IN THE UNITED STATES DISTRICT COURT FOR THE

DISTRICT OF MARYLAND

Baltimore Division

BULLESEYEBORE, INC.,	)
	)
Plaintiff,	) .
	)
v.	) Civil Action No. 1:24-cv-00246-RDB
	)
LANDBASE TRADING CO. LTD, and	)
	)
MANNER TRADING CO . LTD, and	)
	)
Maoyun Zhou, and	)
	)
Yanbo Zhao, and	)
	)
Xujing Song, and	)
	)
Igonda Network Technology Co., Ltd., and	)
	)
Jamya, Ltd., and	)
	)
Umall Technology, S.A.R.L., and	)
	)
Software International Group, LLC., and	**0**
	)
Dongguan Hengjia E-Commerce Co., Ltd., and	)
	)
Nanchang Tiante Network Technology Co., Ltd., and	)
	)
	)
Larryhot Trading Co., Limited, and	)
	)
DOES 1-15	)
	)
Defendants.	)

Plaintiff's Second Motion for Temporary Restraining Order and Other Relief

Plaintiff, Bullseyebore, Inc. ("Bullseyebore"), through counsel, respectfully that this Court enter a Temporary Restraining Order ("TRO") in the above-captioned matter against the newly added Defendants set forth in Scheduled A to Second Amended Complaint (22-26) and against those identified in the Second Amended Complaint and other relief from the newly added Defendants' vendors including PayPal, Inc., Meta, Inc., their respective Domain Name Registrars and others as identified in the proposed order.

Specifically Plaintiff seeks an order:

(1) requiring PayPal to freeze all accounts owned or controlled by the Defendants associated with Web Stores identified in Schedule A to the Second Amended Complaint upon receiving notice of the TRO;

(2) freeze funds in any U.S.-based financial institutions that are associated with said PayPal accounts or otherwise hold funds of the Defendants in such accounts upon receiving notice of the TRO;

(3) order the domain registrars to lock the domains owned by the Defendants as identified in Schedule A to the Second Amended Complaint;

(4) order all Defendants with notice of this order to immediately discontinue use of the Plaintiff's Copyrighted Works and Bullseyebore Trademarks;

(5) permit Plaintiff to conduct limited expedited discovery directed to PayPal and Defendants in order to determine the amount and location of the revenue and profits that directly associated with Defendants' infringements and the scope of their activities for alleged violations of the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a) and (b), and the Copyright Act, 17 U.S.C. § 101, et seq.;

(6) permit Plaintiff to serve Defendants by sending correspondence via mail or email to the addresses listed on the accused websites or otherwise located;

(7) issue an order to show cause why any temporary restraining order issued by the Court should not be converted into a preliminary injunction.

BACKGROUND

1. Bullseyebore filed its Verified Complaint against original Defendants for copyright infringement, false designation of origin under the Lanham Act, patent infringement, common law trademark infringement, and civil conspiracy against the companies, partnerships, individuals, and/or incorporated associations identified as the Defendants in the Complaint and in Schedule A to the Complaint on January 24, 2024 (DCK 1). Each of the Original Defendants operates one or more Web Stores that sell drill alignment devices using Plaintiff's copyrighted photographs, videos, and trademarks to sell their competing devices.

2. Plaintiff filed a motion for TRO against the Original Defendants seeking the relief set forth above on January 26, 2024 (DCK 7).

3. Plaintiff filed its First Amended Complaint on January 30, 2024 naming additional defendants in Schedule A to the Amended Complaint (DCK 9). A hearing on the motion for TRO was held on January 30, 2024. DCK 10.

4. The Court granted a TRO on January 30, 2024 (DCK 11) and scheduled a hearing for a preliminary injunction for February 7, 2012. DCK 11.

5. Plaintiff filed the returned Summons and Certificate of Service on February 11, 2024 reflecting service was made on February 5, 2024. DCK 18.

6. The Court held a hearing on Plaintiff's Motion for Preliminary Injunction on February 12 (DCK 19) and entered a Preliminary Injunction Order on February 13, 2024 against

the Defendants in the Amended Complaint and Schedule A of the Amended Complaint ("Original Defendants"). DCK 20.

