

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-61084-CIV-SMITH

ADIDAS AG, *et al.*,

Plaintiffs,

v.

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

Defendants.

FINAL DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Pursuant to the Court’s Order Granting Motion for Final Default Judgment [DE 38], and in accordance with Federal Rule of Civil Procedure 58(a), it is hereby

ORDERED that Final Default Judgment is hereby entered in favor of Plaintiffs, adidas AG, adidas International Marketing B.V., and adidas America, Inc. (“Plaintiffs”) and against Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule “A” (collectively, “Defendants”) as follows:

1. Permanent Injunctive Relief. Defendants and their officers, directors, employees, agents, representatives, subsidiaries, distributors, and all persons acting in concert or participation with Defendants are hereby permanently restrained and enjoined from:
 - a. manufacturing or causing to be manufactured, importing, advertising, or promoting, distributing, selling or offering to sell counterfeit and infringing goods bearing and/or using Plaintiffs’ trademarks, or confusingly similar trademarks identified in Paragraphs 17 and 18 of the Amended Complaint [DE 26] (the “adidas Marks”);

- b. using the adidas Marks in connection with the sale of any unauthorized goods;
- c. using any logo, and/or layout which may be calculated to falsely advertise the services or products of Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with Plaintiffs;
- d. falsely representing themselves as being connected with Plaintiffs, through sponsorship or association;
- e. engaging in any act which is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendants are in any way endorsed by, approved by, and/or associated with Plaintiffs;
- f. using any reproduction, counterfeit, copy, or colorable imitation of the adidas Marks in connection with the publicity, promotion, sale, or advertising of any goods sold by Defendants;
- g. affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent goods offered for sale or sold by Defendants as being those of Plaintiffs or in any way endorsed by Plaintiffs and from offering such goods in commerce;
- h. otherwise unfairly competing with Plaintiffs;
- i. using the adidas 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), from any advertising links to other websites, from search engines' databases or cache memory, and from any other form of use of such terms which are visible to a computer user or serves to direct

computer searches to websites registered by, owned, or operated by Defendants;
and

- j. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth above.

2. Additional Equitable Relief.

- a. In order to give practical effect to the Permanent Injunction, upon Plaintiffs' request, the domain names identified on Schedule "B" hereto ("E-commerce Store Names") are hereby ordered to be immediately transferred by the corresponding Defendants, their assignees and/or successors in interest or title, and the Registrars to Plaintiffs' control. To the extent the current Registrars do not facilitate the transfer of the E-commerce Store Names to Plaintiffs' control within five (5) days of receipt of this Judgment, upon Plaintiffs' request, the top level domain (TLD) Registry for each of the E-commerce Store Names, or their administrators, including backend registry operators or administrators, shall, within thirty (30) days, (i) change the Registrar of Record for the E-commerce Store Names to a Registrar of Plaintiffs' choosing, and that Registrar shall transfer the E-commerce Store Names to Plaintiffs, or (ii) place the E-commerce Store Names on Registry Hold status for the life of the current registration, thus removing them from the TLD zone files maintained by the Registries which link the E-commerce Store Names to the IP addresses where the associated websites are hosted;
- b. Defendants, their agent(s) or assign(s), shall assign in writing all rights, title, and interest, to their E-commerce Store Name(s) to Plaintiffs and, if within five (5) days

of receipt of this Order Defendants fail to make such an assignment, the Court shall order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a);

- c. Defendants, their agent(s) or assign(s), shall instruct in writing all search engines to permanently delist or deindex the E-commerce Store Name(s) and, if within five (5) days of receipt of this Order Defendants fail to make such a written instruction, the Court shall order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a); and
 - d. Plaintiffs may serve this injunction on any Internet search engines with a request that they permanently disable, deindex, or delist all URLs of the E-commerce Store Names used by Defendants to promote, offer for sale and/or sell goods using counterfeits and/or infringements of the adidas Marks, based upon Defendants' unlawful activities being conducted via the Subject Domain Names as a whole.
3. Statutory damages in favor of Plaintiffs pursuant to 15 U.S.C. § 1117(c). Plaintiffs are awarded damages of \$1,000,000.00 against each Defendant, for which let execution issue, based upon the Court's finding that each Defendant infringed at least one trademark on one type of good. The Court considered both the willfulness of each Defendant's conduct and the deterrent value of the award imposed, and the awarded amount falls within the permissible statutory range under 15 U.S.C. § 1117(c).

4. Statutory damages in favor of Plaintiffs pursuant to 15 U.S.C. § 1117(d) are determined to be:
 - a. \$10,000.00 against Defendant 1 - adidasecostarica.com, for its domain name, adidasecostarica.com, for which let execution issue;
 - b. \$10,000.00 against Defendant 2 - adidasepanama.com, for its domain name, adidasepanama.com, for which let execution issue;
 - c. \$10,000.00 against Defendant 3 - adidasoutletshoes.us.com, for its domain name, adidasoutletshoes.us.com, for which let execution issue;
 - d. \$10,000.00 against Defendant 4 - adidass.us.com, for its domain name, adidass.us.com, for which let execution issue;
 - e. \$30,000.00 against Defendant 5 - adidasshoesonline.us.com, for its domain names, adidasshoesonline.us.com, adidasstoreoutlet.us.com, and adidasyeezyofficialwebsite.us.com, for which let execution issue;
 - f. \$20,000.00 against Defendant 6 - hypeboost.shop, for its domain names, hypeboost.shop, and hypeboosts.ru, for which let execution issue;
 - g. \$20,000.00 against Defendant 7 - yeezy-boost350v2.us.org, for its domain names, yeezy-boost350v2.us.org, and yeezys-boost.us.org, for which let execution issue; and
 - h. \$10,000.00 against Defendant 8 - ultra-boosts.us.com, for its domain name, ultra-boosts.us.com, for which let execution issue.
5. All funds currently restrained or held on account for all Defendants by all financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to, PayPal, Inc. (“PayPal”) and Stripe,

Inc. (“Stripe”) and their related companies and affiliates, are to be are to be immediately (within 5 business days), transferred by the previously referred to financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms and by Defendants, to Plaintiffs and/or Plaintiffs’ counsel in partial satisfaction of the monetary judgment entered herein against each Defendant. All financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to, PayPal, Stripe, and their related companies and affiliates, shall provide to Plaintiffs at the time the funds are released, a breakdown reflecting the (i) total funds restrained in this matter per Defendant; (ii) total chargebacks, refunds, and/or transaction reversals deducted from each Defendant’s funds restrained prior to release; and (iii) total funds released per Defendant to Plaintiffs.

6. Pursuant to 15 U.S.C. § 1116, 28 U.S.C. § 1651(a), The All Writs Act, Federal Rule of Civil Procedure 65, and the Court’s inherent authority, upon Plaintiffs’ request, Defendants and any financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to, PayPal and Stripe, and their related companies and affiliates, identify and restrain all funds, up to and including the total amount of judgment, in all financial accounts and/or sub-accounts used in connection with the E-commerce Store Names, or other alias identification names used by Defendants presently or in the future, as well as any other related accounts of the same customer(s) and any other accounts which transfer funds into the same financial institution account(s), and remain restrained until such funds are surrendered to Plaintiffs in partial satisfaction of the monetary judgment entered herein.
7. Interest from the date of this judgment shall accrue at the legal rate. *See* 28 U.S.C. § 1961.

8. The bond posted by Plaintiffs in the amount of \$10,000.00 is hereby ordered released by the Clerk.
9. The Court retains jurisdiction to enforce this Judgment and permanent injunction.
10. Plaintiffs are ordered to serve a copy of this Order upon Defendants by (a) providing the address to Plaintiffs' designated serving notice website to Defendants via the e-mail addresses provided by each Defendant as part of the data related to its e-commerce store, including customer service e-mail addresses and onsite contact forms, and private messaging applications and/or services or via the registrar of record for each of the e-commerce stores; and (b) publicly by posting a true and accurate copy of the foregoing on Plaintiffs' designated serving notice website appearing at <http://servingnotice.com/Da30w4k/index.html>.

DONE AND ORDERED in Fort Lauderdale, this 3rd day of May, 2024.

A handwritten signature in black ink, appearing to read 'Rodney Smith', is written over a horizontal line.

RODNEY SMITH
UNITED STATES DISTRICT JUDGE

cc: counsel of record

SCHEDULE "A"
DEFENDANTS BY NUMBER, E-COMMERCE STORE NAME,
FINANCIAL ACCOUNT INFORMATION, ADDITIONAL
USERNAME, BUSINESS NAME, AND E-MAIL ADDRESS

Def. No.	Defendant / E-commerce Store Name	Account Information: Payment Account / Payee	Account Information: PayPal Merchant ID	Additional Username / Business Name	E-mail Address
1	adidasecostarica.com	rairalazaders@mail.com		Nicole Maluleke RAIRALAZADE	
		markswansonwm3j@gmail.com	NQMPZG6C6ZZLC	Mark Swanson MARKSWANSON	
2	adidasepanama.com	faedotilhami@mail.com	PPZM9FJJFRLE	Gugu Geldenhuys FAEDOTILHAM	
3	adidasoutletshoes.us.com	brookedszymanski@outlook.com		沙 田 BROOKEDSZYM	support@tradestore.us
4	adidass.us.com	christinemalanid@hotmail.com	696Q6W6NC9U5Y		tradeservicedirect@outlook.com
					cassidiecharnisejomara@gmail.com
					businessservice480@hotmail.com
5	adidasshoesonline.us.com	briancumberlands@hotmail.com	PAA2KA6XG3RPS		support@tradestore.us
5	adidasstoreoutlet.us.com	briancumberlands@hotmail.com	PAA2KA6XG3RPS		businesshelpteamsooutlook.com
5	adidasyezyofficialwebsite.us.com	paulnbrown9550@hotmail.com			support@tradestore.us
6	hypeboost.shop	cutomplg@outlook.com		常委 刘 WORLDWING Worldwing Limited	hypeboosts@hotmail.com
		yuhyes@hotmail.com	QBJ833UE6NDVS	建玉 张 YUHYES	customplg@outlook.com
					joyce@hypeboosts.com
6	hypeboosts.ru	cutomplg@outlook.com	SHN38B5ZWHNFJ	常委 刘 WORLDWING Worldwing Limited	noreply@hypeboost.shop
					hypeboosts@hotmail.com
					service@hypeboosts.ru
					service@hypeboosts.com

7	yeezy-boost350v2.us.org	paullmorefield95@outlook.com		子豪 程 PAULLMOREFI	
7	yeezys-boost.us.org	paullmorefield95@outlook.com		子豪 程 PAULLMOREFI	
8	ultra-boosts.us.com	dwrightcoffey@hotmail.com	F7DZ6HBF6 DKNY		cassidiecharnisejomara@gmail.com
9	365kitshirts.com	779121437@qq.com	77HJXFHJW S6EG		service@365kitshirt.com
9	77footsfr.com	779121437@qq.com	77HJXFHJW S6EG	依妹 翁 779121437	
9	calcio2024it.com	779121437@qq.com	77HJXFHJW S6EG		sport@calcio2021-it.com
10	8wholesale.com	bajiang168@163.com		淑贞 林 BAJIANG168	8wholesaleservice@gmail.com
		chenchen0224520@outlook.com		惠玲 王 CHENCHEN022	
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		office@ictsp.co.jp	SE74WSZF7 TQ3J	広知 岡澤 ICTSP 株式会社ICTソリューションパートナーズ	
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		yangxd666xiaoqiang@163.com	CJU2EGGX L87N4	满强 杨 LEZUNFUZHUA 泉州乐尊服装商贸 有限公司	
15	magliago.com	heycloth@outlook.com	HMRREZK AHG5A	新 连 HEYCLOTH	info@camisetago.com
15	maillotgo.com	heycloth@outlook.com	HMRREZK AHG5A	新 连 HEYCLOTH	info@camisetago.com
16	cheapjordan2023.com	guilfo	D2XC9UAW SA3BU	超 沈 GUILFO 南通觅漾纺织品有 限公司	business@oaaoo.com
		sunpen@ursuka.com	FVSYZX2JK 4YG8	鹏 孙 URSUKA 安庆抱熏电子商务 有限公司	
16	discountjordan2023.com	sc929@guilfo.com	D2XC9UAW SA3BU	超 沈 GUILFO 南通觅漾纺织品有 限公司	business@oaaoo.com no- reply@sellermail.net

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35	kicksfreake.vip	18144621004@163.com	FMWWPLA DBXW26	玉伟 孙 ONLINE SHOP 合肥万凯汽车服务有限公司	service@kicksfreake.vip service@kicksfreake.com
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		Leykeyy@163.com		恩义 林	kickwhoofficial@gmail.com
37	kickx.ru	putthipong111@outlook.com		跃圣 陈 PUTTHIPONG1	kickx6568@outlook.com
					goodao@globalso.com.cn
					kickx@outlook.com
					zrr789zrr789@163.com
					ueugjh6jjuq1995@inbox.ru
38	ksafutbol.com	dersspl@yeah.net	PQGMCRRL 6B7EG	必和 李 DERSSPL	info@camisetago.com
		Stripe	CLOTHVAL .COM		info@camisetago.com help@clothval.com receipts+acct_1ndecgjsbiuul1i8@stripe.com
38	r7futbol.com	dersspl@yeah.net	PQGMCRRL 6B7EG	必和 李 DERSSPL	info@camisetago.com

