

hosting providers, and social media companies, as described herein, because Defendants willfully attempted to skirt the Permanent Injunction directed at the Shopper Helper product by creating a nearly identical product under a new name, LuckyBot. *See id.* at 5. To prevent further iterations of the product and continued defiance of this Court’s Preliminary Injunction, the Court grants Plaintiff’s request for such equitable remedies. *See RLI Ins. Co. v. Nexus Servs., Inc.*, No. 5:18-CV-00066, 2023 WL 3802002, at *5 (W.D. Va. June 2, 2023) (discussing the court’s “broad discretion” to craft remedies, including equitable remedies, for civil contempt). Accordingly, it hereby

ORDERED that the Motion [Doc. No. 54] be, and the same hereby is, **GRANTED**; and it is further

ORDERED that Defendants 1–2 are in contempt of the Court’s permanent injunction under 18 U.S.C. § 401(3); and it is further

ORDERED that, with respect to any currently registered Internet domains set forth in **Appendix A** to this Order, the domain registries located in the United States shall take the following actions:

A. Within five (5) business days of receipt of this Order, shall unlock and change the registrar of record for the domains to CSC Corporate Domains, Inc. or such other registrar specified by Instacart. To the extent the registrar of record does not assist in changing the registrar of record for the domains under its control, the domain registry for the domains, or its administrators, including backend registry operators or administrators, within five (5) business days of receipt of this Order, shall change, or assist in changing, the registrar of record for the domains to CSC Corporate Domains, Inc. or such other registrar specified by Instacart. The

purpose of this paragraph is to ensure that Instacart has control over the hosting and administration of the domains in its registrar account at CSC Corporate Domains, Inc. or such other registrar specified by Instacart. Instacart shall provide to the domain registry or registrar of record any requested registrar information or account details necessary to effectuate the foregoing;

B. The WHOIS registrant, administrative, billing and technical contact and identifying information should be the following, or other information as may be specified by Instacart:

Domain Administrator Maplebear, Inc.
50 Beale St., Suite 600 San Francisco, CA 94105
Phone: +1.910.817.2278
Email: domains-contact@instacart.com

C. Prevent transfer, modification or deletion of the domain by Defendants and prevent transfer or control of the domain to the account of any party other than Instacart;

D. Take all steps required to propagate to the foregoing changes through the Domain Name System (“DNS”), including domain registrars; and it is further

ORDERED that, with respect to the IP address listed in **Appendix A**, the Internet hosting provider located in the United States and listed at Appendix A shall:

A. Not enable, and shall take all reasonable steps to prevent, any circumvention of this order by Defendants or Defendants’ representatives associated with the IP address or any other person;

B. Within five (5) business days of receipt of this Order, shall disable

and deny to Defendants and Defendants' representatives, access to any and all systems, "backup" systems, arrangements or services that might otherwise be used to support the Defendants' malicious activities on or through the IP address set forth in **Appendix A** or that might otherwise be used to circumvent this Order;

C. Log all attempts to connect to or communicate with the IP address set forth in **Appendix A**;

D. Preserve, retain and produce to Instacart all documents and information sufficient to identify and contact Defendants and Defendants' representatives operating or controlling the IP address set forth in **Appendix A**, including any and all individual or entity names, mailing addresses, e-mail addresses, facsimile numbers and telephone numbers or similar contact information, including but not limited to such contact information reflected in billing, usage, access and contact records and all records, documents and logs associated with Defendants' or Defendants' representatives' use of or access to the IP address.

E. Completely refrain from providing any notice or warning to, or communicating in any way with Defendants or Defendants' representatives and shall refrain from publicizing this Order;

E. Provide reasonable assistance in implementing the terms of this Order and take no action to frustrate the implementation of this Order; and it is further

ORDERED that, with respect to the social media and infrastructure accounts associated with the Defendants as listed in Appendix A, the platforms and providers located in the United States and listed at **Appendix A** shall:

A. Not enable, and shall take all reasonable steps to prevent, any circumvention of this order by Defendants or Defendants' representatives associated with the account;

B. Within five (5) business days of receipt of this Order, shall disable and deny to Defendants and Defendants' representatives, access to any and all accounts, including without limitation any services of Defendants that might otherwise be used to support the Defendants account set forth in **Appendix A** or that might otherwise be used to circumvent this Order;

C. Log all attempts to connect to or communicate with the e-commerce account set forth in **Appendix A**;

D. Preserve, retain and produce to Instacart all documents and information sufficient to identify and contact Defendants and Defendants' representatives operating or controlling the social media account set forth in **Appendix A**, including any and all individual or entity names, mailing addresses, e-mail addresses, facsimile numbers and telephone numbers or similar contact information, including but not limited to such contact information reflected in billing, usage, access and contact records and all records, documents and logs associated with Defendants' or Defendants' representatives' use of or access to the e-commerce account;

