

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-62397-CIV-SINGHAL/VALLE

ADIDAS AG, *et al.*,

Plaintiffs,

v.

ADIDASBOOSTOUTLET.COM, *et al.*,

Defendants.

**ORDER GRANTING APPLICATION FOR ENTRY OF
PRELIMINARY INJUNCTION**

THIS CAUSE is before the Court on Plaintiffs' Application for Preliminary Injunction ("the Application") (DE [7]). The Court heard the Application via telephonic hearing on January 5, 2022, at which time only counsel for Plaintiffs appeared. Plaintiffs adidas AG, adidas International Marketing B.V., adidas America, Inc., Reebok International Limited, and Reebok International Ltd move for entry of a preliminary injunction against Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule "A," under 15 U.S.C. § 1116, Federal Rule of Civil Procedure 65, and The All Writs Act, 28 U.S.C. § 1651(a).


The Court convened a hearing on January 5, 2022, at which only counsel for Plaintiffs was present and available to present evidence supporting the Application. To date, no Defendant has formally appeared in this action.¹ Because Plaintiffs have

¹ The Court notes, however, that Plaintiffs have voluntarily dismissed Defendant Numbers 18, 27, 30, 50, 51, 53, 81, 88, 98, 153, 174, and 186 from this action. (DE [22]).







satisfied the requirements for the issuance of a preliminary injunction, the Court will now grant Plaintiffs' Application for Preliminary Injunction.


I. BACKGROUND²

Plaintiff adidas is the owner of 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.

² The factual background is taken from Plaintiffs' Complaint, Application, and supporting Declarations.



	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.
THE BRAND WITH THE 3 STRIPES	1,674,229	February 4, 1992	IC 025. boots, slippers, sandals; shoes, boots and after ski boots for hiking and trekking, athletic shoes and general-purpose sports shoes.
	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.
	3,029,129	December 13, 2005	IC 025. Footwear.
	3,029,135	December 13, 2005	IC 025. Footwear.
	3,104,117	June 13, 2006	IC 009. Optical apparatus and instruments, namely, eyeglasses and sunglasses. IC 014. Horological and chronometric instruments, namely, watches


			<p>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.</p> <p>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.</p>
BOOST	3,580,958	February 24, 2009	IC 025. Clothing, namely, shirts; footwear.
adidas	4,679,762	January 27, 2015	IC 009. Mobile phone covers, laptop covers and sleeves, protective covers and sleeves for tablet computer.
	4,679,763	January 27, 2015	IC 009. Mobile phone covers, laptop covers and sleeves, protective covers and sleeves for tablet computer.
NMD	5,218,628	June 6, 2017	IC 025. Footwear.

SPLY-350	5,413,495	February 27, 2018	IC 025. Footwear
----------	-----------	-------------------	------------------

(See Declaration of Mia Nidia Gutierrez in Support of Plaintiffs' Application for Preliminary Injunction ("Gutierrez Decl.") ¶¶ 4-5 (DE [7-2]); see also United States Trademark Registrations of the adidas Marks at issue attached as Composite Exhibit 1 to the Complaint (DE [1-2]).) The adidas Marks are used in connection with the manufacture and distribution of quality goods in the categories identified above. (See Gutierrez Decl. ¶ 5 (DE [7-2]).)

Plaintiff Reebok is the owner of the following trademarks, which are valid and registered on the Principal Register of the United States Patent and Trademark Office (the "Reebok Marks"):

Trademark	Registration Number	Registration Date	Class / Goods
REEBOK	1,133,704	April 22, 1980	IC 25. Shoes for use in athletic sports.
	1,356,835	August 27, 1985	IC 025. Shoes and running suits comprising jackets and pants
REEBOK	1,390,793	April 22, 1986	IC 018. All purpose sport bags IC 25. Sweatpants, shorts, sweaters, polo shirts, hats, visors, headbands, sweatbands, t-shirts, sweatshirts.
	1,848,848	August 9, 1994	IC 018. All purpose sport bags, duffel bags. IC 025. Footwear and apparel; namely, T-shirts, shirts, sweatshirts, sweaters, jackets, hats, visors, socks, sweatpants, pants, shorts, skirts, unitards, and leotards.

	4,092,269	January 24, 2012	<p>IC 025. Footwear; apparel, namely, shirts, tops, jackets, pants, shorts, athletic uniforms, socks, tights, gloves and, bras; headwear, namely, caps, hats and head bands.</p> <p>IC 041. Consulting services in the fields of fitness and exercise; physical fitness and exercise training services; providing physical fitness and exercise instruction; entertainment in the nature of competitions in the field of weightlifting, cross-training, and overall physical fitness; organizing physical fitness competitions; providing motivational speakers and personal appearances by athletes and physical fitness experts; health and fitness club services, namely, providing instruction, facilities, and equipment in the field of physical exercise; organizing and conducting classes, seminars, and workshops in the field of fitness</p>
---	-----------	------------------	---

(See Gutierrez Decl. ¶¶ 13-14 (DE [7-2]); see also United States Trademark Registrations of the Reebok Marks at issue attached as Composite Exhibit 2 to the Complaint (DE [1-3]).) The Reebok Marks are used in connection with the manufacture and distribution of high-quality goods in the categories identified above. (See Gutierrez Decl. ¶ 14 (DE [7-2]).)

Defendants, by operating interactive, commercial websites under their domain names identified on the attached Schedule “A” (“Subject Domain Names”)³ have

³ Plaintiffs assert that some Defendants use their Subject Domain Names to act as supporting domain names to direct traffic to their fully interactive, commercial websites operating under other Subject Domain Names. (See Gigante Decl. ¶ 2 n.1 (DE [7-3]).)

advertised, promoted, offered for sale, or sold goods bearing and/or using what Plaintiffs have determined to be counterfeits, infringements, reproductions and/or colorable imitations of the adidas Marks and/or the Reebok Marks (collectively, “Plaintiffs’ Marks”). (See Gutierrez Decl. ¶¶ 22-24 (DE [7-2]); Declaration of Virgilio Gigante in Support of Plaintiffs’ Application for Preliminary Injunction (“Gigante Decl.”) ¶ 2 (DE [7-3]).)

Although each Defendant may not copy and infringe each of the Plaintiffs’ Marks for each category of goods protected, Plaintiffs have submitted sufficient evidence showing each Defendant has infringed at least one or more of Plaintiffs’ Marks. (See Gutierrez Decl. ¶¶ 23-24 (DE [7-2]); Gigante Decl. ¶ 2 (DE [7-3]).) Defendants are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, reproductions, or colorable imitations of Plaintiffs’ Marks. (See Gutierrez Decl. ¶ 22 (DE [7-2]).)

Plaintiffs’ representative reviewed and visually inspected the various items bearing Plaintiffs’ trademarks offered for sale by Defendants through the websites operating under the Subject Domain Names and determined that the products were non-genuine, unauthorized versions of Plaintiffs’ products. (See Gutierrez Decl. ¶¶ 23-24 (DE [7-2]).)

On November 23, 2021, Plaintiffs filed their Complaint (DE [1]) against Defendants for federal trademark counterfeiting and infringement, false designation of origin, cybersquatting, common-law unfair competition, and common-law trademark infringement. On December 6, 2021, Plaintiffs filed their *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction (DE [7]). On December 16, 2021, this Court entered an Order Granting *Ex Parte* Application for Entry of Temporary Restraining Order (“the TRO”) (DE [10]) and temporarily restrained Defendants from

infringing the Plaintiffs' Marks at issue. In accordance with the Court's December 16, 2021 TRO, Plaintiffs properly served Defendants with a copy of the Complaint, all filings in this matter, and the Court's December 16, 2021 TRO. See (DE [17], [18], and [19]). On January 5, 2022, the Court conducted a hearing on Plaintiffs' Application, at which only counsel for Plaintiffs was in attendance.

II. LEGAL STANDARD

To obtain a preliminary injunction, a party must demonstrate "(1) 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 the 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).

III. CONCLUSIONS OF LAW

The declarations Plaintiffs submitted in support of their Application support the following conclusions of law:

A. Plaintiffs have a strong probability of proving at trial that consumers are likely to be confused by Defendants' advertisement, promotion, sale, offer for sale, and/or distribution of goods bearing and/or using counterfeits, reproductions, or colorable imitations of Plaintiffs' Marks, and that the products Defendants are selling and promoting for sale are copies of Plaintiffs' products that bear copies of Plaintiffs' Marks.

B. Because of the infringement of Plaintiffs' Marks, Plaintiffs are likely to suffer immediate and irreparable injury if a preliminary injunction is not granted. The following

specific facts, as set forth in Plaintiffs' Complaint, Application, and accompanying declarations, demonstrate that immediate and irreparable loss, damage, and injury will result to Plaintiffs and to consumers because it is more likely true than not that:

1. Defendants own or control commercial websites operating under their domain names that advertise, promote, offer for sale, and sell products bearing and/or using counterfeit and infringing trademarks in violation of Plaintiffs' rights; and

2. There is good cause to believe that more counterfeit and infringing products bearing and/or using Plaintiffs' trademarks will appear in the marketplace; consumers are likely to be misled, confused, or disappointed by the quality of these products; and Plaintiffs may suffer loss of sales for their genuine products.

C. The balance of potential harm to Defendants in restraining their trade in counterfeit and infringing branded goods if a preliminary injunction is issued is far outweighed by the potential harm to Plaintiffs, their respective reputations, and their goodwill as manufacturers and distributors of quality products, if such relief is not issued.

D. The public interest favors issuance of the preliminary injunction to protect Plaintiffs' trademark interests and protect the public from being defrauded by the palming off of counterfeit and infringing goods as Plaintiffs' genuine goods. Accordingly, it is hereby

ORDERED AND ADJUDGED that Plaintiffs' Application for Preliminary Injunction (DE [7]) is **GRANTED**, according to the terms set forth below:

(1) Each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order are hereby restrained and enjoined until further Court order as follows:

- a. From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing and/or using 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 and/or using 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 and/or using Plaintiffs' Marks, or any confusingly similar trademarks.

(2) Each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order shall immediately discontinue, until further Court order, the use of Plaintiffs' Marks, or any confusingly similar trademarks, on or in connection with all websites owned and operated, or controlled by them, including the websites operating under the Subject Domain Names;

(3) Each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order shall immediately discontinue, until further Court order, the use of 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 webpage), from any advertising links to other websites, from

search engines' databases or cache memory, and any other form of use of such terms that are visible to a computer user or serves to direct computer searches to websites registered, owned, or operated by each Defendant, including the websites operating under the Subject Domain Names;

(4) Each Defendant shall not transfer ownership of the websites operating under the Subject Domain Names during the pendency of this action, or until further Court order;

(5) Each Defendant shall continue to preserve copies of all computer files relating to the use of any of the websites operating under the Subject Domain Names and shall take all steps necessary to retrieve computer files relating to the use of the websites operating under the Subject Domain Names that may have been deleted before the entry of this Order;

(6) Upon Plaintiffs' request, the privacy protection service for any of the Subject Domain Names for which the registrant uses such privacy protection service to conceal the registrant's identity and contact information is ordered, to the extent not already done, to disclose to Plaintiffs the true identities and contact information of those registrants;

(7) The domain name registrars for the Subject Domain Names shall immediately, to the extent not already done, assist in changing the registrar of record for the Subject Domain Names to a holding account with a registrar of Plaintiffs' choosing (the "New Registrar"), excepting any such domain names which such registrars have been notified in writing by Plaintiffs have been or will be dismissed from this action, or as to which Plaintiffs have withdrawn their request to immediately transfer such domain names. To the extent the registrars do not assist in changing the registrars of record for

the domains under their respective control within one business day of receipt of this Order, the top-level domain (TLD) registries for the Subject Domain Names or their administrators, including backend registry operators or administrators, shall immediately change, or assist in changing, the registrar of record for the Subject Domain Names to a holding account with the New Registrar, excepting any such domain names which such registries have been notified in writing by Plaintiffs have been or will be dismissed from this action or as to which Plaintiffs have withdrawn their request to immediately transfer such domain names. Upon the change of the registrar of record for the Subject Domain Names, the New Registrar will maintain access to the Subject Domain Names in trust for the Court during the pendency of this action. Additionally, the New Registrar shall immediately institute a temporary 302 domain name redirection, which will automatically redirect any visitor to the Subject Domain Names to the following Uniform Resource Locator ("URL") <http://servingnotice.com/Ds29n23/index.html>, whereon copies of the Complaint, this Order, and all other documents on file in this action are displayed. Alternatively, the New Registrar may update the Domain Name System ("DNS") data it maintains for the Subject Domain Names, which link 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 copies of the Complaint, this Order, and all other documents on file in this action are displayed. After the New Registrar has effected this change, the Subject Domain Names shall be placed on lock status by the New Registrar, preventing the modification or deletion of the domains by the New Registrar or Defendants;


(8) This Order shall apply to the Subject Domain Names, associated websites, and any other domain names, or websites which are being used by Defendants for counterfeiting Plaintiffs' Marks at issue in this action and/or unfairly competing with Plaintiffs;

(9) As a matter of law, this Order shall no longer apply to any Defendant or associated domain name dismissed from this action or as to which Plaintiffs have withdrawn their request for a preliminary injunction; and

(10) In accordance with 15 U.S.C. § 1116(d)(5)(D) and Federal Rule of Civil Procedure 65(c), Plaintiffs shall maintain their previously posted bond in the amount of \$10,000.00 as payment of damages to which Defendants may be entitled for a wrongful injunction or restraint, during the pendency of this action, or until further Court order.

(11) This Order shall remain in effect during the pendency of this action or until such further dates as set by the Court or stipulated to by the parties.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 6th day of January 2022.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel of record via CM/ECF

SCHEDULE "A"
DEFENDANTS BY NUMBER AND SUBJECT DOMAIN NAME

Defendant Number	Defendant / Domain Name
1	adidasboostoutlet.com
2	adidasakcija.com
3	adidasaustraliasale.com
4	adidasbg.top
5	adidasgroutlet.com
6	adidashoeit.net
7	adidashungaryshop.com
8	adidasindiasale.com
9	adidasgreece.com
10	adidasinstock.com
11	adidasjpkuu.com
12	adidasmagyarorszaghu.com
12	adidasmagyarorszaghu.com
13	adidas-mexico.com
14	adidasmexicotenis.com
15	adidasnettbutikk.com
16	adidasnmdromania.com
17	adidasonlineshopus.com
19	adidasoutletbaratas.com
20	adidasoutletofficial.com
21	adidasoutletsuomi.com
22	adidasoutletturkiye.com
23	adidasphsaless.net
24	adidasrendeleshu.com
25	adidasroonlineshop.com
26	adidasseoutlet.com
28	adidasgsgsale.com
29	adidasshoeca.net
31	adidasshoesca.com
32	adidasshoesunited.com
33	adidasshoeswholesales.com
34	adidas-socceroutlet.com
35	adidassockershoesoutlet.com
36	adidasouthafricaonline.com
37	adidasspideysense.com
38	adidassuomifi.com
39	adidasuperstarhr.com
40	adidastarjous.com

41	adidastoreau.com
42	adidastorejp.com
43	adidasturkeytr.com
44	adidaswoodmead.com
45	adidasxaus.com
46	adidasxespana.com
47	adidasxnewzealand.com
48	adidaszxau.com
49	adidaszxnz.com
52	officialyeezyboost.com
54	reebokakcio.net
55	reebokalennus.com
56	reebokaroutlet.com
57	reebokau.com
58	reebokaustralias.net
59	reebokaustralia.top
60	reebokbeigebe.com
61	reebok-belgique.com
62	reebokberlin.com
63	reebokbotyprague.com
64	reebokbratislava.com
65	reebokbucuresti.com
66	reebokbutiker.com
67	reebokbutikk.com
68	reebok-canada.com
69	reebokcanadaoutlet.com
70	reebokcanadasneakers.com
71	reebokcheapus.net
72	reebokchileoutlet.com
72	reebokschile.top
73	reebokclasico.com
74	reebokclassicclubc.com
75	reebokclassicgr.top
76	reebokclassicireland.com
77	reebokclassicromania.com
78	reebokclassicsg.com
79	reebokclassictrainers.com
80	reebokclubcturkey.com
82	reebokfinland.top
83	reebokfiyatlaruicuz.com
84	reebokfrancefr.com
85	reebokgreece.com
86	reebokinaus.com

87	reebokindiaoutlet.com
89	reeboklisboa.org
90	reebokmagyarorszagon.com
91	reebokmalaysia.top
92	reebokmexicomx.com
93	reebokmexicoonline.com
94	reebokmexicooutlet.com
95	reeboknewzealandnz.com
96	reeboknorgeno.com
97	reeboknorges.com
99	reeboknzshoesoutlet.com
100	reeboknzsneakers.com
101	reebokonlineaustralia.com
102	reebokonlineromania.com
103	reebokonlinesverige.com
104	reebokosterreich.com
105	reebok-outlet.com
106	reebokoutletfrance.com
107	reebokoutletin.com
108	reebokoutletsneakers.com
109	reebokoutletturkey.com
110	reebokphilippinesph.com
111	reebokpolskapl.com
112	reebokpromo.com
113	reebokptoutlet.com
114	reebokrebajasmx.com
115	reebokro.com
116	reeboksaleaustralia.com
117	reeboksalein.com
118	reeboksaletrainers.com
119	reeboksalgdk.com
120	reeboksapatilha.com
121	reebokschoen.com
122	reebokschuheaustria.com
123	reebokschuheschweiz.com
124	reebokse.com
125	reebokse.top
126	reeboksgsingapore.com
127	reebokshoeindia.com
128	reebokshoesau.net
129	reebokshoescouk.com
130	reebokshoesindia.com
131	reebokshoesireland.com

132	reebokshoesnewzealand.com
133	reebokshoessg.com
134	reebokshoesus.org
135	reebokshophungary.top
136	reeboksingaporeshoes.com
137	reeboksko.com
138	reeboksmagyarorszag.com
139	reeboksneakerschoenen.com
140	reeboksneakersshoes.com
141	reeboksopsjp.com
142	reebokssingapore.com
143	reebokstepireland.com
144	reebokstoressydney.com
145	reebok-suomi.com
146	reeboktoptan.top
147	reebokturkey.com
148	reebok-turkey.com
149	reebok-turkiye.com
150	reebokuitverkoop.com
151	reebokuklondon.com
152	sauconyadidasi.com
154	superstarshoesde.com
155	tenisadidasmexico.com
156	tenisreebokmx.com
157	tiendaonlinereebok.com
158	yeezy-boost.info
159	yeezy-boost.shop
160	yeezyboostsneakers.store
161	zapatosadidashops.com
162	2018shoes.com
163	acmb-minesdebruoux.fr
164	adidayeezyukcheap.com
165	cbimt.net
165	sfawl.com
166	fcbjerseys.net
167	foodmillonline.com
168	frsportfootball.com
169	kab-hiesfeld.de
170	kakasoccer.com
171	maillotpascherfr.fr
172	shoeshopgr.com
173	shopcollhockey.com
175	sneakersshow2021.com

176	snkup.com
177	soyeezy.com
177	soyeezy.ru
178	topkbuy.com
179	topnks.com
180	yeezycoko.com
181	yeezys.co.uk
182	yeezyshoes.top
183	yeezyshoesukshop.com
184	yeezytrade.top
185	Yeezyzebrasupply.com