

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 22-62000-CIV-RUIZ**

FEDERATION OF THE SWISS
WATCH INDUSTRY FH, *et al.*,

Plaintiffs,

vs.

BESTINTIMES.ME, *et al.*

Defendants.

/

**PLAINTIFFS' *EX PARTE* APPLICATION FOR ENTRY OF
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION
AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

Plaintiffs, Federation of the Swiss Watch Industry FH, Audemars Piguet Holding SA, Breitling SA, Breitling U.S.A. Inc., Hublot SA, Genève, Omega SA, Patek Philippe SA Geneve, Henri Stern Watch Agency, Inc., Turlen Holding SA, and LVMH Swiss Manufactures SA (“Plaintiffs”), hereby do apply, on an *ex parte* basis, for entry of a temporary restraining order, and upon expiration of the temporary restraining order, a preliminary injunction against Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule “A” hereto (“Defendants”) pursuant to 15 U.S.C. § 1116, Fed. R. Civ. P. 65, 28 U.S.C. section 1651(a), and the Court’s inherent authority. In support thereof, Plaintiffs submit the following Memorandum of Law.¹

I. INTRODUCTION

Defendants are knowingly and intentionally promoting, advertising, distributing, offering for sale, and selling goods bearing and/or using counterfeits and confusingly similar imitations of

¹ Plaintiffs filed their *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction (the “Application for TRO”) and the supporting declarations and exhibits with the Court in accordance with Local Rule 5.4(d), which requires, unless the Court directs otherwise, *ex-parte* filings be restricted from public view. However, Plaintiffs are not requesting the Court seal their Order on the Application for TRO. Further, Plaintiffs respectfully request that upon entry of the Court’s Order on the Application for TRO, the portions of the docket relating to Plaintiffs’ Application for TRO be returned to the public portion of the Court file.

one or more of Plaintiffs' registered trademarks within this district, and throughout the United States, through at least the fully interactive, commercial Internet websites operating under the domain names identified on Schedule "A" hereto ("Subject Domain Names").² Defendants' unlawful activities have caused and will continue to cause Plaintiffs irreparable injury. Among other things, Defendants (1) deprive Plaintiffs of their rights to determine the manner in which their trademarks are presented to the public through merchandising; (2) defraud the public into thinking Defendants' Counterfeit Goods are valuable, authorized goods of Plaintiffs; (3) deceive the public as to Plaintiffs' sponsorship of and/or association with Defendants' Counterfeit Goods and the websites through which such goods are marketed and sold; and (4) wrongfully trade and capitalize on Plaintiffs' reputations and goodwill and the commercial value of Plaintiffs' trademarks.

Moreover, Defendants have wrongfully damaged Plaintiffs' abilities to market their goods and educate consumers about their brands via the Internet in a free and fair marketplace and are participating in the creation and/or maintenance of an illegal marketplace on the World Wide Web (the "Web"), the purposes of which are to (i) confuse consumers regarding the source of Defendants' Counterfeit goods for profit, and (ii) expand the marketplace for unlawful goods bearing Plaintiffs' trademarks while shrinking the legitimate marketplace for genuine goods

² Some Defendants use their Subject Domain Names to act as supporting domain names to direct traffic to their fully interactive, commercial websites operating under other Subject Domain Names, from which consumers can complete purchases. (See Declaration of Virgilio Gigante in Support of Plaintiffs' Application for TRO, ("Gigante Decl.") ¶ 2, n.1.) Some of the supporting domain names, when accessed directly, appear to be blog style or non-operating websites; however, when visited from a search engine such as Google, visitors are redirected to the fully interactive websites operating under other Subject Domain Names. (*Id.*) Other supporting domain names either automatically redirect and forward to a fully interactive, commercial Internet website operating under one of the Subject Domain Names or redirect a consumer to a fully interactive, commercial Internet website operating under one of the Subject Domain Names upon clicking a product or link on the website. (*Id.*) Accordingly, the redirecting websites are identified as such in Schedule "A" hereto and the web pages for the Subject Domain Names which operate as redirecting websites are included with the web pages to which those sites redirect, as shown in Composite Exhibit "9" to the Complaint. (*Id.*)

Additionally, some Subject Domain Names do not offer the shopping cart feature; rather, consumers are able to browse the listings of Plaintiffs' branded products online via the websites, ultimately allowing customers to inquire and make direct purchases of the products via electronic communication, including e-mail and/or private messaging services such as WhatsApp and WeChat, or via phone. (*Id.* at ¶ 3, n.2.)

bearing Plaintiffs' trademarks. The natural and intended byproduct of Defendants' combined, concurrent actions is the erosion and destruction of the Swiss watch industry in which Plaintiffs operate and the goodwill associated with Plaintiffs' names and trademarks. Defendants are causing Plaintiffs ongoing irreparable harm. Accordingly, Plaintiffs seek entry of a temporary restraining order (i) prohibiting Defendants' wrongful use of Plaintiffs' trademarks and (ii) disabling Defendants' unlawful businesses operating under the Subject Domain Names.

II. STATEMENT OF FACTS

A. Plaintiffs' Rights.

The Federation of the Swiss Watch Industry FH (the "Federation") is the owner of the federally registered certification trademarks listed in Paragraph 5 of the Declaration of David Luther in Support of Plaintiffs' Application for TRO ("Swiss Marks") ("Luther Decl."), which are used in connection with the certification of watches and other horological instruments of Swiss origin. (See Declaration of David Luther in Support of Plaintiffs' Application for TRO ("Luther Decl.") ¶ 5, filed herewith; see also Certificates of Registrations for Swiss Marks attached as Comp. Ex. "1" to the Complaint.) The Federation is a non-profit trade association with its principal place of business in Bienne, Switzerland. The Federation and its predecessors have been protecting the interests of the Swiss watch industry for more than 150 years. The Federation is the Swiss watch industry's leading trade association with nearly 500 members, representing more than 90% of all Swiss watch manufacturers. (Luther Decl. ¶ 2.) The Federation is authorized by the Swiss government to enforce the standards established by Swiss law concerning the geographical origin and quality associated with Swiss watches and other horological instruments. (Luther Decl. ¶ 6.) The Federation obtained the Swiss Marks as part of its efforts to protect the use the Swiss geographical designation for watches. (Id.)

Audemars Piguet Holding SA is a member of the Federation and the owner of the federally registered trademarks listed in Paragraph 15 of the Declaration of David Luther ("Audemars Piguet Marks"), which are used in connection with the manufacture and distribution of high-quality watches and other horological instruments. (Luther Decl. ¶ 15; see also Certificates of Registrations for the Audemars Piguet Marks attached as Comp. Ex. "2" to the Complaint.)

Breitling SA is a member of the Federation and the owner of the federally registered trademarks listed in Paragraph 25 of the Declaration of David Luther ("Breitling Marks"), which

are used in connection with the manufacture and distribution of high-quality watches and other horological instruments. (Luther Decl. ¶ 25; see also Certificates of Registrations for the Breitling Marks at issue attached as Comp. Ex. “3” to the Complaint.). Breitling U.S.A. Inc. is a subsidiary of Breitling SA and is the exclusive distributor of Breitling brand watches in the United States.

Hublot SA, Genève is a member of the Federation and the owner of the federally registered trademarks listed in Paragraph 35 of the Declaration of David Luther (“Hublot Marks”), which are used in connection with the manufacture and distribution of high-quality watches and other horological instruments. (See Luther Decl. ¶ 35; see also Certificates of Registrations for the Hublot Marks at issue attached as Comp. Ex. “4” to the Complaint.)

Omega SA is a member of the Federation and the owner of the federally registered trademarks listed in Paragraph 45 (“Omega Marks”) of the Declaration of David Luther, which are used in connection with the manufacture and distribution of high-quality watches and other horological instruments. (Luther Decl. ¶ 45; see also Certificates of Registrations for the Omega Marks at issue attached as Comp. Ex. “5” to the Complaint.)

Patek Philippe SA Geneve, a member of the Federation, and Henri Stern Watch Agency, Inc. are the owners of the federally registered trademarks listed in Paragraph 55 (“Patek Philippe Marks”) of the Declaration of David Luther, which are used in connection with the manufacture and distribution of high-quality watches and other horological instruments. (Luther Decl. ¶ 55; see also Certificates of Registrations for the Patek Philippe Marks at issue attached as Comp. Ex. “6” to the Complaint.) Henri Stern Watch Agency, Inc. is a subsidiary of Patek Philippe SA Geneve and is the exclusive importer and distributor of brand watches in the United States.

Turlen Holding SA (“Turlen”) is a member of the Federation and the owner of the federally registered trademark listed in Paragraph 65 (“Richard Mille Mark”) of the Declaration of David Luther, which is used in connection with the manufacture and distribution of high-quality watches and other horological instruments. (See Luther Decl. ¶ 65; see also Certificates of Registrations for the Richard Mille Mark at issue attached as Comp. Ex. “7” to the Complaint.)

LVMH Swiss Manufactures SA is a member of the Federation and the owner of the federally registered trademarks listed in Paragraph 75 (“Tag Heuer Marks”) of the Declaration of David Luther, which are used in connection with the manufacture and distribution of high-quality watches and other horological instruments. (Luther Decl. ¶ 75; see also Certificates of Registrations for the Tag Heuer Marks at issue attached as Comp. Ex. “8” to the Complaint.)

The Swiss Marks, Audemars Piguet Marks, Breitling Marks, Hublot Marks, Omega Marks, Patek Philippe Marks, Richard Mille Mark, and Tag Heuer Marks (collectively “Plaintiffs’ Marks”) are symbols of Plaintiffs’ respective quality, reputations, and goodwill and have never been abandoned. (See Luther Decl. ¶¶ 9, 17, 27, 37, 47, 57, 67, 77.) Moreover, Plaintiffs have expended substantial resources developing, advertising, and otherwise promoting their respective trademarks. (Id. at ¶¶ 10, 19, 29, 39, 49, 59, 69, 79)

Furthermore, Plaintiffs extensively use, advertise, and promote Plaintiffs’ Marks in the U.S. in interstate commerce in association with high-quality goods, and carefully monitor and police the use of the trademarks. (Id. at ¶¶ 9, 13, 17–19, 22, 27–29, 32, 37–39, 42, 47–49, 52, 57–59, 62, 67–69, 72, 77–79, 82.) As a result, members of the trade and consuming public readily identify goods bearing Plaintiffs’ Marks as being quality merchandise sponsored and approved by Plaintiffs, and the respective Marks have achieved secondary meaning as identifiers of high-quality products. (Id. at ¶¶ 11–12, 20–21, 30–31, 40–41, 50–51, 60–61, 70–71, 80–81.) At all times relevant, Defendants have been aware of Plaintiffs’ (a) ownerships of Plaintiffs’ Marks; (b) exclusive rights to use and license such Marks; and (c) substantial goodwill embodied in, and favorable recognition for, Plaintiffs’ Marks.

B. Defendants Wrongfully Use Plaintiffs’ Trademarks.

Defendants do not have, nor have they ever had, the right or authority to use Plaintiffs’ Marks for any purpose. (Luther Decl. ¶ 85.) However, despite their known lack of authority to do so, Defendants are concurrently promoting and otherwise advertising, distributing, offering for sale and/or selling goods bearing and/or using counterfeit and infringing marks which are substantially indistinguishable from and/or colorable imitations of one or more of Plaintiffs’ Marks, without authorization (the “Counterfeit Goods”). (See Luther Decl. ¶¶ 85–87; Gigante Decl. ¶ 2; see also relevant web page captures from Defendants’ Internet websites operating under the Subject Domain Names displaying Defendants’ Counterfeit Goods offered for sale (“Defendants’ Websites”) attached as Comp. Ex. “9” to the Complaint [ECF Nos. 1-10 through 1-13], incorporated herein by reference.) Plaintiffs’ representative, who is fully familiar with the standards for certification concerning the use of the Swiss Marks and has been trained to identify the distinctions between genuine versions of Plaintiffs’ branded merchandise and counterfeit copies of the same, reviewed and visually inspected Defendants’ Websites, including images reflecting the various items bearing Plaintiffs’ Marks offered for sale by Defendants via the

websites operating under the Subject Domain Names and/or the websites to which those domain names redirect, and determined the products were non-genuine, unauthorized versions of Plaintiffs' products and do not comply with the certification standards for use of the Swiss Marks. (See Luther Decl. ¶¶ 86–87.)

Given Defendants' slavish copying of Plaintiffs' Marks, Defendants' Counterfeit Goods offered for sale and sold under identical marks are indistinguishable to consumers. Additionally, Defendants 1-6 (the "Cybersquatting Defendants") have fraudulently registered at least one of their respective domain names using names which incorporate at least one of Plaintiffs' Marks. By using Plaintiffs' Marks, Defendants have created a false association between their counterfeit and infringing goods and websites and Plaintiffs. Such false association is in violation of 15 U.S.C. § 1125(a) and is causing and will continue to cause Plaintiffs irreparable injury. Moreover, Cybersquatting Defendants' registration of domain names incorporating Plaintiffs' registered trademarks constitutes cybersquatting in violation of 15 U.S.C. § 1125(d).

Section 45 of the Lanham Act defines a "counterfeit" as "a spurious mark which is identical with, or substantially indistinguishable from, a registered mark." 15 U.S.C. § 1127. Also, using the "ocular test" of direct comparison, courts have found that even marks that are slightly modified from the registered marks copied are to be considered counterfeit marks. See Fimab-Finanziaria Maglificio vs. Helio Import/Export, Inc., 601 F. Supp. 1, 2 (S.D. Fla. 1983). A comparison of Plaintiffs' Marks to the marks used by Defendants in connection with the promotion and sale of Defendants' Counterfeit Goods reveals the obvious counterfeit and infringing nature of Defendants' Counterfeit Goods. (Compare Plaintiffs' Trademark Registrations [Comp. Exs. 1-8 to the Compl.] with Defendants' Websites [Comp. Ex. 9 to the Compl.])

Defendants' Counterfeit Goods are being promoted, advertised, offered for sale, sold, and/or displayed in search engine results pages by Defendants to consumers within this district and throughout the United States. (See Luther Decl. ¶¶ 85–87; Gigante Decl. ¶ 2; see also Defendants' Websites attached as Comp. Ex. 9 to the Compl.) Defendants are profiting by preying upon consumers, many of whom have no knowledge Defendants are defrauding them. Defendants' activities amount to nothing more than illegal operations, infringing on the intellectual property rights of Plaintiffs and others. The Subject Domain Names are a substantial part of the means by which Defendants further their scheme and cause harm to Plaintiffs.

C. Defendants Unfairly Compete with and Cause Indivisible Harm to Plaintiffs.

Defendants are all using counterfeits and infringements of Plaintiffs' respective famous names and Plaintiffs' Marks to make their websites appear more relevant and attractive to consumers searching for Plaintiffs' genuine goods and related information online. (Luther Decl. ¶ 96.) While each Defendant causes direct individual harm to Plaintiffs, the combined effect of Defendants' unlawful activities functions as a force multiplier to cause Plaintiffs a single indivisible harm. (*Id.* at ¶ 91.) In other words, they are all logically part of the same occurrence. For that reason, the Defendants are properly joined in this action pursuant to Fed. R. Civ. P. 20. See Bose Corp. v. The Partnerships and Unincorporated Ass'ns Identified on Schedule "A", 334 F.R.D. 511 (N.D. Ill. Feb. 19, 2020) (holding that the combined effect of the individual harm suffered by a plaintiff from online counterfeiters creates injuries to the plaintiff in the aggregate constituting an occurrence under Rule 20.)

Specifically, genuine goods bearing Plaintiffs' Marks are widely legitimately advertised, promoted, offered for sale, and discussed by Plaintiffs their authorized distributors and unrelated third parties via the Internet. (*See* Luther Decl. ¶ 88.) Visibility on the Web, particularly via Internet search engines and social media platforms, is important to Plaintiffs' overall marketing and consumer education efforts. (*Id.* at ¶ 89.) Plaintiffs jointly expend significant monetary resources on Internet marketing and consumer education regarding their products, including search engine optimization and social media strategies, which allows Plaintiffs and their authorized licensees to fairly educate consumers about the value associated with Plaintiffs' respective brands and the goods sold thereunder. (*Id.*; *see also* Compl. ¶¶ 33, 43, 53, 63, 73, 83, 93, 103.)

Counterfeiters such as Defendants have embraced similar marketing strategies to Plaintiffs and are concurrently leveraging it to cause greater and more significant harm to Plaintiffs. The combination of all Defendants engaging in the same exact illegal activity for the same purpose over the same time span causes Plaintiffs irreparable harm in a way that the individual actions occurring alone might not. *See, e.g., Bose Corp.*, 334 F.R.D. at 517 ("[Plaintiff] does not perceive any one counterfeiter to be the problem. Each injury by itself is relatively inconsequential to [Plaintiff]. Rather, it is the injuries in the aggregate . . . that is harmful and from which [Plaintiff] seeks shelter.") Defendants are jointly and concertedly harming Plaintiffs' marketing efforts on the Internet by blocking and consistently increasing the cost of online visibility for Plaintiffs' legitimate, authorized e-commerce websites. Moreover, the combination of the Defendants'

unlawful activities increases Plaintiffs’ and their licensees’ costs to market their genuine goods and educate consumers about their brands. Id. (“[Seeking relief against each member of the swarm one by one defies common sense, because it is the swarm—the fact that all Defendants are attacking at once—that is the defining aspect of the harm from which [Plaintiff] seeks relief.”.)

Defendants, each of whom is likely aware of the existence of the illegal marketplace and the activities of the others to perpetuate the same, are combining the force of their actions to cause individual, concurrent, and indivisible harm to Plaintiffs and consumers. (See Luther Decl. ¶ 97; Compl. ¶¶ 120–121.) See also Bose Corp., 334 F.R.D. at 517 (“Joinder of all defendants who are part of the swarm attacking [Plaintiff’s] trademarks flows easily from conceptualizing the swarm as the relevant Rule 20 ‘occurrence.’”) By engaging in market building strategies based upon an illegal use of Plaintiffs’ Marks, Defendants are jointly obliterating the otherwise open and available marketplace space in which Plaintiffs have the right to fairly market their goods and associated message. (See Luther Decl. ¶ 96.) Through their combined concurrent actions, Defendants are causing individual, concurrent, and indivisible harm to Plaintiffs and the consuming public by (i) depriving Plaintiffs and other third parties of the ability to fairly compete for space online and within search engine results and reducing the visibility of Plaintiffs’ genuine goods on the Web, (ii) causing an overall degradation of the value of the goodwill associated with Plaintiffs’ Marks, and (iii) creating and maintaining an illegal marketplace using the Web which perpetuates the ability of Defendants to confuse consumers and harm Plaintiffs with impunity. (See Luther Decl. ¶ 97.) See also Bose Corp., 334 F.R.D. at 517 (“From the plaintiff’s perspective . . . it is irrelevant whether the swarm is intentionally coordinated or simply a product of market forces enabled by the internet.”)

Meaningful space on the Web, including marketplace and social media advertisement space, is akin to real estate – there is only so much of it available. Website operators, including Plaintiffs and Defendants, expend significant resources incorporating concepts and popular search terms, such as Plaintiffs’ Marks, into their on-site and off-site content and advertising to promote visibility on the Web. A significant part of relevant market targeting involves reaching a specific demographic or profile based upon a user’s search terms. Plaintiffs are doing so through the use of their trademarks in which they have made a substantial economic investment, and Defendants are doing so through subterfuge and the unlawful use of Plaintiffs’ Marks. (See Luther Decl. ¶¶

89, 96.) Each Defendant is helping to create and maintain the overall illicit marketplace where they market and sell their respective goods and confuse consumers.

Plaintiffs, their trademark rights, and associated goodwill are suffering death by 1,000 cuts caused by the combined force of all Defendants' individual but concurrent unlawful activities. The combined force and effect of all of Defendants' actions are causing the single indivisible harm of the mass consumer confusion and the denial of Plaintiffs' rights to fairly compete for visibility on the Web.

III. ARGUMENT

A. A Temporary Restraining Order is Essential to Prevent Immediate Injury.

Plaintiffs are seeking entry of a temporary restraining order (i) prohibiting Defendants' further wrongful use of Plaintiffs' trademarks and (ii) disabling Defendants' websites operating under the Subject Domain Names during the pendency of this action. The requested relief is necessary to immediately stop Defendants' ongoing, intentional confusion of consumers and the associated irreparable harm occurring to Plaintiffs.

Rule 65(b) of the Federal Rules of Civil Procedure provides, in part, that a temporary restraining order may be granted without written or oral notice to the opposing party or that party's counsel where it clearly appears from the specific facts shown by affidavit "that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." Moreover, temporary restraining orders are available on an *ex parte* basis if the movant shows through an affidavit that there is a threat of intervening immediate, irreparable harm before the adverse party may be heard in opposition and the movant's attorney certifies in writing why notice should not be required. Fed. R. Civ. P. 65(b). As demonstrated herein, such irreparable and immediate injury will result to Plaintiffs if Defendants' wrongful activities are not immediately stopped by the issuance of a temporary restraining order.

Defendants fraudulently promote, advertise, offer to sell and sell goods bearing and/or using counterfeits and infringements of one or more of Plaintiffs' Marks via the Subject Domain Names. By their actions, Defendants are creating a false association in the minds of consumers between Defendants and Plaintiffs. Defendants are wrongfully using counterfeits of Plaintiffs' Marks to promote and attract customers to their website businesses and to expand their illegal marketplace to increase traffic to their illegal businesses which offer consumers a variety of

counterfeit and infringing goods, including Plaintiffs' branded goods. The entry of a temporary restraining order will serve to immediately stop Defendants from benefiting from their wrongful use of Plaintiffs' Marks and would preserve the status quo until such time as a hearing can be held. See Dell Inc. v. BelgiumDomains, LLC, Case No. 07-22674, 2007 WL 6862341, at *2 (S.D. Fla. Nov. 21, 2007) (finding *ex parte* relief more compelling where Defendants' scheme "is in electronic form and subject to quick, easy, untraceable destruction by Defendants.").

Absent a temporary restraining order without notice, Defendants can significantly alter the status quo before the Court can determine the parties' respective rights. The Subject Domain Names and associated websites at issue are under Defendants' complete control and they have the ability to modify registration data and content, change hosts and, most importantly, redirect traffic to other websites they control. (See Gigante Decl. ¶ 3.) Moreover, many Defendants operate Internet websites, which they optimize for the sale of counterfeit and infringing versions of Plaintiffs' branded merchandise. This process provides Defendants with their power to unfairly compete with Plaintiffs by catapulting their illegal websites into top search engine results. All that optimization power, built through the illegal use of Plaintiffs' Marks, can easily be transferred to a new domain name in a matter of minutes through what is known as a redirect to push traffic from the Subject Domain Names to new domains not yet identified. (See id. at ¶¶ 4–5.) The result would be 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 Plaintiffs' Marks. (See id. at ¶ 5.) In short, Defendants would completely erase the status quo by transferring all the benefits of their prior illegal activities to new websites. (See id. at ¶¶ 4–6.)

Federal courts have long recognized that civil actions against counterfeiters – whose very businesses are built around the deliberate misappropriation of rights and property belonging to others – present special challenges that justify proceeding on an *ex parte* basis. Columbia Pictures Indus., Inc. v. Jasso, 927 F. Supp. 1075, 1077 (N.D. Ill. 1996) (observing that "proceedings against those who deliberately traffic in infringing merchandise are often useless if notice is given to the infringers"); see also adidas AG v. 2013jeremyscottxadidas.com, No. 13-61867-Civ, 2013 WL 5306704 (S.D. Fla. Sept. 19, 2013) (Rosenbaum, R.) (Order granting *Ex Parte* Application for Temporary Restraining Order). This Court should prevent an injustice from occurring by issuing a temporary restraining order which precludes Defendants from continuing to display their infringing content via the websites operating under the Subject Domain Names and which, after

allowing an opportunity for objections, temporarily places control of the websites in the hands of the Court. Only such an order will prevent ongoing irreparable harm and maintain the status quo.

B. Standard for Temporary Restraining Order and Preliminary Injunction.

In this Circuit, the standard for obtaining a temporary restraining order and the standard for obtaining a preliminary injunction are the same. See Emerging Vision, Inc. v. Glachman, Case No. 10-cv-80734, 2010 WL 3293346, at *3 (S.D. Fla. June 29, 2010) (citing Siegel v. LePore, 120 F. Supp. 2d 1041 (S.D. Fla. 2000) aff'd 234 F.3d 1163 (11th Cir. 2000)). To obtain a temporary restraining order or a preliminary injunction, a party must establish “(1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that entry of the relief would serve the public interest.” Schiavo ex rel. Schindler v. Schiavo, 403 F.3d 1223, 1225 -26 (11th Cir. 2005); see also Levi Strauss & Co. v. Sunrise Int’l Trading Inc., 51 F.3d 982, 985 (11th Cir. 1995) (affirming entry of preliminary injunction). Plaintiffs’ evidence establishes all factors. Thus, preliminary injunctive relief is appropriate.

1. Probability of Success on the Merits of Plaintiffs’ Claims.

a) Likelihood of Success on Counterfeiting and Infringement Claims.

Title 15 U.S.C. §1114 provides liability for trademark infringement if, without the consent of the registrant, a defendant uses “in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive.” See e.g., Int’l Info. Sys. Sec. Certification Consortium v. Sec. Univ., LLC, 823 F.3d 153, 159-60 (2d Cir. 2016) (“the Lanham Act provides that certification marks are generally entitled to the same protection from infringement as are trademarks”); Am. Bd. of Psychiatry and Neurology, Inc. v. Johnson-Powell, 129 F.3d 1, 3 (1st Cir. 1997) (“A registered certification mark receives the same protection as a trademark.”). Plaintiffs must demonstrate (1) ownership of the trademarks at issue; (2) Defendants’ use of the trademarks is without Plaintiffs’ authorizations; and (3) Defendants’ use is likely to cause confusion, mistake, or deception as to the source, affiliation, or sponsorship of Defendants’

Counterfeit Goods. See 15 U.S.C. § 1114(1). Plaintiffs’ evidence submitted herewith satisfies the three requirements of 15 U.S.C. § 1114.

The first two elements of Plaintiffs’ trademark counterfeiting and infringement claims are easily met. Plaintiffs’ Marks are owned by Plaintiffs and registered on the Principal Register of the United States Patent and Trademark Office, and all of the trademarks have become “incontestable” under 15 U.S.C. §§ 1058 and 1065. (See Comp. Exs. 1-8 to the Compl.) See also Ocean Bio-Chem, Inc. v. Turner Network Television, Inc., 741 F.Supp. 1546, 1554 (S.D. Fla. 1990) (“Incontestable status provides conclusive evidence of the registrant’s exclusive right to use the registered mark, subject to §§ 15 and 33(b) of the Lanham Act.”). Moreover, Defendants have never had the right or authority to use Plaintiffs’ Marks. (Luther Decl. ¶ 85.)

The Eleventh Circuit uses a seven-factor test in determining the third element, likelihood of confusion. See Ross Bicycles, Inc. v. Cycles USA, Inc., 765 F.2d 1502, 1506 (11th Cir. 1985). These factors are: (1) the strength of the mark; (2) the similarity of marks; (3) the similarity of the goods; (4) similarity of the sales methods; (5) the similarity of advertising media; (6) defendants’ intent; and (7) evidence of actual confusion. See Safeway Store, Inc. v. Safeway Discount Drugs, Inc., 675 F.2d 1160, 1164 (11th Cir. 1982); see also Lipscher v. LRP Publ’ns, Inc., 266 F.3d 1305, 1303 (11th Cir. 1997). The seven factors listed are to be weighed and balanced and no single factor is dispositive. (Id.)

(1) Strength of the Marks.

It cannot be seriously disputed that Plaintiffs’ Marks are strong, arbitrary and fanciful marks and have acquired secondary meaning. Plaintiffs have expended substantial resources developing, advertising, and promoting Plaintiffs’ Marks. (Luther Decl. ¶¶ 10; 19, 29, 39, 49, 59, 69, 79.) Plaintiffs’ Marks enjoy widespread recognition and are prominent in consumers’ minds of. (Id. at ¶¶ 11–12, 20–21, 30–31, 40–41, 50–51, 60–61, 70–71, 80–81)

(2) Similarity of the Marks.

Likelihood of confusion is greater when an infringer uses the exact trademark. Turner Greenberg Assocs. v. C & C Imps., 320 F. Supp. 2d 1317, 1332 (S.D. Fla. 2004). Defendants are using marks which are identical to Plaintiffs’ Marks. (Compare Plaintiffs’ Trademarks [Comp. Exs. 1 – 8 to the Compl.] to Defendants’ infringing marks [Comp. Ex. 9 to the Compl.].)

(3) Similarity of the Goods.

“The greater the similarity between the products and services, the greater the likelihood of confusion.” John H. Harland Co. v. Clarke Checks, Inc., 711 F.2d 966, 976 (11th Cir. 1983). Defendants are selling the same types of goods sold under Plaintiffs Marks. (See Luther Decl. ¶ 85; see also Defendants’ Websites attached as Comp. Ex. 9 to the Compl.) Because they bear counterfeits of Plaintiffs’ Marks, Defendants’ Counterfeit Goods appear virtually identical to genuine goods bearing Plaintiffs’ Marks in the consumer market. Standing alone, this similarity can be held sufficient to establish a likelihood of confusion. See John H. Harland Co., 711 F.2d at 976.

(4) Similarity of Sales Method and (5) Advertising Method.

Convergent marketing channels increase the likelihood of confusion. See Turner Greenberg Assocs., 320 F. Supp. 2d at 1332. Genuine goods bearing Plaintiffs’ Marks and Defendants Counterfeit Goods are sold and advertised using at least one of the same marketing channels, the Internet, in the same geographical areas within the United States, including the Southern District of Florida. (See Luther Decl. ¶¶ 10, 19, 29, 39, 49, 59, 69, 79, 88; see also Defendants’ Websites attached as Comp. Ex. 9 to the Compl.) Thus, the conditions of purchase for both parties are unmistakably identical, and Plaintiffs are directly competing with Defendants’ products.

(6) Defendants’ Intent.

This district has held that when an alleged infringer adopts a mark “with the intent of obtaining benefit from the plaintiff’s business reputation, ‘this fact alone may be sufficient to justify the inference that there is confusing similarity.’” Turner Greenberg Assocs., 320 F. Supp. 2d at 1333, citing Carnival Corp. v. Seaescape Casino Cruises, Inc., 74 F. Supp.2d 1261, 1268 (S.D. Fla. 1999). In a case of clear-cut copying such as that by the Defendants herein, it is appropriate to infer Defendants intended to benefit from Plaintiffs’ reputations, to Plaintiffs’ detriment. See Playboy Ent., Inc. v. P.K. Sorren Export Co. Inc. of Fla., 546 F. Supp. 987, 996 (S.D. Fla. 1982).

(7) Evidence of Actual Confusion.

Actual confusion is unnecessary to establish infringement since the test is likelihood of confusion. See Frehling Enters. v. Int'l Select Group, Inc., 192 F.3d 1330, 1340 (11th Cir. 1999). However, it is reasonable to infer actual confusion exists in the marketplace based upon Plaintiffs' circumstantial evidence. Defendants are advertising, offering to sell and selling counterfeit goods identical in appearance to genuine goods bearing Plaintiffs' Marks. (See Luther Decl. ¶¶ 85–87; see also Defendants' Websites attached as Comp. Ex. 9 to the Compl.) Even if buyers are told of the bogus nature of Defendants' Counterfeit Goods, other consumers viewing Defendants' Counterfeit Goods in a post-sale setting will obviously be confused, because they are viewing goods bearing Plaintiffs' Marks creating the impression they are viewing genuine goods bearing Plaintiffs' Marks. Such post-sale confusion is entirely actionable. See Remcraft Lighting Products, Inc. v. Maxim Lighting, Inc., 706 F. Supp. 855, 859 (S.D. Fla. 1989) (“The likelihood of confusion need not occur at wholesale level when the end user will be confused.”).

The above seven factors weigh only in Plaintiffs' favor. Plaintiffs have therefore shown a probability of success on the merits of their trademark counterfeiting and infringement claim.

b) Likelihood of Success on False Designation of Origin Claim.

As with a trademark infringement claim, the test for liability for false designation of origin under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), is also whether the public is likely to be deceived or confused by the similarity of the marks at issue. Two Pesos, Inc., 505 U.S. at 780. Whether the violation is called infringement, unfair competition or false designation of origin, the test is identical -- is there a “likelihood of confusion?” Id. Because Plaintiffs have established the merits of their trademark counterfeiting and infringement claims against Defendants, a likelihood of success is also shown as to Plaintiffs' false designation of origin claim.

c) Likelihood of Success on Cybersquatting Claim.

The Anticybersquatting Consumer Protection Act (“ACPA”) protects the owner of a distinctive or famous trademark from another's bad faith intent to profit from the trademark owner's mark by registering or using a domain name which is identical or confusingly similar to, or dilutive of, the trademark owner's mark without regard to the goods or services of the parties. 15 U.S.C. § 1125(d). To prevail under 15 U.S.C. § 1125(d), Plaintiffs must prove (1) their trademarks are distinctive or famous and entitled to protection; (2) Defendants' domain names are

identical or confusingly similar to Plaintiffs' trademarks; and (3) Defendants registered or used the domain names with a bad faith intent to profit. Bavaro Palace, S.A. v. Vacation Tours, Inc., 203 Fed.Appx 252, 256, 2006 WL 2847233, at *3 (11th Cir. 2006). Plaintiffs' evidence submitted herewith satisfies the requirements of 15 U.S.C. §1125(d).

The Cybersquatting Defendants have registered at least one of their respective domain names, which incorporate at least one of Plaintiffs' Marks in its entirety surrounded by descriptive or generic terms, rendering the domain names nearly identical to the respective Plaintiffs' Marks (the "Cybersquatted Subject Domain Names"). See Victoria's Cyber Secret Ltd. v. V Secret Catalogue, Inc., 161 F.Supp. 2d 1339, 1351 (S.D. Fla. 2001) ("The taking of an identical copy of another's famous and distinctive trademark for use as a domain name creates a presumption of confusion among Internet users as a matter of law."). Moreover, Courts have found that even slight differences between a domain name and a registered mark, such as the addition of minor or generic words to the disputed domain name, is irrelevant. See Ford Motor Co. v. Greatdomains.com, Inc., 177 F. Supp. 2d 635, 642 (E.D. Mich. 2001) (holding "unless words or letters added to the plaintiff's mark within the domain name clearly distinguish it from the plaintiff's usage, allegations that a domain name incorporates a protected mark generally will suffice.").

The ACPA lists nine nonexclusive factors for courts to consider in determining whether a domain name has been registered or used in "bad faith" with an intent to profit from a mark in registering or using the mark in a domain name. See 15 U.S.C. § 1125(d)(1)(B)(i); see also Victoria's Cyber Secret Ltd., 161 F. Supp. 2d at 1346. The nine factors are not meant to be exclusive and the Court may consider all relevant factors in making a determination of bad faith. Id. at 1347. Ultimately, each factor addresses whether "the defendant's use of the disputed domain name is legitimate- i.e., for some purpose other than simply to profit from the value of the trademark." Ford Motor Co., 177 F. Supp 2d at 642. An examination of the bad faith factors compels the conclusion that the Cybersquatting Defendants' registration and use of the Cybersquatted Subject Domain Names violates 15 U.S.C. § 1125(d).

The first and third factors, §1125(d)(1)(B)(I) and (III), are clearly present inasmuch as the Cybersquatting Defendants have no rights in Plaintiffs' Marks, and the Cybersquatting Defendants have never used Plaintiffs' Marks in connection with a bona fide offering of goods or services. Additionally, the fourth, fifth, and ninth factors, § 1125(d)(1)(B)(IV), (V), (IX), weigh in Plaintiffs' favor. the Cybersquatting Defendants have clearly intentionally incorporated at least

one of Plaintiffs' Marks in their Cybersquatted Subject Domain Names to divert consumers looking for Plaintiffs' websites to their own websites for commercial gain. Consumers are likely to be confused as to the source and sponsorship of the Cybersquatting Defendants' websites and mistakenly believe the websites are endorsed by and/or affiliated with Plaintiffs, especially since the websites are offering for sale unlawful goods bearing Plaintiffs' Marks. The Cybersquatting Defendants' registration of the Cybersquatted Subject Domain Names to sell and offer for sale unlawful goods bearing Plaintiffs' Marks, knowing the domain names are identical or confusingly similar to Plaintiffs' indisputably famous and distinctive marks ensures a likelihood of confusion among consumers. See House Judiciary Committee Report on H.R. 3028, H.R. Rep. No. 106-412 p.13 (October 25, 1999) ("The more distinctive or famous a mark has become, the more likely the owner of that mark is deserving of the relief available under this act."). Thus, Plaintiffs have shown a likelihood of success on the merits of the cybersquatting claim.

d) Likelihood of Success on Common Law Unfair Competition and Common Law Trademark Infringement Claims.

Whether a defendant's use of a plaintiff's trademarks creates a likelihood of confusion between the plaintiff's and the defendant's products is also the determining factor in the analysis of unfair competition under the common law of Florida. See Planetary Motion, Inc. v. Techsplosion, Inc., 261 F.3d 1188, 1193 n.4 (11th Cir. 2001) ("Courts may use an analysis of federal infringement claims as a 'measuring stick' in evaluating the merits of state law claims."). Additionally, the analysis of liability for Florida common law trademark infringement is the same as the analysis of liability for trademark infringement under § 32(a) of the Lanham Act. PetMed Express, Inc. v. MedPets.com, Inc., 336 F. Supp. 2d 1213, 1217-18 (S.D. Fla. 2004). Plaintiffs have satisfied the elements of their trademark counterfeiting and infringement claim, establishing a likelihood of confusion exists herein. Thus, Plaintiffs are also likely to succeed on the merits of their common law unfair competition and trademark infringement claims.

2. Plaintiffs are Suffering Irreparable Injury.

As the Eleventh Circuit expressed it: "[A] sufficiently strong showing of likelihood of confusion [caused by trademark infringement] may by itself constitute a showing of ... [a] substantial threat of irreparable harm." Ferrellgas Ptnrs., L.P. v. Barrow, 143 Fed. Appx., 180, 191 (11th Cir. 2005) (citing McDonald's Corp. v. Robertson, 147 F.3d 1301, 1310 (11th Cir. 1998)).

Such a finding of irreparable injury following a showing of likelihood of confusion is virtually always made in a case such as this, where Plaintiffs have demonstrated they will lose control of their reputations as a result of Defendants' activities. Id. A likelihood of confusion exists herein because Defendants have engaged in counterfeiting and infringing activities using spurious designations indistinguishable from Plaintiffs' Marks.

3. The Balance of Hardship Tips Sharply in Plaintiffs' Favor.

Plaintiffs have expended substantial money and other resources to develop the quality, reputation, and goodwill associated with Plaintiffs' Marks. (See Luther Decl. ¶¶ 9–10; 17–19; 27–29; 37–39; 47–49; 57–59; 67–69; 77–79.) Should Defendants be permitted to continue their trade in counterfeit goods, Plaintiffs will suffer losses and damage to their reputations. However, Defendants will suffer no legitimate hardship in the event a temporary restraining order is issued, because Defendants have no right to engage in their present counterfeiting and infringing activities.

4. The Relief Sought Serves the Public Interest.

Defendants are engaged in illegal activities and are directly defrauding the consuming public by palming off Defendants' Counterfeit Goods as genuine goods bearing Plaintiffs' Marks. The public has an interest in not being misled as to the origin, source or sponsorship of trademarked products. See Nailtiques Cosmetic Corp. v. Salon Sciences, Corp., 1997 WL 244746, 5, 41 U.S.P.Q.2d 1995, 1999 ((S.D. Fla.1997) ("The interests of the public in not being victimized and misled are important considerations in determining the propriety of granting injunctive relief.")).

C. The Equitable Relief Sought is Appropriate.

The Lanham Act authorizes courts to issue injunctive relief "according to principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of the registrant of a mark" 15 U.S.C. § 1116(a).

1. Entry of an Order Immediately Enjoining Defendants' Unauthorized Use of Plaintiffs' Trademarks is Appropriate.

Plaintiffs request an order requiring Defendants immediately cease all use of Plaintiffs' Marks, or substantially similar marks, including on or in connection with all Internet websites and domain names owned, operated, or controlled by them. Such relief is necessary to stop the ongoing harm to Plaintiffs' trademarks and goodwill and to prevent Defendants from continuing to benefit

from the increased traffic to their illegal website operations created by their unlawful use of Plaintiffs' Marks. This court and others have authorized immediate injunctive relief in similar cases involving the unauthorized use of trademarks.³

2. Entry of an Order Prohibiting Transfer of the Domain Names During the Pendency of this Action is Appropriate.

To preserve the status quo, Plaintiffs seek an order temporarily modifying control of and prohibiting Defendants from transferring the Subject Domain Names to other parties. Under the operating rules of domain name registrars, defendants involved in domain name litigation easily can, and often will, change the ownership of a domain name and thereby frustrate the court's ability to provide relief to the plaintiff. (Gigante Decl. ¶¶ 4–6.) Moreover, Defendants can modify website content to thwart discovery and redirect traffic to other websites to thwart effective injunctive relief. (See *id.*) Accordingly, to preserve the status quo and ensure the possibility of eventual effective relief, courts in trademark cases involving domain names regularly grant such relief.⁴ Here, an interim order prohibiting Defendants from transferring the Subject Domain Names poses

³ Adidas AG v. adidasco.com, No. 22-cv-61170-RAR (S.D. Fla. June 23, 2022) (Order Granting *Ex Parte* Application for Entry of Temporary Restraining Order); Adidas AG v. adidasfactoryoutlet.com, No. 22-cv-62597-RAR (S.D. Fla. Jan. 14, 2022) (same); Adidas AG v. Individuals, Business Entities, and Unincorporated Ass'ns, No. 21-cv-61996-RAR (S.D. Fla. Sept. 29, 2021) (same); Chanel, Inc. v. Individuals, Business Entities & Unincorporated Ass'ns, No. 21-cv-61640-RAR (S.D. Fla. Aug. 12, 2021) (same); Chanel, Inc. v. 2ureplicachanel.com, No. 21-cv-60335-RAR (S.D. Fla. Feb. 16, 2021) (same); Chanel, Inc. v. chanelbags.ru, No. 20-cv-62335-RAR (S.D. Fla. Nov. 18, 2020) (same). See also, Malletier v. Aaalvsale.com, No. 21-60790-CIV-BLOOM, 2021 U.S. Dist. LEXIS 72733 (S.D. Fla. April 14, 2021) (same); Chanel, Inc. v. Replicaschanelstore.com, No. 20-62554-CIV-RUIZ, 2020 U.S. Dist. LEXIS 248399 (S.D. Fla. Dec. 17, 2020) (same); Omega v. Bestreplicaomega.com, No. 19-62702-CIV-ALTMAN, 2019 U.S. Dist. LEXIS 223665 (S.D. Fla. Nov. 5, 2019) (same); adidas AG v. 1jerseys.com, No. 18-63164-CIV-DIMITROULEAS, 2019 U.S. Dist. LEXIS 43046 (S.D. Fla. Jan. 2, 2019) (same).

