

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division
CASE NO.: 11-24068-CIV-Martinez/McAliley

LOUIS VUITTON MALLETIER, S.A. and
EMILIO PUCCI INTERNATIONAL B.V.,

Plaintiffs,

v.

YANGQUAN LU, *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFFS' *EX PARTE* MOTION
FOR TEMPORARY RESTRAINING ORDER**

THIS CAUSE came before the Court upon Plaintiffs' Louis Vuitton Malletier, S.A. ("Louis Vuitton") and Emilio Pucci International B.V. ("Pucci") (together, "Plaintiffs") *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction (the "*Ex Parte* Application for TRO"). The *Ex Parte* Application for TRO asks the Court to issue a temporary restraining order and then a preliminary injunction against the named Defendants and the various unknown associates who operate the websites that infringe Plaintiffs' trademarks and that promote and sell counterfeit Louis Vuitton and Pucci goods. Among other things, Plaintiffs ask that the Court enjoin Defendants from producing or selling goods which infringe their trademarks, and that the Court seize control of the domain names of the infringing websites and redirect the web traffic searching for those domains to another site that displays a copy of the pleadings from this case. The Court has carefully considered the *Ex Parte* Application for TRO and pertinent portions of the record.

I. INTRODUCTION

Plaintiffs, Louis Vuitton and Pucci, are suing Defendants, YangQuan Lu (“Lu”) and Does 1-10, (collectively “Defendants”) for trademark counterfeiting and infringement; false designation of origin under section 43(a) of the Lanham Act, 15 U.S.C. §1125(a); and cybersquatting under 15 U.S.C. §1125(d).¹ Plaintiffs’ Complaint (D.E. No. 1) alleges Defendants are promoting, advertising, distributing, offering for sale and selling counterfeit and infringing Louis Vuitton and Pucci branded products within the Southern District of Florida through fully interactive commercial Internet websites operating under the domain names identified on Schedule “A” hereto (the “Subject Domain Names”).

Plaintiffs allege Defendants’ unlawful activities have caused and will continue to cause irreparable injury to Plaintiffs, because Defendants have (1) deprived Plaintiffs of their rights to determine the manner in which their respective trademarks are presented to the public through merchandising; (2) defrauded the public into thinking Defendants’ goods are authorized Louis Vuitton and Pucci goods; (3) deceived the public as to Plaintiffs’ association with Defendants’ goods and with the websites which market and sell the goods; and (4) wrongfully traded and capitalized on Plaintiffs’ respective reputations and goodwill as well as the commercial value of Plaintiffs’ trademarks.






In the *Ex Parte* Application for TRO, Plaintiffs move for the issuance of a temporary restraining order, and, upon expiration of the temporary restraining order, a preliminary injunction against Defendants, pursuant to 15 U.S.C. § 1116 and Federal Rule of Civil Procedure 65, for alleged violations of the Lanham Act.

¹ Only Plaintiff Pucci is alleging a claim for cybersquatting.








II. FACTUAL BACKGROUND²

Louis Vuitton is a foreign business entity organized under the laws of the Republic of France with its principal place of business in Paris, France. (*See* Compl. ¶ 3). Pucci is a foreign business entity organized under the laws of the Netherlands with its principal place of business located in Baarn, the Netherlands. (*See* Compl. ¶ 4). Plaintiffs manufacture, promote, distribute, and sell in interstate commerce, including within this Judicial District, high quality products under a number of Plaintiffs' trademarks. (*See* Livadkin Decl. ¶¶ 4-9).

Louis Vuitton owns and has owned at all relevant times all rights in and to the following Federally registered trademarks (the "Louis Vuitton Marks"):

Trademark	Registration Number	Registration Date
	0,297,594	September 20, 1932
LOUIS VUITTON	1,045,932	August 10, 1976
	1,519,828	January 10, 1989
	1,653,663	August 13, 1991
	1,938,808	November 28, 1995
LOUIS VUITTON	1,990,760	August 6, 1996
	2,177,828	August 4, 1998

² The factual background is taken from the Complaint, the *Ex Parte* Application for TRO, and supporting Declarations submitted by Plaintiffs.

	2,181,753	August 18, 1998
	2,361,695	June 27, 2000
 LOUIS VUITTON PARIS	2,378,388	August 22, 2000
	2,399,161	October 31, 2000
	2,773,107	October 14, 2003
	3,023,930	December 6, 2005
	3,051,235	January 24, 2006

The Louis Vuitton Marks are registered in various International Classes, including 9, 14, 18, and 25 and are used in connection with the manufacture and distribution of, among other things, handbags, pocket wallets, shoulder bags, purses, belts, shoes, boots, sunglasses, and watches. (See Livadkin Decl. ¶ 5; see also United States Trademark Registrations of the Louis Vuitton Marks at issue [“Louis Vuitton Trademark Registrations”] attached as Composite Exhibit A to the Livadkin Decl.).

Pucci owns and has owned at all relevant times all rights in and to the following Federally registered trademarks (the “Pucci Mark”):

Trademark	Registration Number	Registration Date
EMILIO PUCCI	1,687,909	May 19, 1992

The Pucci Mark is registered in International Class 25 and is used in connection with the manufacture and distribution of, among other things, dresses. (*See* Livadkin Decl. ¶¶ 8, 9; *see also* United States Trademark Registration of the Pucci Mark at issue [“Pucci Trademark Registration”] attached as Exhibit B to the Livadkin Decl.). The Louis Vuitton Marks and the Pucci Mark are hereafter collectively referred to as the “Plaintiffs’ Marks.”

Plaintiffs hired Brandon Tanori (“Tanori”) of Investigative Consultants to investigate suspected sales of counterfeit Louis Vuitton branded products by Defendants. (*See* Livadkin Decl. ¶¶ 13, 14; Tanori Decl. ¶ 3). Tanori placed an order for the purchase of a Louis Vuitton branded watch from the Internet website operating under the domain name luxuryaaa.com and the payee for his purchase was identified as “YANGQUAN LU.” (*See* Tanori Decl. ¶¶ 4, 5 and Exs. A and B attached thereto). Tanori’s purchase was processed entirely online. (*See id.*)

Louis Vuitton then asked Nikolay Livadkin, its Senior Legal Counsel, to review and visually inspect the luxuryaaa.com web page listings, as well as detailed web page captures of the Louis Vuitton branded watch purchased by Tanori; Livadkin determined the watch was not a genuine Louis Vuitton product. (*See* Livadkin Decl. ¶ 14, 15, 17). Additionally, Livadkin reviewed and visually inspected the items bearing the Louis Vuitton Marks and the Pucci Mark offered for sale on the Internet websites operating under all of the Subject Domain Names and determined the products were not genuine Louis Vuitton or Pucci products. (*See id.* at ¶¶ 16, 17).

Based on the investigation, Plaintiffs allege Defendants have advertised, offered for sale, and/or sold handbags, pocket wallets, shoulder bags, purses, belts, shoes, boots, sunglasses, watches, and dresses, bearing counterfeits, reproductions, and/or colorable imitations of the Plaintiffs' Marks. (See Livadkin Decl. ¶¶ 5, 8, 14-17 and Exs. A and B thereto; Tanori Decl. ¶¶ 4, 5 and Comp. Exs. A and B thereto). Defendants are not now, nor have they ever been authorized or licensed to use, reproduce, or make counterfeits, reproductions, and/or colorable imitations of the Plaintiffs' Marks. (See Livadkin Decl. ¶ 12).

III. LEGAL STANDARD

Plaintiffs have filed claims pursuant to 15 U.S.C. §§ 1114(1)(a), 1125(a), and 1125(d). Title 15 U.S.C. section 1116(a) provides the Court "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. Injunctive relief is also available under section 1116(a) for a violation of section 1114(1)(a). See 15 U.S.C. § 1116(d)(1)(A).

In order to obtain a temporary restraining order, a party must demonstrate "(1) [there is] 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) (applying the test to a preliminary

injunction in a Lanham Act case)³. Additionally, a court may only issue a temporary restraining order without notice to the adverse party or its attorney if:

