

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BETTER KEIKI, LLC d/b/a MAIRICO and
SENACO DIRECT,

Plaintiff,

v.

HOUSEWARE, NEWCHOICE USA, CPI
DELTA, CMR.ALEW, FRANCECHEF,
SUNNYSTORELOVE, and NTTL,

Defendants.

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CIVIL ACTION NO. 4:18-CV-226
JUDGE MAZZANT/JUDGE JOHNSON

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On May 31, 2018, the report of the Magistrate Judge (the “Report”) was entered containing proposed findings of fact and recommendations (*see* Dkt. #40) that Plaintiff Better Keiki, LLC d/b/a Mairico and Senaco Direct’s temporary restraining order (*see* Dkt. #19) against Defendants be converted to a preliminary injunction with full effect for the pendency of this matter or until further order of the Court. On June 18, 2018, Plaintiff submitted notice to the Court that all documents in the case, including the Magistrate Judge’s Report (Dkt. #40), have been delivered to Defendants via electronic means. *See* Dkt. #42.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and

conclusions of the Court. Accordingly, it is hereby **ORDERED** that a preliminary injunction is entered as follows:

Defendants HOUSEWARE, NewChoice USA, CPI Delta, CMR.Alew, FranceChef, SunnyStoreLove, and NTTL, and each of its members, officers, agents, employees, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any entity, corporation, subsidiary, division, affiliate or other device, are hereby temporarily restrained and enjoined from:

1. Manufacturing or causing to be manufactured, importing, advertising or promoting, distributing, selling or offering to sell their Counterfeit Goods; from infringing, counterfeiting or diluting Plaintiff's trademarks; from using Plaintiff's trademarks or any mark or trade dress similar thereto, in connection with the sale of any unauthorized goods; from using any logo, trade name or trademark or trade dress that may be calculated to falsely advertise the services or products of Defendants as being sponsored by, authorized by, endorsed by or in any way associated with Plaintiff; from falsely representing themselves as being connected with Plaintiff, through sponsorship or association, or engaging in any act that is likely to falsely cause members of the trade and/or of the purchasing public to believe any goods or services of Defendants, are in any way endorsed by, approved by and/or associated with Plaintiff; from using any reproduction, counterfeit, infringement, copy or colorable imitation of Plaintiff's trademarks in connection with the publicity, promotion, sale or advertising of any goods sold by Defendants; from affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' goods as being those

of Plaintiff, or in any way endorsed by Plaintiff and from offering such goods in commerce; and from otherwise unfairly competing with Plaintiff.

2. Using the following Amazon seller IDs: A19R7Z7Y0UGNKP, A358MRFT5CUP12, A2KTE25R4ZALX8, AW7RHG6ANNRQ5, A1RKQMVHN9ZSJ6, AD7VFEWSPSI62, A2K649AAYY4AEK (“Defendant Seller IDs”), as well as any other alias seller identification names being used and/or controlled by Defendants to engage in the business of marketing, offering to sell and/or selling goods bearing counterfeits and infringements of Plaintiff’s trademarks.
3. Withdrawing any funds or removing any counterfeited goods from the possession of Amazon.com, Inc. or any of its affiliated companies.

This preliminary injunction shall remain in full effect for the pendency of this matter or until further order of the Court.

IT IS SO ORDERED.

SIGNED this 3rd day of July, 2018.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE