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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

BRIGHTON COLLECTIBLES, LLC, a  
Delaware limited liability company,

Plaintiff,

vs.

WWW.FIDGETNECKLACEUK.COM,  
an entity of unknown origin, and  
DOES 1-10,

Defendants.

Case No. 2:18-cv-02017-ODW-PJW

**PRELIMINARY INJUNCTION**

1 On March 12, 2018, this Court granted in part plaintiff Brighton Collectibles,  
2 LLC's ("Brighton") ex parte application for a temporary restraining order and order  
3 to show cause re preliminary injunction against www.fidgetnecklaceuk.com. (ECF  
4 No. 16.)

5 Following entry of this Court's temporary restraining order, the persons  
6 operating www.fidgetnecklaceuk.com created a new website –  
7 www.fidgetnecklacesaleuk.com – that continued to infringe upon the intellectual  
8 property rights of Brighton.

9 On April 4, 2018, this Court granted Brighton's ex parte application for an  
10 order modifying the temporary restraining order to include  
11 www.fidgetnecklacesaleuk.com as an enjoined website. (ECF No. 24.) (The  
12 websites www.fidgetnecklaceuk.com and www.fidgetnecklaceuk.com are  
13 referenced hereinafter collectively as the "Websites".)

14 Having reviewed the papers, declarations, exhibits, and memorandum of law,  
15 the Court hereby makes the following findings of fact and conclusions of law:

16 1. Brighton has demonstrated that it is entitled to a preliminary injunction  
17 by establishing that it is likely to succeed on the merits of its claims, that it is likely  
18 to suffer irreparable harm absent the injunctive relief, that the equities weigh in  
19 favor of the injunctive relief, and that the public interest weighs in favor of the  
20 injunctive relief.

21 2. With respect to the likelihood of success on the merits, the evidence  
22 shows the following:

- 23 • Brighton owns the registered trade name "Brighton," various common-  
24 law trademarks that Brighton has used extensively in commerce in  
25 conjunction with its accessory collections, and multiple registered  
26 copyrighted designs.
- 27 • The Websites used Brighton's trademarks to advertise and purportedly  
28 to offer for sale authentic Brighton products in a confusingly similar

1 manner.

- 2 • The Websites displayed and purportedly offered for sale exact
- 3 duplicates of Brighton's copyrighted designs.
- 4 • Brighton has not authorized any of the Websites' use of its intellectual
- 5 property.

6 The Court thus finds that Brighton is likely to succeed on the merits of its  
7 claims.

8 3. With respect to the irreparable harm factor, the evidence shows that the  
9 infringing acts of the Websites are likely to cause irreparable harm to Brighton's  
10 sales, reputation, and goodwill. Furthermore, the creation and operation of  
11 www.fidgetnecklacesaleuk.com shortly after the takedown of  
12 www.fidgetnecklaceuk.com indicates that, absent a preliminary injunction, the  
13 infringing acts are likely to recur in the future.

14 4. With respect to the balance of equities and public interest factors, the  
15 evidence shows that the continued infringement on the Websites is likely to harm  
16 Brighton and consumers, and there is no countervailing interest in protecting the  
17 activities of the Websites.

18 **THEREFORE, IT IS HEREBY ORDERED THAT** the persons operating  
19 the Websites, as well as their officers, agents, servants, employees, attorneys, and  
20 any persons in active concert or participation with them having knowledge of this  
21 Order are preliminarily enjoined from:

22 a. Displaying, advertising, offering for sale, selling, reproducing, or  
23 otherwise using Brighton's trademarks (or any colorable imitation of Brighton's  
24 trademarks) or Brighton's copyrights; or

25 b. Taking any action that directly or indirectly enables, facilitates,  
26 permits, assists, encourages or induces the display, advertising, offering for sale,  
27 selling, reproduction, or otherwise use of Brighton's trademarks or copyrights;

28 c. Moving, destroying, or otherwise disposing of any computer files,

1 electronic files, business records, or documents related to the Websites.

2 **IT IS FURTHER ORDERED THAT** the certified check in the amount of  
3 \$10,000 that Brighton previously posted as security – see ECF No. 20 – is deemed  
4 adequate for payment of such damages as any person may be entitled to recover as a  
5 result of a wrongful seizure or restraint hereunder.

6 **IT IS SO ORDERED.**

7 Dated: April 25, 2018



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10 Hon. Otis D. Wright, II  
11 United States District Court Judge  
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