

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

MICHELLE E. DE SOUSA, *et al.*,  
Plaintiffs,

v.

SMART726, *et al.*,

Defendants.

Civil Action No.

**FILED UNDER SEAL**

**[PROPOSED] 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 **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. The legal support for this motion is contained in the accompanying Memorandum of Law.

By the instant Application, Plaintiff moves *ex parte* pursuant to 15 U.S.C. § 1116, 17 U.S.C. § 502, Federal Rules of Civil Procedure 64 and 65, and The All Writs Act, 28 U.S.C. § 1651(a), for entry of a temporary restraining order and an order restraining assets and Merchant Storefronts, for violations of the Patent Act, the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a), and related state law claims. Because Plaintiff has satisfied the requirements for the issuance of

a temporary restraining order, and good cause has been shown for the issuance of the same, the Court grants Plaintiff's Application.

### **FACTUAL FINDINGS & CONCLUSION OF LAW**

1. Plaintiff is likely to prevail on its Patent Act and Lanham Act claims<sup>1</sup>, and related state law claims at trial.

2. Michelle E. DeSousa is a co-inventor and owner and president of the Plaintiff company, BraNovations, Inc., the exclusive licensee of the Plaintiff's Patented **CLEAVA**<sup>®</sup> and **SNAPPY CAMI**<sup>®</sup> brand mock camisoles. together with her husband and co-inventor, Jose De Jesus De Sousa, they are collectively the Plaintiff bringing this lawsuit (herein after "Plaintiff"). The Plaintiff's innovative mock camisoles are a garment and brassiere accessories that are worn under a top, easily adjust for size, fasten to a brassiere, cover cleavage, and thus provide a user with the ability to wear short tops and dresses in situations that require modest attire.

3. Plaintiff's Patented products are sold under the registered trademarks **CLEAVA**<sup>®</sup> and **SNAPPY CAMI**<sup>®</sup> are protected by multiple utility and design patents both here in the United States and Internationally.

4. Plaintiff is the owners of U.S. Patent No. 8,152,591, for a "GARMENT AND BRASSIERE ACCESSORY." A copy of the patent is attached to the Complaint as **Exhibit 3**.

5. Plaintiff is the owner of various photographs and artwork related to the promotion and packaging of Plaintiff's Product (the "Plaintiff's Works").

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<sup>1</sup> While Plaintiff allege that all of the Defendants are engaged in patent infringement against the Plaintiff, only the following Defendants are accused of using Plaintiff's Works to advertise, promote, and sell their Infringing Products, thus they are the only Defendants named in the counts for unfair competition: FATTAH, hehebaihuoshanghang, Militarycollectors2019, Trim Trim Store.

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

7. 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 Works and/or Plaintiff's Patent, without authorization and the products that each Defendant is offering for sale are not genuine.

8. 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 Works and/or Plaintiff's Patent, in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114, and Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), that at least on claim of the Plaintiff's Patent has been infringed in violation of 15 U.S.C. § 501, and prevailing on its related state law claims.

9. Plaintiff as well as 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 Patent and/or 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.

10. 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.

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

12. Under Pennsylvania law this Court may issue a prejudgment asset restraint where Plaintiff's complaint asserts a claim for money damages.<sup>2</sup> This Court also has the inherent

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<sup>2</sup> 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 that MOON BAY, FIRST, CREIKUTA, Free Thinking FT, and SemiAssist Selections may be U.S.-based. Pre-judgment restraints are appropriate against these sellers under *Walter* and *Hoxworth*. See also, *Aquapaw Brands, LLC v. Joyi Yan*, et al., 22-cv-1607-CCW (W.D. Pa., filed November 17, 2022)(Wiegand, J); *Nifty Home Products, Inc. v. Ladyana US, et al.*, 22-cv-994-AJS (W.D. Pa., filed July 13, 2022)(Schwab, J); *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-

authority to issue a prejudgment asset restraint when Plaintiff's complaint seeks relief in equity. According to both the Lanham Act and Patent Act, Plaintiff is entitled, "subject to the principles of equity, to recover ... defendant's profits." Plaintiff seeks, among other relief, that Defendants account for and pay to Plaintiff all the profits realized by Defendants 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.

13. 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 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. 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:

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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).

- (1) from (a) their unauthorized and unlicensed use of Plaintiff's Patent and/or Plaintiff's Works, in connection with the 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 which infringe on Plaintiff's Works and/or infringe at least one claim of the Plaintiff's Patent;
- (2) from secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with any computer files, data, business records, documents or any other records or evidence relating to their User Accounts,<sup>3</sup> Merchant Storefronts<sup>4</sup> or any money, securities or other property or assets of Defendants (hereinafter collectively referred to as "Defendants' Assets");
- (3) effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform, User Account, Merchant Storefront or any other means of importation, exportation, advertising, marketing, promotion, distribution, and/or display for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order;

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<sup>3</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, Temu, Alibaba.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.

<sup>4</sup> As defined in the Application, a "Merchant Storefront" is any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in products which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them.

- (4) each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order shall immediately 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 Amazon Services, LLC d/b/a Amazon.com, and Amazon Payments, Inc. d/b/a Amazon Pay (collectively "Amazon"), Whaleco Inc., a Delaware Corporation, which is a wholly owned subsidiary of Pinduoduo Inc. which is owned by PDD Holdings (collectively, "Temu"), Tik Tok d/b/a TikTok Shop<sup>5</sup>, eBay, Inc. d/b/a

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<sup>5</sup> ByteDance Ltd. is the parent and owner of ByteDance, Inc. and TikTok Ltd. TikTok Ltd. owns TikTok LLC and TikTok Pte. Ltd. TikTok LLC in turn owns Defendant TikTok Inc., which owns Defendant TikTok U.S. Data Security Inc. TikTok, Inc. is a California Corporation; TikTok U.S. Data Security Inc. is a Delaware

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 Providers”) 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”)<sup>6</sup>, Amazon Payments, Inc., Walmart Pay, PayPal, Inc. d/b/a paypal.com, and Context Logic, Inc. d/b/a wish.com (“Financial Institutions”).<sup>7</sup>, 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>8</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

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Corporation, ByteDance Ltd, is a Cayman Islands company; ByteDance Inc. is a Delaware Corporation; TikTok PTE Ltd is a Singapore company; TikTok Ltd is a Cayman Islands company (collectively “TikTok”).

<sup>6</sup> WorldPay US, Inc. (“WorldPay”) processes transactions on behalf of Alibaba and Alipay, which may appear as “AliExpress” on a cardholder’s credit card statement.

<sup>7</sup> Plaintiff acknowledges that it is seeking multiple forms of relief. Plaintiff will promptly provide supplemental briefing or oral argument on any issue should the Court request it.

<sup>8</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 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.

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; (in order to confirm compliance with this Order, the Plaintiff are 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) amount and location of the seller’s assets that are in the control of the Third Party Service Provider(s) or financial Institution’s control; (f)

copies any documents evidencing and insurance policies owned by the Defendants; and  
(g) 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 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 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 offering, advertising, shipping and/or selling the Infringing Products at issue in this action and/or unfairly competing with Plaintiff;

(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 FURTHER ORDERED, as sufficient cause has been shown, that, upon Plaintiff's request, within no later than five (5) calendar days of Plaintiff's request, any Third Parties are ordered to suspend any listing of a product that Plaintiff assert infringes at least one claim of the Plaintiff's Patent, and/or infringes Plaintiff's Works and is identified as originating outside of the United States and unfairly competing with Plaintiff's Product.

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

A. Defendants are hereby ORDERED to show cause before this Court in the United States District Court for the Western District of Pennsylvania, via ZoomGov videoconference , on the \_\_\_ day of \_\_\_\_\_, 2024, at \_\_\_\_\_ .m. or at such other time that this Court deems appropriate, 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 \_\_\_\_\_, 2024. Plaintiff shall file any Reply papers on or before \_\_\_\_\_, 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,<sup>9</sup> and shall

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<sup>9</sup> 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).

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 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 Storefronts; and
- (4) Defendants' unauthorized and unlicensed use of Plaintiff's Works and/or infringe at least one claim of the Plaintiff's Patent in connection with the distribution, marketing, advertising, offering for sale, or sale of any Infringing Products.

**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 \$ \_\_\_\_\_ Dollars ( \_\_\_\_\_ ) 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.

**VI. Summons**

IT IS FURTHER ORDERED that the Clerk of the Court shall issue a single original summons in the name of “SMART726 and all other Defendants identified in the Complaint” that will apply to all Defendants.

**SO ORDERED.**

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

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

## Schedule "A"

### Defendants With Store Name and Seller ID

<b>Defendant Number</b>	<b>Store/Seller Name</b>	<b>Seller ID</b>
1	smart726	205007979291
2	100dayslate_9 shop	196095579145
3	2020coming shop	364595460117
4	77SuperSevens77	364674748430
5	9happy9	235783315094
6	A whole lotta everything	155526371485
7	Accessary	156467912458
8	alodi8867	387375012173
9	aoyi	305841757126
10	aqc0888888	395622959899
11	Atomic Punk Inc.	286177158913
12	autumn188	296360471177
13	avalonbon	387499445064
14	baize_yy	235806910718
15	Bargain Warehouse	162461261532
16	beautymallus	146048631855
17	bebety-88	275967601885
18	behindthepretty	225880492749
19	binge955	315927206420
20	BJG Deals	382085522570
21	bodui290	176538719233
22	buckshaw25	256687331793
23	cctoyoto shop	204552303380
24	cellrite727	276567277264
25	cestformidable2014	296724766397
26	chuqin-62	356275991516
27	CleopatraGoods	355733912038
28	copaseticalcat	405241126160
29	creativityparkcentral	154636662021
30	Daily necessities store	364880975352
31	darjea894195	365095542234
32	dddseeds2 shop	305283053375
33	elanza771	116152657635
34	enjoylife2018y	116114076629

35	epblhsntphe	235698610203
36	Esukceso	315062378297
37	EverydayGadgetz	146116582998
38	fcedfdvs	375461624401
39	FODIMON JEWELRY	405185786814
40	freeice	355764742222
41	gadgetzonest	146054977290
42	gaslooten	146190764147
43	Gifts Store-5	123997548742
44	girl_dressup	176429445141
45	Global Home Products	386823771436
46	gooddealstar123	126515630936
47	goole002	387609095052
48	GreenThreads23	356031858692
49	hdfiuwau	335385624331
50	hello-motorcycle	395089067126
51	hengshuifubaishan_0	356084559873
52	hsbabyhomes	315693110735
53	htza68	386873447328
54	huiwa-36	404962204572
55	Huoweiya	315425303392
56	indianrealsp84	315972769746
57	jiaoqingshangmao	126760503182
58	jiguikeji	335530198389
59	jisujiu888 shop	355224147458
60	jizhi1048	375671015391
61	kacaryda	186215988440
62	krist3497	315977471549
63	Lo Pryce Club	314438855417
64	LUBTFS	305639141955
65	Mik 2024 E-COMMERCE	155947260613
66	Militarycollectors2019	163761448772
67	mingzhe345 shop	305283081684
68	minling123	326184293080
69	moni_7457	126524049260
70	most_important_beauty	186682623105
71	nbaaa1 shop	225884543286
72	nhtw9944	315952915383
73	nsstars	226408866402
74	oukaide-0	226403703123
75	Outdoor-Hub	375762352609
76	pamentech	296783997362

77	Pousch Outlet	134841282192
78	ppa35869 shop	386309230714
79	purejoy2024	167018128106
80	qfi_36	305317881434
81	retroyears	185013152866
82	shanghailaife_0	285935849124
83	shch2254	405058815423
84	shengy634	386982659329
85	sherry_47	364822847296
86	SHUNYASHOP	135264395380
87	sixtyshadesofgrey	226071887637
88	s'tar stort	315678357259
89	su3516271	176657512958
90	TakshOnline	266419327705
91	Tasitble	387359181472
92	tastetrail	405151571345
93	thelij83	405204294982
94	thivi.online	364793694641
95	tlgoodson75	387585674285
96	toyds888	375786533196
97	tunsha1525	226326076830
98	uhqo9816	286023879044
99	WE444	226432768762
100	ww6ssx shop	225884425955
101	xc2020520 shop	235311859791
102	xiaomayiyiyayi shop	386308944542
103	xiaoxiaolu223 shop	395018758673
104	xiaoyao02	387353654572
105	xingyuan1314 shop	386308959433
106	xymfashionstore	305837683938
107	yuyuan-888	387499927309
108	yy1yyxx2 shop	355504142855
109	yyds-2023	126615961214
110	yyds888	126657982420
111	zaiajeio	235557008882
112	zhaobenyi	315391891428
113	zhonglimao-0	235780923935
114	zhongyang497	365170000055
115	ButtBig	A22O9WBS25PWHR
116	FATTAH	A3OH33OJGT4ZLM
117	hehebaihuoshanghang	AGWUNH3KMEP49
118	Trim Store	A3FG8BGQOYQ3U9

119	Aligament	101520067
120	CHENNUO	101667120
121	CHUONI Co.Ltd	102486802
122	CozyCollective	101619355
123	DiManFeng Inc	101220832
124	Dongguang	101567330
125	dongmentaishang	102478098
126	Exzpassion	101565319
127	foshanshishaalanshangmao	102492053
128	foshanshizezaojiajuyoux	101672925
129	Golden Koi	102500031
130	guangzhoukunkai	101689019
131	HCHPEJ	101623460
132	Hongc LLC	101638846
133	hongtaibaozhuangfuliao	102507417
134	Hongwangjie Trading	101578106
135	Jianyuanwenhua	101670145
136	jinanlianjingwangluokeji.com	102490662
137	JINGJING Co.Ltd	102481928
138	JUNQI	101583459
139	KEWITY	101633473
140	Ianhexingchen	102477142
141	Li loong Toys	102510034
142	LINNAO Ltd	101250922
143	LUOKU Co.Ltd	102484093
144	LzGUNGY	101661823
145	Midewhik	101464698
146	Nanwang Co. , Ltd.	101521138
147	nice maket for you	102621662
148	PINGXIAO Co.Ltd	102484277
149	QBgugu	101596074
150	Saoakiny	101576158
151	ShoppingNow Co.ltd	101222732
152	SHUJIN Co.Ltd	101677810
153	szbyhth LLCxy	102576882
154	SZD Co.Ltd	101240063
155	Taizai Trading Co. , Ltd.	102506719
156	Vongem Fashion store	101651506
157	VORCOY	101616915
158	WEIRUN Co.Ltd	101675172
159	WIN WITH SCIENCE	101289673
160	WTXUE CO.Ltd	101614067

161	XIAshuix	102490511
162	xiuxia shop	101694125
163	Yang cnct	101638538
164	Yanzihao Home Store	101592725
165	YHRY	101286232
166	Yijieelectronic	101593777
167	YU Co. , Ltd.	101521138
168	YULIJU	101651955
169	Yxmhdga	102607609
170	Sailing Expedition	5b05533159206935a1196bb6
171	yajingsongy012	63ff10e7ca51360b12630a0a