UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-CV-22977-RAR

HONG KONG LEYUZHEN TECHNOLOGY CO. LIMITED,

Plaintiff,

v.

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

Defendants.
.

ORDER GRANTING IN PART PLAINTIFF'S
RENEWED MOTION FOR DEFAULT FINAL JUDGMENT

THIS CAUSE comes before the Court upon Plaintiff's Renewed Motion for Entry of Default Judgment Against the Identified Schedule "A" Defendants ("Motion"), [ECF No. 53]. Plaintiff Hong Kong Leyuzhen Technology Co. Limited ("Plaintiff") seeks entry of a default final judgment against Defendant No. 7, anyangzeshalu, Defendant No. 8, shihongrong shop shihongrong, and Defendant No. 9, zantaoshangmao, identified on Schedule "A" of the Complaint (collectively, "Defaulting Defendants"),[1] [ECF Nos. 1-1, 12-1], that operate e-commerce stores that infringe Plaintiff's copyrights and promote and sell counterfeit goods bearing and/or using Plaintiff's copyrights. *See* generally Mot. Plaintiff requests that the Court: (1) award statutory damages

[1] Plaintiff has not included Defendants oelaio amaz0n prime day 2024 deals aka oelaio black friday deals cyber monday deals 2024 aka oelaio spring deals 2025 (No. 3); RKSTN Fashion (No. 4); jsaierl womens clothing aka fashion clothing clearance (No. 5); and XUNRYAN (No. 6), as these Defendants were dismissed from this case with prejudice. *See* [ECF Nos. 34-35]. Additionally, Defendants DONGYUAK (No. 1) and SxClub (No. 2) have not been included in Plaintiff's request for relief as these Defendants were also dismissed from this case with prejudice. *See* [ECF Nos. 49-50]. Accordingly, this Order refers to the remaining Defendants identified on Schedule "A," and does not apply to Defendants Nos. 1-6.

resulting from Defaulting Defendants' unjust enrichment and to deter its infringement of Plaintiff's copyrights, pursuant to 17 U.S.C. § 504(c)(2); (2) enter a permanent injunction pursuant to 17 U.S.C. § 502; and (3) award attorneys' fees and costs pursuant to 15 U.S.C. § 505. *See* Mot. at 6.

A Clerk's Default, [ECF No. 46], was entered against Defaulting Defendants on September 19, 2025, after Defaulting Defendants failed to respond to the Complaint, [ECF No. 1], despite having been served. *See* Certificate of Service, [ECF No. 30]. 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. 53], is **GRANTED** for the reasons stated herein.

BACKGROUND[2]

A. Factual 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 certain images related to its Rotita Brand product line (the "Rotita Brand") used in connection with the promotion and sale of women's apparel, which bear the federal registration number VA0002380492 (the "Copyright Protected Works"). *See* Compl., [ECF No. 1, 12-1] ¶ 1.

Plaintiff alleges that Defaulting Defendants, through the unauthorized display of Copyright Protected Works, through online storefronts, engaged in the infringement of the Copyright Protected Images and advertised, marketed, distributed, offered to sell and sold competing products of inferior quality and represented them to be authentic Rotita Brand products. *Id*. at ¶¶ 2, 30, 32-35. Such unauthorized use of the Copyright Protected Works causes confusion and deception in the

[2] The factual background is taken from Plaintiff's Complaint, [ECF No. 1], the Renewed Motion for Entry of Default Judgment Against the Identified Schedule "A" Defendants, [ECF No. 53], and supporting evidentiary submissions.

marketplace, as well as irreparable damage to Plaintiff's genuine products through dilution and garnishment of the Rotita Brand's reputation and goodwill. *Id*. at ¶¶ 4, 7, 46.

B. Procedural Background

On July 2, 2025, Plaintiff filed its Complaint, [ECF No. 1] against Defendants. On July 17, 2025, Plaintiff filed its Sealed *Ex Parte* Motion for Alternate Service of Process by E-Mail and/or Electronic Publication ("Motion for Alternate Service"), [ECF No. 9]. The Court entered an Order Granting the Motion for Alternate Service on July 22, 2025 [ECF No. 11]. In accordance with the July 22, 2025 Order, Plaintiff served each Defendant with a Summons and a copy of the Amended Complaint via electronic mail and website posting on August 7, 2025. *See* Proof of Service, [ECF No. 17].

Defendants failed to file an answer or other response, and the time allowed for Defendants to respond to the Complaint has since expired. *See* Mot. at 2; Brees Decl., [ECF No. 53-1] ¶¶ 4–7. To Plaintiff's knowledge, Defaulting Defendants are believed to be persons that are citizens of the People's Republic of China, and thus the Servicemembers Civil Relief Act does not apply. *See id*. ¶ 10. On September 19, 2025, the Clerk entered Default against Defaulting Defendants, [ECF No. 46], for failure to plead or otherwise defend pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. Plaintiff now moves the Court for default final judgment against Defendants.

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. Hou. 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 Mgmt. 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 Martnez Corp.*, No. 14-CV-22859, 2014 WL 4948632, at *2 (S.D. Fla. Oct. 2, 2014) (same).

ANALYSIS

This Court hereby determines that it has personal jurisdiction over the Defaulting Defendants since the Defaulting Defendants directly target business activities toward consumers in the United States and cause harm to Plaintiff's business. *See* Mot. at 3. The Court also determines that Defaulting Defendants directly target their business activities toward consumers in the United States. Specifically, Defaulting Defendants set up and operate e-commerce stores by using one or more seller aliases, offer shipping to the United States, including to Florida, and intentionally offer for sale women's apparel and fashion items that Plaintiff sells in connection with the use and display of Plaintiff's federally registered, copyright-protected photographs.

Compl. ¶ 32; *see U.S. S.E.C. v. Carrillo*, 115 F.3d 1540, 1542-47 (11th Cir. 1997); *see also Louis Vuitton Malletier, S.A. v. Mosseri*, 736 F.3d 1339, 1355-58 (11th Cir. 2013).

A. Claims

Plaintiff seeks a default judgment for the relief sought in the Complaint, asserting the following claims against Defendants: (1) copyright infringement under 17 U.S.C. § 101 ("Count I"); and (2) violation of Florida Deceptive and Unfair Trade Practices Act, § 501.201(a) ("Count II"). *See* Compl. ¶¶ 50–73.

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, 391 (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, 46, 69. 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

$15,000 per Defaulting Defendant. Mot. at 10. 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 *17 (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, Plaintiff is entitled to the entry of default final judgment. Accordingly, it is hereby

ORDERED AND ADJUDGED that Plaintiff's Motion, [ECF No. 53], is **GRANTED**. Default final judgment and a permanent injunction shall be entered by separate order.

DONE AND ORDERED in Miami, Florida, this 23rd day of December, 2025.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE