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

Shenzhen Dejiayun Network Technology Co., Ltd.	)	Case No. 25-cv-24204
Plaintiff,	)	Judge: Rodney Smith
v.	)	Mag. Judge: Patrick Hunt
The Partnerships And Unincorporated Associations Identified On Schedule "A"	)	
Defendants.	)	

PLAINTIFF SHENZHEN DEJIAYUN NETWORK TECHNOLOGY CO., LTD.'S *EX PARTE* APPLICATION FOR ENTRY OF A TEMPORARY RESTRAINING ORDER, INCLUDING A TEMPORARY INJUNCTION AND A TEMPORARY ASSET RESTRAINT AND INCORPORATED MEMORANDUM OF LAW

Plaintiff Shenzhen Dejiayun Network Technology Co., Ltd. ("Plaintiff" or "Dejiayun") seeks entry of an *ex parte* temporary restraining order, including a temporary injunction against Defendants enjoining the knowing and intentional promotion, advertisement, display, and use of Plaintiff's federally registered trademark and a temporary asset restraint in an action arising under the Lanham Act, 15 U.S.C. § 1114 and 15 U.S.C. § 1125(a). In support of its request, Plaintiff submits the following Memorandum of Law.

I. INTRODUCTION AND PROCEDURAL HISTORY

On September 16, 2025, Plaintiff initiated the instant civil action with a two-count Complaint alleging violations of 15 U.S.C. § 1114 (trademark infringement) and 15 U.S.C. §

1125(a) (false designation of origin). (D.E. 1). The Complaint states that Plaintiff holds a federal trademark registration for "BAGILAANOE" (hereinafter, "BAGILAANOE") which Plaintiff uses for advertising, marketing, and the sale of retail goods. (*Id*. at ¶¶ 7-8). The Complaint alleges that Defendants, who are individuals, partnerships and unincorporated associations identified on Schedule "A" (hereinafter "Defendants"), willfully and intentionally infringed on Plaintiff's registered trademark by using the BAGILAANOE Mark to advertise, market, and sell retail goods on their own ecommerce stores using the seller identities as set forth on Schedule "A" attached to the Complaint (hereinafter, the "Seller IDs") (*Id*. at ¶¶ 15-16, *see also* "Schedule A" at D.E. 9).

Plaintiff now seeks entry of an *ex parte* temporary restraining order to include a temporary injunction against Defendants enjoining the knowing and intentional promotion, advertisement, marketing and offer for sale utilizing Plaintiff's federally registered BAGILAANOE Mark and a temporary asset restraint to preserve its right to an accounting of Defendants' profits as authorized by the Lanham Act under 15 U.S.C. § 1114.

II. STATEMENT OF FACTS

A. Plaintiff's Rights

Since September 15, 2018, Plaintiff has utilized the BAGILAANOE Mark in connection with the advertisement, marketing and sale of retail items, as depicted therein, in interstate and foreign commerce, including commerce in the State of Florida and the Southern District of Florida. (Declaration of Deng Jialiang, hereinafter "the Deng Declaration," D.E. 13-1 at ¶¶3, 10). Plaintiff is the owner of Trademark Registration No. 5,745,285, which has an effective registration date of May 17, 2009. (*Id*. ¶3). A true and correct copy of Deng's trademark registration record is attached as Exhibit 1 to the Complaint. (D.E. 1-1).

Consumers, potential consumers and other members of the public appreciate the quality of the BAGILAANOE Mark, which has been used to sell products on Walmart.com, Amazon and JD.com. (*Id*. at ¶4). The success of the BAGILAANOE Mark is tied to Plaintiff's success in selling products online. (*Id*.). However, as a direct result of Defendants' acts of trademark infringement, Plaintiff has had to compromise its own price setting to remain competitive with the very competitors who market, advertise, and display their products by wrongfully using identical or substantially similar copies of the BAGILAANOE Mark without Plaintiff's authorization. (*Id*. at ¶¶ 14, 19).

B. Defendant's Unlawful Activities

The success of the BAGILAANOE Mark has resulted in significant infringement, as indicated by the number of Defendants identified in Schedule "A." (D.E. 9). In order to counter widespread infringement of the BAGILAANOE Mark, Plaintiff, with the assistance of others under its supervision and control, has undertaken an investigation which has established that Defendants are using various storefronts on at least the Walmart ecommerce platform, to sell products to consumers in the United States and the State of Florida, including the Southern District of Florida. (D.E. 13-1 at ¶12). The investigation revealed that the Defendants sell retail items through these platforms by marketing, advertising and storefronts using the BAGILAANOE Mark without permission. (*Id*. at ¶¶18-19).

Plaintiff's detailed allegations regarding substantially similar or identical images among the Defendants' Internet Stores and the unauthorized use of the BAGILAANOE Mark in advertisements and common tactics employed to evade enforcement efforts establish a logical relationship among the Defendants suggesting that Defendants are an interrelated group of infringers unlawfully profiting from unauthorized use of of the BAGILAANOE Mark in relation

to the sale of products not authorized by Plaintiff. (D.E. 1 at ¶¶16, 30; 13-1 at ¶¶18-28). Defendants' unauthorized use of the BAGILAANOE Mark in the sale of products continues to cause confusion among consumers and has resulted in a loss of sales and reputation by Plaintiff. (D.E. 1 at ¶20; 13-1 at ¶¶4, 35).

III. ARGUMENT

A. This Court May Exercise Personal Jurisdiction Over Defendants

As set forth in the Complaint, the jurisdiction of this Court is invoked under 28 U.S.C. § 1338(a) – (b) and 28 U.S.C. § 1331, as the Plaintiff's cause of action arises under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338. (D.E. 1 at ¶1). A federal court sitting in Florida may properly exercise personal jurisdiction if the requirements of (1) Florida's long-arm statute; and (2) the Due Process Clause of the Fourteenth Amendment to the United States Constitution are both satisfied. *See Posner v. Essex Ins. Co., Ltd.*, 178 F.3d 1209, 1214 (11th Cir. 1999) (citing *Sculptchair, Inc. v. Century Arts Ltd.*, 94 F.3d 623, 626 (11th Cir. 1996). If a plaintiff pleads sufficient facts to support the exercise of personal jurisdiction, the burden shifts to the defendant to make a *prima facie* showing of the inapplicability of the state's long-arm statute. *Easygroup Ltd. v. Skyscanner,* No. 20-20062-CIV-ALTONAGA/Goodman, at *9 (S.D. Fla. Sep. 11, 2020) (Altonaga, J.) (citing *Future Tech. Today, Inc. v. OSF Healthcare Sys.*, 218 F.3d 1247, 1249 (11th Cir. 2000)).

This Court has personal jurisdiction over each Defendant, in that each Defendant conducts significant business in Florida and in this Judicial District, and the acts and events giving rise to this lawsuit of which each Defendant stands accused were undertaken in Florida and in this Judicial District. (D.E. 1 at ¶¶ 2, 5; D.E. 13-1 at ¶14). Venue in this District is proper under 28 U.S.C. §§ 1391(b) and/or 1400(a). (D.E. 1 at ¶¶ 2, 3, 5).

B. Standard for Temporary Restraining Order and Preliminary Injunction

A temporary restraining order is an appropriate remedy in a situation where a party is facing immediate irreparable harm that will likely occur before a hearing for preliminary injunction can be held. *Mango's Tropical Cafe, Inc. v. Mango Martini Restaurant & Lounge, Inc.*, 844 F. Supp. 2d 1246 (S.D. Fla. Dec. 31, 2011). The Lanham Act states that Courts "shall have power to grant injunctions, according to the 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 registered in the Patent and Trademark Office or to prevent a violation under subsection (a), (c), or (d) of section 1125 of this title." 15 U.S.C. § 1116(a).

A party seeking to obtain a preliminary injunction must demonstrate:

(1) a substantial likelihood of success on the merits,
(2) a substantial threat of irreparable injury if the injunction were not granted,
(3) that the threatened injury to the plaintiff outweighs the harm an injunction may cause the defendant, and
(4) that granting the injunction would not disserve the public interest.

Suntrust Bank v. Houghton Mifflin Company, 268 F.3d 1257, 1265 (11th Cir. 2001) (citing *Am. Red Cross v. Palm Beach Blood Bank, Inc.,* 143 F.3d 1407, 1410 (11th Cir. 1998)).

C. Plaintiff Will Likely Succeed on the Merits of Its Trademark Claim

To establish trademark infringement, Plaintiff is required to prove two elements: (1) that its valid mark was used in commerce by the defendant without consent, and (2) that the unauthorized use was likely to cause confusion, to cause mistake, or to deceive." *Dieter v. B & H Indus. of S.W. Fla., Inc.*, 880 F.2d 322, 326 (11th Cir. 1989). A false designation of origin claim requires (1) that the plaintiff has enforceable trademark rights in the mark or name, and (2) that the defendant made unauthorized use of it such that consumers were likely to confuse the two. *Custom Mfg. & Eng'r., Inc. v. Midway Servs., Inc*., 508 F.3d 641, 647 (11th Cir. 2007).

Plaintiff has demonstrated its ownership of a valid trademark by attaching to its Complaint and placing on record, via the declaration of Deng Jialiang, Plaintiff's BAGILAANOE trademark, which is covered by U.S. Trademark Registration No. 5,745,285 ("BAGILAANOE") registered on May 7, 2019. (D.E. 1-1; D.E. 13-2). The registration creates a *prima facie* presumption of validity of a trademark. 15 U.S. § 1114(1); *see also Jordan Intern., Inc. v. United Industries Sales Organization, Inc*., 699 F. Supp. 268 (S.D. Fla. Feb. 22, 1988). In addition, the Court may take judicial notice of Plaintiff's trademark registration as published in the United States Patent and Trademark Office's official registry. Fed. R. Evid. 201(b)(2). Plaintiff respectfully submits that its valid trademark registration satisfies this prong of the test for trademark infringement.

A comparison of Plaintiffs' Mark to that used by Defendants in connection with the promotion and sale of Defendants' products reveal the obvious and counterfeit nature of their products. The Declaration by Deng Jialiang established that the Defendants are not authorized retailers or resellers of BAGILAANOE. (D.E. 13-1 at ¶9). The Declaration concludes that Defendants do not have, nor have they ever had, the right or authority to use Plaintiffs' Mark for any purpose. (*Id*.). However despite their known lack of authority to do so, Defendants promote and otherwise advertise, distribute, sell and/or offer for sale products through their respective Seller IDs. Defendants sell these counterfeit products utilizing Plaintiff's highly distinctive BAGILAANOE trademark without authorization. (*Id*.).

The Deng Declaration sets out in detail the basis for Plaintiff's belief that the items offered for sale by Defendants utilizing the BAGILLAANOE Mark are counterfeit and are not re-sold authentic items. First, Defendants sell on the same marketplace as BAGILAANOE, thus intentionally competing for the same customers. (D.E. 13-1 at ¶¶4, 12). Second, the prices for

each of some products advertised by Defendants are less than the price at which BAGILAANOE sells similar products. (*Id*. ¶14).

Based on these findings by Deng Jialiang, it is apparent that Defendants' activity, through the sale and offer to sell counterfeit and infringing versions of Plaintiffs' branded products, are directly and unfairly competing with Plaintiff's economic interests by wrongfully reproducing and counterfeiting Plaintiff's individual trademark. By doing so, Defendants are (i) duping and confusing the consuming public; and (ii) earning substantial profits across their e-commerce stores and websites. The natural and intended result of Defendants' combined actions is the erosion and destruction of the goodwill associated with Plaintiff's names and associated trademarks and the destruction of the legitimate market sector in which they operate.

While intent generally is difficult to presume, the Defendants' activities demonstrate an intent to confuse the public and create a false association to BAGILAANOE. By advertising on Walmart.com, the exact same e-commerce platform used by BAGILAANOE, Defendants are clearly and intentionally competing for BAGILAANOE's customers. (D.E. 13-1 at ¶¶4, 12). The use of search engines and multiple e-commerce platforms to advertise and advertise with the BAGILAANOE trademark, Defendants directly and intentionally compete for market space to reach customers. (*Id*. at ¶17). Individually and collectively, these facts evidence that Defendants are willfully and deliberately utilizing Plaintiff's BAGILAANOE Mark. "Where a party produces counterfeit goods, there is a presumption of likelihood of confusion." *Millennium Funding, Inc. v. 1701 Mgmt.*, 21-cv-20862-BLOOM/Otazo-Reyes, at *14 (S.D. Fla. Mar. 25, 2022). Further, courts have found that evidence of constructive knowledge or evidence of willful blindness is sufficient to establish specific acts of direct infringement. *Luxottica Group, S.p.A. v. Airport Mini Mall, LLC*, 932 F.3d 1303, 1314-1315 (11th Cir. Aug. 7, 2019); *see also Frehling*

Enterprises, Inc. v. International Select Group, Inc., 192 F.3d 1330, 1339 (Oct. 19, 1999) ("The parties' outlets and customer bases need not be identical, but some degree of overlap should be present."). Courts have suggested that the stronger the case for willful blindness, the stronger the case for consumer confusion. This Circuit has held that, "[d]issimilarities between the retail outlets for and the predominant customers of plaintiff's and defendant's goods lessen the possibility of confusion, mistake, or deception." *Amstar Corp. v. Domino's Pizza, Inc.*, 615 F.2d 252, 262 (5th Cir. 1980), cert. denied 449 U.S. 899 (1980). In conclusion, Plaintiff has established that it has more than a reasonable likelihood of success on the merits.

