UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-21507-CIV-ALTONAGA/Reid

ADIDAS AG, *et al.*,

Plaintiffs,

v.

CLUBJERSEYWIN.COM,

Defendant.
_____/

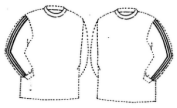
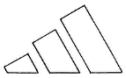
ORDER

THIS CAUSE came before the Court on Plaintiffs, adidas AG, adidas International Marketing B.V., and adidas America, Inc.'s Motion for Entry of Default Final Judgment . . . [ECF No. 19], filed on April 13, 2026. The Court has considered the Motion, the record, and applicable law. For the following reasons, the Motion is granted.

I. BACKGROUND

A. Factual Background

Plaintiffs are business entities engaged in manufacturing and distributing athletic footwear, apparel, and sporting equipment bearing their registered trademarks. (*See* Compl. [ECF No. 1] ¶¶ 4–6; *see also generally id.*, Ex. 1, Trademark Registrations [ECF No. 1-2]). Plaintiffs own the following trademarks, which are valid and registered on the Principal Register of the United States Patent and Trademark Office (the "adidas Marks"):

Trademark	Registration Number	Registration Date	Class/Goods
ADIDAS	0,891,222	May 19, 1970	IC25. Sport shoes namely, track and field shoes, baseball, boxing, football, skating, golf, and soccer shoes; sportswear namely, suits, shorts, pants, tights, shirts, gloves, and the like; jerseys; socks; sport shoes namely, track and field training shoes, basketball shoes, and tennis shoes.
	0,973,161	November 20, 1973	IC 018. Tote bags. IC 25. Specific purpose athletic shoes; general purpose sport shoes, sportswear-namely, suits, shorts, pants, tights, shirts, jerseys, socks, and gloves.
adidas	1,300,627	October 16, 1984	IC 025. Sportswear-Namely, Suits, Shorts, Pants, Tights, Shirts, Jerseys, Socks, Gloves, Jackets, Coats, Swimwear, Sweaters, Caps, Pullovers, Warm-Up Suits, Boots, Shoes, Slippers.
	1,310,140	December 18, 1984	IC 025. Sportswear-Namely, Suits, Shorts, Pants, Tights, Shirts, Jerseys, Socks, Gloves, Jackets, Coats, Swimwear, Sweaters, Caps, Pullovers, Warm-Up Suits, Rain Suits, Ski Suits, Jump Suits, Boots, Shoes, Slippers.
	2,058,619	May 6, 1997	IC 025. Sports and leisure wear, namely shirts
	2,179,796	August 11, 1998	IC 025. Sports and leisure wear, namely shorts, pants, shirts, T-shirts, jerseys, tights, socks, gloves, jackets, swimwear, sweaters, caps and hats, pullovers, warm-up suits, rain-suits, ski suits, jump suits, boots, slippers, sandals, specific purpose athletic shoes, and general purpose sport shoes.
	2,284,308	October 12, 1999	IC 025. Sports and leisure wear, namely pants.

	2,278,591	September 21, 1999	IC 25. Sports and leisure wear, namely, shorts.
	2,411,802	December 12, 2000	IC 018. All purpose sport bags, athletic bags, traveling bags, backpacks, knapsacks. IC 025. Sports and leisure wear, namely, shorts, pants, shirts, T-shirts, jerseys, socks, gloves, jackets, swimwear, caps and hats, pullovers, sweat-shirts, sweat suits, track suits, warm-up suits; boots, sandals, specific purpose athletic shoes and general all purpose sports shoes. IC 028. Sports balls and playground balls; guards for athletic use, namely, shin guards, knee guards and leg guards.
	3,029,127	December 13, 2005	IC 025. Clothing, namely, T-Shirts, sweatshirts, jackets and coats.

	3,104,117	June 13, 2006	IC 009. Optical apparatus and instruments, namely, eyeglasses and sunglasses. IC 014. Horological and chronometric instruments, namely, watches IC 018. Leather and imitations of leather, and goods made from these materials in the nature of bags for general and sport use, namely, handbags, tote bags, waist packs, overnight bags, backpacks, knapsacks and beach bags; trunks; traveling bags for general and sport use; leather and imitations of leather and goods made from these materials, namely, wallets, briefcases. IC 025. Sports and leisure wear, namely suits, shorts, pants, sweatpants, skirts, skorts, dresses, blouses, shirts, T-shirts, sleeveless tops, polo shirts, vests, jerseys, sweaters, sweatshirts, pullovers, coats, jackets, track suits, training suits, warm-up suits, swimwear, underwear, socks, gloves, scarves, wristbands and belts; headgear, namely caps, hats, visors, headbands; athletic footwear and leisure foot wear, namely boots, sandals, specific purpose athletic shoes and general purpose sports shoes.

	4,910,643	March 6, 2016	IC 018. Articles made of leather and imitation leather, namely, backpacks, bags for general and sports use, carry-all bags, athletic bags, duffle bags, shoulder bags, sling bags, handbags, purses, tote bags, waist packs, overnight bags, knapsacks, shoe bags. IC 025. Clothing, namely, shirts, T-shirts, sweatshirts, jerseys, pullovers, tops, sweaters, pants, shorts, bottoms, jackets, coats, dresses, skirts, skorts, underwear, bras, socks, tights, scarves, gloves, belts, tracksuits, training suits, warm-up suits, athletic uniforms, swimwear, footwear, athletic footwear, boots, sandals, slides, caps, hats, visors, headbands. IC 028. Athletic sporting goods, namely, shin guards, soccer gloves, goalkeepers' gloves, leg guards; Balls for sports, soccer balls, basketballs, playground balls.

(*See* Mot., Ex. 1, Decl. of Sara Vanderhoff ("Vanderhoff Decl.") [ECF No. 19-1] ¶¶ 4–5; *see also* Compl. ¶ 18). Plaintiffs' trademarks are used in connection with the design, manufacture, and distribution of quality goods in the categories identified above. (*See* Vanderhoff Decl. ¶¶ 4–5).

Plaintiffs' representative, Sara Vanderhoff, reviewed and visually inspected the detailed web page captures and images of the various branded products offered for sale by Defendant via its Internet websites operating under its seller names and determined the products were non-genuine, unauthorized versions of Plaintiffs' branded products. (*See id.* ¶¶ 14–15). Based on Plaintiffs' investigation, Plaintiffs assert that Defendant willfully and intentionally advertised, promoted, offered for sale, or sold goods bearing what Plaintiffs have determined to be counterfeits and confusingly similar imitations of the adidas Marks. (*See id.*; *see also* Compl. ¶¶ 26–34, 39–41). Defendant is not now, nor has it ever been, authorized or licensed to use, reproduce, or make counterfeits, reproductions, or colorable imitations of the adidas Marks. (*See* Vanderhoff Decl. ¶¶

14–15). Plaintiffs further allege that Defendant's counterfeiting and infringing activities have caused "harm to Plaintiffs and the consuming public[.]" (Compl. ¶ 29 (alteration added); *see also* Vanderhoff Decl. ¶ 16).

B. Procedural Background

On March 6, 2026, Plaintiffs initiated this action, alleging that Defendant is infringing their trademarks by promoting, selling, and distributing counterfeit products through unauthorized domain names. (*See* Compl. 2).[1] Plaintiffs assert four claims: (1) trademark counterfeiting and infringement under section 32 of the Lanham Act, in violation of 15 U.S.C. section 1114; (2) false designation of origin under section 43(a) of the Lanham Act, in violation of 15 U.S.C. section 1125(a); (3) unfair competition under Florida common law; and (4) trademark infringement under Florida common law. (*See* Comp. ¶¶ 38–63). On April 8, 2026, the Clerk entered Default [ECF No. 16] against Defendant after it failed to answer the Complaint, respond, or otherwise appear within the time permitted. (*See generally* Order on Default Final J. Procedure [ECF No. 17]; *see also, e.g.,* Proof of Service [ECF No. 12], Ex. 1, Aff. of Service [ECF No. 12-1]; Proof of Service, Ex. 2, Aff. of Service [ECF No. 12-2]); Fed. R. Civ. P. 12(a)(1)(A).

Plaintiffs seek the entry of default final judgment against Defendant. (*See generally* Mot.). Plaintiffs further request the Court (1) enjoin Defendant from producing or selling trademark-infringing goods; (2) cancel or at Plaintiffs' election, transfer Defendant's E-commerce Store Names to Plaintiffs; (3) authorize Plaintiffs to request any email service provider permanently suspend the email addresses used in connection with Defendant's counterfeiting activities; (4) assign all rights, title, and interest to the E-commerce Store Names to Plaintiffs; (5) permanently delist or deindex the E-commerce Store Names from internet search engines; (6) permanently

[1] The Court uses the pagination generated by the electronic CM/ECF database, which appears in the headers of all court filings.

terminate any messaging services and E-commerce Store Names it owns, operates, or controls; (7) award statutory damages for the trademark counterfeiting and infringement; and (8) award monetary damages for the remaining claims. (*See* Mot. 9–18).

II. LEGAL STANDARD

Under 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's default does not in itself warrant the court entering a default judgment." *DirecTV, Inc. v. Huynh*, 318 F. Supp. 2d 1122, 1127 (M.D. Ala. 2004) (alteration added; quoting *Nishimatsu Constr. Co., Ltd. v. Houston Nat'l Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975)). Granting a motion for default judgment is within the trial court's discretion. *See Nishimatsu*, 515 F.2d at 1206.

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 the judgment to be entered. *See id.*; *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 . . . ." (alterations added)). "[A] default judgment cannot stand on a complaint that fails to state a claim." *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1370 n.41 (11th Cir. 1997) (alteration added; citations omitted). Even if a complaint states a claim, the court must still "conduct an inquiry in order to ascertain the amount of damages with reasonable certainty." *Sublett v. Landshark Grp., Inc.*, No. 20-cv-128, 2021 WL 5055074, at *6 (N.D. Fla. Aug. 26, 2021) (quoting *Credit Lyonnais Sec. (USA) v. Alcantara*, 183 F.3d 151, 155 (2d Cir. 1999)).

III. DISCUSSION

Plaintiffs seek a default final judgment on their four claims: trademark counterfeiting and infringement and false designation of origin under the Lanham Act, as well as unfair competition

and trademark infringement under Florida common law. (*See* Compl. ¶¶ 38–63). The Court addresses each claim in turn before considering the requested relief.

A. Liability

Count I: Trademark Counterfeiting and Infringement. Plaintiffs assert that Defendant is promoting and otherwise advertising, selling, offering for sale, and distributing counterfeit goods bearing imitations of Plaintiffs' registered Trademarks without authorization. (*See id.* ¶ 40). Under the Lanham Act, liability attaches where a defendant uses in commerce without consent "any reproduction, counterfeit, copy, or colorable imitation of a registered mark" in a manner "likely to cause confusion, or to cause mistake, or to deceive[.]" 15 U.S.C. § 1114(1) (alteration added). To prevail on a trademark counterfeiting and infringement claim, a plaintiff must show "(1) that its mark has priority and (2) that the defendant's mark is likely to cause consumer confusion." *Frehling Enters., Inc. v. Int'l Select Grp., Inc.*, 192 F.3d 1330, 1335 (11th Cir. 1999) (citations omitted).

