

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case Number: 25-cv-23740-MARTINEZ

HONG KONG LEYUZHEN
TECHNOLOGY CO. LIMITED,

Plaintiff,

v.

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

Defendants.

**SEALED ORDER GRANTING PLAINTIFF'S RENEWED *EX PARTE* MOTION
FOR TEMPORARY RESTRAINING ORDER, INCLUDING A TEMPORARY
ASSET RESTRAINT, AND EXPEDITED DISCOVERY**

THIS CAUSE is before the Court upon Plaintiff's Renewed *Ex Parte* Motion for Temporary Restraining Order, Including a Temporary Asset Restraint, and Expedited Discovery (the "Motion"), (ECF No. 10). The Court has carefully considered the Motion, the record, and applicable law and is otherwise fully advised of the premises.

By the instant Motion, Plaintiff moves *ex parte* pursuant to 17 U.S.C. § 502, Federal Rule of Civil Procedure 65, The All Writs Act, 28 U.S.C. § 1651(a), and this Court's inherent authority, for entry of a temporary restraining order, entry of a temporary asset restraint, and expedited discovery. The Court finds Plaintiff has satisfied the requirements for the issuance of a temporary restraining order. However, the Court will address Plaintiff's request for expedited discovery in a separate order filed simultaneously hereto. Thus, this Order deals solely with Plaintiff's requests for the entry of a temporary restraining order and temporary asset restraint.

I. Factual Background

The following factual background is taken from Plaintiff's Complaint, (ECF No. 1); the Motion, (ECF No. 10); and supporting evidentiary submissions and exhibits.

Plaintiff is the owner of copyright registrations issued by the United States Copyright Office for specific images related to Plaintiff's Rotita brand product line (the "Rotita Brand"). (ECF No. 10 at 2). Plaintiff's copyright registrations bear the following federal registration numbers: VA0002380492, VA0002413190, VA0002379930, VA0002413192, VA0002379934, and VA0002413200 (the "Rotita Copyrights"). (*Id.*). The Rotita Copyrights are used in connection with the promotion and sale of women's apparel. (*Id.*).

Defendants, through internet-based e-commerce stores, have promoted, advertised, marketed, offered for sale, and sold competing products using Plaintiff's Rotita Copyrights on their online storefronts, identified on Schedule A attached herewith, which are maintained on the Amazon sales platform ("Online Marketplaces"). (*Id.*). Specifically, Defendants created the Amazon storefronts to sell their counterfeit products through the unauthorized use, employment, digital incorporation, or other online display of the Rotita Copyrights. (Sheskin Decl., ECF No. 10-1, at ¶ 10). Based on the infringing evidence provided by Plaintiff, "[e]ach Defendant directly targets their unlawful business activities toward consumers in Florida, causes harm to Plaintiff's business within this Judicial District, and has caused and will continue to cause irreparable injury to Plaintiff." (ECF No. 10 at 3; *see also* Sheskin Decl. at ¶ 10). Plaintiff has not licensed these Defendants to use the Rotita Copyrights, and none of the Defendants are authorized retailers of genuine Rotita Brand products. (Li Decl., ECF No. 10-5, at ¶ 10).

Further, counsel for Plaintiff has determined that "[t]he Defendants operate a highly sophisticated network whereby they offer competing products of lesser quality and at a discounted

price by associating these inferior products with [the Rotita Brand] through the unauthorized use of the Plaintiff's copyrighted photographs." (Sheskin Decl. at ¶ 9). "To implement their scheme, the Defendants are alleged to have secured their Counterfeit Products from a manufacturing source(s) based in the People's Republic of China." (*Id.* ¶ 10). Based on the infringing evidence, Plaintiff's counsel believes, "[i]n addition to operating under a fictitious name, Defendants . . . [will] employ a variety of common tactics to evade enforcement efforts." (*Id.* ¶ 12).

II. Legal Standard

In order to obtain a temporary restraining order, a movant must demonstrate the same requirements governing the issuance of a preliminary injunction:

(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 Suntrust Bank v. Houghton Mifflin Co.*, 268 F.3d 1257, 1265–76 (11th Cir. 2001) (applying the same test to review the issuance of a preliminary injunction in a copyright infringement case).

Additionally, a court may issue a temporary restraining order without notice to the adverse party or its attorney only if:

(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition [and] (B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

Fed. R. Civ. P. 65(b)(1). *Ex parte* temporary restraining orders "should be restricted to serving their underlying purpose of preserving the status quo and preventing irreparable harm just so long as is necessary to hold a hearing, and no longer." *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70*, 415 U.S. 423, 439 (1974).

III. Conclusions of Law

The declarations Plaintiff submitted in support of its Motion support the following conclusions of law:

- A. Plaintiff has a strong probability of proving at trial that Plaintiff owns the Rotita Copyrights, 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 Rotita Copyrights, and that the products Defendants are selling and promoting for sale are copies of the Plaintiff's products that bear and/or use copies of the Rotita Copyrights.
- B. Because of the infringement of Plaintiff's Rotita Copyrights, Plaintiff is likely to suffer immediate and irreparable injury if a temporary restraining order is not granted.
- C. The following specific facts, as set forth in Plaintiff's Complaint, Motion, and accompanying declarations, demonstrate that immediate and irreparable loss, damage, and injury will result to Plaintiff and to consumers before Defendants can be heard in opposition unless Plaintiff's request for *ex parte* relief is granted:
 1. Defendants own or control e-commerce stores, operating under store aliases, which advertise, promote, offer for sale, and sell products displaying and/or using Plaintiff's copyrights in violation of Plaintiff's rights;
 2. There is good cause to believe that more counterfeit and infringing products bearing and/or using Plaintiff's copyrights will appear in the marketplace; that consumers are likely to be misled, confused, and/or disappointed by the quality of these products; and that Plaintiff may suffer loss of sales for its genuine products; and

3. There is good cause to believe that if Plaintiff proceeds on notice to Defendants of this Motion for Temporary Restraining Order, Defendants can easily and quickly change the ownership or modify their e-commerce stores registration and account data and content, change payment accounts, redirect consumer traffic to other online stores, and transfer assets and ownership of the online stores, thereby thwarting Plaintiff's ability to obtain meaningful relief.
- D. The balance of potential harm to Defendants in restraining their trade in counterfeit and infringing copyrighted goods if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiff, its reputation, and its goodwill as a manufacturer and distributor of quality products if such relief is not issued.
- E. The public interest favors issuance of the temporary restraining order to protect Plaintiff's copyright interests, to encourage respect for the law, and to protect the public from being defrauded by the illegal sale of infringing goods.
- 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. v. Sunrise Int'l Trading Inc.*, 51 F.3d 982, 987 (11th Cir. 1995) (citing *FTC v. United States Oil & Gas Corp.*, 748 F.2d 1431, 1433-34 (11th Cir. 1984)).
- G. Considering the inherently deceptive nature of the counterfeiting business, and the likelihood that Defendants have violated federal copyright 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.

H. Upon review of Plaintiff's Complaint, Motion, and supporting evidentiary submissions, it is hereby **ORDERED AND ADJUDGED** that Plaintiff's Motion for Temporary Restraining Order is **GRANTED**, according to the terms set forth below:

TEMPORARY RESTRAINING ORDER

1. Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all person acting for, with, by, through, under, or in active concert with them are temporarily enjoined and restrained from:
 - a. using or displaying Plaintiff's Rotita 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 product of Plaintiff's or is not authorized by Plaintiff to be sold in connection with the Plaintiff's copyrights;
 - b. passing off, inducing, or enabling others to sell or pass off any product as a genuine product of Plaintiff's or any other product produced by Plaintiff through the use or display of the Plaintiff's copyrights;
 - c. 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; and
 - 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 Plaintiff's copyrights.

2. Defendants with notice of this Order shall be temporarily restrained and enjoined from transferring or disposing of any money or other assets associated with Defendants' seller accounts until further ordered by this Court.
3. The domain name registries for the Defendants ("Defendant Domain Names"), including, but not limited to, VeriSign, Inc., Neustar, Inc., Afiliat 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, Cloudflare Inc, Oracle Corp., Amazon Inc., Alibaba Group d/b/a Alibaba Cloud.com, Namesilo, LLC d/b/a privacuguardian.org, 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.
4. Associated 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. Pursuant to 15 U.S.C. § 1116(d)(5)(D) and Federal Rule of Civil Procedure 65(c), Plaintiff shall post bond in the amount of \$5,000.00 (Five Thousand Dollars) within seven (7) business days of the entry of this Order 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 interest of justice.

