

**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.

**ORDER ON PLAINTIFF’S RENEWED APPLICATION
FOR ENTRY OF PRELIMINARY INJUNCTION**

THIS CAUSE is before the Court on the Renewed Application for Entry of Preliminary Injunction (the “Motion”) 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].

On August 20, 2025, the Court entered a Temporary Restraining Order and an Order Restraining Transfer of Assets (the “TRO”) against the defendants listed on Schedule “A” to thereto, ECF No. [19] (the “Defendants”). The TRO set a hearing on Plaintiff’s Motion for August 28, 2025, at 4:00 pm. (the “Hearing”). ECF No. [19] at ¶ 12.

Prior to the Hearing, on August 26, 2025, Plaintiff filed Certificates of Service as to all Defendants, ECF Nos. [29]; [30], pursuant to the Court’s TRO, ECF No. [19] at 12–13. Plaintiff’s Certificates of Service affirmed that Plaintiff served notice on the

Defendants identified on Schedule “A” hereto by (1) emailing Defendants the Complaint, Application, and TRO issued in this action; and (2) posting copies of the Complaint, Application, TRO, and all other documents filed in this action at <https://servingnotice.com/Qts9ah/index.html>, where such documents are available to view and download in compliance with this Court’s TRO. ECF No. [19] at 12–13.

Only counsel for Plaintiff appeared at the Hearing on the Motion. As represented by Plaintiff’s counsel at the Hearing and reflected on the docket of this case, no Defendants have made any appearance, indicated an intention to challenge the TRO, or otherwise answered and/or defended against the Amended Complaint. At the Hearing, the Court heard argument from Plaintiff and reviewed the evidence that Plaintiff’s counsel presented to the Court.

I. FACTUAL BACKGROUND

The following factual background is taken from Plaintiff’s Amended Complaint, ECF No. [28], the Application, the Motion 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”):

Trademark	Registration Number	Registration Date	Class / Goods
TISSOT	1,639,684	April 2, 1991	IC 014. watches; parts, fittings and fixtures for watches

POWERMATIC	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. [28-1]. 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, 17.

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.

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 Plaintiff submitted in support of its Motion 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 preliminary injunction is not granted.

The following specific facts, as set forth in Plaintiff’s Amended Complaint, the Motion, and accompanying declarations, demonstrate that immediate and irreparable loss, damage, and injury will result to Plaintiff and consumers because it is more likely true than not that: (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.

The 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 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 preliminary injunction 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 review of Plaintiff's Amended Complaint, the Motion, the supporting evidentiary submissions, the relevant authorities, and for the reasons set forth on the record at the hearing on the Motion, which are incorporated herein 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 Motion, ECF No. [14], is **GRANTED**, according to the terms set forth below:

PRELIMINARY INJUNCTION

(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 preliminary injunction ("Preliminary Injunction") are hereby restrained and enjoined until further order of this Court:

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 Plaintiff; and

b. From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by 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 Preliminary Injunction, 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 Preliminary Injunction shall immediately discontinue, to the extent not already done, 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 Preliminary Injunction shall immediately discontinue, to the extent not already done, 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 continue to 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 Preliminary Injunction.

(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, to the extent not already done, the true identities and contact information of those registrants.

(6) Upon receipt of notice of this Preliminary Injunction, 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, to the extent not already done, (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 Preliminary Injunction; (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.

(7) Upon receipt of notice of this Preliminary Injunction, Defendants and all Third Parties, including but not limited to, PayPal, and their related companies and affiliates, shall further, to the extent not already done, 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. No funds restrained by this Preliminary Injunction 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.

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

(9) This Preliminary Injunction 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 Preliminary Injunction 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 preliminary injunction.

(11) Pursuant to Section 1116(d)(5)(D) of Title 15, United States Code, and Federal Rule of Civil Procedure 65(c), Plaintiff shall maintain its previously posted bond in the amount of Ten Thousand Dollars and Zero Cents (\$10,000.00), ECF No. [23], 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.

(12) 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, to the extent not already done, at Plaintiff's request, provide Plaintiff's counsel with any e-mail address known to be associated with Defendants' respective E-commerce Store Names.

(13) This Preliminary Injunction shall remain in effect until such further dates as set by the Court or stipulated by the parties.

DONE AND ORDERED in Miami, Florida this 28th day of August, 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

Def. No.	Defendant / E-Commerce Store Name	Merchant ID / Payment Account	Payee	Means of Contact Email and WhatsApp
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