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		Stripe	CLOTHVAL.COM		info@camisetago.com help@clothval.com receipts+acct_1ndecgjbsbiuul18@stripe.com
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					goodao@globalso.com.cn
					refgasamim@gmail.com
40	luckick.shop	cnmrjianyu@163.com	9XU3FWXB2TYGC	建宇 孟 CNMRJIANYU	bestshoesstore365@gmail.com
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42	mkkickz.com	support@mondiecenter.com	QEBHFFY9ALGQA	VIET ANH LUU MYRISTICACO MYRISTICA COMPANY LIMITED	getsupport@fulfillments.live
					support@ticokickz.com
					dispute@mondiecenter.com
					urgent@mondiecenter.com
43	newfirstsoccershop.com	fangjbonline@hotmail.com	S8CLJQ8DBLC8E	景彬 方 FANGJBONLIN	daniel-online@hotmail.com
		daniel-online@hotmail.com		Wen bin Zhang DANIELONLIN	liangzaihandy@gmail.com
44	newsneaker.site	mysneakers_vip04@163.com		英文 廖 MYSNEAKERSV	mysneakersservice@outlook.com
		mysneakersservice@outlook.com		晓秋 倪 MYSNEAKERS 海口美兰区时涛百货店	
			BATDVWEND52WW		
45	ogtonysneaker.com	obynt60544@gmail.com	92W8G24SZAYUJ		ogtonysneaker2012@gmail.com

				晓宇 尹 OBYNT60544	obynt60544@gmail.com
46	okick.store	lijianxin2043@hotmail.com		建新 李 LIJIANXIN20	lightkick06@gmail.com
47	pkgiz.com	in0594@qq.com		宗邦 林 IN88889	kick333444@hotmail.com
					33210513@qq.com
		in88889@qq.com		旗遴 林 IN0594	kicksbbs@hotmail.com
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49	rjersey.com	yuyifan965@outlook.com		一凡 余 YUYIFAN965	rjersey001@outlook.com
50	rsneakers.fun	keliyong7895@outlook.com		力勇 柯 KELIYONG789	rwindsneakers@outlook.com
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54	smeshsportos.shop	thoidung49@gmail.com	MYV6V3JP ACQHE	troy smith TROYWILLIAM troy william smith	hszsbanas@gmail.com
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66	popyeezy.com	chenpxw88@163.com	4RCE9WVF ELLRQ	净 陈 SNKER 威宁县灵海商贸有 限公司	popyeezyofficial@gm ail.com bellil2012@gmx.com
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68	jollyfamilygifts.com	Stripe Order No.: 45859 Transaction Date: Feb 2, 2023 Total: \$35.97 Payment Method: Visa CC Description: DANAkk LTD Product Title: Argentina Messi Premium Soccer 2022 Jersey Kit	DANAkk LTD		support@jollyfamilygi fts.com
69	kessoi.com a/k/a dletmea.com	Stripe Order No.: 238181 Transaction Date: Apr 4, 2023 Total: \$\$21.98 Payment Method: Visa CC Description: RH *dletmea.com Product Title: Yz Boost 350 V2 'Dazzling Blue' GY7164	RH *dletmea.co m		service@dletmea.com

SCHEDULE "B"
E-COMMERCE STORE NAMES FOR TRANSFER

Def. No.	E-commerce Store Name
1	adidasecostarica.com
2	adidasepanama.com
6	hypeboost.shop
6	hypeboosts.ru
9	365kitshirts.com
9	77footsfr.com
9	calcio2024it.com
10	8wholesale.com
11	adyzboots.com
12	ahasneakers.cn
13	amjerseys.com
13	soccerum.com
14	buyjerseys.shop
15	camisetago.com
15	futbols24.com
15	kacalcio.com
15	magliago.com
15	maillotgo.com
16	cheapjordan2023.com
16	discountjordan2023.com
17	onlykickz.vip
20	fakeyezyshop.com
20	songsneaker.net
22	februn.com
22	febsale.com
23	floadty.com
23	pejane.com
24	goatkick.net
24	kksneaker.ru
25	honejersey.top
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25	sportsjerseysale.com
26	hotkicks.cc
28	icystar.net
29	jersey-album.com

31	jerseyflagshipstore.com
32	jerseylockers.com
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34	kegao.cn
35	kicksfreake.com
35	kicksfreake.vip
36	kickwho.xyz
37	kickx.ru
38	ksafutbol.com
38	r7futbol.com
38	rofoot.com
39	leekicks.ru
40	luckick.shop
41	maryjersey.cn
42	mkkickz.com
43	newfirstsoccershop.com
44	newsneaker.site
45	ogtonysneaker.com
46	okick.store
47	pkgiz.com
48	rimisnkrs.ru
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49	rjersey.com
50	rsneakers.fun
51	shoesking.me
51	buykicks.me
51	yoyokicks.me
52	shoeslegends.com
53	shopowlfashion.com
54	smeshsportos.shop
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59	stealstock.net
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63	xfjerseymall.com
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