

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, TAMPA DIVISION

Joel Price v. The Individuals, Partnerships, and Unincorporated
Associations Identified on Schedule A

Price · No. 8:25-cv-3398-KKM-AEP · Decided January 23, 2026

SUMMARY

The United States District Court for the Middle District of Florida partially grants and partially denies Joel Price’s motion to extend an ex parte temporary restraining order or obtain a preliminary injunction in a trademark-counterfeiting action. The court extends the temporary restraining order through January 26, 2026, requires service of the relevant filings, sets response deadlines, and schedules a preliminary-injunction hearing.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Tampa Division
WRITING FOR THE COURT	United States District Judge Mizelle
JURISDICTION	United States District Court for the Middle District of Florida, Tampa Division
DECIDED	January 23, 2026
DOCKET	8:25-cv-3398-KKM-AEP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a preliminary injunction or, alternatively, a second extension of an ex parte temporary restraining order in a trademark-counterfeiting action.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

[injunctions](#) [trademark infringement](#) [trademark law](#) [civil procedure](#)

PRACTICE AREAS

[civil procedure](#) [intellectual property](#) [trademark law](#) [commercial litigation](#)

QUESTIONS PRESENTED

1. Whether the court could extend the temporary restraining order beyond the applicable twenty-eight-day period without the defendants' consent.
2. Whether the court should extend the existing TRO for the limited period necessary to provide defendants notice and an opportunity to respond to the motion for preliminary injunction.

HOLDINGS

1. A district court cannot indefinitely extend a temporary restraining order without the parties' consent; after twenty-eight days, the TRO converts to a preliminary injunction.
2. The court extended the TRO through January 26, 2026, while requiring plaintiff to serve defendants and allowing them to respond before the preliminary-injunction hearing.

KEY QUOTATIONS

“Nonetheless, without the consent of the parties, a district court cannot indefinitely extend a temporary restraining order, which converts to a preliminary injunction after twenty-eight days have passed.”

FACTUAL BACKGROUND

Joel Price owns a federally registered trademark and identified 102 seller IDs allegedly advertising, offering, or selling counterfeit, infringing, or imitation goods bearing the mark through e-commerce stores. The existing TRO required third-party platforms and banks to restrain transfers of defendants' funds and provide identifying information. Compliance was incomplete: eBay froze some accounts, Amazon acknowledged the TRO, and Alibaba and TikTok had not complied. Price asserted that additional counterfeit products would likely enter the marketplace, causing consumer confusion and potential lost sales.

PROCEDURAL HISTORY

The court issued an ex parte temporary restraining order on December 29, 2025, and extended it on January 9, 2026. Plaintiff then moved for a preliminary injunction or another extension, asserting continued difficulties obtaining compliance from third-party platforms and banks. The court extended the TRO through January 26, 2026, denied the request for an indefinite or further extension to the extent unauthorized, required service on defendants, and set a briefing deadline and preliminary-injunction hearing.

DISPOSITION

other

CASES CITED

- Levine v. Comcoa Ltd., 70 F.3d 1191, 1193 (11th Cir. 1995)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION
JOEL PRICE, Plaintiff, v. Case No. 8:25-cv-3398-KKM-AEP THE INDIVIDUALS,
PARTNERSHIPS, and UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE
A., Defendants. _____ ORDER Joel Price moves for a
preliminary injunction or, in the alternative, a second extension to an ex parte temporary
restraining order against the unknown individual(s), partnership(s), or unincorporated
association(s) identified on Schedule A. Mot.

(Doc. 19). This Court issued the TRO on December 29, 2025, Doc. 12, and extended it on January
9, 2026, Doc. 18. Finding good cause and because fewer than twenty-eight days have passed since
the initial TRO, this Court grants-in-part the motion and extends the TRO through Monday,
January 26, 2026.

As background, Price is the owner of the federally registered trademark identified in Exhibit 2 (the
“Mark”). Compl. (Doc. 1). Price identified 102 different “Seller IDs” that, through a variety of e-
commerce stores, have advertised, promoted, offered for sale, or sold goods bearing and using
what Price has determined to be counterfeits, infringements, reproductions, or colorable imitations
of the Mark.

TRO Mot. (Doc. 11) at 2–4, 7–9; Sch. A (Doc. 2-1). Among other relief, the TRO required third-
party platforms and banks to restrain the transfer of defendants’ funds and provide Price with
information to identify the defendants. TRO at 9–10. Price avers that, since the Court’s TRO and
subsequent extension, he has made “diligent efforts to secure compliance... with varying degrees
of success.” Mot. at 4.

For example, eBay confirmed on January 14 that it froze some of the defendants’ accounts and
provided related contact information. Id. Amazon acknowledged the TRO for the first time on
January 22, id., and e-commerce platforms Alibaba and TikTok “have not complied at all.” Id.
There continues to be good cause to believe that more counterfeit and infringing products bearing
Price’s trademark will appear in the marketplace; that consumers are likely to be misled, confused,
and disappointed by the quality of these products; and that Price may suffer loss of sales.

Nonetheless, without the consent of the parties, a district court cannot indefinitely extend a
temporary restraining order, which converts to a preliminary injunction after twenty-eight days
have passed. See *Levine v. Comcoa Ltd.*, 70 F.3d 1191, 1193 (11th Cir. 1995). But before a
preliminary injunction can issue, the defendants must receive notice of the motion and an
opportunity to respond.

Accordingly, the following is ORDERED: 1. Price’s motion for a temporary restraining order
(Doc. 19) is GRANTED- IN-PART and DENIED-IN-PART. The Temporary Restraining Order
(Doc. 12) shall remain in effect through Monday, January 26, 2026, three calendar days from the

date of this entry. 2. No later than January 27, 2026, Price must serve a copy of the Complaint, (Doc.

1), this Order, and the Motion for Preliminary Injunction (Doc. 19), on the defendants. No later than January 28, 2026, Price must file a notice confirming that he has complied with this instruction or otherwise explain what efforts he has taken to ensure that the defendants have received notice. 3.

The defendants must respond to the Motion for Preliminary Injunction (Doc. 19) no later than February 2, 2026. 4. A hearing on the Motion for Preliminary Injunction (Doc. 19) will be held before the undersigned in Courtroom 13B, 801 North Florida Avenue, Tampa, Florida, on February 4, 2026, at 10:00 AM.

The parties are further directed to file “each paper” on which they rely no later than February 2, 2026. See Local Rule 6.02. 5. All parties are directed to strictly comply with the procedures set forth in Middle District of Florida Local Rule 6.02. ORDERED in Tampa, Florida, on January 28, 2026. pate oe Mizelle United States District Judge