

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

VORTEX, INC.,

PLAINTIFF,

v.

THE PARTNERSHIPS AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED ON SCHEDULE "A,"

DEFENDANTS.

**CIVIL ACTION NO: 1:22-cv-04189**

**JUDGE GARY FEINERMAN**

**DECLARATION OF JEFF LEUNG**

1. I am an attorney at law, duly admitted to practice *pro hac vice* before the United States District Court for the Northern District of Illinois. I am one of the attorneys for Plaintiff Vortex, Inc. Except as otherwise expressly stated to the contrary, I have personal knowledge of the following facts and, if called as a witness, I could and would competently testify as follows:

2. On October 17, 2022, I served via electronic mail the Defendants with a copy of the Summons, Complaint, and TRO in this action and advised the Defendants in that correspondence that copies of the same were available on the website located at <https://www.afslaw.com/case-no-22-cv-04189>.

3. The Defendants have failed to answer or otherwise plead in this action within the allotted time in violation of Federal Rule of Civil Procedure 12(a)(1)(A).

4. On September 2, 2022, at my direction, my assistant caused a letter to be sent via FedEx to Alipay US, Inc. ("Alipay"), notifying it that my firm represents the plaintiff in Case No. 22-cv-04189 filed in the United States District Court in the Northern District of Illinois (the

“Action”). On September 6, 2022, I received confirmation via FedEx that the letter was delivered. A true and correct copy of the confirmation is attached to this declaration as Exhibit 1.

5. On September 12, 2022, I sent an email to a representative of Alipay, attaching copies of the sealed complaint, sealed TRO, and civil cover sheet.

6. On September 27, 2022, I spoke with counsel for Alipay over the telephone, discussing Alipay’s compliance with the TRO. Portions of our conversation were memorialized in an email from Alipay’s counsel dated September 27, 2022.

7. On September 28, 2022, Alipay’s counsel confirmed, among other things, in an email sent to me that “Alipay will freeze each Defendant’s accounts for which, in Alipay’s judgment, the review confirms there exists reasonable evidentiary support for plaintiff’s claims against that Defendant. Alipay will immediately notify Plaintiff of the accounts it has frozen.”<sup>1</sup>

8. On October 13, 2022, Alipay’s counsel confirmed in an email sent to me that “[t]he account freeze was completed” and provided a report of the amounts frozen.

9. On October 24, 2022, I served Alipay’s counsel with the PI Order.

10. On December 2, 2022, in an email sent to me, Alipay’s counsel identified accounts for whom Alipay had not frozen funds, contending (erroneously) that Plaintiff had not provided evidence of infringement for those accounts.

11. On December 9, 2022, I responded via email to Alipay’s counsel’s December 2 email, explaining “Plaintiff’s Schedule A provides all the necessary information, including evidence of infringement **for each of the Defendants.**” I further responded that Alipay’s counsel may have overlooked URL links that previously provided evidence of infringement. To facilitate

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<sup>1</sup> This declaration contains quotations from communications between counsel for Vortex and Alipay. In order to preserve the confidentiality of these communications, they are not being provided in full. I have copies of the communications from which the quotations are taken in my possession and can and will provide them to the Court if directed to do so or if circumstances necessitate their complete disclosure.

the freezing of additional Defendants' accounts, I provided as attachments to my email a PDF of screenshots of the evidence of infringement despite already having provided such information in the form of URL links.

12. On December 9, 2022, in response to my December 9 email, Alipay's counsel replied: "Thank you for this. Alipay has started the funds freezing process for these defendants."

13. On December 13, 2022, Alipay's counsel sent an email to me attaching a spreadsheet containing financial information for Defendants in connection with their accounts on Alibaba and AliExpress. Alipay's counsel advised that "for the defendants listed in the spreadsheet, Alipay has frozen the funds in their associated Alipay accounts."

14. Based on the spreadsheet provided by Alipay's counsel, Vortex is informed and believes that \$ 32,316.60 has been frozen in Alipay accounts.

15. On December 21, 2022, I served Alipay's counsel with the Amended Final Judgment Order.

16. On December 28, 2022, and December 29, 2022, I exchanged emails with Alipay's counsel to schedule a call and, on December 29, 2022, communicated telephonically Alipay's counsel regarding Alipay's compliance with the Amended Final Judgment Order – in particular, about Alipay's refusal to "unconditionally release to Vortex the amounts from Defaulting Defendants' financial accounts along with an accounting of all amounts released within ten (10) business days of receipt of [the] Order."

17. On January 13, 2023, Alipay's counsel sent an email to me attaching a letter, raising issues of service (for the first time since counsel began corresponding in September 2022), personal jurisdiction, and international comity. Alipay contends that Defendants have accounts

with Alipay Merchant Services Pte Ltd. (“Alipay MS”), a Singaporean company, and that the funds maintained by Alipay MS in Defendants’ accounts are held in Singapore.

18. On February 2, 2023, I sent an email, attaching a letter to Alipay’s counsel, responding to the issues raised in the January 13 letter.

19. From February 14, 2023, to February 28, 2023, I had confidential communications telephonically and over electronic mail on numerous occasions with Alipay’s counsel regarding a potential resolution.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 28, 2023

Respectfully submitted,

/s/ Jeff Leung  
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# EXHIBIT 1

**FedEx Shipment 277543365616: Your package has been delivered**

TrackingUpdates@fedex.com <TrackingUpdates@fedex.com>

Tue 9/6/2022 9:52 AM

To: Leung, Jeff <jeff.leung@afslaw.com>



FedEx

Hi. Your package was delivered Tue, 09/06/2022 at 9:46am.

Delivered to 525 ALMANOR AVE, Sunnyvale, CA 94085  
Received by J.PAN

**OBTAIN PROOF OF DELIVERY**

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**Personal Message**

PSShip eMail Notification

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**TRACKING NUMBER**     [277543365616](#)

**FROM**     ArentFox Schiff LLP  
44 Montgomery Street  
38th Floor  
San Francisco, CA, US, 94104

**TO** AliPay US, Inc.  
Douglas Lehman Feagin  
525 Almanor Avenue  
Sunnyvale, CA, US, 94085

**REFERENCE** 043435.00001.2841

**SHIPPER REFERENCE** 043435.00001.2841

**SHIP DATE** Fri 9/02/2022 03:33 PM

**DELIVERED TO** Receptionist/Front Desk

**PACKAGING TYPE** FedEx Envelope

**ORIGIN** San Francisco, CA, US, 94104

**DESTINATION** Sunnyvale, CA, US, 94085

**SPECIAL HANDLING** Deliver Weekday  
DSR

**NUMBER OF PIECES** 1

**TOTAL SHIPMENT WEIGHT** 0.50 LB

**SERVICE TYPE** FedEx Priority Overnight



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**Name:** Jeff Leung

**Email:** Jeff.Leung@arentfox.com

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document will be electronically filed on April 28, 2023, with the Clerk of the Court using the CM/ECF system. I will serve a filed copy on April 28, 2023, of the foregoing document on Defendants via electronic publication on a website and/or email and on Alipay via FedEx delivery to Alipay and its counsel.

/s/ Jeff Leung  
Jeff Leung