

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 25-22032-CIV-ALTONAGA/Reid

HONG KONG LEYUZHEN TECHNOLOGY
CO. LIMITED,

Plaintiff,

v.

THE INDIVIDUAL, CORPORATION,
LIMITED LIABILITY COMPANY,
PARTNERSHIP, AND/OR
UNINCORPORATED ASSOCIATION
IDENTIFIED IN SCHEDULE "A,"

Defendant.

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff Hong Kong Leyuzhen Technology Co. Limited ("Plaintiff"), pursuant to 17 U.S.C. § 502, Fed. R. Civ. P. 65, and The All Writs Act, 28 U.S.C § 1651(a), respectfully moves for entry of a preliminary injunction order (the "Motion") against the Defendant, which enjoins the manufacture, importation, distribution, offering for sale, and sale of competing products in connection with and through the unauthorized use and display of the Plaintiff's federally registered, copyright-protected photographs.

Plaintiff's Motion is made based on the pleadings on file in this action, Plaintiff's Motion for Temporary Restraining Order [Dkt. No. 30] and the Declarations attached thereto, this Motion, and the Declaration of Joshua H. Sheskin (the "Sheskin Decl.").

I. INTRODUCTION

Plaintiff brought this action against the Defendant for federal copyright infringement (Count I) for U.S. Copyright Registration No. VA0002382270 (the "Rotita Copyright") and

violation of Florida Deceptive and Unfair Trade Practices Act (Count II). [Dkt. No. 1] As the Complaint alleges, the Defendant promotes, advertises, markets, distributes, offers for sale, and sells competing products in connection with and through the use and display of Plaintiff's federally registered copyrights (the "Infringing Products"), on their online storefront (the "Online Marketplaces") which are maintained on the Amazon sales platform (the "Online Platform").

Defendant's ongoing unlawful activities should continue to be restrained. Plaintiff respectfully requests that this Court issue a preliminary injunction order (1) restraining Defendant's continued manufacture, importation, distribution, offering for sale, and sale of the Infringing Products and (2) restraining Defendant's assets to preserve Plaintiff's right to an equitable accounting.

Plaintiff's well-pled factual allegations, which must be accepted as true, and evidence submitted through declarations submitted in support of the Motion for Temporary Restraining Order [Dkt. No. 30], establish that issuing a preliminary injunction order against the Defendant is necessary and proper.

First, Plaintiff has already demonstrated a strong likelihood of success on the merits. Plaintiff is the owner of its valid federally registered Rotita Copyrights and the distributor of genuine Rotita brand products ("Rotita Products"), and Defendant's use of the Rotita Copyrights to sell competing products deceives members of the public who seek to purchase genuine Rotita Products.

The issuance of a preliminary injunction order is also in the public interest because it will prevent confusion among the public and prevent unknowing consumers from being deceived into purchasing products of unknown quality from an unknown source based on the use of the Rotita Copyrights.

a. Procedural History

On June 25, 2025, this Court granted Plaintiff's request for a temporary restraining order ("TRO") on an *ex parte* basis. [Dkt. No. 16]. On June 24, 2025, the Court authorized and directed Plaintiff to provide notice of these proceedings and the preliminary injunction hearing to the Defendant by electronically publishing a link to the Complaint, the TRO, and other relevant documents on a website, together with effectuating electronic service by email transmission to any e-mail addresses provided for the Defendant by the Online Platform. [Dkt. No. 28.] On July 14, 2025, the Online Platform produced the Defendant's e-mail address. (Sheskin Decl. ¶ 5.) Plaintiff effected electronic service of process on the Defendant on July 16, 2025. (*Id.* ¶ 6.)

Based on the foregoing procedural history, including having effectuated electronic service of process to the Defendant as required by the Order Granting Motion for Alternate Service of Process by E-mail and/or Electronic Service [Dkt. No. 28], Plaintiff respectfully requests the Court now enter a Preliminary Injunction in this matter.

Plaintiff further requests the Court issue an Order setting a deadline for the Defendant to submit any opposition to the Motion prior to conducting a scheduled hearing. Plaintiff will immediately serve the Defendant electronically with the requested Order once the Court issues it. Substantively, as stated earlier, and as further argued below, Plaintiff's request for issuance of a preliminary injunction is in full compliance with the applicable standards for granting such relief.

II. ARGUMENT

a. This Court has already found that the requirements for a preliminary injunction have been met.

Plaintiff respectfully requests that this Court convert the TRO into a preliminary injunction to prevent further illegal conduct by Defendant. Plaintiff asserts that no circumstances have changed since Plaintiff previously requested relief in the form of a Temporary Restraining Order.

