

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SPORT SHOTS, LLC,	§	
	§	
Complainant,	§	
	§	
v.	§	Civ. Action No. _____
	§	
THE INDIVIDUALS, BUSINESS ENTITIES, AND	§	
UNINCORPORATED ASSOCIATIONS	§	
IDENTIFIED IN EXHIBIT 1,	§	
	§	
Respondents.	§	

APPLICATION TO FILE *EX PARTE* MOTION FOR TEMPORARY RESTRAINING ORDER
UNDER SEAL

Pursuant to Local Rule LR83.6.A, Complainant Sport Shots, LLC moves the Court for an order allowing Complainant to file under seal Complainant’s *ex parte* Motion for Temporary Restraining Order (“TRO Motion”) and all associated exhibits and declarations.

1. The TRO Motion identifies Plaintiff, the Defendants, and the information associated with the webstores that the Defendants use to reproduce and display Plaintiff’s trademark and patent-protected Sneaker Shields products (the “Genuine Products”) to sell products (“Infringing Products”) through interactive commercial webstores (“Infringing Webstores”). Good cause exists for this requested order, for Defendants’ infringing activities are causing irreparable injury to Plaintiff, preventing Plaintiff from controlling use of its Genuine Products, and depriving Plaintiff of its exclusive rights under the Lanham Act. Accordingly, Plaintiff is seeking *ex parte* relief in this action.

2. While protective orders require good cause, sealing court records from public

view is a higher bar. *June Med. Servs., L.L.C. v. Phillips*, 22 F.4th 512, 521 (5th Cir. 2022). “To decide whether something be sealed, the court must undertake a ‘document-by-document,’ ‘line-by-line’ balancing of ‘the public’s common law right of access against the interests favoring nondisclosure.’” *Id.* Discretion should be “ungenerous” and only “congruent to the need.” *Id.*

3. Temporarily sealing the TRO Motion will prevent Defendants from prematurely receiving notice of Plaintiff’s investigation into the operation of their illegal businesses. In light of the illicit nature of infringement and the ability of infringers to practically eliminate their evidentiary trails by conducting their business entirely over the Internet, Plaintiff has good reason to believe that providing advance notice of Plaintiff’s claims would cause Defendants to hide or transfer their wrongfully-obtained assets, inventory, and related records beyond the jurisdiction of this Court and thereby thwart the Court’s ability to grant meaningful relief. *Cf.* 15 U.S.C. § 1116(d)(8) (“An order under this subsection, together with the supporting documents, shall be sealed until the person against whom the order is directed has an opportunity to contest such order, except that any person against whom such order is issued shall have access to such order and supporting documents after the seizure has been carried out.”). As Defendants engage in illegal, widespread trademark and patent infringement, Plaintiff has no reason to believe Defendants will make their assets available for, or will adhere to, the authority of this Court any more than they have adhered to the Lanham Act and Title 17 of the United States Code.

CONCLUSION

4. Complainant therefore respectfully requests that the TRO Motion and all attached exhibits and declarations remain under seal until the Court has the opportunity to issue preliminary injunctive relief and, if granted, the relief ordered therein has been effectuated.

Complainant will thereafter make all pleadings and orders filed in this matter available to Respondents.

Respectfully submitted,

THE WATTS LAW FIRM, P.C.

A handwritten signature in blue ink, appearing to read "Joseph K. Watts". The signature is cursive and somewhat stylized.

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