



**PRELIMINARY STATEMENT**

On May 26, 2022 this Court granted Instacart’s Motion for Default Judgement and entered an Order Enjoining Defendants John Doe 1 and 2 from continuing to operate the Shopper Helper application or any other trademark of Plaintiff or acting in any manner that suggests in any way that Defendants’ activities, products, or services are conducted by or are affiliated with Instacart.

In January 2024, Instacart became aware of a bot called “LuckyBot.” This bot uses the same infrastructure that operated the Shopper Helper application, which is the subject of this Court’s Permanent Injunction. Instacart investigated LuckyBot and discovered that this application appears to be developed and operated by the same individuals behind Shopper Helper and similarly sends unauthorized software designed to create a counterfeit Instacart application.

Given this, Defendants have violated the Permanent Injunction. The requested relief is necessary to forego the continued irreparable injury to Instacart.

Instacart further requests that third party providers that Defendants use to host, facilitate, or promote for its LuckyBot application be ordered to block Defendants’ access to their infrastructure and remove their accounts.

Instacart further requests limited expedited discovery to permit discovery aimed at further identifying the LuckyBot developers to prevent further injury to Instacart.

Instacart’s Motion is based on: this Motion; Instacart’s Memorandum of Points and Authorities In Support Of This Motion; the Declarations of Vincas D. Čižiūnas, Like Liu and David J. Ervin in support of Instacart’s Motion; the pleadings on file in this action; and on such argument and evidence as may be presented at the hearing on this Motion.

Dated: April 22, 2024

Respectfully submitted,

*/s/ David J. Ervin*

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David J. Ervin (VA Bar No. 34719)  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004  
Telephone: (202) 624-2500  
Fax: (202) 628-5116  
dervin@crowell.com

Warrington S. Parker III (*pro hac vice* pending)  
Maria N. Sokova (*pro hac vice* pending)  
CROWELL & MORING LLP  
3 Embarcadero Center, 26th Floor  
San Francisco, CA 94111  
Telephone: (415) 986-2800  
Fax: (415) 986-2827  
wparker@crowell.com  
msokova@crowell.com

*Attorneys for Plaintiff Maplebear Inc., dba  
Instacart*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 22, 2024, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system. Copies will also be served on the defendants listed below by electronic mail:

**John Does 1-2**

shopperhelper.vip@domainsbyproxy.com  
shopper-helper.com@domainsbyproxy.com  
shopperhelper@shopper-helper.com  
luckyme77@sina.com  
luckyme77@live.com  
luckyme77@163.com  
luckyme77@hotmail.com  
wtf001928346@protonmail.com  
18680332357@163.com  
247152181@qq.com  
280290149@qq.com  
303567924@qq.com  
326385959@qq.com  
361532917@qq.com  
374168250@qq.com  
423315288@qq.com  
448149233@qq.com  
466170602@qq.com  
624206720@qq.com  
742842909@qq.com  
782708691@qq.com  
chenbq48@126.com  
chunling88@163.com  
danyutiankong@163.com  
ding\_ren@hotmail.com  
frankyafeng@vip.sina.com  
guoziye1117@163.com  
icy.0135.com@163.com  
jingzhouliuwei@126.com  
kuboysooool@163.com  
liutao5452@gmail.com  
liuzhen168@163.com  
melthaw@gmail.com  
shoopman@qq.com  
shoopmao@qq.com  
tigergugu@qq.com  
vanish1984@gmail.com  
vmsju239920@sina.cn

wly0914@163.com  
ArnoldJuliancZhDx@yahoo.com  
ayg1kq3@21cn.com  
backsgarth@gmail.com  
bocanzxc@icloud.com  
bopenzxc@icloud.com  
bvyc5d@163.com  
byrwl041899@sina.cn  
cb058khco@sina.cn  
cbjld234@icloud.com  
chenwenlong80923@icloud.com  
cjh22441@21cn.com  
coc63cu99@21cn.com  
cs8520420@21cn.com  
csouy8@163.com  
cssr71@163.com  
csycq4@163.com  
ctjo08233@sina.cn  
ctytv4@163.com  
cuqwe8@163.com  
cuwis9@163.com  
dingyulin1997@icloud.com  
dongrongqun188@icloud.com  
doubi930213@icloud.com  
drjelyu7752@sina.cn  
dsf54m@163.com  
dsfs6d@163.com  
duajxng0128@sina.cn  
dyk0125@21cn.com  
ebsr92417@sina.cn  
ejiuyrk3469@sina.cn  
ejxjs6@163.com  
eq624mwot@sina.cn  
etdr66@163.com  
faxzdhftw@sina.com  
fenghaoyang1109@icloud.com  
fenghaoyang1109@icloud.com  
filaknvyetyy@hotmail.com

gho9fi@163.com  
gongyou5214@163.com  
guo49912@163.com  
guqsrcv2858@sina.cn  
gwsnc402748@sina.cn  
heyi19751112@sina.com  
hezhe611197@sina.cn  
hhewp5@163.com  
houmo85416@163.com  
hyay57@163.com  
i.t5ouzk94r@hotmail.com  
isfi44960@sina.cn  
itdnp49qzba@sina.cn  
jmi06725@21cn.com  
jqkn22@163.com  
jvcx8k@163.com  
kag51go0@21cn.com  
keeteautsup@hotmail.com  
kmzu2s@163.com  
kqcyfnw4350@sina.cn  
lanyulin8988@sina.cn  
liuming980921@icloud.com  
luckyme77@sina.com  
Miaojiaomengjiuliang504324@hotmail.com  
mndmp5@163.com  
mojunzxc@icloud.com  
mubzwv84uazl@sina.cn  
nasemf78vgqr@sina.cn  
oilo07752@sina.cn  
ookoz2@163.com  
oomum4@163.com  
oooai4@163.com  
ouk3699@21cn.com  
oxzj09238@sina.cn  
oztzkoo3945@sina.cn  
patrickjobutler@protonmail.com  
pgo8u8@163.com  
pi51402@163.com  
pi91724@163.com  
pkc73196@21cn.com  
pnzjv9@163.com  
pttbvth9xzro@sina.cn  
pzssjpp3371@sina.cn  
qab3665@21cn.com  
qkn22@163.com  
qqtwacel@163.com

qqz0zl31@21cn.com  
quzxdn00yaxj@sina.cn  
rgi603@163.com  
ricid916w@sina.cn  
rtuiu5@163.com  
rutiy67@163.com  
rvez33455@sina.com  
rwf6gk44@21cn.com  
rxzuarz5zlxg@sina.cn  
salvh2@163.com  
scmkc0@163.com  
shutuyou777@163.com  
slopj301775@sina.cn  
synwq277t@sina.cn  
tisg86@163.com  
tiuc58@163.com  
tiumc3@163.com  
tiumh3@163.com  
tjvtjdtk@sina.com  
tyg67xd@163.com  
u9xn75@163.com  
ubdy4g@icloud.com  
udbdu34@icloud.com  
uoqe01@163.com  
usba5a@163.com  
vlbjqwb5201@sina.cn  
vmsju239920@sina.cn  
vytj3c@icloud.com  
wanglijian1214@gmail.com  
wbzja3@163.com  
wif59310@21cn.com  
wuhuiapple39@163.com  
xfpgn529623@sina.cn  
xh68gt@163.com  
xia68hh8@21cn.com  
xjvuw3@163.com  
xkjmn0@163.com  
xkrmj9@163.com  
xkyft6@163.com  
xlbwp7@163.com  
xlonk6@163.com  
xlxbx9@163.com  
  
xnnl08776@sina.cn  
xtjro0@163.com  
xu@xhmzd.com

xyeyfpq0255@sina.cn  
ybsckme3083@sina.cn  
ypm0oi67@21cn.com  
yu2296416@163.com

zazr@sina.com  
zhaiqiangkang25893@21cn.com  
zojcx8@163.com  
zvj64dfv@icloud.com

/s/ David J. Ervin

David J. Ervin