D. There Is No Adequate Remedy at Law, and Plaintiff Will Suffer Irreparable Harm in the Absence of Preliminary Relief

Once Plaintiff establishes a likelihood of success on the merits, there is a presumption, established through case law and a recent amendment to the Lanham Act, that Plaintiff will suffer irreparable harm in the absence of preliminary relief. *See* 15 U.S.C. § 1116(a); *Hill v. Dinges*, 3:21-CV-165-MMH-PDB, at *11 n.5 (M.D. Fla. Sep. 13, 2021) (applying presumption); *Tiramisu Intern, LLC v. Clever Imports LLC*, 741 F. Supp. 2d 1279 (S.D. Fla. Aug. 11, 2010). Without equitable relief in the form of an injunction and asset freeze, Plaintiff is unable to be assured the availability of permanent relief later. *Levi Strauss Co. v. Sunrise Intern. Trading*, 51 F.3d 982 (11th Cir. 1995) (citing *Federal Trade Commission v. United States Oil and Gas Corp.*, 748 F.2d 1431, 1433-34 (11th Cir. 1984)). Notably, trademark actions "are common venues for the issuance of preliminary injunctions." *Foxworthy v. Custom Tees, Inc.*, 879 F.Supp. 1200, 1219 (N.D. Ga. 1995) (internal citation omitted). Courts have found irreparable harm to be satisfied where, as here, the infringers' unauthorized use of Plaintiff's intellectual property causes confusion among consumers and damages business reputation and brand confidence. (*Id.*).

Courts in the Southern District of Florida and Northern District of Illinois have previously found likelihood of harm in Plaintiff's other successful lawsuits. *See Shenzhen Dejiayun v. The Partnerships*, Case No.: 0:22-cv-62060-JIC (S.D. Fla., Apr. 20, 2023) (Cohn, J.); *Shenzhen Dejiayun v. The Partnerships*, Case No.:1:22-cv-22363-RNS (S.D.Fla., Sept. 12, 2023) (Scola, J.); *Shenzhen Dejiayun v. The Partnership*s, Case No.: 1:22-cv-02846 (N.D. Ill, Aug. 3, 2022)(Guzman, J.); *Shenzhen Dejiayun v. The Partnerships*, Case No. 1:21-cv-04249 (N.D. Ill., Nov. 16, 2021) (Coleman, J.).

On this point, a consumer would be unable to identify an authentic BAGILAANOE product when Defendants have advertised their counterfeit products under the brand name of "BAGILAANOE." (D.E. 13-1 at ¶¶ 26, 27). Plaintiff demonstrates that it has suffered lost sales due to Defendants' willful infringement and that it is likely to suffer future loss of sales, supporting a finding of irreparable harm. (*Id*. at ¶¶ 26, 27, 29). Plaintiff will continue to incur harm of loss of goodwill and brand confidence as a result of Defendants' infringing activities. (*Id*. at ¶¶ 11, 23, 24).

Finally, given that Defendants hide their true identities and operate from outside the United States, it is unlikely that Plaintiff can recover any monetary damages award they might obtain. (Exh. 1 at ¶¶ 19-20). Further, foreign online perpetrators such as Defendants are likely to cause irreparable harm by avoiding judgments rendered in United States courts. (*Id.*); *see Foodcomm Int'l v. Barry*, 328 F.3d 300, 305 n.2 (7th Cir. 2003) (holding that the plaintiffs established a likelihood of irreparable injury with no adequate remedy at law where the defendants were Australian citizens with "no significant assets in the United States").

E. The Balancing of Harms Tips in Plaintiff's Favor, and the Public Interest Is Served by Entry of the Injunction

"When considering the balance of hardships between the parties in infringement cases, courts generally favor the trademark owner." *Krause Int'l Inc. v. Reed Elsevier, Inc.*, 866 F. Supp. 585, 587-88 (D.D.C. 1994). This is because "[o]ne who adopts the mark of another for similar goods acts at his own peril since he has no claim to the profits or advantages thereby derived." *Burger King Corp. v. Majeed*, 805 F. Supp. 994, 1006 (S.D. Fla. 1992) (internal quotation marks omitted). Therefore, the balance of harms "cannot favor a defendant whose injury results from the knowing infringement of the plaintiff's trademark." *Malarkey-Taylor Assocs., Inc. v. Cellular Telecomms. Indus. Ass'n.*, 929 F. Supp. 473, 478 (D.D.C. 1996).

Courts in this district have held that the likelihood of confusion should be considered in the balance of harm to Plaintiff. *YETI Coolers, LLC v. Individuals, Business Entities, and Unincorporated Associations Identified on Schedule A*, 566 F. Supp. 3d 1333 (S.D. Fla. Oct. 14, 2021) (Bloom, J.). The public interest would be served by an injunction, as the infringement "encroaches on the right of the public to be free of confusion as well as the synonymous right of the trademark owner to control his products' reputation." *TracFone Wireless, Inc. v. Hernandez*, 196 F. Supp. 3d 1289 (S.D. Fla. July 21, 2016) (Martinez, J.). Therefore the public interest favors issuance of the temporary restraining order in order to protect Plaintiff's respective trademark interests and protect the public from being defrauded by the palming off of counterfeit goods as Plaintiffs' genuine goods. *Id*.

Finally, it is axiomatic that an infringer of either a trademark or copyright cannot complain about the loss of ability to offer its infringing product. *Warner Bros. Entm't Inc. v. RDR Books*, 575 F. Supp. 2d 513, 553 (S.D.N.Y. 2008) (citing *My–T Fine Corp. v. Samuels*, 69 F.2d 76, 78 (2d Cir. 1934)) (Hand, J.). There can be no harm to Defendants since an injunction will

merely require that they comply with the law, *i.e.* The Lanham Act. *Capitol Records v. Zahn*, Case No. 3:06-0212, 2007 WL 542816 at *4 (M.D. Tenn. Feb. 16, 2007) (Echols, J.). In contrast, "the wrongful denial of injunction may well encourage others to do what defendants have done, thus increasing the injury to [Plaintiff] and inflicting expense on [Plaintiff] to defend [its] intellectual property interests." *Ty, Inc. v. Publications Intern., Ltd.*, 81 F. Supp. 2d 899, 903 (N.D. Ill., 2000) (Zagel, J.).

In the instant case, the evidence establishes that Defendants intentionally promoted, advertised, and offered for sale their infringing products for the purpose of financial gain. Plaintiffs have no reason to believe that the Defendants, who have engaged in illegal counterfeiting and infringing activities, 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.

IV. THE EQUITABLE RELIEF SOUGHT IS APPROPRIATE

A. A Temporary Restraining Order Immediately Enjoining Defendants' Unauthorized and Unlawful Use of the BAGILAANOE Mark Is Appropriate

In light of the substantial harm that Plaintiff has and will continue to incur, the balance of harm clearly favors the immediate entry of a temporary restraining order. Indeed, the Eleventh Circuit has made clear that "[a] delay in seeking a preliminary injunction of even only a few months—though not necessarily fatal—militates against a finding of irreparable harm." *Wreal, LLC v. Amazon.com, Inc*., 840 F.3d 1244, 1248 (11th Cir. 2016). As a result, Plaintiff requests a temporary injunction requiring the Defendants to immediately cease all use of the BAGILAANOE Mark, displayed on or in connection with Defendants' Seller ID's. Such relief is necessary to stop the ongoing harm to Plaintiff, the BAGILAANOE Mark and associated

goodwill, to stop further harm to the consuming public, and to prevent the Defendants from continuing to benefit from their unauthorized use of the BAGILAANOE Mark.

The need for *ex parte* relief is magnified and underscored where infringers operate anonymously over the Internet. *See Dell, Inc. v. BelgiumDomains, LLC*, No. 07-22674, 2007 WL 6862341, at *2 (S.D. Fla. Nov. 21, 2007)*; 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"). Infringing operations are sophisticated, and Plaintiff is currently unaware of both the true identities and locations of the Defendants. (Exh. Two "Pittaway Declaration" at D.E. 19-1 ¶¶ 9-18; D.E. 13-1 at ¶28). Courts in this judicial district and elsewhere, regularly authorize immediate injunctive relief in similar cases involving the unauthorized use of trademarks and copyright-protected assets. *See Qi Chen v. The Individuals, Partnerships and Unincorporated Associations*, Case No. 23-cv-61975 (S.D. Fla. —) (Smith, J.); *Safety Nailer LLC v. The Individuals*, 21-cv-22703 (S.D. Fla. Sep. 21, 2021) (Bloom, J.); *Frugality Inc. v. The Individuals*, 21-cv-23025 (S.D. Fla. Sep. 21, 2021)(Bloom, J.); *Animaccord Ltd. v. The Individuals*, 20-cv-25002 (S.D. Fla. July 7, 2021) (Scola, J.).

B. Preventing the Fraudulent Transfer of Assets Is Appropriate

Section 1117(a) of Chapter 15, United States Code, entitles a Plaintiff to recover, as an equitable remedy, the illegal profits gained through Defendants' distribution and sales of goods bearing counterfeits and infringements of a mark. *YETI Coolers, LLC v. Individuals, Business Entities, and Unincorporated Assoc'ns Identified on Schedule A*, 566 F. Supp. 3d 1333 (S.D. Fla. J. Beth Bloom, Oct. 14, 2021) (citing *Fuller Brush Prods. Co. v. Fuller Brush Co.*, 299 F.2d 772, 777 (7th Cir. 1962)("[a]n accounting for profits ... is an equitable remedy subject to the

principles of equity.")). Here, Plaintiff seeks the equitable remedy of an accounting of profits and the Court has inherent authority to issue an asset restraining order to preserve the remedy. *See S.E.C. v. ETS Payphones. Inc.*, 408 F.3d 727, 734 (11th Cir. 2005); *Levi Strauss Co. v. Sunrise Intern, Trading Inc.*, 51 F.3d 982, 987 (11th Cir. 1995); *Reebok International, Ltd. v. Marnatech Enterprises*, 970 F.2d 552, 559 (9th Cir. 1992). Furthermore, courts have recognized "a very narrow band of cases in which *ex parte* orders are proper because notice to the defendant would render fruitless the further prosecution of the action." *Reno Air Racing Ass'n, Inc. v. McCort*, 452 F.3d 1126, 1131 (9th Cir. 2006); *Ensida Energy Afs, LLC v. Gardi*, Case No.: 19-cv-60541 (S.D. Fla., Mar. 5, 2019) (Bloom, J.). This applies to the instant case, where defendants may transfer their assets and prevent Plaintiff from recovery.

In conclusion, Plaintiff has shown a likelihood of success on the merits, an immediate and irreparable harm suffered as a result of Defendants' activities, and that, unless Defendants' assets are frozen, Defendants will likely hide or move their ill-gotten funds to offshore bank accounts. Accordingly, entry of an order freezing funds in each of Defendants' financial accounts associated with Defendants' Seller ID's is necessary and appropriate.

V. A BOND SHOULD SECURE THE INJUNCTIVE RELIEF

Federal Rule of Civil Procedure 65(c) provides:

> No restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained. Fed. R. Civ. P. 65(c).

The amount of the bond is left to the discretion of the court. *Carillon Importers, Ltd. v. Frank Pesce Int'l Grp. Ltd.*, 112 F.3d 1125, 1127 (11th Cir. 1997) (the amount of an injunction bond is within the sound discretion of the Court); *Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th

Cir. 2009) (citation omitted) ("Rule 65(c) invests the district court with discretion as to the amount of security required, if any."); *Qi Chen v. The Individuals, Partnerships and Unincorporated Associations*, Case No. 23-cv-61975 (S.D. Fla. —) (Smith, J.). Plaintiff respectfully submits that the strong and unequivocal nature of her evidence of intentional trademark infringement presented to this Court demonstrates that the risk of compensable harm to Defendants from imposition of an asset restraining order as that sought here is minimal. Plaintiff therefore requests that the Court require a bond of no more than five thousand U.S. dollars ($5,000).

VI. CONCLUSION

Defendants' unlawful operations are irreparably harming Plaintiff's business, its interest in its federally registered trademark and consumers. Without entry of the requested relief, Defendants' acts of willful trademark infringement will continue to harm Plaintiff and consumers. Therefore, entry of an *ex parte* order is necessary. In view of the foregoing and consistent with previous similar cases, Plaintiff respectfully requests that this Court enter, under seal, a Temporary Restraining Order under seal in the form submitted herewith.

Respectfully submitted this 15th day of October, 2025,

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