

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 25-cv-20882-JB

ON CLOUDS GMBH,

Plaintiff,

v.

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

Defendants.

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**SEALED ORDER ON PLAINTIFF’S *EX PARTE*  
APPLICATION FOR ENTRY OF TEMPORARY RESTRAINING  
ORDER AND ORDER RESTRAINING TRANSFER OF ASSETS**



**THIS CAUSE** is before the Court on the *Ex Parte* Application for Entry of Temporary Restraining Order and Order Restraining Transfer of Assets (the “Application”) filed by Plaintiff, On Clouds GmbH (“On” or “Plaintiff”), under 15 U.S.C. §1116, Federal Rule of Civil Procedure 65, and The All Writs Act, 28 U.S.C. §1651(a), and this Court’s inherent authority. ECF No. [10].

Defendants are the individuals, business entities, and unincorporated associations identified in Schedule “A” hereto (the “Defendants”). Plaintiff asks the Court to enter (1) a temporary restraining order against Defendants, and (2) an order restraining the financial accounts used by Defendants. Upon due consideration of the Application, the pertinent portions of the record, the relevant authorities, and for the reasons set forth herein, the Application is hereby **GRANTED**.

## I. FACTUAL BACKGROUND

The following factual background is taken from Plaintiff's Complaint, ECF No. [1], the Application, and supporting evidentiary submissions and exhibits.

Plaintiff, On Clouds GmbH, claims it is the owner of all rights in and to the following trademarks, which are valid and registered on the Principal Register of the United States Patent and Trademark Office (the "On Marks"):

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
	3,968,726	May 31, 2011	IC 025 – ((Clothing, namely, shorts, t-shirts, tank tops, socks, sweatshirts, sweatpants, jogging suits, warm-up suits, jackets,)) footwear, ((headgear, namely, hats and visors))
CLOUDTEC	4,462,668	January 7, 2014	IC 025 – Footwear
	4,669,141	January 13, 2015	IC 025 – Footwear, namely, shoes, sports shoes
CLOUDSURFER	5,126,157	January 24, 2017	IC 025 – Footwear
Cloudventure	5,331,900	November 14, 2017	IC 025 – Footwear, shoes, sports shoes
CLOUDFLYER	5,372,306	January 9, 2018	IC 025 – Footwear, shoes; sports shoes
Cloudflow	5,388,785	January 30, 2018	IC 025 – Footwear, shoes, sports shoes
CLOUD X	5,572,603	October 2, 2018	IC 025 – Footwear, headwear; shirts, neckties; trousers, bathing suits, coats, combinations-trousers in the name of clothing, pelerines, cyclists' clothing, namely, shirts, shorts and jerseys; sashes for wear, aprons, headbands, tracksuits; anoraks, namely, parkas; ski pants; waist belts

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			clothing; fur coats; mufflers clothing; gloves; dressing gowns; footwear for infants, slippers, shoes, sports shoes, esparto shoes or sandals, beach shoes, heels, bath slippers, boot liners, boots, socks and sandals; leather shoes, pockets for clothing
HELION	5,754,065	May 21, 2019	IC 025 – Footwear soles; rubber soles for footwear; foam rubber soles for footwear; tongues or pull straps for footwear and boots; heels for footwear; footwear; shoes; moccasins; footwear for sports; running shoes; boots for mountain climbing; hiking boots; leisure footwear; beach footwear; bath slippers; slippers; boots; half-boots; sandals
CLOUDSWIFT	5,772,204	June 11, 2019	IC 025 – Footwear, headwear; shirts, neckties; trousers, bathing suits, coats, combinations-trousers, pelerines, cyclists' clothing, namely, cyclists' jerseys, bicycling gloves, shorts, sashes for wear, aprons, headbands, tracksuits; anoraks; ski pants; waist belts; fur coats; mufflers as neck scarves; gloves; dressing gowns; footwear for infants, slippers, shoes, sports shoes, esparto shoes or sandals, beach shoes, heels, bath slippers, boot liners, boots, socks and sandals; leather clothing,

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			namely, leather pants, leather jackets, leather belts; pockets for clothing
Cloudrock	5,887,768	October 22, 2019	IC 025 – Clothing namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; running shoes; footwear for sports; athletic footwear; footwear for walking; trail shoes; trail racing shoes; hiking boots; boots for mountain climbing; climbing footwear; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball shoes; bath slipper; sports clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, trousers, shorts, tights, skirts, socks; anti-moisture tops as clothing and pants; anti-moisture underwear; breathable tops as clothing and pants; breathable underwear; sports bras; tee-shirts; sports t-shirts; racing suits; tops as clothing; singlets; tank tops; long sleeve shirts; sweatshirts; vests; trousers; sport trousers; running pants;


Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			shorts; sports shorts; racing shorts; ski pants; jackets; outdoor jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; caps being bonnets; bathing caps; leggings being leg warmers; boxer underpants; socks; sports socks; half-boots; sports tank tops; underwear; thermal protection clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts; thermal underwear; thermal socks; thermal headwear; headbands; neck scarfs being mufflers; gloves; sweat bands; waist belts being clothing; bath robes
CLOUDSTRATUS	5,887,794	October 22, 2019	IC 025 – Clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; running shoes; footwear for sports; athletic footwear; footwear for walking; trail shoes; trail running shoes; hiking boots; boots for mountain climbing; climbing footwear; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball shoes; bath slipper; sports


Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			<p>clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, trousers, shorts, tights, skirts, socks; anti-moisture tops as clothing and pants; anti-moisture underwear; breathable tops as clothing and pants; breathable underwear; sports bras; tee-shirts; racing suits; tops as clothing; singlets; tank tops; long sleeve shirts; sweatshirts; vests; trousers; sport trousers; running pants; shorts; sports shorts; racing shorts; ski pants; jackets; outdoor jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; caps being bonnets; caps being headwear; bathing caps; leggings being leg warmers; boxer underpants; socks; sports socks; half-boots; sports tank tops; underwear; thermal protection clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts; thermal underwear; thermal socks;</p>

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			hermal headwear; headbands; neck scarfs being mufflers; gloves; sweat bands; waist belts being clothing; bath robes
Speedboard	6,015,820	March 24, 2020	IC 025 – Inner soles; inner soles for footwear; shoe soles; rubber soles for footwear; foam rubber soles for footwear; tongues or pull straps for footwear and boots; heels for footwear; footwear; shoes; moccasins; footwear for sports; running shoes; outdoor footwear; athletic footwear; footwear for walking; trail shoes; trail running shoes; climbing boots; mountaineering footwear; hiking boots; climbing footwear; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball shoes; leisure footwear; beach footwear; bath slippers; slippers; boots; half-boots; sandals
Cloudnova	6,050,403	May 12, 2020	IC 025 – Clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots;

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			<p>tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; sports clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, trousers, shorts, tights, skirts, socks; moisture-wicking tops as clothing and pants; moisture-wicking underwear; breathable tops as clothing and pants; breathable underwear; sports bras; t-shirts; sports t-shirts; running shirts; tops as clothing; garments, namely, under garments, sleeping garments; tank-tops; long-sleeved shirts; sweatshirts; vests; trousers; sports trousers; running trousers; shorts; sports shorts; running shorts; ski pants; jackets; outdoor jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; hats; caps being bonnets; bathing caps; leg warmers; boxer shorts; socks; sports socks; footies; sports singlets; underwear; thermal clothing, namely, tee-shirts, tops, singlets, tank tops, long</p>



Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts; thermal underwear; thermal socks; thermal headwear; headbands; neck scarves being mufflers; gloves; sweat bands; head sweatbands; waist belts being clothing; bath robes
	6,087,928	June 30, 2020	IC 025 – Clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; sports clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; moisture-wicking clothing in the nature of tops and pants; moisture-wicking underwear; breathable clothing in the nature of tops

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			<p>and pants; breathable underwear; sports bras; t-shirts; sports t-shirts; running shirts; tops as clothing; garments, namely, under garments, sleeping garments; tank-tops; long-sleeved jerseys; sweatshirts; vests; trousers; sports trousers; running trousers; shorts; sports shorts; running shorts; ski pants; jackets; outdoor jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; hats; caps being headwear; bathing caps; leg warmers; boxer shorts; socks; sports socks; footies; sports singlets; underwear; thermal clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts; thermal underwear; thermal socks; headwear of thermal textile materials; headbands; scarves; gloves; sweat bands; head sweat bands; waist belts; bath robes</p>
	6,110,208	July 28, 2020	<p>IC 025 – Caps being headgear; trouser straps; gloves; hats; hosiery; jackets; clothing of leather, namely leather jackets, shirts, skirts; clothing of imitations of leather in the nature of jackets, shirts, skirts;</p>

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			overcoats; briefs; parkas; ponchos; footwear; scarves; shirts; pullovers; tee-shirts; trousers; underwear; sweat-absorbent underclothing; waterproof clothing in the nature of t-shirts, tops, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; shorts; combinations being clothing; aprons; rainwear; raincoats; clothing, namely t-shirts, tops, knitwear, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; headwear
CLOUDBOOM	6,132,818	August 25, 2020	IC 025 – Clothing, namely, tee-shirts, tops, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; sports clothing, namely, tee-shirts, tops, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts,

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			<p>tops, tank tops, long sleeve shirts, sweatshirts, vests, jackets, trousers, shorts, tights, skirts, socks; moisture-wicking tops as clothing and pants; moisture-wicking underwear; breathable tops as clothing and pants; breathable underwear; sports bras; t-shirts; sports t-shirts; running shirts; tops as clothing; garments, namely, under garments, sleeping garments; tank tops; long-sleeved shirts; sweatshirts; vests; trousers; sports trousers; running trousers; shorts; sports shorts; running shorts; ski pants; jackets; outdoor jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; hats; caps being bonnets; bathing caps; leg warmers; boxer shorts; socks; sports socks; footies; sports singlets; underwear; thermal protection clothing, namely, tee-shirts, tops, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts; thermal underwear; thermal socks; headwear of thermal textile materials; headbands; neck scarves being mufflers; gloves; sweat bands; head sweatbands; waist belts being clothing; bath robes</p>

