

**FILED**

OCT 16 2018

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

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

AIRIGAN SOLUTIONS, LLC,

Plaintiff,

v.

BUFUJIUGAN, *et al.*,

Defendants.

Civil Action No. 18-1330

(Judge Fischer)

**FILED UNDER SEAL**

**PLAINTIFF'S *EX PARTE* MOTION TO AMEND THE ORDER  
AUTHORIZING ALTERNATIVE SERVICE ON DEFENDANTS  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 4(f)(3)**

Plaintiff, Arigan Solutions, LLC (“Airigan” or “Plaintiff”), hereby moves this Court on an *ex parte* basis,<sup>1</sup> to amend the October 9, 2018 Order Authorizing Alternative on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) to apply to all the Defendants, the Individuals, Partnerships, and Unincorporated Associations identified on **Amended Schedule “A”** hereto (collectively “Defendants”). In support thereof, Airigan submits the following:

On October 5, 2018, Plaintiff filed its *Ex Parte* Application for Entry of a Temporary Restraining Order and Preliminary Injunction (the “Application for TRO”) as to the original Defendants. On October 9, 2018, the Court entered an Order granting an Ex Parte Temporary Restraining Order and setting a hearing on the Preliminary Injunction for November 26, 2018 at 9:00 a.m. In the Court’s Order granting the Application, the Court restrained all the Defendants

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<sup>1</sup> Airigan is contemporaneously filed an Amended Complaint that is substantively identical to the original Complaint except that the **Amended Schedule “A”** thereto includes newly added Defendants. Airigan is also contemporaneously moving to amend the original Order permitting alternate service to permit alternate service on the newly added Defendants. Airigan hereby incorporates by reference its Application for TRO and Motion for Alternative Service, together with supporting declarations and exhibits.

identified on **Schedule “A”** attached to the Court’s Order. The Court also entered an Order authorizing alternate service of process on the original Defendants. Airigan is filing herewith an Amended Complaint that names additional Defendants and by this Motion seeks to amend the October 9, 2018 Order authorizing alternate service to include the newly added Defendants.

The newly discovered Defendants are operating their internet-based based stores selling Infringing and Counterfeit Products<sup>2</sup> on Amazon.com through Accounts<sup>3</sup> and Merchant Storefronts<sup>4</sup> in the identical fashion as the original Defendants and causing the identical cooperative and coordinated harm as the original Defendants and they have limited their communication to electronic messaging and emails associated with their Accounts and Merchant Storefronts. *See* October 15, 2018 Declaration of Jennifer Lineberry (“*Lineberry Dec.*”), ¶ 2 and Composite Exhibit 2. This motion for amending the Temporary Restraining Order is supported by the original Application for TRO and supporting papers filed therewith, the *Lineberry Dec.*, including Composite Exhibit 2, and the October 15, 2018 Declaration of Stanley D. Ference III (“*Ference Dec.*”).

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<sup>2</sup> As alleged in Plaintiff’s Amended Complaint, “. . .the Defendants identified in **Amended Schedule “A”** of the Complaint, were and/are currently manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and or/selling patent infringing and counterfeit products with Airigan’s NEGG<sup>®</sup> trademark and/or logo and using marking, packaging and trade dress that are confusingly similar and/or identical to those of Airigan (“Infringing Products” or “Counterfeit Products”)

<sup>3</sup> As defined in the Application, a “User Account” is, as defined in the Complaint, any and all accounts with online marketplace platforms Amazon.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, including Counterfeit 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.

A Proposed Order granting this motion is submitted herewith, together with a proposed Amended Order Authorizing Alternative Service.

Respectfully submitted,

Dated: October 16, 2018

/s/ Stanley D. Ference III

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**AMENDED SCHEDULE “A”**  
**DEFENDANTS BY NUMBER AND SELLER ID**

<b>Def. No.</b>	<b>Defendant / Seller ID</b>	<b>Amazon Seller ID</b>	<b>Infringing Item’s ASIN</b>
1	bufujiugan	A25PGNY3G3IZJ0	B07FCJ6NLH
2	DiMshop	A1Y5VRHOIHLYLBT	B01N235WK4
3	E-ADF	A2366G1DUF6SX2	B07GCMBBK4 B07GCJZ2QW
4	OETT-YO	A1SDI4H10GEEP2	B07FCJ6NLH
5	Phase 1 Marketing	A1HINY1A3NZVNR	B01N235WK4
6	Smart Store !	A2B399SB2E7YE3	B07CGN969R
7	advancedshop	A1WNRDNB1EJOCC	B07DTCN5ZS B07DTCPG1K
8	BJack-LiuA	A1XYEEJLU2VYRW	B07D5WGNX8
9	BossUS	A3UJLGCS6JV6GS	B07H4LNBBF
10	Intercall	AJ6FETZIMC9Y4	B07J68PX75
11	InterDeals	A1BHX9P4XEQYDA	B07CGN969R
12	Jiaowoliudehua	A2NU7SYXC6DICY	B07FCJYFH1
13	Kelly Babbitt	A2X7GCOADAKNPF	B01N7SXX0W B01MT9U0HK B01NATZUY2 B01N235WK4
14	Labu Store	A1EFTOGAHWG4ZS	B07CWDRZ4T
15	Maideer	AC9NN1P2FVMB1	B07CSJPYSN B07JVGN22S
16	NO9ESHOP	A38G93U3TYL81Z	B01N7SXX0W B01MT9U0HK B01NATZUY2

			B01N235WK4
17	Nanther	A2LJN2LH2HMHWQ	B01MT9U0HK
18	Ojljjhfdi	A3A7WP66AL8LMF	B07FCJTFH1
19	Pingdi	ALD9OR5X6E2T3	B07HFDQD35
20	Right Tools	A2T24BDCEDZXXL	B01N235WK4
21	SpideR	A1VD1RPG8A938O	B07J3WL7VR
22	UniGalaxy	A154P2LSGXXCOP	B07D5VXMQM B07D5WDCBX B07D5W33BW B07D5WGNX8
23	Wakstone Commerce	A3QRW4K85D5UTT	B07C7VQ57W B07CGN969R
24	yuanzhugao	A2PZGLW78EBDKW	B07HMTG9TF B07HMHDQRJ