

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 25-CV-22117-RAR**

**HONG KONG LEYUZHEN  
TECHNOLOGY CO. LIMITED,**

Plaintiff,

v.

**THE INDIVIDUALS, CORPORATIONS,  
LIMITED LIABILITY COMPANIES,  
PARTNERSHIPS, AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED ON  
SCHEDULE "A,"**

Defendants.

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**ORDER GRANTING IN PART MOTION FOR DEFAULT FINAL JUDGMENT**

**THIS CAUSE** comes before the Court upon Plaintiff Hong Kong Leyuzhen Technology Co. Limited's Motion for Clerk's Entry of Default ("Motion") as to Defendants CYSSXA aka LAYAN B, JXUNDA, and PENCHAHENG [DEALS OF THE DAY CLEARANCE] ("Defaulting Defendants"), filed on August 29, 2025. [ECF No. 42]. Plaintiff alleges that Defaulting Defendants are infringing on Plaintiff's copyrights and promoting and selling counterfeits of Plaintiff's branded goods through the operation of Internet based e-commerce stores (the "E-commerce Store Names"). Accordingly, Plaintiff has filed causes of action under 17 U.S.C. § 502, Federal Rule of Civil Procedure 65, 28 U.S.C. § 1651(a), and the Court's inherent authority, for alleged violations of 17 U.S.C. § 101, *et seq.* and the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.201.

Plaintiff filed its Complaint on May 7, 2025, [ECF No.1], and filed a sealed Complaint on June 11, 2025. [ECF No. 10]. After the Court granted Plaintiff's Motion for Alternative Service of Process by E-Mail and/or Electronic Publication, [ECF No. 15], Plaintiff served Defendants

with relevant case documents on July 31, 2025. *See* Certificates of Service, [ECF Nos. 26–29]. Plaintiff filed a Motion for Entry of Preliminary Injunction, [ECF No. 33], and the Court held a hearing on the preliminary injunction (“Hearing”), [ECF No. 34]. No Defendants appeared. After the Clerk of Court filed an Entry of Default as to the Defaulting Defendants, [ECF No. 40], Plaintiff filed the instant Motion.

On July 31, 2025, Plaintiff filed its Motion. *See* [ECF No. 30]. On August 1, 2025, the Court entered an Order Setting Hearing on Plaintiff’s Motion for Entry of Preliminary Injunction, [ECF No. 33], for August 6, 2025. On August 6, 2025, the Court held a hearing concerning the requested preliminary injunction (“Hearing”), [ECF No. 34]. No Defendants appeared. *Id.* The Court having considered the record and noting no opposition to the Motion, it is hereby

**ORDERED AND ADJUDGED** that Plaintiff’s Motion, [ECF No. 42], is **GRANTED IN PART** for the reasons stated herein.

### **INTRODUCTION**

Plaintiff raises two claims for relief: (1) copyright infringement; and (2) violation of the Florida Deceptive and Unfair Trade Practices Act. *See* Complaint, [ECF No. 10-1] ¶¶ 45–68. Plaintiff alleges Defendants are promoting, advertising, distributing, offering for sale, or selling infringing versions of Plaintiff’s Copyrights within the Southern District of Florida through Online Marketplaces.

Plaintiff alleges Defendants’ unlawful activities have caused and will continue to cause irreparable injury because Defendants have diminished Plaintiff’s goodwill and confidence in Plaintiff’s brand, damaged Plaintiff’s reputation, resulted in a loss of exclusivity, and have resulted in a loss of future sales for the brand. *See generally id.* The Motion accordingly requests the issuance of a default judgment pursuant to Rule 55(b)(3) of the Federal Rules of Civil Procedure, that finds the Defaulting Defendants liable for Plaintiff’s copyright infringement claim (Count I)

and claim arising under the Florida Deceptive and Unfair Trade Practices Act (Count II). Mot. at 2. The Motion specifically requests statutory damages pursuant to 17 U.S.C. § 504(c), enhanced by a finding that the Defaulting Defendants willfully infringed Plaintiff's copyright pursuant to 17 U.S.C. § 504(c)(2). The Motion requests a permanent injunction against Defaulting Defendants and an award of attorneys' costs and fees pursuant to 17 U.S.C. § 505 as well.