7. Since the entry of the Preliminary Injunction Order, Plaintiff has identified additional new defendants that it alleges are infringing its copyrights, trademarks and patents and has filed a Second Amended Complaint directed at these entities and which are identified in the Second Amended Complaint and Schedule A to the Second Amended Complaint ("New Defendants"). DCK 21.

8. Plaintiff seeks the same relief against the New Defendants that was previously sought and granted against the Original Defendants.

9. The present motion is supported by the Declaration of Andrew C. Aitken in Support of Plaintiffs Second Motion for TRO (Aitken Dec.) and Exhibit A thereto , which consist of series of screen display captures for Web Stores adverting and selling the AlignDrill Pro that uses Plaintiff's copyrighted photograms and trademarks. *Id.* at ¶ 4.

10. Like the Original Defendants, the New Defendants have infringed Plaintiff's Bullseyebore copyright and trademarks. *Id*. at ¶ 4, 8-9.

FACTS IN SUPPORT OF MOTION FOR TRO

11. Bullseyebore's predecessor in interest developed a novel drill alignment device designed to be attached to hand-held drills which projects a laser to a work surface. The Bullseyebore Product is subject to US Patents Nos. US7992311 B2 (The '311 Patent) and US No. US10150167B2 (The '167 Patent) and pending patent applications which have been assigned to Bullseyebore. *Id.* at ¶ 12.

12. Bullseyebore's predecessor in interest, New Governance, Inc. initiated sales to commercial accounts of Bullseyebore Products to aircraft manufacturer Boeing Company, Inc. in

January 2023 and then to builder Viking Spas, Inc. in March 2023 using the Bullseyebore trademark. DCK 7-2.

13. In anticipation of a commercial launch to the consumer market, Bullseyebore published images and videos of its Product on its website in October 2023 www.bullseyebore.com (DCK 7–3), on YouTube videos (DCK 7-4), on TIKTOK (https://www.tiktok.com/@bullseyebore) (DCK 7-5), on Instagram (https://www.instagram.com/bullseyebore) (DCK 7-6E) and Facebook. DCK 7-7.

14. Bullseyebore's YouTube videos that promoted the device had more than 6,000 views since December 11, 2023 (https://www.youtube.com/watch?v=2SugRirRcrQ) (DCK 7-4) and its BULLSEYEBORE Instagram page has more than 3,000 followers. Ex. (DCK 7-6)

15. On December 29th, 2023 an affiliate of Bullseyebore featured the Bullseyebore Product in Instagram and TikTok posts that attracted a reported 70 million views and 515,000 "likes." DCK. 7-8.

16. As set forth in DCK 7-1 through DCK 7-7, Bullseyebore uses its distinctive trademarks in association with its website and its advertising, sales, promotion and marking of its device as depicted below:

17. Plaintiff has applied for a US trademark registrations for the Bullseyebore logo marks depicted above and applications U.S. Nos. 98353255 and 98369472 are currently pending. Aitken Dec. at ¶ 13.

18. Bullseyebore registered its copyrights for the photographs it uses on its website and Facebook page which are exemplified by the images below with the US Copyright Office. Ex. DCK 7-9) (Copyright registration certificate). A complete set of the registration photographs are attached as Ex. DCK 7-10.





19. Plaintiff also created a series of videos featuring the Bullseyebore Product that were published on its webpage, YouTube and on Instagram (Plaintiff's Videos). While Plaintiff has not yet secured a copyright registration for Plaintiff's Videos, it owns the common law copyright in the videos. Plaintiff's Videos include the diplay of its Bullseyebore Trademarks. Aitken Dec. at ¶ 14.

20. After the initiation of the Bullseyebore advertising campaign by Plaintff, each of the Defendants listed on Schedule A of the Verified Complaint launched a website or websites

that use the Plaintiff's copyrighted photos (DCK 7-9 and DCK 7-10) in connection with offers for sale of their competing device refered to as the "AlignDrill Pro" (the Accused Products). Ex. DCK 7-11.

21. Since the entry of the Temporary Restraining Order and the Preliminary Injunction Order (DCK 20), Plaintff has discovered additional infringers. These additional infringers include the Web Store entities as identified as Defendants 22 to 36 in Schedule A to the Second Amended Complaint. *See* Aitken Dec., ¶ 5. Other defendants were discovered from reports to Plaintiff by cosnsumers that had purchaed counterfeit products and then complained to Plaintiff. *Id.* at ¶6. Yet other defendants were identified by PayPal as associated with the Web Stores that were identified in Schedule A of the Amended Complaint. *Id.* at ¶ 7.

22. With respect to the Defendants 22-36 identified in Schedule A to the Second Amended Complaint, their unauthorized use of Plaintiff's images constitutes infringement of Plaintiff's copyrights and falsely suggest that each Defendants will provide Plaintiff's genuine Bullseyebore Products in response to purchase orders made though these interactive websites. Id. at ¶ 8. Many of the Defendants in Schedule A to the Second Amended also infringe the Bullseyebore Trademarks. *Id.*

23. Six of the fourteen New Defendants' websites also use Plaintiff's Videos which use Plainitiff's Trademarks and this use constitutes trademark infringement under 35 USC 1125, Section 43(a). *Id.* at ¶9. All of the New Defendant Web Stores depict Bullseyebore products that bear Plaintiff's trademarks or use the term "Core" and infringe Plaintiff's common law trademark rights. Defendants' websites falsely advertise and represent or suggest that they will provide Plaintiff's genuine Bullseyebore Products in response to purchases made on the interactive websites. *Id.* at ¶ 9.

24. In addition to the illegal use of the Plaintff's copyrighted images, videos and trademarks, other design elements of the accused websites are highly similar or identical to each other including, identical text used to describe the products, similar page layouts, arrnagement of graphics, payment authorization links, and substantially similar prices. *Id.* at ¶10.

25. On information and belief, two newly identified Web Stores are owned by Jamya Ltd. and two are owned by Umall Technology, S.A.R.L. *Id.* at ¶ 11.

26. Plaintiff has never licensed its Bullseyebore Copyrights or Trademarks and has no authorized distributors. Verified Complaint at ¶ 30; DCK 1.

27. The nature of the infringment shown is willful and the extent of related sites offering infringing products that use identical photographs to those registered by Plaintiff is widespread and growing. There are now at about 30 different Web Stores that all use the same copyrighted images and most of the new Web Stores also use Plainitff's trademarks in connection with the sale of infringing products.

II. THE LEGAL FRAMEWORK GOVERNING TEMPORARY RESTRAINING ORDERS

A temporary restraining order ("TRO") or a preliminary injunction is warranted when the movant demonstrates four factors: (1) that the movant is likely to succeed on the merits, (2) that the movant will likely suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities favors preliminary relief, and (4) that injunctive relief is in the public interest. *See Sci. Sys. & Applications v. United States*, No. PWG-14-2212, 2014 U.S. Dist. LEXIS 99165, at *9-10 (D.Md. July 22, 2014); See also *League of Women Voters of N.C. v. North Carolina* , 769 F.3d 224, 236 (4th Cir. 2014) (quoting *Winter v. Natural Res. Def. Council, Inc.* , 555 U.S. 7 (2008)); *Wilson v. Williams* , 2019 WL 4942102, at *1 (D.S.C. Oct. 8, 2019). The movant must establish all four elements in order to prevail. *Pashby v. Delia* , 709 F.3d 307, 320–21 (4th Cir. 2013).

"To obtain preliminary injunctive relief, Plaintiffs bear the burden to show that they are likely to succeed on one of their claims. See, e.g. , *Stinnie v. Holcomb* , 355 F. Supp. 3d 514, 527 (W.D. Va. 2018)." *Profiles, Inc. v. Bank of Am. Corp*., 453 F.Supp.3d 742 (D. Md. 2020). Courts should grant such "mandatory" preliminary injunctions only when "the applicant's right to relief [is] indisputably clear." *Mountain Valley Pipeline, LLC v. 6.56 Acres of Land* , 915 F.3d 197, 216 n.8 (4th Cir. 2019). "When the balance of harms decidedly favors the plaintiff, he is not required to make a strong showing of a likelihood of success. ..." *James A. Merritt & Sons, Inc. v. Marsh,* 791 F.2d 328, 330 (4th Cir 1986); "The need for plaintiff to show likelihood of success on the merits increases as the probability of irreparable injury to plaintiff without an injunction decreases." *Maryland Undercoating Co., Inc. v. Payne,* 603 F.2d 477, 481 (4th Cir. 1979)

"A District Court can [also] order an asset freeze as part of injunctive relief only with respect to assets in which an equitable interest is claimed and established." *Grupo Mexicano de Desarrollo, S.A. v. All. Bond Fund, Inc.,* 527 U.S. 308 318-33 (1999)).

