

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

CASE NO. 25-CV-22489-RAR

XYZ CORPORATION,

Plaintiff,

v.

ABC CORPORATION 1, et al.,

Defendants.

ORDER GRANTING MOTION FOR PRELIMINARY INJUNCTION

THIS CAUSE comes before the Court upon Plaintiff XYZ Corporation’s Motion for Preliminary Injunction (“Motion”), [ECF No. 27], filed on July 21, 2025. Plaintiff alleges that Defendants, ChanPants and LaysamTops, are infringing upon Plaintiff’s trademarks 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 15 U.S.C. § 1116, Federal Rule of Civil Procedure 65, 28 U.S.C. § 1651(a), and the Court’s inherent authority, for alleged violations of the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a), and violations of Florida law.

On June 11, 2025, the Court issued an Order (“Temporary Restraining Order”), [ECF No. 15], granting Plaintiff’s *Ex Parte* Application for a Temporary Restraining Order, Including a Temporary Asset Restraint, and Expedited Discovery. Defendants were served with relevant case documents on June 30, 2025. *See* Certificates of Service [ECF Nos. 25–26]. On July 21, 2025, Plaintiff filed its Motion, and Plaintiff filed a Supplement to the Preliminary Injunction that same day. *See* [ECF No. 28]. On July 21, 2025, the Court entered an Order Setting

Hearing on Plaintiff's Motion for Entry of Preliminary Injunction, [ECF No. 29], for July 23, 2025. On July 23, 2025, the Court held a hearing concerning the requested preliminary injunction ("Hearing"), [ECF No. 31]. No Defendants appeared. *Id.* Accordingly, the Court having carefully considered the Motion, the record, and being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED that pursuant to 15 U.S.C. § 1116, Federal Rule of Civil Procedure 65, 28 U.S.C. § 1651(a), and this Court's inherent authority, Plaintiff's Motion, [ECF No. 27], is **GRANTED** as set forth herein.

INTRODUCTION

Plaintiff raises four claims for relief: (1) trademark counterfeiting and infringement under section 32 of the Lanham Act; (2) false designation of origin under section 43(a) of the Lanham Act; (3) trademark infringement under Florida common law; and (4) unfair competition under Florida common law. *See* Amended Complaint, [ECF No. 16] ¶¶ 26–54. Plaintiff alleges Defendants are promoting, advertising, distributing, offering for sale, or selling counterfeit and infringing versions of Plaintiff's branded products using Plaintiff's federally registered trademark (Registration No. 5,995,253) within the Southern District of Florida through Online Marketplaces maintained on the Walmart.com website.

Plaintiff alleges Defendants' unlawful activities have caused and will continue to cause irreparable injury because Defendants have (1) deprived Plaintiff of its right to determine the manner in which its trademarks are presented to the public; (2) defrauded the public into thinking Defendants' goods are goods authorized by Plaintiff; (3) deceived the public as to Plaintiff's association with Defendants' goods and the e-commerce stores marketing and selling the goods; and (4) wrongfully traded and capitalized on Plaintiff's reputation and goodwill as well as the

commercial value of Plaintiff's trademarks. *See generally id.* The Motion accordingly requests the issuance of a preliminary injunction against Defendants. *See* Mot. at 3–5.

FACTUAL BACKGROUND

Plaintiff is the owner of all rights, title, and interest in and to a Brand Trademark, with Registration No. 5,995,253, used in connection with the promotion and sale of women's apparel ("Rosewe Trademark"). Mot. at 2; Declaration of Tiaolou Tang ("Tang Declaration"), [ECF No. 17-3] ¶¶ 5, 7–8. The Rosewe Trademark is valid and registered on the Principal Register of the United States Patent and Trademark Office, [ECF No. 17-4], and is used in connection with the manufacture and distribution of Plaintiff's sale of women's apparel. Tang Decl. ¶ 5. Defendants, by operating e-commerce stores under the seller names identified on Schedule "A" hereto ("E-commerce Store Names"), have advertised, promoted, offered for sale, or sold goods bearing and/or using what Plaintiff has determined to be counterfeits, infringements, reproductions, and/or colorable imitations of the Rosewe Trademark. *See id.* ¶¶ 9, 11–12; Declaration of Joshua H. Sheskin ("Sheskin Declaration"), [ECF No. 17-1] ¶¶ 4–5; Declaration of Melissa Henderson ("Henderson Declaration"), [ECF No. 17-2] ¶¶ 3–6. Although each Defendant may not copy and infringe the Rosewe Trademark for each category of goods protected, *see* Tang Decl. ¶ 10, Plaintiff has submitted sufficient evidence showing each Defendant has infringed the Rosewe Trademark. *See generally* Henderson Decl; Sheskin Decl. ¶¶ 11–21. Defendants are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, reproductions, and/or colorable imitations of the Rosewe Trademark. *See* Tang Decl. ¶ 10.

