

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 24-62388-CIV-SINGHAL**

ADIDAS AG, *et al.*,

Plaintiffs,

vs.

THE INDIVIDUALS, BUSINESS ENTITIES,
AND UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A,”

Defendants.

**DECLARATION OF VIRGILIO GIGANTE IN SUPPORT OF
PLAINTIFFS’ *EX PARTE* APPLICATION FOR ENTRY OF TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I, Virgilio Gigante, state and declare as follows:

1. I am an attorney duly authorized and licensed to practice law before this Court, and I am one of the counsels of record for Plaintiffs, adidas AG, adidas International Marketing B.V., and adidas America, Inc. (collectively “adidas”) in the above captioned action. I submit this Declaration, which is filed in support of Plaintiffs’ *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction (the “Application for TRO”) against Defendants, the Individuals, Business Entities, or Unincorporated Associations identified on Schedule “A” to Plaintiffs’ Application for TRO (collectively, “Defendants”). I am personally knowledgeable of the matters set forth in this declaration and, if called upon to do so, I could and would competently testify to the following facts set forth below.

2. Prior to filing this action, my firm accessed each of the commercial Internet websites operating under Defendants' domain names identified on Schedule "A" to Plaintiffs' Application for TRO (the "Subject Domain Names"). The websites advertise, offer for sale, and/or promote products bearing one or more of the adidas trademarks at issue in this action. The websites are fully interactive and allow users to browse the online stores for products bearing Plaintiffs' trademarks, add products to the online shopping carts, proceed to a point of checkout, and otherwise actively exchange data electronically. True and correct copies of the relevant web pages my firm captured reflecting samples of the Internet websites operating under the Subject Domain Names displaying Plaintiffs' branded items offered for sale are attached hereto as Composite Exhibit "1." A chart has been prepared for the convenience of the Court providing an example of the trademarks counterfeited and types of goods offered for sale per Defendant, including citations to the evidence. (See Exhibit "2" hereto.)

3. My firm obtained the publicly available domain name registration data ("WHOIS" records) for the Internet websites operating under Defendants' Subject Domain Names. My firm also obtained the available e-mail addresses and onsite contact forms identified in connection with Defendants' respective Internet websites operating under the Subject Domain Names.

4. Plaintiffs are seeking *ex parte* relief because they reasonably believe if they proceed on normal advance notice to Defendants prior to seeking to preclude modification of control of the Subject Domain Names by having the registrars lock the same, as requested in the Application for TRO, Defendants can easily and quickly transfer the registrations for many of the Internet websites operating under the Subject Domain Names, or modify registration data and content, change hosts, and redirect traffic to other websites, thereby potentially thwarting

Plaintiffs' ability to obtain meaningful relief and continuing to cause Plaintiffs irreparable injury. However, upon entry of a TRO in this matter, my firm will notify Defendants, by sending copies of the Order and the Application for TRO and supporting papers via electronic mail ("e-mail") to the e-mail addresses Defendants provided to their registrars responsible for their respective domain names or the e-mail addresses and/or online contact forms identified on the websites operating under the Subject Domain Names. My firm will also provide a copy of the Order by e-mail to the registrar of record for each of the Subject Domain Names, so that the registrar of record for each of the Subject Domain Names may, in turn, notify each registrant of terms of the Order and provide notice of the locking of the domain name to the registrant of record.

5. I have personal knowledge that under the operating rules of most domain name Registrars, Registrants can easily transfer ownership of domain names simply by submitting an authorization letter and an application form. Defendants involved in domain name litigation easily can, and often will, modify registration data and content, change hosts and redirect traffic to other websites they control. All of these things can happen in a very short span of time after Defendants are provided with notice of a lawsuit.

6. I have learned through multiple prior cases I have filed on behalf of Plaintiffs and other clients that, upon notice of a lawsuit, counterfeit website owners often immediately set up a redirect for their website which essentially informs a search engine that the website being crawled has permanently moved to another domain and instructs the search engine to divert traffic to the other website. The result is to slingshot the new domains to the top of the search engine results pages by leveraging the Internet traffic to the domains in suit which was built through the illegal use of the plaintiff's trademarks.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed December 20, 2024, at Fort Lauderdale, Florida.


Virgilio Gigante