

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-cv-21356-ALTMAN

HONG KONG YU'EN  
E-COMMERCE CP. LTD.,

*Plaintiff,*

*v.*

THE INDIVIDUALS, CORPORATIONS,  
LIMITED LIABILITY COMPANIES,  
PARTNERSHIPS AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED IN  
SCHEDULE "A" HERETO,

*Defendants.*

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**ORDER GRANTING MOTION FOR PRELIMINARY INJUNCTION**

Our Plaintiff, Hong Kong Leyuzhen Technology Co. Limited, filed an *Ex Parte* Motion for Temporary Restraining Order (the "Motion for TRO") against the fully interactive, e-commerce stores<sup>1</sup> (the "Online Marketplaces") operating under the domain names on the online Walmart platform identified in Schedule A to the Complaint and attached hereto (collectively, "the Defendants"). [ECF No. 5]. We granted the Motion for TRO on March 27, 2025, and set a preliminary injunction hearing. *See* Order Granting Motion for TRO [ECF No. 11] at 9. We held that preliminary injunction hearing on April 24, 2025, none of the Defendants appeared at the hearing despite being given ample notice. *See* Apr. 24, 2025, Paperless Minutes Entry [ECF No. 29]. For the reasons stated on the record in this Order and during the preliminary injunction hearing, we now **GRANT** the Plaintiff's request for a preliminary injunction [ECF No. 5].

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<sup>1</sup> The e-commerce store URLs are listed on Schedule A can be found at [ECF No. 21-1].

### THE LAW

To obtain a preliminary injunction, a party must demonstrate “(1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that the entry of the relief would serve the public interest.” *Schiavo ex. rel Schindler v. Schiavo*, 403 F.3d 1223, 1225–26 (11th Cir. 2005); *see also Levi Strauss & Co. v. Sunrise Int’l. Trading Inc.*, 51 F.3d 982, 985 (11th Cir. 1995) (applying the test to a preliminary injunction in a Lanham Act case).

### ANALYSIS

We find, in the absence of adversarial presentation, that we have personal jurisdiction over the Defendants because the Defendants directly target their business activities toward consumers in the United States, including consumers in the State of Florida. Specifically, the Plaintiff has provided a basis to conclude that the Defendants have targeted sales to Florida residents by setting up and operating e-commerce stores that target United States consumers by using one or more seller aliases, offer shipping to the United States, including to the State of Florida, and intentionally offering for sale counterfeit copies of swimwear and clothing (“Counterfeit Goods”) of the goods that Plaintiff sells in connection with Plaintiff’s federally registered word mark, MODLILY (“Plaintiff’s Products”), as shown in U.S. Trademark Registration No. 5994759 (the “Plaintiff’s Trademark”).

In this case, the Plaintiff has presented screenshot evidence that each the Defendant’s e-commerce store on Walmart marketplace is reaching out to do business with Florida residents by operating one or more commercial, interactive internet stores that use, without authorization, the Plaintiff’s Trademark through which Florida residents can and do purchase counterfeit copies of the Plaintiff’s Products. *See generally* Exhibit 3 to the Complaint [ECF No. 10-3] (including screenshot evidence and internet links confirming that each Defendant’s Internet store displays the Plaintiff’s Trademark without authorization in connection with offering Counterfeit Goods and they stand

ready, willing, and able to ship the Counterfeit Goods to customers in Florida). Accordingly, we find that the Plaintiff stands a likelihood of success on the merits of its trademark infringement, unfair competition, and false designation of origin, and state law trademark infringement and unfair competition claims for relief.

We also find that issuance of the requested injunctive relief would be in the public interest by protecting consumers from being misled by the unauthorized use of the Plaintiff's Trademark by the Defendants on their internet stores to entice the purchase of the Counterfeit Goods. We also find that it need not balance the interests of the Defendants in this case because there is credible evidence to conclude they are engaged in, among other things, willful trademark infringement of the Plaintiff's Trademark.