### **BACKGROUND**

Plaintiff is the owner of all rights, title, and interest in and to the copyright registrations issued by the United States Copyright Office for specific images related to its Rotita brand product line ("Rotita Brand") used in connection with the promotion and sale of women's apparel, which bear the federal registration number VA0002379904 ("Plaintiff's Copyrights"). See Copyright Registration, [ECF No. 10-2]. Plaintiff founded its Rotita Brand in 2009, which is dedicated to women's fashion apparel. See Declaration of Liangjie Li ("Li Declaration"), [ECF No. 17-5] ¶¶ 4, 22. Plaintiff has designed, caused to subsist in material form, and first published Plaintiff's Copyrights on its website located at the company's designated website employing the Rotita Brand in its URL. See Complaint, [ECF No. 1] ¶ 15. Plaintiff generates revenue from sales made to consumers in the State of Florida and sales of its products made through its website, rotita.com. Li Decl. ¶ 8. However, Plaintiff does not sell or authorize the sale of its merchandise on any other platform, including Amazon, eBay, Aliexpress, Alibaba, Walmart, Tikok, and other online or offline stores. *Id.*

Defaulting Defendants, by operating e-commerce stores under the seller names identified on Schedule "A" hereto (the "Online Marketplaces"), have advertised, promoted, offered for sale, or sold goods to consumers in the state of Florida that display Plaintiff's Copyrights to promote, advertise, market, distribute, offer for sale, and sell competing products that match the subject matter of Plaintiff's Copyrights, including women's clothing, merchandise, and related items. Declaration

of Anisah Beaston (“Beaston Declaration”), [ECF No. 17-4] ¶ 3; Declaration of Joshua Sheshkin (“Sheshkin Declaration”), [ECF No. 17-1] ¶ 9. Plaintiff has purchased Defaulting Defendants’ Competing Products and has shipped them to Florida. Beaston Decl. ¶¶ 4, 6. Upon review, Plaintiff has determined that Defaulting Defendants’ Competing Products remain available for purchase and available for consumers in the State of Florida. *Id.* ¶ 5. Defaulting Defendants are not now, nor have they ever been, authorized or licensed to use Plaintiff’s Copyrights, Li Decl. ¶ 20, Sheskin Decl. ¶ 9, and the continued sale of inferior, competing products by displaying Plaintiff’s Copyrights has caused, and continues to cause, irreparable harm through the loss of exclusivity and loss of future revenue, and harm to Plaintiff’s brand reputation. Li Decl. ¶¶ 19, 23; Sheshkin Decl. ¶ 11.

### **LEGAL STANDARD**

A party may apply to the court for a default judgment when the defendant fails to timely respond to a pleading. FED. R. CIV. P. 55(b)(2). “A defendant, by his default, admits the plaintiff’s well-pleaded allegations of fact, is concluded on those facts by the judgment, and is barred from contesting on appeal the facts thus established.” *Eagle Hosp. Physicians, LLC v. SRG Consulting, Inc.*, 561 F.3d 1298, 1307 (11th Cir. 2009) (quoting *Nishimatsu Const. Co. v. Houston Nat’l Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975)). However, conclusions of law are to be determined by the court. *See Mierzwicki v. CAB Asset Management LLC*, No. 14-CV-61998, 2014 WL 12488533, at \*1 (S.D. Fla. Dec. 30, 2014). Therefore, a court may only enter a default judgment if there is a “sufficient basis to state a claim.” *Id.* (citing *Nishimatsu*, 515 F.2d at 1206).

Once a plaintiff has established a sufficient basis for liability, the Court must conduct an inquiry to determine the appropriate damages. *PetMed Express, Inc. v. MedPets.Com, Inc.*, 336 F. Supp. 2d 1213, 1217 (S.D. Fla. 2004) (citations omitted). Although an evidentiary hearing is generally required, the Court need not conduct such a hearing “when . . . additional evidence would be truly unnecessary to a fully informed determination of damages.” *Safari Programs, Inc. v.*

*CollectA Int'l Ltd.*, 686 F. App'x 737, 746 (11th Cir. 2017) (quoting *SEC v. Smyth*, 420 F.3d 1225, 1232 n.13 (11th Cir. 2005)). Therefore, where the record adequately supports the award of damages, an evidentiary hearing is not required. See *Smyth*, 420 F.3d at 1232 n.13; *PetMed Express, Inc.*, 336 F. Supp. 2d at 1217 (finding an evidentiary hearing unnecessary because plaintiff was seeking statutory damages under the Lanham Act); *Luxottica Grp. S.p.A. v. Casa Los Martinez Corp.*, No. 14-CV-22859, 2014 WL 4948632, at \*2 (S.D. Fla. Oct. 2, 2014) (same).

## ANALYSIS

### A. Claims

Plaintiff seeks a default judgment for the relief sought in the Amended Complaint, asserting the following claims against Defaulting Defendants: (1) copyright infringement in violation of 17 U.S.C. § 101 *et seq.* (Count I), Compl. at ¶¶ 45–62; and (2) violation of the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.201 (Count II), Compl. at ¶¶ 63–68.

To prevail on a claim of direct infringement of copyright pursuant to the Copyright Act, Plaintiff must “satisfy two requirements to present a prima facie case of direct copyright infringement: (1) they must show ownership of the allegedly infringed material, and (2) they must demonstrate that the alleged infringers violated at least one exclusive right granted to copyright holders under 17 U.S.C. § 106.” *A&M Records, Inc. v. Napster, Inc.*, 239 F.3d 1004, 1013 (9th Cir. 2001); see also *Bell v. Wilmott Storage Servs., LLC*, 12 F.4th 1065, 1071 (9th Cir. 2021); *Cf. Disney Enters, Inc. v. Hotfile Corp.*, No. 11-20427, 2013 WL 6336286, at \*30 (S.D. Fla. Sept. 20, 2013).

To prevail on a claim under FDUTPA, a Plaintiff must show “(1) a deceptive act or unfair practice; (2) causation; and (3) actual damages.” *Simmons v. Ford Motor Co.*, 592 F. Supp. 3d 1262, 1290 (S.D. Fla. 2022) (citing *Rollins, Inc. v. Butland*, 951 So. 2d 860, 869 (Fla. 2d DCA 2006)).

**B. Liability**

The well-pled factual allegations of Plaintiff's Complaint properly allege the elements for each of the claims described above. *See generally* Compl. Moreover, the factual allegations in Plaintiff's Complaint have been substantiated by sworn declarations and other evidence and establish Defendants' liability under each of the claims asserted in the Complaint. Accordingly, entry of default judgment pursuant to Federal Rule of Civil Procedure 55 is appropriate.

**C. Injunctive Relief**

Pursuant to 17 U.S.C. § 502(a), "[a]ny court having jurisdiction of a civil action arising under this title may, subject to the provisions of section 1498 of title 28, grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain infringement of a copyright." 17 U.S.C. § 502. Injunctions are regularly issued pursuant to section 502 because "the public interest is the interest in upholding copyright protections." *Arista Records, Inc. v. Beker Enterprises, Inc.*, 298 F. Supp. 2d 1310, 1314 (S.D. Fla. 2003).

Permanent injunctive relief is appropriate where a plaintiff demonstrates that (1) it has suffered irreparable injury; (2) there is no adequate remedy at law; (3) the balance of hardship favors an equitable remedy; and (4) an issuance of an injunction is in the public's interest. *eBay, Inc. v. MercExchange, LLC*, 547 U.S. 388, 392–93 (2006). Plaintiff has carried its burden on each of the four factors. Accordingly, permanent injunctive relief is appropriate.

Plaintiff has no adequate remedy at law so long as Defaulting Defendants continue to operate the Seller IDs because Plaintiff cannot control the quality of what appear to be its products in the marketplace. An award of monetary damages alone will not cure the injury to Plaintiff's reputation and goodwill that will result if Defaulting Defendants' infringing and counterfeiting actions are allowed to continue. Moreover, Plaintiff faces hardship from loss of sales and its inability to control its reputation in the marketplace. By contrast, Defaulting Defendants face no

hardship if they are prohibited from the infringement of Plaintiff's copyrights, which are illegal acts.

Finally, the public interest supports the issuance of a permanent injunction against Defaulting Defendants to prevent consumers from being misled by Defaulting Defendants' counterfeit products and piracy. *See Nike, Inc. v. Leslie*, No. 85-960, 1985 WL 5251, at \*1 (M.D. Fla. June 24, 1985) (“(A)n injunction to enjoin infringing behavior serves the public interest in protecting consumers from such behavior.”). The Court’s broad equity powers allow it to fashion injunctive relief necessary to stop Defendants’ infringing activities. *See, e.g., Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15 (1971) (“Once a right and a violation have been shown, the scope of a district court’s equitable powers to remedy past wrongs is broad, for . . . (t)he essence of equity jurisdiction has been the power of the Chancellor to do equity and to mold each decree to the necessities of the particular case.”) (citation and internal quotation marks omitted); *United States v. Bausch & Lomb Optical Co.*, 321 U.S. 707, 724 (1944) (“Equity has power to eradicate the evils of a condemned scheme by prohibition of the use of admittedly valid parts of an invalid whole.”).

Defaulting Defendants have created an Internet-based infringement scheme in which they are profiting from their deliberate misappropriation of Plaintiff’s rights. Unless the listings and images are permanently removed, and the infringing goods destroyed, Defaulting Defendants will be free to continue infringing plaintiff’s intellectual property with impunity and will continue to defraud the public with their illegal activities. Therefore, the Court will enter a permanent injunction ordering all listings and associated images of goods bearing counterfeits and/or infringements of Plaintiff’s copyrights be permanently removed from Defaulting Defendants’ internet stores by the applicable internet marketplace platforms, and all infringing goods in

Defaulting Defendants' inventories in the possession of the applicable internet marketplace platforms destroyed.

Plaintiff has also adequately stated a claim under FDUTPA to the extent that Plaintiff seeks injunctive relief pursuant to Fla. Stat. § 501.211(1). To state a claim for injunctive relief under FDUTPA, Plaintiff is required “to allege that the defendant engaged in a deceptive act or practice in trade or commerce, § 501.204(1), and that the plaintiff [is] a person ‘aggrieved’ by the deceptive act or practice, § 501.211(1).” *Klinger v. Weekly World News, Inc.*, 747 F. Supp. 1477, 1480 (S.D. Fla. 1990). Engaging in copyright infringement is considered an unfair and deceptive trade practice that constitutes a FDUTPA violation. *See HealthPlan Servs., Inc. v. Dixit*, No. 18-2608, 2021 WL 4927434, at \*7 (M.D. Fla. May 27, 2021). Additionally, Plaintiff has shown that it is “aggrieved” by the deceptive act or practice because Defaulting Defendants’ infringement has led to consumer confusion about Plaintiff’s products. *See, e.g.*, Compl. ¶¶ 4, 7, 40. Therefore, having established Defaulting Defendants’ liability for copyright infringement as discussed above, and adequately alleged its detrimental effect on Plaintiff’s business and reputation, Plaintiff is entitled to default judgment on its claim for injunctive relief under FDUTPA.

#### **D. Damages for Copyright Infringement**

Under 17 U.S.C. § 504, Plaintiff is entitled to recover either the actual damages suffered as a result of the infringement plus Defendants’ additional profits, or statutory damages. Actual damages are “often measured by the revenue that the plaintiff lost as a result of the infringement, which includes lost sales, lost opportunities to license, or diminution in the value of the copyright.” *Lorentz v. Sunshine Health Prods.*, No. 09-61529, 2010 WL 11492992, at \*4 (S.D. Fla. Sep. 7, 2010) (internal quotations and citation omitted). Here, however, Defendants, who have not appeared, control all the necessary information for a calculation of relief under § 504(b). As a result, Plaintiff cannot calculate an amount recoverable pursuant to 17 U.S.C. § 504(b). Instead,

Plaintiff seeks an award of statutory damages for Defendants' willful infringement of Plaintiff's copyrighted works under 17 U.S.C. § 504(c).

