

**FILED**

**FEB 26 2020**

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.

BELVIA, *et al.*,

Defendants.

Civil Action No. *20-284*

**FILED UNDER SEAL**

**PLAINTIFF'S MOTION TO FILE UNDER SEAL**

This action arises from Defendants' actions in (i) promoting, selling, offering for sale and distributing goods bearing and/or using counterfeits and confusingly similar imitations of s registered trademark of Plaintiff Arigan Solutions, LLC (Airigan" or "Plaintiff") and its trade dress and (ii) promoting, selling, offering for sale and distributing goods infringing Plaintiff's patent within this district through various fully interactive commercial Internet websites and Internet based e-commerce stores.

Plaintiff submits this application to the Court to file under seal the documents associated with the above-referenced action, including but not limited to: Plaintiff's Complaint and exhibits attached thereto; Plaintiffs *ex parte* application for: a temporary restraining order, an order to show cause why a preliminary injunction should not issue, an asset restraining order, and an order authorizing expedited discovery; Declarations of Margaret B. Tyler, Stanley D. Ference III, Brian Samuel Malkin, and Taylor Ray, in support of Plaintiff's Application and exhibits attached thereto; and an order authorizing alternative service by electronic mail; and Plaintiff's *Ex Parte* Motion for an Order Authorizing Alternative Service (collectively "*Ex Parte* Application").

Good cause exists to file the *Ex Parte* Application under seal. A variety of Courts have granted the relief requested herein in similar cases, recognizing, *inter alia*:

- a. The Internet based e-commerce stores and Seller IDs at issue in the case are under Defendants' complete control.
- b. Defendants have the ability to change the ownership or modify e-commerce store data and content, change payment accounts, redirect consumer traffic to other seller identification names, and transfer assets and the ownership of the Seller IDs.
- c. Such modifications can happen in a short span of time after Defendants are provided with notice of this action.
- d. Defendants can easily electronically transfer and secret the funds sought to be restrained if they obtain advance notice of the relief sought by Plaintiff's *Ex Parte* Application and thereby thwart the Court's ability to grant meaningful relief and can completely erase the status quo.
- e. As Defendants engage in illegal infringing activities, there is no reason for Plaintiff to believe Defendants will make there assets available for recovery.

*See Airigan Solutions, LLC v. Babymove, et al.*, Case No. 19-cv-166-NBF (W.D. Pa., filed February 14, 2019, unsealed March 21, 2019), *Airigan Solutions, LLC v. Bufuijiugan, et al.*, Case No. 18-cv-1330-NBF (W.D. Pa., filed October 5, 2018, unsealed November 21, 2018 ); *Airigan Solutions, LLC v. Artifacts\_Selling, Case No. 18-cv-1462-NBF* (W.D. Pa., filed October 31, 2018, unsealed November 21, 2018); *Tavalvera Hair Products, Inc. v. Taizhou Yunsung Electrical Applicant Co., Ltd. et al.*, Case No. 18-cv-00823-BAS-JLB (S.D. Cal., filed April 30,

2018, unsealed May 23, 2018); *Cartier International A.G. v. Replicapaneraiwatches.cn et al.*, No. 17-cv-62401-KMM (S.D. Fla., filed Dec. 7, 2017, unsealed January 14, 2018), and *Off-White, LLC v. 6014350 et al.*, No. 18-cv-5322-GBK (S.D.N.Y., filed June 13, 2018, unsealed June 26, 2018). Additionally, the Lanham Act specifically provides the Court with the authority to seal the file in cases involving counterfeiting. *See* 15 U.S.C. § 1116(d)(8).

Accordingly, Plaintiff respectfully submits that the court file in this action should be sealed until the hearing on Plaintiff's Application for an Order to Show Cause Why a Preliminary Injunction Should Not Issue or further order of the Court.

A Proposed Order granting the Application to Seal is submitted herewith.

Respectfully submitted,

Dated: February 26, 2020

/s/ Stanley D. Ference III  
Stanley D. Ference III  
Pa. ID No. 59899  
courts@ferencelaw.com

Brian Samuel Malkin  
Pa. ID No. 70448  
bmalkin@ferencelaw.com

FERENCE & ASSOCIATES LLC  
409 Broad Street  
Pittsburgh, Pennsylvania 15143  
(412) 741-8400 – Telephone  
(412) 741-9292 – Facsimile

Attorneys for Plaintiff  
Airigan Solutions, LLC