

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

**CASE NO.: 1:25-cv-22864-ALTMAN**

TOHO CO., LTD.,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,  
LIMITED LIABILITY COMPANIES,  
PARTNERSHIPS AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED IN  
SCHEDULE "A" HERETO,

Defendants.

**PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff Toho Co., Ltd. ("Toho" or "Plaintiff"), pursuant to 15 U.S.C. § 1116, 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 Individuals, Corporations, Limited Liability Companies, Partnerships, and Unincorporated Associations (the "Defendants") identified in Schedule "A" to the Complaint, which enjoins the manufacture, importation, distribution, offer for sale, and sale of competing products with and through the unauthorized use and display of the Plaintiff's federally registered trademarks and Plaintiff's federally registered copyrights.

Plaintiff's Motion is made a based on the pleadings on file in this action, Plaintiff's Motion for Temporary Restraining Order [Dkt. No. 9], and the Declarations attached thereto, this Motion, and the Declaration of Emily Heim (the "Heim Decl.") filed concurrently herewith, together with any arguments of counsel entertained by the Court.

**I. INTRODUCTION**

Plaintiff brings this action against the Defendants for Trademark Infringement and Counterfeiting (Count I), False Designation of Origin (Count II), Common Law Trademark Infringement (Count III), Common Law Unfair Competition (Count IV), and Copyright Infringement (Count V). [Dkt. No. 1] As alleged in the Complaint, Defendants are promoting, advertising, marketing, distributing, offering for sale, and selling counterfeit products (“Counterfeit GODZILLA Products”), in connection with one or more of Plaintiff’s U.S. Trademark Registration Nos. 2,360,489; 4,183,291; and 7,245,324 (the “GODZILLA Trademarks”) and Copyright Registration Nos. PA0000187943; PA0000595595; PA0000785448; PA0000796964; PA0000796966; PA0000967584; PA0001035743; PA0001036332; and PA0001151212 (the “GODZILLA Copyrights”), through various fully interactive commercial Internet websites operating under at least the fully interactive e-commerce stores listed in Schedule A to the Complaint (collectively, the “Internet Stores”).

Each Defendant’s unlawful activities should continue to be restrained, and Plaintiff respectfully requests that this Court issue a preliminary injunction order (1) restraining each Defendant’s continued manufacture, importation, distribution, offering for sale, and sale of Counterfeit GODZILLA Products; and (2) restraining each 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 filed in support of the Motion for Temporary Restraining Order, establish that issuing a preliminary injunction order against Defendants is necessary and proper. Plaintiff has already demonstrated a strong likelihood of success on the merits. Plaintiff is the owner of its valid federally registered copyrights and the distributor and licensor of genuine

GODZILLA products, and each Defendant's use of the GODZILLA Copyrights to sell competing products deceives members of the public who seek to purchase genuine GODZILLA brand 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 unauthorized use of the GODZILLA Trademarks.

**A. Procedural History**

On July 21, 2025, this Court granted Plaintiff's request for a temporary restraining order ("TRO") on an *ex parte* basis. [Dkt. No. 14]. On July 21, 2025, the Court also 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 e-mail transmission to any addresses provided for the Defendant by any third party online platforms, such as the Internet Stores website host, payment processors, and financial institutions. [Dkt. No. 13.] On July 22, 2025, Plaintiff served third party payment processor, PayPal with the TRO. (Heim Decl. ¶ 5). On July 28, 2025, PayPal responded to the TRO. (Heim Decl. ¶ 5). Plaintiff effectuated electronic service of process on the Defendants on the July 29, 2025. (*Id.* ¶ 6). [Dkt. No. 19]. All named Defendants included on Schedule A to the Complaint have either appeared in this case or have contacted Counsel for Plaintiff via email evidencing the effectiveness of the Service by email and website posting. (Heim Decl. ¶ 8).

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. 13], Plaintiff respectfully requests the Court

now enter a Preliminary Injunction in this matter. Plaintiff further requests the Court issue a Minute Order setting a deadline for the Defendants to submit any oppositions to the Motion prior to conducting a scheduled hearing. Plaintiff will immediately serve the Defendants electronically with the requested Minute Order once it is issued by the Court. Substantively, as stated earlier, and as 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 to a preliminary injunction to prevent further illegal conduct by Defendants. Plaintiff asserts that, other than the appearance of Defendants in the case, no circumstances have changed since Plaintiff had 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 29, 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, at \*1 (11th Cir. 2000).

As established by the evidence in the Declarations of William Brees [Dkt. No. 9-1] and Jay Paragoso [Dkt. Nos. 9-4, 16-1, and 16-2] with the submission of the Motion for TRO [Dkt. No. 9], and by this Court’s entry of the TRO [Dkt. No. 14], 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 GODZILLA Copyrights and GODZILLA Trademarks. Thus, Plaintiff is entitled to preliminary injunctive relief.

**b. The current bond is sufficient to protect Defendants’ interests.**

The Court has previously required Plaintiff to post a bond in the sum of \$5,000.00 in connection with issuance of the TRO. The exact same circumstances 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 the Court maintain the current bond amount required for issuance of the TRO for issuance of the preliminary injunction.

**III. EXTENSION OF TEMPORARY RESTRAINING ORDER**

The TRO is currently set to expire on August 29, 2025. To allow ample time for Defendants to oppose the Motion and for the Motion to be heard, Plaintiff request an extension of the TRO for fourteen (14) days or until there is a ruling on the Preliminary Injunction Motion.

**IV. CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests the Court enter a Preliminary Injunction. If required, a minute order setting a deadline for Defendant to oppose the Motion, which Plaintiff will immediately serve Defendant with the Minute Order if issued by the Court. 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 the Court maintain the current bond amount required under the TRO, together with issuing any other relief that it deems just and proper.

Dated: August 22, 2025

Respectfully Submitted,

By: /s/ William R. Brees  
William R. Brees (FL Bar No. 98886)  
william@bayramoglu-legal.com  
Emily M. Heim (FL Bar No. 1015867)  
emily@bayramoglu-legal.com  
**BAYRAMOGLU LAW OFFICES LLC**  
1540 West Warm Springs, Suite 100  
Henderson, NV 89014  
Tel: (702) 462-5973 | Fax: (702) 553-3404  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2025, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, I will electronically publish the documents on a website, and I will send an e-mail to any e-mail addresses identified by the Platform, PayPal, for Defendant, including a link to said website.

Respectfully Submitted,

By: /s/ William R. Brees

William R. Brees (Bar No. 98886)

william@bayramoglu-legal.com

**BAYRAMOGLU LAW OFFICES LLC**

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

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TOHO CO., LTD.,

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THE INDIVIDUALS, CORPORATIONS,  
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ASSOCIATIONS IDENTIFIED IN  
SCHEDULE "A" HERETO,

Defendants.

**DECLARATION OF EMILY M. HEIM IN SUPPORT OF  
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

I, Emily Heim, of the City of St. Petersburg, in the State of Florida, 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.
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 one of the Attorneys for Plaintiff Toho Co., Ltd. ("Plaintiff"). I make this declaration from my matters within my own personal knowledge unless stated otherwise.
4. Plaintiff's Motion for Temporary Restraining Order (the "TRO") was granted by the Court on July 21, 2025. [Dkt. No. 14].

5. On July 22, 2025, Plaintiff served third party payment processor, PayPal with the TRO. On July 28, 2025, PayPal responded and complied with the TRO.

6. On July 29, 2025, Plaintiff effectuated electronic service of process on the Defendants. [Dkt. No. 19].

7. On July 28,2025, Plaintiff delivered the required surety bond in the amount of \$5,000.00 to the clerk's office, which was received on July 29, 2025. [Dkt. No. 18].

8. All named Defendants included on Schedule A to the Complaint have either appeared in this case or have contacted Counsel for Plaintiff via email evidencing the effectiveness of the Service by email and website posting.