Plaintiff has investigated the promotion and sale of counterfeit and infringing versions of Plaintiff's branded products ("Counterfeit Goods") by Defendants and has documented the available payment account data for receipt of funds paid to Defendants for the sale of counterfeit branded

products. *See generally* Henderson Decl. A representative for Plaintiff accessed each Defendant's online store on Walmart ("Online Marketplaces"). *Id.* ¶ 3. Upon access, Plaintiff's representative was able to view products bearing the Rosewe Trademark, add products to the online shopping cart, proceed to a point of checkout, and otherwise actively exchange data with each Defendant. *See id.* ¶¶ 3–4. Plaintiff's representative then placed an order from each Defendant via its respective E-commerce Store Name(s) for the purchase of, at least, one product bearing and/or using counterfeits and infringements of one or more of Plaintiff's trademarks at issue in this action, and requested each product be shipped to Florida. *See id.* ¶ 4. Each order was processed online and/or electronically; and resulted in a completed sales transaction. *See id.* ¶ 6. Plaintiff's representative reviewed and visually inspected the detailed web page captures and images of the various branded products ordered from each Defendant via the Online Marketplaces operating under or through the E-commerce Store Name(s) and determined each product to be a non-genuine, unauthorized version of Plaintiff's branded product. *See id.* ¶ 5.

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 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). Additionally, Rule 65(a)(1) of the Federal Rules of Civil Procedure provides that a Court may issue a preliminary injunction only on notice to the adverse party. FED. R. CIV. P. 65(a)(1).

ANALYSIS

The declarations Plaintiff submitted on record incorporated into its Motion support the following conclusions of law:

A. Plaintiff has a strong probability of proving at trial that consumers are likely to be confused by Defendants' advertisement, promotion, sale, offer for sale, and/or distribution of goods bearing and/or using counterfeits, reproductions, or colorable imitations of the Rosewe Trademark, and that the products Defendants are selling and promoting for sale are copies of Plaintiff's products that bear and/or use copies of the Rosewe Trademark.

B. Because of the infringement of the Rosewe Trademark, Plaintiff is likely to suffer immediate and irreparable injury if a preliminary injunction is not granted. The following specific facts, as set forth in Plaintiff's Amended Complaint, Motion, and accompanying declarations on file, demonstrate that immediate and irreparable loss, damage, and injury will result to Plaintiff and to consumers because it is more likely true than not:

1. Defendants own or control e-commerce stores operating under the E-commerce Store Names which advertise, promote, offer for sale, or sell products bearing and/or using counterfeit and infringing trademarks in violation of Plaintiff's rights; and

2. There is good cause to believe that more counterfeit and infringing products bearing and/or using the Rosewe Trademark will appear in the marketplace, that consumers are likely to be misled, confused, or disappointed by the quality of these products, and that Plaintiff may suffer damage to its reputation.

C. The balance of potential harm to Defendants in restraining their trade in counterfeit and infringing branded goods if a preliminary injunction is issued is far outweighed by the potential

harm to Plaintiff, its reputation, and the goodwill of the Swiss watch manufacture industry, if such relief is not issued.

D. The public interest favors issuance of the preliminary injunction to protect Plaintiff's trademark interests and protect the public from being defrauded by the palming off of counterfeit and infringing goods as genuine branded goods.

E. Under 15 U.S.C. § 1117(a), Plaintiff may be entitled to recover, as an equitable remedy, the illegal profits gained through Defendants' distribution and sales of goods bearing and/or using counterfeits and infringements of the Rosewe Trademark. *See Reebok Int'l, Ltd. v. Marnatech Enters., Inc.*, 970 F.2d 552, 559 (9th Cir. 1992) ("An accounting of profits under § 1117(a) is not synonymous with an award of monetary damages: '[a]n accounting for profits . . . is an equitable remedy subject to the principles of equity.'") (quoting *Fuller Brush Prods. Co. v. Fuller Brush Co.*, 299 F.2d 772, 777 (7th Cir. 1962) (alterations in original)).

F. 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 (citing *FTC v. U.S. Oil & Gas Corp.*, 748 F.2d 1431, 1433-34 (11th Cir. 1984)).

G. In light of the inherently deceptive nature of the counterfeiting business, and the likelihood that Defendants have violated federal trademark laws, 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.

CONCLUSION

For the foregoing reasons, it is hereby

ORDERED AND ADJUDGED that pursuant to 15 U.S.C. § 1116, Federal Rule of Civil Procedure 65, 28 U.S.C. § 1651(a), and the Court's inherent authority, Plaintiff's Motion, [ECF No. 27], is **GRANTED**. A preliminary injunction is entered as follows:

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

- a. Using or displaying the Rosewe Trademarks, 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 Rosewe product or is not authorized by Plaintiff to be sold in connection with the Rosewe Trademark;
- b. Passing off, inducing, or enabling others to sell or pass off any product as a genuine Rosewe products or any other product produced by Plaintiff through the use or display of the Rosewe Trademark;
- 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 Rosewe Trademark; 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 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, 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, the Defendants and any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of the Defendants' 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 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 the 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 the Defendants' financial accounts, including the Defendants' sales and listing history related to their respective Online Marketplaces; and

- c. any financial accounts owned or controlled by the 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, 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 Defendants in connection with the sale of counterfeit and infringing goods using the Rosewe Trademark.
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 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 the Defendants 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 of this Court.
6. All previous sealed documents in this case are hereby unsealed.
7. Any of the 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.

8. Under 15 U.S.C. § 1116(d)(5)(D) and Federal Rule of Civil Procedure 65(c), Plaintiff shall maintain its previously posted bond in the amount of \$5,000.00, [ECF No. 24], as payment of damages to which Defendants may be entitled for a wrongful injunction or restraint, during the pendency of this action, or until further order of the Court. In the Court's discretion, the bond may be subject to increase in the interests of justice.

9. This Preliminary Injunction shall remain in effect during the pendency of this action, or until further date as set by the Court or stipulated by the parties.

DONE AND ORDERED in Miami, Florida, this 29th day of July, 2025.



RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE