

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 21-61373-CIV-DIMITROULEAS**

APPLE CORPS LIMITED and SUBAFILMS  
LIMITED,

Plaintiffs,

vs.

THE INDIVIDUALS, BUSINESS ENTITIES  
AND UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE "A,"

Defendants.

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**PLAINTIFFS' *EX PARTE* APPLICATION FOR ENTRY OF  
TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND  
ORDER RESTRAINING TRANSFER OF ASSETS  
AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

Plaintiffs, Apple Corps Limited and Subafilms Limited (collectively "Plaintiffs"), hereby do apply, on an *ex parte* basis, for entry of a temporary restraining order and an order restraining transfer of assets, and upon expiration of the temporary restraining order, a preliminary injunction against Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule "A" ("Defendants") pursuant to 15 U.S.C. § 1116, Fed. R. Civ. P. 65, and The All Writs Act, 28 U.S.C. § 1651(a). In support thereof, Plaintiffs submit the following memorandum of law.

**I. INTRODUCTION**

Defendants are knowingly and intentionally promoting, advertising, distributing, offering for sale, and selling goods bearing counterfeits and confusingly similar imitations of one or more of Plaintiffs' registered trademarks within this district and throughout the United States, by operating e-commerce stores established via third-party marketplace platforms under their seller identification names and/or commercial Internet websites operating under their domain names identified on Schedule "A" hereto (the "Seller IDs and Subject Domain Names"). Specifically, Plaintiffs have obtained evidence clearly demonstrating that (a) Defendants are engaged in the advertisement, offering for sale and sale of counterfeit and infringing versions of Plaintiffs'

goods; and (b) Defendants accomplish their sales of counterfeit and infringing goods via the Internet through the use of, at least, the e-commerce stores operated via Internet marketplace platforms under the Seller IDs and/or the domain names operated via commercial Internet websites under the Subject Domain Names. Based on this evidence, Plaintiffs' Complaint alleges claims for trademark counterfeiting and infringement, false designation of origin, common law unfair competition, and common law trademark infringement.

Defendants' unlawful activities have deprived and continue to deprive Plaintiffs of their right to determine the manner in which their trademarks are presented to the public. Indeed, Defendants have and continue to wrongfully trade and capitalize on Plaintiffs' reputations and goodwill and the commercial value of Plaintiffs' respective trademarks. By their activities, Defendants are defrauding Plaintiffs and the consuming public for their own benefit. Defendants should not be permitted to continue their unlawful activities, which are causing Plaintiffs ongoing irreparable harm. Accordingly, Plaintiffs are seeking entry of a temporary restraining order prohibiting Defendants' further wrongful use of Plaintiffs' trademarks.

Plaintiffs also seek to restrain the illegal profits generated by Defendants. Plaintiffs have obtained evidence that Defendant Numbers 1-55, who operate their Seller IDs via Amazon.com ("Amazon"), necessarily use money transfer and/or retention/processing services with Amazon as a method to receive monies generated through the sale of counterfeit products. Amazon operates as a money transmitter for sales made on Amazon and as such, Amazon has the ability to identify, and restrain, the payment accounts associated with the Defendants who use their respective Seller IDs via Amazon to conduct their commercial transactions. Additionally, Plaintiffs have obtained evidence that Defendant Numbers 56-68, operating their Seller IDs via eBay.com, as well as Defendant Numbers 91-99, who operate via Internet based websites under their Subject Domain Names, use money transfer and retention services with PayPal, Inc. ("PayPal") as a method for accepting payment for the sale of their counterfeit products. Moreover, Plaintiffs also obtained conclusive evidence that Defendant Numbers 69-90, who operate their Seller IDs via Wish.com ("Wish") have their payments processed on their behalf using an aggregate escrow account in the name of ContextLogic Inc. ("ContextLogic").

The Lanham Act allows Plaintiffs to recover the illegal profits gained through Defendants' distribution and sales of counterfeit and infringing goods. See 15 U.S.C. § 1117(a). In light of the inherently deceptive nature of the counterfeiting business, Plaintiffs have good

reason to believe Defendants will hide or transfer their ill-gotten assets beyond the jurisdiction of this Court unless they are restrained. Accordingly, to preserve the disgorgement remedy, Plaintiffs seek an *ex parte* order restraining Defendants' assets, including specifically, funds transmitted through PayPal, Amazon, and ContextLogic (collectively, the "Financial Entities").

## **II. STATEMENT OF FACTS**

### **A. Plaintiffs' Rights.**

Apple Corps Limited is the owner of all rights in and to the federally registered trademarks identified in Paragraph 5 of the Declaration of Paul Cole in Support of Plaintiffs' *Ex Parte* Application for Entry of Temporary Restraining Order (the "BEATLES Marks"), which are used in connection with the manufacture and distribution of quality goods in the categories identified therein. (See Declaration of Paul Cole in Support of Plaintiffs' *Ex Parte* Application for Entry of Temporary Restraining Order ["Cole Decl."] ¶¶ 4-5, filed herewith; see also United States Trademark Registrations for the BEATLES Marks [the "BEATLES" Trademark Registrations"] attached as Comp. Ex. 1 to the Complaint [DE 1-2], incorporated herein by reference.)

Subafilms Limited is the owner of all rights in and to the federally registered trademark identified in Paragraph 11 of the Declaration of Paul Cole in Support of Plaintiffs' *Ex Parte* Application for Entry of Temporary Restraining Order (the "YELLOW SUBMARINE Mark"), which is used in connection with the manufacture and distribution of quality goods in the categories identified therein. (See Cole Decl. ¶¶ 10-11, filed herewith; see also United States Trademark Registration for the YELLOW SUBMARINE Mark [the "YELLOW SUBMARINE" Trademark Registration"] attached as Comp. Ex. 2 to the Complaint [DE 1-3], incorporated herein by reference.)

The BEATLES Marks and the YELLOW SUBMARINE Mark (collectively "Plaintiffs' Marks") are symbols of Plaintiffs' respective quality, reputations, and goodwill and have never been abandoned. (See Cole Decl. ¶¶ 5-9, 11-15.) Moreover, Plaintiffs and their licensees have expended substantial resources developing, advertising, and otherwise promoting their respective trademarks. (Id.) Accordingly, Plaintiffs' Marks all qualify as famous marks as the term is used in 15 U.S.C. § 1125(c)(1).

Furthermore, Plaintiffs and their licensees have extensively and continuously used, advertised, and promoted Plaintiffs' Marks in the United States, and have carefully monitored

and policed the use of their intellectual property at issue herein. (See Cole Decl. ¶¶ 5-9, 11-15.) As a result, members of the consuming public readily identify products sold under Plaintiffs' Marks as being quality merchandise sponsored and approved by Plaintiffs, and Plaintiffs' Marks have achieved substantial secondary meaning as identifiers of quality products. (Id.)

**B. Defendants Wrongfully Use Plaintiffs' Trademarks.**

Defendants do not have, nor have they ever had, the right or authority to use Plaintiffs' Marks for any purpose. (See Cole Decl. ¶¶ 16, 18-20, 23.) However, despite their known lack of authority to do so, Defendants are promoting and otherwise advertising, distributing, selling and/or offering for sale, through their respective Seller IDs and Subject Domain Names, a variety of products bearing counterfeit and infringing trademarks that are exact copies of one or more of Plaintiffs' Marks without authorization ("Defendants' Goods"). (Id. ¶¶ 16-23; see also Declaration of T. Raquel Wiborg-Rodriguez in Support of Plaintiffs' *Ex Parte* Application for Entry of Temporary Restraining Order [Wiborg-Rodriguez Decl.] ¶ 2, filed herewith; Declaration of Kathleen Burns in Support of Plaintiffs' *Ex Parte* Application for Entry of Temporary Restraining Order ["Burns Decl."] ¶ 4, filed herewith; see also relevant web page captures from Defendants' Internet based e-commerce stores and websites operating under the Seller IDs and Subject Domain Names displaying Plaintiffs' branded items offered for sale ["Defendants' Seller IDs and Subject Domain Names"] attached as Comp. Exs. 1 through 4 to the Burns Decl.)

Given Defendants' slavish copying of Plaintiffs' Marks, Defendants' Goods offered for sale and sold under identical marks are indistinguishable to consumers, both at the point of sale and post-sale. By using Plaintiffs' Marks, Defendants have created a false association between their counterfeit and infringing goods, e-commerce stores and websites, and Plaintiffs. Such false association is in violation of 15 U.S.C. § 1125(a) and is causing and will continue to cause Plaintiffs irreparable harm and damage. (See Cole Decl. ¶¶ 9, 15, 24.)

As part of Plaintiffs' ongoing investigation regarding the sale of counterfeit and infringing products, Plaintiffs' counsel retained Invisible Inc ("Invisible"), a licensed private investigative firm, to investigate the promotion and sale of counterfeit and infringing versions of Plaintiffs' branded products by Defendants and to obtain the available payment account data for receipt of funds paid to Defendants for the sale of counterfeit versions of Plaintiffs' branded products. (See Cole Decl. ¶ 17; Burns Decl. ¶ 3; Wiborg-Rodriguez Decl. ¶ 2.) Invisible

accessed the Internet based e-commerce stores and Internet websites operating under the Seller IDs and Subject Domain Names and placed orders from each Defendant for the purchase of various products, all bearing and/or using counterfeits of, at least, one of Plaintiffs' trademarks at issue in this action, and requested each product to be shipped to Invisible's address in the Southern District of Florida. (See Burns Decl. ¶ 4 and Comp. Exs. 1 through 4 thereto.) Each order was processed entirely online, and following the submission of the orders, Invisible received information for finalizing payment<sup>1</sup> for the various products ordered from Defendants to their respective accounts and/or payee,<sup>2</sup> all identified on Schedule "A" hereto. (See id.) At the conclusion of the process, the detailed web page captures<sup>3</sup> and images of the various Plaintiffs' branded products ordered via Defendants' Seller IDs and Subject Domain Names were sent to Plaintiffs' representative, Paul Cole, for inspection. (See Cole Decl. ¶ 18; Wiborg-Rodriguez Decl. ¶ 2.)

Plaintiffs' representative, Paul Cole, who has significant experience identifying the distinctions between genuine versions of Plaintiffs' branded merchandise and counterfeit copies

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<sup>1</sup> Invisible was instructed not to transmit the funds to finalize the sale for the orders from most of the Defendants so as to avoid adding additional funds to Defendants' coffers. (See Wiborg-Rodriguez Decl. ¶ 2, n.1; Burns Decl. ¶ 4, n.1.)

<sup>2</sup> Defendant Numbers 1-55 operate via the non-party Internet platform Amazon.com. Amazon allows Defendants to conduct their commercial transactions privately via Amazon's payment processing and retention service, Amazon Payments, Inc. As such, Defendants' payment information is not publicly disclosed, but Amazon Payments, Inc. has the ability to identify and restrain the payment accounts associated with these Defendants. (See Wiborg-Rodriguez Decl. ¶ 4; Burns Decl. ¶ 4, n.2.)

Defendant Numbers 56-68 who operate via the non-party Internet marketplace platform, eBay.com, and Defendant Numbers 91-99 who operate via commercial Internet websites, use money transfer and retention services with PayPal, Inc. ("PayPal"). (See Wiborg-Rodriguez Decl. ¶ 5; Burns Decl. ¶ 4, n.2.)

The payee for the orders placed from Defendant Numbers 69-90's Wish.com Seller IDs identifies "PayPal \*Wish," which is the aggregate PayPal account for purchases made via Wish.com. (See Wiborg-Rodriguez Decl. ¶ 6; Burns Decl. ¶ 4 n.2.) The Wish.com platform itself is not the ultimate merchant, but it can tie a particular Seller ID to a reported transaction and identify the merchant's funds held within the aggregate account. (See Wiborg-Rodriguez Decl. ¶ 6.)

<sup>3</sup> Additional contact e-mail addresses for Defendant Numbers 91-99 are also identified on Schedule "A" hereto.

of the same, reviewed and visually inspected the detailed web page captures reflecting Plaintiffs' branded products Invisible ordered from Defendants through the Internet based e-commerce stores and Internet websites operating under their respective Sellers IDs and Subject Domain Names, and determined the products were not genuine versions of Plaintiffs' goods. (See Cole Decl. ¶¶ 18-20.)

Section 45 of the Lanham Act defines a "counterfeit" as "a spurious mark which is identical with, or substantially indistinguishable from, a registered mark." 15 U.S.C. § 1127. Also, using the "ocular test" of direct comparison, courts have found that even marks that are slightly modified from the registered marks copied are to be considered counterfeit marks. See *Fimab-Finanziaria Maglificio vs. Helio Import/Export, Inc.*, 601 F. Supp. 1 (S.D. Fla. 1983). A comparison of Plaintiffs' Marks to the marks used by Defendants in connection with the promotion and sale of Defendants' Goods reveals the obvious counterfeit and infringing nature of Defendants' Goods. (Compare Plaintiffs' Trademark Registrations [Comp. Exs. 1 and 2 to the Compl.] with Defendants' Seller IDs and Subject Domain Names [Comp. Exs. 1 through 4 to the Burns Decl.].) Defendants' Goods are being promoted, advertised, offered for sale, and sold by Defendants to consumers within this district and throughout the United States. (See Burns Decl. ¶ 4.) Defendants are making substantial sums of money by preying upon members of the general public, many of whom have no knowledge Defendants are defrauding them. Defendants are also falsely representing to consumers that their counterfeit and infringing branded goods are genuine, authentic, endorsed, and authorized by Plaintiffs. Ultimately, Defendants' Internet activities infringe upon Plaintiffs' respective intellectual property rights. The Seller IDs, Subject Domain Names and associated payment accounts are a substantial part of the means by which Defendants further their scheme and cause harm to Plaintiffs.

### **III. ARGUMENT**

#### **A. A Temporary Restraining Order is Essential to Prevent Immediate Injury.**

Rule 65(b) of the Federal Rules of Civil Procedure provides, in part, that a temporary restraining order may be granted without written or oral notice to the opposing party or that party's counsel where "specific facts in an affidavit . . . clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b). This is such a case.