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

Executed on August 22, 2025, in St. Petersburg, Florida.

By: /s/ Emily M. Heim  
EMILY M. HEIM, ES .

**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2025, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, I will electronically publish the documents on a website, and I will send an e-mail to any e-mail addresses identified by the Platform, PayPal, for Defendant, including a link to said website.

Respectfully Submitted,

By: /s/ William R. Brees

William R. Brees (Bar No. 98886)

william@bayramoglu-legal.com

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

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TOHO CO., LTD.,

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PARTNERSHIPS AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED IN SCHEDULE  
“A” HERETO,

Defendants.

**[PROPOSED] PRELIMINARY INJUNCTION ORDER**

THIS CAUSE comes before the Court on Plaintiff Toho Co., Ltd.’s (“Plaintiff”) Motion for Preliminary Injunction (the “Motion”) [Dkt. No. 34] against the Defendants’ fully interactive e-commerce stores<sup>1</sup> (the “Internet Stores”) operating under the domain names identified in Schedule “A” to the Complaint. After reviewing the Motion and the accompanying record, this Court **GRANTS** Plaintiff’s Motion as follows:

This Court finds Plaintiff has provided notice to the Defendants in accordance with the Temporary Restraining Order (“TRO”) entered on July 21, 2025, [Dkt. No. 14] and Federal Rule of Civil Procedure 65(a)(1).

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<sup>1</sup> The e-commerce store URL is listed on Schedule A attached hereto.

The Court also finds that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward consumers in the United States, including consumers in the State of Florida. Specifically, Plaintiff has provided a basis to conclude that the Defendants have targeted sales to Florida residents by setting up and operating e-commerce stores by using one or more seller aliases, offer shipping to the United States, including to the State of Florida, and intentionally offering for sale counterfeit products (“Counterfeit GODZILLA Products”) in connection with the use and display of Plaintiff’s federally-registered GODZILLA trademarks and federally-registered copyrights. (collectively the “Plaintiff’s IP”).

In this case, Plaintiff has presented screenshot evidence that the Defendants are reaching out to do business with Florida residents by operating the Internet Store that uses, without authorization, Plaintiff’s IP through which Florida residents can and do purchase Counterfeit GODZILLA Products utilizing Plaintiff’s trademarks and copying the subject matter of Plaintiff’s copyrights leading consumers to think they are purchasing Plaintiff’s legitimate products. Dkt. No. 9-4, Exhibit 1, Exhibit 2 (including screenshot evidence and internet link confirming that the Defendants’ Internet Stores displays the Plaintiff’s IP without authorization in connection with offering the Counterfeit GODZILLA Products and they stand ready, willing, and able to ship the Counterfeit GODZILLA Products to customers in Florida. Accordingly, the Court finds that Plaintiff stands a likelihood of success on the merits of its trademark infringement

and counterfeiting, false designation of origin, common law trademark infringement, common law unfair competition, and copyright infringement 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 the unauthorized use of Plaintiff's IP by Defendants on their Internet Stores to entice the purchase of the Counterfeit GODZILLA 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 as follows:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be temporarily enjoined and restrained from:
  - a. Using Plaintiff's GODZILLA trademarks or any reproduction, counterfeit, copy or colorable imitation of Plaintiff's GODZILLA trademarks in connection with the manufacture, importation, distribution, advertisement, offer for sale and/or sale of merchandise that is not the genuine products of Plaintiff, or in any manner likely to cause others to believe that the infringing products are connected with Plaintiff or Plaintiff's genuine GODZILLA brand products;

