

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 25-21058-CIV-ALTMAN

OMEGA SA,

Plaintiff,

vs.

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

Defendants.

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**DECLARATION OF ANTOINE HALLER IN SUPPORT OF PLAINTIFF'S *EX PARTE*  
APPLICATION FOR ENTRY OF TEMPORARY RESTRAINING ORDER,  
PRELIMINARY INJUNCTION, AND ORDER RESTRAINING TRANSFER OF ASSETS**

I, Antoine Haller, declare and state as follows:

1. I am over 18 years of age and have personal knowledge of the facts set forth herein.

I make this Declaration, which is filed in support of Plaintiff's *Ex Parte* Application for Entry of Temporary Restraining Order, Preliminary Injunction, and Order Restraining Transfer of Assets (the "Application for TRO") against Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule "A" hereto (collectively "Defendants"). If called upon to do so, I could and would testify competently to the following facts set forth below.




2. I am employed by The Swatch Group Ltd. (the "Swatch Group") as Anti-Counterfeiting Officer in the Legal Department. Plaintiff Omega SA ("Omega") is a subsidiary of The Swatch Group Ltd., which is one of the world's largest watch manufacturers.

3. In my capacity as Anti-Counterfeiting Officer in the Legal Department, I am responsible for trademarks and other intellectual property rights enforcement and anti-counterfeiting matters throughout the world. As a result, I have been trained to identify the

distinctions between Omega's genuine merchandise and non-genuine, counterfeit copies of the same.

#### **Omega's Rights**

4. Omega is the owner of the following trademarks, which are valid and registered on the Principal Register of the United States Patent and Trademark Office (the "Omega Marks"):

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class / Goods</b>
SEAMASTER	556,602	March 25, 1952	IC 014. Watches, watch parts and watch movements.
<b>OMEGA</b>	566,370	November 4, 1952	IC 014. Watches and parts thereof.
	578,041	July 28, 1953	IC 014. wrist watches with or without straps, bands or bracelets, chronometers, chronographs.
SPEEDMASTER	672,487	January 13, 1959	IC 014. Watches and clocks.
	734,891	July 24, 1962	IC 014. Timepieces and Parts Thereof.
PLANET OCEAN	3,085,659	April 25, 2006	IC 014. Watches and watch parts.
SEAMASTER	3,640,080	June 16, 2009	IC 014. Jewelry, horological and chronometrical instruments.
CO-AXIAL	4,442,192	December 3, 2013	IC 014. Horological and chronometric instruments.
DARK SIDE OF THE MOON	4,735,993	May 12, 2015	IC 014. Horological and chronometric instruments.
	5,094,915	December 6, 2016	IC 014. Horological and chronometric instruments and parts for the aforesaid goods; accessories namely, watch chains, presentation cases for watches and cases for watches.
MOONWATCH	5,211,480	May 30, 2017	IC 014. Horological and chronometric instruments

CO-AXIAL MASTER CHRONOMETER	5,266,563	August 15, 2017	IC 014. Horological and chronometric instruments.
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The Omega Marks are used in connection with the manufacture and distribution of high-quality goods in the category identified above. True and correct copies of the Certificates of Registration for the Omega Marks are attached to the Complaint as Exhibit "1."

5. Omega is engaged in the promotion, distribution, and sale of high-quality products in interstate commerce in the United States under the Omega Marks.

6. For many years, Omega has used the Omega Marks in connection with the marketing and sale of Omega's high-quality products in the United States.

7. Genuine Omega products are marketed and sold throughout the United States at Omega boutiques, at Tourbillon Boutiques, owned by The Swatch Group Les Boutiques Ltd. an affiliated company of the Swatch Group, at select and prestigious retailers, and via the Internet.

8. During the time that Omega products have been sold in interstate commerce under the Omega Marks, Omega has expended significant monetary resources to extensively advertise and promote products under the Omega Marks in magazines, newspapers, in stores, on the Internet and in other media worldwide, including the official Omega website, [www.omegawatches.com](http://www.omegawatches.com). In the last five years alone, The Swatch Group's sales of watches and other goods, including Omega, have been well into the many millions of dollars.

9. As a result of the foregoing, the Omega Marks have acquired fame in the consumer market for a wide variety of products, including watches.

10. The Omega Marks are widely recognized trademarks in the United States, and the trademarks have achieved secondary meaning as identifiers of high-quality goods.

11. The Omega Marks have come to symbolize the enormous goodwill of Omega business throughout the United States and the world.

12. The Omega Marks have never been abandoned. Omega actively polices and enforces its trademark rights.

13. The Omega Marks are vital to Omega's business, as the Marks represent a significant value to the company and its associated image. Omega suffers irreparable harm to its goodwill, as well as a direct monetary loss, any time any third parties, including Defendants, sell counterfeit and infringing goods bearing identical or substantially similar trademarks.

**Investigation of Defendants' Counterfeiting Activities**

14. Omega learned Defendants are promoting, advertising, offering for sale and/or selling goods using counterfeit and infringing trademarks which are exact copies of one or more the Omega Marks without Omega's authorization, via at least the Internet based e-commerce stores operating under the seller names identified on Schedule "A" hereto (the "E-commerce Store Names"). Defendants do not have, nor have they ever had, the right or authority to use the Omega Marks. Further, the Omega Marks have never been assigned or licensed to be used in connection with any of the E-commerce Store Names.

15. Omega retained Invisible Inc ("Invisible"), a licensed private investigative firm, to investigate the suspected sales of Omega's counterfeit branded products by Defendants and to document Defendants' payment account data for receipt of funds paid for the sale of counterfeit Omega branded products.

16. Invisible accessed the e-commerce stores operating under each Defendants' E-commerce Store Names and placed orders for the purchase of goods bearing counterfeits of one or more of the Omega Marks. At the conclusion of the process, I received detailed web page captures

of the goods bearing the Omega Marks Invisible ordered via each Defendant's E-commerce Store Name. (See Declaration of Kathleen Burns in Support of Plaintiff's Application for TRO and Composite Exhibit "1" attached thereto.)

17. Prior to filing this Declaration, I reviewed the goods bearing the Omega Marks ordered by Invisible via each of the E-commerce Store Names by reviewing the e-commerce stores operating under the E-commerce Store Names, or the detailed web page captures of the goods bearing the Omega Marks, and I determined the items were non-genuine, unauthorized versions of Omega's branded goods. I reached this conclusion through my observations of the pricing, which is far below the prices of Omega's genuine goods of similar style and design. I also observed certain product and marking characteristics which are not consistent with Omega's genuine goods. Additionally, I personally know that Omega does not conduct business with Defendants, nor do Defendants have the right or authority to use the Omega Marks for any purpose.

18. In view of the foregoing, I can confirm the products Defendants are offering for sale and/or promoting under the Omega Marks via the E-commerce Store Names are non-genuine versions of Omega's products.

**Harm Caused To Plaintiff By Defendants' Activities**

19. Genuine goods bearing the Omega Marks are widely legitimately advertised, promoted, offered for sale, and discussed by Omega, its authorized distributors and unrelated third parties via the Internet.

20. Visibility on the Internet, particularly via Internet search engines and social media platforms, is important to Omega's overall marketing and consumer education efforts. Thus, Omega expends significant monetary and other resources on Internet marketing and consumer education regarding its products, including search engine optimization, search engine marketing,

and social media strategies, which allow Omega and its authorized retailers to educate consumers fairly and legitimately about the value associated with Omega's brands and the goods sold thereunder and the problems associated with the counterfeiting of Omega's trademarks.

21. Each year, Omega also expends significant monetary resources in connection with trademark enforcement efforts, including global law enforcement training, legal fees, and investigative fees.

22. Each individual counterfeiter's actions, alone, cause Omega irreparable harm. However, the sheer number of counterfeit e-commerce store operators act as a force multiplier of those individual harms and create a massive single reputation harm to Omega. Omega faces significant economic and logistical challenges in enforcing its trademark rights against each online store individually. Single defendant enforcement in the face of the overwhelming infringement points of sale made possible by the unregulated and anonymous nature of the Internet is wholly ineffective and does not remedy the actual harm to Omega caused by the crushing weight of all of Defendants' simultaneous counterfeiting.

23. During its investigations, Omega has repeatedly found that the anonymity and mass reach afforded by the Internet serves to create nearly impenetrable obstacles in identifying the full extent and scope of targeted counterfeiting operations. Online counterfeiters such as those in this case typically use false or concealed identifying information in their domain registrations and on their websites themselves, false or concealed Internet Protocol ("IP") addresses to conceal their true location, and inaccurate or unrelated origination information for logistics and freight forwarding services. Most often, online sellers set up many multiple storefronts which appear unrelated to evade detection or complete closure of their entire operation once they are detected. Plaintiffs such as Omega have no way of determining those connections pre-enforcement and very

little chance of receiving any meaningful discovery to assist in that task post-enforcement. In fact, Omega can typically only determine the actual relationships between Defendants when they appear through counsel and identify all of the stores in a particular group for the purpose of resolution.

24. Additionally, even after detection, online counterfeiters often simply set up shop elsewhere quickly and easily, before Omega's enforcement efforts, including litigation, are complete. The quick moving nature of online counterfeiting allows Defendants to quickly set up and dump payment accounts and e-commerce stores, leaving Omega with no recourse for the damage done in the time that would be eaten up by filing individual lawsuits. Without permissive joinder, in the end, Omega would be left filing large numbers of lawsuits often against the same sellers over and over without ever obtaining any meaningful relief.

25. Omega regularly sees repeat offenders in unrelated matters or multiple websites and/or e-commerce stores operated by the same individuals or organizations, creating an elaborate game of "whack-a-mole." Given the ease for counterfeiters to create an e-commerce store template, those individuals or organizations can quickly and easily use that template to set up infinite storefronts without the time and investment Omega put into developing and marketing its products. Defendants, in cases such as this, simply steal the latest designs, slap together a storefront, and begin competing *en masse* with Omega on its own products across dozens of websites.

26. Despite utmost difficulty to specifically identify active, concerted relationships between the Defendants herein, Omega readily sees and suffers from the combined harm caused by the Defendants' concurrent counterfeiting activities. Successfully addressing the common harm caused by the Defendants necessitates Omega grouping concurrently acting Defendants together

to obtain any reasonable relief and prevent the drowning out of Omega's legitimate online product information and sales.


27. By benefitting from advertising and market targeting strategies based upon an unlawful use of the Omega Marks online, Defendants are jointly obliterating the otherwise open and available marketplace space in which Omega has the right to fairly market its goods and associated message. Specifically, Defendants use unauthorized counterfeits of one or more of the Omega Marks, including within sponsored content and advertising on social media and other online platforms, to make their e-commerce stores selling unlawful goods appear more relevant and attractive to consumers searching for Omega's goods and information online. Such concurrent wrongful use of Omega's trademarks directly impairs Omega's ability to compete for visibility on the World Wide Web, including search engine results and online marketplace and social media platform space.

28. The combined force of Defendants' unlawful actions are contributing to the creation and maintenance of an illegal marketplace operating in parallel to the legitimate marketplace for Omega's genuine goods. Defendants are causing individual, concurrent and indivisible harm to Omega and the consuming public by (i) depriving Omega of its right to fairly compete for space online and within search engine results and reducing the visibility of Omega's genuine goods on the World Wide Web including across online marketplace and social media platforms, (ii) causing an overall degradation of the value of the goodwill associated with the Omega Marks by viewing inferior products in either the pre or post sale setting, and/or (iii) increasing Omega's overall cost to market its goods and educate consumers about its brands via the Internet.



29. As a result of the availability of the non-genuine branded goods offered for sale by Defendants, Omega is highly likely to experience irreparable damage to its reputation among consumers absent the entry of an appropriate injunction.

I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct. Executed this 04 day of March, 2025 in Biel/Bienne, Switzerland.



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Antoine Haller

**SCHEDULE "A"**  
**DEFENDANTS BY NUMBER AND E-COMMERCE STORE NAME**

<b>Defendant Number</b>	<b>Defendant / E-Commerce Store Name</b>
1	elitetimepiecesusa.com
1	coolsar.com
1	doxsd.com
1	atinowatch.com
1	luxyswear.com
1	opulencewrist.com
2	ksisx.shop
2	euex.shop
2	kibux.site
2	bezs.shop
2	slrw.shop
3	aniwattey.shop
4	zenithluxys.com
4	luxurytick.com
4	atinolux.com
4	relaxtee.com
5	jobuly.com
5	bedliy.com
6	camillaluxury.shop
7	chrono26.com
8	clonewatches.com
9	dennistoystore.com
10	dunekhing.com
10	weistwatch.com
10	kimmyis.com
10	sunfdht.com
11	gccista.shop
12	gclvg.com
13	getwatchpro.com
13	rallx.store
14	high-w.store
14	top-swisstime.com
15	hy-premium-watch.com
16	idc022.com
17	luxnob.com
18	luxtick.com
19	luxuriousluxurywardrobe.com
20	luxurywatchessthlm.com

21	luxuwatchs.com
22	luxyavia.com
23	menymoon.shop
24	nic-watch.com
25	ocga.store
26	panda188.store
27	pdkicks.com
28	premiumwatchs.com
29	sayhiy.com
30	treasurk.com
31	trivorshop.com
32	vernaculars.shop
33	warringtac.shop
34	watchwsr.com
35	willy001.willyweb.shop