E. Provide reasonable assistance in implementing the terms of this

Order and take no action to frustrate the implementation of this Order; and it is further

ORDERED that Plaintiff shall have until 120 days from the date of this Order to conduct discovery necessary to further identify the Doe Defendants. If Plaintiff identifies additional third-party Internet service providers (ISPs), email service providers, hosting companies, payment providers, and other service providers from the discovery above or other publicly-available sources, limited to those flowing from the Shopper Helper Infrastructure, identified in **Appendix B**, Plaintiff shall be permitted to send further subpoena requests without seeking additional relief from this Court. If Plaintiff identifies new IP addresses and associated email addresses and infrastructure, it shall notify this Court and in a brief pleading to supplement the **Appendix B** discovery targets set forth herein; and it is further

ORDERED that this Court shall retain jurisdiction to the extent necessary to enforce this Order for Contempt and any Orders concerning any new or later discovered applications or services, operated by the John Doe Defendants, that access Instacart without authorization, misuse Instacart's trademarks, and copies its code, distributes the application to the public, wrongfully obtains and uses Instacart's authentication credentials, and surreptitiously accesses Instacart's servers containing batch data underlying Instacart's authentic Shopper App. The Court may adjudicate any issues that may arise thereunder, and Instacart shall have ongoing authority to bring additional contempt motions to shut down additional applications or services that counterfeit the Instacart Trademarks, Trade Dress, and Copyrighted Content in the same manner as they did for Shopper Helper and LuckyBot; and it is further

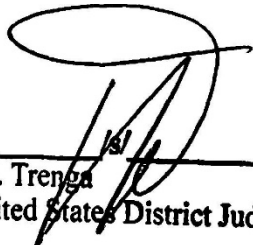
ORDERED that this Order, further orders of the Court, and all other pleadings and documents in this action, may be served by any means authorized by law, including formal and

alternative means. The following means are authorized by law, satisfy Due Process, and satisfy Fed. R. Civ. P. 4(f)(3) and are reasonably calculated to notify Defendants of the instant order:

(1) transmission by email, facsimile, mail and/or personal delivery to contact information provided by Defendants to infrastructure providers, and (2) publishing notice on the publicly available website <http://www.noticeofpleadings.com/shopperhelper>.

The Clerk is directed to declare Defendants 1–2 in contempt of Court, to enter this Order in favor of Plaintiff and to forward copies of this Order to all counsel of record.

Alexandria, Virginia
September 23, 2024



Anthony J. Trenga
Senior United States District Judge

Appendix A

Infrastructure Associated with LuckyBot

1. Apple TestFlight iOS Bundle ID “loki.nextthing.app”
2. 45.76.50.7.vultrusercontent.com hosting the iOS Bundle
3. Phone used in development videos

IMEI: 359824379374275 ICCID: 8901260598728465062	- Apple iPhone 15 Pro Max - Service T-Mobile
IMEI: 359824375395563 ICCID: 89550227001017102552	- Apple iPhone 15 Pro Max - Service T-Mobile
WhatsApp: (202)-819-5519 Service: T-Mobile (Active)	- Registered User: Shopper Support (Since 2021-10-19) - Partial Email Recovered through Outlook: da*****@gmail.com - Partial Number Recovered through Google: (***) - *** - **33

Social Media Content

Telegram	https://t.me/luckydoog_bot (Created: Aug. 2023) https://t.me/shopperhelper (Created: Feb. 2020) https://t.me/Lucky_SuperBOT (account) https://t.me/Super_Bot_Lucky (channel) https://t.me/LuckyTopUpbot (account)
WhastApp	https://api.whatsapp.com/send?phone=12028195519
YouTube	https://www.youtube.com/@Lucky-SuperBot (Created: Feb 22, 2024) https://www.youtube.com/@LuckySuperBot (Not Active) (Created: Jan 7, 2024)
TikTok	https://www.tiktok.com/@luckybottech (Created: Jan 18, 2024) https://www.tiktok.com/@luckybatchgrabber (Not Active) (Created: Jan 15, 2024) https://www.tiktok.com/@lucky.bot.55

Appendix B**Third-party service providers used by LuckyBot Infrastructure and Operations**

Apple, Inc. One Apple Park Way Cupertino, CA 95014	Cloudflare Inc. 101 Townsend St San Francisco, CA 94107
YouTube 901 Cherry Ave. San Bruno, CA 94066	T-Mobile USA, Inc. 12920 SE 38th Street Bellevue, Washington 98006
Telegram	TikTok 5800 Bristol Pkwy Culver City, CA 90230
WhatsApp 1 Meta Way, Menlo Park, CA 94025	Vultr c/o The Constant Company, LLC 319 Clematis Street, Suite 900 West Palm Beach, FL 33401