

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

SLY AS A FOX, LLC d/b/a RESONA
HEALTH,

Plaintiff,

v.

Case No: 6:26-cv-00796-GAP-DCI

NANYANG AIHUA COPPER
CARVING HANDICRAFT CO., LTD.,

Defendant.

**ORDER GRANTING PLAINTIFF’S MOTION FOR
TEMPORARY RESTRAINING ORDER AND NOTICE OF HEARING**

This cause came before the Court for consideration without oral argument on Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction. Doc. 15. For the reasons set forth below, the Court will issue the Temporary Restraining Order (“TRO”). An expedited briefing schedule and hearing on Plaintiff’s request for a preliminary injunction are set forth below.

I. Background

On April 10, 2026, Plaintiff Sly as a Fox, LLC d/b/a Resona Health (“Plaintiff”) filed suit against Defendant Nanyang Aihua Copper Carving Handicraft Co., Ltd. (“Defendant”), alleging trademark infringement and

cybersquatting claims, in connection with Defendant's use of the website, <resonaofficial.com>. *See generally* Doc. 1.

According to the Verified Complaint, Plaintiff has spent more than six years building a trusted brand in the health and wellness space. *Id.*, ¶ 1. Plaintiff develops and sells Pulsed Electromagnetic Field therapy devices and related wellness products, such as supplements, exclusively through its online store, <resona.health.com>. *Id.* As part of its business model, customers are encouraged to reach out and interact with Plaintiff's personnel directly on its website to obtain guidance on product usage and ask questions. *Id.*

According to Plaintiff, in December 2025, it began to receive complaints about a "Red Yeast Rice and Citrus Bergamot" supplement that was being sold under the name "RESONA," which led it to discover Defendant's website, <resonaofficial.com>. Doc. 15 at 2-3. These complaints included allegations that Defendant was enrolling customers into an unauthorized recurring monthly subscription when they purchased a bottle of Defendant's supplement, and that Defendant was unreachable for subscription cancellations or customer service. Doc. 1, ¶ 4. Because Defendant's website provided no phone number or company identifying information, Plaintiff alleges that it turned to counsel to identify and contact the party behind the website. Doc. 15 at 3.

Plaintiff's counsel, in turn, located a pending trademark application for the mark RESONA OFFICIAL that was filed by Defendant in September 2025 under serial number 9938810 with the United States Patent and Trademark Office ("U.S. Patent and Trademark Office"). *Id.* That application listed Jiannan Lyu ("Mr. Lyu") as attorney of record, to whom Plaintiff's counsel sent a cease-and-desist letter regarding Defendant's use of the RESONA name on January 14, 2026. *See* Doc. 15-2 at 10-12. Although Mr. Lyu had initially stated that he would discuss the matter with his client, neither Defendant nor Mr. Lyu have responded to Plaintiff's multiple, follow up communications regarding this letter, or taken any corrective action. *See id.*, ¶¶ 5-8; *see also id.* at 14-17.

In the Verified Complaint, Plaintiff asserts that consumers are continuing to confuse Defendant's business with that of Plaintiff's. Doc. 1, ¶¶ 5-6. Plaintiff reports that it has received multiple misdirected complaints from consumers who believe that Plaintiff is responsible for Defendant's product and consumer practices; and that negative reviews intended for Defendant have also appeared on Plaintiff's Facebook page, Better Business Bureau and Trustpilot profiles, and in Google search results. Doc. 15-2 at 1-16, 54-58, 60-83. In the interim, on February 12, 2026, Plaintiff filed a trademark application for the mark RESONA HEALTH under serial number 99649378 with the U.S. Patent and Trademark Office. Doc. 1, ¶ 14.

On April 23, 2026, Plaintiff filed the instant Motion for TRO and Preliminary Injunction, along with the sworn declarations of Mark Fox, Plaintiff's founder and Chief Executive Officer (Doc. 15-1), and Jared Rovira, Plaintiff's counsel (Doc. 15-2), asking the Court to enjoin Defendant from using the RESONA, RESONA HEALTH, and RESONA OFFICIAL marks. *See generally* Doc. 15. In the Motion, Plaintiff contends that it attempted to resolve this matter without court intervention, but Defendant has been unresponsive as consumer confusion continues to escalate, and absent immediate injunctive relief, its business will be destroyed. *See id.* at 4-6.