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

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

With respect to scope, generally, "persons who are not actual parties to the action or in privity with any of them may not be brought within the effect of a[n injunctive] decree merely by naming them in the order." 11C WRIGHT & A. MILLER, FEDERAL PRACTICE AND PROCEDURE, § 2956 at 335–36 (2d ed. 1995) (footnote omitted). However, "a decree of injunction not only binds the parties defendant but also those identified with them in interest, in 'privity' with them, represented by them or subject to their control." *Golden State Bottling Co. v. NLRB*, 414 U.S. 168, 179 (1973) (citing *Regal Knitwear Co. v. NLRB*, 324 U.S. 9, 14 (1945)); *see also* Fed. R. Civ. P. 65(d)(2). Specifically relevant to this case, 15 U.S.C. section 1114(2)(D) implicitly provides the Court with authority to request or order "[a] domain name registrar, domain name registry, or other domain name registration authority . . . [to] deposit[] with a court, in which an action has been filed regarding the disposition of the domain name, documents sufficient for the

³ The standard for issuing a temporary restraining order is the same as that applied when issuing a preliminary injunction. *Morgan Stanley DW, Inc. v. Frisby*, 163 F. Supp. 2d 1371, 1374 (N.D. Ga. 2001).

court to establish the court's control and authority regarding the disposition of the registration and use of the domain name." 15 U.S.C. §§ 1114(2)(D)(i)–(ii).

IV. ANALYSIS

A. Probability of Success on the Merits

1. Counterfeiting and Infringement – 15 U.S.C. § 1114

Section 32 of The Lanham Act, 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 . . . [which] is likely to cause confusion, or to cause mistake, or to deceive.” To prevail on a trademark infringement claim, a plaintiff must demonstrate “(1) that it had prior rights to the mark at issue and (2) that the defendant had adopted a mark or name that was the same, or confusingly similar to its 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) (internal citation omitted)).

To evaluate likelihood of consumer confusion in a Lanham Act trademark claim, the Eleventh Circuit has developed a seven factor balancing test. *See Dieter v. B & H Indus. of Sw. Fla., Inc.*, 880 F.2d 322, 326 (11th Cir. 1989). The seven factors are: “(1) type [or strength] of mark; (2) similarity of mark; (3) similarity of the products the marks represent; (3) [sic] similarity of the parties’ retail outlets and customers; (5) similarity of advertising media; (6) defendant’s intent; and (7) actual confusion.” *Lipscher v. LRP Publ’ns, Inc.*, 266 F.3d 1305, 1313 (11th Cir. 2001); *see also Dieter*, 880 F.2d at 326; *Safeway Stores, Inc. v. Safeway Disc. Drugs, Inc.*, 675 F.2d 1160, 1164 (11th Cir. 1982). No single factor is dispositive. *Lipscher*, 266 F.3d at 1313.

The Court has considered these seven factors in light of the submissions provided by Plaintiffs and concludes the balance of factors indicates there is a likelihood consumers would confuse Defendants' websites and products with the genuine versions respectively operated and sold by Louis Vuitton and Pucci. In particular, the submissions provided by Plaintiffs support the strength of the Plaintiffs' Marks, show that the goods produced and sold by Defendants are nearly identical to genuine Louis Vuitton and Pucci products, indicate that both Plaintiffs and Defendants target the same U.S. customers on the Internet, suggest that Defendants intended to benefit from the use of Plaintiffs' brand reputations, and show that consumers viewing Defendants' counterfeit goods post-sale would actually confuse them for real Louis Vuitton and Pucci products. Accordingly, Plaintiffs have shown a probability of success on the merits of their trademark counterfeiting and infringement claim under section 1114.

2. False Designation of Origin – 15 U.S.C. § 1125(a)

The test for liability for false designation of origin under 15 U.S.C. § 1125(a) is the same as for a trademark counterfeiting and infringement claim — i.e., whether the public is likely to be deceived or confused by the similarity of the marks at issue. *See Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763, 780 (1992). As just discussed in relation to Plaintiffs' trademark counterfeiting and infringement claim, Defendants' goods are likely to be confused by consumers for genuine Louis Vuitton and Pucci products. Therefore, Plaintiffs have shown a likelihood of success on Plaintiffs' claim of false designation of origin.

3. Cybersquatting Claim – 15 U.S.C. § 1125(d)

The Anticybersquatting Consumer Protect Act ("ACPA") protects the owner of a distinctive or famous trademark from another's bad faith intent to profit from the trademark owner's mark by registering or using a domain name which is identical or confusingly similar to,

or dilutive of, the trademark owner's mark without regard to the goods or services of the parties. See 15 U.S.C. § 1125(d). "To prevail under the ACPA, a plaintiff must prove that (1) its mark is distinctive or famous and entitled to protection; (2) the defendant's domain name is identical or confusingly similar to the plaintiff's mark; and (3) the defendant registered or used the domain name with a bad faith intent to profit." *Bavaro Palace, S.A. v. Vacation Tours, Inc.*, 203 F. App'x 252, 256 (11th Cir. 2006) (citing *Shields v. Zuccarini*, 254 F.3d 476, 482 (3d Cir. 2001)).

