

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

**CASE NO.: 1:25-cv-22489-RAR**

XYZ Corporation,

Plaintiff,

v.

ABC Corporation 1 and ABC Corporation 2,  
Chinese Entities,

Defendants.

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**PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff Hong Kong Yuzhen E-Commerce 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 Defendants, ChanPants and Laysam Tops 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 trademarks.

Plaintiff’s Motion is made based on the pleadings on file in this action, Plaintiff’s Motion for Temporary Restraining Order [Dkt. No. 17] and the Declarations attached thereto, this Motion, and the Declaration of Joshua H. Sheskin (the “Sheskin Decl.”).

**I. INTRODUCTION**

Plaintiff brings this action against the Defendants for: trademark infringement (Count I); False Designation of Origin (Count II); Florida Common Law Trademark Infringement (Count 3); and Florida Common Law Unfair Competition. [Dkt. No. 1] As the Complaint alleges, the Defendants promote, advertise, market, distribute, offer for sale, and sell competing products in

connection with and through the use and display of Plaintiff's federally registered trademark (the "Brand Trademark") (with Registration No. 5,995,253,), through marketplace account(s) (the "Online Marketplaces") which are maintained on the Walmart.com sales platform (the "Platform").

Defendants' ongoing unlawful activities should continue to be restrained. Plaintiff respectfully requests that this Court issue a preliminary injunction order (1) restraining Defendants' continued manufacture, importation, distribution, offering for sale, and sale of the Infringing Products and (2) restraining Defendants' 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. 17], establish that issuing a preliminary injunction order against the Defendants 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 Rosewe Trademark and the distributor of genuine Rosewe brand products ("Roswe Products"), and Defendants' use of the Rosewe Trademarks to sell competing products deceives members of the public who seek to purchase genuine Rosewe 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 Rosewe Copyrights.

**a. Procedural History**

On July 10, 2025, this Court granted Plaintiff's request for a temporary restraining order ("TRO") on an *ex parte* basis. [Dkt. No. 21]. On July 2, 2025, the Court authorized and directed Plaintiff to provide notice of these proceedings and the preliminary injunction hearing to the Defendants 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 Defendants by the Online Platform. [Dkt. No. 19.] On July 17, 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 18, 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. 19], 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 Defendants to submit any opposition to the Motion prior to conducting a scheduled hearing. Plaintiff will immediately serve the Defendants 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 Defendants. 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 July 10, 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. 17-1] and Liangjie Li [Dkt. No. 17-6] with the submission of the Motion for TRO [Dkt. No. 17], and by

this Court's entry of the TRO [Dkt. No. 21], the above requirements for entry of a preliminary injunction have been satisfied. The record establishes that through the Defendants' illegal operations, the Defendant has infringed upon Plaintiff's federally registered Rose Trademark. 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 \$5,000.00 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 Defendants to oppose the Motion, which Plaintiff will immediately serve Defendants 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 21, 2025

Respectfully Submitted,

By: /s/ Joshua H. Sheskin

Joshua H. Sheskin (Bar No. 93028)

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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 Yuzhen E-Commerce Co., Limited (“Plaintiff”). I make this declaration from my matters within my own personal knowledge unless stated otherwise.

4. On July 10, 2025, Plaintiff’s Motion for Temporary Restraining Order (the “TRO”) was granted by the Court [Dkt. No. 21].

5. On July 2<sup>nd</sup>, 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. 19].

6. On July 17, 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 July 17, 2025, Plaintiff effected electronic service of process on the Defendants.

8. On July 16, 2025 Plaintiff posted the required surety bond amount of \$5,000 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 21, 2025, in Mount Lebanon, Pennsylvania.

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