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
ON	6,674,432	March 22, 2022	IC 025 – Clothing, namely, t-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, coats, trousers, pants, shorts, tights, skirts, socks, footies, underwear, boxer shorts, garments in the nature of shirts and pants, sports bras, rain slickers, pelerines, bathing suits, bathing trunks, bikinis, bath robes, leg warmers, headbands, gloves, sweat bands, head sweatbands, waist belts being clothing, neck scarves being mufflers; footwear; headwear
Cloudgo	6,891,529	November 8, 2022	IC 025 – Clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; sports clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops as clothing,

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, trousers, shorts, tights, skirts, socks; clothing, namely, moisture-wicking tops and pants; moisture-wicking underwear; clothing, namely, breathable tops and pants; breathable underwear; sports bras; T-shirts; sports t-shirts; running shirts; tops as clothing; jerseys; tank tops; long-sleeved jerseys; sweatshirts; vests; trousers; sports trousers; running trousers; shorts; sports shorts; running shorts; ski pants; jackets; outdoor jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; hats; caps as headwear; bathing caps; leg warmers; boxer shorts; socks; sports socks; footies; sports singlets; underwear; thermal protection clothing, namely tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts; thermal underwear; thermal socks; headwear of thermal textile materials; headbands; scarves; gloves; sweat bands; head sweatbands; waist belts; bath robes
CLOUDRUNNER	6,945,341	January 10, 2023	IC 025 – Clothing, namely, tee-shirts, tops, singlets,

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			<p>tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; sports clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, trousers, shorts, tights, skirts, socks; clothing, namely, moisture-wicking tops and pants; moisture-wicking underwear; breathable tops and pants being clothing; breathable underwear; sports bras; T-shirts; sports t-shirts; running shirts; tops being clothing; jerseys; tank tops; long-sleeved jerseys; sweatshirts; vests; trousers; sports trousers; running trousers; shorts; sports shorts; running shorts; ski pants; jackets; outdoor jackets; sports jackets; sports</p>

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; stocking caps; caps being headwear; bathing caps; leg warmers; boxer shorts; socks; sports socks; footies; sports singlets; underwear; thermal protection clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts; thermal underwear; thermal socks; headwear of thermal textile materials; headbands; neck scarves; gloves; sweat bands; head sweatbands; waist belts; bath robes
Cloudwander	6,945,381	January 10, 2023	IC 025 – Clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; sports clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets,




Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			<p>pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, trousers, shorts, tights, skirts, socks; clothing, namely, moisture-wicking tops and pants; moisture-wicking underwear; breathable tops and pants being clothing; breathable underwear; sports bras; T-shirts; sports T-shirts; running shirts; tops; jerseys; tank tops; long-sleeved jerseys; sweatshirts; vests; trousers; sports trousers; running pants; shorts; sports shorts; running shorts; ski pants; jackets; outdoor jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; stocking caps; caps; bathing caps; leg warmers; boxer shorts; socks; sports socks; ankle socks; sports tank tops; underwear; thermal protection clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts; thermal underwear; thermal socks; headwear of thermal textile materials; headbands; neck scarves; gloves; sweat bands;</p>

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			head sweatbands; waist belts; bathrobes
Cloudrift	6,945,383	January 10, 2023	IC 025 – Clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; sports clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, trousers, shorts, tights, skirts, socks; moisture-wicking tops and pants; moisture-wicking underwear; breathable tops and pants being clothing; breathable underwear; sports bras; T-shirts; sports T-shirts; running shirts; tops being clothing; jerseys; tank tops; long-sleeved jerseys; sweatshirts; vests; trousers; sports trousers; running pants; shorts; sports shorts;

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			running shorts; ski pants; jackets; outdoor jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; stocking caps; caps being headwear; bathing caps; leg warmers; boxer shorts; socks; sports socks; ankle socks; sports singlets; underwear; thermal protection clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts; thermal underwear; thermal socks; headwear of thermal textile materials; headbands; neck scarves; gloves; sweat bands; head sweatbands; waist belts; bathrobes
On Cloud	7,021,250	April 11, 2023	IC 025 – Clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; sports clothing, namely, tee-shirts, tops, singlets, tank

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			<p>tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops as clothing, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, trousers, shorts, tights, skirts, socks; clothing, namely, moisture-wicking tops and pants; moisture-wicking underwear; clothing, namely, breathable tops and pants; breathable underwear; sports bras; T-shirts; sports t-shirts; running shirts; tops as clothing; jerseys; tank tops; long-sleeved jerseys; sweatshirts; vests; trousers; sports trousers; running trousers; shorts; sports shorts; running shorts; ski pants; jackets; outdoor jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; hats; caps as headwear; bathing caps; leg warmers; boxer shorts; socks; sports socks; footies; sports singlets; underwear; thermal protection clothing, namely tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts; thermal underwear; thermal socks; headwear of thermal textile materials; headbands;</p>

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			scarves; gloves; sweat bands; head sweatbands; waist belts; bath robes
	7,128,937	August 8, 2023	IC 025 – Clothing, namely, tee-shirts, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; sports clothing, namely, tee-shirts, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; moisture-wicking tops being clothing and pants; moisture-wicking underwear; breathable tops and pants being clothing; breathable underwear; sports bras; T-shirts; sports t-shirts; running shirts; clothing tops; jerseys; tank tops; long-sleeved jerseys; sweatshirts; vests; trousers; sports trousers; running trousers;

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			shorts; sports shorts; running shorts; ski pants; jackets; outdoor jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; stocking caps; caps being headwear; bathing caps; leg warmers; boxer shorts; socks; sports socks; footies; sports singlets; underwear; thermal protection clothing, namely, shirts and pants; thermal underwear; thermal socks; headwear of thermal textile materials; headbands; neck scarves; gloves; sweat bands; head sweatbands; waist belts; bath robes
Cloudeasy	7,159,659	September 12, 2023	IC 025 – Clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; sports clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets,

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			<p>pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; moisture-wicking tops being clothing and pants; moisture-wicking underwear; Clothing, namely, breathable tops and pants; breathable underwear; sports bras; T-shirts; sports T-shirts; running shirts; tops being clothing; jerseys; tank tops; long-sleeved jerseys; sweatshirts; vests; trousers; sports trousers; running pants; shorts; sports shorts; running shorts; ski pants; jackets; outdoor jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; stocking caps; caps being headwear; bathing caps; leg warmers; boxer shorts; socks; sports socks; ankle socks; sports singlets; underwear; thermal protection clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; thermal underwear; thermal socks; headwear of thermal textile materials; headbands; neck scarves; gloves; sweat bands; head</p>

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			sweatbands; waist belts; bathrobes
Cloud Play	7,369,493	April 30, 2024	IC 025 – Clothing in the nature of pants and shirts; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; footwear for children; sports clothing in the nature of pants and shirts; leisure wear in the nature of pants and shirts; moisture-wicking tops as clothing and pants; moisture-wicking underwear; breathable tops as clothing and pants; breathable underwear; sports bras; tee-shirts; sports t-shirts; running shirts; tops as clothing; clothing jerseys; tank tops; long-sleeved jerseys being clothing; sweatshirts; vests; trousers; sports trousers; running trousers; shorts; sports shorts; running shorts; ski pants; clothing jackets; outdoor clothing jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; stocking caps;




Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			caps being headwear; bathing caps; leg warmers; boxer shorts; socks; sports socks; ankle socks; sports tank tops; underwear; thermal underwear; thermal socks; headwear of thermal textile materials; headbands; neck scarves; gloves; sweat bands; head sweatbands; waist belts; bathrobes
On Cloud Shoes	7,369,507	April 30, 2024	IC 025 – Clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; footwear for children; sportswear, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; moisture-wicking tops as clothing and pants; moisture-wicking underwear;

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			breathable tops as clothing and pants; breathable underwear; sports bras; tee-shirts; sports t-shirts; running shirts; tops as clothing; clothing and sports jerseys; tank tops; long-sleeved clothing and sports jerseys; sweatshirts; vests; trousers; sports trousers; running pants; shorts; sports shorts; running shorts; ski pants; clothing jackets; outdoor clothing jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; stocking caps; caps being headwear; bathing caps; leg warmers; boxer shorts; socks; sports socks; ankle socks; sports tank tops; underwear; thermal protection clothing, namely warm up outfits, warm up suits; thermal underwear; thermal socks; headwear of thermal textile materials; headbands; neck scarves; gloves; sweat bands; head sweatbands; waist belts; bathrobes; inner soles; soles for footwear; heels
CloudTilt	7,369,766	April 30, 2024	IC 025 – Clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes;

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; children's shoes; sports clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; clothing for children, namely, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; tennis wear; moisture-wicking tops as clothing and pants; moisture-wicking underwear; breathable tops as clothing and pants; breathable underwear; sports bras; tee-shirts; sports t-shirts; running shirts; tops as clothing; clothing and sports jerseys; tank tops; long-sleeved clothing and sports jerseys; sweatshirts; vests; trousers; sweatpants; running pants; shorts; sports shorts; running shorts; ski pants; clothing jackets; outdoor clothing jackets;

