

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROCHE DIABETES CARE, INC., ROCHE :
DIABETES CARE GmbH, and HOFFMANN-LA :
ROCHE, INC., :

Case No. 24-CV-03625 (DG) (RML)

Plaintiffs, :

v. :

**FILED *EX PARTE* AND UNDER SEAL
PURSUANT TO 15 U.S.C. § 1116(d)**

JMD ENTERPRISES d/b/a DKY STORE USA, :
JMD INTERNATIONAL, DILEEP KUMAR :
YADAV, ABHISHEK JAIN, MEDICAL :
HUB_USA STORE, RATNAKAR SHARMA, :
AUTHENTIC INDIAN STORE, and ATIKUR :
RAHMAN, :

Defendants. :

[PROPOSED] ASSET FREEZE ORDER

PLEASE TAKE NOTICE that upon the Complaint of Roche Diabetes Care, Inc., Roche Diabetes Care GmbH, and Hoffmann-La Roche, Inc. (collectively, “Roche” or “Plaintiffs”), the memorandum of law submitted in support of this Order, and the accompanying declarations and the exhibits annexed thereto, and pursuant to the Court’s inherent authority under the Lanham Act, it is hereby ORDERED:

1. Plaintiffs’ motion for an asset freeze against JMD Enterprises d/b/a DKY Store USA, JMD International, Dileep Kumar Yadav, Abhishek Jain, Medical Hub_USA Store, Ratnakar Sharma, Authentic Indian Store, and Atikur Rahman (each a “Restrained Defendant,” and collectively, the “Restrained Defendants”) is GRANTED.

2. The Restrained Defendants shall be restrained from secreting any assets and from transferring or conveying any assets.

3. The Restrained Defendants shall be restrained from transferring, selling, mortgaging, encumbering, or otherwise impairing any ownership or other legal interest they may have, directly or indirectly, in any real property.

4. All assets held by, for, or on account of the Restrained Defendants shall be frozen and restrained, and all persons and entities holding such assets, including all persons and entities in active concert and participation with any of the Restrained Defendants, shall be restrained from secreting, transferring, or conveying any assets held by, for, or on account of the Restrained Defendants.

5. Plaintiffs may immediately serve this Order upon any bank, brokerage house, financial institution, or online sales platform in which any of the Restrained Defendants is known or suspected to hold an account.

6. Any bank, brokerage house, financial institution, or online sales platform holding assets or funds by, for, or on account of any of the Restrained Defendants shall freeze and restrain all such assets and funds, including the balance of any account for which any Restrained Defendant has signature authority, and shall be restrained from releasing them until further order of this Court.

7. Any such bank, brokerage house, financial institution, or online sales platform that freezes and restrains any assets shall also immediately contact Plaintiffs' counsel Geoffrey Potter via email at CounterfeitRocheTestStrips@pbwt.com to disclose the account numbers and titles and amount of assets so frozen.

8. Immediately upon receipt of this Order, each Restrained Defendant shall disclose to Plaintiffs' attorneys: (a) a list of all assets held by, for, or on account of him/her/it, including any account for which he/she/it has signatory authority, in any bank, brokerage house,

or financial institution, including account title, account number, and balance; (b) a list of all real properties he/she/it owns or in which he/she/it presently has a legal interest; and (c) a list of all real properties he/she/it previously owned or in which he/she/it previously had a legal interest from January 1, 2021 to the present.

9. Plaintiffs shall serve a copy of this Order on the Restrained Defendants as set forth in the Court's order permitting alternative service.

10. Opposition papers, if any, by any Restrained Party must be filed with this Court on or before the 31st day of May, 2024, and reply papers shall be filed and served on or before the 3rd day of June, 2024.

11. The Restrained Defendants are hereby put on notice that failure to file an opposition shall result in the immediate conversion of this Order into a preliminary injunction, which shall be deemed to take effect immediately and shall extend during the pendency of this action. The Restrained Defendants shall be deemed to have actual notice of the issuance and terms of such preliminary injunction, and any act by any of the Restrained Defendants in violation of any of its terms may be considered and prosecuted as contempt of this Court.

12. Any party or non-party who believes it has grounds to do so may file a motion to lift or amend this Order before this Court.

13. The Clerk is DIRECTED to provide a copy of this Order to Plaintiffs.

SO ORDERED.

/s/ Diane Gujarati
DIANE GUJARATI
United States District Judge

Dated: May 24, 2024 8:45 p.m.
Brooklyn, New York

UNITED STATES DISTRICT JUDGE