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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4

5 UBIQUITI NETWORKS, INC.,

6 Plaintiff,

7 v.

8 KOZUMI USA CORP. and SHAO WEI
9 HSU,

10 Defendants.
11

No. C 12-2582 CW

ORDER DENYING
DEFENDANTS' MOTION
TO MODIFY
PRELIMINARY
INJUNCTION (DOCKET
NO. 84) AND MOTION
TO DISMISS (DOCKET
NO. 40)

12 Defendants Kozumi USA Corp. and William Hsu Wu¹ move to
13 dismiss Plaintiff Ubiquiti Networks, Inc.'s claims against them
14 for lack of personal jurisdiction. In addition, Defendants move
15 to modify the preliminary injunction this Court issued on July 5,
16 2012, freezing Defendants' real estate assets. See Docket No. 61,
17 at 2. Plaintiff opposes both motions. The motions were heard on
18 September 27, 2012. Having considered oral argument and the
19 papers submitted by the parties, the Court DENIES both motions.
20 The Court's June 20, 2012 order granting in part Plaintiff's
21 application for a temporary restraining order sets forth the
22 relevant facts in this case. Docket No. 41, at 2-11.

23 I. Motion to Dismiss

24 In its June 20, 2012 order, the Court made a preliminary
25 finding that Plaintiff would likely be able to establish personal
26 jurisdiction over Defendants in this case. Id. at 22-29.

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28 ¹ The individual Defendant named in Ubiquiti's complaint as
Shao Wei Hsu indicates that his true name is William Hsu Wu.

1 Defendants have not offered any compelling reason here to disturb
2 that initial finding. In particular, they have failed to
3 distinguish this case from the Ninth Circuit's decision in
4 Panavision v. Toeppen, 141 F.3d 1316, 1320-24 (9th Cir. 1998),
5 another trademark infringement action concerning specific
6 jurisdiction, which the Court relied upon in its previous order.
7 The Court therefore adheres to the reasoning of its previous
8 decision and denies Defendants' Rule 12(b)(2) motion to dismiss.

9 II. Motion to Modify Preliminary Injunction

10 Defendants contend that Plaintiff has abused this Court's
11 July 5, 2012 preliminary injunction by using it to obtain a notice
12 of lis pendens in a Florida court to block the transfer of several
13 real estate properties formerly owned or controlled by Defendant
14 Wu.² Specifically, they argue that because these properties no
15 longer belong to Defendant Wu, they fall outside the scope of the
16 asset freeze in the preliminary injunction. In their motion,
17 Defendants ask the Court to remove the asset freeze in its
18 entirety from the preliminary injunction or, in the alternative,
19 to order Plaintiff to withdraw its lis pendens.

20 Defendants have not demonstrated here "that a significant
21 change in facts or law warrants revision or dissolution of the
22 injunction." Sharp v. Weston, 233 F.3d 1166, 1170 (9th Cir.
23 2000). They present no new information to undermine the Court's
24 original reasons for issuing the preliminary injunction nor have

25
26 ² In addition to the lis pendens, Plaintiff has initiated
27 another action in Florida court challenging the validity of real
28 estate transfers previously made by Defendant Wu involving the
same properties identified in the lis pendens.

1 they shown that the injunction has subjected them to some new or
2 unforeseen hardship. More importantly, they have not clearly
3 explained how lifting the current freeze on their real estate
4 assets would prevent Plaintiff from maintaining its lis pendens in
5 Florida. After all, Defendants' central argument here is that the
6 properties subject to the lis pendens fall outside the scope of
7 this Court's injunction. If Defendants wish to challenge
8 Plaintiff's lis pendens, the proper forum to do so is the court in
9 which it was filed.

10 CONCLUSION

11 For the foregoing reasons, the Court DENIES Defendants'
12 motion to dismiss (Docket No. 40) and DENIES Defendants' motion to
13 modify the preliminary injunction (Docket No. 84).

14 IT IS SO ORDERED.

15
16 Dated: October 30, 2012



CLAUDIA WILKEN
United States District Judge