

Preliminary Injunction Entered Against Foreign Defendants Copying Automotive Seat Cover Design

JANUARY 25, 2022

On January 7, 2022, Judge Albright entered a preliminary injunction against foreign Defendants Big Hippo LLC and EifBrissa in *Qin v. Partnerships and Unincorporated Associations on Schedule "A."* They are now enjoined from manufacturing, importing, distributing, offering for sale, or selling unauthorized and unlicensed automotive seat covers that infringe Plaintiff's patented design.

The case began on November 30, 2021, after Plaintiff Jie Qin accused the foreign individual and entity Defendants of maintaining various internet stores that solicit Texas residents to purchase products featuring Plaintiff's patented design. Thus, Plaintiff filed suit in the Western District of Texas, seeking an *ex parte* temporary restraining order ("TRO"). After Judge Albright granted the TRO, Plaintiff moved for a preliminary injunction. Judge Albright granted the motion.

First, Judge Albright found that Plaintiff had a substantial likelihood of success on the merits. Specifically, he found that "[a]n analysis of the [patent] and the Accused Products indicates that the allegedly infringing [products] are exact copies of Plaintiff's patented design." Next, Judge Albright found that Plaintiff would suffer "irreparable harm" absent the issuance of a preliminary injunction, because of the risk of: (1) loss of customers' goodwill; and (2) reputational harm to Plaintiff's business if customers continued to buy unauthorized copies of the seat design. Judge Albright further noted that—because the defendants were foreign individuals and entities—collecting a monetary judgment against them would be unlikely. Thus, absent a preliminary injunction, Plaintiff would continue to be harmed. Finally, Judge Albright found that the balance of hardships and public interest favored granting the motion.

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[Danielle Williams](#)

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