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6 *Attorneys for Plaintiff Spy Optic Inc.*

8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

11 SPY OPTIC INC., a California
 12 Corporation,
 13
 14 vs.
 15 THE INDIVIDUALS, PARTNERSHIPS
 16 AND UNINCORPORATED
 17 ASSOCIATIONS IDENTIFIED ON
 18 SCHEDULE "A" and
 19 DOES 1-10,
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 28 Defendants.

) CASE NO. 2:17-cv-04532-JFW-JCx

) ~~[PROPOSED]~~ ORDER RE
 PRELIMINARY INJUNCTION


~~[FILED UNDER SEAL]~~

1 **PRELIMINARY INJUNCTION ORDER**

2 THIS CAUSE being before the Court on Plaintiff Spy Optic Inc.'s ("Plaintiff" or
3 "Spy Optic") Motion for Entry of a Preliminary Injunction, and this Court having
4 heard the evidence before it hereby GRANTS Plaintiff's Motion for Entry of a
5 Preliminary Injunction in its entirety against the Defendants identified on Schedule A
6 attached hereto (collectively, the "Defendants").

7 THIS COURT HEREBY FINDS that it has personal jurisdiction over the
8 Defendants since the Defendants have targeted sales from California residents by
9 operating online retail businesses that offer shipping to the United States, including
10 California, accepting payment in U.S. dollars and, has sold products bearing
11 counterfeit versions of Spy Optic's federally registered trademarks to residents in
12 California, a list of which is included in the below chart (collectively "SPY Marks"):

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14 Trademark	U.S. Reg. No.	Reg. Date	Goods and Services
15 SPY	1,981,513	06/18/1996	Glasses and Sunglasses
	3,700,605	10/27/2009	Bags; Namely, Backpacks and Sport Bags
	3,750,166	02/16/2010	Retail Store Services and On-line Retail Store Services Featuring Sunglasses, Sport Goggles, and Wearing Apparel
21 SPY OPTIC	3,218,701	03/13/2007	Wearing Apparel; Namely T-Shirts, Shirts, Sweatshirts, Pants, Shorts, Jackets, Hats, Visors, Caps, Belts and Shoes
	3,468,936	07/15/2008	Sunglasses and Sports Goggles
27 	2,157,268	05/12/1998	Sunglasses
	3,648,121	06/30/2009	Bags; Namely, Backpacks and Sport Bags

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1 THIS COURT FURTHER FINDS that injunctive relief previously granted in the
2 Temporary Restraining Order and Order Restraining Transfer of Assets and for
3 Expedited Discovery (“TRO”) should remain in place through the pendency of this
4 litigation and that issuing this Preliminary Injunction is warranted under Federal Rule
5 of Civil Procedure 65. Evidence submitted in support of this Motion and in support of
6 Spy Optic’s previously granted Motion for Entry of a TRO establishes that Spy Optic
7 has demonstrated a likelihood of success on the merits; that no remedy at law exists;
8 and that Spy Optic will suffer irreparable harm if the injunction is not granted.

9 Specifically, Spy Optic has proved a *prima facie* case of trademark infringement
10 because (1) Spy Optic’s SPY Marks are distinctive marks and are registered with the
11 U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not
12 licensed or authorized to use any of Spy Optic’s SPY Marks, and (3) Defendants’ use
13 of the SPY Marks is causing a likelihood of confusion as to the origin or sponsorship
14 of Defendants’ products with Spy Optic’s products. Furthermore, Defendants’
15 continued and unauthorized use of the SPY Marks irreparably harms Spy Optic
16 through diminished goodwill and brand confidence, damage to Spy Optic’s reputation,
17 loss of exclusivity, and loss of future sales. Monetary damages fail to address such
18 damage and, therefore, Spy Optic has an inadequate remedy at law. Moreover, the
19 public interest is served by entry of this Preliminary Injunction to dispel the public
20 confusion created by Defendants’ actions.

21 Based on the foregoing, IT IS HEREBY ORDERED that:

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

25 a. using the SPY Marks or any reproductions, counterfeit copies or
26 colorable imitations thereof in any manner in connection with the distribution,
27 marketing, advertising, offering for sale, or sale of any product that is not a genuine
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1 Spy Optic product or is not authorized by Spy Optic to be sold in connection with the
2 SPY Marks;

3 b. manufacturing, shipping, delivering, holding for sale, transferring
4 or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any
5 manner, products or inventory not manufactured by or for Spy Optic, nor authorized by
6 Spy Optic to be sold or offered for sale, and which bear any of the SPY Marks or any
7 reproductions, counterfeit copies or colorable imitations thereof;

8 c. passing off, inducing, or enabling others to sell or pass off any
9 product as a genuine Spy Optic product or any other product produced by Spy Optic,
10 that is not Spy Optics' or not produced under the authorization, control or supervision
11 of Spy Optic and approved by Spy Optic for sale under the SPY Marks; and

12 d. committing any acts calculated to cause consumers to believe that
13 Defendants' products are those sold under the authorization, control or supervision of
14 Spy Optic, or are sponsored by, approved by, or otherwise connected with Spy Optic;

15 2. Defendants and any persons in active concert or participation with them
16 who have actual notice of this Order shall be temporarily and preliminarily restrained
17 and enjoined from transferring or disposing of any money or other of Defendants'
18 assets until further ordered by this Court.

19 3. PayPal, Inc. ("PayPal") shall, within two (2) business days of receipt of
20 this Order and to the extent it has not already done so, for any Defendant or any of
21 Defendants' Online Marketplace Accounts or websites:

22 a. locate all accounts and funds connected to Defendants and
23 Defendants' Online Marketplace Accounts, including, but not limited to, any PayPal
24 accounts connected to the information listed in Schedule A hereto, the e-mail addresses
25 identified in Exhibits 1 and 3 to the Declaration of Winifred Jow, and any e-mail
26 addresses provided for Defendants by third parties; and

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1 b. restrain and enjoin any such accounts or funds that are China or
2 Hong Kong based from transferring or disposing of any money or other of Defendants'
3 assets until further ordered by this Court.

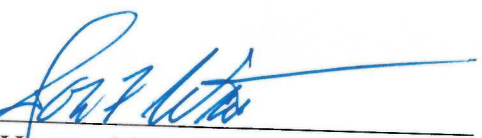
4 4. Spy Optic may provide notice of these proceedings to Defendants,
5 including service of process pursuant to Fed. R. Civ. P. 4(f)(3), by sending an e-mail to
6 the e-mail addresses identified in Schedule A below and any e-mail addresses provided
7 for Defendants by third parties that includes a copy of this order and/or a link to the
8 website - <http://www.blgnotices.com/front-page/spyoptic-062017/> - on which this
9 Order may be publicly viewed and accessed. The combination of providing notice via
10 electronic publication or e-mail, along with any notice that Defendants receive from
11 domain name registrars and payment processors, including PayPal, shall constitute
12 notice reasonably calculated under all circumstances to apprise Defendants of the
13 pendency of the action and afford them the opportunity to present their objections.

14 5. This case and all documents currently filed under seal in connection with
15 this action shall be UNSEALED.

16 6. The \$10,000 bond posted by Spy Optic shall remain with the Court until a
17 Final disposition of this case or until this Preliminary Injunction is terminated.

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19 **IT IS SO ORDERED.**

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21 DATE: July 6, 2017

22 By: 
23 Honorable John F. Walter
24 United States District Judge
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SCHEDULE A

eBay Seller Identification	Associated PayPal Account
globalbabysupplier	<u>babyshopcx@163.com</u>
panthro1983	<u>bigfidell1983@hotmail.com</u>
h.k98652	<u>hanjinduo889@163.com</u>
huangxiaoqing_6688	<u>huangxiaoqing_668@yahoo.com.cn</u>
davidli83	<u>jasmine1232944@sina.com</u>
rich-five	<u>koyotaup@163.com</u>
dalin6962	<u>superman123456@126.com</u>
fashions-stores	<u>szxingugang2@163.com</u>
hee2-fashion	<u>vickyying_aj@126.com</u>
rvt3	<u>VincentSinkwell@gmail.com</u>
zhouzhou2012	<u>WU18737428688@163.COM</u>
dkc-happy808	<u>xingfuzhijawoyaofa@outlook.com</u>
top100store	<u>xizilong2011@gmail.com</u>
4zhiutemhuanh	<u>xueyunfeng1961@hotmail.com</u>
luckyhappy15	<u>yiwupr@126.com</u>
happyshopping*2014	<u>yuguifu1982@gmail.com</u>
ringstore	<u>yuguifu1982@gmail.com</u>
wellcomeyou2014	<u>yuguifu1982@gmail.com</u>
aisteshops	<u>zhaoshuang19892010@hotmail.com</u>
paiermeng	<u>15336608850@163.com</u>
hwev9826	<u>15801545117@163.COM</u>