

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

ALLSEASON ENTERPRISES, LLC,

Plaintiff,

v.

MYKYTA MELNIK, LLC, *et al.*,

Defendants.

Civil Action No. 24-cv-921

Judge Colville

FILED UNDER SEAL

AMENDED 1) TEMPORARY RESTRAINING ORDER; 2) ORDER RESTRAINING ASSETS AND MERCHANT STOREFRONTS; 3) ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE; AND 4) ORDER AUTHORIZING EXPEDITED DISCOVERY

This matter is before the Court upon Plaintiff's *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 **Amended Schedule "A"** to the Complaint and attached hereto (collectively, the "Defendants"). The Court has considered the Application, the evidence in the record, and the applicable law.

Specifically, Plaintiff has obtained evidence clearly demonstrating that Defendants are using without authorization Plaintiff's copyrighted photographs¹ and some are engaged in Trademark Infringement and Counterfeiting of Plaintiff's Marks² and some are infringing on

¹ Plaintiff has obtained the following copyright registrations on its original photographs used to Market and advertise its products: TX 9-367-638, TX 9-388-519, TX 9-388-522, TX 9-388-523, TX 9-389-848, TX 9-389-849, TX 9-394-790 all with the title "Multimineral Sea Moss Black Seed" published on October 15, 2022. True and correct copies of the registrations and the deposit copies are attached to the Complaint and marked, respectively, as **Exhibits 3A – G** ("Plaintiff's Works")

² Plaintiff owns the common law trademark CLEAN NUTRA™ and registered trademarks, CLEAN NUTRA & design (U.S. Reg. No. 7031116 and CLEAN NUTRACEUTICALS & design (U.S. Reg. No. 7031117)

Plaintiff's Trade Dress³, and still others are engaged in Review Hi-Jacking, while promoting, selling, offering for sale and distributing knock-offs of Plaintiff's Products⁴ in a willful attempt to pass off their knock-off products as genuine versions of Plaintiff's Products within this district and throughout the United States by operating e-commerce stores established via at least one of the Internet marketplace websites Amazon.com, aliexpress.com, eBay.com, Joybuy, Temu, wish.com, and Walmart.com under their Store Names and Seller Names identified on **Amended Schedule "A"** of the Complaint (the "Seller IDs" ("Infringing or Knock-Off Products).)⁵

Based on this evidence, Plaintiff's Complaint alleges claims for federal copyright infringement pursuant to 17 U.S.C. § 501(a).

FACTUAL FINDINGS & CONCLUSION OF LAW

1. Plaintiff, ALLSEASON ENTERPRISES, LLC, ("ALLSEASON"), is likely to prevail on its copyright claims at trial.
2. Plaintiff's Products have unique packaging, labels, and designs that are inherently distinct features, including, color, size, and shape selections, that all function as a source identifier for the Plaintiff's Product. The combined distinct features of the Plaintiff's Works all

("Plaintiff's Marks")(True and Correct Copies of the registration certificates are attached to the Complaint as **Exhibits 4A and 4B)**

³ Plaintiff's Trade Dress comprises the organization, selection of the text, arrangement of the elements of the creative artwork and colors for the label, the differently colored spheres containing abbreviations for various vitamins, minerals, and supplements, the black tree shaped background and the distinctly proportioned text. The Trade Dress is distinct and immediately conveys the source of the goods to the consumer.

⁴ Plaintiff directly sells its supplements on its Amazon store using the ASIN BOBG94RWYN (single bottle) and ASIN BOBG6TGKZS (two bottles). ASIN Refers to Amazon Standard Identification Number. Each product is assigned a unique ASIN when listed on Amazon.

⁵ Plaintiff has indicated that prior to filing this lawsuit, Plaintiff viewed a public seller profile that is published by certain Defendant's storefronts that purports to identify the name and address of the Defendant. Solely based upon their representation on their storefronts, the following defendants have identified themselves as US-based and are not at this time alleged to be foreign sellers: 2DAYSHIPS, aboutbargains, BLOOMS ROYALE, CYTAL NF LLC, FX Cosmetics, Diamond Shope llc, Helios Liminal Partners Ii, Llc, Hvg Maple Grove Associates, Llc, Mykyta melnik, Llc, Nourish Nation, VigorNova, SharkLabsUSA, Simplemart, Snatched N Pretty, This & That 365, Doctor Commerce, Belle & Peach, Chailens Supple LLC, DEMPIRE LLC, Full Focus 365, MEGA MART CENTER LLC, Meishka Products LLC, Tartazo Surplus LLC, and vigornava.

support the copyright registrations issued by the U.S. Copyright Office. Screen shots of the Plaintiff's Amazon Store and Web Site are shown in **Complaint Exhibit 2**.⁶

3. The combined unique features, ornamental, and decorative features of Plaintiff's Product packaging, Plaintiff's Marks, and Plaintiff's Works comprise Plaintiff's Trade Dress, including the distinct photographs, the design, the instructions, the packaging, and the unique presentation of the product, all comprise Plaintiff's valuable intellectual property ("IP") and all have become distinct in consumer's minds such that consumers associate all of this IP with Plaintiff's Products.