Because of its default, Defendant admits the adidas Marks have priority; that the accused goods are counterfeit; that consumers are likely to confuse them with genuine products bearing the adidas Marks; and that Defendant willfully engaged in this conduct to trade on Plaintiffs' reputation and goodwill. (*See* Compl. ¶¶ 18, 26, 38–43; Vanderhoff Decl. ¶¶ 13–15); *see also Cotton v. Mass. Mut. Life Ins. Co.*, 402 F.3d 1267, 1278 (11th Cir. 2005) (citation omitted). These allegations are sufficient to establish liability for trademark counterfeiting and infringement.

Count II: False Designation of Origin. A false designation of origin claim under 15 U.S.C. section 1125(a) turns on the same inquiry as a trademark counterfeiting and infringement claim — whether the public is likely to be deceived or confused by the similarity of the marks. *See, e.g.*, *Two Pesos, Inc. v. Taco Cabana, Inc.,* 505 U.S. 763, 780 (1992) (Stevens, J., concurring)

(citing *New W. Corp. v. NYM Co. of Cal.*, 595 F.2d 1194, 1201 (9th Cir. 1979)). Defendant's admissions establish liability for false designation of origin for the same reasons discussed as to Count I.

Count III: Common Law Unfair Competition. Under Florida common law, unfair competition claims based on trademark infringement turn on the same "likelihood of confusion" analysis as Lanham Act claims. *Chanel, Inc. v. bestaaachanel.com*, No. 18-cv-63018, 2019 WL 451174, at *4 (S.D. Fla. Feb. 5, 2019) (citations omitted). By defaulting, Defendant admits engaging in infringing conduct: using Plaintiffs' Marks without authorization in a manner calculated to trade on Plaintiffs' reputation and to confuse consumers into believing that its counterfeit goods originated with or were endorsed by Plaintiffs. (*See* Am. Compl. ¶¶ 25–44, 71–73). Those admissions satisfy the elements of unfair competition under Florida common law.

Count IV: Common Law Trademark Infringement. The standard for proving trademark infringement under Florida common law mirrors the analysis for a trademark infringement claim under section 32(a) of the Lanham Act. *See Chanel, Inc.*, 2019 WL 451174, at *4 (citation omitted). Having already established Defendant's liability under the Lanham Act for using counterfeit versions of Plaintiffs' Marks in commerce without consent and in a manner likely to cause confusion, Plaintiffs necessarily prevail on their parallel common-law claims.

In sum, the Complaint's well-pleaded allegations establish each element of Plaintiffs' claims, warranting default judgment under Federal Rule of Civil Procedure 55.

B. Relief

Plaintiffs seek both equitable relief and monetary damages on their trademark counterfeiting and infringement claim in Count I. (*See* Mot. 7–14). Because the remedies Plaintiffs request in Counts II, III, and IV — false designation of origin, common law unfair

competition, and common-law trademark infringement — duplicate the equitable relief sought under Count I, the Court considers the request for relief only in the context of Count I. (*See id.* 19).

Injunctive Relief. The Lanham Act authorizes district courts to grant injunctions "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). Indeed, "injunctive relief is the remedy of choice for trademark and unfair competition cases, since there is no adequate remedy at law for the injury caused by a defendant's continuing infringement." *Burger King Corp. v. Agad*, 911 F. Supp. 1499, 1509–10 (S.D. Fla. 1995) (alteration adopted; citation and quotation marks omitted). This is particularly true in default judgment settings where a defendant's refusal to appear leaves the court with no assurance that the infringing conduct will cease absent a permanent injunction. *See PetMed Express, Inc. v. MedPets.com, Inc.*, 336 F. Supp. 2d 1213, 1222–23 (S.D. Fla. 2004).

Permanent injunctive relief is warranted where the plaintiff shows: (1) irreparable injury; (2) the absence of an adequate remedy at law; (3) that the balance of hardships favors equitable relief; and (4) that an injunction serves the public interest. *See eBay, Inc. v. MercExchange, LLC*, 547 U.S. 388, 392–93 (2006) (citations omitted). Plaintiffs have met their burden on each element.

In trademark infringement actions, "a sufficiently strong showing of likelihood of confusion . . . may by itself constitute a showing of a substantial threat of irreparable harm." *McDonald's Corp. v. Robertson*, 147 F.3d 1301, 1310 (11th Cir. 1998) (alterations adopted; other alteration added; citations, footnote call number, and quotation marks omitted); *see also Levi Strauss & Co. v. Sunrise Int'l Trading Inc.*, 51 F.3d 982, 986 (11th Cir. 1995) (observing that continued sales of counterfeit goods inevitably harm the brand's reputation and legitimate sales).

Plaintiffs assert that Defendant's unlawful conduct has caused and will continue to cause, irreparable harm absent a permanent injunction. (*See* Compl. ¶¶ 36, 44). Plaintiffs' allegations and supporting evidence establish that Defendant promotes, advertises, offers for sale and/or sells goods using identical copies of the adidas Marks, creating a strong likelihood that consumers will mistake the counterfeit products for genuine goods sold by Plaintiffs. (*See, e.g.*, *id.* ¶ 27 ("Defendant's actions are likely to cause confusion [for] consumers . . . who will believe Defendant's goods are genuine goods originating from, associated with, and/or approved by Plaintiffs." (alterations added)); *see also* Vanderhoff Decl. ¶¶ 12, 14–15).

Plaintiffs also sufficiently allege that monetary relief alone cannot remedy the harm caused by Defendant's continued operation of the Subject Domain Names, because Plaintiffs have no ability to control the quality of goods that appear to bear their Marks. (*See* Compl. ¶¶ 35, 44). Left unchecked, such infringement erodes Plaintiffs' reputation and goodwill, undermining consumer trust. By contrast, prohibiting Defendant from unlawfully using Plaintiffs' Trademarks imposes no legitimate hardship on Defendant.

The public interest likewise favors injunctive relief to protect consumers from deception and potential harm from inferior counterfeits. *See Nike, Inc. v. Leslie*, No. 85-960-Civ, 1985 WL 5251, at *1 (M.D. Fla. June 24, 1985) ("[A]n injunction to enjoin infringing behavior serves the public interest in protecting consumers from such behavior." (alteration added)).

Given the continuing nature of Defendant's online counterfeiting scheme, the Court exercises its broad equitable authority to impose comprehensive measures to halt the infringement and prevent its recurrence. *See Chanel, Inc*., 2019 WL 451174, at *5 (citing *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15 (1971); *United States v. Bausch & Lomb Optical Co.*, 321 U.S. 707, 724 (1944)). The Court will cancel or transfer the E-commerce Store Names and

assign all rights, title, and interest in the E-commerce Store Names to Plaintiffs; authorize Plaintiffs to request that any email service provider permanently suspend the email addresses used in connection with Defendant's counterfeiting activities; direct the delisting or de-indexing of the E-commerce Store Name from Internet search engines; and require the termination of any messaging accoounts, e-commerce stores, usernames, and social media accounts Defendant owns, operates, or controls on any messaging service, or social media platform. (*See* Mot. 9–14).

Statutory Damages. In a case involving counterfeit marks in connection with a sale, offering for sale, or distribution of goods, 15 U.S.C. section 1117(c) provides that a plaintiff may elect an award of statutory damages at any time before final judgment is rendered in the sum of not less than $1,000.00 nor more than $200,000.00 per counterfeit mark per type of good. *See id.* § 1117(c)(1). In addition, if the Court finds that Defendant's counterfeiting actions were willful, it may impose damages above the maximum limit up to $2,000,000.00 per mark per type of good. *See id.* § 1117(c)(2). Under section 1117(c), Plaintiffs have elected to recover an award of statutory damages as to Count I of the Amended Complaint. (*See generally* Mot.).

The Court has broad discretion in determining statutory damages in a trademark infringement and counterfeiting action. *See PetMed Express, Inc.*, 336 F. Supp. 2d at 1219 (citations omitted). Such relief is available even when a plaintiff cannot prove the exact amount of harm caused by the infringement. *See Burger King Corp. v. Mason*, 855 F.2d 779, 781 (11th Cir. 1988). Congress authorized statutory damages in counterfeiting cases precisely because a defendant's profits are often difficult — if not impossible — to determine, and this case is no different. *See PetMed Express, Inc.*, 336 F. Supp. 2d at 1219–20 (citations omitted).

The Court may award statutory damages "without holding an evidentiary hearing based upon affidavits and other documentary evidence if the facts are not disputed." *Perry Ellis Int'l, Inc. v.*

URI Corp., No. 06-22020-Civ, 2007 WL 3047143, at *1 (S.D. Fla. Oct. 18, 2007) (citation omitted). While Federal Rule of Civil Procedure 55(b)(2)(B) allows the Court to hold a hearing on damages before entering default judgment, such a hearing is unnecessary when the record provides sufficient evidence to support the damages sought. *See S.E.C. v. Smyth*, 420 F.3d 1225, 1232 n.13 (11th Cir. 2005) ("Rule 55(b)(2) speaks of evidentiary hearings in a permissive tone[, and] [w]e have held that no such hearing is required where all essential evidence is already of record." (alterations added; citations omitted)); *see also PetMed Express, Inc.*, 336 F. Supp. 2d at 1217, 1223 (awarding default judgment, injunction, and statutory damages in a Lanham Act case without a hearing).

Plaintiffs' well-pleaded allegations show Defendant deliberately copied registered Trademarks to exploit Plaintiffs' established reputation. (*See generally* Compl.). Defendant's default permits the Court to infer willfulness. *See Arista Recs., Inc. v. Beker Enters., Inc.*, 298 F. Supp. 2d 1310, 1313 (S.D. Fla. 2003) (citations omitted). The Lanham Act authorizes statutory damages of up to $2,000,000 per mark per type of good for willful counterfeiting, a remedy designed to halt ongoing infringement and deter its recurrence. *See* 15 U.S.C. § 1117(c)(2).

The evidence reflects that Defendant promoted, advertised, distributed, offered for sale, and/or sold at least one type of good bearing marks that were counterfeits of at least one of Plaintiffs' federally registered Trademarks. (*See* Compl. ¶¶ 18, 39–43; *see also* Vanderhoff Decl. ¶ 17; Mot., Ex. 2, Statutory Damages Calculation Chart ("Statutory Damages") [ECF No. 19-2] 1). Based on these considerations, Plaintiffs seek $120,000 per counterfeit mark per type of good offered for sale and/or sold by Defendant. (*See* Mot. 16–18; Statutory Damages 1).

Such an award serves all purposes of section 1117(c): compensating Plaintiffs, punishing Defendant, and deterring Defendant and others from engaging in similar counterfeiting schemes. *See Chanel, Inc. v. Individuals*, No. 24-cv-22823, 2024 WL 5267144, at *5 (S.D. Fla. Sept. 25,

2024) (citations omitted). The Court finds the requested award well within the statutory range and appropriate here, consistent with other decisions in this District. *See Burberry Ltd. v. Individuals*, No. 23-cv-60198, Order & Final J. [ECF Nos. 41–42], filed on May 1, 2023 (S.D. Fla. 2023) (entering a statutory damages award using a baseline number that was trebled to reflect willfulness and doubled for the purpose of deterrence); *Gucci Am., Inc. v. Individuals*, No. 22-cv-62267, Order & Final J. [ECF Nos. 49–50], filed on March 15, 2023 (S.D. Fla. 2023) (same).

Accordingly, it is

ORDERED AND ADJUDGED that Plaintiffs, adidas AG, adidas International Marketing B.V., and adidas America, Inc.'s Motion for Entry of Default Final Judgment **[ECF No. 19]** is **GRANTED** against Defendant, clubjerseywin.com. Final judgment and a permanent injunction will be entered by separate order.

DONE AND ORDERED in Miami, Florida, this 29th day of April, 2026.

CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record
clubjerseywin.com