

3. Defendants have not complied with the Court’s permanent injunction. LuckyBot uses the same Telegram ID, with the same display name as Shopper Helper, uses the same exploits and backend infrastructure as Shopper Helper, and, itself claims it was developed by the same team that developed Shopper Helper. Declaration of Vincas D. Čižiūnas (“Čižiūnas Decl.”) ¶ 16.

4. LuckyBot appears to have a number of active and inactive social media pages. *Id.* ¶ 12. Of these, one active and one inactive social media page listed a Telegram account @shopperhelper as a coordinating reference for the “Lucky” application. *Id.* ¶ 13. This same Telegram account was previously identified as contact information on Shopper Helper’s website. *Id.*

5. Defendants are in willful contempt of the permanent injunction, and evidence of their past conduct clearly and convincingly shows that they will continue to act in contempt of the that injunction. Meanwhile, Instacart and consumers will suffer irreparable harm, without entry of this order allowing for ongoing action.

6. Plaintiff has shown good cause to permit limited third-party discovery in to the identities of Doe Defendants.

ORDER FOR CONTEMPT

IT IS THEREFORE ORDERED that Defendants John Does 1-2 are in contempt of the Court’s permanent injunction under 18 U.S.C. § 401(3), by creating, owning and operating the LuckyBot application; 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.

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;

F. Provide reasonable assistance in implementing the terms of this Order and take no action to frustrate the implementation of this Order.

IT IS FURTHER ORDERED that, with respect to the social media accounts associated

with the Defendants as listed in Appendix A, the social media platform 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.

IT IS FURTHER ORDERED that Plaintiff shall have authority to send subpoenas to the third-party service providers, Internet domains, IP address, payment providers, social media providers and other service providers, including an e-commerce platform, collectively referred to herein as the "LuckyBot Infrastructure" identified in **Appendix B** which includes the IP address,

Internet domains (*i.e.*, websites), and accounts with an e-commerce platform identified in the Motion for Contempt. 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**, it 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. Plaintiff shall have until 120 days from the date of this Order to conduct discovery necessary to further identify the Doe Defendants.

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 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, and to determine 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

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>.

IT IS SO ORDERED

Entered this ____ day of _____, 2024

Anthony J. Trenga
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)
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)

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
GoDaddy 2155 E. GoDaddy Way Tempe, AZ 85284	T-Mobile USA, Inc. 12920 SE 38th Street Bellevue, Washington 98006
Telegram	
TikTok	
WhatsApp	
Vultr c/o The Constant Company, LLC 319 Clematis Street, Suite 900 West Palm Beach, FL 33401	
YouTube	