

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 23-60728-CIV-SMITH**

GUCCI AMERICA, INC.,

Plaintiff,

vs.

AUTHENTICGUCCIBAGSOUTLETUSA.COM,
et al.,

Defendants.

**DECLARATION OF T. RAQUEL WIBORG-RODRIGUEZ
IN SUPPORT OF PLAINTIFF'S MOTION FOR
ORDER AUTHORIZING ALTERNATE SERVICE OF PROCESS**

I, T. Raquel Wiborg-Rodriguez, declare and state as follows:

1. I am an attorney duly authorized and licensed to practice law before all courts in the State of Florida and the Southern District of Florida, and I am counsel of record for Plaintiff, Gucci America, Inc. ("Gucci" or "Plaintiff") in the above captioned action. I submit this Declaration, which is filed in support of Plaintiff's Motion for Order Authorizing Alternate Service of Process (the "Motion for Alternate Service") on Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule "A" to Plaintiff's Motion for Alternate Service (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 the interactive, commercial Internet websites and supporting domains operating under the domain names identified on Schedule "A" attached to Plaintiff's Complaint (the "Subject Domain Names"). The websites advertise, offer for

sale, and/or promote products bearing various counterfeits and confusingly similar imitations of Gucci's trademarks at issue in this action. Defendants have structured their website businesses so that the primary means for customers to purchase Defendants' counterfeit goods at issue is by placing an order electronically. Defendants purport to take and confirm orders online as well via e-mail, and they communicate with customers via electronic means, including e-mail and onsite contact forms. True and correct copies of relevant web pages captured and downloaded by my firm reflecting samples of the Internet websites operating under the Subject Domain Names displaying the Gucci-branded items offered for sale are attached as Composite Exhibit "2" to Plaintiff's Complaint [DE 1-3 through 1-4].

3. My firm obtained the publicly available domain name registration data ("WHOIS" records) for the Internet websites operating under Defendants' Subject Domain Names. Additionally, my firm obtained the available e-mail addresses and onsite contact forms identified directly on Defendants' respective Internet websites. The e-mail addresses and other means of electronic contact for Defendants are provided on Schedule "A" to Plaintiff's Motion for Alternate Service.

4. Each Defendant will be provided with notice of this action electronically via e-mail by providing the address to Gucci's designated serving notice website to the e-mail addresses provided by Defendants as part of the domain registration data for each of the Subject Domain Names or on their respective websites operating thereunder, including customer service e-mail addresses and onsite contact forms, or via their designated Registrar's domain owner contact form or e-mail address. In this manner, Defendants will receive a web address at which they can access all electronic filings to view, print, or download any document filed in the case similar to the court's CM/ECF procedures.

5. Additionally, Gucci will notify Defendants of this action via website posting. Gucci has created a serving notice website and is posting copies of the Complaint, this Motion, and all other pleadings, documents, and orders on file in this action on its designated website located at <http://servingnotice.com/G29ap/index.html> (“Plaintiff’s Website”), such that anyone accessing Plaintiff’s Website will find copies of all documents filed in this action. The address for Plaintiff’s Website will be provided to Defendants via their known e-mail accounts, and will be included as part of service of process in this matter.

6. Gucci has investigated Defendants and determined that their illegal operations are most likely based in and/or shipping from People’s Republic of China (“China”), Japan, India, the Republic of Turkey (“Turkey”), Iceland, or other foreign countries and/or redistributed products from sources in those countries. Gucci’s investigation looked at multiple connection data points, such as data Defendants identified in the WHOIS records for each of their respective Subject Domain Names, as well as information contained on Defendants’ actual websites operating thereunder. While Gucci has not identified a valid address for service of process on Defendants or determined Defendants’ exact locations, Gucci has good cause to believe Defendants are not residents of the United States.

7. I reviewed the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters (“Hague Convention”), to which the United States, China, Japan, India, Turkey, and Iceland are signatories. China, Japan, India, Turkey, and Iceland have declared that they oppose, either fully or partially, the service of documents in their territory by the alternative means of service outlined in Article 10 of the Convention, including the

service of process by postal channels.¹ However, the Hague Convention does not preclude service by e-mail, and the declarations to the Hague Convention filed by China, Japan, India, Turkey, and Iceland do not expressly prohibit service via e-mail or website posting. A true and correct copy of the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters and a list of the signatory Members are attached hereto as Composite Exhibit “1.”²

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 19th day of April, 2023, at Miami Shores, Florida.


T. Raquel Wiborg-Rodriguez

¹ Specifically, Japan and Iceland do not object to service of process by postal channels as set forth in paragraph (a) of Article 10 to the Hague Convention.

² Composite Exhibit “1” also contains a true and correct printout of China’s, Japan’s, India’s, Turkey’s, and Iceland’s respective Declaration / Reservation / Notification in regards to the Hague Convention, available at <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=393&disp=resdn> (last visited April 19, 2023); <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=407&disp=resdn> (last visited April 19, 2023); <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=984&disp=resdn> (last visited April 19, 2023); <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=425&disp=resdn> (last visited April 19, 2023); and <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=1033&disp=resdn> (last visited April 19, 2023).