Additionally, with respect to temporary restring orders, Federal Rule of Civil Procedure 65(b)(1) provides:

> The 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.

Fed. R. Civ. P. 65(b)(1).

The normal reason for proceeding without notice is that the opposing side is unable to be found or the identity of the opposing side is unknown. *First Tech. Safey Sys. v. Depinet*, 11 F.3d

641, 650 (6th Cir. 1993). In some limited circumstances, proceeding without notice is also justified upon a showing that notice would lead to the destruction of evidence. *Id.* at 650-51. Pursuant to Rule 65(b)(1), courts have granted *ex parte* TROs "where notice to the adverse party is impossible either because the identity of the adverse party is unknown or because a known party cannot be located in time for a hearing." *Reno Air Racing Ass'n v. McCord,* 452 F.3d 1126, 1131 (9th Cir. 2006).

III. PLAINTIFF HAS SHOWN THAT A TEMPORARY RESTRAINING ORDER IS WARRANTED AND IT HAS MET ALL THE REQUIREMENTS

The evidence of willful copyright and trademark infringement in this matter is overwhelming. All of the New Defendant Web Stores copied multiple images of Plaintiff's products in connection with their advertising and sales. Most New Defendants also used Plaintiff's Bullseyebore trademark when thy copied and displayed Plaintiffs video of the Bullseyebore product or its "Core" trademark when they copied Bullseyebore' descriptions of its products and then published the copied description on their Web Stores. All of the Web Stores copied the published images of products on which the Bullseyebore Trademark was displayed. Each of the Web Store defendants used Plaintiffs materials to falsely represent to the public that it was offering illustrated products for sale.

In these circumstances, it is submitted that the notice requirements of Rule 65 should be excused in view of the clear infringement and the danger of the destruction of evidence. Further, since the evidence strongly suggests that these foreign-based Defendants are defrauding consumers, if notice is given, it is likely that the existing Web Stores will be closed, new stores will be opened, and sales will continue to be diverted from Bullseyebore. In addition any funds, which comprise evidence of sales of the infringing products, that may remain in PayPal or other

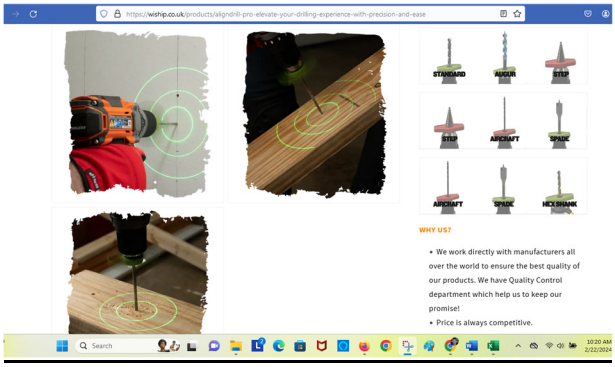
merchant accounts will likely be removed from the reach of the US courts. Many of the Defendant Web Stores lack any information regarding in the identity of the owner.

On information and belief two of the New Defendant Web Stores are commonly owned by Jamya Limited, a company organized under the laws of the United Kingdom. On information and belief, two other new defendant web stores are owned by Umall Technology S.A.R.L. and the website reflect an address in Paris, France.

Pursuant to Rule 65, in support of this request to proceed without notice is supported by the Declaration of Andrew C. Aitken in Support of Motion for TRO. Id at ¶ 12.

(1) Plaintiff is Likely to Succeed on the Merits.

With regard to Plaintiff's copyright claims, each of the Plaintiff's registered photographs is being used on each of the Defendants' Web Stores. The photographs are exact replicas of Plaintiff's registered copyrighted Works, and on information and belief, were copied from Plaintiff's website. These photographs used by Defendants to advertise their products, depict the Plaintiff's Bullseyebore Product. *Compare* Exhibit A to Aitken Dec. (Accused Web Stores) with Exhibit B to the Complaint (Copyrighted Images) (DCK 1-2) An example of the copyright infringement is depicted below.

Exhibit A to Aitken Dec., p.3 (Wiship.co.uk)	DCK 1-2 Plaintiff's Copyrighted Images
	 Bullseye2 Orange Drill and Drywall  Bullseye1 Horizontal Board Laser Image 

Plaintiff is also highly likely to succeed on its Lanham Act false designation of origin claims. Many of the accused Websites Stores display Plaintiff's Bullseyebore Trademark within the video, misappropriated from Plaintiff, that are presented in connection with Defendants advertising. These videos were copied from Plaintiff's website or YouTube Channel.

Plaintiff is also highly likely to succeed on its false advertising claims. In this regard, Defendants use of Plaintiff's copyrighted images, videos of Plaintiff's products, and Plaintiff's Trademarks in connection with its advertising of the AlignDrill Pro products falsely suggests to consumers that, in response to a purchase order made through the accused Web Stores, will be supplied with Plaintiff's Bullseyebore Products or the parties are somehow related or affiliated.

Finally, Plaintiff is likely to prevail on its conspiracy claims. As set forth above, all of the accused Web Stores uses the same infringing photographs, most uses the same videos taken from Plaintiff's website, all the Web Stores have highly similar graphical layouts, and all offer a

product that is identified as the "AlignDrill Pro." Each sells their product at the same or similar lower price that can be purchased from Bullseyebore. On information and belief, all of the Web Stores pages featuring the AlignDrill Pro were created the past 60 days and shortly after marketing for the Bullseyebore Product went viral.

(2) Plaintiff will suffer irreparable harm in the absence of preliminary relief.

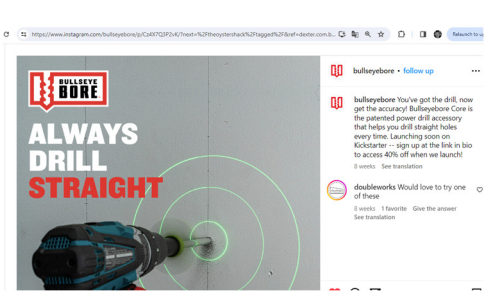
In view of the trademark and false advertising claims, the harm to Plaintiff is presumed. Section 34 of the Trademark Act of 1946 (15 U.S.C. 1116) provides

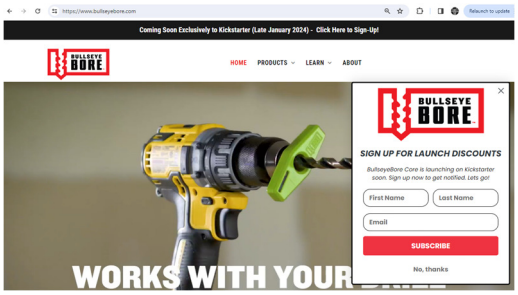
> " The several courts vested with jurisdiction of civil actions arising under this chapter shall have power to grant injunctions, according to the principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of the registrant of a mark registered in the Patent and Trademark Office *or to prevent a violation under subsection (a), (c), or (d) of section 1125 of this title*. A plaintiff seeking any such injunction shall be entitled to a rebuttable presumption of irreparable harm upon a finding of a violation identified in this subsection in the case of a motion for a permanent injunction or upon a finding of likelihood of success on the merits for a violation identified in this subsection in the case of a motion for a preliminary injunction or temporary restraining order. (emphasis added)

(a) *Since Plaintiff has Clearly Established Trademark Infringement Claims There is a Presumption of Irreparable Harm.*

While the Bullseyebore Trademarks have not yet been registered, Plaintiff has conclusively established common law right to the Bullseyebore trademark by its exclusive use since at least as early January of 2023. DCK 7-2. The mark is distinctive and not descriptive of the products, namely drill alignment products. Plaintiff has sold products using the marks to the Boeing Co and specialty builders and has initiated extensive marketing and sales campaigns using the Bullseyebore Trademark directed to the consumers launch of the Product scheduled for late January 2024. These marketing and advertising efforts have reached hundreds of thousands of consumers. A screen grab

of the Bullseyebore Instagram page and Bullseyebore website that depict the mark is set forth below.

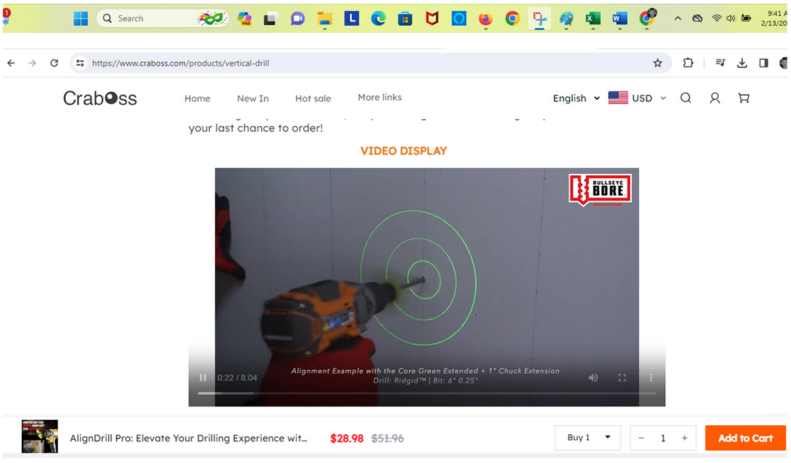




The Plaintiff has two pending applications with the US Trademark Office for the Bullseyebore Logos. See Application Nos. 98353255 and 98369472.

While the marks are not yet registered, 15 U.S.C. § 1116, explicitly covers Section 1125 of the Laham Act which allows suits for false designation of origin, and therefore affords the presumption of irreparable harm. Plaintiff has made false designation of origin claims against each of the Defendants in Count II of its Complaint and has provided compelling and unequivocal proof.

As an example of the infringement under 1125(a)(1)(A), the following screen capture from Craboss.com that is exemplary of New Defendants Web Stores (Ex. A to Aitken Dec., p. 14) that used the Bullseyebore Trademark is depicted below:



(b) ***Since Plaintiff has also clearly established its false advertising claims there is a presumption of irreparable harm.***

Count IV of the Complaint alleges false advertising under the Lanham Act, 15 U.S.C. 1125(a)(1)(B) which provides:

> (1) Any person who, on or in connection with any goods or services, or any container for goods, uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which—
>
> (B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities,…
>
> shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

In *Time Warner Cable Co. v. DIRECTV, Inc*., 497 F.3d 144 (2d Cir. 2007) the 2nf Circuit confirmed the presumption of irreparable harm in false advertising cases. "A claim of false advertising may be based on at least one of two theories: 'that the challenged advertisement is literally false, i.e., false on its face,' or 'that the advertisement, while not literally false, is nevertheless likely to mislead or confuse consumers.'" *See also Tiffany (NJ) Inc. v. eBay Inc.,* 600 F.3d 93, 112 (2d Cir. 2010) (quoting *Time Warner Cable, Inc. v. DIRECTV, Inc*., 497 F.3d 144, 153 (2d Cir. 2007)). "Under either theory, the plaintiff must also demonstrate that the false or misleading representation involved an inherent or material quality of the product." *Time Warner Cable*, 497 F.3d at 153 n.3.

Each of Defendants Web Store pages, Facebook pages, Facebook Ads, or Instagram advertisements show use of Plaintiff's Bullseyebore Products in a number of different applications. These advertisements use Plaintiff's images and videos and never depict the phantom "AlignDrill Pro" product that is offered for sale. The use of

Plaintiff's Bullseyebore products to purportedly depict the performance of a competing products inherently misrepresents and suggests to consumers that the competing products are the same as or will perform identically as Bullseyebore Products. This is a false or misleading representation that is directed to an inherent material and quality of the products and a violation of Section 1125. Consequently, irreparable harm should be presumed.

(c) ***Plaintiff has also been irreparably harmed by defendants' infringement of its copyrights.***

With respect to copyright claims, in contrast to claims for Trademark infringement, there is split among courts as to whether irreparable harm should be presumed at the preliminary injunction stage or that Plaintiff has the burden to prove such harm. In this regard, some courts have held that the rationale in *eBay Inc. v. MercExchange, L.L C.*, 547 U.S. 388 (2006) , which applied patent cases, was also applicable to claims for copyright infringement. Other courts have recognized a presumption of irreparable harm as a one consideration in the decisions about whether to issue injunctions and distinguished or otherwise did not follow *MercExchange v. eBay. See Salinger v .Colting*, 2009 WL 1916354, at *16, n. 6.; *Lennon v. Premise Media Corp*., 556 F. Supp. 2d 310, 319 n.1 (S.D.N.Y. 2008).

A 4th Circuit decision that predated *MercExchange v. eBay* only required a plaintiff to make a prima facie showing of copyright infringement and, the court found that upon such a showing, a Plaintiff establishes a presumption of suffered irreparable harm and would likely succeed on the merits. *Service & Training, Inc. v. Data General Corp.,* 963 F.2d 680, 690 (4th Cir.1992). To establish a prima facie case of copyright infringement, the plaintiff must prove that the plaintiff owns a valid copyright and that

the defendant copied the original elements of the copyrighted work. *Keeler Brass Co. v. Continental Brass Co*., 862 F.2d 1063, 1065 (4th Cir.1988). Because direct evidence of copying is seldom available, courts presume copying if the plaintiff shows that the alleged copier had access to the work and that the original work and the alleged copy are "substantially similar." Id. In this case, the accused works were published on Plaintiff's website and the Defendants had access. The accused infringing images are identical to copyrighted work. See Exh. A and DCK 7-10 and 7-11.

Regardless of whether irreparable harm should be presumed, Plaintiff has shown that the harm is irreparable. Defendants' use of Plaintiff's copyrighted photographs was critical to Defendants' ability to advance their counterfeiting scheme and has harmed Plaintiff. On information and belief, not only are Defendants unable to deliver genuine Bullseyebore Products as advertised, on information and belief, Defendants have no current products to supply. There are no images of the phantom "AlignDrill Pro" products on any of Defendants' webpages. As such, Defendants' ability to offer for sale a product in competition to Plaintiff was dependent on its illegal copying of Plaintiff's photos, videos and trademarks. This infringement has allowed the Defendants to unfairly compete which has resulted in lost sales, trademark tarnishment and, on information and belief, a reluctance by consumers to pay Plaintiff's higher suggested retail price.

The damages by Plaintiff are causing immediate and irreparable harm to Bullseyebore. For example, various social media pages of Defendants' reported sales of more than 5000 units that used the Bullseyebore copyrighted photos and trademarks. At the same time, Defendants are offering for sale its products at less than one-half the retail price of the Bullseyebore products.

On further information and belief, Plaintiff's ability to secure monetary damages from these known and unknown foreign defendants is uncertain and unlikely

C. Balance of the Equities

It is submitted that the balance of the equites strongly favors Plaintiff. Plaintiff's intellectual property that covers its Bullseyebore product was brazenly and illegally taken to unfairly compete. The Defendants are using Plaintiff's intellectual property to perpetrate fraud. Moreover, Defendants then used these materials to defraud consumers. Defendants have no equitable position in these circumstances.

D. It is in the Public Interest to Grant the Injunction.

It is self-evident that it is in the public interest to stop counterfeit products from entering the stream of commerce from unknown origins. Further, it is in the public interest to stem consumer fraud and protect the intellectual property rights of those innovative businesses that compete fairly in the marketplace.

CONCLUSION

Plaintiff has a right to relief and remedy and has suffered and will continue to suffer immediate, substantial, and irreparable harm before a full adversarial hearing can be had. Wherefore, for the foregoing reasons, the motion for temporary injunction should be granted.

Respectfully submitted,
/Andrew C. Aitken/
Andrew C. Aitken Bar No. (# 06413)
IP Law Leaders PLLC
6701 Democracy Blvd., Suite 555
Bethesda, Maryland 20817
(301) 537-3299
acaitken@aitkenlawoffices.com