II. Legal Standard

Federal Rule of Civil Procedure ("Rule") 65 authorizes this Court to issue a TRO without notice to the adverse party when (a) "specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury . . . 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."

In its legal memorandum, the movant must address four factors: (1) the likelihood that it will ultimately prevail on the merits of its claim, (2) the irreparable nature of the threatened injury and the reason that notice is impractical, (3) the harm that might result absent a restraining order, and (4) the nature and extent of any public interest affected. Local Rule 6.01(b); *see Parker v. State Bd. of Pardons & Paroles*,

275 F.3d 1032, 1034–35 (11th Cir. 2001). If the movant establishes that such matters weigh in its favor, then the Court may issue a TRO.

III. Analysis

A. Plaintiff is Likely to Succeed on the Merits of its Claims

1. Federal Trademark Infringement Claim¹

To establish a prima facie case of trademark infringement under § 43(a) of the Lanham Act, a plaintiff must show “(1) that it had trademark rights in the mark or name at issue and (2) that the other party had adopted a mark or name that was the same, or confusingly similar to its mark, such that consumers were likely to confuse the two.” *Tana v. Dantana’s*, 611 F.3d 767, 773-774 (11th Cir. 2010).

(a) Proof of a Valid Trademark Right

With respect to the first element of a trademark infringement claim, proof of a valid trademark right, “a plaintiff need not have a registered mark.” *Id.* at 773. “[T]he use of another’s unregistered, *i.e.*, common law, trademark can constitute a violation of § 43(a) where the alleged unregistered trademarks used by the plaintiff

¹ In addition to a federal trademark infringement claim, Plaintiff also asserts Florida common law claims of trademark infringement and unfair competition, and a claim under the Florida Deceptive and Unfair Trade Practice Act (“FDUTPA”). *See* Doc. 1, ¶¶ 65-69. Because the analysis for those claims is the same as the federal trademark infringement analysis, the following analysis also applies to those claims. *See Suntime Techs., Inc. v. Ecosense Int’l, Inc.*, 693 F.3d 1338, 1345 (11th Cir. 2012) (affirming district court’s conclusion that “the legal analysis is the same” for “violations of the Lanham Act, FDUTPA, and Florida state common law for infringement and unfair competition.”).

are so associated with its goods that the use of the same or similar marks by another company constitutes a false representation that its goods came from the same source.” *Id.* (internal quotations and citations omitted).

To be eligible for federal registration or protection as a common law mark, a mark needs to be sufficiently “distinctive of the applicant’s goods in commerce.” 15 U.S.C. § 1052(e); *see also Tana*, 611 F.3d at 773. A mark’s distinctiveness is generally divided into four categories: (1) “generic,” which “suggest[s] the basic nature of the product or service;” (2) “descriptive,” which identif[ies] the characteristic or quality of a product or service;” (3) suggestive, “which suggest[s] characteristics of the product or service and require an effort of the imagination by the consumer in order to be understood as descriptive;” and (4) “arbitrary or fanciful,” which “bear[s] no relationship to the product or service, and [is] the strongest category of trademarks.” *Tana*, 611 F.3d at 774. Moreover, suggestive and arbitrary or fanciful marks are considered “inherently distinctive” because “their intrinsic nature serves to identify a particular source of a product” and are therefore “generally entitled to trademark protection.” *Id.*

Here, although Plaintiff did not register the RESONA HEALTH mark until after Defendant registered and began to use the RESONA OFFICIAL mark (*see* Doc. 15 at 22; Doc. 15-1, ¶¶ 7-8; *see also id.* at 23), it is entitled to trademark protection as

a common law mark.² *See Tana*, 611 F.3d at 774. Plaintiff has continuously used its mark in commerce since at least October 2021. *See* Doc. 15-1, ¶¶ 3-5.³ The RESONA HEALTH mark also bears no descriptive relationship to Plaintiff's products or services. *See* Doc. 15 at 16. Plaintiff's mark is therefore fanciful and inherently distinctive, entitling it to trademark protection. *See Tana*, 611 F.3d at 774.

(b) Likelihood of Confusion

With respect to the second element of a trademark infringement claim, the likelihood of confusion, the Court applies a multifactor test and considers the following seven factors: "(1) the type of mark, (2) similarity of mark, (3) similarity of the products the marks represent, (4) similarity of the parties' retail outlets and customers, (5) similarity of advertising media used, (6) defendant's intent and (7)

² According to the U.S. Patent and Trademark Office's Database, the registration process for both marks is still live and pending. *See* UNITED STATES PATENT AND TRADEMARK OFFICE DATABASE, <https://www.uspto.gov/trademarks/search> (inputting Plaintiff's and Defendant's serial registration numbers in the search field) (last visited April 27, 2026). While Plaintiff's mark was approved for publication in April 2026 (*see* <https://tmsearch.uspto.gov/search/search-results/99649378>), a suspension notice was issued in January 2026 to Defendant, noting that a mark in a prior-filed pending application may bar registration of Defendant's mark (*see* <https://tmsearch.uspto.gov/search/search-results/99388810>).

³ While Plaintiff asserts, through the sworn declaration of Mr. Fox, its founder and Chief Executive Officer, that it has continuously used the mark since at least February 2020 (*see* Doc. 15-1, ¶ 3), on the U.S. Patent and Trademark Office's Database, it is reported that Plaintiff's first use of the mark in commerce was in October 2021 (*see* <https://tmsearch.uspto.gov/search/search-results/99649378>).

actual confusion.” *Lone Star Steakhouse & Saloon, Inc. v. Longhorn Steaks, Inc.*, 122 F.3d 1379, 1382 (11th Cir. 1997).

Here, Plaintiff has established a likelihood of consumer confusion. *See id.* First, both marks share the identical term “RESONA” as their dominant and most distinctive component, with only a generic term distinguishing them, making them similar. *See Frehling Enters. v. Int’l Select Grp., Inc.*, 192 F.3d 1330, 1337 (11th Cir. 1999) (holding that where the “dominant” portion of two marks is the same, the marks may be considered confusingly similar); *see also* Doc. 15 at 17. Second, the manner in which the marks are used is also similar: both are for products in the health and wellness space, are advertised on similar platforms (*i.e.*, direct-to-consumer online storefronts), and target similar consumers (*i.e.*, health-conscious individuals seeking alternative health solutions). *See* Doc. 15 at 17-18; Doc. 15-1, ¶¶ 13-14.

Moreover, Defendant’s intent for adopting a similar mark to Plaintiff’s is, at the very least, questionable. *See* Doc. 15 at 3-4, 19, 22 (noting that Defendant’s legal name suggests a connection to the copper industry, yet Defendant adopted an identical dominant element of Plaintiff’s mark for use in Plaintiff’s industry; that Defendant had no prior connection to the health and wellness space prior to use of the mark; and that Defendant has failed to respond to Plaintiff’s multiple communications regarding its cease-and-desist letter); *Frehling*, 192 F.3d at 1340 (holding that if it can be shown that a defendant adopted a plaintiff’s mark with the

intent of deriving a benefit from plaintiff's business reputation, it can justify an inference of confusing similarity).

The evidence of actual confusion—the best evidence of a likelihood of confusion—is also substantial here. *See Frehling*, 192 F.3d at 1340-41. Plaintiff has received multiple misdirected consumer inquiries daily; been mailed Defendant's products for return and refund; had negative reviews intended for Defendant posted to its Facebook page and third-party customer review platforms; and Google's AI search summary has attributed Defendant's negative reviews to Plaintiff in Google search results. *See* Doc. 15 at 20; Doc. 15-1, ¶¶ 12, 16-23. As such, the overall balance of these factors weighs in favor of Plaintiff. Plaintiff is therefore likely to succeed on its trademark infringement claims.

2. Cybersquatting Claim

Plaintiff is also likely to succeed on its cybersquatting claim. To prevail on a cybersquatting claim, a plaintiff must show that a defendant "registered the domain name, that the domain name was identical or confusingly similar to its trademark that was distinctive at the time of the registration, and that the domain name was registered in bad faith." *Jysk Bed'N Linen v. Dutta-Roy*, 810 F.3d 767, 778 (11th Cir. 2015).

In determining whether a defendant had the requisite “bad faith intent,” the Court may consider nine factors.⁴ *Id.* at 776. However, “[a] court’s analysis of whether a defendant had the bad faith intent to profit necessary to a cybersquatting claim is not based on a score card of the statutory factors. No particular number of those factors requires a finding of a bad faith intent to profit.” *Pensacola Motor Sales Inc. v. Eastern Shore Toyota, LLC*, 684 F.3d 1211, 1223 (11th Cir. 2012) (alterations in original) (citations omitted).

Here, Plaintiff has established that it is likely meet these factors. Defendant’s website, <resonaofficial.com>, appeared after Plaintiff’s continuous use of its mark, and as discussed above, its name is confusingly similar to Plaintiff’s fanciful mark. *See* Doc. 15 at 20, 21-22. The record also supports a finding a bad faith. *See Jysk*, 810

⁴ The Anticybersquatting Consumer Protection Act provides a list of nine factors that the Court may consider to determine whether a person has a bad faith intent to profit from a trademark. *Jysk*, 810 F.3d at 775-76 (citing 15 U.S.C. § 1125(d)(1)(B)). Those nine factors are: “1. Whether the defendant has a ‘trademark or other intellectual property rights’ in the domain name; 2. Whether the domain name refers to the legal name of the defendant; 3. Whether the defendant ever used the domain name ‘in connection with the bona fide offering of any goods or services’; 4. Whether the defendant has a ‘bona fide noncommercial or fair use of the mark in a site accessible under the domain name’; 5. Whether the defendant has an ‘intent to divert consumers’ from the mark owner’s website to his own, either for commercial gain ‘or with the intent to tarnish or disparage the mark,’ when that diversion could cause harm to the mark owner’s goodwill; 6. Whether the defendant offers to transfer or sell the domain name for financial gain when he has not used or had an intent to use the domain name in connection with ‘the bona fide offering of any goods or services’; 7. Whether the defendant provides ‘material and misleading false contact information when applying for the registration of the domain name’ or the defendant ‘intentional[ly] fail[s] to maintain accurate contact information’; 8. Whether the defendant acquired multiple domain names that the defendant knows are identical or confusingly similar to distinctive marks; and 9. Whether the mark is distinctive or famous.” *Id.*

F.3d at 778-79; Doc. 15 at 22-24; Doc. 15-1, ¶¶ 11-12 (noting that <resonaofficial.com> has no connection to Defendant's legal name, Nanyang Aihua Copper Carving Handicraft Co., Ltd.; that after placing orders for a single product on Defendant's website, customers are being locked into recurring billing charges for multiple monthly shipments, cannot cancel their subscriptions, or contact Defendant's customer service; and that Defendant does not provide a phone number on its website). Therefore, Plaintiff is likely to succeed on its cybersquatting claim.

B. Plaintiff Will Be Irreparably Harmed

"[T]rademark infringement by its nature causes irreparable harm." *Levi Strauss & Co. v. Sunrise Int'l Trading, Inc.*, 51 F.3d 982, 986 (11th Cir. 1995). "[G]rounds for irreparable injury include loss of control of reputation . . . and loss of goodwill. Irreparable injury can also be based upon the possibility of confusion." *Ferrellgas Partners, L.P. v. Barrow*, 143 F. App'x 180, 190-91 (11th Cir. 2005) (citations omitted). "A sufficiently strong showing of likelihood of confusion . . . may by itself constitute a showing of" a substantial threat of irreparable harm. *Id.* at 191 (quoting *McDonald's Corp. v. Robertson*, 147 F.3d 1301, 1310 (11th Cir. 1998)).

Plaintiff has credibly asserted that it will be irreparably harmed if it continues to be affiliated with Defendant. Negative reviews of Defendant continue to be misattributed to Plaintiff and, despite multiple follow-up communications,

Defendant has failed to respond to Plaintiff regarding its cease-and-desist letter. *See* Doc. 15 at 3-4, 25; *see also* Doc. 15-1 at 54-58; Doc. 15-2 at 1-5, 10-17. Therefore, without injunctive relief, damage to Plaintiff's brand, goodwill, and business relationships will continue to compound.

C. The Balance of Hardships Favors Plaintiff

The balance of hardships also favors Plaintiff because its reputation continues to be at risk, yet Defendant has offered no explanation for its adoption of its mark despite Plaintiff's attempts at communication. *See* Doc. 15 at 3-4, 25-26; *see also* Doc. 15-1 at 54-58; Doc. 15-2 at 10-17.

D. The Public Interest Favors Enjoining Defendant

The public interest is served by enjoining Defendants because such injunctions protect third parties from confusion in the marketplace. *See, e.g., Davidoff & Cie, S.A. v. PLD Int'l Corp.*, 263 F.3d 1297, 1304 (11th Cir. 2001).

IV. Conclusion

Accordingly, it is **ORDERED** that Plaintiff's Motion for TRO (Doc. 15) is **GRANTED in part**:

1. Defendant, together with its officers, directors, employees, agents, subsidiaries, distributors, affiliates, successors, assigns, and all persons in active concert or participation with any of them who receive actual notice of this Order, are hereby **TEMPORARILY RESTRAINED AND ENJOINED** from:

- a. Using the marks RESONA, RESONA OFFICIAL, RESONA HEALTH, or any other mark, name, logo, or designation that is identical or confusingly similar to Plaintiff's RESONA HEALTH mark (the "Infringing Marks"), in connection with the advertising, promotion, marketing, offering for sale, sale, or distribution of any goods or services, including without limitation any dietary supplements or health-related products;
- b. Operating, hosting, maintaining, or directing traffic to any website, ecommerce storefront, social media account, or online advertisement that bears or uses any of the Infringing Marks, including without limitation the website located at <resonaofficial.com> and any third-party marketplace listings

(including on Amazon.com and Everymarket) that bear or use any of the Infringing Marks;

- c. Representing, whether expressly or by implication, that Defendant or its goods are affiliated with, connected to, sponsored by, endorsed by, or otherwise associated with Plaintiff; and
 - d. Assisting, aiding, or abetting any other person or entity in engaging in any of the acts prohibited by subparagraphs (a) through (c) above.
2. Defendant shall not transfer, sell, assign, or otherwise dispose of the domain name <resonaofficial.com>, nor modify its registration information, content, or hosting **UNTIL FURTHER ORDER OF THIS COURT.**
3. Defendant shall preserve all documents, communications, electronically stored information, financial records, and other materials relating to its use of the Infringing Marks, its operation of <resonaofficial.com>, and its sales of products under the RESONA and RESONA OFFICIAL marks.
4. Plaintiff shall serve a copy of this Order, along with all other documents required under Local Rule 6.01(c), on Defendant by expeditious means and certify to the Court, no later than 3 days after the date of this Order,

that service has been effected, or if service has not been effected, describe the efforts made to effect service;

5. Plaintiff shall post a nominal bond in the amount of **\$5,000** with the Clerk of Court **by noon on April 30, 2026**, and is **DIRECTED** to notify the Court in writing following the posting of the bond.
6. Defendant shall **SHOW CAUSE** in writing by **noon on May 5, 2026**, as to why the Court should not:
 - a. Extend this TRO to include a preliminary injunction;
 - b. Have the domain name registrar Namecheap, Inc., and any registrar with authority over the domain name <resonaofficial.com>, disable the domain name <resonaofficial.com>; and
 - c. Have Amazon.com, Inc., Everymarket, Inc., and any other online marketplace, e-commerce platform, payment processor, advertising network, web host, content delivery network, or other third-party service provider (each, a “Third-Party Provider”) through which Defendant, or any person acting in active concert or participation with Defendant, advertises, markets, promotes, offers for sale, sells, fulfills, ships, or receives payment for goods bearing any of the Infringing Marks:

- i. disable, remove, take down, or de-list any and all product listings, detail pages, storefronts, seller accounts, vendor accounts, advertisements, sponsored listings, and associated images or content operated by, for, or on behalf of Defendant that bear, use, or reference any of the Infringing Marks, including without limitation all listings offered under the seller, vendor, or store names “RESONA,” “RESONA OFFICIAL,” or any confusingly similar designation;
- ii. cease fulfilling, shipping, or processing payments for any pending or future orders of goods bearing any of the Infringing Marks placed through Defendant's listings, storefronts, or accounts;
- iii. prevent Defendant and any person acting in active concert or participation with Defendant from creating, opening, or operating any new listings, storefronts, seller accounts, vendor accounts, or advertisements that bear, use, or reference any of the Infringing Marks; or
- iv. maintain the foregoing listings, storefronts, accounts, and advertisements in disabled, removed, or de-listed status.

7. **TAKE NOTICE** that the Court will consider this matter at a hearing before the undersigned on May 11, 2026, at 10:30 A.M.
8. This Order will remain in effect until 5:00 PM on May 11, 2026, unless good cause is shown or Defendant consents to a longer extension as provided in Rule 65(b)(2).

DONE and **ORDERED** in Orlando, Florida on April 27, 2026 at 3:15 P.M.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party