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; stocking caps; caps being headwear; bathing caps; leg warmers; boxer shorts; socks; sports socks; ankle socks; sports tank tops; underwear; thermal protection clothing, namely, warm up outfits, warm up suits; thermal underwear; thermal socks; headwear of thermal textile materials; headbands; neck scarves; gloves; sweat bands; head sweatbands; waist belts; bathrobes; insoles; soles for footwear; heels; shoe insoles; rubber soles for footwear; foam rubber soles for footwear; tongues and pull straps for shoes and boots, and drinking vests in the nature of clothing vests
Clouddhero	7,376,628	May 7, 2024	IC 025 – Clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			sneakers; bath slippers; sports clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; moisture-wicking tops as clothing and pants; moisture-wicking underwear; breathable tops as clothing and pants; breathable underwear; sports bras; t-shirts; sports t-shirts; running shirts; tops as clothing; clothing and sports jerseys; tank tops; long-sleeved clothing and sports jerseys; sweatshirts; vests; trousers; sweatpants; running trousers; shorts; sports shorts; running shorts; ski pants; clothing jackets; outdoor clothing jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; stocking caps; caps being headwear; bathing caps; leg warmers; boxer shorts; socks; sports socks; ankle socks; sports singlets; underwear; thermal protection clothing, namely, warm up outfits, warm up suits; thermal underwear;

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			thermal socks; headwear of thermal textile materials; headbands; neck scarves; gloves; sweat bands; head sweatbands; waist belts; bathrobes; insoles; soles for footwear; heels; children's footwear; children's clothing, namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; tennis wear; shoe insoles; rubber soles for footwear; foam rubber soles for footwear; tongues and pull straps for shoes and boots
	7,424,065	June 25, 2024	IC 025 – Clothing, namely, tee-shirts, tops as clothing, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; footwear; headwear; outdoor shoes; casual shoes; running shoes; sports shoes; athletic footwear; trekking shoes; trail shoes; trail running shoes; hiking boots; alpine boots; mountaineering boots; climbing shoes; baseball shoes; football boots; tennis shoes; snowboard boots; ski boots; basketball sneakers; bath slippers; sports clothing, namely, tee-shirts, tops as clothing, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; leisure wear, namely,

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			<p>namely, tee-shirts, tops, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; moisture-wicking tops as clothing and pants; moisture-wicking underwear; breathable tops as clothing and pants; breathable underwear; sports bras; T-shirts; sports T-shirts; running shirts; tops as clothing; clothing and sports jerseys; tank tops; long-sleeved clothing and sports jerseys; sweatshirts; vests; trousers; sweatpants; running pants; shorts; sports shorts; running shorts; ski pants; clothing jackets; outdoor clothing jackets; sports jackets; sports coats; rain slickers; pelerines; ski jackets; bathing suits; bathing trunks; bikinis; baseball caps; stocking caps; caps being headwear; bathing caps; leg warmers; boxer shorts; socks; sports socks; ankle socks; sports tank tops; underwear; thermal protection clothing, namely, tee-shirts, tops as clothing, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; thermal underwear; thermal socks; headwear of thermal textile materials; headbands; neck scarves;</p>

Trademark	Registration Number	Registration Date	Class(es) / Good(s)
			gloves; sweat bands; head sweatbands; waist belts; bathrobes; insoles; soles for footwear; heels for shoes; children's shoes; children's clothing, namely, tee-shirts, tops as clothing, singlets, tank tops, long sleeve shirts, sweatshirts, vests, jackets, pants, shorts, tights, skirts, socks; tennis wear; shoe insoles; rubber soles for footwear; foam rubber soles for footwear; tongues and pull straps for shoes and boots; drinking vests in the nature of clothing vests

ECF No. [10-1] at ¶ 4; *see also* ECF No. [1-2]. According to Plaintiff, the On Marks are used in connection with the manufacture and distribution of high-quality goods in the categories identified above. ECF No. [10-1] at ¶¶ 4–5.

Plaintiff alleges that Defendants, by operating the Internet based e-commerce stores under the seller names listed on Schedule “A” hereto (the “E-commerce Store Names”), have advertised, promoted, offered for sale, or sold goods bearing and/or using what Plaintiff has determined to be counterfeits, infringements, reproductions and/or colorable imitations of the On Marks. *Id.* at ¶¶ 9–13; ECF Nos. [10-2] at ¶ 2; [10-3] at ¶ 4.

Although each Defendant may not copy and infringe each On Mark for each category of goods protected, Plaintiff claims it has submitted sufficient evidence showing that each Defendant has infringed at least one or more of the On Marks.



ECF No. [10-1] at ¶¶ 4, 9–13. According to Plaintiff, Defendants are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, reproductions, or colorable imitations of the On Marks. *Id.* at ¶¶ 9, 12–13.

Plaintiff further claims it retained Invisible Inc (“Invisible”), a licensed private investigative firm, to investigate the promotion and sale of counterfeit and infringing versions of Plaintiff’s branded products by Defendants and to document the available payment account data for receipt of funds paid to Defendants for the sale of such counterfeit branded products through the E-commerce Store Names. ECF Nos. [10-1] at ¶ 10; [10-2] at ¶ 2; [10-3] at ¶ 3.