- b. 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, and which use Plaintiff's GODZILLA trademarks;
- c. manufacturing, distributing, promoting, or selling any labels, tags, decals, emblems, signs or other forms of markings, packaging, wrappers, containers, or promotional materials bearing Plaintiff's GODZILLA trademarks or any marks that include or are colorable imitations of or confusingly similar to Plaintiff's GODZILLA trademarks;
- d. passing off or enabling others to sell or pass off any goods that are not Plaintiff's genuine good as being Plaintiff's genuine goods;
- e. falsely representing that Defendants or Defendants' goods are affiliated with, connected to, or sponsored by Plaintiff;
- f. committing any acts calculated to cause consumers to believe that Defendants' goods are Plaintiff's goods;
- g. representing by any means whatsoever, directly or indirectly, or doing any other acts or things calculated or likely to cause confusion or mistake, or to deceive consumers into believing that Defendants' goods are the goods of Plaintiff or that there is any affiliation or connection between Plaintiff or its

goods and Defendants or their goods/services, and from otherwise unfairly competing with Plaintiff;

- h. advertising, marketing, promoting, offering to sell, selling, distributing, and/or taking orders for the Counterfeit GODZILLA Products;
- i. fulfilling orders for, or shipping or distributing the Counterfeit GODZILLA Products;
- j. destroying, altering, disposing of, concealing, tampering with or in any manner secreting any and all business records, invoices, correspondence, books of account, receipts or other documentation relating or referring in any manner to the manufacture, advertising, acquisition, importation, purchase, sale or offer for sale, or distribution of any merchandise using Plaintiff's GODZILLA trademarks or any marks that include or are colorable imitations of or confusingly similar to Plaintiff's GODZILLA trademarks;
- k. using or displaying the Plaintiff's GODZILLA copyrights, 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 Plaintiff's product or is not authorized by Plaintiff to be sold in connection with the Plaintiff's GODZILLA copyrights;

- l. passing off, inducing, or enabling others to sell or pass off any product as a genuine Plaintiff's product or any other product produced by Plaintiff through the use or display of the Plaintiff's GODZILLA copyrights;
  - m. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
  - n. 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 Plaintiff's GODZILLA copyrights; and
  - o. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
2. Upon Plaintiff's request, any third party with actual notice of this Order who is providing services for Defendants, or in connection with Defendants' Internet Store, including, without limitation, any online marketplace platforms such as TikTok Temu, eBay Inc., AliExpress, Alibaba, Amazon.com Inc., Wish, Walmart.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 identity and location of 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 Defendants' operations and all associated sales, methods of payment for services, and financial information, including, without limitation, identifying information associated with the Internet Stores and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Internet Stores; and
- c. any financial accounts owned or controlled by 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, Alipay, Wish, Alibaba, Ant Financial, Amazon Pay, or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA), including present balances on any accounts.

3. Upon Plaintiff's request, those with notice of this Order, including the Third-Party Providers as defined in Paragraph 2, 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 infringing goods using the Plaintiff's trademarks and copyrights.

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

- a. locate all accounts and funds connected to 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 Defendants by third parties; and
- b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further order by this Court.

5. 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.

This Preliminary Injunction Order is entered at \_\_\_\_ on this \_\_\_th day of August, 2025.

**DONE AND ORDERED** in Chambers at Miami, Florida, this \_\_\_th day of August, 2025.

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HONORABLE ROY K. ALTMAN  
CHIEF UNITED STATES DISTRICT JUDGE

**SCHEDULE A**

No	DEFENDANTS INTERNET STORES
1	<a href="https://www.wearshes.com">https://www.wearshes.com</a>
2	<a href="https://www.funbibi.com">https://www.funbibi.com</a>
3	<a href="https://www.calavass.com">https://www.calavass.com</a>
4	<a href="https://www.rococity.com">https://www.rococity.com</a>
5	<a href="https://www.uflashion.com">https://www.uflashion.com</a>
6	<a href="https://www.comstylish.com">https://www.comstylish.com</a>
7	<a href="https://www.novaney.com">https://www.novaney.com</a>
8	<a href="https://cutswear.com/">https://cutswear.com/</a>
9	<a href="https://www.dolphin.com/">https://www.dolphin.com/</a>
10	<a href="https://www.clothingday.com/">https://www.clothingday.com/</a>