UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

KITSCH LLC, a Delaware limited liability company, Plaintiff, **v.** THE PARTNERSHIPS AND UNINCORPORATED CORPORATIONS IDENTIFIED ON SCHEDULE "A", Defendant.	Case No. 1:25-cv-23374 Judge Jacqueline Becerra

PLAINTIFF'S MOTION FOR ENTRY OF A PRELIMINARY INJUNCTION

Plaintiff Kitsch LLC ("Plaintiff" or "Kitsch"), by and through its undersigned counsel, respectfully moves this Court for the entry of a preliminary injunction against Defendants enjoining the manufacture, distribution, offering for sale, and sale of counterfeit products as well as restraining Defendant's assets pursuant to Fed. R. Civ. P. 65. Plaintiff further requests a hearing on the requested injunctive relief pursuant to Local Rule 7.1(b)(2). In support of this Motion, Plaintiff states as follows:

I. INTRODUCTION

Kitsch brings this action to address Defendants' willful and egregious infringement of Plaintiff's federally registered copyright, Registration No. VA 2-379-721 (the "Kitsch Copyright"), and their false association under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a). Defendants operate e-commerce storefronts designed to mislead consumers into purchasing counterfeit goods by unlawfully reproducing Plaintiff's copyrighted images and falsely associating themselves with Kitsch's brand. These Defendants are foreign actors who create interactive seller aliases on Amazon.com through which they reach out to U.S. residents, including residents of this state and District, to sell counterfeit products (the "Infringing Products"). These seller aliases share unique identifiers which indicate that there is a relationship between them. More troubling, however, is the fact that Defendants take steps to conceal their identities to (1) avoid liability for their infringement and (2) conceal their connections to each other. In particular, Defendants frequently use fake addresses in connection with their seller aliases, making them nearly impossible to locate and stop other than by pursuing action against their seller aliases. As a result, Plaintiff is left with no choice but to seek recourse through this action.

On September 12, 2025,[1] this Court entered a Temporary Restraining Order ("TRO") against Defendants prohibiting them using the Kitsch Copyright or any colorable imitation thereof and restraining Defendants' assets. (Dkt. 15.) In entering this Order, the Court found Kitsch was likely to prevail on its claim and that absent injunctive relief, that Kitsch was likely to suffer "immediate and irreparable injury" absent a TRO, and that the balance of harms favored Kitsch. (*Id.* at 4-6.) The Court further found that absent an asset restraint "will likely hide or move their ill-gotten funds to unidentifiable offshore bank accounts." (*Id.* at 7.) None of the facts underlying the Court's findings in entering the TRO have changed. Therefore, Kitsch respectfully requests the Court convert the TRO to a preliminary injunction that continues to prohibit Defendant's copyright infringement and maintains the restraint of Defendant's assets.

II. STATEMENT OF FACTS

A. The Kitsch Heatless Curler

Kitsch is a leading accessories manufacturer with a diverse product lineup, including hair ties, headbands, barrettes, hair curlers, jewelry, towels, and other fashion accessories. (Declaration of Jeremy Thurswell ("Thurswell Decl.") Dkt. 11-2[2] at ¶ 4.) Kitsch products are available in over 2,000 brick and mortar locations worldwide as well as online. (*Id.*) One of Kitsch's most popular products is its heatless hair curler, which is shown below:

[1] Because this Order was sealed, Kitsch did not receive it until October 22, 2025.

[2] The unredacted version of this declaration and its exhibits was filed at Docket No. 14.

The image shown above is one of Kitsch's key advertising images for its heatless hair curler. As such, Kitsch has obtained Copyright Registration No. VA 2-379-721, which protects this photograph of the heatless hair curler. (*See* Dkt. 11-2 at Exhibit 1.)

The Kitsch heatless hair curler is well established on Amazon and other retail platforms, receiving high ratings and positive customer feedback. (Dkt. 11-2 at ¶ 7.) Kitsch has generated significant revenue from sales of its products through online retailers such as Amazon and brick-and-mortar outlets. (*Id*. ¶ 10.) The success of this product has also enhanced Kitsch's reputation and goodwill.

B. Defendants' Infringing Activities

The success of the Kitsch heatless hair curler has resulted in widespread copyright infringement. (Dkt. 11-2 at ¶ 14.) Consequently, Kitsch actively monitors Amazon.com for infringing products. (*Id*. ¶ 15.) Through this monitoring, Kitsch has identified numerous fully interactive e-commerce storefronts, including those operated by Defendants, which import, advertise, and sell unauthorized reproductions of the copyrighted Kitsch heatless hair curler photograph to consumers in this Judicial District and across the United States. (*Id*. ¶ 16; *see*

Thurswell Decl. Exhibit 2.) Screenshots of these infringing product listings are shown in Exhibit 2 to the Thurswell Declaration.

Defendants have countless ways to present their products, yet they intentionally replicated Kitsch's copyrighted photograph, reinforcing their deliberate and calculated infringement. These infringing listings exhibit consistent patterns, including similar stylistic elements, descriptions, and product images, all of which demonstrate a coordinated effort among Defendants to mislead consumers into believing their products are associated with Kitsch. (*See* Dkt. 11-2 at Exhibit 2.) These irregularities indicate that Defendants share common sources and are likely interrelated.

Absent entry of a preliminary injunction, Plaintiff will continue to suffer immediate and irreparable harm, including loss of goodwill, reputational damage, and the dilution of its intellectual property rights. Plaintiff seeks immediate relief to preserve the status quo and prevent further harm pending a final resolution of this action. Defendants' ongoing unlawful activities should continue to be restrained. Thus, Plaintiff respectfully requests that this Court convert its TRO into a preliminary injunction.

III. ARGUMENT

A. Legal Standard Governing Requests for a Preliminary Injunction

In the Eleventh Circuit, the standards for receiving a TRO and preliminary injunction are the same. *See Emerging Vision, Inc. v. Glachman*, Case No. 10-cv-80734, 2010 WL 3293346, at *3 (S.D. Fla. June 29, 2010) (citing *Siegel v. LePore*, 120 F. Supp. 2d 1041 (S.D. Fla. 2000)). More specifically, to obtain a preliminary injunction, the movant must show: "(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 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 Co., 51 F.3d 982, 985 (11th Cir. 1995). In addition, pursuant to this Court's July 29, 2025 Order, the movant must show personal jurisdiction over each Defendant. (ECF 6.)

B. Jurisdiction

As an initial matter, there is no question that this Court has subject matter jurisdiction over the claims, as they arise under the provisions of the Copyright Act, 17 U.S.C. § 101 *et seq.*, and the Lanham Act, 15 U.S.C. § 1051 *et seq.*, pursuant to 28 U.S.C. §§ 1338(a) and 1331. The Court further has personal jurisdiction over the Defendants as they are foreign entities that are not subject to jurisdiction in any state and exercising jurisdiction is consistent with the U.S. Constitution and laws. *See* Fed. R. Civ. P. 4(k)(2); *see also Louis Vuitton Malletier, S.A. v. Mosseri,* 736 F.3d 1339, 1354-55 (11th Cir. 2013) (personal jurisdiction proper because infringing goods were listed on a website accessible in Florida, and the infringing goods were sold to Florida customers through the website). Finally, venue is also proper in this District pursuant to 28 U.S.C. § 1391 because Defendants directly target business activities toward consumers in the United States, including Florida, through at least the fully interactive internet listings of the seller aliases. Defendants have done this by setting up and operating e-commerce stores that target U.S. consumers and through which Florida residents can purchase Infringing Products. *Id.*

C. Kitsch Will Likely Succeed on the Merits of Its Claims

1. Kitsch Will Likely Succeed on the Merits of Copyright Infringement

To establish copyright infringement, Plaintiff must prove: (1) ownership of a valid copyright and (2) copying of original elements of the work. *Feist Publications, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 349 (1991). Plaintiff has demonstrated ownership of a valid copyright by submitting Copyright Registration No. VA 2-379-721, which protects the original photograph of its heatless hair curler. (*See* Dkt. 11-2 at Exhibit 1). This registration serves as prima facie evidence of the validity and ownership of Plaintiff's copyright. 17 U.S.C. § 410(c). *See Roberts v. Gordy*, 877 F.3d 1024, 1028 (11th Cir. 2017) ("a copyright registration provides prima facie evidence of ownership"); *Kernel Recs. Oy v. Mosley*, 694 F.3d 1294, 1302 (11th Cir. 2012) ("A certificate of registration serves as prima facie evidence of copyright validity") (citing 17 U.S.C. § 410(c)).

"Because it is almost impossible to produce direct evidence of copying, the courts have developed a two-prong test by which a court may infer copying: the plaintiff must show (1) that defendant had access to the copyrighted work and (2) that the defendant's product is substantially similar to plaintiff's." *Simmons v. W. Pub. Co.*, 834 F. Supp. 393, 395 (N.D. Ga. 1993) (citing *Ferguson v. Nat'l Broadcasting Co., Inc.*, 584 F.2d 111, 113 (5th Cir. 1978)). *See also Peter Letterese and Assocs., Inc. v. World Inst. of Scientology Enters.*, 533 F.3d 1287, 1301 (11th Cir. 2008). Here, Defendants are willfully offering for sale and displaying unauthorized reproductions of Plaintiff's copyrighted image. (*See* Dkt. 11-2 at Exhibit 2.) In particular, and as shown in Exhibit 3 to the Thurswell declaration, the Defendants' images contain the same objects arranged in substantially the same way. As there are myriad other ways to arrange these documents, there is simply no reason for Defendants to have used these specific images unless they intended to infringe Kitsch's copyrights. Put another way, Defendants' use of near-identical copies of Plaintiff's copyrighted work to advertise a product that is identical to Kitsch's, leading to a strong inference of copying. *Ty, Inc. v. GMA Accessories, Inc.*, 132 F.3d 1167, 1170 (7th Cir. 1997). Courts in this District have consistently granted injunctive relief for copyright violations in this situation. *See Dail v. Individuals, Partnerships, & Unincorporated Associations Identified on Schedule "A"*, No. 1:23-CV-21298, 2023 WL 9472275, at *3 (S.D. Fla. Apr. 28, 2023) (copyright case granting TRO including temporary asset restraint); *G&S Prints Pte. Ltd. v. Individuals, Partnerships & Unincorporated Associations Identified on Schedule "A"*, No. 24-CV-20573-RAR, 2024 WL 4481210, at *3 (S.D. Fla. Feb. 26, 2024) (same).

Plaintiff has not licensed or authorized Defendants to use its copyrighted work. Defendants' unauthorized reproduction, distribution, and display of the copyrighted photograph constitute infringement under 17 U.S.C. §§ 106 and 501. Plaintiff is therefore likely to succeed on the merits of its copyright infringement claim.

2. There Is No Adequate Remedy at Law, and Kitsch Will Suffer Irreparable Harm in the Absence of a Preliminary Injunction

Kitsch is entitled to a presumption of irreparable harm for simple copyright infringement. *See XYZ Corp. v. Individuals, Partnerships, & Unincorporated Associations Identified on Schedule "A"*, 668 F. Supp. 3d 1268, 1275 (S.D. Fla. 2023) ("[i]n copyright cases, irreparable harm is presumed on a showing of a reasonable likelihood of success on the merits.") (citing Arista Records, Inc. v. Beker Enterprises, Inc., 298 F.Supp.2d 1310, 1314 (S.D. Fla. 2003) and *Micro Star v. Formgen, Inc*., 154 F.3d 1107, 1109 (9th Cir. 1998)).

But even absent this presumption, Kitsch can show that it will suffer irreparable harm absent a preliminary injunction. In particular, Defendants' unauthorized use of the Kitsch Copyright has irreparably harmed, and continues to irreparably harm, Kitsch through diminished goodwill and brand confidence, damage to Kitsch's business reputation, loss of exclusivity, and loss of future sales. (Dkt. 11-2 at ¶¶ 26-28.) Kitsch has invested substantial time, money, and effort creating and promoting the Kitsch heatless hair curler. (*Id*. ¶ 12.) The extent of the harm to Kitsch's business reputation and goodwill in the market, and the possible diversion of customers away from Kitsch due to loss of confidence in Kitsch's brand, is irreparable and incalculable. (*Id*. ¶ 29.) Such harm, therefore, warrants an immediate halt to Defendants' infringing activities through injunctive relief. *See C.B. Fleet Co. v. Unico Holdings, Inc.*, 510 F. Supp. 2d 1078, 1083 (S.D. Fla. 2007) (loss of market share, reputation, goodwill and integrity of its copyrighted materials constituted irreparable harm). Kitsch will suffer immediate and irreparable injury, loss, and damage if a preliminary injunction is not issued. (Dkt. 11-2. at ¶¶ 25-29.)

3. The Balance of Harms Weighs in Kitsch's Favor

The balance of harms also favors entry of a preliminary injunction. Where, as here, the plaintiff stands to suffer significantly if a preliminary injunction is not entered due to lost control of its reputation and goodwill, the balance of harms weighs in favor of awarding injunctive relief. *See*, e.g., *XYZ Corp.*, 668 F. Supp. 3d at 1276 ("Plaintiff faces hardship from loss of sales and his inability to control his reputation in the marketplace. By contrast, Defendants face no hardship if they are prohibited from the infringement of Plaintiff's copyrights and patents which are illegal acts."); *Johnson v. Mauricette*, No. 8:21-CV-2010-VMC-SPF, 2021 WL 6205928, at *2 (M.D. Fla. Dec. 9, 2021), report and recommendation adopted at 2022 WL 19682 (M.D. Fla. Jan. 3, 2022) ("The potential harm to Defendant in restraining the allegedly infringing activities if a preliminary injunction is issued is far outweighed by the potential harm to Plaintiff, his reputation and goodwill, if such relief is not issued.").

Defendants have been profiting and continue to profit from the sale of Defendants' Infringing Products. (Dkt. 11-2 at ¶ 24.) In so doing, Defendants have effectively eliminated the exclusivity that Kitsch is entitled to under the Copyright Act. (*Id.* ¶ 12.) Thus, the balance of hardships tips decisively in Kitsch's favor here. As such, equity requires that Defendants be ordered to cease their unlawful conduct.

4. The Public Interest Is Served by Entry of an Injunction.

Finally, the Court must consider whether entry of a preliminary injunction order will harm the public interest. Here, Defendants are infringing Kitsch's copyrights. Indeed, courts in this District have repeatedly held that there is a strong public interest in preventing infringement of intellectual property rights, including copyrights. *XYZ Corp*, 668 F. Supp. 3d at 1276 ("the public interest supports the issuance of a permanent injunction against Defendants to prevent consumers from being misled by Defendants' unauthorized sale of products utilizing Plaintiff's IP Rights"); *Chanel, Inc. v. besumart.com*, 240 F. Supp. 3d 1283, 1291 (S.D. Fla. 2016) ("[A]n injunction to enjoin infringing behavior serves the public interest in protecting consumers from such behavior."). There is no contravening public interest, however, in allowing the Defendants in this case to sell infringing hair towels. As such, this factor weighs in favor of entry of a preliminary injunction.

D. THE EQUITABLE RELIEF SOUGHT IS APPROPRIATE

The Copyright Act expressly authorizes courts to issue injunctive relief: "Any court having jurisdiction of a civil action arising under this title may . . . grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain infringement of a copyright." 17 U.S.C. § 502(a).

1. A Preliminary Injunction Enjoining Defendants' Unauthorized and Unlawful Use of The Kitsch Copyright Is Necessary and Appropriate Here

Kitsch requests a preliminary requiring Defendants to immediately cease all manufacture, use, offering for sale, sale, and importation of products embodying the Kitsch Copyright. Such relief is necessary to stop the ongoing harm to Kitsch and to the goodwill that consumers associate with Kitsch's heatless hair curler, and to prevent Defendants from continuing to profit from their infringement and their creation of a false association with Kitsch. The need for preliminary relief in infringement cases is magnified in today's global economy where infringers can operate anonymously over the Internet. *See, e.g., XYZ Corp.*, 668 F. Supp. 3d at 1276 (finding entry of an injunction appropriate where "Defendants have created an Internet-based infringement scheme in which they are profiting from their deliberate misappropriation of Plaintiff's rights."). Due to the anonymous nature of Defendants, Kitsch is currently unaware of the precise scope and volume of Defendants' infringement operation or if Defendants are operating additional e-commerce stores sell and distribute the Infringing Products. In such cases, immediate injunctive relief in cases involving infringement is appropriate. See, *e.g.*, *Clock9nine LLC v. Individuals, Partnerships*, No. 24-21061-CIV, 2024 WL 4474724, at *3 (S.D. Fla. Apr. 2, 2024).

2. Preventing the Fraudulent Transfer of Assets Is Necessary and Appropriate

It is clear that Defendants have made profits as a result of their infringement. Because Defendants are unknown foreign entities, however, once Defendants become aware of this lawsuit there is nothing to stop Defendants from transferring these profits to overseas accounts during the pendency of this case, which would render an accounting meaningless. To prevent this, Kitsch also requests a restraint of Defendants' assets. In particular, Kitsch asks the Court to prevent Defendants from transferring any money out of their Amazon accounts to ensure that Defendants' will comply with any subsequent judgment.

Courts have the inherent authority to issue a prejudgment asset restraint when plaintiff's complaint seeks relief in equity. *See CSC Holdings, Inc. v. Redisi*, 309 F.3d 988, 996 (7th Cir. 2002) ("[S]ince the assets in question . . . were the profits of the [defendants] made by unlawfully stealing [the plaintiff's] services, the freeze was appropriate and may remain in place pending final disposition of this case."). Additionally, courts have the inherent equitable authority to grant plaintiff's request for a prejudgment asset freeze in order to ensure preservation of resources that may be used to satisfy a judgment. *YETI Coolers, LLC v. Individuals, Bus. Entities, & Unincorporated Associations Identified on Schedule A*, 566 F.Supp 3d 1333, 1341 (S.D. Fla. 2021) ("Requesting equitable relief 'invokes the district court's inherent equitable powers to order preliminary relief, including an asset freeze, in order to assume the availability of permanent relief.'"); *Levi Strauss* 51 F.3d 982 at 987. Kitsch has shown a strong likelihood of succeeding on the merits of its copyright infringement and false association claims. Should Kitsch prevail, it would be entitled to permanent injunctive relief as well as either actual damages and additional profits attributable to the infringement or statutory damages. *See* 17 U.S.C. §§ 502(a), 504. Likewise, the Lanham Act provides for injunctive relief and monetary remedies, including actual damages, disgorgement of profits, and, in cases of willful violation, treble damages or statutory damages for counterfeiting. *See* 15 U.S.C. §§ 1116(a), 1117(a), (b), (c). But unless Defendants' assets are restrained, they will likely hide or move their ill-gotten funds to unidentifiable offshore bank accounts. Accordingly, an asset restraint is proper and necessary here.

E. A BOND HAS BEEN POSTED TO SECURE THE INJUNCTION

Under Rule 65(c) of the Federal Rules of Civil Procedure, the Court has discretion to determine the appropriate bond amount. Plaintiff respectfully requests that the previously posted bond of $10,000 remain in place to secure the injunction. This bond is reasonable considering the nature of Defendants' infringing activities. The bond is also sufficient to cover any damages Defendants may incur if the injunction is later found to be wrongful.

IV. CONCLUSION

Defendants' infringement of Kitsch's copyrighted works and false designation of origin are interfering with the exclusive rights granted under the Copyright Act and the Lanham Act. This unlawful conduct is causing irreparable harm to Kitsch's business, reputation, and marketplace goodwill. Without the requested relief, Defendants' sale of infringing and falsely designated products, along with other unlawful activities, will continue to cause harm that cannot be adequately remedied by monetary damages alone. An injunction is necessary to prevent further harm. Accordingly, Kitsch respectfully requests that the Court enter a preliminary injunction as set forth herein.

Dated: November 18, 2025

Respectfully submitted,

/s/ *Lindsey Thurswell Lehr*
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

KITSCH LLC,
a Delaware limited liability company,

Plaintiff,

v.

THE PARTNERSHIPS AND UNINCORPORATED CORPORATIONS IDENTIFIED ON SCHEDULE "A",

Defendant.

Case No. 1:25-cv-23374

Judge Jacqueline Becerra

[PROPOSED] PRELIMINARY INJUNCTION

THIS CAUSE being before the Court on Plaintiff Kitsch LLC's ("Kitsch") Motion for Entry of a Preliminary Injunction (the "Motion").

In the Motion, Kitsch moves for entry of a preliminary injunction against The Partnerships and Unincorporated Corporations Identified on Schedule "A" attached hereto (collectively, "Defendants"), and entry of an order restraining the transfer of assets from Amazon accounts used by Defendants. Upon due consideration of the Motion, the pertinent portions of the record, the relevant authorities, and for the reasons set forth herein, the Motion is hereby **GRANTED** as follows.

I. FINDINGS OF FACT

The declarations Kitsch submitted in support of the Motion support the following findings of fact:

1. Kitsch is a leading accessories manufacturer with products. (Declaration of Jeremy Thurswell ("Thurswell Decl.") at ¶ 4.) Among the products Kitsch sells is a heatless hair curler, which is shown below:

(*Id.* at ¶ 6.)

2. Kitsch has obtained Copyright Registration No. VA 2-379-721, which protects the photograph of the heatless hair curler shown above. (*See* Thurswell Decl. Ex. 1.)

3. Kitsch has generated significant revenue from sales of its product advertised using the Kitsch Copyright through on-line retail chains such as Amazon and others, as well as through conventional brick-and-mortar retail outlets. (Thurswell Decl. at ¶¶ 7–12).

4. Defendants, through fully interactive, e-commerce stores operated under the seller aliases identified on Schedule "A" to the Complaint and attached hereto (the "Seller Aliases"), are using copies or imitations of the Kitsch Copyright to sell competing products. (Thurswell Decl. ¶ 15; Thurswell Decl. Exhibit 2).

II. LEGAL STANDARD

To obtain a preliminary injunction, the movant must show: "(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 entry of the relief would serve the public interest." *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225–26 (11th Cir. 2005); *Shenzhen Dejiayun Network Tech. Co., Ltd. v. P'ships, et al.*, No. 0:23-cv-62275-WPD, 2024 WL 4893417, at *1 (S.D. Fla. Jan. 9, 2024).

III. CONCLUSIONS OF LAW

The declarations Kitsch submitted in support of the Motion support the following conclusions of law:

1. Kitsch has a strong probability of proving at trial that Defendants have committed copyright infringement.

2. This Court has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Florida. Specifically, Defendants have targeted sales to Florida residents by setting up and operating online listings that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including Florida, accept payment in U.S. dollars and, and have sold products using advertisements that infringe the Kitsch Copyright to residents of Florida.

3. Because of the infringement of Kitsch's Copyright, Kitsch is likely to suffer immediate and irreparable injury if a preliminary injunction is not granted. The following specific facts at set forth in the Motion and accompanying declarations demonstrate that immediate and irreparable loss, damage, and injury will result to Kitsch unless preliminary relief is granted:

a. Defendants own, operate, and/or control fully interactive, e-commerce stores operating under the Seller Aliases that are importing, offering to sell, or selling goods to customers in the United States using the Kitsch Copyright;

b. There is good cause to believe that Kitsch will suffer diminished goodwill and brand confidence, damage to Kitsch's business reputation, loss of exclusivity, and loss of future sales for its genuine products; and

c. There is good cause to believe that if Defendants have the opportunity they could and would likely move any assets from accounts under this Court's jurisdiction to off-shore accounts, thereby thwarting Kitsch's ability to obtain meaningful relief.

4. The potential harm to Defendants in restraining their trade in infringing goods through their e-commerce stores and restraining ill-gotten profits if a preliminary injunction is granted is far outweighed by the irreparable harm Kitsch, its reputation, and its goodwill has suffered and will continue to suffer if a preliminary injunction order is not granted.

5. The public interest favors issuance of a preliminary injunction to protect Kitsch's interests in its copyright, to encourage respect for the law, and to protect the public from being defrauded by the illegal sale of infringing goods.

6. Under 17 U.S.C. § 504, Kitsch may be entitled to recover, as an equitable remedy, the illegal profits gained through Defendants' infringement of the Kitsch Copyright.

7. 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.

8. In light of the inherently deceptive nature of the infringing e-commerce business, and the likelihood that Defendants have violated federal copyright laws, Kitsch has good reason

to believe that Defendants will hide or transfer their ill-gotten assets beyond the jurisdiction of this Court unless those assets are restrained.

Upon review of Kitsch's Complaint, Motion, and supporting evidentiary submissions, it is **ORDERED AND ADJUDGED** that the Motion is **GRANTED**, under the terms set forth below:

1. Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be temporarily enjoined and restrained from:

   a. using any reproduction, copy or colorable imitation of the design claimed in the Kitsch Copyright;

   b. aiding, abetting, contributing to, or otherwise assisting anyone in infringing upon the Kitsch Copyright; and

   c. effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in Subparagraphs (a) and (b).

2. Upon Kitsch's request, those with notice of the injunction, including but not limited to eBay, Inc. ("eBay"), AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), Amazon.com, Inc. ("Amazon"), ContextLogic Inc. d/b/a Wish.com ("Wish.com"), Walmart Inc. ("Walmart"), Etsy, Inc. ("Etsy"), and DHgate, Inc. ("DHgate") (collectively, the "Third Party Providers"), shall within seven (7) calendar days after receipt of such notice, disable and cease displaying any advertisements or listings used by or associated with Defendants in connection with the sale of infringing goods using the Kitsch Copyright.

3. Defendants shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

4. Any Third-Party Providers, including PayPal, eBay, Alipay, Alibaba, Ant Financial, Wish.com, Walmart, Etsy, DHgate and Amazon Pay, shall, within seven (7) calendar days of receipt of this Order:

a. locate all accounts and funds connected to Defendants' Seller Aliases, and Online Marketplaces, including, but not limited to, any financial accounts connected to the information listed in Schedule A hereto, the Seller Aliases identified in Exhibit 2 to the Declaration of Jeremy Thurswell, and any Seller Aliases provided for Defendants by third parties; and

b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

5. Kitsch has already deposited with the Court ten thousand dollars ($10,000.00) as a bond for the Temporary Restraining Order in this Case. This amount remains adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful restraint hereunder. Thus, no additional bond is required for entry of this preliminary injunction.

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Hon. Jacqueline Becerra
United States District Judge