

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-cv-23663-BLOOM/Elfenbein

GOYARD ST-HONORE,

Plaintiff,

v.

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

Defendants.

**SEALED ORDER GRANTING PLAINTIFF’S *EX PARTE* APPLICATION
FOR ENTRY OF TEMPORARY RESTRAINING ORDER**

THIS CAUSE is before the Court upon Plaintiff’s *Ex Parte* Application for Entry of Temporary Restraining Order, Preliminary Injunction, and Order Restraining Transfer of Assets (the “Application for Temporary Restraining Order” or “Application”), ECF No. [9]. The Court has carefully considered the Application for Temporary Restraining Order, the record in this case, the applicable law, and is otherwise fully advised. For the following reasons, Plaintiff’s Application is granted.


By the instant Application, Plaintiff, Chanel, Inc. (“Plaintiff”), moves *ex parte* pursuant to 15 U.S.C. § 1116, Federal Rule of Civil Procedure 65, The All Writs Act, 28 U.S.C. § 1651(a), and this Court’s inherent authority, for entry of a temporary restraining order and an order restraining the financial accounts used by Defendants.¹ Upon expiration of the temporary restraining order, Plaintiff seeks a preliminary injunction against Defendants, for alleged violations

¹ Defendants are the Individuals, Business Entities, and Unincorporated Associations identified on Schedule “A”.



of the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a) and (d). Because Plaintiff has satisfied the requirements for the issuance of a temporary restraining order, the Court grants Plaintiff's Application for Temporary Restraining Order.

I. BACKGROUND²


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

Trademark	Registration Number	Registration Date	Class / Goods
	1,709,953	August 25, 1992	IC 016 – Office requisites; namely, agendas and spare sheets therefor, repertories, desk pads, pen holders, stamp boxes for the storage of postage stamps, writing pads, address pads, pencil jars for desk use, ink wells, mail trays for desk use, note books, check cases and pen cases. IC 018 – Articles of fancy leather, leather, cloth and skin articles; namely, valises, travel trunks, cosmetic cases, travelling bags, handbags, brief cases, attache cases, brief case type document cases, toilet cases sold empty, makeup cases sold empty, sewing cases, wallets, hat boxes for travel, business card cases, key cases, drawstring pouches, garment bags for travel, necktie cases, jewel cases, umbrellas, saddle covers, cloth carriers, articles for dogs; namely, dog collars, dog leashes, dog clothes and carrying bags.

² The factual background is taken from Plaintiff's Complaint, ECF No. [1], Plaintiff's Application for Temporary Restraining Order, ECF No. [9], and supporting evidentiary submissions. Plaintiff filed declarations and exhibits annexed thereto in support of its Application for Temporary Restraining Order. The declarations are available in the docket at the following entries: Thierry Decl., ECF No. [9-1], Wiborg-Rodriguez Decl., ECF No. [9-2], and Burns Decl., ECF No. [9-3].


Trademark	Registration Number	Registration Date	Class / Goods
GOYARD	1,821,224	February 15, 1994	<p>IC 016 – Office requisites; namely, agendas, repertories, note books, check cases and pen cases.</p> <p>IC 018 – Articles of fancy leather, leather, cloth and skin articles; namely, valises, travel trunks, cosmetic cases sold empty, traveling bags, handbags, briefcases, attache cases, briefcase type document cases, toilet cases sold empty, make-up cases sold empty, wallets, hat boxes for travel, business card cases, key cases, draw string pouches, garment bags for travel, necktie cases, umbrellas, saddlebags, saddle covers, and articles for dogs; namely, dog collars, dog leashes, dog clothes and carrying bags.</p>
 (E. Goyard Honore Paris)	3,418,288	April 29, 2008	<p>IC 018 – Bags and traveling sets, namely, traveling bags; garment bags for travel; luggage trunks; valises, vanity cases sold empty, rucksacks, handbags, beach bags, school bags; suitcases, briefcases, pocket wallets, purses, not of precious metal, leather key cases; business card cases; umbrellas, parasols, walking sticks.</p>
	4,036,898	October 11, 2011	<p>IC 003 – Toilet soap; perfumes; eau de toilette and eau de cologne; cosmetic preparations; essential oils for personal use; cosmetic milks; lotions for face and body care; cosmetic creams; emulsions for cosmetic use; shampoos; gels to be used on the face and body for aesthetic purposes; deodorants for personal use.</p> <p>IC 009 – Spectacles; spectacle frames; sunglasses; spectacle cases; photographic apparatus, namely, cameras.</p> <p>IC 014 – Precious metals and their alloys, other than for dental use; goods</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>made of precious metals and their alloys, other than for dental use, in the nature of jewelry, namely, rings, earrings, bracelets, charms, chains, watch chains, necklaces, pins, ornaments, fashion pins, ring bands; goods made of precious metals and their alloys, other than for dental use, namely, buckles of precious metal, hat ornaments of precious metal, jewellery cases of precious metal, jewellery caskets of precious metal; jewellery, precious stones, semi-precious stones, jewelry in the nature of pearls, horological and chronometric instruments; watches, watch straps, wristwatches; boxes for watches, jewelry boxes; cuff links.</p> <p>IC 018 – Goods of leather and imitations of leather, namely, travelling bags, travelling sets comprised of luggage, and garment bags for travel; trunks; suitcases; unfitted vanity cases; rucksacks; handbags; sports bags; beach bags; school bags; attaché cases; document cases; briefcases; school satchels; under-arm bags, namely, handbags; leather goods, namely, wallets, purses not of precious metal, leather key cases, card holders for wallets; umbrellas; parasols; sunshade parasols; walking sticks.</p> <p>IC 024 – Fabrics for textile use; textile goods, namely, bath linen not for clothing, household linen, bed linen, textile table linen, bathroom linen of textile, handkerchiefs of textile.</p> <p>IC 025 – Clothing for men, women and children, namely, dresses, skirts,</p>

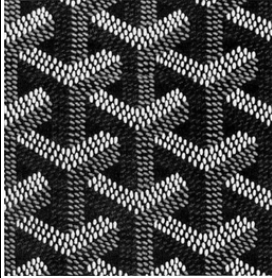
Trademark	Registration Number	Registration Date	Class / Goods
			<p>petticoats, culottes, ladies' suits, trousers, shorts, Bermuda shorts, swimming drawers, shirts, ladies' shirts, blouses, tee-shirts, sweatshirts, waistcoats, jackets, cardigans, pullovers, sweaters, parkas, anoraks, coats, gaberdines, raincoats, furs, sashes for wear, shawls, scarf, gloves, neckties, belts, socks, stockings, tights, underwear, pajamas, dressing gowns, swimsuits, bath robes; footwear, except orthopedic footwear, namely, shoes, sandals, boots, half-boots, boot liners, slippers; hats, berets, caps.</p> <p>IC 028 – Games, namely, chess games; gymnastic and sporting articles not included in other classes, namely, baseball gloves, bats for games, boxing gloves, golf gloves, golf clubs, golf bags; decorations for Christmas trees.</p>
	5,532,309	August 7, 2018	<p>IC 009 – Spectacles, sunglasses, spectacle cases, spectacle frames, spectacle cords; protective cases for portable telephones, tablet computers, electronic diaries and computers; portable telephones shell cases, portable telephone straps; cases especially made for photographic apparatus and instruments; binoculars being optics; cases for binoculars; magnifying glasses being optics; cases for magnifying glasses; digital photo frames; blank USB flash drives; mouse pads; barometers; dog whistles, cases for dog whistles.</p> <p>IC 014 – Jewelry, namely, finger rings, key rings, earrings, cufflinks, cases for cuff links, bracelets, charms, brooches, jewelry chains, necklaces, presentation boxes for jewelry, ornaments being</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>jewelry, medallions being jewelry, jewelry boxes; tie pins, tie clips; timepieces and chronometric apparatus and instruments, namely, watches, straps for wrist watches, presentation boxes for watches, cases being parts of watches, alarm clocks; boxes of precious metals, their alloys or coated therewith.</p> <p>IC 016 – Printed matter, namely, posters, photo albums, greeting cards, postcards; printed matter, namely, books, magazines, orientation manuals, photographs, periodicals in the field of leather goods, travel goods, leather accessories and bags, pet accessories, clothing and fashion accessories; checkbook holders; products made of cardboard or paper, namely, boxes of cardboard or paper, hat boxes of cardboard, bags being envelopes and pouches of cardboard or paper for packaging, paper table cloths, perfumed and non-perfumed drawer liners of paper, money clips, passport holders, table napkins of paper; office requisites excluding furniture, namely, diaries, stationery pads, notebooks, binders, cases for stamps, cases for stationery, paper knives, diary covers being stationery, letter trays, writing sets comprising inkstands and stationery, envelopes being stationery, shields being paper seals, writing paper, trays for sorting and counting money, document holders, paperweights, telephone indexes, desk pads, stamps, namely, sealing stamps; writing instruments, namely, pens, ball-point pens, propelling pencils, pencil holders, pencil cases.</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>IC 018 – Products made of leather or imitations of leather, namely, straps of leather, leather leashes, boxes of leather or imitation leather, wallets of leather or imitation leather, briefcases of leather; traveling trunks, traveling bags, leather traveling sets, namely, leather cases and pouch sets for travel, garment bags for travel; trunks, attache cases, suitcases; unfitted vanity cases, backpacks, handbags, beach bags, sports bags, bags for carrying animals, briefcases, purses, wallets, coin purses, key cases being leather products, card cases being wallets, credit card holders being wallets; umbrellas, umbrella sticks, walking sticks, walking stick seats, collars for animals, animal leashes; clutch bags.</p> <p>IC 024 – Fabrics and textile products, namely, textile wall hangings, household linen, bed linen, table linen of textile, bath linen except clothing, handkerchiefs of textile, covers for cushions, unfitted fabric chair covers, traveling rugs, lap robes.</p> <p>IC 024 – Clothing, namely, suspenders, belts being clothing, neckties, socks, shawls, sashes for wear, scarves, gloves, bathing suits, bath robes, pocket squares being clothing; footwear, namely, sandals, boots, slippers; headgear, namely, hats, berets, caps being headwear.</p>


Trademark	Registration Number	Registration Date	Class / Goods
 <p>The logo features the text 'J.F. GOYARD' in a stylized, hand-drawn font. Below it, 'PARIS' is written vertically, and 'HONORE' is written horizontally. To the left of 'GOYARD' are the numbers '233'.</p>	5,742,053	May 07, 2019	<p>IC 009 – Spectacles; sunglasses; spectacle cases; spectacle frames; spectacle cords; protective cases for mobile telephones, tablets, electronic diaries and computers; mobile telephone shell cases; mobile telephone straps; cases especially made for photographic apparatus and instruments; binoculars; cases for binoculars; magnifying glasses; cases for magnifying glasses; digital photo frames; USB flash drives sold blank; mouse pads; barometers; dog whistles; cases for dog whistles</p> <p>IC 014 – Jewelry, namely, finger rings, key rings, earrings, bracelets, charms being jewelry, brooches, chains being jewelry, necklaces, presentation boxes for jewelry, ornaments of precious metal in the nature of jewelry, medallions; cuff links; cases for cuff links; jewelry boxes; tie pins; tie clips; time pieces; chronometric apparatus and instruments, namely, watches; watch bands; watch cases; presentation cases for watches; alarm clocks; boxes of precious metals, their alloys or coated therewith; all the aforesaid goods of French origin or made in France</p> <p>IC 016 – Printed matter, namely, posters, photograph albums, greeting cards, postcards; printed matter, namely, books, magazines, orientation manuals, periodicals all featuring fashion information relating to leather goods, travel products, leather accessories and bags, pet accessories, clothing and fashion accessories; photographs; checkbook holders; products made of cardboard or paper, namely, boxes of cardboard or paper, hat boxes of cardboard, bags being pouches of</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>cardboard or paper for packing; paper table cloths; perfumed and non-perfumed drawer liners of paper; money clips; passport holders; table napkins of paper; office requisites, not being furniture, namely, diaries, stationery pads, notebooks, binders, cases for stamps, cases for stationery, paper knives, diary covers being stationery, letter trays, writing sets comprised of inkstands and stationery, envelopes being stationery, shields being paper seals, writing paper, trays for sorting and counting money, document holders, paper weights, telephone indexes, desk pads, stamps; writing instruments, namely, pens, ball-point pens, propelling pencils, pencil holders, pencil cases</p> <p>IC 018 – Products made of leather or imitations of leather, namely, straps in the nature of belts of leather, leather leashes, boxes of leather or imitation leather, wallets of leather or imitation leather, briefcases of leather; traveling trunks; traveling bags; travelling sets consisting of leather cases and pouch sets for travel; garment bags for travel; trunks; attaché cases, suitcases; vanity cases sold empty; backpacks; handbags; beach bags; sports bags; bags for carrying animals; briefcases; purses; wallets; coin purses; key cases of leather; card cases being wallets; credit card holders being wallets; umbrellas; umbrella sticks; walking sticks; walking stick seats; collars for animals; leashes for animals; clutch bags; all the aforesaid goods of French origin or made in France</p> <p>IC 024 – Fabrics and textile products, namely, textile wall hangings,</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>household linen, bed linen, table linen of textile, bath linen not being clothing, handkerchiefs of textile, covers for cushions, unfitted chair covers not of paper, traveling rugs, lap robes</p> <p>IC 025 – Clothing, namely, suspenders, belts being clothing, neckties, socks, shawls, sashes for wear, scarves, gloves, bathing suits, bath robes, pocket squares; footwear, namely, sandals, boots, slippers; headgear, namely, hats, berets, caps being headwear; all the aforesaid goods of French origin or made in France</p>
	5,753,841	May 21, 2019	<p>IC 003 – Cosmetic kits comprised of non-medicated cosmetics, perfumes, eaux de toilette, scented linen waters, essential oils for personal use; fumigation products, namely, incenses; soaps, namely, skin soaps; cosmetic preparations for toilet use and beauty care, namely, cosmetic preparations for body care and skin care; shoe polish, creams for leather</p> <p>IC 009 – Spectacles; sunglasses; spectacle cases; spectacle frames; spectacle cords; protective cases for portable telephones, tablets, electronic diaries and computers; cases for portable telephones, portable telephone straps; cases especially made for photographic apparatus and instruments; binoculars; cases for binoculars; magnifying glasses; cases for magnifying glasses; digital photo frames; USB flash drives sold blank; mouse pads; barometers; dog whistles; cases for dog whistles</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>IC 014 – Jewelry, namely, finger rings, key rings, earrings, cuff links, cases for cuff links, bracelets, charms, brooches, chains, necklaces, jewelry caskets, ornamental lapel pins, jewelry medallions; jewelry boxes; tie pins, tie clips; timepieces; chronometric instruments and apparatus, namely, watches, watchbands, cases for watches, alarm clocks; boxes of precious metals, their alloys or coated therewith</p> <p>IC 016 – Printed matter, namely, posters, photo albums, greeting cards, postcards; printed matter, namely, books, magazines, orientation manuals and periodicals in the field of leather goods, travel goods, leather accessories and bags, pet accessories, clothing and fashion accessories, photographs; checkbook holders; products made of cardboard or paper, namely, boxes of cardboard or paper, hat boxes of cardboard, bags, namely envelopes and pouches of cardboard or paper for merchandise packaging; paper table cloths; perfumed and non-perfumed drawer liners of paper; money clips; passport holders; table napkins of paper; office requisites, excluding furniture, namely, diaries, stationery writing pads, notebooks, binders, cases for stamps, cases for stationery, paper knives, covers for stationery diaries, letter trays, writing sets comprised of inkstands and stationery, stationery envelopes, shields being paper seals, writing paper, trays for sorting and counting money, document holders, paperweights, telephone indexes, desk pads, postage stamps; writing instruments, namely, pens, ball-point pens, propelling pencils, pencil holders, pencil cases</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>IC 018 – Goods made of leather or imitations leather, namely, leather shoulder straps, leather cords; leather or imitation leather boxes; leather or imitation leather small handbags; leather briefcases; travel trunks; travel bags; leather cases and pouch sets for travel; garment bags for travel; travelling trunks, attaché cases, suitcases; vanity cases sold empty; backpacks; handbags; beach bags; sports bags; bags for carrying animals; briefcases; wallets; purses; coin purses; leather goods, namely, key cases; card holders in the nature of a wallet; credit card holders in the name of a wallet; umbrellas, umbrella sticks; walking sticks; walking stick seats; collars for animals; animal leashes; clutch bags</p> <p>IC 021 – Soap boxes; glass bottles sold empty; drinking bottles; bowls; tea sets, tea caddies, picnic baskets sold empty; shoe brushes; eyebrow brushes; toilet brushes; nail brushes</p> <p>IC 024 – Fabrics and textile products, namely, textile wall hangings, household linen, bed linen, textile table linen, bath linen, excluding clothing; textile handkerchiefs; covers for cushions; unfitted chair covers; travel blankets; lap robes</p> <p>IC 025 – Clothing, namely, suspenders, belts, neckties, socks, shawls, sashes for wear, scarves, gloves, bathing suits, bath robes, pocket squares; clothing, namely, footwear, sandals, boots, slippers; headwear, namely, hats, berets, caps</p>

Trademark	Registration Number	Registration Date	Class / Goods
			IC 028 – Parlor games; toys for pets; playing cards; ornaments for Christmas trees, except illumination articles and confectionery; golf bags with or without wheels; bags and covers for tennis rackets; covers for petanque balls
	6,641,574	February 15, 2022	<p>IC 009 – Spectacles, sunglasses, spectacle cases, spectacle frames, spectacle accessories namely spectacle cords; protective cases and accessories for mobile telephones, tablets, electronic agendas, and computers namely hand free mobile phone kits, mobile phone earphones, protective cases for mobile phone earphones, special holders for mobile phone, tablets and computers; portable telephones shell cases, portable telephone straps; cases especially made for photographic apparatus and instruments; binoculars used for optics, cases for binoculars; magnifying glasses used for optics, cases for magnifying glasses; digital photo frames; blank USB flash drives; mouse pads; barometers; dog whistles, cases for dog whistles</p> <p>IC 014 – Jewelry, namely, finger rings used as jewelry; key rings; earrings; cuff links; cases for cuff links; bracelets used as jewelry; charms; brooches; chains used as jewelry; necklaces; jewelry caskets; ornaments in the nature of jewelry; medallions in the nature of jewelry; jewelry boxes; tie pins; tie clips; timepieces; chronometric instruments and apparatus, namely, watches; watchbands; cases for watches; boxes for watches; alarm clocks; boxes of precious metals, their alloys or coated therewith</p>

Trademark	Registration Number	Registration Date	Class / Goods
			<p>IC 024 – Fabric and textile goods, namely, wall hangings of textile materials; household linen; bed linen; table linen of textile materials; bath linen with the exception of clothing; beach towels; handkerchiefs of textile materials; cushion covers; unfitted fabric chair covers; traveling rugs; lap robes</p> <p>IC 025 – Clothing, namely, suspenders, belts being clothing, socks, neckties, shawls, long scarves, scarves, gloves, bathing suits, bathrobes, pocket squares being clothing; footwear being clothing, namely, sandals, boots, slippers; headwear, namely, hats, berets, caps</p>
GOYARD	7,008,371	March 28, 2023	<p>IC 009 – Spectacles, sunglasses, spectacle cases, spectacle frames, spectacle cords; protective cases for portable telephones, tablets, electronic diaries and computers; portable telephones shell cases, portable telephone straps; cases especially made for photographic apparatus and instruments; binoculars used for optics, cases for binoculars; magnifying glasses used for optics; cases for magnifying glasses; digital photo frames; blank USB flash drives; mouse pads; barometers; dog whistles, cases for dog whistles</p>

See Decl. of Jean-Laurent Thierry (Thierry Decl.), ECF No. [9-1] ¶ 5; ECF No. [1-2] (containing Certificates of Registrations for the Goyard Marks at issue). The Goyard Marks are used in connection with the manufacture, promotion, distribution, and sale of high-quality goods in the categories identified above. *See* Thierry Decl., ECF No. [9-1] ¶¶ 4-5.

Defendants, by operating the Internet based e-commerce stores under the seller names (the “E-commerce Store Names”) identified on Schedule “A” 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 Goyard Marks. *See id.* ¶¶ 9-13; Decl. of T. Raquel Wiborg-Rodriguez (Wiborg-Rodriguez Decl.), ECF No. [9-2] ¶¶ 2-3; Decl. of Kathleen Burns (Burns Decl.), ECF No. [9-3] ¶ 4.

Although each Defendant may not copy and infringe each Goyard Mark for each category of goods protected, Plaintiff has submitted sufficient evidence showing that each Defendant has infringed at least one or more of the Goyard Marks. *See* Thierry Decl., ECF No. [9-1] ¶¶ 10-13. Defendants are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, reproductions, or colorable imitations of the Goyard Marks. *Id.* ¶¶ 9, 12-13.

Plaintiff's counsel retained Invisible Inc, a licensed private investigative firm ("Invisible"), 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 counterfeit versions of Plaintiff's branded products. *See* Thierry Decl., ECF No. [9-1] ¶ 10; Wiborg-Rodriguez Decl., ECF No. [9-2] ¶ 2; Burns Decl., ECF No. [9-3] ¶ 3.) Invisible accessed the Internet based e-commerce stores³ operating under Defendants' E-commerce Store Names, placed an order from each Defendant for the purchase of a product bearing and/or using counterfeits at least one of the Goyard Marks and requested each product be shipped to the Southern District of Florida. *See* Burns Decl., ECF No. [9-3] ¶ 4 and ECF Nos. [6-4] – [6-6]. Each order was processed entirely online and following the submission of the orders, Invisible

³ Certain Defendants use their E-commerce Store Names in tandem with electronic communication via private messaging applications and/or services in order to complete their offer and sale of counterfeit and infringing versions of the Plaintiff's branded products. (Burns Decl., ECF No. [9-3] ¶ 4, n.1.)

documented information⁴ for finalizing payment⁵ for the various products ordered on each of the Defendants' e-commerce stores as identified on Schedule "A."⁶ *See id.* At the conclusion of the process, the detailed web page captures of the various products bearing and/or using the Goyard Marks offered for sale and ordered via Defendants' E-commerce Store Names were sent to Plaintiff's representative for inspection. *See* Thierry Decl., ECF No. [9-1] ¶¶ 11-12; Wiborg-Rodriguez Decl., ECF No. [9-2] ¶ 2; Burns Decl., ECF No. [9-3] ¶ 4.

Plaintiff's representative reviewed and visually inspected the detailed web page captures reflecting the products bearing and/or using the Goyard Marks offered for sale and ordered by Invisible and determined the products were non-genuine, unauthorized versions of Plaintiff's goods. *See* Thierry Decl., ECF No. [9-1] ¶¶ 12-13.

II. LEGAL STANDARD

In order to obtain a temporary restraining order, a party must demonstrate "(1) [there is] 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 nonmovant; 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). Additionally, a court may only issue a temporary restraining order without notice to the adverse party or its attorney if:

⁴ Defendants use money transfer and retention services with PayPal, Inc. ("PayPal") as a method to receive monies generated through the sale of counterfeit products. *See* Wiborg-Rodriguez Decl., ECF No. [9-2] ¶ 5; Burns Decl., ECF No. [9-3] ¶ 4 n.2.

⁵ Invisible did not transmit the funds to finalize the sale for the orders to avoid adding money to Defendants' coffers. Wiborg-Rodriguez Decl., ECF No. [9-2] ¶ 2 n.1; Burns Decl., ECF No. [9-3] ¶ 4 n.3.

⁶ Some Defendants provided additional contact information in connection with their respective E-commerce Store Names; accordingly, these additional forms of electronic contact are included in Schedule "A." Burns Decl., ECF No. [9-3] ¶ 4 n.4.

(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. DISCUSSION

The declarations Plaintiff submitted in support of its Application for Temporary Restraining Order support the following conclusions of law:

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

2. Because of the infringement of the Goyard Marks, Plaintiff is likely to suffer immediate and irreparable injury if a temporary restraining order is not granted. It appears from the following specific facts, as set forth in Plaintiff's Complaint, Application for Temporary Restraining Order, and accompanying declarations on file, that immediate and irreparable loss, damage, and injury will result to Plaintiff and to consumers before Defendants can be heard in opposition unless the Plaintiff's request for *ex parte* relief is granted:

1. Defendants own or control Internet based e-commerce stores operating under their E-commerce Store Names that advertise, promote, offer for sale, and sell products bearing and/or using counterfeit and infringing trademarks in violation of the 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, and disappointed by the quality of these products; and that Plaintiff may suffer loss of sales for its genuine products and an unnatural erosion of the legitimate marketplace in which it operates; and

3. There is good cause to believe that if Plaintiff proceeds on notice to the Defendants of this Application for Temporary Restraining Order, Defendants can easily and quickly change the ownership or modify e-commerce store and private messaging account data and content, change payment accounts, redirect consumer traffic to other e-commerce store names and private messaging accounts, and transfer assets and ownership of the E-commerce Store Names, thereby thwarting Plaintiff's ability to obtain meaningful relief.

3. The balance of potential harm to the 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.

4. The public interest favors issuance of the temporary restraining order to protect the Plaintiff's trademark interests and protect the public from being defrauded by the palming off of counterfeit goods as Plaintiff's genuine goods.

5. Under 15 U.S.C. § 1117(a), 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 Goyard 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.””).

6. 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.*, 51 F.3d at 987 (citing *Federal Trade Commission v. United States Oil & Gas Corp.*, 748 F.2d 1431, 1433-34 (11th Cir. 1984)).

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

IV. CONCLUSION

Accordingly, it is **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 for Temporary Restraining Order, **ECF No. [9]**, is **GRANTED** as follows:

1. Each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendants 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 Goyard 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 Goyard 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 Goyard 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 of the Defendants having notice of this Order shall immediately discontinue the use of the Goyard 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 of the Defendants, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendants having notice of this Order shall immediately discontinue the use of the Goyard 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 not transfer ownership of the E-commerce Store Names during the pendency of this action, or until further Order of the Court;
5. 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;
6. 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;
7. Upon receipt of notice of this Order, the 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, 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, the payment accounts, payees, merchant identification 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 that transfer funds into the same financial institution account(s), and/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;

8. 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, 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;

9. Any Defendant or financial institution account holder subject to this Order may petition the Court to modify the asset restraint set out in this Order;

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

11. 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;

12. This Order shall remain in effect until the date for the hearing on the Motion for Preliminary Injunction set forth below, or until such further dates as set by the Court or stipulated by the parties;

13. Pursuant to 15 U.S.C. § 1116(d)(5)(D) and Federal Rule of Civil Procedure 65(c), 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;

14. **A hearing** is set before this Court via **Zoom video conference** on **October 9, 2024, at 9:00 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: <https://www.zoomgov.com/j/16191705654?pwd=WmlmK0RpelQ5bUZhdTVGM3RUMHZoUT09>. **Alternatively, the Meeting ID is 161 9170 5654; and the Passcode is 692150. Defendants who are business entities must be represented by counsel at the hearing.** *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985) ("The rule is well established that a corporation is an artificial entity that can act only through agents, cannot appear pro se, and must be represented by counsel.").

15. After Plaintiff's counsel has received confirmation from the financial institutions regarding the funds restrained as directed herein, Plaintiff shall serve a copy 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 Internet based e-commerce stores operating under the E-commerce Store Names, or by providing a copy of this Order by e-mail to the registrars 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. In addition, Plaintiff shall post copies of the Complaint, Application, and this Order, as well as all other documents filed in this action, on the website located at <https://servingnotice.com/Ym35CU/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 the Defendants by regularly updating the website located at <https://servingnotice.com/Ym35CU/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 administrators of the Internet platforms, messaging services, and/or financial institutions, payment processors, banks, escrow services, and money transmitters, and marketplace platforms, 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 the Defendants' respective E-commerce Store Names;

17. **Any response or opposition** to the Plaintiff's Motion for Preliminary Injunction must be filed and served on the Plaintiff's counsel forty-eight (48) hours prior to the hearing set for **October 9, 2024, at 9:00 a.m.**, and filed with the Court, along with Proof of Service. Plaintiff shall file any Reply Memorandum **twenty-four (24) hours** prior to the hearing set for **October 9, 2024, at 9:00 a.m.** The above dates may be revised upon stipulation by all parties and approval of this Court.

18. 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 15 U.S.C. § 1116(d), The All Writs Act, 28 U.S.C. § 1651(a), Federal Rule of Civil Procedure 65, and this Court's inherent authority.

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

DONE AND ORDERED in Chambers at Miami, Florida, on September 26, 2024.

A handwritten signature in black ink, appearing to be 'JB' or similar, written over a horizontal line.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record

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

Def. No.	Defendant/ E-commerce Store Name	Payee	Merchant ID	Financial Account	E-mail Addresses	Other Means of Contact
1	goyardbagus.com		G76ZM2HEH7VAG		admin@goyardbagus.com	
2	goyarduksale.com	EDDIE GRIGGS @EGRIGGS 408	3V9T945J55BL4		luxuryitemswholesale@gmail.com	
3	aaareplica.nu	齐齐哈尔市变晓商贸有限公司	7Y4W2X69U8JK8	maoxiaohupp@outlook.com	service@aaareplica.nu service@aaareplica.nu	
4	bagscoll.shop	Luybagq	J4F24FFE2DGV6		support@zngogo.com	
4	blissbags.shop	LUXURYBAGSALEssc	A8Y8GSFRHE72J		Support@zngogo.com help@luybagsonline.shop	
4	luxesbag.shop	LUXBAGONLINE Luybagq	MLLCUQ5WLJB2N CPMHBE54LTRD6		Support@zngogo.com	
4	topbagsnew.shop	LUXURYBAGSALEs LUXURYBAGSALEssd	H8WS8VQZYWJEW 5NQJRJ4QRZVYN		Support@zngogo.com 547602388@qq.com Support@zngogo.com help@luybagsonline.shop	
5	buyqualitybags.com		2444YDDM2597J	79886689@qq.com	topbagshub@gmail.com contact@topqualitybags.com	
		Tabren Aubrey Smith	RQLTT8ZY2YWL6	keithgrainger90@outlook.com		
5	topqualitybags.com		KV5T4GV3KAKZJ	Usamamanzoortstripe@gmail.com	topbagshub@gmail.com	

					contact@topqualitybags.com	
6	byaneity.com	Byaneity	GNJEDFUTP XESS		service@unigave.com service@byaneity.com	
7	casebig.com		TFSNLFL6A NVF6		favocase@gmail.com sales@Casebig.com	
8	casefeely.com	CASEFEELY	Y4HM7FMW 95PWW		support@casefeely.com	
9	caseshunter.com		VAYBUU357 F444		admin@caseshunter.com	
10	cinderellastores.com	Rokki Agbotsu	2357NLWTJ3 8GJ		info@cinderellastores.com cinderellastorenz@gmail.com	
11	crozus.com		NJU2X7GLD 5X86 CMGUNSJJL VGA6		support@crozus.com	
12	designermusthave.com	Designer Must Have	THGZG4A39 BKW4			designermusthave.com/index.php/contact-us-2
13	qkkbag.shop	文 智弘 @41y8	KF29JLWXM CQWA		support@qkkbag.shop lagreen511@gmail.com sales@qkkbag.shop	
13	qnkbag.shop	文 智弘 @41y8	KF29JLWXM CQWA		support@qnkbag.shop lagreen511@gmail.com sales@qnkbag.shop	
13	whwlbag.shop	文 智弘 @41y8	KF29JLWXM CQWA		support@whwlbag.shop cntopshoes@gmail.com sales@whwlbag.shop	
13	wmtbag.shop	文 智弘 @41y8	KF29JLWXM CQWA		support@wmtbag.shop alexissaveryprpe	

					ws@gmail.com cntopshoes@gmail.com sales@wmtbag.shop	
13	wshubag.shop	文 智弘 @41y8	KF29JLWXM CQWA	asd763881227 @163.com	support@wshubag.shop worldsroderickt hyiqph@gmail.com sales@wshubag.shop	
13	xknbag.shop	文 智弘 @41y8	KF29JLWXM CQWA		support@xknbag.shop cntopshoes@gmail.com sales@xknbag.shop	
14	gorchic.com	Hefei Jiao Kun Trading Co., Ltd.	PT465C2FK4 F7S		service@gorchic.com	
14	gorchic.us	Hefei Jiao Kun Trading Co., Ltd.	PT465C2FK4 F7S		service@gorchic.com	
			ZU5WRREP DXNK4			
				lindashuai1995@gmail.com	service@gorchic.com service@gorchic.net	
15	high-endbags01.com		WHFLXXCT HQ2QY	cong_0617@qq.com	xxx@163.com	
16	jojokkrelicas.com	福根 伍	FZ3HYPANX XR5Q	wufugen1115@163.com	support@jojokkrelicas.net	
17	karanfrank.ru			2315162318@qq.com	karanfrankk@outlook.com	
18	luxeebag.com	LuxeeBag	CM4ECTF5E NA9Y		support@luxeebag.com	
19	luxuryoubag.com	FindingLuxury	8SG3KGHCT C9BG		contact@luxuryoubag.com	
20	mafoi.shop		ZQBVLPZ48 7SS4	segadiarraha@gmail.com	customers@mafoi.shop clients@mafoi.shop	
21	merchprintz.com	MerchPrintz	DXS6FASUE QG2Q		support@merchprintz.com	

22	peesty.com		K9NVCKFEB T27W		sale@temafes.bi z support@temafe s.net	
22	temaap.com		K9NVCKFEB T27W		support@temaa p.com support@fasbag s.shop	
22	temafes.us		K9NVCKFEB T27W		sale@temafes.bi z support@temafe s.net	
23	racastudio.com	Raca Studio Pty Ltd	SFNPZT873B UCJ		hello@racastud yo.com	
24	tgey.top	Qiansheng TRADING Co.LTD	WE4RF8RW7 CUWG		Allison54321aa @outlook.com	
25	theluxhouse.net	Fashion Venue	LVN357P5CL TWC	davidruffinjr@ yahoo.com	info@theluxhou se.net theluxhouse1@ gmail.com	
26	thetotetrove.myshopify.c om	LuxuryHub	V8A8PG45Z HLVQ		ameliaavaforyou @gmail.com store+79032254 753@t.shopifye mail.com avasophiaforyou @gmail.com	
27	vincyrep.ru	林海 柳		liulinhai188@o utlook.com	vincystore@hot mail.com admin@liomui.c om	
				rongfeng- 2022@outlook. com	vincystore@hot mail.com	
				huixiang- 2022@outlook. com	vincystore@hot mail.com	
28	viokshop.com		KF44JSYPRD 6SC	wuwupei@outl ook.com	besttopstores_se rvice@outlook.c om	
29	vittoriaparumbell.com	VittoriaParu mbell	3HZNUQB8Y TJY6		vittoriaparumbel l.com@gmail.co	

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