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 Plaintiff’s Copyrighted Work;
- (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

² As defined in the Complaint, a “User Account” is any and all accounts with online marketplace platform, including, Aliexpress.com, Amazon.com, eBay.com, Joybuy, Temu, Wish.com, and Walmart.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.

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 engines' databases or cache memory, and any other form of use such terms or Copyrighted Work 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 have been 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 Amazon Services, LLC d/b/a Amazon.com, and Amazon Payments, Inc. d/b/a Amazon Pay (collectively "Amazon"), Joybuy Marketplace operated by Jingdong E-Commerce (Trade) Hong Kong Co., Ltd and JD E-Commerce America

(collectively, “Joybuy”), Whaleco Inc., a Delaware Corporation, which is a wholly owned subsidiary of Pinduoduo Inc. which is owned by PDD Holdings (collectively, “Temu”), eBay, Inc. d/b/a ebay.com, Walmart Inc. and Wal-Mart.com USA, LLC, wish.com, Alibaba.com US LLC d/b/a Alibaba.com and Aliexpress.com (“Third Party Service Provider(s)”), and financial institutions, including but not limited to, 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., Walmart Pay, PayPal, Inc. d/b/a paypal.com, and Context Logic, Inc. d/b/a wish.com (“Financial Institutions,”)⁵ 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;⁶

(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

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.

⁵ Plaintiff acknowledges it is seeking multiple forms of relief. Plaintiff will promptly provide supplemental briefing or oral argument on any issue should the Court request it.

⁶ 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.

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 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. 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;

(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 selling the Infringing Products;

(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

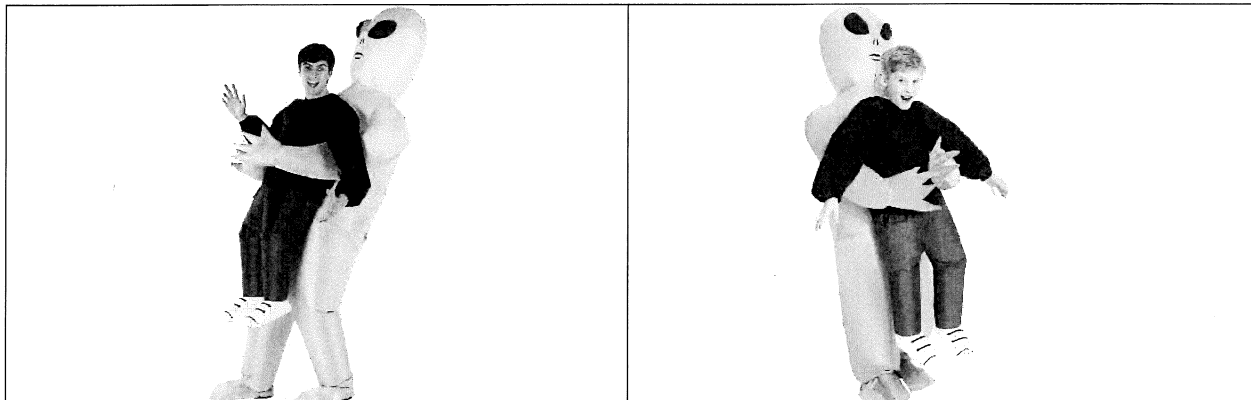
(13) this PI Order and the Alternative Service Order shall remain in effect during the pendency of this action or until further order of the Court, and Plaintiff shall serve the Defendants with a copy of this PI Order in accordance with the Alternative Service Order.

B. IT IS HEREBY ORDERED, as sufficient cause has been shown, that upon Plaintiff's request, any Internet marketplace 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 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 HEREBY ORDERED, as the Plaintiff has established that the following product as pictured below is the subject of a federally registered Copyright for the Plaintiff's Alien Costume Sculpture;



consequently sufficient cause has been shown,

(1) 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 Alien Costume Sculpture, whether sold by the Defendant or other persons or entities.