Specifically, Invisible accessed the e-commerce stores operating under Defendants’ E-commerce Store Names and placed orders for the purchase of various products, all bearing and/or using counterfeits of at least one of the On Marks, and requested the products be shipped to the Southern District of Florida. ECF No. [10-3] at ¶ 4. Each order was processed entirely online and following the submission of the orders, Invisible documented information for finalizing payment for the products ordered to Defendants’ respective financial accounts as identified on Schedule “A.” ECF Nos. [10-3] at ¶ 4, nn. 2-4; [10-2] at ¶¶ 2-3, 5, nn. 1-2. At the conclusion of the process, the detailed web pages of the various products bearing the On Marks offered for sale and ordered via Defendants’ E-commerce Store Names were sent to Plaintiff’s representative for inspection. ECF Nos. [10-3] at ¶ 4; [10-2] at ¶ 2; [10-1] at ¶¶ 11–12.

Plaintiff claims it reviewed the detailed web page captures reflecting Plaintiff’s branded products identified and captured by Invisible and determined the products

were non-genuine, unauthorized versions of Plaintiff's goods. ECF No. [10-1] at ¶¶ 12–13.

On February 25, 2025, Plaintiff filed its Complaint against Defendants for federal trademark counterfeiting and infringement, false designation of origin, cybersquatting, common law unfair competition, and common law trademark infringement. ECF No. [1]. On February 27, 2025, Plaintiff filed the instant Application. ECF No. [10].

## **II. LEGAL STANDARD**

To obtain a temporary restraining order, 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).

Additionally, Federal Rule of Civil Procedure 65 provides that 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 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)(1). *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. Bhd. of Teamsters & Auto Truck Drivers Local No. 70*,  
415 U.S. 423, 439 (1974).

### **III. CONCLUSIONS OF LAW**

The declarations Plaintiff submitted in support of its Application support the following conclusions of law:

Plaintiff has a strong probability of proving at trial that consumers are likely to be confused by Defendants’ advertisement, promotion, sale, offer for sale, or distribution of goods bearing and/or using counterfeits, reproductions, or colorable imitations of the On Marks, and that the products Defendants are selling and promoting for sale are copies of Plaintiff’s products that bear and/or use copies of the On Marks, and that the infringement of the On Marks will likely cause Plaintiff to suffer immediate and irreparable injury if a Temporary Restraining Order is not granted.

The following specific facts, as set forth in Plaintiff’s Complaint, the Application, and accompanying declarations, demonstrate that immediate and irreparable loss, damage, and injury will result to Plaintiff and consumers before Defendants can be heard in opposition unless Plaintiff’s request for *ex parte* relief is granted: (1) Defendants own or control Internet based e-commerce stores operating under their seller names which advertise, promote, offer for sale, and sell products bearing and/or using counterfeit and infringing trademarks in violation of Plaintiff’s rights; (2) there is good cause to believe that more counterfeit and infringing products bearing and/or using Plaintiff’s trademarks will appear in the marketplace, that

consumers are likely to be misled, confused, or disappointed by the quality of these products, and that Plaintiff may suffer loss of sales for its genuine products; and (3) there is good cause to believe that if Plaintiff proceeds to put Defendants on notice of this Application, Defendants can easily and quickly change the ownership or modify e-commerce store data and content, redirect consumer traffic to other e-commerce store names, change payment accounts, and transfer assets and ownership of the E-commerce Store Names, thereby thwarting Plaintiff's ability to obtain meaningful relief.

The potential harm to Defendants in restraining their trade in counterfeit and infringing branded goods if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiff, its reputation, and its goodwill as a manufacturer and distributor of quality products if such relief is not issued. The public interest favors issuance of the temporary restraining order to protect Plaintiff's trademark interests and protect the public from being defrauded by the illegal sale of counterfeit goods. Further, under Section 1125 of Title 15, United States Code and Section 1117(a) of Title 15, United States Code, Plaintiff may be entitled to recover, as an equitable remedy, the illegal profits gained through Defendants' distribution and sales of goods bearing and/or using counterfeits and infringements of the On Marks. *See Reebok Int'l, Ltd. v. Marnatech Enters., Inc.*, 970 F.2d 552, 559 (9th Cir. 1992) (quoting *Fuller Brush Prods. Co. v. Fuller Brush Co.*, 299 F.2d 772, 777 (7th Cir. 1962) ("An accounting of profits under § 1117(a) is not synonymous with an award of monetary damages: '[a]n accounting for profits . . . is an equitable remedy subject to

the principles of equity.”)).

Requesting equitable relief “invokes the district court’s inherent equitable powers to order preliminary relief, including an asset freeze, in order to assure the availability of permanent relief.” *Levi Strauss & Co. v. Sunrise Intern. Trading Inc.*, 51 F.3d 982, 987 (11th Cir. 1995) (citing *FTC v. U. S. Oil & Gas Corp.*, 748 F.2d 1431, 1433-34 (11th Cir. 1984), *abrogated on other grounds by AMG Cap. Mgmt., LLC v. FTC*, 593 U.S. 67, 70 (2021)).

In light of the inherently deceptive nature of the counterfeiting business, and the likelihood that Defendants have violated federal trademark laws, Plaintiff has good reason to believe Defendants will hide or transfer their ill-gotten assets beyond the jurisdiction of this Court unless those assets are restrained.

Accordingly, upon due consideration of Plaintiff’s Complaint, Application, and supporting evidentiary submissions, it is hereby **ORDERED AND ADJUDGED** that pursuant to 15 U.S.C. §1116, Federal Rule of Civil Procedure 65, 28 U.S.C. §1651(a), and the Court’s inherent authority, Plaintiff’s Application, ECF No. [10], is **GRANTED**, according to the terms set forth below:

#### **TEMPORARY RESTRAINING ORDER**

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 temporarily restrained as follows:

a. From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing and/or using

the On Marks, or any confusingly similar trademarks, other than those actually manufactured or distributed by Plaintiff; and

b. From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by the Plaintiff, bearing and/or using the On Marks, or any confusingly similar trademarks; (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing and/or using the On Marks, or any confusingly similar trademarks; or (iii) any assets or other financial accounts subject to this Order, including inventory assets, in the actual or constructive possession of, or owned, controlled, or held by, or subject to access by, any Defendant, including, but not limited to, any assets held by or on behalf of any Defendant.

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 the use of the On Marks or any confusingly similar trademarks, on or in connection with all e-commerce stores owned and operated, or controlled by them, including the Internet based e-commerce stores operating under the E-commerce Store 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 the use of the On 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 any other form of use of such terms that are visible to a computer user or serves to direct computer searches to e-commerce stores registered, owned, or operated by any Defendant, including the Internet based e-commerce stores operating under the E-commerce Store Names.

4. Each Defendant shall preserve copies of all computer files relating to the use of any of the E-commerce Store Names and shall take all steps necessary to retrieve computer files relating to the use of the E-commerce Store Names that may have been deleted before the entry of this Order.

5. Upon receipt of notice of this Order, Defendants and all financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to, PayPal Inc. ("PayPal"), and their related companies and affiliates (each, a "Third Party," and collectively, the "Third Parties") shall immediately (i) identify all financial accounts and/or sub-accounts, associated with the Internet based e-commerce stores operating under the E-commerce Store Names, payees, merchant identification numbers, financial accounts, and/or the e-mail addresses identified on Schedule "A" hereto, as well as any other related accounts of the same customer(s); (ii) identify all other accounts which transfer funds into the same financial institution account(s) or any of the other financial accounts subject to this Order; (iii) restrain the transfer of all funds, as opposed to ongoing account activity, held or received for their benefit or to be

transferred into their respective financial accounts, and any other financial accounts tied thereto; and (iv) divert those restrained funds to a holding account for the trust of the Court. By no later than **five days** prior to the preliminary injunction hearing set herein, Plaintiff shall file a notice (which may be submitted under seal) advising the Court of the total amount of funds so restrained from each of the Defendants.

6. Upon receipt of notice of this Order, Defendants and all financial institutions, payment processors, banks, escrow services, money transmitters, or marketplace platforms, including but not limited to, PayPal, and their related companies and affiliates, shall further, **within five business** days of receiving notice of this Order, provide Plaintiff's counsel with all data that details (i) an accounting of the total funds restrained and identify the financial account(s) and sub-account(s) which the restrained funds are related to, and (ii) the account transactions related to all funds transmitted into the financial account(s) and sub-account(s) which have been restrained. Such restraining of the funds and the disclosure of the related financial institution account information shall be made without notice to the account owners or the financial institutions until after those accounts are restrained. No funds restrained by this Order shall be transferred or surrendered by any financial institution, payment processor, bank, escrow service, money transmitter, or marketplace website, including but not limited to, eBay, and their related companies and affiliates for any purpose (other than pursuant to a purchase refund chargeback made by a consumer) without the express authorization of this Court. By no later than **five days** prior to the preliminary injunction hearing set herein, Plaintiff shall file a notice (which may be



submitted under seal) attaching a copy of all data received pursuant to this paragraph.

7. Any Defendant or Third Party subject to this Order may petition the Court to modify the asset restraint set out in this Order.

8. This Order shall apply to the E-commerce Store Names, associated e-commerce stores, and financial accounts, and any other e-commerce store names, or financial accounts which are being used by Defendants for the purpose of counterfeiting the On Marks and/or unfairly competing with the Plaintiff.

9. As a matter of law, this Order shall no longer apply to any Defendant or associated e-commerce store name dismissed from this action or as to which Plaintiff has withdrawn its request for a temporary restraining order.

10. This Order shall remain in effect for **fourteen days** from the date of its entry unless extended for good cause.

#### **BOND TO BE POSTED**

11. Pursuant to Section 1116(d)(5)(D) of Title 15, United States Code, and Federal Rule of Civil Procedure 65(c), by no later than **five business days** from the date of this Order, Plaintiff 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, during the pendency of this action, or until further Order of the Court. In the Court's discretion, the bond may be subject to increase should an application be made in the interest of justice. Plaintiff shall file a notice with the Court to confirm its compliance with this provision.

#### **PRELIMINARY INJUNCTION HEARING**

12. An in-person hearing is set before this Court at the Wilkie D. Ferguson

Jr. Courthouse, Courtroom 11-4, 400 North Miami Avenue, Miami, Florida 331282, on **March 13, 2025 at 9:30 a.m.**, 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 Plaintiff's requested preliminary injunction.