As such, Plaintiff is unaware of any new information that would affect the Court's original analysis.

The requirements for issuing a preliminary injunction are the same as those for entering a TRO, namely, "(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." *Yeti Coolers, LLC v. Individuals, Bus. Entities, & Unincorporated Ass'ns Identified on Schedule "A"*, 2024 U.S. Dist. LEXIS 240407, at *4 (S.D. Fla. November 18, 2024) (citing *Schiavo ex. rel Schindler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005)).

As this Court has already entered a TRO on June 12, 2025, it has previously been found that the above requirements have been met. Therefore, the requirements for entry of a preliminary injunction extending the TRO have also been satisfied and Plaintiff's request should be granted.

"The determination of whether there is a substantial likelihood of success on the merits 'does not contemplate a finding of fixed quantitative value. Rather, a sliding scale can be employed, balancing the hardships associated with the issuance or denial of a preliminary injunction with the degree of likelihood of success on the merits.'" *Faculty S. of Fla. Int'l Univ. v. Winn*, 477 F. Supp. 2d 1198, 1203 (S.D. Fla. 2007) (citing *Fla. Med. Ass'n, Inc. v. U.S. Dept. of Health, Educ., & Welfare*, 601 F.2d 199, 203 n.2 (5th Cir. 1979)). For example, where "the balance of equities weighs heavily in favor of granting the [injunction]," the movant[s] need only show a substantial case on the merits." *Gonzalez v. Reno*, 2000 U.S. App. LEXIS 7025, 2000 WL 381901, *1 (11th Cir. 2000).

As established by the evidence in the Declarations of Joshua H. Sheskin [Dkt. No. 30-1] and Liangjie Li [Dkt. No. 30-6] with the submission of the Motion for TRO [Dkt. No. 30], and by

this Court's entry of the TRO [Dkt. No. 32], the above requirements for entry of a preliminary injunction have been satisfied. The record establishes that through the Defendant's illegal operations, the Defendant has infringed upon Plaintiff's federally registered Rotita Copyrights. Thus, Plaintiff is entitled to preliminary injunctive relief.

b. The current bond is sufficient to protect the Defendants' interests.

The Court has previously required Plaintiff to post a bond of \$10,000.00 in connection with issuance of the TRO. The exact same circumstances, if not more, supporting the Court's determination of this bond amount apply to Plaintiff's request for entry of a Preliminary Injunction. Such a strong showing militates against a subsequent finding that injunctive relief was improperly granted. Accordingly, Plaintiff requests that the Court maintain the current bond amount required for issuance of the TRO for issuance of the preliminary injunction.

IV. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court enter a Preliminary Injunction. If required, an order setting a deadline for Defendant to oppose the Motion, which Plaintiff will immediately serve Defendant with such Order if issued by the Court. If a hearing on the Preliminary Injunction Motion cannot be heard prior to the current expiration of the TRO, Plaintiff requests a fourteen (14) day extension of the TRO or until there is a ruling on the Preliminary Injunction Motion. Plaintiff additionally respectfully requests that the Court maintain the current bond amount required under the TRO, together with issuing any other relief that it deems just and proper.

Dated: July 29, 2025

Respectfully Submitted,

By: /s/ Joshua H. Sheskin
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**DECLARATION OF JOSHUA H. SHESKIN IN SUPPORT OF
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

I, Joshua H. Sheskin, of the City of Mount Lebanon, in the State of Pennsylvania, declare as follows:

1. Except as otherwise expressly stated to the contrary, this declaration is based upon my personal knowledge of the following facts and, if called as a witness, I could and would competently testify to the statements made herein.

2. I make this declaration in support of Plaintiff's Motion for Preliminary Injunction (the "Motion").

3. I am an attorney at law, duly admitted to practice before the Courts of the State of Florida and the United States District Court for the Southern District of Florida. I am lead counsel for Plaintiff HONG KONG LEYUZHEN TECHNOLOGY CO., LIMITED ("Plaintiff").

I make this declaration from my matters within my own personal knowledge unless stated otherwise.

4. On June 25, 2025, Plaintiff's Motion for Temporary Restraining Order (the "TRO") was granted by the Court [Dkt. No. 30].

5. On June 24, the Court granted Plaintiff's Motion for Alternate Service (the "Alternate Service Order") authorizing Plaintiff to serve the Defendants via E-mail and/or electronic posting [Dkt. No. 29].

6. On July 14, 2025, the designated online platform, Amazon ("Online Platform"), provided Plaintiff with the email addresses for the Defendant so that electronic service of process authorized under the Alternate Service Order could be effectuated.