- (2) Amazon.com, Inc., and its related companies and affiliates, including Amazon Services, LLC, and Amazon Payments, Inc. (collectively “Amazon”), are hereby restrained and enjoined, pending the hearing and determination of Plaintiff’s Application for a preliminary injunction, or until further order of the Court, from processing payments for any products listed under the following Amazon Standard Identification Numbers (ASIN): B06XKMP9KX and B09HQTDYLM by any Seller that has not been authorized by Plaintiff;
- (3) Amazon.com, Inc., and its related companies and affiliates, including Amazon Services, LLC, and Amazon Payments, Inc., shall place the following ASINs: B06XKMP9KX and B09HQTDYLM, into Amazon’s gating program, so that Plaintiff will be able to control which sellers list product under these ASINs; and
- (4) upon Plaintiff’s request, Amazon.com, Inc., and its related companies and affiliates, including Amazon Services, LLC, and Amazon Payments, Inc., shall remove listings and/or advertisements for any product that Plaintiff identifies as using Plaintiff’s Copyrighted Work (i.e., preventing a seller from listing for sale under the identified ASIN);
- (5) Upon Plaintiff’s request, a Third-Party Service Provider shall remove listings and/or advertisements for any product advertised using Plaintiff’s Photographs and/or Videos; and
- (6) this Order shall remain in effect during the pendency of this action or until further order of the Court.

II. Order Authorizing Expedited Discovery

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

- (1) Plaintiff 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) Plaintiff 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) Plaintiff 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:

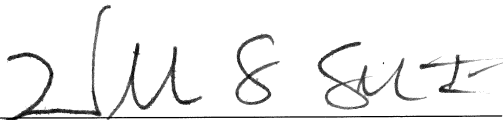
- (1) any and all User Accounts and Defendants' Merchant Storefronts and account details, including, without limitation, identifying information and account numbers for any and all User Accounts and Defendants' Merchant Storefronts that Defendants have ever had and/or currently maintain with the respective 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 Copyrighted Work.

III. Security Bond

IT IS FURTHER ORDERED that the \$1,000.00 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 6th day of May, 2024
Pittsburgh, Pennsylvania

A handwritten signature in black ink, appearing to read "W S Stickman IV", written over a horizontal line.

William S. Stickman IV
United States District Judge

Schedule "A"
Defendants with Store Name and Seller ID

Defendant Number	Store/Seller Name	Seller ID
1	lemonseven	ABA3875NJ1QH
2	ChiBiaoD	A2JUZU1190CSNT
3	Crystal Week	A3JRNPUIRUYS1C
4	feihuangtengda1.1	ARO2Q1U4PL890
5	GanChaoDianzi跟卖投诉	A29VK2AP824UP9
6	HTYBH	A21CTDHYMNAZYJ
7	juxianjiakangdianshangyouxiangongsi	A17R3ZNE2S9D64
8	Mixxii	A3R8TLH8N5FBT2
9	OBeauty	A3GAI6ULUYQ3FX
10	SUFURY	AX3FJ0B5SN89O
11	Xiang Ruixu Trading Co., Ltd.	A27652Y9ZXP0L7
12	Zhang Jianping North America	AEBJIU52SELOO
13	ZHQWZE	AMLVJWLG17US1
14	7406 Diverse Apparel Store	1101402091
15	Aixuanyu Mermaidtail Costumes Store	1101360166
16	Amimelover Store	1102456386
17	Anime Movies Store	1101506314
18	Bazzery Official Store	1100996769
19	Bestcostumes Store	1102662246
20	Blue Lagoon Store	1103273359
21	Brennus Fantasy Party Store	1102327109
22	CANDEVER Store	1101329885
23	Ccos One Store	1102435341
24	Cos Costume Store	1101329912
25	Cos Factory Store	1101442128
26	COSNYC Store	1101341903
27	Cosplay Factory 5 Store	1103393113
28	Cosplayee Official Store	1102485560
29	COSTUME FUNNY Store	1101360499
30	Dancewear Ballet Cosplay Costume	1100857565
31	Disney Mao Store	1102826920

32	Disney Toy -Temila Store	1102023670
33	DM HOME Store	1103075001
34	ecoparty store	1101369789
35	Ecowalson Store	1102251891
36	Ek Clothes Store	1103338119
37	Exquisite Life Store	1102439155
38	Factory Clothes Store	1101791584
39	Fantasy Fashionista Store	1102736475
40	Funny Shirt Store	1101415689
41	GOOSH Store	1102663557
42	Gulin's Shop@ Store	1101504857
43	Halloween Fancy Dress Store	1103312149
44	Happywear Mascot Store	1103256087
45	HKSNG Costume-Dropship Store	1100919242
46	HLZSPOYY Party Costumes Store	1102846060
47	Home8899 Store	1102377111
48	HSOON Tool Store	1103058161
49	Jie's Store	1101316495
50	Just Play Store	1102024636
51	JY Doll Costume Factory Store	1102336883
52	KBDFFA Clothing Store	1103087046
53	Laishan Store	1101697783
54	Linzeoyyds Store	1101802747
55	Lucy Nana Party Shops Store	1102725188
56	Memune Costumes Store	1102647926
57	Mermaid Tail Genshin Impact Store	1101938890
58	Mother And Baby Shop Store	1101935158
59	Orange Anime Store	1101856281
60	Outdoor & Leisure Life Store	1101363667
61	Petworld Store	1101249008
62	Popstyle Store	1101196617
63	Psy Duck Store	1103570116
64	Psy Duck Store	1102158484
65	Purple Feellove Store	1102903015
66	Qiangjia Factory Store	1102773655
67	Queen Dance Costume Store	1102221117
68	Role Jugar Official Store	1101371664

69	Role Playing Stage Store	1102588440
70	SENJUN COS Store	1101842487
71	Shop in Lantian Store	1101751909
72	Shop Medieval Cosplay Accessories Store	1103016273
73	Shop1102211247 Store	1102208276
74	Shop1102339362 Store	1102339363
75	Shop1102342878 Store	1102342879
76	Shop1102375269 Store	1102371379
77	Shop1102634845 Store	1102642016
78	Shop1102857097 Store	1102860094
79	Shop1103035487 Store	1103042435
80	Shop1103311127 Store	1103310108
81	Shop1103312469 Store	1103309438
82	Shop1103337130 Store	1103320835
83	Shop1103434268 Store	1103430275
84	Shop1103439468 Store	1103442461
85	Shop1103508250 Store	1103510240
86	Shop1103529496 Store	1103536546
87	Shop1103529497 Store	1103529498
88	Shop1103529515 Store	1103534497
89	Shop1103532519 Store	1103534482
90	Shop1103592999 Store	1103618048
91	Shop1103596197 Store (Lz Doll Costumes Store)	1103599148
92	Shop1103601399 Store	1103590407
93	Shop1103603578 Store	1103603579
94	shop13279273911 STORE	1101937594
95	shop65489156756 STORE	1101694154
96	Shop911052165 Store	1101561937
97	Shop911060177 Store	1101563997
98	Shop911418068 Store	1101612215
99	Toy Ocean Store	1102170337
100	Toy Room And Baby Store	1101947859
101	Toys Heaven Store	1102088083
102	Warm Blowing Wind Store	1102272142
103	whopawho store	1101280867
104	World Costume Store	1101701227
105	WY Watch Accessories Store	1101576751

106	Yiduv Costume Store	1102336769
107	ZHENSHU KID ER Store	1103279469
108	Qiang Jia Factory	634418211194448
109	Roxy	101246561
110	Shanxidaibangshangmao	101610631
111	Taiyuan	101597094
112	xiaolong888	101617584
113	YouNuoYuKeJiYouXianGongSi	101131823
114	Browse_25	5728b93163439c5ed595d1bf
115	curva100	5fff632323c3203f2b2879f6
116	Dark Star Trading Co.,Ltd.	56d011b2b1c12561608e1dc4d
117	Great888	5e2e5e2b7c168a6ac023960a
118	Jane's Box	58a7a99cc9309f50fcbec866
119	KKITOPGEE	5d5d0ae840defd547ba72494
120	quyan57543	6048683e5f0019522ff2bdfb
121	seven12345	58bba3d3d032bf532a618baa
122	TangLinYan	601bc981b34276a86272df43
123	Tienda Canta Claro	5f44321559bab0373c57b86a
124	Tradefactory	598455efec40ae0ba6c366eb
125	XCCLS20180318	5aae13732c49566a63f4b353
126	yoyo8888	5d4e8fb17edfad36f00a671e
127	ZTYAGAINZTY	5d9995847f8b0950fff5a7b0