

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 25-cv-22026-JB

TISSOT SA,

Plaintiff,

v.

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

Defendants.

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

**THIS CAUSE** is before the Court on the Renewed *Ex Parte* Application for Entry of Temporary Restraining Order and Order Restraining Transfer of Assets (the "Application") filed by Plaintiff, Tissot SA ("Plaintiff"), under 15 U.S.C. §1116, Fed. R. Civ. P. 65, The All Writs Act, 28 U.S.C. §1651(a), and this Court's inherent authority. ECF No. [14].

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 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 “Tissot Marks”):

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class / Goods</b>
<b>TISSOT</b>	1,639,684	April 2, 1991	IC 014. watches; parts, fittings and fixtures for watches
<b>POWERMATIC</b>	2,702,854	April 1, 2003	IC 014. Electronic watches energized by the wearer, and their parts
	4,900,255	February 16, 2016	IC 014. Horological and chronometric instruments.
	4,971,556	June 7, 2016	IC 014. Horological and chronometric instruments.

ECF No. [14-1] at ¶ 4; *see also* ECF No. [1-2]. According to Plaintiff, the Tissot Marks are used in connection with the manufacture and distribution of high-quality goods in the categories identified above. ECF No. [14-1] 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 using what Plaintiff has determined to be counterfeits, infringements, reproductions and/or colorable imitations of the Tissot Marks. ECF Nos. [14-1] at ¶¶ 14–18; [14-2] at ¶ 2; [14-3] at ¶ 4.

Although each Defendant may not copy and infringe each Tissot 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 Tissot Marks. ECF No. [14-1] at ¶¶ 4, 14–18. 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 Tissot Marks. ECF No. [14-1] at ¶¶ 14, 7.

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. [14-1] at ¶ 15; [14-2] at ¶ 2; [14-3] at ¶ 3.

Specifically, Invisible accessed the e-commerce stores operating under Defendants’ E-commerce Store Names and placed orders from each Defendant for the purchase of a product bearing counterfeits of, at least, one of Plaintiff’s trademarks. ECF No. [14-3] 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 from Defendants to their respective financial accounts as identified on Schedule “A” hereto. ECF No. [14-3] at ¶ 4, n.2. At the conclusion of the process, the detailed webpages and images of Plaintiff’s branded products offered for

sale and ordered via Defendants' E-commerce Store Names were sent to Plaintiff's representative for inspection. ECF Nos. [14-1] at ¶ 16; [14-2] at ¶ 2; [14-3] at ¶ 4.

Plaintiff claims it reviewed the detailed web page captures reflecting Plaintiff's branded goods identified and captured by Invisible and determined the products were non-genuine, unauthorized versions of Plaintiff's goods. ECF No. [14-1] at ¶¶ 16–18.

On May 2, 2025, Plaintiff filed its Complaint against Defendants for federal trademark counterfeiting and infringement, false designation of origin, common law unfair competition, and common law trademark infringement. ECF No. [1]. On June 24, 2025, Plaintiff filed the instant Application. ECF No. [14].

## 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. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cnty.*, 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 Tissot 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 Tissot Marks, and that the infringement of the Tissot 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 on this Application, Defendants can easily and quickly change the ownership or modify e-commerce store and private messaging account data and content, redirect consumer traffic to other e-commerce store names and private messaging accounts, 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 Tissot 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 *Federal Trade Commission v. United States 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. [14], 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 Tissot Marks, or any confusingly similar trademarks, other than those actually manufactured or distributed by the 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 Tissot 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 Tissot 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 Tissot Marks or any confusingly similar trademarks, on or in connection with all Internet based 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 Tissot Marks, or any confusingly similar trademarks, on e-commerce marketplace platforms, 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 Plaintiff's request, the privacy protection service for any of the E-commerce Store Names for which the registrant uses such privacy protection service to conceal the registrant's identity and contact information is ordered to disclose to Plaintiff the true identities and contact information of those registrants.

(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, 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, financial accounts, telephone numbers, 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 (the unredacted versions of which may be submitted under seal and remain under permanent seal and a redacted version of those records on the docket) advising the Court of the total amount of funds so restrained from each of the Defendants.

(7) Upon receipt of notice of this Order, Defendants and all Third Parties, 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 Third Party, including but not limited to, PayPal, 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 (the unredacted versions of which may be submitted under seal and remain under permanent seal and a redacted version of those records on the docket) attaching a copy of all data received pursuant to this paragraph.

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

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

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

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

### **BOND TO BE POSTED**

(12) 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**

(13) 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 **Thursday August 28, 2025, at 4:00 p.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.

(14) 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 e-commerce platform 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. **However, Plaintiff is advised that it is responsible for exercising diligence in filing the appropriate motion with the Court should a financial institution or Third Party Provider fail to timely comply with this Order.**

(15) 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/Qts9ah/index.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/Qts9ah/index.html>, or by other means reasonably calculated to give notice which is permitted by the Court.

(16) 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 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.

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

(18) Any response or opposition to Plaintiff's Motion for Preliminary Injunction in ECF No. [14] must be filed and served on Plaintiff's counsel by no later than **forty-eight hours** prior to the preliminary injunction hearing set herein.

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

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

(21) 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.

(22) Plaintiff shall immediately file a motion to unseal the Application, ECF No. [14], once 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 20th day of August, 2025.



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

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

<b>Def. No.</b>	<b>Defendant / E-Commerce Store Name</b>	<b>Merchant ID / Payment Account</b>	<b>Payee</b>	<b>Means of Contact Email and WhatsApp</b>
1	discountedkwatch.to	15759655827@163.com		15759655827@163.com WhatsApp: 8618149625778
2	swisswatchesuk.to	15960857827@163.com	陈 艺芬	15960857827@163.com WhatsApp: 8615960857827
3	bestreplicawatch.to	watchesnice2024@gmail.com	陈 立伟	nicetealife@outlook.com WhatsApp: 8615006008297
4	swisstimeclone.com	QRFT3MZSW9ZFY	duke@djtime.io	duke@djtime.io WhatsApp: 85259823663