As to the first element, the Pucci Mark is inherently distinctive because it is arbitrary as applied to the products which it identifies — i.e., it "does not suggest or describe the goods or services offered thereunder." *Victoria's Cyber Secret Ltd. P'ship v. V Secret Catalogue, Inc.*, 161 F. Supp. 2d 1339, 1349 (S.D. Fla. 2001) (citing *Frehling Enters., Inc. v. Int'l Select Group, Inc.*, 192 F.3d 1330, 1335–36 (11th Cir. 1999)). Moreover, the Pucci Mark is indisputably famous, because it enjoys widespread recognition by consumers. Regarding the second element — use of confusingly similar domain names — Pucci has supplied a list of domain names allegedly used by Defendants to sell counterfeit Pucci products. The domain names include (1) *emiliopuccioutlet.com* and (2) *emiliopuccioutletdress.com*. Pucci has provided sufficient evidence in its submissions to support the conclusion that these domain names are confusingly similar to the Pucci Mark. With regard to the third element — whether Defendants registered the domain names with the bad faith intent to profit — the Court has considered the nine factors laid out in 15 U.S.C. § 1125(d)(1)(B)(i)(I)–(IX) and concludes the submissions provided by Pucci adequately demonstrate Defendants registered the Subject Domain Names *emiliopuccioutlet.com* and *emiliopuccioutletdress.com* in bad faith to attract customers using the Pucci Mark to sell them counterfeit Pucci products. Consequently, Pucci has shown a likelihood of success on the merits of its section 1125(d) claim.

B. Irreparable Injury

The Eleventh Circuit has acknowledged that “once a plaintiff establishes a likelihood of success on the merits of a trademark infringement claim,”⁴ there is a “presumption of irreparable harm.” *N. Am. Med. Corp. v. Axiom Worldwide, Inc.*, 522 F.3d 1211, 1227 (11th Cir. 2008); *see also McDonald’s Corp. v. Robertson*, 147 F.3d 1301, 1310 (11th Cir. 1998). However, the strength of this presumption has been called into question by the Supreme Court’s decision in *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388 (2006). *See N. Am. Medical Corp.*, 522 F.3d at 1227-28. After *eBay*, a court may grant preliminary injunctive relief “without the benefit of a presumption of irreparable injury,” or may “decide that the particular circumstances of the instant case bear substantial parallels to previous cases such that a presumption of irreparable injury is an appropriate exercise of its discretion in light of the historical traditions.” *Id.*

As already discussed, based on Plaintiffs’ submissions to this point, there is a substantial likelihood that consumers will incorrectly believe Defendants’ websites and products are approved or sponsored by Plaintiffs. Although the Court may be permitted to presume irreparable harm from the likely consumer confusion in this case, it is not necessary to rely on a presumption. The operation of Defendants’ websites displaying the Plaintiffs’ Marks and the sale of Defendants’ inferior goods to consumers is likely to cause irreparable damage to Plaintiffs’ respective reputations if they continue, because Plaintiffs will not have the ability to control the quality of what appears to be their respective products in the marketplace. This damage to Plaintiffs’ respective reputations and goodwill could not be easily quantified nor could it be undone through an award of money damages. *See Paulsson Geophysical Servs., Inc. v. Sigmar*, 529 F.3d 303, 313 (5th Cir. 2008).

⁴ As discussed in the legal standard section *supra*, injunctive relief is available on each of Plaintiffs’ three claims, not only the trademark infringement claim. 15 U.S.C. § 1116(a).

C. The Balance of Hardships

The Court is satisfied after reviewing Plaintiffs' submissions that the risk to the reputations and goodwill associated with the Plaintiffs' Marks should Defendants' infringing activities continue outweighs any hardship to Defendants caused by enjoining those activities. It does not appear that Defendants will suffer any legitimate hardship if a temporary restraining order is issued, because they have no legal right to use the Plaintiffs' Marks on their websites or to sell counterfeit Louis Vuitton or Pucci products.