Defendants herein fraudulently promote, advertise, sell, and offer for sale goods bearing counterfeits and infringements of Plaintiffs' Marks via their e-commerce stores and websites using the Seller IDs and Subject Domain Names. Specifically, Defendants wrongfully use counterfeits and infringements of Plaintiffs' Marks to increase consumer traffic to their illegal operations. By their actions, Defendants are creating a false association in the minds of consumers between Defendants and Plaintiffs. The entry of a temporary restraining order would serve to immediately stop Defendants from benefiting from their wrongful use of Plaintiffs' Marks and preserve the status quo until such time as a hearing can be held. See Dell Inc. v. BelgiumDomains, LLC, Case No. 07-22674 2007 WL 6862341, at \*2 (S.D. Fla. Nov. 21, 2007) (finding *ex parte* relief more compelling where Defendants' scheme "is in electronic form and subject to quick, easy, untraceable destruction by Defendants.")

Absent a temporary restraining order without notice, Defendants can and, based upon Plaintiffs' counsel's past experience, will significantly alter the status quo before the Court can determine the parties' respective rights. In particular, the Internet based e-commerce stores, websites, Seller IDs and Subject Domain Names at issue are under Defendants' complete control. Thus, Defendants have the ability to change the ownership or modify domain registration and e-commerce store data and content, redirect consumer traffic to other seller identification names and domain names, change payment accounts, and transfer assets and ownership of the Seller IDs and Subject Domain Names. (See Wiborg-Rodriguez Decl. ¶ 3.) Such modifications can happen in a short span of time after Defendants are provided with notice of this action. (Id.) Thus, Defendants can easily electronically transfer and secret the funds sought to be restrained if they obtain advance notice of Plaintiffs' Application for Temporary Restraining Order and thereby thwart the Court's ability to grant meaningful relief and can completely erase the status quo. (Id.) As Defendants engage in illegal counterfeiting and infringing activities, Plaintiffs have no reason to believe Defendants will make their assets available for recovery pursuant to an accounting of profits or will adhere to the authority of this Court any more than they have adhered to federal trademark law. (Id.)

Moreover, federal courts have long recognized that civil actions against counterfeiters – whose very businesses are built around the deliberate misappropriation of rights and property belonging to others – present special challenges that justify proceeding on an *ex parte* basis. Columbia Pictures Indus., Inc. v. Jasso, 927 F. Supp. 1075, 1077 (N.D. Ill. 1996) (observing that



“proceedings against those who deliberately traffic in infringing merchandise are often useless if notice is given to the infringers”); see also Apple Corps v. Individuals, No. 20-60982-CIV-DIMITROULEAS, 2020 U.S. Dist. LEXIS 141919 (S.D. Fla. May 21, 2020) (Order granting *Ex Parte* Application for Temporary Restraining Order and restraining defendants’ assets and defendants’ related assets). This Court should prevent an injustice from occurring by issuing an *ex parte* temporary restraining order which precludes Defendants from continuing to display their infringing content via the e-commerce stores and websites or modifying or deleting any related content or data. Only such an order will prevent ongoing irreparable harm and maintain the status quo.

**B. Standard for Temporary Restraining Order and Preliminary Injunction.**

In this Circuit, the standard for obtaining a temporary restraining order and the standard for obtaining a preliminary injunction are the same. See Emerging Vision, Inc. v. Glachman, Case No. 10-cv-80734, 2010 WL 3293346, at \*3 (S.D. Fla. June 29, 2010) (citing Siegel v. LePore, 120 F. Supp. 2d 1041 (S.D. Fla. 2000) aff’d 234 F.3d 1163 (11th Cir. 2000)). In order to obtain a temporary restraining order or a preliminary injunction, a party must establish “(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 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) (affirming entry of preliminary injunction and freezing of assets). Plaintiffs’ evidence establishes all of the relevant factors.

**1. Probability of Success on the Merits of Plaintiffs’ Claims.**

**a) Likelihood of Success on Counterfeiting Claim.**

Title 15 U.S.C. §1114 provides liability for trademark infringement if, without the consent of the registrant, a defendant uses “in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive.” 15 U.S.C. § 1114 (2018). Plaintiffs must demonstrate (1) ownership of the trademarks at issue; (2) Defendants’ use of the trademarks is without Plaintiffs’ authorization; and (3) Defendants’ use is likely to cause confusion, mistake, or deception as to the source, affiliation, or sponsorship of Defendants’



Goods. See 15 U.S.C. § 1114(1). Plaintiffs' evidence submitted herewith satisfies the three requirements of 15 U.S.C. § 1114.

The first two elements of Plaintiffs' trademark counterfeiting and infringement claims are easily met. Plaintiffs' Marks are owned by Plaintiffs and registered on the Principal Register of the United States Patent and Trademark Office, and all of the marks at issue herein have become "incontestable" under 15 U.S.C. §§ 1058 and 1065. (See Cole Decl. ¶¶ 5, 11; see also Plaintiffs' individual Trademark Registrations, attached as Comp. Exs. 1 and 2 to the Compl.) See Ocean Bio-Chem, Inc. v. Turner Network Television, Inc., 741 F. Supp. 1546, 1554 (S.D. Fla. 1990) ("Incontestable status provides conclusive evidence of the registrant's exclusive right to use the registered mark, subject to §§ 15 and 33(b) of the Lanham Act."). Moreover, Defendants have never had the right or authority to use Plaintiffs' Marks. (See Cole Decl. ¶¶ 16, 18-20, 23.)

The Eleventh Circuit uses a seven-factor test in determining the third element, likelihood of confusion. See Ross Bicycles, Inc. v. Cycles USA, Inc., 765 F.2d 1502, 1506 (11th Cir. 1985). These factors, as outlined in Safeway Store, Inc. v. Safeway Discount Drugs, Inc., are: (1) the strength of the mark; (2) the similarity of marks; (3) the similarity of the goods; (4) similarity of the sales methods; (5) the similarity of advertising media; (6) defendants' intent; and (7) evidence of actual confusion. See 675 F.2d 1160, 1164 (11th Cir. 1982); see also Lipscher v. LRP Publ'ns, Inc., 266 F.3d 1305, 1303 (11th Cir. 1997). The seven factors listed are to be weighed and balanced and no single factor is dispositive. (Id.)

#### **(1) Strength of the Marks.**

A trademark's strength is determined by viewing the mark in its entirety as it appears in the marketplace. See Lone Star Steakhouse and Saloon, Inc. v. Longhorn Steaks, Inc., 106 F.3d 355, 362 (11th Cir. 1997). The spectrum of protectability and strength for trademarks is divided into four primary types of designations: (1) coined, fanciful or arbitrary; (2) suggestive; (3) descriptive; and (4) generic. See Two Pesos, Inc. v. Taco Cabana, Inc., 505 U.S. 763, 768, 112 S. Ct. 2753, 120 L.Ed.2d 615 (1992). Arbitrary or fanciful marks are the strongest and deemed inherently distinctive and entitled to protection. (See id.) It cannot be seriously disputed that Plaintiffs' Marks are strong, arbitrary and fanciful marks. (See Cole Decl. ¶¶ 5, 11; see also Plaintiffs' Trademark Registrations, attached as Comp. Exs. 1 and 2 to the Compl.)

Plaintiffs' Marks have also acquired secondary meaning. Plaintiffs and their licensees have expended substantial resources in developing, advertising, and promoting Plaintiffs' Marks.

(See Cole Decl. ¶¶ 5-9, 11-15.) Indeed, Plaintiffs' Marks are widely recognized trademarks in the United States. (Id.)

**(2) Similarity of the Marks.**

Likelihood of confusion is greater when an infringer uses the exact trademark. Turner Greenberg Assocs. v. C & C Imps., 320 F. Supp. 2d 1317, 1332 (S.D. Fla. 2004). Defendants are using marks that are identical to Plaintiffs' Marks. (Compare Plaintiffs' Trademark Registrations [Comp. Exs. 1 and 2 to the Compl.]; with Defendants' Seller IDs and Subject Domain Names [Comp. Exs. 1 through 4 to the Burns Decl.].)

**(3) Similarity of the Goods.**

"The greater the similarity between the products and services, the greater the likelihood of confusion." John H. Harland Co. v. Clarke Checks, Inc., 711 F.2d 966, 976 (11th Cir. 1983). Defendants are selling the same types of goods Plaintiffs sell. (See Cole Decl. ¶¶ 5, 11; see generally Defendants' Seller IDs, attached as Comp. Exs. 1 through 4 to the Burns Decl.) Because they bear counterfeits of Plaintiffs' Marks, Defendants' Goods appear virtually identical to Plaintiffs' genuine products in the consumer market. Standing alone, this similarity can be held sufficient to establish a likelihood of confusion. See John H. Harland Co., 711 F.2d at 976.

**(4) Similarity of Sales Method and (5) Advertising Method.**

Convergent marketing channels increase the likelihood of confusion. See Turner Greenberg Assocs., 320 F. Supp. 2d at 1332. Both Plaintiffs and Defendants sell and advertise their products using at least one of the same marketing channels, the Internet, in the same geographical distribution areas within the United States, including the Southern District of Florida. (See Cole Decl. ¶¶ 5-7, 11-13; Burns Decl. ¶ 4.) Thus, the conditions of purchase for both parties are unmistakably identical. Moreover, both target the same general U.S. consumers, and as such, Plaintiffs are directly competing with Defendants' products.

**(6) Defendants' Intent.**

This district has held that when an alleged infringer adopts a mark "with the intent of obtaining benefit from the plaintiff's business reputation, 'this fact alone may be sufficient to justify the inference that there is confusing similarity.'" Turner Greenberg Assocs., 320 F. Supp. 2d at 1333 (citing Carnival Corp. v. Seaescape Casino Cruises, Inc., 74 F. Supp. 2d 1261, 1268 (S.D. Fla. 1999)). In a case of clear-cut copying, it is appropriate to infer Defendants intended to

benefit from Plaintiffs' respective reputations to Plaintiffs' detriment. See Playboy Ent., Inc. v. P.K. Sorren Export Co. Inc. of Florida, 546 F. Supp. 987, 996 (S.D. Fla. 1982).

**(7) Actual Confusion.**

Actual confusion is unnecessary to establish infringement since the test is likelihood of confusion. See Frehling Enters. v. Int'l Select Group, Inc., 192 F.3d 1330, 1340 (11th Cir. 1999). In this case, however, it is reasonable to infer actual confusion exists in the marketplace based upon the circumstantial evidence available. Defendants are advertising, offering to sell and selling counterfeit goods identical in appearance to those sold by Plaintiffs. (See Cole Decl. ¶¶ 5, 11, 16-20; Burns Decl. ¶ 4 and Comp. Exs. 1 through 4 thereto.) Even if buyers are told of the bogus nature of Defendants' Goods, other consumers viewing Defendants' Goods in a post-sale setting will obviously be confused, because they are viewing goods bearing and/or using Plaintiffs' Marks, which undeniably creates the impression they are viewing genuine goods sold or authorized by Plaintiffs. Such post-sale confusion is entirely actionable. See Remcraft Lighting Products, Inc. v. Maxim Lighting, Inc., 706 F. Supp. 855, 859 (S.D. Fla. 1989) ("The likelihood of confusion need not occur at wholesale level when the end user will be confused.").

The seven factors weigh only in Plaintiffs' favor. Plaintiffs have therefore shown a probability of success on the merits of their trademark counterfeiting and infringement claim.

**b) Likelihood of Success on False Designation of Origin Claim.**

As with a trademark infringement claim, the test for liability for false designation of origin under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), is also whether the public is likely to be deceived or confused by the similarity of the marks at issue. Two Pesos, Inc. v. Taco Cabana, Inc., 505 U.S. 763, 780, 112 S. Ct. 2753, 120 L.Ed.2d 615 (1992). Whether the violation is called infringement, unfair competition, or false designation of origin, the test is identical – is there a "likelihood of confusion?" Id. Thus, because Plaintiffs have established the merits of their trademark counterfeiting and infringement claims against Defendants, a likelihood of success is also shown as to Plaintiffs' claim for false designation of origin.

**c) Likelihood of Success on Common Law Unfair Competition and Common Law Trademark Infringement Claims.**

Whether a defendant's use of a plaintiff's trademarks created a likelihood of confusion between the plaintiff's and the defendant's products is also the determining factor in the analysis of unfair competition under the common law of Florida. See Planetary Motion, Inc. v. Techsplosion, Inc., 261 F.3d 1188, 1193 n.4 (11th Cir. 2001) ("Courts may use an analysis of

federal infringement claims as a ‘measuring stick’ in evaluating the merits of state law claims.”). Additionally, the analysis of liability for Florida common law trademark infringement is also the same as the analysis of liability for trademark infringement under § 32(a) of the Lanham Act. PetMed Express, Inc. v. MedPets.com, Inc., 336 F. Supp. 2d 1213, 1217-18 (S.D. Fla. 2004). As discussed above, Plaintiffs have satisfied the three elements of their trademark counterfeiting and infringement claim against Defendants, establishing that a likelihood of confusion exists herein. Therefore, Plaintiffs are also likely to succeed on the merits of their common law unfair competition and trademark infringement claims.

## **2. Plaintiffs are Suffering Irreparable Injury.**

As the Eleventh Circuit expressed it: “[A] sufficiently strong showing of likelihood of confusion [caused by trademark infringement] may by itself constitute a showing of ... [a] substantial threat of irreparable harm.” Ferrellgas Ptnrs., L.P. v. Barrow, 143 Fed. Appx., 180, 191 (11th Cir. 2005) (citing McDonald’s Corp. v. Robertson, 147 F.3d 1301, 1310 (11th Cir. 1998)). Such a finding of irreparable injury following a showing of likelihood of confusion is virtually always made in a case such as this, where plaintiffs have demonstrated they could lose some control of their reputations as a result of Defendants’ activities. Id. A likelihood of confusion exists herein because Defendants have engaged in counterfeiting and infringing activities using spurious designations virtually indistinguishable from Plaintiffs’ Marks.

## **3. The Balance of Hardship Tips Sharply in Plaintiffs’ Favor.**

Plaintiffs have expended substantial time, money, and other resources to develop the quality, reputation, and goodwill associated with Plaintiffs’ Marks. (See Cole Decl. ¶¶ 6-9, 12-15.) Should Defendants be permitted to continue their trade in counterfeit goods, Plaintiffs’ will suffer losses and damage to their respective reputations. (See id. at ¶¶ 9, 15, 24.) However, Defendants will suffer no legitimate hardship in the event a temporary restraining order is issued, because Defendants have no right to engage in their present counterfeiting and infringing activities.

