

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.**

TIFFANY (NJ) LLC,

Plaintiff,

vs.

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

Defendants.

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

I, Annabelle Greseth, declare and state as follows:

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

I submit this declaration 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 Temporary Restraining Order") against Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule "A" attached hereto ("Defendants"). If called as a witness, I could and would testify competently to the following facts set forth below.

2. I am employed by Tiffany (NJ) LLC ("Tiffany") as Brand Protection Analyst. Tiffany is a Delaware limited liability company with its principal place of business in the United States located at 15 Sylvan Way, Parsippany, New Jersey 07054.

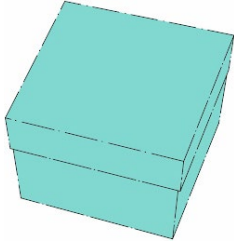



3. In my capacity as Tiffany's Brand Protection Analyst, I am responsible, in part, for Tiffany's trademark and anti-counterfeiting efforts in the United States. As a result, I am fully

familiar with most aspects of the manufacture, sale, and distribution of genuine Tiffany products, and I have been trained to identify the distinctions between genuine Tiffany merchandise and counterfeit copies of the same.

TIFFANY'S RIGHTS

4. Tiffany is the owner of all rights in and to the following trademarks, which are valid and registered on the Principal Register of the United States Patent and Trademark Office (the “Tiffany Marks”):

Trademark	Registration Number	Registration Date	Class / Goods
TIFFANY & CO.	0,023,572	September 5, 1893	IC 6, 14 – Bronzes, Silver and Plated Ware, and Ornamental Articles in Metal
TIFFANY & CO	0,023,573	September 5, 1893	IC 14 – Jewelry and Watches.
TIFFANY	0,133,063	July 6, 1920	IC 14 – Jewelry for Personal Wear, Not Including Watches; and Flat and Hollow Ware Made of or Plated with Precious Metal.
TIFFANY & CO.	1,228,189	February 22, 1983	IC 14 – Decorative Art Objects Made in Whole or in Part of Precious or Semi-Precious Metals-Namely, Figurines, Boxes, Bowls, Trays, Jewelry, Metal Wares Made in Whole or in Part of Precious or Semi-Precious Metals-Namely, Business Card Cases, Candelabras, Candlesticks, Cigar and Cigarette Boxes, Napkin Rings, and Bookmarks, Semi-Precious Stones, Natural and Cultured Pearls.
TIFFANY	1,228,409	February 22, 1983	IC 14 – Decorative Art Objects Made in Whole or in Part of Precious or Semi-Precious Metals-Namely, Figurines, Boxes, Bowls, Trays, Jewelry, Semi-Precious Stones, and Natural and Cultured Pearls.

T & CO.	1,669,365	December 24, 1991	IC 14 – All Types of Jewelry Made of, or in Part of, Precious Metals and/or with Precious or Semi-Precious Stones.
	2,359,351	June 20, 2000	IC 14 – Jewelry; watches and clocks; decorative art objects made in whole or in part of precious metals and their alloys, namely, figurines, boxes. IC 21 – Decorative boxes, boxes.
1837	4,154,018	June 05, 2012	IC 14 – Jewelry; cufflinks; key rings of precious metal
	5,176,498	April 4, 2017	IC 14 – Jewelry
	7,185,896	October 10, 2023	IC 14 – Jewelry
	7,185,897	October 10, 2023	IC 14 – Necklaces

The Tiffany Marks are used in connection with the manufacture and distribution of high-quality goods in the categories identified above. True and correct copies of the Federal Registrations for the Tiffany Marks listed above are attached to the Complaint as Composite Exhibit “1.”

5. Tiffany is engaged in the manufacture, promotion, distribution, and sale in interstate commerce, including within this district, of high-quality products under the Tiffany Marks.

6. Genuine Tiffany products are sold exclusively at Tiffany boutiques throughout the United States, and via the Internet on its own website, Tiffany.com. Tiffany has spent tens of millions of dollars to extensively advertise and promote its goods and associated trademarks. In the last five years alone, Tiffany's sales of high-quality goods have been well into many hundreds of millions of dollars.

7. As a result of the foregoing, the Tiffany Marks have acquired fame in the consumer market for a wide variety of goods. The Tiffany Marks are among the most widely recognized trademarks in the United States, and the trademarks have achieved secondary meaning as an identifier of high-quality goods. The Tiffany Marks have come to symbolize the enormous goodwill of Tiffany's jewelry business throughout the United States and the world. No other manufacturer lawfully uses the Tiffany Marks or any substantially similar marks for similar types of goods. The Tiffany Marks have never been abandoned. Tiffany actively polices and enforces its trademark rights.

8. The Tiffany Marks are vital to Tiffany's business, as the trademarks represent a significant value to Tiffany's overall business and associated image. Tiffany 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 and/or using identical or substantially similar trademarks.

INVESTIGATION OF DEFENDANTS' COUNTERFEITING ACTIVITIES

9. Tiffany has learned Defendants are promoting, advertising, offering for sale and/or selling various products bearing and/or using counterfeit and infringing trademarks that are exact copies of one or more of the Tiffany Marks without Tiffany'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 Tiffany Marks. Further, the Tiffany Marks have never been assigned or licensed to be used in connection with any of the E-commerce Store Names.

10. Tiffany, through counsel, retained Invisible Inc, a licensed private investigative firm, to investigate the suspected sales of counterfeit Tiffany branded products by Defendants and to obtain the available payment account data for receipt of funds paid to Defendants for the sale of counterfeit Tiffany branded products.

11. Invisible Inc accessed the Internet based e-commerce stores operating under Defendants' E-commerce Store Names and placed orders for the purchase of a product bearing and/or using, or suspected of bearing, counterfeits of, at least, one of the Tiffany Marks at issue in this action from each Defendant. At the conclusion of the process, I received detailed web page captures and photographs¹ of the Tiffany branded products ordered by Invisible Inc. (See Declaration of Kathleen Burns in Support of Plaintiff's Application for Temporary Restraining Order ¶ 4 and Composite Exhibit "1" attached thereto.)

¹ Certain Defendants blurred-out and/or concealed the images of the Tiffany Marks on the products being offered for sale via their respective e-commerce stores; accordingly, photographs of the Tiffany branded products received by the investigative firm from those relevant Defendants were provided to Tiffany for inspection.

12. Tiffany conducted a review of the Tiffany branded goods ordered by Invisible Inc by reviewing the Internet based e-commerce stores operating under the E-commerce Store Names and the detailed web page captures thereof, together with photographs of certain received products, and determined the products were non-genuine, unauthorized Tiffany branded products, or used images of authentic products in order to facilitate the sale of non-genuine, unauthorized Tiffany branded products. Tiffany reached this conclusion through visual inspection of the products and packaging, in addition to a review of the item descriptions and seller statements. Further, Tiffany observed that the Tiffany branded products are priced in a manner that is dissimilar from that used in connection with genuine Tiffany products. Moreover, I personally know Tiffany does not conduct business with Defendants or their e-commerce stores, nor have the Tiffany Marks ever been assigned or licensed to be used by Defendants or the Internet based e-commerce stores operating under the E-commerce Store Names.

13. In view of the foregoing, I can confirm the Tiffany branded products ordered by Invisible Inc via the Internet based e-commerce stores operating under or through the E-commerce Store Names are non-genuine, unauthorized Tiffany products. Additionally, I can confirm Defendants do not have authorization to use the Tiffany Marks or name in connection with any of the E-commerce Store Names.

HARM CAUSED TO TIFFANY BY DEFENDANTS' ACTIVITIES

14. Genuine Tiffany branded goods are widely legitimately advertised, promoted, offered for sale, and discussed by Tiffany, its authorized distributors, and unrelated third parties via the Internet.

15. Visibility on the Internet, particularly via search engines and social media platforms, is important to Tiffany's overall marketing and consumer education efforts. Thus,

Tiffany expends significant monetary resources on Internet marketing and consumer education regarding its products, including search engine optimization, search engine marketing, and social media strategies, which allow Tiffany, its authorized retailers, and others to educate consumers fairly and legitimately about the value associated with the Tiffany brand and the goods sold thereunder and the problems associated with the counterfeiting of Tiffany's trademarks.

16. Each year, Tiffany expends significant monetary resources in connection with trademark enforcement efforts. Tiffany can often identify common trends and relationships between the counterfeiters it investigates.

17. Each individual counterfeiter's actions, alone, cause Tiffany irreparable harm. However, the sheer number of counterfeit e-commerce store operators acts as a force multiplier of those individual harms and create a massive single reputation harm to Tiffany. Tiffany 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 Tiffany caused by the crushing weight of all of Defendants' simultaneous counterfeiting.

18. During its investigations, Tiffany 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 e-commerce store registrations and on their e-commerce stores 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 multiple storefronts

which appear unrelated to evade detection or complete closure of their entire operation once they are detected. Plaintiffs, such as Tiffany, 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, Tiffany 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.

19. Additionally, even after detection, online counterfeiters often simply set up shop elsewhere quickly and easily, before Tiffany'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 Tiffany 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, Tiffany would be left filing large numbers of lawsuits often against the same sellers over and over without ever obtaining any meaningful relief.

20. Tiffany regularly sees repeat offenders in unrelated matters or multiple 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 Tiffany puts 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 Tiffany on its own products across dozens of e-commerce stores.

21. Despite utmost difficulty to specifically identify active, concerted relationships between the Defendants herein, Tiffany 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 Tiffany grouping concurrently acting Defendants together to obtain any reasonable relief and prevent the drowning out of Tiffany's legitimate online product information and sales.

22. By benefiting from advertising and marketing strategies based upon an unlawful use of the Tiffany Marks online, Defendants are jointly obliterating the otherwise open and available marketplace space in which Tiffany has the right to fairly market its goods and associated message. Specifically, Defendants use Tiffany's name and trademarks, or variations thereof, to make their e-commerce stores appear more relevant and attractive to consumers searching for Tiffany related goods and information online. Such concurrent wrongful use of Tiffany's trademarks directly impairs Tiffany's ability to compete for visibility on the World Wide Web, including within search engine results space and across social media platforms.

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

24. As a result of the availability of the non-genuine Tiffany branded goods being offered for sale by Defendants, Tiffany 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 on: 2024-10-30 in Louisville, Kentucky.

Annabelle Greseth

ANNABELLE GRESETH

SCHEDULE “A”
DEFENDANTS BY NUMBER AND E-COMMERCE STORE NAME

Defendant Number	Defendant / E-commerce Store Name
1	ccfashionjewelry.com
2	blingblings.es
3	classport.shop
4	cocoshoes.top
5	correctkickz.com
6	eleger.co
7	eukick.com
8	evelynsneaker.com
9	fcmg-sales.com
9	saleluxurycn.com
10	fossilry.cc
11	getreadys.org
12	greenutilityltd.online
13	jewelrybuild.com
14	Jinyi Shoes retail wholesale a/k/a +8619359440554 a/k/a 俊弟aj LJR版（本地支持送货上门）
15	jwfancy.com
16	kaideck.shop
19	kailin44088 a/k/a luxury goods
18	kickspk.com
18	kickssu.org
19	kolobag.com
20	koolmaker.com
21	kw-store.top
22	lalsoft.com a/k/a fspbo.shop a/k/a kegegegghh.shop
23	luxere.top
24	maikesneakers111.com
25	matoyli.com
25	testegrida.com
26	monicasneaker.im
27	niosneaker.com
28	obosneaker.com

39	oldsnkrs.shop
30	persting.live
31	poposhoes.top
32	sneakershop.ww
33	sneakerssport789
34	snkrsclub.cc
35	topfactory2166
36	usasiha.shop
37	worlsoccer.com
38	xsir.product a/k/a welcome to xsir
39	zzmoonz.com a/k/a zzmoonz.shop