

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Obesity Research Institute, LLC v. Sunrise Selections LLC, et al.

Obesity Research Institute · No. 3:25-cv-00877-BJC-AHG · Decided November 4, 2025

SUMMARY

The United States District Court for the Southern District of California granted Obesity Research Institute, LLC’s ex parte application for leave to serve Amazon with a subpoena before the Rule 26(f) conference. The Court found good cause for expedited discovery because Defendant Amaz Group LLC had defaulted and the requested sales, revenue, and identifying information was relevant to potential default judgment, damages, and injunctive relief.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Allison H. Goddard
JURISDICTION	United States District Court for the Southern District of California
DECIDED	November 4, 2025
DOCKET	3:25-cv-00877-BJC-AHG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved ex parte for leave to serve a Rule 45 subpoena on Amazon before the Rule 26(f) conference to obtain information concerning alleged trademark infringement, sales, revenues, and related entities. The court granted the application.
STANDARD OF REVIEW	Good cause for expedited discovery is evaluated under a balancing test weighing the need for expedited discovery, in light of the administration of justice, against prejudice to the responding party.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status unknown
PARTIES	Obesity Research Institute, LLC v. Sunrise Selections LLC, Amaz Group LLC, Leoris Holdings LLC, BuyGoods Inc., Does 1–100

TOPICS

- discovery dispute
- trademark infringement
- default judgment
- damages
- civil procedure

PRACTICE AREAS

Civil procedure

Trademark infringement

Commercial litigation

Damages

QUESTIONS PRESENTED

1. Whether plaintiff established good cause for expedited third-party discovery before the Rule 26(f) conference.
2. Whether the requested Amazon information was relevant and necessary to calculate damages and support an anticipated motion for default judgment in the trademark-infringement action.
3. What conditions should govern service and enforcement of the Rule 45 subpoena.

HOLDINGS

1. A party seeking early or expedited discovery before the Rule 26(f) conference must show good cause, evaluated by balancing the need for expedited discovery against prejudice to the responding party.
2. Plaintiff established good cause to serve Amazon with a subpoena before the Rule 26(f) conference because Amaz Group had defaulted, plaintiff could not conduct ordinary discovery, and the requested information was relevant to identifying infringing sales and calculating damages.

KEY QUOTATIONS

“Good cause is established through a balancing test “where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party.”” (at 2)

“In light of the foregoing, the Court finds that Plaintiff has established good cause to warrant expedited discovery to obtain evidence of Amaz Group’s online sales of infringing items in order to support an anticipated motion for entry of default judgment and claim for damages.” (at 3)

FACTUAL BACKGROUND

Obesity Research Institute alleged that defendants infringed its Lipozene trademarks by selling health supplements online under confusingly similar names, including Lipozem, Lipo-zem, Lipozeme, and Lipo-zeme. Amaz Group was served but failed to plead or otherwise defend, and the Clerk entered its default. Plaintiff sought a subpoena to Amazon for information about Amaz Group's storefronts, identified ASINs, sales, revenues, and financial records because Amaz Group's default prevented a Rule 26(f) conference and traditional discovery.

PROCEDURAL HISTORY

Plaintiff filed a Lanham Act and California unfair-competition action on April 14, 2025. Plaintiff served Amaz Group LLC on April 18, 2025; after Amaz Group failed to respond, the Clerk entered default on August 11, 2025. Plaintiff then sought expedited third-party discovery from Amazon to obtain information needed to calculate damages and support an anticipated motion for default judgment.

DISPOSITION

other

CASES CITED

- Semitool, Inc. v. Tokyo Electron Am., Inc., 208 F.R.D. 273, 275–76 (N.D. Cal. 2002)
- Nintendo of Am. v. Williams, No. 2:24-cv-960-LK, 2024 WL 5108471, at *2 (W.D. Wash. Dec. 13, 2024)
- Kraho GmbH v. Overlord Ltd., No. 19-cv-04050-AB-KSx, 2019 WL 8064249, at *2 (C.D. Cal. Dec. 20, 2019)
- Twitch Interactive, Inc. v. Johnston, No. 16-cv-03404-BLF, 2017 WL 1133520, at *1–*4 (N.D. Cal. Mar. 27, 2017)
- Adobe Sys. Inc. v. Bunhey, No. 5:13-cv-01365-VAP-OP, 2013 WL 12140304, at *1–*2 (C.D. Cal. Oct. 29, 2013)
- Nutrition Distribution LLC v. Ironx LLC, No. 17-cv-839-JLS-JMA, 2017 WL 4391709, at *1–*2 (S.D. Cal. Oct. 3, 2017)
- Jesse Steele, Inc. v. Henderson, No. 17-cv-2179-RS-DMR, 2017 U.S. Dist. LEXIS 142167, at *5–*8 (N.D. Cal. Sept. 1, 2017)