We also find that issuing this Order without notice pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure is appropriate because Plaintiff has presented specific facts in the Declarations of William Brees [ECF No. 10-5], Emily Heim [ECF No. 10-6], and En Fang [ECF No. 10-7], in support of the motion for preliminary injunction and accompanying evidence clearly showing that immediate and irreparable injury, loss, or damage will result to the movant before the adverse parties can be heard in opposition. We further find that the Defendants had notice and an opportunity to be heard in opposition to the Motion. Accordingly, we now **ORDER and ADJUDGE** as follows:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be temporarily enjoined and restrained from:

- a. Using Plaintiff's Trademark or any reproduction, counterfeit, copy or colorable imitation of Plaintiff's Trademark in connection with the manufacture, importation, distribution, advertisement, offer for sale and/or sale of merchandise that is not the

genuine products of Plaintiff, or in any manner likely to cause others to believe that the infringing products are connected with Plaintiff or Plaintiff's Products;

- b. Shipping, delivering, holding for sale, transferring, or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear Plaintiff's Trademark or any reproductions, counterfeit copies, or colorable imitations thereof;
- c. Using, linking to, transferring, selling, exercising control over, or otherwise owning the user accounts associated with Plaintiff's Trademark, the Online Marketplaces listed in Schedule A attached to the Complaint, or any other domain name or online marketplace account that is being used to sell Defendant's products, or is how Defendant could continue to sell Counterfeit Goods;
- d. Manufacturing, distributing, promoting, or selling any labels, tags, decals, emblems, signs or other forms of markings, packaging, wrappers, containers, or promotional materials bearing Plaintiff's Trademark or any marks that include or are colorable imitations of or confusingly similar to Plaintiff's Trademark;
- e. Passing off or enabling others to sell or pass off any goods or services that are not Plaintiff's genuine goods or services as being Plaintiff's genuine goods or services;
- f. Falsely representing that Defendants or Defendants' goods or services are affiliated with, connected to, or sponsored by Plaintiff;
- g. Committing any acts calculated to cause consumers to believe that Defendants' goods or services are Plaintiff's goods or services;
- h. Communicating in any manner with any suppliers of the Counterfeit Goods or any other people involved in advertising, offering for sale, or selling the Counterfeit Goods

regarding the existence of this litigation, or taking any action that would have the effect of revealing to such persons that Plaintiff initiated this litigation;

- i. Representing by any means whatsoever, directly or indirectly, or doing any other acts or things calculated or likely to cause confusion or mistake, or to deceive consumers into believing that Defendants' goods are the goods of Plaintiff or that there is any affiliation or connection between Plaintiff or its goods and Defendants or its goods/services, and from otherwise unfairly competing with Plaintiff;
  - j. Advertising, marketing, promoting, offering to sell, selling, distributing, and/or taking orders for the Counterfeit Goods;
  - k. Fulfilling orders for, or shipping or distributing the Counterfeit Goods and/or colorable imitations or reconstructions thereof;
  - l. Destroying, altering, disposing of, concealing, tampering with or in any manner secreting any and all business records, invoices, correspondence, books of account, receipts or other documentation relating or referring in any manner to the manufacture, advertising, acquisition, importation, purchase, sale or offer for sale, or distribution of any merchandise bearing Plaintiff's Trademark or any marks that include or are colorable imitations of or confusingly similar to Plaintiff's Trademark; and
  - m. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
2. Plaintiff is authorized to issue expedited written discovery to Defendants, pursuant to Federal Rules of Civil Procedure 33, 34, 36, and 45 related to:

- a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including all known contact information and all associated e-mail addresses;
- b. the nature of Defendants' operations and all associated sales, methods of payment for services, and financial information, including, without limitation, identifying information associated with the Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces; and
- c. any financial accounts owned or controlled by Defendants, including their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, Temu.com ("Temu"), PayPal Inc. ("PayPal"), Alipay, ContextLogic Inc. d/b/a Wish.com ("Wish"), Alibaba Group Holding Ltd. ("Alibaba"), Ant Financial Services Group ("Ant Financial"), Amazon Pay, Afterpay, Klarna or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
- d. The domain name registries for the Defendants ("Defendant Domain Names"), including, but not limited to, VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, and the domain name registrars, including, but not limited to, GoDaddy Operating Company LLC, Name.com, PDR LTD. d/b/a/ PublicDomainRegistry.com, Cloudflare Inc, Oracle Corp., Amazon Inc., Alibaba Group d/b/a Alibaba Cloud.com, Namesilo, LLC d/b/a privacuguardian.org, and Namecheap Inc., within seven (7) calendar days of receipt

of this Order or prior to the expiration of this Order, whichever date shall occur first, shall disable the Defendant Domain Names and make them inactive and untransferable until further order by this Court.

3. Upon Plaintiff's request, any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as TikTok Temu, eBay Inc., AliExpress, Alibaba, Amazon.com Inc., Wish, and Dhgate (collectively the "Third Party Providers"), shall, within seven (7) calendar days after receipt of such notice, provide to Plaintiff expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:

- a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including all known contact information and all associated e-mail addresses;
- b. the nature of Defendants' operations and all associated sales, methods of payment for services, and financial information, including, without limitation, identifying information associated with the Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces; and
- c. any financial accounts owned or controlled by Defendants, including their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal, Alipay, Wish, Alibaba, Ant Financial, Amazon Pay, or other merchant account providers, payment providers,

third party processors, credit card associations (e.g., MasterCard and VISA), including present balances on any accounts.

4. The domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, and the domain name registrars, including, but not limited to, GoDaddy Operating Company LLC, Name.com, PDR LTD. d/b/a PublicDomainRegistry.com, Cloudflare Inc, Oracle Corp., Amazon Inc., Alibaba Group d/b/a Alibaba Cloud.com, Namesilo, LLC d/b/a privacuguardian.org, and Namecheap Inc., within seven (7) calendar days of receipt of this Order or prior to the expiration of this Order, whichever date shall occur first, shall disable the Defendant Domain Names and make them inactive and untransferable until further order by this Court.

5. Upon Plaintiff's request, those with notice of this Order, including the Third-Party Providers as defined in Paragraph 3, shall within seven (7) calendar days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the Plaintiff's Trademark.

6. Any Third-Party Providers, including PayPal, Alipay, Alibaba, Ant Financial, Wish, Afterpay, Klarna, and Amazon Pay, shall, within seven (7) calendar days of receipt of this Order:

- a. locate all accounts and funds connected to Defendants' seller aliases, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto, and any e-mail addresses provided for Defendants by third parties; and
- b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further order by this Court.

7. Plaintiff may provide notice of the proceedings in this case to Defendants, including notice of the preliminary injunction hearing, service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Complaint, this Order, and other relevant



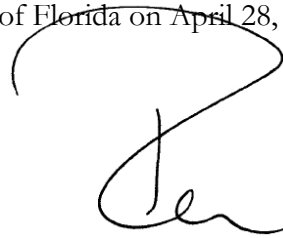
documents on the website <https://blointernetenforcement.com/case-no-125-cv-21356/>, and by sending an e-mail to any e-mail addresses provided for Defendants by third parties. The combination of providing notice via electronic publication and e-mail, along with any notice that Defendants receive from payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.

8. The \$5,000 bond posted by Plaintiff shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and the Southern District of Florida Local Rules. Any third party impacted by this Order may move for appropriate relief.

10. This Order and the preliminary injunction shall remain in effect until Final Disposition of this case or until further order by the Court.

**DONE AND ORDERED** in the Southern District of Florida on April 28, 2025.



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**ROY K. ALTMAN**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record