13. After Plaintiff's counsel has received confirmation from the financial institution regarding the funds restrained as directed herein, Plaintiff shall serve copies of the Complaint, Application, and this Order, on each Defendant by e-mail and/or online contact form or other means of electronic contact provided on the e-commerce stores operating under the respective E-commerce Store Names, or by providing a copy of this Order by e-mail to the registrar of record for each of the E-commerce Store Names so that they, in turn, notify each Defendant of the Order, or by other means reasonably calculated to give notice which is permitted by the Court.

14. Plaintiff shall post copies of the Complaint, the Application, this Order, as well as all other documents filed in this action on the website located at <http://servingnotice.com/ONg4C2index.html> and shall provide the address to the website to Defendants via e-mail/online contact form, and such notice so given shall be deemed good and sufficient service thereof. Plaintiff shall continue to provide notice of these proceedings and copies of the documents on file in this matter to Defendants by regularly updating the website located at <http://servingnotice.com/ONg4C2index.html>, or by other means reasonably calculated to give notice which is permitted by the Court.

15. Additionally, for the purpose of providing additional notice of this proceeding and all other pleadings, orders, and documents filed herein, the owners, operators and/or administrators of the e-commerce stores, and/or Third Parties, including but not limited to, PayPal, and their related companies and affiliates, shall, at Plaintiff's request, provide Plaintiff's counsel with any e-mail address known to be associated with Defendants' respective E-commerce Store Names.

16. Unless stated otherwise herein, Defendants shall have five business days to comply with this Temporary Restraining Order following notice.

17. Any response or opposition to Plaintiff's Motion for Preliminary Injunction in ECF No. [10] must be filed and served on Plaintiff's counsel by no later than **forty-eight hours** prior to the preliminary injunction hearing set herein.

18. Plaintiff shall file any reply memorandum on or before **twenty-four hours** prior to the preliminary injunction hearing set herein.

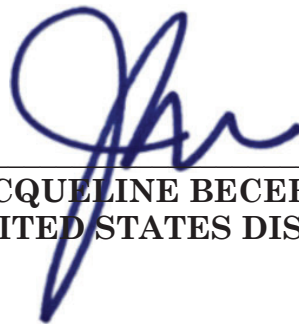
19. The above dates may be revised upon stipulation by all parties and approval of this Court.

20. 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 Section 1116(d) of Title 15, United States Code, Section 502 of Title 17, United States Code, Section 382 of Title 35, United States Code, Federal Rule of Civil Procedure 65, The All Writs Act, Section 1651(a) of Title 28, United States Code, and this Court's inherent authority.

21. By no later than forty-eight hours prior to the preliminary injunction hearing set in this case, Plaintiff shall file a motion to unseal all previously sealed entries on the docket of this case and certify that service has been effectuated upon all Defendants.

The Clerk shall file this Order under seal until further order of the Court.

**DONE AND ORDERED** in Miami, Florida this 28th day of February, 2025.

A handwritten signature in blue ink, appearing to read 'JB', is written over a horizontal line.

**JACQUELINE BECERRA**  
**UNITED STATES DISTRICT JUDGE**

**SCHEDULE "A"**  
**DEFENDANTS BY NUMBER, E-COMMERCE STORE NAME,**  
**FINANCIAL ACCOUNT INFORMATION, AND MEANS OF CONTACT**

<b>De f. No.</b>	<b>Defendant / E-commerce Store Name</b>	<b>PayPal Payee</b>	<b>Merchant ID</b>	<b>Means of Contact</b>
1	ononline.co		9UMVV72RA9KSL	support@ononline.co atsupport@onrun.shop
1	on-online.co		9UMVV72RA9KSL	support@ononline.co
			35LDC75Q887RY	atsupport@onrun.shop
1	onrun.shop		9UMVV72RA9KSL	support@onrun.shop
1	on-run.shop		35LDC75Q887RY	support@onrun.shop
2	ba.gallushall.com		JSKJL4V8ZJ7P8	info@gallushall.com
3	be.bermudosa.com		WLY3Z2DFH37PE	support@bermudosa.com
4	be.fretzrealty.com		5UZBMVMURWT4C	info@fretzrealty.com
5	footwearsportlight.com		AP88Z8AGMUFVN	customers@footwearsportlight.com customers@oncloudmall.com
6	frengamo.com	深圳市迪立沃瑞电子商务有限公司	4JRY3Y9FENW7Y	vip.customer.service0001@frengamo.com support@Frengamo.com
7	kselcanda.com		PTSSNBCFUZBLY	support@kselcanda.com recruitment@startfitness.co.uk
8	longwayshoes.com	LongwayShoes	Y7DP4XWZMPSPC	https://longwayshoes.com/contact-us/
9	swiftstylesportswea.shop		75YG5LLT53K5N	cs@swiftstylesportswea.shop
10	tomahe.com		GSUF79CJP6RC6	service@tomahe.com
			V8B92JB8AWBAY	
11	viopic.com		X8PTN4296HK5U	info@viopic.com