

**UNITED STATES DISTRICT COURT  
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, OR UNINCORPORATED  
ASSOCIATION IDENTIFIED IN  
SCHEDULE "A",**

Defendant.

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**PRELIMINARY INJUNCTION**

**THIS CAUSE** comes before the Court on Plaintiff's Motion for Preliminary Injunction [ECF No. 44] against Defendant, Buy 3 get 1 free Clearance Sale Shop, filed July 29, 2025.<sup>1</sup> The Court has carefully considered the Motion, the record, the First Amended Complaint ("Am. Compl.") [ECF Nos. 39, 40], and applicable law.<sup>2;3</sup> The time for a response to the Motion has passed, and Defendant has failed to respond. (*See generally* Dkt.). The Court finds Plaintiff has established the requirements for the issuance of a preliminary injunction.

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<sup>1</sup> Plaintiff identifies Defendant in the Amended Complaint [ECF No. 40] in Exhibit 2. (*See* Am. Compl., Ex. 2, Schedule A [ECF No. 40-2]); *see also* Cert. of Serv. [ECF No. 45]).

<sup>2</sup> The Court cites both the unsealed [ECF No. 39] and sealed [ECF No. 40] versions of the Amended Complaint. When referencing exhibits attached to the Amended Complaint, the Court refers to the sealed versions.

<sup>3</sup> Plaintiff incorporates its Motion for Temporary Restraining Order [ECF No. 30] and attached Declarations by reference. (*See* Mot. 1).

## I. BACKGROUND

Plaintiff is “a corporation organized under the laws of the People’s Republic of China[.]” (Am. Compl. ¶ 11 (alteration added)). Operating globally, Plaintiff founded its Rotita women’s fashion brand in 2009 and has since copyrighted images to promote its brand and products. (*See id.* ¶¶ 1, 12, 14). Defendant, who conducts business across the United States, including in Florida, is an individual or business entity residing in China or Hong Kong. (*See id.* ¶ 17). Plaintiff has submitted evidence that Defendant used Plaintiff’s copyrighted images to sell competing products at reduced prices on online storefronts. (*See id.* ¶¶ 2–4, 13–25, 30–35; *see also* Mot. Temp. Restraining Order [ECF No. 30] 12; *id.*, Ex. 4, Decl. of Nazly Aileen Bayramoglu . . . (“Bayramoglu Decl.”) [ECF No. 30-4]; *id.*, Ex. 5, Decl. of Liangjie Li . . . [ECF No. 30-5]).

Plaintiff is the owner of multiple copyrighted photos, including photos under copyright registration number VA0002382270. (*See* Mot. 1–2; *see also* Li Decl. ¶ 5; *see also* Am. Compl., Ex. 1, Certificate of Registration [ECF No. 40-1]).<sup>4</sup> The copyrighted photos are used in connection with the sale of Plaintiff’s fashion products. (*See id.*; *see also* Li Decl. ¶¶ 5–7, 13–16).

Defendant allegedly uses its online storefront to display Plaintiff’s federally registered copyrighted photos registered under VA0002382270 to promote, advertise, market, distribute, offer for sale, and sell competing inferior products in the category of women’s fashion products, including women’s tops, dresses, fuzzy knit pullover sweaters, and V-neck long sleeve oversized casual jumper tops. (*See* Bayramoglu Decl. ¶ 3, *see also* Mot. for Temp. Restraining Order 12 (comparing Plaintiff’s copyrighted image to images used on Defendant’s online store); *id.*, Ex. 1, Decl. of Joshua H. Sheskin (“Sheskin Decl.”) [ECF No. 30-1] ¶¶ 9–12). Plaintiff has submitted

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<sup>4</sup> The Court uses the pagination generated by the electronic CM/ECF database, which appears in the headers of all court filings.

sufficient evidence showing Defendant has infringed at least one or more of the copyrighted photographs. (*See* Bayramoglu Decl. ¶¶ 3–6; Mot. for Temp. Restraining Order 12). Defendant is not now, nor has it ever been, authorized or licensed to use the copyrighted photographs. (*See id.* 2, 5, 10; *see also* Li Decl. ¶ 11).

Nazly Aileen Bayramoglu investigated Defendant’s use of Plaintiff’s copyrighted photographs on behalf of Plaintiff’s counsel. (*See generally* Bayramoglu Decl.). Bayramoglu accessed the Internet-based e-commerce store operated by Defendant displaying what appears to be Plaintiff’s copyrighted image to sell its products, placed an order for the purchase of a product bearing one of Plaintiff’s photos, and shipped the products to an address in Florida, resulting in a completed sales transaction. (*See id.* ¶¶ 3–6). As such, Plaintiff has provided a basis to conclude that Defendant has targeted sales to Florida residents by setting up and operating e-commerce stores by using one or more seller aliases, offering shipping to the United States, including to the State of Florida, and intentionally offering women’s apparel and fashion items with the use and display of Plaintiff’s federally registered, copyright-protected photographs to Florida residents.

Plaintiff has also included a declaration from its Chief Operations Officer, which confirms that Defendant’s use of its copyrighted photo has injured Plaintiff’s reputation, goodwill, and brand confidence, as well as led to a loss of exclusivity and future sales. (*See* Li Decl. ¶¶ 20, 23–24, 26–27; *see also* Sheskin Decl. ¶¶ 15–16).

## II. LEGAL STANDARD

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 nonmovant; 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) (citation omitted); *see also Levi Strauss & Co. v. Sunrise Int’l. Trading Inc.*, 51 F.3d 982, 985–88 (11th Cir. 1995) (applying the test in a Lanham Act case).

### III. DISCUSSION

The declarations Plaintiff incorporates into its Motion support the following conclusions of law:

Plaintiff has provided notice to Defendant in accordance with the Temporary Restraining Order (“TRO”) [ECF No. 32], entered on June 25, 2025, and Federal Rule of Civil Procedure 65(a)(1). Plaintiff has also served a copy of the Motion and accompanying exhibits on Defendant, allowing adequate time to respond. (*See* Cert. of Service [ECF No. 45] (representing the Motion and supporting documents were served on Defendant on July 29, 2025)). To date, Defendant has not responded to the Motion. (*See generally* Dkt.).

Given Defendant’s lack of any response to either the Motion for Temporary Restraining Order or the current Motion, the Court may grant the Motion by default. *See* S.D. Fla. L. R. 7.1(c); *see also Woodbridge Structured Funding, LLC v. Pina*, No. 16-cv-81408, 2016 WL 11812244, at \*1(S.D. Fla. Oct. 17, 2016) (granting a preliminary injunction upon default under a parallel older version of the local rule). Local Rule 7(c) provides that

For all motions . . . each party opposing a motion shall file and serve an opposing memorandum of law no later than fourteen (14) days after service of the motion. Failure to do so may be deemed sufficient cause for granting the motion by default.

*Id.* (alteration added).

Additionally, based on the pleadings, the Motion, and accompanying declarations, the Court finds a preliminary injunction appropriate on the merits. Plaintiff has provided sufficient documentation that Defendant offers for sale into the United States products that are infringing

directly and/or indirectly on at least one of Plaintiff's copyrighted works. (*See* Sheskin Decl. ¶¶ 9–12; Bayramoglu Decl. ¶ 3; Mot. for Temp. Restraining Order 12). The documentation shows Plaintiff holds a strong probability of proving at trial that consumers are likely to be confused by Defendant's advertisement, promotion, offer for sale, and/or distribution of goods bearing or using unauthorized reproductions or derivatives of Plaintiff's photographs protected under registration number VA0002382270.

Because of the infringement of Plaintiff's copyrighted works, Plaintiff is likely to suffer immediate and irreparable injury if a preliminary injunction is not granted. (*See* Mot. 4–5; Li Decl. ¶¶ 20, 23–24, 26–27; *see also* Sheskin Decl. ¶¶ 15–16). The potential harm to Defendant from being prohibited from using Plaintiff's copyrighted images to market its products is substantially outweighed by the harm Plaintiff would suffer to its exclusive rights, reputation, and goodwill if such relief were not granted.

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

Requesting equitable relief “invokes the district court's inherent equitable powers to order preliminary relief, including an asset freeze, in order to assure the availability of permanent relief.” *Levi Strauss & Co.*, 51 F.3d at 987 (citation omitted). Here, the Copyright Act permits the entry of an injunction to restrain violations of the Copyright Act. *See* 17 U.S.C. § 502.

Therefore, the Court also finds that the injunctive relief previously granted in the Temporary Restraining Order should remain in place through the pendency of this litigation,

and issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65.

Accordingly, this Court orders that:

1. Defendant, its officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with it 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 Defendant's 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 Defendant's 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 of the Court.

3. Upon Plaintiff's request, Defendant and any third party with actual notice of this Order who is providing services to Defendant, or in connection with 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 Defendant, its 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 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 Defendant's financial accounts, including Defendant's sales and listing history related to its Online Marketplaces; and

- c. any financial accounts owned or controlled by Defendant, including its officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with it, 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 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 Defendant’s seller alias, 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 Defendant until further order by this Court.

6. All previous sealed pleadings and documents in this case are ordered **UNSEALED**.


7. 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.

9. Plaintiff is **DIRECTED** to serve a copy of this Order on Defendant's email address, as well Plaintiff's Motion for Preliminary Injunction [ECF No. 44] as post the Order to the established service website.

In accordance with the foregoing, Plaintiff's Motion for Preliminary Injunction [ECF No. 44] is **GRANTED**.

**DONE AND ORDERED** in Miami, Florida, this 13th day of August, 2025.

  
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**CECILIA M. ALTONAGA**  
**CHIEF UNITED STATES DISTRICT JUDGE**

cc: counsel of record  
Buy 3 get 1 free Clearance Sale Shop