4. Defendants, by operating Internet based e-commerce stores and fully interactive, commercial Internet websites operating under Defendants' respective seller identities set forth on **Amended Schedule "A"** hereto (the "Seller IDs"), have advertised, promoted, sold, and offered for sale goods featuring, displaying, and/or using Plaintiff's Works without authorization and Plaintiff has determined the products that each Defendant is offering for sale are not genuine products.

5. Through the e-commerce marketplace platform, Plaintiff accessed all of the e-commerce stores operating under Defendants' Seller IDs and captured the Defendants' listings at issue on the e-commerce stores. At the conclusion of the process, the detailed webpages and photographs were inspected by Plaintiff's representative who confirmed that each Defendant is featuring, displaying, and/or using Plaintiff's Marks, and/or Works and/or Trade Dress without authorization and the products that each Defendant is offering for sale are not genuine products.

⁶ As set forth in the Complaint, and proven in **Composite Exhibit 1**, all of the Defendants are infringing on one or more Plaintiff's federal copyright registration and/or trade dress. ("Infringing Products").

6. Plaintiff has a strong probability of proving at trial that consumers are likely to be confused by Defendants' advertisement, promotion, sale, offer for sale, or distribution of products with unauthorized and unlicensed uses of Plaintiff's Marks and/or Works and/or Trade Dress.

7. Plaintiff and consumers are likely to suffer immediate and irreparable losses, damages and injuries before Defendants can be heard in opposition, unless Plaintiff's Application for *ex parte* relief is granted. There is good cause to believe that the unauthorized and unlicensed use of Plaintiff's Works will continue in the marketplace; that consumers are likely to be misled, confused, and disappointed by the quality of the products so advertised; and that Plaintiff may suffer loss of sales for its genuine products and an unnatural erosion of the legitimate marketplace in which it operates. There is also good cause to believe that if Plaintiff proceeds on notice to Defendants of this Application, Defendants can easily and quickly change the ownership or modify e-commerce store account data and content, change payment accounts, redirect consumer traffic to other seller identification names, and transfer assets and ownership of Seller IDs, thereby thwarting Plaintiff's ability to obtain meaningful relief. As other courts have recognized, proceedings against those who deliberately traffic in infringing merchandise are often useless if notice is given to the adverse party.

8. The balance of potential harm to Defendants of being prevented from continuing to profit from their illegal and infringing activities if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiff, its reputation, and its goodwill as a manufacturer and distributor of quality products, if such relief is not issued.

9. The public interest favors issuance of the temporary restraining order in order to protect Plaintiff's interests and protect the public from being injured, deceived, and defrauded by the passing off of Defendants substandard goods as Plaintiff's genuine goods.

10. Under Pennsylvania law this Court may issue a prejudgment asset restraint where Plaintiff's complaint asserts a claim for money damages.⁷ This Court also has the inherent authority to issue a prejudgment asset restraint when Plaintiff's complaint seeks relief in equity. According to the Copyright Act, 17 U.S. Code § 504, Plaintiff seeks, among other relief, that Defendants account for and pay to Plaintiff its actual damages and all profits realized by Defendants or statutory damages, by reason of Defendants' unlawful acts. Therefore, this Court has the authority to grant Plaintiff's request for a prejudgment asset freeze to preserve the relief sought by Plaintiff and preserve the Defendants' ability to at least partially satisfy a judgment.

11. Similarly, if Defendants are given notice of the Application, they are likely to destroy, move, hide or otherwise make inaccessible to Plaintiff the records and documents

⁷ Under Pennsylvania law, pre-judgment restraints are permitted as against all defendants. *Walter v. Stacey*, 837 A.2d 1205 (Pa. Super. 2003) (injunction entered restraining assets in action seeking damages for a wrongful death); *Hoxworth v. Blinder, Robinson & Co., Inc.*, 903 F.2d 186 (3d Cir. 1990) (affirming injunction entered restraining assets in class action lawsuit). Plaintiff's pre-filing investigation indicated 2DAYSHIPS, aboutbargains, BLOOMS ROYALE, CYTAL NF LLC, FX Cosmetics, Diamond Shope llc, Helios Liminal Partners Ii, Llc, Hvg Maple Grove Associates, Llc, Mykyta melnik, Llc, Nourish Nation, VigorNova, SharkLabsUSA, Simplesmart, Snatched N Pretty, This & That 365, Doctor Commerce, Belle & Peach, Chailens Supple LLC, DEMPIRE LLC, Full Focus 365, MEGA MART CENTER LLC, Meishka Products LLC, Tartazo Surplus LLC, and vigornava may be U.S.-based. Pre-judgment restraints are appropriate against these U.S. sellers under *Walter* and *Hoxworth*. See also, *Broadway v. Colorflowers, et al.*, 22-cv-510-JNR (W.D. Pa., filed April 12, 2022); *Doggie Dental Inc. et al. v. AvantDigital et al.*, 21-cv-565-MRH (W.D. Pa., filed April 29, 2021) and *Doggie Dental Inc. et al. v. CDOoffice et al.*, 21-cv-271-MRH (W.D. Pa., filed February 25, 2021). *Doggie Dental Inc. v. Go Well*, No. 19-cv-1282 (W.D. Pa. Oct. 11, 2019) (Hornak, J.) (sellers on amazon.com); *Doggie Dental Inc. v. Worthbuyer*, No. 19-cv-1283 (W.D. Pa. Oct. 11, 2019) (Hornak, J.) (sellers on ebay.com); *Doggie Dental Inc. v. Max_Buy*, No. 19-cv-746 (W.D. Pa. June 27, 2019) (Hornak, J.) (sellers on ebay.com); *Doggie Dental Inc. v. Anywill*, No. 19-cv-682 (W.D. Pa. June 13, 2019) (Hornak, J.) (sellers on amazon.com); *Airigan Solutions, LLC v. Abagail*, No. 19-cv-503 (May 28, 2019) (Fischer, J.) (sellers on amazon.com); *Airigan Solutions, LLC v. Babymove*, No. 19-cv-166 (W.D. Pa. Feb. 14, 2019) (Fischer, J.) (sellers on amazon.com); *Airigan Solutions, LLC v. Artifacts_Selling*, No. 18-cv-1462 (W.D. Pa. Oct. 31, 2018) (Fischer, J.) (sellers on ebay.com and aliexpress.com).

relating to Defendants' illegal and infringing activities. Therefore, Plaintiff has good cause to be granted expedited discovery.

ORDER

Based on the foregoing findings of fact and conclusions of law, Plaintiff's Application is hereby **GRANTED** as follows (the "Order"):

I. Amended Temporary Restraining Order

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, that 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 Marks and/or Works and/or Trade Dress 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,⁸ Merchant Storefronts⁹ 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 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;

⁸ 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.

⁹ 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.

- (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 **Amended 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 **Amended Schedule “A”** hereto;¹⁰

(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 **Amended 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

¹⁰ 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.

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; (in order to confirm compliance with this Order, the Plaintiff is permitted leave to serve a subpoena on such Third Party Service Provider(s) and Financial Institution(s) seeking the following information: (a) Bank account and routing numbers registered and used with regard to each seller account; (b) Financial records and other documents identifying the use of third-party payment service providers such as Payoneer and Wise; (c) Dates when funds were last sent from the seller to their seller account and the respective amount transferred; (d) Dates when funds were last sent from the seller account to the seller and the respective amount transferred; (e) amount and location of the seller's assets that are in Amazon's control; and (f) all documents identifying the Defendants.

(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 **Amended 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 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 Order shall remain in effect until the date for the hearing to show cause why a preliminary injunction should not be issued as set forth below, or until such further dates as set by the Court or stipulated by the parties.

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 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, 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 Plaintiff's Works and/or Marks and/or Trade Dress, whether sold by the Defendant or other persons or entities.
- D. IT IS HEREBY ORDERED, that upon Plaintiff's request, any Third Parties are ordered to suspend any listings of a product that Plaintiff asserts infringes Plaintiff's Works and/or Mark and/or Trade Dress, and is identified as originating from outside of the United States and unfairly competing with Plaintiff's Product.
- E. IT IS HEREBY ORDERED, that upon receipt of this Order, Amazon shall immediately de-link (disconnect the Child/Parent link between) the Child ASINs: B0D5LTFBTR, B0D6YPJT4W, B0D62TVXPN and B0D62TJQ76, from the Plaintiff's ASINs: BOBG94RWYN (single bottle) and BOBG6TGKZS (two bottles), and shall not permit any further variants from being linked to the Plaintiff's ASINs without Plaintiff's prior approval.¹¹
- F. IT IS HEREBY ORDERED, that upon receipt of this Order, Amazon shall remove any seller identified by Plaintiff from the following ASINs: BOBG94RWYN (single bottle) and BOBG6TGKZS (two bottles).

**II. Order to Show Cause Why a Preliminary Injunction
Should Not Issue and Service of Order**

¹¹ These are the current ASINs assigned to the Plaintiff's Products by Amazon.

A. Defendants are hereby ORDERED to show cause before this Court in the United States District Court for the Western District of Pennsylvania, the U.S. Courthouse, **by ZoomGov** on the 24th day of July, 2024 at 9:00 a.m., why a preliminary injunction, pursuant to FRCP 65(a), should not issue. **Defendants are on notice that failure to appear at the hearing may result in the imposition of a preliminary injunction against them.**

B. Opposing papers, if any, shall be filed electronically with the Court and served on Plaintiff's counsel by delivering copies thereof to the office of Ference & Associates LLC at 409 Broad Street, Pittsburgh, Pennsylvania 15143 before July 19th, 2024. Plaintiff shall file any Reply papers on or before July 22nd, 2024.

C. After Plaintiff's counsel has received confirmation from the Third Party Service Providers and Financial Institutions or otherwise, regarding the restraint of funds directed herein, Plaintiff shall serve copies of the Complaint, the Application, this Order, and any Discovery on each Defendant via their corresponding email/online contact form provided on the Internet based e-commerce stores operating under the respective Seller IDs, or by providing a copy of this order by e-mail to the marketplace platform, which in turn notifies each Defendant of the Order, or by other means reasonably calculated to give notice which is permitted by the Court. In addition, Plaintiff shall post copies of the Complaint, Application, this Order, any Discovery, and all other pleadings and documents filed in this action on a website designated by Plaintiff,¹² and shall provide the website address to Defendants via e-mail/online contact form, and such notice so given shall be deemed good and sufficient service thereof. Plaintiff shall continue to provide

¹² Rule 65 has been interpreted to require that a party have notice of the motion and hearing; perfecting service on a defendant is not a prerequisite to the entry of a preliminary injunction order. *Pate v. Gov't of the Virgin Islands*, 2015 WL 1937701 n.9 (VI Sup. Ct. April 17, 2015); *Corrigan Dispatch Co. v. Casa Guzman, S.A.*, 569 F.2d 300, 302 (5th Cir. 1978).

notice of these proceedings and copies of the documents on file in this matter to Defendants by regularly updating the website designated by Plaintiff or by other means reasonably calculated to give notice which is permitted by the Court.

III. 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 Storefronts¹³; and

¹³ 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; *See also* Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1, *et seq.* (Requiring Third Party Service Providers to collect and keep records pertaining to identities and locations of high volume sellers, as well as financial documents)

(4) Defendants' unauthorized and unlicensed use of Plaintiff's Marks and/or Plaintiff's Works and/or Trade Dress in connection with the distribution, marketing, advertising, offering for sale, or sale of any products, and any products which use Plaintiff's Works.

V. Security Bond

IT IS FURTHER ORDERED that Plaintiff shall place security (corporate surety bond, cash, certified check, or attorney's check) in the amount of \$5,000 with the Court, which amount is determined adequate for the payment of any damages any person may be entitled to recover as a result of an improper or wrongful restraint ordered hereunder. If presented as cash, the bond will be placed into the local Court registry where it will remain until further Order of Court.

VI. Summons

IT IS FURTHER ORDERED that the Clerk of the Court shall issue a single original summons in the name of "MYKYTA MELNIK, LLC, and all other Defendants identified in the Amended Complaint" that will apply to all Defendants.

SO ORDERED.

SIGNED this 12th day of July, 2024, at 5:00 p.m.
Pittsburgh, Pennsylvania

s/ Robert J. Colville
ROBERT J. COLVILLE
UNITED STATES DISTRICT JUDGE

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

Defendant Number	Store/Seller Name	Seller ID
1	Mykyta melnik, Llc	A15NLTPIGDOBMZ
2	aboutbargains	AY81Y7EKB4I2T
3	BLOOMS ROYALE	A2XCMN6Z2IN4MC
4	Bon_Store	A2JJ6WC37PJ8XE
5	CARDINAL TRADING LLC	AQ348U3Y11IQM
6	Chandarva	AU6AG3TYHXCUN
7	CYTAL NF LLC	A35Z0QFS6MUGE7
8	Doctor Commerce	A38LNJIOM3PTTF
9	EFSISHOP	A1PUTIUS6Y9VBU
10	FSY ★★ ★★ ★★	A2YQSUOLTE6UFX
11	FX Cosmetics	A33D6Q5OB1DDOK
12	Momelk	A1P1A4W2V0WWCF
13	SharkLabsUSA	A2G3MRB9TMQ2UM
14	shenglizidong	ACC3TIZID11HH
15	Snatched N Pretty	A249SBH33NTU0P
16	This & That 365	A26JJM0B4MLNWA
17	Winvita Naturals	ACMCGT8FSUQ43
18	A shop that cherishes life and	634418216134133
19	Fastway	634418215323869
20	GlowVigor	634418214699889
21	GlowVigor Nutri	634418216180408
22	HIMIYER	634418215865024
23	Himiyer Lifee	634418215406525
24	JZ ZORN	634418214865679
25	Matrix future	634418215167348
26	MH SALE	634418215127714
27	Muse Lifee	634418215957167
28	Nature Lifee	634418215137684
29	NutriHealth	634418214921836
30	SWEETLF	634418215135716
31	VGO Life	634418215137771
32	YML SALE	634418215133323
33	AIGE.CO	101574976
34	BEATERY ONLINE	101647789
35	Belle & Peach	101032509
36	Bj Hoho	101566386
37	Chailens Supply LLC	101423340

38	Delong	101607787
39	DEMPIRE LLC	101463632
40	Feng jinhui	101514530
41	FUDLY	102500221
42	Full Focus 365	101256325
43	full-car.custom	101571788
44	Golden Time	101640273
45	guizhouzhilizunjiuye	101647938
46	heguwujin	102484035
47	HONG KONG ALIDE CO.,LIMITED	101628435
48	huokairuishangmaoyouxian	101632357
49	JiNanLingJiangXinNengYuanKeJiYouXianGongSi	101664786
50	jinanqiyunliujianzhugongcheng	101687206
51	JinJun	101611962
52	LANCAN	101671292
53	Lin Chow	101655898
54	LLGLTOMO	101092274
55	MEGA MART CENTER LLC	101284214
56	Meishka Products LLC	101637945
57	Nirvik Creation	101454439
58	QG INC	101262433
59	QITIANDASHENG	101581973
60	Rich Year	101532995
61	sea moss	101672673
62	SENYU. Co.Ltd	101573699
63	SHUNYI	101662038
64	SZLKXCLL	101670971
65	tanhong11223	101651982
66	TanQiang LLC	102479317
67	Tartazo Surplus LLC	101502344
68	TIESUOLIANHUAN	101581881
69	TongshanLaiyin	101567304
70	Winvita Naturals Official	101621151
71	Xiangchuan Auto Parts	101572359
72	xuxulaiwang	101607015
73	YITITIYI	101564311
74	YOUILIS	101632067
75	Youmile	101607782
76	YuZhenYu	101618249
77	zhangxiangyu11	101641534
78	zhenzhenrishang	101619179
79	ZHIXING.CO	101615110

80	zhongjianyong	101629764
81	ZUYONG SHOP	101651833
82	Zulauf RR	61450a673b9f83efd2a8103
83	Diamond Shope llc	A2UC0C2V53YYQH
84	Helios Liminal Partners li, Llc	AZH0FEU92LOQ2
85	Hvg Maple Grove Associates, Llc	A21DGDTCXDK0G
86	Nourish Nation	A1U516AB73HP5D
87	VigorNova	A1INRE2XIWXEDP
88	BrightSky Goods	634418215104166
89	Cuttyflyhealth	634418215385707
90	DS Cycling Home	634418213980324
91	Jack shopping mall	634418216613378
92	JMQJMQ	634418213640457
93	JMQJMQHEALTH	634418214854015
94	2DAYSHIPS	101060464
95	chenzhuoqiaokejishanmao	101692105
96	chuanya	101560487
97	Cross-border electronics	101654380
98	dsgfgfd	102501315
99	fumeishangmao11	101572815
100	Genius King	101638872
101	haichuangguoji	102491408
102	HealSHe Shop	102517665
103	Jiaho	101673980
104	kdingakejkhknfgejdu	101671402
105	KunMingTianTongTongSeWangLuoKeJiYouXianGongSi	101676949
106	KunMingZhiLiangKeHaoWangLuoKeJiYouXianGongSi	101676952
107	liyingjiaxiaolong	102484471
108	sea moss Shilajit	101664862
109	simplesmart	101667477
110	Smile King	101642612
111	Taique network	101566304
112	Vigornova	101508571
113	Werixs	101569023
114	xiujinshangmaoyouxiangongsi	102517807
115	yuhushangmaoyouxiangongsi	102485388