## **4. The Relief Sought Serves the Public Interest.**

Defendants are engaged in illegal activities and are directly defrauding the consuming public by palming off Defendants’ Goods as Plaintiffs’ genuine goods. The public has an interest in not being misled as to the origin, source, or sponsorship of trademarked products. See Nailtiques Cosmetic Corp. v. Salon Sciences, Corp., 1997 WL 244746, 5, 41 U.S.P.Q.2d 1995,

1999 (S.D. Fla. 1997) (“The interests of the public in not being victimized and misled are important considerations in determining the propriety of granting injunctive relief.”).

**C. The Equitable Relief Sought is Appropriate.**

The Lanham Act authorizes courts to issue injunctive relief “according to principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of the registrant of a mark ....” 15 U.S.C. § 1116(a).

**1. Entry of an Order Immediately Enjoining Defendants’ Unauthorized and Unlawful Use of Plaintiffs’ Trademarks is Appropriate.**

Plaintiffs request an order requiring Defendants to immediately cease all use of Plaintiffs’ Marks, or substantially similar marks, including on or in connection with all websites and e-commerce stores owned and operated, or controlled by them. Such relief is necessary to stop the ongoing harm to Plaintiffs’ goodwill and to prevent Defendants from continuing to benefit from the increased consumer traffic to their own illegal operations created by their unlawful use of Plaintiffs’ trademarks at issue. Many courts have authorized immediate injunctive relief in similar cases involving the unauthorized use of trademarks.<sup>4</sup>

**2. Entry of an Order Prohibiting Transfer of the Seller IDs and Subject Domain Names During the Pendency of this Action is Appropriate.**

To preserve the status quo, Plaintiffs’ seek an order temporarily modifying control of and prohibiting Defendants from transferring use or control of the Seller IDs and Subject Domain Names being used and controlled by Defendants to other parties. Once they become aware of litigation against them, Defendants operating online can easily, and often will, change the ownership or modify domain registration and e-commerce store data and content, change payment accounts, redirect consumer traffic to other seller identification names or domain

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<sup>4</sup> See Apple Corps v. Individuals, No. 20-60982-CIV-DIMITROULEAS, 2020 U.S. Dist. LEXIS 141919 (S.D. Fla. May 21, 2020) (Order Granting *Ex Parte* Application for Entry of Temporary Restraining Order); Gucci Am. v. Individuals, No. 20-60397-CIV-DIMITROULEAS, 2020 U.S. Dist. LEXIS 109004 (S.D. Fla. Feb. 25, 2020) (same); N. Face Apparel Corp. v. Individuals, No. 19-61013-CIV-DIMITROULEAS, 2019 U.S. Dist. LEXIS 229343 (S.D. Fla. April 23, 2019) (same). See also Chanel, Inc. v. Individuals, P’ships & Unincorporated Ass’ns, Case No. 20-61646-CIV-ALTMAN, 2020 U.S. Dist. LEXIS 248740 (S.D. Fla. Sept. 9, 2020, docketed Sept. 11, 2020) (same); Taylor Made Golf Co. v. Individuals, P’ships & Unincorporated Ass’ns Identified on Schedule “A”, Case No. 20-60468-CIV-SMITH, 2020 U.S. Dist. LEXIS 110012 (S.D. Fla. April 9, 2020, docketed April 13, 2020) (same); Parsons Xtreme Golf, LLC v. Individuals, P’ships & Unincorporated Ass’ns Identified on Schedule “A”, No. 19-cv-60310-BLOOM, 2019 U.S. Dist. LEXIS 79074 (S.D. Fla. Feb. 7, 2019, docketed Feb. 8, 2019) (same).

names, and transfer assets and ownership of the Seller IDs and Subject Domain Names, and thereby thwart the Court's ability to grant meaningful relief. (See Wiborg-Rodriguez Decl. ¶ 3.) Here, an interim order prohibiting Defendants from transferring their e-commerce stores and domain names operating under the Seller IDs and Subject Domain Names poses no burden on them, preserves the status quo, and ensures that this Court, after fully hearing the merits of this action, will be able to afford Plaintiffs full relief. Courts have granted this precise relief in this district and similar relief in actions where the relied upon instrumentalities of infringement and contact are e-commerce stores and websites.<sup>5</sup>

### **3. Entry of an Order Prohibiting Fulfillment of Goods Bearing Plaintiffs' Trademarks During this Action is Appropriate.**

Plaintiffs seek the Court's interim order include that, upon Plaintiffs' request, any Internet marketplace website operators, and/or administrators who are provided with notice of the injunction, including but not limited to Amazon.com, Inc., cease fulfillment of and sequester all goods bearing and/or using one or more of Plaintiffs' Marks in its inventory, possession, custody, or control, including, but not limited to, the goods identified by the Amazon Standard Identification Numbers ("ASIN") on Schedule "A" hereto,<sup>6</sup> and hold such goods in trust for the Court during the pendency of this action. Such relief is necessary to prevent the public from continuing to be defrauded by Defendants' illegal activities and avoids continuing irreparable harm to Plaintiffs. As Plaintiffs have conclusively shown Defendants are selling counterfeit

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<sup>5</sup> See Apple Corps v. Individuals, No. 20-60982-CIV-DIMITROULEAS, 2020 U.S. Dist. LEXIS 141919 (S.D. Fla. May 21, 2020) (Order prohibiting Defendants from transferring, *inter alia*, e-commerce stores during pendency of action or until further Order of the Court); Gucci Am. v. Individuals, No. 20-60397-CIV-DIMITROULEAS, 2020 U.S. Dist. LEXIS 109004 (S.D. Fla. Feb. 25, 2020) (same); N. Face Apparel Corp. v. Individuals, No. 19-61013-CIV-DIMITROULEAS, 2019 U.S. Dist. LEXIS 229343 (S.D. Fla. April 23, 2019) (same). See also Chanel, Inc. v. Individuals, P'ships & Unincorporated Ass'ns, Case No. 20-61646-CIV-ALTMAN, 2020 U.S. Dist. LEXIS 248740 (S.D. Fla. Sept. 9, 2020, docketed Sept. 11, 2020) (same); Taylor Made Golf Co. v. Individuals, P'ships & Unincorporated Ass'ns Identified on Schedule "A", Case No. 20-60468-CIV-SMITH, 2020 U.S. Dist. LEXIS 110012 (S.D. Fla. April 9, 2020, docketed April 13, 2020) (same); Parsons Xtreme Golf, LLC v. Individuals, P'ships & Unincorporated Ass'ns Identified on Schedule "A", No. 19-cv-60310-BLOOM, 2019 U.S. Dist. LEXIS 79074 (S.D. Fla. Feb. 7, 2019, docketed Feb. 8, 2019) (same).

<sup>6</sup> The Amazon Standard Identification Number ("ASIN") for the various Plaintiffs branded products were obtained either from the Product Information / Description segments or the URLs of the infringing Plaintiffs branded items captured and downloaded by Invisible, all of which are identified on Schedule "A" hereto. (See Burns Decl. at n.5 and Schedule "A" thereto.) The ASIN is a unique 10-digit alphanumeric identifier Amazon assigns to each product. (See id.)



goods, Plaintiffs' equitable and legal interest in removing counterfeit merchandise from the marketplace clearly outweighs any interest of Defendants.<sup>7</sup>

#### **4. An *Ex Parte* Order Restraining Transfer of Assets is Appropriate.**

In addition, to an order temporarily restraining Defendants' practices, the Court should enter an order limiting the transfer of Defendants' unlawfully gained assets. Plaintiffs have demonstrated above that they will likely succeed on the merits of their claims. As such, under 15 U.S.C. § 1117, Plaintiffs will be entitled to an accounting and payment of the profits earned by Defendants throughout the course of their counterfeiting scheme. 15 U.S.C. § 1117(a) (2018). Due to the deceptive nature of the counterfeiting business, and Defendants' deliberate violations of federal trademark laws, Plaintiffs respectfully request this Court grant additional *ex parte* relief identifying payment accounts and restraining the transfer of all monies held or received by the Financial Entities, or other financial institutions for the benefit of any one or more of the Defendants. (See Wiborg-Rodriguez Decl. ¶¶ 5-7.) See Int'l Star Class Yacht Racing Ass'n v. Tommy Hilfiger USA, Inc., 80 F.3d 749 (2d Cir. 1996); see also SEC v. ETS Payphones, 408 F.3d 727, 735 (11th Cir. 2005) (finding it proper to all of the defendant's assets, because it was necessary to preserve sufficient funds for the potential disgorgement in the case).

This Court has broad authority to grant such an order. The Supreme Court has provided that district courts have the power to grant preliminary injunctions to prevent a defendant from transferring assets in cases where an equitable interest is claimed. Grupo Mexicano de Desarrollo, S.A. v. Alliance Bond Fund, Inc., 527 U.S. 308, 144 L. Ed. 2d 319, 119 S. Ct. 1961 (1999). Moreover, almost every Circuit has interpreted Rule 65 of the Federal Rules of Civil Procedure to grant authority to courts to restrain assets *pendente lite*. See Mason Tenders Dist. Council Pension Fund v. Messera, 1997 WL 223077 (S.D.N.Y. May 7, 1997) (acknowledging

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<sup>7</sup> See e.g., Goyard St-Honore v. Abraham Ben, Case No. 18-cv-61771-WPD (S.D. Fla. Aug. 2, 2018) (requiring Internet marketplace website operators and/or administrators to cease fulfillment of and sequester Defendants' inventory assets). Accord Whirlpool Corp. v. donlet0, Case No. 19-cv-61769-JEM (S.D. Fla. Aug. 26, 2019) (requiring fulfillment centers, e-commerce shipping partners, warehouses, and/or storage facilities to cease fulfillment of and sequester Defendants' inventory assets); Louis Vuitton Malletier v. Caromy&LV, Case No. 19-cv-61021-MGC (S.D. Fla. April 26, 2019) (requiring Internet marketplace website operators and/or administrators to cease fulfillment of and sequester Defendants' inventory assets); YETI Coolers, LLC v. CSFDVDS, Case No. 19-cv-61635-CMA (S.D. Fla. July 8, 2019) (same); Chanel, Inc. v. Classic-Bag-Shop, Case No. 19-cv-60491-UU (S.D. Fla. Feb. 27, 2019) (same).



that “[a]lmost all the Circuit Courts have held that Rule 65 is available to freeze assets *pendente lite* under some set of circumstances”).

In light of the illicit nature of the counterfeiting business and the ability of counterfeiters to practically eliminate their evidentiary trails by conducting their business entirely over the Internet, courts in the Eleventh Circuit, among others, have particularly noted the significance of such asset restraints in cases involving counterfeiting defendants. See, e.g. Levi Strauss & Co. v. Sunrise Int’l Trading, 51 F.3d 982 (11th Cir. 1995); Reebok Int’l Ltd. v. Marnatech Enter., 737 F. Supp. 1515 (S.D. Cal. 1989), aff’d, 970 F.2d 552 (9th Cir. 1992). In Levi Strauss, the Eleventh Circuit upheld an order granting an asset restraint against an alleged counterfeiter where the complaint included a request for a permanent injunction and the equitable remedy of disgorgement of the alleged counterfeiter’s profits under 15 U.S.C. § 1117. Levi Strauss, 51 F.3d at 987. Distinguishing Levi Strauss from two earlier cases not involving Lanham Act claims, the Court emphasized the necessity of the restraint holding that a “request for 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.” Id. citing Federal Trade Commission v. United States Oil and Gas Corp., 748 F.2d 1431, 1433-34 (11th Cir. 1984) (district court may exercise its full range of equitable powers, including a preliminary asset restraint, to ensure that permanent equitable relief will be possible). Indeed, courts may issue broad asset restraints to preserve the availability of permanent relief, including assets that are not directly traceable to the fraudulent activity that serves as a basis for the equitable relief requested. See S. E. C. v. Lauer, 445 F. Supp. 2d 1362, 1370 (S.D. Fla. 2006) (noting that there is no requirement for the restrained assets be traceable to the fraudulent activity underlying a lawsuit); Levi Strauss & Co. v. Sunrise Int’l Trading, 51 F.3d at 987-88 (upholding asset restraint, including assets not linked to the profits of the alleged illegal activity, noting the defendants may request the court exempt any particular assets); Kemp v. Peterson, 940 F.2d 110, 113-14 (4th Cir. 1991) (district court may restrain assets not specifically traced to illegal activity). In cases in this district substantially similar to this matter, this Court and others have entered the precise relief sought herein.<sup>8</sup>

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<sup>8</sup> See Apple Corps v. Individuals, No. 20-60982-CIV-DIMITROULEAS, 2020 U.S. Dist. LEXIS 141919 (S.D. Fla. May 21, 2020) (Order granting TRO, requiring financial institutions to identify defendants’ payment accounts and to restrain the funds in those accounts to preserve assets to satisfy plaintiff’s requested relief); Gucci Am. v. Individuals, No. 20-60397-CIV-

Similarly, in Reebok v. Marnatech, the District Court granted Reebok a limited restraint of the defendants' assets for the purpose of preserving those assets, thus ensuring the availability of a meaningful accounting after trial. Reebok Int'l Ltd., 737 F. Supp. at 559. In affirming the decision, the Ninth Circuit determined that the plaintiff met its burden of demonstrating: (1) a likelihood of success on the merits; (2) immediate and irreparable harm as a result of defendants' counterfeiting activities; and (3) that defendants might hide their allegedly ill-gotten profits if their assets were not frozen. Reebok Int'l Ltd., 970 F.2d 552, 563 (9th Cir. 1992). Moreover, the Court reasoned: "because the Lanham Act authorizes the District Court to grant Reebok an accounting of [defendant's] profits as a form of final equitable relief, the District Court has the inherent power to freeze [defendant's] assets in order to ensure the availability of that final relief." Reebok Int'l Ltd., 970 F.2d. at 559; see also Republic of Philippines v. Marcos, 862 F.2d 1355, 1364 (9th Cir. 1988), cert. denied, 490 U.S. 1035 (1989) ("[a] court has the power to issue a preliminary injunction in order to prevent a defendant from dissipating assets in order to preserve the possibility of equitable remedies").

Using the power to issue provisional remedies ancillary to their authority to provide final equitable relief, numerous courts have granted orders restraining defendants from transferring their assets under trademark infringement claims. See e.g., Levi Strauss, 51 F.3d at 987; Reebok Int'l Ltd., 970 F.2d at 559. Moreover, to provide complete equitable relief, courts have granted such orders without providing notice to the defendants. Specifically, federal courts have held that where advance notice of an asset restraint is likely to cause a party to alienate the assets sought to be restrained, a temporary restraining order may be issued *ex parte*. See F.T. Int'l Ltd v. Mason, 2000 WL 1514881 \*3 (E.D. Pa. 2000) (granting *ex parte* TRO restraining defendants' bank accounts upon finding that advance notice would likely have caused the defendants to secret or

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DIMITROULEAS, 2020 U.S. Dist. LEXIS 109004 (S.D. Fla. Feb. 25, 2020) (same); N. Face Apparel Corp. v. Individuals, No. 19-61013-CIV-DIMITROULEAS, 2019 U.S. Dist. LEXIS 229343 (S.D. Fla. April 23, 2019) (same). See also Chanel, Inc. v. Individuals, P'ships & Unincorporated Ass'ns, Case No. 20-61646-CIV-ALTMAN, 2020 U.S. Dist. LEXIS 248740 (S.D. Fla. Sept. 9, 2020, docketed Sept. 11, 2020) (same); Taylor Made Golf Co. v. Individuals, P'ships & Unincorporated Ass'ns Identified on Schedule "A", Case No. 20-60468-CIV-SMITH, 2020 U.S. Dist. LEXIS 110012 (S.D. Fla. April 9, 2020, docketed April 13, 2020) (same); Parsons Xtreme Golf, LLC v. Individuals, P'ships & Unincorporated Ass'ns Identified on Schedule "A", No. 19-cv-60310-BLOOM, 2019 U.S. Dist. LEXIS 79074 (S.D. Fla. Feb. 7, 2019, docketed Feb. 8, 2019) (same).

alienate funds); CSC Holdings, Inc. v. Greenleaf Elec., Inc., 2000 WL 715601 (N.D. Ill. 2000) (granting *ex parte* TRO enjoining cable television pirates and restraining pirates' assets).

In this case, Defendants' blatant violations of federal trademark laws warrant an *ex parte* order restraining the transfer of their ill-gotten assets. Moreover, as Defendants' businesses are conducted anonymously over the Internet, Plaintiffs have additional cause for *ex parte* relief, as Defendants may easily secret or transfer their assets without the Court's or Plaintiffs' knowledge.

**D. A Bond Should Secure the Injunction.**

Because of the strong and unequivocal nature of Plaintiffs' evidence of counterfeiting and infringement, Plaintiffs respectfully request this Court require it to post a bond of no more than ten thousand dollars (\$10,000.00), subject to increase at the Court's discretion should an application be made in the interest of justice. The posting of security upon issuance of a temporary or preliminary injunction is vested in the Court's sound discretion. Fed. R. Civ. P. 65(c).

**IV. CONCLUSION**

In view of the foregoing, Plaintiffs respectfully request this Court grant their *Ex Parte* Application and enter a temporary restraining order as to Defendants in the form submitted herewith and schedule a hearing on Plaintiffs' Motion for a Preliminary Injunction before the expiration of the temporary restraining order. Additionally, in the event the application is granted, Plaintiffs respectfully request the Court permit the parties, including witnesses, to appear and testify as necessary telephonically at the hearing on Plaintiffs' Motion for a Preliminary Injunction, in accordance with Administrative Order 2021-50. Furthermore, due to the time provisions of a temporary restraining order, in the event the application is granted, Plaintiffs respectfully request the Court provide a copy of the temporary restraining order to Plaintiffs' counsel via e-mail at [raquel@smgpa.net](mailto:raquel@smgpa.net) so that Plaintiffs may immediately effectuate any relief ordered therein and provide Defendants' proper notice of the order and any subsequent hearing date.

DATED: July 7, 2021.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **T. Raquel Wiborg-Rodriguez**

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Attorneys for Plaintiffs

**SCHEDULE A:  
DEFENDANTS BY NUMBER, SELLER ID, SUBJECT DOMAIN NAME  
AND FINANCIAL ACCOUNT INFORMATION**

<b>Def. No.</b>	<b>Defendant / Seller ID / Subject Domain Name</b>	<b>Financial Account Information</b>	<b>Amazon Item ASIN<sup>9</sup> / Infringing Product Number / Additional E-mail Addresses</b>
1	AnimeKing	A1XMBRXXADDAAY	B08YXL3NG3 B08YXLJ6Z2
2	Ariel T-shirt	A364HAU0D0VPAC	B08CKKR4D8
3	Benedict Henry	A3KTS1OEEEWTTQ	B0916C249X
4	Changtao-STORE	A1923Z1UCXLHIW	B093WRFHVL
5	CharlesZhang Store	A3LZ6YYN3WNPDU	B092LXD19N
6	Chunxiang-STORE	A3O9QC1M6RPRDH	B094QSQK7R
7	daiyundian	A39TTTWZGXFCJH	B08YY2P24F B08YY364M9
8	D-World	A2Z5JMMUGXCQB6	B08HV62H4P
9	FLINAY	A3E5COUI4FPGAU	B094QVRVCV
10	Friendsdecor	A1K7ZU6D2FHUNM	B08CY6ZXQ6
11	haiyangshiliaobodian zishangwufuwubu	A3NDGVSAFGXY2G	B08KG8HP3N
12	huaijing-Store	A2LUJYC4BOWOX5	B095LW7XZ6
13	Jingrong-STORE	A30FC8Y0HTLS7L	B093DC1ZXY B093DDL5V
14	Ki Yong Nam	A39CPCUVMW79NG	B092QVYQ1V
15	kunmingkechangbaihuo dian	A9AIRP2B0M3GF	B095JL43CP
16	Leighton-Tshirt	AJQQWIK0WM8YC	B08YK56N2L
17	luoheshiyanchengqufenl uobaihuoxiaoshoudian	A1WUAVAVZFJ30Y	B08RCLMX3L
18	Matching Stuff	A3GI5H4ABBNYMN	B08H24N7QF

<sup>9</sup> The Amazon Standard Identification Number (“ASIN”) for Plaintiffs’ branded products were obtained from the Product Information / Description segments, or the URLs of the infringing items, all of which are included in Composite Exhibit “1” hereto. The ASIN is a unique 10-digit alphanumeric identifier Amazon assigns to each product. Sellers can create a variational relationship between products in regards to name, size/count, color, style, scent, etc. When doing so, the ASIN identified in the Product Information / Description segments represents the core product and a different ASIN may be assigned based on variations thereof, as identified in the URLs.

19	Max's Brother	A3QP1Y2II3FATC	B07YDJV5CK
20	MAZHIGUOPU	AVE3BD6APVDHV	B0916T8THQ
21	MrMainy	A11H7EZVV5D7KT	B08PS8HG13 B08PRWBQPJ
22	Nsdnjgsg	A13ZVE2FNHRCIY	B091N5HB4Q
23	nshiyantaqushiya	A38Y7MFXPYVIG7	B08SM91R4Q
24	OH MINWOO	A21131IBX5LQ6C	B08YWRPJB8
25	PANDI-STORE	A3FM6U4RE1RRR4	B08ZC7M5KF B08ZCDFV2D
26	Peeranunt332	A20WPB7FKHTCG8	B08JCFVQX1
27	Pham 5	A22W82L77C03ML	B08MVKQ54H
28	plushtoy	A4DK1S6FE8DNC	B092Y9YMY6
29	Powerful-Store	A2O6A26PP7XEWI	B08YN7JL1Y
30	prasitpon.haj947	A2YCAW76F2VOWM	B08X4MSVJ7
31	qianwan-STORE	A2BNUCHHASSEWG	B095W98LCT
32	QIJI-STORE	AJNVA68DROXKE	B0925XW2D8
33	Seniorra Bikoo	AVLSMN2XCTMHR	B08MY5QDGW
34	shanghaishiyuanhuanba ogongchengyouxiangon gsi	A1FUPK73U9KWPE	B085VQLGTN B085VFKRMT
35	Super Go Cool	ATB1I5HZ03F9U	B094G5NH7B B094G5L84N
36	suwan.kob228	A2KK3VYZWPX5DV	B093G7X564
37	suzhoulingxiujiangnanw angluokeji Co Ltd	A2CGPV626690YA	B00P1IJC46
38	TAICANMUHE	A1UO6995TU6Z3Q	B0967DRW71 B0967BCGHG
39	Tews Store	A3CF95RZMV8EH4	B08S3KFCB8
40	Uploy	A1CJ1I893POZGA	B08QJQ3DYJ
41	wang chunmu's	A5AW4U5DX5VX5	B08XX436F6
42	WANGDI-STORE	A2U6OUXTRPS3IJ	B091H4CGJY
43	Wenjings	A399GZPHT43TWW	B08GC4DJNN
44	xiamenshixpshangdian	A1Y28V7HPPXFEN	B08T1PCLLD
45	Xianli-STORE	A247TN1JPKWMWC	B0957HMYVR

46	xiaotaoyiliao	A38HNMY0OQRYUY	B094Q6HKP2 B094PM6PRS
47	xingyunwangluo	A20MDSV89H0MQU	B08PVCB7RR
48	Xuelin-STORE	A15BEVM8Q2TKJN	B094QRMZ54 B094QRHBWK
49	XXPPGG	A1V6ITHG9IUXOP	B08T1PCLLD
50	YANCHAOdian	A2J21VE341XA65	B091MWHG9W
51	YOUJUNSHANGMAO	ABFWRQNCGQ5K3	B08PDCCYKD
52	youyimeifeiye	AE8WVJHBNQ7Z	B08NYJ3HXN
53	zhangzhoushifengmeiqi angmaoyiyouxiangongs	A16UDIZVYFR09K	B08TRGBJPS B08TQMJRLC
54	zhengzhouzhizhiruiwan gluokeyiyouxiangongsi	A3GSN5AZJXE9SO	B095HRB5K9
55	城厢区霞林林新添服 装经营部	AYD5KCXMXAC8M	B0938JTSNK B09399LRJ5
56	alan_lkstore	longka95@gmail.com	
57	barnihud0	barniehuda@gmail.com	
58	bud051	hernandesjodi@gmail.com	
59	dahlamakmu0	deltasukron@gmail.com	
60	emrahad-0	emranhadi999@gmail.com	
61	gemus_3853	sumadihudarmanto@gmail.com	
62	harus96	suryacandrabebeta@gmail.com	
63	lutfazi55	luffyaziz56@gmail.com	
64	michaelangel_3	yantomukandar@gmail.com	
65	najimustof-6	najibmustofa975@gmail.com	
66	sontat-0	sonatata34@gmail.com	
67	syumuna0	kamiranmubarak@gmail.com	
68	totohadikusum-0	toton.hadikusuma@gmail.com	
69	ALL IN ONE STORE NO1	602c9fa39ffa943226271d2c	607d0e9b5e602acf87cdeb90
70	anniversary Shop	604996e1a949152e083e971d	607d0d3d7d3c89e0957c76c9
71	BitunboriwUg	5e6dcdf157af09030064030e	5f2caf185d45430038b1f396
72	Clothing 3D store	5fad376cb4753d557cc8794d	5fe34aa663de1f348f1dd594



73	cvdfgcv	5f06ad553684f23cb9a7cbf4	605c0516ebe82c6f977ecb37
74	exness	5f7bd1f758dd652a86135bac	5fb3398c05c781082b4345a0
75	GUANFEIPANG	5d5ce4c72f271a43520a0360	605941e7e7aa0015d0358168
76	Jose Maddox	5e9717c229e786727c3bf085	60828f80c559a3939a31fc8f
77	khaituanlam99124	6066eb765aea2b5403b88b93	609915babb48b1e157a5bc10
78	kiim phong	5fb2450ff4202c372326d15e	5fff83f8e6a5690058531d61
79	Liachuniny Bags	5e65ee8f1c32cb1bc0156842	5f32ba6c5a2d160043391f83
80	lvzifei	6003c06ef45fd3ffc7c112f2	6015311b82c4404082a065af
81	mengxueke147	5fa267960b9bd59edcce1f83	60615ccb41a1c7ba99e1665d
82	minhtrito12942	6041fd7534771185da336baa	6065d9f2b4d41f31062e60f8
83	MIPAN9	5d5d5b6a33f0b4553f17504b	605055c7fda0538d407c29d0
84	pdaoid	5fc5f85293b39060e18e24b2	60530169e589f96f94db03e2
85	phuoclocngo68908	6065a386409083a64c07e520	6096c5a9d152290f66c34896
86	thuyngaha19232	6059c1dcea6b8030d5e50bea	60763d551c166758e42e9a1b
87	trucvandao74456	603f59263bd51e8a9c23b8c9	6064a832374cb4c5cc82d78e
88	xuruonan199	5fa8fa35f9a0a2755523fddd	605037308a83de47362ad3cd
89	yuanxiaohu0994	5ebe0a771e16411d176464b9	606e8082704689c9351a77e1
90	zhuhaiabin4512	60517dbdde5139208077dcf1	606859a4712724c2c57d9b1a
91	beddingpicky.com	jiangjinxiu2018@outlook.com	support@beddingpicky.com
92	dalabshop.com	ntuan8438@gmail.com	support@dalabshop.com
92	blessedbedding.com	ntuan8438@gmail.com	support@blessedbessing.com
93	extrain.com	lehuephuong46933@gmail.com	support@extrain.com
94	gearstastic.com	admin@gearstastic.com	support@gearstastic.com
95	groveblankets.com	ngochung.ycv@gmail.com	support@groveblankets.com
95	teecago.com	ngochung.ycv@gmail.com	support@teecago.com
96	llm-store.com	nguyenlucnet@gmail.com	support@llm-store.com
97	pickaquilt.com	haveanicedayfivetings@gmail.com	support@pickaquilt.com
97	featuredquilts.com	haveanicedayfivetings@gmail.com	support@featuredquilts.com
98	teesartist.com	payment@blessbee.com	support@teesartist.com

99	wearwanta.com	ngovanhieu1988@gmail.com	support@wearwanta.com
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