D. Public Interest

The public has an interest in not being misled as to the origin, source, or sponsorship of trademarked products. *See Nike, Inc. v. Leslie*, 227 U.S.P.Q. 574, 575 (1985) (“[A]n injunction to enjoin infringing behavior serves the public interest in protecting consumers from such behavior.”); *Nailtiques Cosmetic Corp. v. Salon Sciences, Corp.*, 41 U.S.P.Q.2d 1995, 1999 (1997) (citing *Scarves By Vera, Inc. v. Todo Imports Ltd.*, 544 F.2d 1167 (2d Cir. 1976)) (finding the interests of the public in not being victimized and misled are important considerations in determining the propriety of granting injunctive relief). Here, Plaintiffs have demonstrated that Defendants' websites and products mislead consumers into believing they are approved or sponsored by Plaintiffs and make it more difficult for a consumer to be sure he or she is purchasing a genuine Louis Vuitton or Pucci product.

V. CONCLUSION

Based on Plaintiffs' Complaint, *Ex Parte* Application for TRO, and evidentiary submissions, the undersigned concludes that the four-part test for injunctive relief has been satisfied. Moreover, because providing notice of this suit before granting injunctive relief would allow Defendants to funnel traffic to their current websites to new domains and allow Defendants

to continue selling counterfeit products, a temporary restraining order should issue. Accordingly, it is

ORDERED AND ADJUDGED that Plaintiffs' *Ex Parte* Application for TRO (D.E. No. 8) is **GRANTED** as follows:

1. Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order are hereby temporarily restrained:
 - a. From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing the Plaintiffs' Marks, or any confusingly similar trademarks, other than those actually manufactured or distributed by Plaintiffs; and
 - b. From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by Plaintiffs, bearing the Plaintiffs' Marks, or any confusingly similar trademarks; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing the Plaintiffs' Marks, or any confusingly similar trademarks.
2. Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with them having notice of this Order shall immediately discontinue the use of the Plaintiffs' Marks or any confusingly similar trademarks, on or in connection with all Internet websites owned and operated, or controlled by them including the Internet websites operating under the Subject Domain Names;

3. Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with them having notice of this Order shall immediately discontinue the use of the Plaintiffs' Marks, or any confusingly similar trademarks within domain name extensions, metatags or other markers within website source code, from use on any webpage (including as the title of any web page), any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms which is visible to a computer user or serves to direct computer searches to websites registered by, owned, or operated by Defendants, including the Internet websites operating under the Subject Domain Names;
4. Defendants shall not transfer ownership of the Subject Domain Names during the pendency of this Action, or until further Order of the Court;
5. The domain name Registrars for the Subject Domain Names are directed to transfer to Plaintiffs' counsel, for deposit with this Court, domain name certificates for the Subject Domain Names;
6. The Registrars and VeriSign Global Registry Services and Public Interest Registry, the top-level domain (TLD) Registries for the Subject Domain Names, within ten (10) business days of receipt of this Temporary Restraining Order, shall change the registrar of record for the Subject Domain Names to the United States based Registrar, GoDaddy.com, Inc. Upon change of the registrar of record the Subject Domain Names to GoDaddy.com, Inc. will hold the Subject Domain Names in trust for the Court during the pendency of this action. Additionally, GoDaddy.com, Inc. shall immediately update the Domain Name System ("DNS") data it maintains for the Subject Domain Names, which links the domain names to the IP addresses where their associated websites are hosted, to

NS1.MEDIATEMPLE.NET and NS2.MEDIATEMPLE.NET, which will cause the domain names to resolve to the website where a copy of the Complaint, Summons, Temporary Restraining Order, and other documents on file in this action are displayed. Alternatively, GoDaddy.com, Inc. may institute a domain name forwarding which will automatically redirect any visitor to the Subject Domain Names to the following Uniform Resource Locator (“URL”) <http://servingnotice.com/lu2/index.html> whereon a copy of the Complaint, Summons, Temporary Restraining Order, and other documents on file in this action are displayed. After GoDaddy.com, Inc. has effected this change the Subject Domain Names shall be placed on Lock status, preventing the modification or deletion of the domains by the registrar or Defendants;

7. Plaintiffs may enter the Subject Domain Names into Google’s Webmaster Tools and cancel any redirection of the domains that have been entered there by Defendants which redirect traffic to the counterfeit operations to a new domain name and thereby evade the provisions of this Order;
8. Defendants shall preserve copies of all their computer files relating to the use of any of the Subject Domain Names and shall take all steps necessary to retrieve computer files relating to the use of the Subject Domain Names that may have been deleted before the entry of this Order;
9. This Temporary Restraining Order shall remain in full force and effect until fourteen (14) days from the date of his order. The Temporary Restraining Order may be extended upon the filing of a motion by the Plaintiffs in which the Plaintiffs demonstrate that there is good cause for such an extension or that the parties have agreed to the extension;

10. The parties shall take notice that a hearing shall take place on Plaintiffs' motion for a preliminary injunction before the undersigned, United States District Judge Jose E. Martinez, at the United States Courthouse located at 400 North Miami Avenue, Courtroom 10-2, Miami, Florida 33128, on **January 27, 2012**, at 10:00 am; or at such other time that this Court deems appropriate, at which time Defendants and/or any other affected persons may challenge the appropriateness of this Order and move to dissolve the same and at which time the Court will hear argument on Plaintiffs' requested preliminary injunction. This hearing shall not exceed thirty (30) minutes. The parties shall confer prior to the hearing to determine how to split the allotted time. If the parties are unable to agree on how to split the allotted time, the Court will decide how to split the allotted time. Defendants may file a motion requesting an earlier hearing on the terms of this temporary restraining order in accordance with the terms of Federal Rule of Civil Procedure 65.
11. Pursuant to 15 U.S.C. § 1116(d)(5)(D), Plaintiffs shall post a bond in the amount of Ten Thousand Dollars and Zero Cents (\$10,000.00), as payment of damages to which Defendants may be entitled for a wrongful injunction or restraint. Plaintiffs shall post the bond prior to requesting the Registry to transfer control of the Subject Domain Names;
12. Plaintiffs shall serve a copy of the *Ex Parte* Application for TRO and this Order on Defendants via e-mail to the known e-mail addresses provided by Defendants to the Registrars responsible for the Subject Domain Names: 23434432@hotmail.com, adelaide@hotmail.com, Beverly@hotmail.com, centurynike@hotmail.com, ohjz@163.com, qqwholesale2009@hotmail.com, replicahandbagbags@hotmail.com, tania255@hotmail.com, web@53dns.com, and yuansheng100@hotmail.com. In addition,

Plaintiffs shall serve a copy of the *Ex Parte* Application for TRO and this Order on Defendants by posting a copy of the *Ex Parte* Application for TRO and this Order on the website located at <http://servingnotice.com/lu2/index.html>, upon transfer of the Subject Domain Names into the holding account with GoDaddy.com, Inc., and such notice so given shall be deemed good and sufficient service thereof. Any response or opposition to Plaintiffs' Motion for Preliminary Injunction must be filed and served on Plaintiffs' counsel forty-eight (48) hours prior to the hearing set for **January 27, 2012**, and filed with the Court, along with Proof of Service, on **January 23, 2012**. Plaintiffs shall file any Reply Memorandum on or before **January 25, 2012**. The above dates may be revised upon stipulation by all parties and approval of this Court. Defendants are hereby on notice that failure to appear at the hearing may result in the imposition of a preliminary injunction against them pursuant to 15 U.S.C. § 1116(d) and Fed. R. Civ. P. 65.

This Temporary Restraining Order expires fourteen (14) days from the date of his order, unless extended for good cause.

DONE AND ORDERED in Chambers at Miami, Florida this 18 day of January, 2012.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge McAliley
All Counsel of Record

SCHEDULE "A"
SUBJECT DOMAIN NAMES

1. alibabaonlinestore.com
2. allwholesalepick.com
3. cnstoreonline.com
4. coachoutletssale.org
5. cooltimberlandshoes.com
6. emiliopuccioutlet.com
7. emiliopuccioutletdress.com
8. lkmwholesale.com
9. luxuryaaa.com
10. pickwholesale.com
11. replicabaghandbags.com
12. replicabagshandbag.com
13. replicabagshandbags.com
14. replicahandbagbags.com
15. replicahandbagsbags.com
16. replicahandbagsshop.org
17. us-wholesaleclothing.com