6. Any Defendants subject to this Order may appear and move to dissolve or modify the Order on two-days' notice to Plaintiff or on shorter notice as set by this Court, as permitted by and in compliance with the Federal Rules of Civil Procedure and the Southern District of Florida Local Rules.
7. Any third party impacted by this Order may move for appropriate relief.
8. Any Defendant or financial institution account holder subject to this Order may petition the Court to modify the asset restraint set out in this Order.
9. After Plaintiff's counsel has received confirmation from the financial institutions regarding the funds restrained as directed herein, Plaintiff shall serve copies of the Complaint, the Motion, and this Order, on each Defendant by e-mail via their corresponding e-mail address and/or online contact form or other means of electronic contact provided on the e-commerce stores operating under their store aliases, or by providing a copy of this Order by e-mail to the registrar of record or marketplace website for each of the e-commerce stores so that the registrar and marketplace website, in turn, notifies each Defendant of the Order, or by other means reasonably calculated to give notice which is permitted by the Court. In addition, Plaintiff shall post copies of the Complaint, the Motion, and this Order, as well as all other documents filed in this action, on a designated website and shall provide the address to the website to Defendants via e-mail/online contact form, and such notice so given shall be deemed good and sufficient service thereof. Plaintiff shall continue to provide notice of these proceedings and copies

of the documents on file in this matter to Defendants by regularly updating the website or by other means reasonably calculated to give notice that are permitted by the Court.

10. Additionally, for the purpose of providing additional notice of this proceeding, and all other pleadings, orders, and documents filed herein, the owners, operators and/or administrators of the e-commerce stores and/or financial institutions, payment processors, banks, escrow services, and money transmitters, and marketplace platforms, including but not limited to PayPal, Alipay, Ant Financial, and Amazon Pay, and their related companies and affiliates shall, at Plaintiff's request, provide Plaintiff's counsel with any e-mail address known to be associated with Defendants' respective e-commerce stores.
11. This Order **SHALL** remain in effect for **fourteen (14) days from the date of this Order**, or until such further dates as set by the Court or stipulated to by the parties.
12. The Clerk **SHALL** file this Order under seal until further order of the Court.

DONE AND ORDERED in Chambers at Miami, Florida, this 29 day of December 2025.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
All Counsel of Record
Magistrate Judge Sanchez

Schedule A Defendants

NO.	SELLER'S NAME	LINK TO SELLER'S ONLINE STORE
VA0002380492, VA0002413190, VA0002379930, VA0002413192, VA0002379934, VA0002413200		
1	MANGOUSTARD	https://www.amazon.com/sp?ie=UTF8&seller=A1SZTOAGJSTTLT&asin=B0CRV8WZYZ&ref_=dp_merchant_link
2	PEHMEA	https://www.amazon.com/sp?ie=UTF8&seller=A2CB96A8THXVUR&asin=B0B4WFLBW2&ref_=dp_merchant_link&isAmazonFulfilled=1
3	YUENCH Online	https://www.amazon.com/gp/help/seller/at-a-glance.html/ref=dp_merchant_link?ie=UTF8&seller=A36FBKRK2QWVKJ&asin=B0CPD8NTHL&ref_=dp_merchant_link
4	Useagrey	https://www.amazon.com/gp/help/seller/at-a-glance.html/ref=dp_merchant_link?ie=UTF8&seller=A2D3ULWFD2JM3&asin=B0BN94ZVVF&ref_=dp_merchant_link
5	XOOPIT	https://www.amazon.com/gp/help/seller/at-a-glance.html/ref=dp_merchant_link?ie=UTF8&seller=A36PEAQ9B6LCI4&asin=B0CKTNBV5P&ref_=dp_merchant_link
6	ink2055	https://www.amazon.com/gp/help/seller/at-a-glance.html/ref=dp_merchant_link?ie=UTF8&seller=AFVF6TSQ5INK4&asin=B0CLPB83Q9&ref_=dp_merchant_link
7	Butterfly Island	https://www.amazon.com/sp?ie=UTF8&seller=A7KKYW5M JMV9&asin=B0D921WHKG&ref_=dp_merchant_link
8	BessCops	https://www.amazon.com/sp?ie=UTF8&seller=A1ZB70WS4 TGP0U&asin=B0C7BLRYX3&ref_=dp_merchant_link&isAmazonFulfilled=1
9	SperLucky	https://www.amazon.com/gp/help/seller/at-a-glance.html/ref=dp_merchant_link?ie=UTF8&seller=AM212 VYZX9HCU&asin=B0CNJVQVMH&ref_=dp_merchant_link&isAmazonFulfilled=1
10	weinuoerkeji	https://www.amazon.com/sp?ie=UTF8&seller=A2FOWAG0 MVX97S&asin=B0CTKR85TR&ref_=dp_merchant_link