

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

AQUAPAW LLC,

Plaintiff,

v.

ALLNICE, *et al.*,

Defendants.

Civil Action No. 20-1954

(Judge Wiegand)

**PRELIMINARY INJUNCTION ORDER**

WHEREAS, Plaintiff filed an *Ex Parte* Application for the following: 1) a temporary restraining order; 2) an order restraining assets and Merchant Storefronts (as defined *infra*); 3) an order to show cause why a preliminary injunction should not issue; and 4) an order authorizing expedited discovery against the Defendants identified on **Schedule “A”** to the Complaint and attached hereto (collectively, the “Defendants”)<sup>1</sup>. The Court has considered the Application, the evidence in the record, and the applicable law.

WHEREAS, Plaintiff filed an *Ex Parte* Motion for An Order Authorizing Alternative Service on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3);

WHEREAS, On December 17, 2020, the Court entered the following Orders:

(A) (1) a temporary restraining order; (2) an order restraining assets and Merchant Storefronts, (3) an order to show cause why a preliminary injunction should not issue; and (4) an

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<sup>1</sup> As alleged in the Complaint, Defendants are knowingly and intentionally promoting, advertising, distributing, offering for sale, and selling patent infringing versions of Plaintiff’s Slow Treater® dog soothing device (the “Infringing Product”) which infringe at least one claim of U.S. Patent No. 10,834,894 (“Plaintiff’s Patent” or “the ‘894 patent”) 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 Amazon.com, eBay.com, Wish.com and Aliexpress.com Internet market place platforms operating using the seller identities identified on Schedule “A” to the Complaint (the “Seller IDs”).

order authorizing expedited discovery against all of the Defendants identified on the attached Schedule “A”, and the Third Party Service Providers and Financial Institutions, in light of Defendants’ intentional and willful offerings for sale and/or sales of Infringing Products (“Application”); and

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

WHEREAS, upon Plaintiff’s motions, in order to give Plaintiff additional time to serve the Defendants, and to provide the Defendants with sufficient time to respond to the Show Cause Order, this Court extended the initial TRO, re-set the briefing schedule, and re-scheduled the Show Cause Hearing twice, most recently to January 26, 2021.

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 January 26, 2021, Plaintiff appeared for the Order to Show Cause Hearing, however no Defendants appeared. Further, none of the Third Party Service Provider(s) or Financial Institution(s) appeared.

## **ORDER**

### **I. Restraining Order**

A. IT IS HEREBY ORDERED, as sufficient cause has been shown, the injunctive relief previously granted on December 17, 2020, and extended by further Orders, shall remain in place through the pendency of this litigation, and issuing this Preliminary Injunction (hereafter “PI Order”) is warranted under 35 U.S.C. § 283 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 Patent, distribution, marketing, advertising, offering for sale, or sale of any Infringing Products; and (b) shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner products that infringe upon at least one claim of the Plaintiff's Patent;
- (2) from secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with any computer files, data, business records, documents or any other records or evidence relating to their User Accounts,<sup>2</sup> Merchant Storefronts<sup>3</sup> or any money, securities or other property or assets of Defendants (hereinafter collectively referred to as "Defendants' Assets");
- (3) effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform, User Account, Merchant Storefront or any other 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>2</sup> As defined in the Complaint, a "User Account" is any and all accounts with online marketplace platform, including, Amazon.com, eBay.com, aliexpress.com and wish.com, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all other persons in active concert with any of them.

<sup>3</sup> As defined in the Application, a "Merchant Storefront" is any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in products which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them.

- (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 works which is visible to a computer user or serves to direct computer searches to Internet based e-commerce stores owned, or operated by each Defendant, including the Merchant Storefronts operating under the Seller IDs;
- (5) each Defendant shall not transfer ownership of the User Accounts or Merchant Storefronts associated with the Seller IDs;
- (6) each Defendant shall preserve copies of all computer files relating to the use of any User Accounts and/or Merchant Storefronts under the Seller IDs and shall take steps necessary to retrieve computer files relating to the use of the User Accounts and/or Merchant Storefronts under their Seller IDs that may be deleted before the entry of this Order;
- (7) upon receipt of notice of this Order, Defendants and all financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to Alibaba.com US LLC d/b/a Aliexpress.com ("Aliexpress"), Amazon.com, Inc. and its affiliate, Amazon Services LLC d/b/a Amazon.com ("Amazon"), eBay, Inc. d/b/a eBay.com ("eBay"), and Context Logic, Inc d/b/a wish.com ("Wish"), and Shopify Inc, ("Third Party Service Provider(s)") and AliPay US Inc. d/b/a Alipay.com ("Alipay"), Amazon Payments, Inc. d/b/a pay.amazon.com, and PayPal, Inc. d/b/a paypal.com ("PayPal") ("Financial Institution(s)"), and their related

companies and affiliates, shall immediately identify and restrain all funds, as opposed to ongoing account activity, in or which are hereafter transmitted into the accounts related to the Defendants as identified on Schedule “A” hereto, as well as all funds in or which are transmitted into (i) any other accounts of the same customer(s); (ii) any other accounts which transfer funds into the same financial institution account(s), and/or any of the other accounts subject to this Order; and (iii) any other accounts tied to or used by any of the Seller IDs identified on Schedule “A” hereto;<sup>4</sup>

- (8) upon receipt of notice of this Order, Defendants and all financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to the Third Party Service Provider(s) and the Financial Institution(s), shall immediately divert to a holding account for the trust of the Court all funds in or which are hereafter transmitted into all accounts related to Defendants identified in Schedule “A” hereto, and associated payment accounts, and any other 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

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<sup>4</sup> This Order contemplates that discovery may reveal that Defendants may have other user accounts operated by other Third Party Service Providers and Financial Institutions and that the additionally discovery Third Party Service Providers and Financial Institutions, once identified and provided with notice, shall also be subject to the discovery, restraints and injunctions set forth in this Order.

information shall be made without notice to the account holders, until after those accounts are restrained. No funds restrained by this Order shall be transferred or surrendered by any Third Party Service Provider or Financial Institution for any purpose (other than pursuant to a chargeback made pursuant to that Third Party Service Provider or Financial Institution's security interest in the funds) without express authorization of this Court;

(10) Upon 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 on at least one claim of the Plaintiff's Patent;

(12) Defendants and all financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to the Third Party Service Provider(s) and the Financial Institution(s), subject to this Order may petition the Court to modify the asset restraint set out in this Order; and

(13) this 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 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 (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 sufficient cause has been shown, that:

- (1) 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): B07DKNN87F by any Seller that has not been authorized by Plaintiff; Plaintiff shall provide notice to Amazon of Plaintiff's authorized sellers;

- (2) Amazon.com, Inc., and its related companies and affiliates, including Amazon Services, LLC, and Amazon Payments, Inc., shall place the following Amazon Standard Identification Number B07DKNN87F, into Amazon's gating program, so that Plaintiff will be able to control which sellers list product under these ASINs; and
- (3) 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 infringing on at least one claim of the Plaintiff's Patent (i.e., preventing a seller from listing for sale under the identified ASIN);
- (4) The Plaintiff has established that the products as pictured in the attached **Schedule "B"** are either made, used by, offered for sale or sold into the United States and contain every element or equivalent of at least one claim of the Plaintiff's Patent; consequently, all online marketplaces, including but not limited to, amazon.com, ebay.com, aliexpress.com, wish.com, and shopify.com, shall upon receipt of this Order, suspend, block, tombstone, and/or delete any and any product listings identified by the Plaintiff as either identical or substantially similar, to the above-described products in **Schedule "B"**, whether sold by the Defendant or other persons or entities.

- (5) Upon Plaintiff's request, a Third Party Service Provider shall remove listings and/or advertisements for any product that infringes on at least one claim of the Plaintiff's Patent; 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 admission 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 Patent.

**III. Security Bond**

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

**IV. Unsealing Order**

IT IS FURTHER ORDERED that the Clerk of the Court shall unseal this case and the papers previously filed.

**SO ORDERED.**

SIGNED this 26th day of January, 2021.  
Pittsburgh, Pennsylvania

/s/ Christy Criswell Wiegand  
Christy Criswell Wiegand  
United States District Judge

## Schedule "A"

### Defendants With Store Name and Seller ID

<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
1	ALLNICE	A21BRIE0I0XO0V
2	Acrosseay	A2BEWIOZJVVDGB
3	Aerif	A2V3WHNI2N51F5
4	Anipaw	A2BKZGC39OO2K4
5	Aoche	AAPCJ10V5139K
6	Aplusdeal	A3SMNI0KFAAKM
7	APRATA-US	A3IF93TV13KLX2
8	ATSEBZ-US	A1DZNGWDU6OA10
9	AYOR	A2DFUF4N0JB4FV
10	BOENCE PET LLC	A261ZPKMAGWXUP
11	BOPEN	AI18KIRC49PHY
12	Chambell	A36E4ZZOGCXJ3
13	Cheerivo	AQOY1KX33Y4EK
█	█	█
15	Clavees	A2B7NNVY8LQSSP
16	Coco's house	A16K77N2PMV1YI
17	COCO-VISION	A2ZDDMQJ755ULA
18	Dog Traveler	A1VLBIR89Y0WVH
19	dunyi	AI02HRND5V95U
20	EasyMart85	A2RV4VC48FCKRY
21	Eccentric and Essential	A23LM5AUJ7BTF8

<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
22	Farshare	A23Q231DXENCRV
23	FENGYUND	A1WC05QGJVA951
24	Fillex	AXRF58QNC6E16
25	Flobby Store	A3QJ70X0JFDRRH
26	Fuhuasheng' best product	A1BM5FPGSI33B
27	GLOCITI	A8CLX1JUS1JYU
28	Goodooe	A3RLQ7E7RDVDFO
29	HDGDT LLC	A79UY4T1GZ2UJ
30	HEAPETBON STORE	A11GT9S5IJD2LY
31	Helpcook	A1A58G8Y1Z3753
32	homxhandy	A5LA6JW3W8T80
33	huameidun	A1CQLZ5K855JR
34	iNeibo	A2OQJHF0UCHNPD
35	Jaggyeye	A2OAYAJE33D5EK
36	JANISSARY	AXLLBUDVYLT1T
37	Jijie E-commerce	APIT1YJRAECJ
38	Joyce Market	A38XXWCBMTF8ID
39	JYHF-US	A2BJEJ4SJZ33A9
40	Kenobee	A2DJ002UKTL6KY
41	KINBOM Store	A24M55ADMJQEC9
42	LEACOOOLKEY USA Official Store	A2D2ANO68UG2FV
43	Leuek	A2N3YB5UINFLFN
44	MaibtkeyDirect	A1SNYL9WVA3B5Q

<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
45	Maitys	A30DCH6PPMVYFV
46	Malier	A2EI4Q913POE67
47	Mayena	A1N3BO830T5CS7
48	MusicCX	AHY8AQBX3CZHH
49	One Tree Planet	A2RQGCKQZTDAIG
50	PHS-Home	A172BIVJQ3QIKS
51	PowerPets	ANDHGWJDUIB3C
52	Punwen	A3LOWIOSLYKW2O
53	Purp Pie	AHWQXOB5UE38L
54	qkorder	A304O10T5FYPV3
55	Rapsrk	A268F7OEFUCX20
56	Rebel Canyon Accessory	A3DH053BSMKK13
57	Rypet	A1WHPPZ8SATWQ3
58	shanghaiyuyumaoyi	A1S9LAC1D4XOCC
59	SIKAF MALL	A1EDN1AUD6B0D4
60	simayao	A3JV0PW4O5P238
61	SIMYAH	A3UECFNZF42SVY
62	SOLIFEGOBLA	A1MNQT59M73E10
63	SonQueen	ABH00955ZTUFY
64	StarRoad Team	A36847C86PSDH2
65	Steack	A2NWHIJ84DA05X
66	SunKni	A19WA2Y2MV1OXN
67	SunTechnology	A2JG7U147IMRBO
68	Teochew	A2TS82O9H16T56

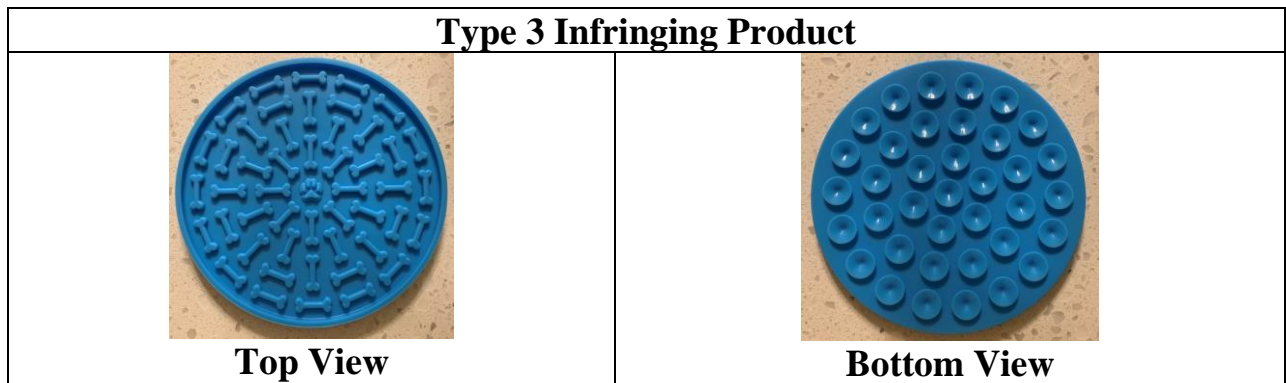
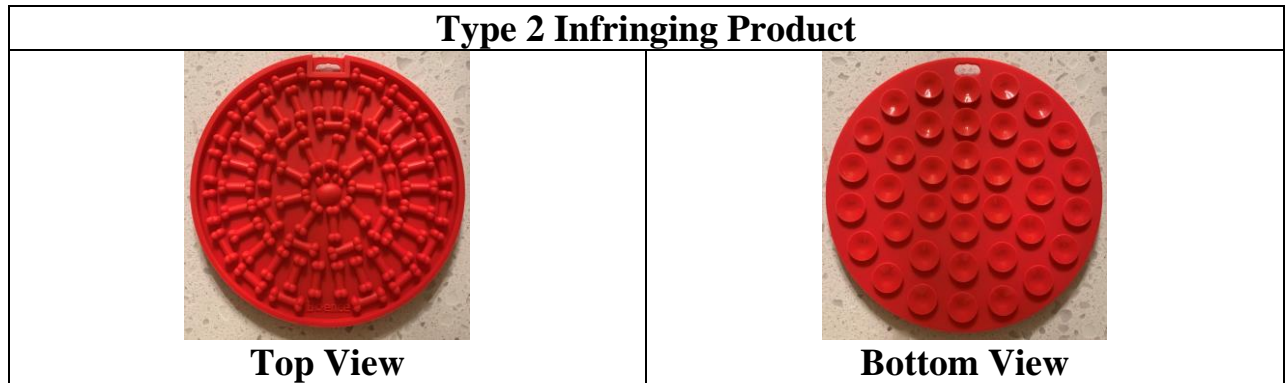
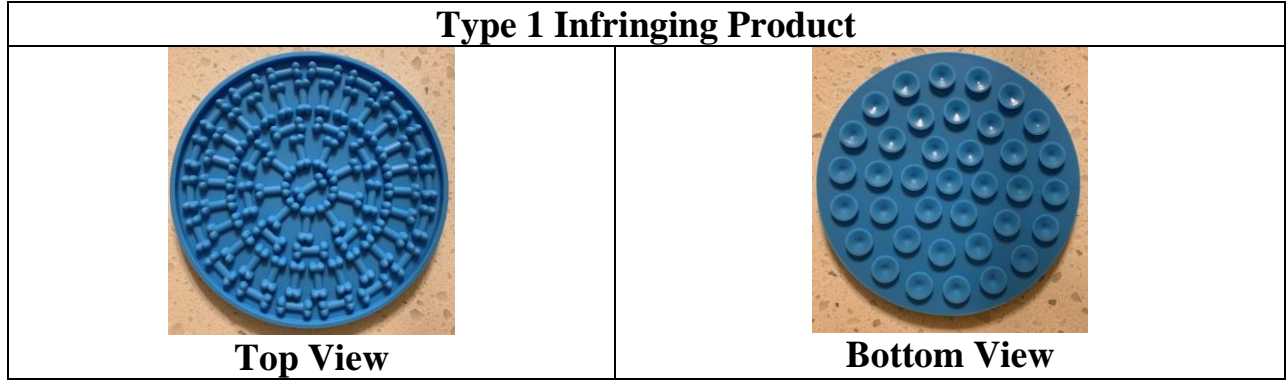
<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
69	Trendy Optimal	A2AMYJAIRDARZQ
70	TysonPetTreats	ALC4BMSCVWIFQ
71	Vontie-us	A289N9I8SG9XIO
72	vkarrh	A1PP8D3415Z9V9
73	voopet	A1DF414147NZ1H
74	Waydress	A31FDUJZ0PDSE9
75	Wedong	A1X09ROFPLOUFA
76	Winterworm	A15RD0Z5G4L5X6
77	Xiu FuUS	A2274EDV28R8CE
78	Ym Star	ATLUUDUJTGDW0
79	youthink us	A3OM5LXEESP4E
80	YTOP	A15CTPJKTBOLDJ
81	YUWODA	AXH9ZILZBNYB5
82	zi shen ke ji	A1XLROMCBHLLD9
83	adiadi1998	124397601288
84	againshopping	392812947046
85	aismar7	193734540633
86	bellebeststore	124437849387
87	bestqualityinusa	143842316497
88	bmd-shop	143739411782
89	brandnew_for-you	224219285932
90	colonia280	224166682897
91	dolla_6886	233736492029
92	finalsearch	303761091954

<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
93	fungistore	193722957645
94	giftsbyccm	114238041237
95	greatballclub	224191967424
96	h.quality2016	264922457928
97	haco-6962	402527722364
98	herash-3	303733943950
99	homefastdeliver_205	353231985720
100	jihgstore	264597215402
101	jobe7142	392969271761
102	jorlzald_0	184444386158
103	k9intervention911	184405720331
104	kriree-2127	184512559574
105	lauri-dusti	233748338340
106	liamyj	174503015051
107	lovelyshoponline	254654907681
108	sar-stor3	353174559804
109	shop_great	324298634494
110	tazroo_deals	313205827547
111	todaycandeals	224176981670
112	usa.click.buy	184527541363
113	wave_of_products	124418358686
114	yaabr-92	143842480441
115	yolon_6673	184493341724
116	z_bargain_store	184525823468

<b>Defendant No.</b>	<b>Defendant/Store Name</b>	<b>Seller ID</b>
117	beijingzihcoltd	58a9d430af7be050799a7f6f
118	FHBTH345	5e4e1f67d732103d5b726128
119	lipinheya	5f23e0c07cf3bf3d0ed4f1fc
120	lzonliheya	5f23b6d72c33d53ac5a280f6
121	Sarkcess-US	5dd4eefba264fd1842f3e258
122	Funny Pets Store	5364015
123	Shop910361394 Store	910361394
124	Wortcare Pets Store	5615288

**Schedule “B”**

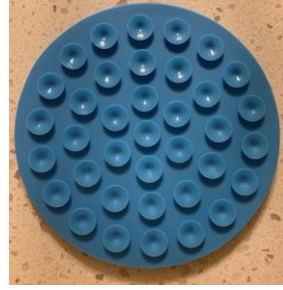
**Patent Infringing Products**



**Type 4 Infringing Product**



**Top View**

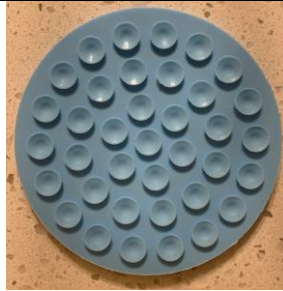


**Bottom View**

**Type 5 Infringing Product**



**Top View**



**Bottom View**

**Type 6 Infringing Product**



**Top View**



**Bottom View**