

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 1:19-cv-02382-RM-STV

SEBO AMERICA, LLC,

Plaintiff,

v.

DOES 1-10,

Defendants.

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**TEMPORARY RESTRAINING ORDER**

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This matter is before the Court on Plaintiff's motion for a temporary restraining order. (ECF No. 7.) Having reviewed the documents filed in support of the motion, including the complaint, the affidavit of John Van Leuven, and the declaration of Plaintiff's counsel, the Court grants the motion.

To obtain injunctive relief, a plaintiff must establish "(1) a substantial likelihood of prevailing on the merits; (2) irreparable harm unless the injunction is issued; (3) that the threatened injury outweighs the harm that the preliminary injunction may cause the opposing party; and (4) that the injunction, if issued, will not adversely affect the public interest." *Diné Citizens Against Ruining Our Environment v. Jewell*, 839 F.3d 1276, 1281 (10th Cir. 2016) (quotation omitted). Under Fed. R. Civ. P 65(b)(1), "[t]he court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if: (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard

in opposition; and (B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required."

Plaintiff has made the required showing. Accordingly, the Court ORDERS that:

- (1) Plaintiff's motion for a temporary restraining order (ECF No. 7) is GRANTED;
- (2) Defendants, their subsidiaries, affiliates, divisions, officers, directors, principals, servants, employees, successors and assigns, and all of those acting in concert or participation with them, via the use of all sales platforms and sales channels, including the Amazon.com "seller ID number" A12ATF1URACIC7, are RESTRAINED and ENJOINED from
  - (a) infringing upon, unfairly competing with, and/or passing off Plaintiff's trademarks (SEBO, SEBO & DESIGN, FELIX, AIRBELT, DART, and WORKS FOR ME) under federal trademark, unfair competition, and false advertising laws;
  - (b) advertising, promoting, or selling products bearing these trademarks to customers in the United States;
  - (c) imitating, copying, or making use of these trademarks which falsely suggests that any advertisement, promotion, or sale of any goods by Defendants is authorized, sponsored, or approved by Plaintiff;
  - (d) imitating, copying, or making use of these trademarks which falsely misrepresents that the nature, characteristics, qualities, or origin of any products;
  - (e) imitating, copying, or making any use of these trademarks in any manner which is likely to create confusion, deception, or mistake regarding any

connection between Plaintiff and Defendants, their goods, or their trademarks; and

- (f) destroying, modifying, moving, hiding, or otherwise making inaccessible to the Court and/or Plaintiff any article or thing, in digital and/or physical form, exhibiting or using these trademarks;
- (3) this temporary restraining order is granted on a nationwide basis;
- (4) all listings on Amazon.com by “seller ID number” A12ATF1URACIC7 which contain these trademarks shall be removed while this order is in effect;
- (5) this order is conditioned upon Plaintiff’s filing with the Clerk of this Court an undertaking in the form of a bond, certified check, bank check, or cash in the amount of \$5,000 no later than Thursday, August 29, 2019, at 5 p.m. to secure the payment of such costs and damages not to exceed such sum as may be suffered or sustained by any party who is found to be wrongfully restrained hereby; and
- (6) this order shall remain in full force and effect pending hearing and determination of an application for a preliminary injunction or the expiration of fourteen (14) days from the date of this order, whichever comes first.

DATED this 28th day of August, 2019, at 5 p.m.

BY THE COURT:



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RAYMOND P. MOORE  
United States District Judge