7. On June 16, 2025, Plaintiff effected electronic service of process on the Defendants.

8. On July 1, 2025 Plaintiff posted the required surety bond amount of \$10,000 to the clerk's office.

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

Executed on July 29, 2025, in Mount Lebanon, Pennsylvania.

By: /s/ Joshua H. Sheskin
JOSHUA H. SHESKIN

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[PROPOSED] PRELIMINARY INJUNCTION ORDER

THIS CAUSE comes before the Court on Plaintiff's Motion for Preliminary Injunction (the "Motion") [ECF No. 44] against Defendant, Buy 3 get 1 free Clearance Sale Shop (collectively, the "Defendants"). After reviewing the Motion and the accompanying record, this Court GRANTS Plaintiff's Motion.

This Court finds Plaintiff has provided notice to the Defendants in accordance with the Temporary Restraining Order ("TRO") entered on June 25, 2025, [Dkt. No. 32], and Federal Rule of Civil Procedure 65(a)(1).

This Court also finds, in the absence of adversarial presentation, that it has personal jurisdiction over the Defendant because it directly targets business activities toward consumers in the United States, including those in Florida. Specifically, Plaintiff has provided a basis to conclude that the Defendant has targeted sales to Florida residents by setting up and operating e-commerce stores that target United States consumers using one or more seller aliases, offer

shipping to the United States, including to the State of Florida, and intentionally offering for sale women's apparel and fashion items ("Infringing Products") that are substantially similar to those that Plaintiff sells in connection with the use and display of Plaintiff's federally-registered, trademarks ("Plaintiff's Copyrights").

In this case, Plaintiff has presented photographic evidence that the Defendant's ecommerce store on the Amazon platform is reaching out to do business with Florida residents by operating one or more commercial, interactive internet stores that use, without authorization, Plaintiff's Copyright. *See* Sheskin Decl., Exhibit 1 to the Motion for TRO [Dkt. No. 17-1]. Through the Defendant's e-commerce stores, Florida residents can and do purchase competing products copying the subject matter of Plaintiff's Copyrights; these lead consumers to think they are purchasing Plaintiff's legitimate products. *Id.* Accordingly, the Court finds that Plaintiff has a likelihood of success on the merits of its Copyright Infringement and other claims for relief.

The Court additionally finds that issuance of the requested injunctive relief would be in the public interest by protecting consumers from being misled by Defendants' unauthorized use of Plaintiff's Copyrights on their internet stores to entice the purchase of the competing products.

This Court also finds that the injunctive relief previously granted in the TRO should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Accordingly, this Court orders that:

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

- a. Using or displaying the Rotita Photographs, in any medium, whether it be print, digital or otherwise, in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine Rotita product or is not authorized by Plaintiff to be sold in connection with the Rotita Trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Rotita products or any other product produced by Plaintiff through the use or display of the Rotita Trademarks;
- c. committing any acts calculated to cause consumers to believe that the Defendants' products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. manufacturing, 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 through the use or display of the Rotita images and
- e. Transferring or disposing of any money or other assets in any of Defendants' financial accounts.

2. The domain name registries for the Defendant Domain Name, 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, 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 Name and make it inactive and untransferable until further order by this Court.

3. Upon Plaintiff's request, the Defendant and any third party with actual notice of this Order who is providing services to the Defendant, or in connection with the Defendant's Online Marketplaces, including, without limitation, any online marketplace platforms such as Walmart.com, eBay, Inc., AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), Amazon.com, Inc., ContextLogic Inc. d/b/a Wish.com ("Wish.com"), 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 the Defendant, 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 the Defendant's operations and all associated sales, methods of payment for services, and financial information, including, without limitation, identifying information associated with the Online Marketplaces and the Defendants' financial accounts, including the Defendant's sales and listing history related to their respective Online Marketplaces; and
- c. any financial accounts owned or controlled by the Defendant, including its 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, Inc. (“PayPal”), Alipay, Wish.com, Alibaba, Ant Financial Services Group (“Ant Financial”), Amazon Pay, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

4. 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 the Defendant in connection with the sale of counterfeit and infringing goods using the Plaintiff’s Copyrights.

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

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

6. All previous Sealed Plaintiff’s Pleading(s) and documents in this case are unsealed.

7. The Defendant 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.

8. The \$10,000 bond posted by Plaintiff shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

This Preliminary Injunction Order is entered at ____ on this ____ day of July, 2025.

DONE AND ORDERED in Chambers at Miami, Florida, this ____ day of July, 2025.

HONORABLE CECILIA M. ALTONAGA
UNITED STATES DISTRICT CHIEF JUDGE