

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, AUSTIN DIVISION

Michael Salcedo v. The Partnerships and Unincorporated
Associations Identified on Schedule A

Salcedo · No. 1:25-CV-1920-RP · Decided December 30, 2025

SUMMARY

The United States District Court for the Western District of Texas denied without prejudice the plaintiff’s motions for a temporary restraining order, preliminary injunction, and electronic service of process. The court found that the plaintiff had not sufficiently supported its allegations that 101 defendants were acting in concert or were properly joined under Federal Rule of Civil Procedure 20.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, Austin Division
WRITING FOR THE COURT	Robert Pitman
JURISDICTION	United States District Court for the Western District of Texas, Austin Division
DECIDED	December 30, 2025
DOCKET	1:25-CV-1920-RP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought a temporary restraining order and preliminary injunction against 101 alleged trademark infringers, along with permission to serve defendants electronically. The district court denied both motions without prejudice.
STANDARD OF REVIEW	The court applied the four-factor standard for temporary restraining orders and required the plaintiff to clearly carry the burden of persuasion on each factor. It also evaluated the proposed joinder under Federal Rule of Civil Procedure 20.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

- injunctions
- joinder
- service of process
- trademark infringement
- civil procedure

PRACTICE AREAS

civil procedure

trademark law

trademark infringement

injunctive relief

QUESTIONS PRESENTED

1. Whether the plaintiff established a sufficient basis to join 101 defendants in one action and restrain them collectively based on allegations that they were acting in concert.
2. Whether the plaintiff established the requirements for a temporary restraining order and preliminary injunction.
3. Whether the court should authorize electronic service of the TRO on defendants when no TRO had been granted and the plaintiff sought ex parte relief.

HOLDINGS

1. The proposed joinder allegations were insufficient because the plaintiff did not substantiate that the particular defendants acted in concert or that their alleged conduct arose from the same transaction, occurrence, or series of transactions or occurrences.
2. The motion for a temporary restraining order and preliminary injunction was denied without prejudice because the plaintiff failed at this stage to adequately support the asserted concerted conduct and proposed collective restraint.
3. The motion for electronic service of process was denied without prejudice because the court did not grant a TRO and the plaintiff sought ex parte relief before notifying defendants of the lawsuit.

KEY QUOTATIONS

“A TRO is “a highly accelerated and temporary form of preliminary injunctive relief, which may be granted without notice to the opposing party or parties.”” (Order)

“A [TRO] is an extraordinary remedy and should only be granted if the plaintiffs have clearly carried the burden of persuasion on all four requirements.” (Order)

“Without more, this allegation is insufficient for this Court to presume that joining the 101 Defendants in a TRO is appropriate.” (Order)

FACTUAL BACKGROUND

Michael Salcedo alleged that 101 partnerships and unincorporated associations were acting in concert to manufacture, import, distribute, offer for sale, and sell unauthorized or infringing goods. Salcedo relied on alleged similarities among e-commerce stores, including templates, registration patterns, payment and checkout methods, advertising tactics, text, images, and other identifiers, as well as generalized allegations that counterfeiters communicate through online forums. The court found that the exhibits showed substantial variation in prices, names, sellers, styles, and sales platforms and did not establish a commonality among the defendants beyond the allegedly trademarked material.

PROCEDURAL HISTORY

Plaintiff filed an amended complaint alleging trademark infringement and sought to join 101 defendants in a single action and restraining order. The court found the allegations that the defendants were acting in concert insufficiently substantiated and denied the requested injunctive relief without prejudice. Because no TRO was granted, the court also denied without prejudice the motion for electronic service of process.

DISPOSITION

other

CASES CITED

- Cotton v. Texas Express Pipeline, LLC, 2017 WL 2999430, at *1 (W.D. Tex. Jan. 10, 2017)
- Clark v. Prichard, 812 F.2d 991, 993 (5th Cir. 1987)
- Nichols v. Alcatel USA, Inc., 532 F.3d 364, 372 (5th Cir. 2008)
- Miss. Power & Light Co. v. United Gas Pipeline, 760 F.2d 618, 621 (5th Cir. 1985)
- Allied Mktg. Group, Inc. v. CDL Mktg., Inc., 878 F.2d 806, 809 (5th Cir. 1989)

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