The allegations in the Complaint, which are taken as true, establish that Defaulting Defendants intentionally infringed Plaintiff's Copyrights for the purpose of advertising, marketing, and selling their Counterfeit Products. Plaintiff suggests the Court award statutory damages of \$100,000 per Defaulting Defendant. Mot. at 9. This award is within the statutory range for a willful violation, and is sufficient to compensate Plaintiff, punish the Defaulting Defendants, and deter the Defaulting Defendants and others from continuing to infringe Plaintiffs' copyrights. In light of the inherently deceptive nature of the business, and the likelihood that Defendants have violated federal copyright laws and the laws of the State of Florida, Plaintiff has good reason to believe Defendants will hide or transfer their ill-gotten assets beyond the jurisdiction of this Court unless those assets are restrained.

**E. Attorneys' Fees**

Plaintiff seeks an award of reasonable attorney's fees pursuant to 17 U.S.C. § 505. Courts routinely award attorney's fees and costs upon a finding of willful infringement under the Copyright Act. *See Volkswagen Grp. of America, Inc. v. Varona*, No. 19-24838, 2021 WL 1997573, at \*10 (S.D. Fla. May 18, 2021); *Myeress v. Beautiful People Mag., Inc.*, No. 22-20137, 2022 WL 1404596, at \*4 (S.D. Fla. May 4, 2022); *Max'is Creations, Inc. v. The Individuals, Partnerships, And Unincorporated Associations Identified On Schedule "A,"* No. 21-CV-22920, 2022 WL 104216, at \*9 (S.D. Fla. Jan. 11, 2022).

Plaintiff has established that Defendants acted willfully in their infringement of the Copyrighted Works. Defendants failed to respond or otherwise act, leading to unjustified delays and increased costs and fees. *See Arista Records*, 298 F. Supp. 2d. at 131. An award of attorneys'

fees and costs would serve the important functions of deterring future infringements, penalizing Defendants for their unlawful conduct, and compensating Plaintiff for their fees and costs. *Id.*

However, an award for attorney's fees requires that the parties specify and break down those fees. While Plaintiff's Motion requests that the Court award attorneys' fees, Mot. at 10, neither the Motion nor other attachments to the Motion provide any breakdown of those fees. Attorneys' fees under the Copyright Act are not automatically awarded to the prevailing party, but are instead awarded "only as a matter of the court's discretion." *Fogerty v. Fantasy, Inc.*, 510 U.S. 517, 534 n.19 (1994) (noting that, in awarding attorneys' fees under the Copyright Act, courts may consider "frivolousness, motivation, objective unreasonableness (both in the factual and in the legal components of the case) and the need in particular circumstances to advance considerations of compensation and deterrence," so long as "such factors are faithful to the purposes of the Copyright Act and are applied to prevailing plaintiffs and defendants in an evenhanded manner"). Because the purposes of the Copyright Act would not be advanced by granting attorneys' fees to Plaintiff without Plaintiff having specified the basis for those attorneys' fees, the Court declines to exercise its discretion to award attorneys' fees pursuant to the Copyright Act.

### **CONCLUSION**

For the foregoing reasons, it is hereby **ORDERED AND ADJUDGED** that Plaintiff's Motion, [ECF No. 42], is **GRANTED IN PART** with respect to Defaulting Defendants CYSSXA aka LAYAN B, JXUNDA, and PENCHAHENG [DEALS OF THE DAY CLEARANCE]. Final Default Judgment will be entered by separate order.

**DONE AND ORDERED** in Miami, Florida, this 22nd day of September, 2025.

  
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**RODOLFO A. RUIZ II**  
**UNITED STATES DISTRICT JUDGE**