

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

KIEL JAMES PATRICK, LLC,
Plaintiff,

v.

THE PARTNERSHIPS AND
UNINCORPORATED
ASSOCIATIONS IDENTIFIED
ON SCHEDULE “A”,
Defendants.

C.A. No. 1:22-cv-00089

**ORDER REGARDING PLAINTIFF’S *EX PARTE* MOTION FOR TEMPORARY
RESTRAINING ORDER AND WRIT OF ATTACHMENT**

The above-captioned matter was heard before the Honorable Mary S. McElroy on March 3, 2022, at 3:30 p.m. on Plaintiff Kiel James Patrick, LLC’s (“Plaintiff”) *Ex Parte* Motion for Temporary Restraining Order and Writ of Attachment (ECF No. 5) (the “Motion”). After consideration of the Motion, it is hereby ordered, adjudged, and decreed:

1. That the Motion is GRANTED, in part, as set forth herein;
2. That the lack of notice of the Motion was justified and excusable pursuant to Fed. R. Civ. P. 65(b)(1)(B);
3. That Plaintiff has demonstrated a likelihood of success on the merits of their claims against the Temporarily Restrained Defendants, as defined below, with respect to the following products (the “Imitation Products”):
 - a. The “ASHMITA 6pcs Gold Nautical Charm Anchor Bracelet for Men Women Multi-Wrap Rope Bracelets Adjustable Size 6”-8” listed for sale by Defendant Zhang Li d/b/a Ashmita Jewelry;

- b. The “Men’s Genuine Leather Bracelet Cowhide Multilayer Braided Leather Cuff Wrap Wristbands Classic Designed Bangle Stainless Steel Bracelet for Men Boys” listed for sale by Defendant Kdeemua;
 - c. The “high quality Cool Anchor Hook Nautical Rope Bracelet Handmade Mens Anchor Bracelet” listed for sale by Defendant Dongguan Minos Stainless Steel Jewelry Co., Ltd.; and
 - d. The “2019 PU Leather Bracelet Handmade Braid Bracelet With Metal Anchor Men Bracelet Jewelry” listed for sale by Defendant Ranoveo.
4. That without the relief requested in the Motion, Plaintiff will suffer irreparable harm;
5. That the balance of hardships between the parties weighs in favor of granting the Motion;
6. That the granting of the Motion is beneficial to the public interest;
7. That the following Defendants—Zhang Li d/b/a Ashmita Jewelry, Kdeemua, Dongguan Minos Stainless Steel Jewelry Co., Ltd., and Ranoveo (the “Temporarily Restrained Defendants”)—their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them are hereby temporarily enjoined and restrained from:
- a. Using Plaintiff’s Anchor Design Marks, as defined in the Complaint, or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of the Imitation Products;

- b. Passing off, inducing, or enabling others to sell or pass off any product as a genuine product of Plaintiff's or any other product produced by Plaintiff that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's Anchor Design Marks;
- c. Committing any acts calculated to cause consumers to believe that the Temporarily Restrained Defendants' Imitation Products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. Further infringing Plaintiff's Anchor Design Marks and damaging Plaintiff's goodwill; and
- e. Shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear Plaintiff's Anchor Design Marks, or any reproductions, counterfeit copies, or colorable imitations thereof.

8. That the Temporarily Restrained Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them are hereby temporarily enjoined and restrained from:

- a. Using Plaintiff's Design Patent, as defined in the Complaint, or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of the Imitation Products;

- b. Passing off, inducing, or enabling others to sell or pass off any product as a genuine product of Plaintiff's or any other product produced by Plaintiff that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's Design Patent;
 - c. Committing any acts calculated to cause consumers to believe that the Temporarily Restrained Defendants' Imitation Products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
 - d. Further infringing Plaintiff's Design Patent and damaging Plaintiff's goodwill; and
 - e. Shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which are identical to Plaintiff's Design Patent, including the Design Patent, or any reproductions, counterfeit copies, or colorable imitations thereof.
9. That those in privity with the Temporarily Restrained Defendants and those with notice of this Order, including any online marketplaces, shall:
- a. Disable and cease providing services for any accounts through which the Temporarily Restrained Defendants engage in the sale of the Imitation Products identified herein;
 - b. Disable and cease displaying any advertisements used by or associated with the Temporarily Restrained Defendants in connection with the sale of the Imitation Products identified herein; and

- c. Take all steps reasonably necessary to prevent links to the Temporarily Restrained Defendants' Imitation Products, as identified herein, from displaying in search results.

10. That the Temporarily Restrained Defendants' funds located in each of their accounts connected to the Imitation Products and located at Amazon.com, Inc. and PayPal, Inc. are hereby attached, pursuant to Fed. R. Civ. P. 64, pending further Order of this Court;

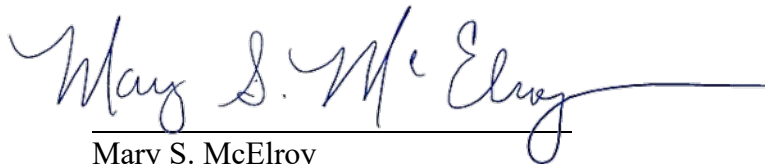
11. That the Temporarily Restrained Defendants, their affiliates, officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under, or in active concert with them are hereby temporarily restraining and enjoined from transferring or withdrawing any funds from their accounts connected to the Imitation Products at Amazon.com, Inc. and PayPal, Inc., pending further Order of this Court;

12. That the duration of this Order shall be for fourteen (14) days;

13. That the Motion as to the remaining, non-Temporarily Restrained Defendants is denied, without prejudice; and

14. That hearing on a request for preliminary injunction or other injunctive relief is scheduled for March _____, 2022, at _____.

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "Mary S. McElroy", with a long horizontal flourish extending to the right.

Mary S. McElroy
United States District Judge