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

Shenzhen Dejiayun Network Technology Co., Ltd., a Chinese Corporation, Plaintiff, v. THE PARTNERSHIPS AND UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE "A," Defendants.	Case No. 25-cv-24204 **Judge Rodney Smith** **Magistrate Judge Patrick M. Hunt**

(proposed) ORDER ON MOTION FOR ENTRY OF FINAL JUDGMENT BY DEFAULT

THIS CAUSE is before the Court upon Plaintiff Shenzhen Dejiayun's ("Dejiayun" or "Plaintiff") Motion for Entry of Final Judgment by Default [Doc. 43] ("Motion"), filed on July 6, 2026. Defendant Nos. 1-16, 18, 20-32, 34-51, 53-54, 56-65, 67, 69, 71-73, 75-79, 81-82, 86-90, 92-103, 106-107, 109-110, 112 as identified in the Schedule "A" to the Complaint (the "Defaulting Defendants") have failed to appear, answer, or otherwise plead to the Complaint, despite having been served. The Court has carefully considered the Motion, the record in this case, the applicable law, and is otherwise fully advised. For the following reasons, Plaintiff's Motion is granted.

I. INTRODUCTION

Plaintiff filed the instant civil action on September 16, 2025 to combat the willful and intentional counterfeiting and infringement and false designation of origin by the Defendants marketing, offering for sale, and advertising with its federally registered BAGILAANOE trademark. [Doc. 1 at ¶3].

The Complaint alleges that Defendants are selling, offering for sale and marketing counterfeit products using Plaintiff's BAGILAANOE trademark registered with the United States Patent and Trademark Office (hereinafter, "USPTO"), Reg. No. 5,745,285 (hereinafter, "the BAGILAANOE Mark" or "Mark"). [*Id*.]. The Defaulting Defendants sell, offer for sale, and market counterfeit products on the e-commerce site Walmart.com. [Docs. 1 at ¶3; 13-1 at ¶¶14-16; *see also* Docs. 11-1; 11-2]. Plaintiff has never assigned or licensed the BAGILAANOE Mark to any of the Defendants in this matter. [Doc. 13-1 at ¶¶14-15]. Plaintiff asserts that Defaulting Defendants' use of the BAGILAANOE Mark in connection with the distribution, offering for sale, and sale of counterfeit products have caused irreparable damage through consumer confusion and erosion to BAGILAANOE's goodwill. [Doc. 13-1 at ¶¶24-25].

In its Motion, Plaintiff seeks the entry of default final judgment against Defaulting Defendants in this action alleging infringement of trademark and false designation of origin. Plaintiff further requests that the Court (1) enjoin Defendants' unlawful use of Plaintiff's registered trademark and (2) award Plaintiff damages.

Pursuant to Federal Rule of Civil Procedure 55(b)(2), the Court is authorized to enter a final judgment of default against a party who has failed to plead in response to a complaint. "A 'defendant, by his default, admits the plaintiff's well-pleaded allegations of fact, is concluded on those facts by the judgment, and is barred from contesting on appeal the facts thus established.'" *Eagle Hosp. Physicians, LLC v. SRG Consulting, Inc.*, 561 F. 3d 1298, 1307 (11th Cir. 2009) (quoting *Nishimatsu Const. Co., Ltd. v. Houston Nat'l Bank*, 515 F. 2d 1200, 1206 (5th Cir. 1975)); *Buchanan v. Bowman*, 820 F.2d 359, 361 (11th Cir. 1987). "Because a defendant is not held to admit facts that are not well pleaded or to admit conclusions of law, the Court must first determine whether there is a sufficient basis in the pleading for judgment to be entered."

Luxottica Group S.p.A. v. Individual, P'ship or Unincorporated Ass'n, No. 17-cv-61471, 2017 WL 6949260, at *2 (S.D. Fla., J. Beth Bloom, Oct. 3, 2017); *see also Buchanan v. Bowman*, 820 F.2d 359, 361 (11th Cir. 1987) ("(L)iability is well-pled in the complaint, and is therefore established by the entry of default . . . .").

The Defaulting Defendants have not appeared and have defaulted. The Court thus finds there is a sufficient basis in the pleading for the default judgment to be entered with respect to the Defaulting Defendants.

II. FACTUAL BACKGROUND

Plaintiff is the owner of the federally registered BAGILAANOE trademark, which is covered by U.S. Trademark Registration No. 5,745,285. [Doc. 1 at ¶3; Doc. 1-1]. The BAGILAANOE Mark is valid and enforceable.

Defaulting Defendants, through the Internet based e-commerce store operating under the store names identified on the Schedule A, created marketplace listings on the e-commerce platform Walmart.com and offered for sale, promoted, advertised, distributed, and/or sale of goods bearing and/or using the BAGILAANOE Mark to consumers throughout the United States in a manner that violates Plaintiff's exclusive trademark in the BAGILAANOE brand. [Doc. 1 at ¶¶40, 46]. Plaintiff has submitted sufficient evidence showing that each Defaulting Defendant offered for sale at least one counterfeit product. [Docs. 11-1, 11-2]. Defendants are not now, nor have they ever been, authorized or licensed to use, display, reproduce or distribute under the BAGILAANOE Mark. [*See Declaration of Deng Jialiang*, Doc. 13-1 at ¶¶15-16].

Plaintiff undertook an investigation that established that Defaulting Defendants are using Walmart.com to sell from the People's Republic of China to consumers in the United States products which are not authentic BAGILAANOE products. [Doc. 11-1 at ¶¶11-15]. Plaintiff accessed Defaulting Defendants' Internet based e-commerce stores operating under their respective Seller ID names through Walmart.com. [*Id*. at ¶12]. Upon accessing the e-commerce store, Plaintiff viewed product listings offering for sale BAGILAANOE brand products, added products to the online shopping cart, proceeded to a point of checkout, and otherwise actively exchanged data with each e-commerce store. [*Id*. at ¶¶14, 15]. Plaintiff captured detailed web pages for each Defaulting Defendant's store. [*Id*.]. Plaintiff personally analyzed each Defendant's listing for sale posted via the Seller ID by reviewing the e-commerce stores operating under each of the Seller IDs, or the detailed web page captures and images of the products offered for sale, and concluded that the products infringed on the BAGILAANOE Mark. [*Id*.].

III. ANALYSIS

A. Claims

To prevail on a claim of trademark infringement claim under Section 32 of the Lanham Act, a plaintiff must establish that: (1) the plaintiff had prior rights to the trademarks at issue, and (2) the defendants adopted a mark or name that was the same, or confusingly similar to Plaintiff's mark, such that consumers were likely to confuse the two. *Planetary Motion, Inc. v. Techsplosion, Inc*., 261 F.3d 1188, 1193 (11th Cir. 2001) (citing *Lone Star Steakhouse & Saloon, Inc. v. Longhorn Steaks, Inc*., 106 F.3d 355, 360 (11th Cir. 1997)).

To prevail on a claim of false designation of origin under Section 43(a) of the Lanham Act requires that a plaintiff demonstrate that a defendant used the trademark "in connection with any goods or services, any word, term, name, symbol or device, or any combination thereof, or any false designation of origin, which is likely to deceive as to the affiliation, connection, or association" of the defendant with the plaintiff, or as to the origin, sponsorship, or approval, of defendant's goods by plaintiff. 15 U.S.C. § 1125(a)(1). As with trademark infringement claims, the test for liability for false designation of origin under Section 43(a) is "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, 2763 (1992).

B. Liability

The factual allegations of Plaintiff's Complaint sufficiently allege the elements for Plaintiff's claims of trademark infringement and false designation of origin. [Doc. 1]. Moreover, the factual allegations in Plaintiff's Complaint have been substantiated by sworn declarations and other evidence and establish Defaulting Defendants' liability for trademark infringement. [Doc. 11-1]. Accordingly, entry of default judgment pursuant to Federal Rule of Civil Procedure 55(b) is appropriate.

C. Injunctive Relief

Pursuant to the Lanham Act, a district court is authorized to issue an injunction "according to the principles of equity and upon such terms as the court may deem reasonable," to prevent violations of trademark law. 15 U.S.C. § 1116(a). Defaulting Defendants' failure to respond or otherwise appear in this action makes it difficult for Plaintiff to prevent further infringement absent an injunction. *Jackson v. Sturkie*, 255 F. Supp. 2d 1096, 1103 (N.D. Cal. 2003) ("(D)efendant's lack of participation in this litigation has given the court no assurance that defendant's infringing activity will cease. Therefore, plaintiff is entitled to permanent injunctive relief.").

Permanent injunctive relief is appropriate where a plaintiff demonstrates that (1) it has suffered irreparable injury; (2) there is no adequate remedy at law; (3) the balance of hardship favors an equitable remedy; and (4) an issuance of an injunction is in the public's interest. *eBay,* *Inc. v. MercExchange, LLC*, 547 U.S. 388, 392-93 (2006). Plaintiff has carried its burden on each of the four factors. Accordingly, permanent injunctive relief is appropriate.

Irreparable harm exists where, as here, the infringers' unauthorized use of Plaintiff's intellectual property causes confusion among consumers and damages the business's reputation and brand confidence. *Kevin Harrington Enterprises, Inc. v. Bear Wolf, Inc.*, No. 98-cv-1039, 1998 WL 35154990 (S.D. Fla., J. Ursula Ungaro, 1998) ("likelihood of irreparable harm shown where infringement leaves plaintiff without the ability to control its own reputation").

Plaintiff has no adequate remedy at law so long as Defaulting Defendants continue to operate the Seller IDs because Plaintiff cannot control the use of the BAGILAANOE Mark, the quality of the products, the customer service associated with the brand, or the goodwill of the Mark. An award of monetary damages alone will not cure the injury to Plaintiff's reputation and goodwill that will result if Defaulting Defendants' infringing actions are allowed to continue. Moreover, Plaintiff faces hardship from loss of sales and its inability to control its reputation in the marketplace. By contrast, Defaulting Defendants face no hardship if it is prohibited from distributing counterfeit products, which are illegal acts.

Finally, the issuance of a permanent injunction in this case is within the public's interest where a permanent injunction will prevent further harm to Plaintiff and the goodwill of the BAGILAANOE Mark and protect consumers from being deceived or misled by Defaulting Defendants' unauthorized use of the BAGILAANOE Mark. *See Nike, Inc. v. Leslie*, No. 85-cv-960, 1985 WL 5251, at *1 (M.D. Fla., J. William Castagna, June 24, 1985) ("(A)n injunction to enjoin infringing behavior serves the public interest in protecting consumers from such behavior."). The Court's broad equity powers allow it to fashion injunctive relief necessary to stop each Defendant's infringing activities. *See, e.g.*, *Swann v. Charlotte-Mecklenburg Bd. of*

Educ., 402 U.S. 1, 15 (1971) ("Once a right and a violation have been shown, the scope of a district court's equitable powers to remedy past wrongs is broad, for . . . (t)he essence of equity jurisdiction has been the power of the Chancellor to do equity and to mold each decree to the necessities of the particular case." (citation and internal quotation marks omitted)); *United States v. Bausch & Lomb Optical Co.*, 321 U.S. 707, 724 (1944) ("Equity has power to eradicate the evils of a condemned scheme by prohibition of the use of admittedly valid parts of an invalid whole.").

Defaulting Defendants have created an Internet-based infringement scheme in which it is profiting from its deliberate misappropriation of Plaintiff's rights. Unless the listings and images are permanently removed, Defaulting Defendants will be free to continue infringing Plaintiff's intellectual property with impunity and will continue to defraud the public with its illegal activities. Therefore, the Court will enter a permanent injunction ordering all product listings and images displaying Plaintiff's BAGILAANOE Mark to be permanently removed from each Defaulting Defendant's internet store or stores by the applicable internet marketplace platform.

D. Damages for Trademark Infringement

Chapter 15, Section § 1117(a) of the United States Code, provides that a plaintiff may recover a defendant's profits, any damages sustained by the plaintiff, and the costs of the action. Even where a plaintiff may not be able to provide actual damages as a result of a defendant's infringement, an award of statutory damages is an appropriate remedy. 15 U.S.C. §1117(c); *see also PetMed Express, Inc. v. Medpets.com*, 336 F. Supp. 2d 1213, 1220 (S.D. Fla. 2004).

The allegations in the Complaint, which are taken as true, establish that Defaulting Defendants intentionally infringed Plaintiff's BAGILAANOE Mark for the purpose of offering for sale, marketing, and selling its products not authorized, endorsed or approved by Plaintiff.

Plaintiff suggests the Court award $2,000,000 for willful infringement. This award is within the statutory range for a willful violation, and is sufficient to compensate Plaintiff, punish the Defaulting Defendants, and deter the Defaulting Defendants and others from continuing to infringe Plaintiff's trademark.

IV. CONCLUSION

Accordingly, it is ORDERED AND ADJUDGED as follows:

1. Plaintiff's Motion, [Doc. 43], is GRANTED with respect to Defendants Nos. 1-16, 18, 20-32, 34-51, 53-54, 56-65, 67, 69, 71-73, 75-79, 81-82, 86-90, 92-103, 106-107, 109-110, 112 as identified in the Schedule "A" to the Complaint.

2. Final Default Judgment will be entered by separate order.

DONE AND ORDERED in Chambers at Ft. Lauderdale, Florida, on ___ day of ________, 2026.

____
Rodney Smith
United States District Judge