⁴ See, e.g., Adidas AG v. adidasco.com, No. 22-cv-61170-RAR (S.D. Fla. June 23, 2022) (prohibiting Defendants from transferring, *inter alia*, domain names during pendency or until further Order of the Court); Adidas AG v. adidasfactoryoutlet.com, No. 22-cv-62597-RAR (S.D. Fla. Jan. 14, 2022) (same); Adidas AG v. Individuals, Business Entities, and Unincorporated Ass'ns, No. 21-cv-61996-RAR (S.D. Fla. Sept. 29, 2021) (same); Chanel, Inc. v. 2ureplicachanel.com, No. 21-cv-60335-RAR (S.D. Fla. Feb. 16, 2021) (same); Tiffany (NJ) LLC v. tiffanycorp.cn, No. 20-cv-61980-RAR (S.D. Fla. Oct. 20, 2020) (same). See also, Malletier v. Aaalvsale.com, No. 21-60790-CIV-BLOOM, 2021 U.S. Dist. LEXIS 72733 (S.D. Fla. April 14, 2021) (same); Chanel, Inc. v. Replicaschanelstore.com, No. 20-62554-CIV-RUIZ, 2020 U.S. Dist. LEXIS 248399 (S.D. Fla. Dec. 17, 2020) (same).

no burden on them, preserves the status quo, and ensures that this Court, after fully hearing the merits of this action, will be able to afford Plaintiffs full relief.

3. Entry of an Order Modifying Control, Redirecting, and Disabling the Subject Domain Names is Appropriate.

Courts recognize an interim order redirecting, transferring, disabling, or canceling the offending domain names displaying the counterfeit goods is the only means of affording a plaintiff interim relief that avoids irreparable harm. Accordingly, in order to disable, and redirect the Subject Domain Names, Plaintiffs request the Court enter an order requiring the registrars and the registries that maintain the Top Level Domain (“TLD”) Zone files for the Subject Domain Names change the registrar of record for the Subject Domain Names to a holding account with a Registrar of Plaintiffs’ choosing, where they will be held in trust for the Court during the pendency of this action and set to automatically redirect to Plaintiffs’ designated serving notice website appearing at the URL <http://servingnotice.com/WoS5n1/index.html>.⁵ Upon such redirection, a copy of the pleadings, documents, and Court orders issued in this matter will be visible to Defendants the moment they type any of their own domain names into their web browsers. The Subject Domain Names would remain in Defendants’ legal ownership, but they would no longer be able to display infringing and counterfeit website content at issue in this matter. Rather, this would serve as an

⁵ Such relief regarding a change of registrars was granted by this Court in Adidas AG v. adidasco.com, No. 22-cv-61170-RAR (S.D. Fla. June 23, 2022); Adidas AG v. adidasfactoryoutlet.com, No. 21-cv-62597-RAR (S.D. Fla. Jan. 14, 2022); Chanel, Inc. v. Individuals, Business Entities & Unincorporated Ass’ns, No. 21-cv-61640-RAR (S.D. Fla. Aug. 12, 2021); Chanel, Inc. v. chanelbags.ru, No. 20-cv-62335-RAR (S.D. Fla. Nov. 18, 2020); Tiffany (NJ) LLC v. tiffanycorp.cn, No. 20-cv-61980-RAR (S.D. Fla. Oct. 20, 2020); ABS-CBN Corporation v. 123fullpinoymovies.com, Case No. 20-cv-61628-RAR (S.D. Fla. Aug. 17, 2020); Goyard St-Honore v. goyard.org.uk, No. 19-cv-62926-RAR (S.D. Fla. Nov. 26, 2019); and by other Courts in this District in and other Courts in Malletier v. Aaalvsale.com, No. 21-60790-CIV-BLOOM, 2021 U.S. Dist. LEXIS 72733 (S.D. Fla. April 14, 2021); Chanel, Inc. v. Replicaschanelstore.com, No. 20-62554-CIV-RUIZ, 2020 U.S. Dist. LEXIS 248399 (S.D. Fla. Dec. 17, 2020); adidas AG v. 1jerseys.com, No. 18-63164-CIV-DIMITROULEAS, 2019 U.S. Dist. LEXIS 43046 (S.D. Fla. Jan. 2, 2019); Abercrombie & Fitch Trading Co. v. abercrombiesirelands.com, No. 17-61810-CIV-SCOLA, 2017 U.S. Dist. LEXIS 154730, 2017 WL 4232570 (S.D. Fla. Sep. 20, 2017); Louis Vuitton Malletier, S.A. v. 2015shoplvhandbag.com, No. 15-62531-CIV-BLOOM, 2015 U.S. Dist. LEXIS 181451 (S.D. Fla. Dec. 7, 2015); Chanel, Inc. v. aestheticase.com, No. 15-60846-CIV-COHN, 2015 U.S. Dist. LEXIS 180207 (S.D. Fla. Apr. 24, 2015).

effective means of notifying Defendants of the pendency of this action, the relief sought by Plaintiffs, and affording them and any other interested parties with an opportunity to object.

D. A Bond Should Secure the Injunctive Relief.

The posting of security upon issuance of a temporary or preliminary injunction is vested in the Court's sound discretion. Fed. R. Civ. P. 65(c). Because of the strong and unequivocal nature of Plaintiffs' counterfeiting evidence, Plaintiffs respectfully request this Court require them to post a bond of no more than ten thousand dollars (\$10,000.00), subject to increase at the Court's discretion should an application be made in the interest of justice.

IV. CONCLUSION

In view of the foregoing, Plaintiffs respectfully request this Court grant their *ex parte* application and enter a temporary restraining order as to Defendants in the form submitted herewith, and schedule a hearing on Plaintiffs' Motion for Preliminary Injunction before the expiration of the temporary restraining order.

DATED: October 31, 2022.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: s/Virgilio Gigante

Stephen M. Gaffigan (Fla. Bar No. 025844)

Virgilio Gigante (Fla. Bar No. 082635)

T. Raquel Wiborg-Rodriguez (Fla. Bar. No. 103372)

401 East Las Olas Blvd., Suite 130-453

Ft. Lauderdale, Florida 33301

Telephone: (954) 767-4819

Facsimile: (954) 767-4821

E-mail: Stephen@smgpa.net

E-mail: Leo@smgpa.net

E-mail: Raquel@smgpa.net

Attorneys for Plaintiffs

SCHEDULE “A”
DEFENDANTS BY NUMBER AND SUBJECT DOMAIN NAME

Defendant Number	Defendant / Subject Domain Name	Associated Redirect
1	bestintimes.me	
1	1-1clone.com	
1	aaa-replica.com	hellorolex.so
1	amazingwatches.org	
1	apwatch.net	
1	apwatchchat.com	bestintimes.me
1	apwatches.net	apwatch.net
1	bassreplica.com	
1	bestapwatch.com	
1	bestenuhren.net	replicauhrenat.com
1	bestenuhrens.com	replicauhrenat.com
1	bestintimes.com	bestintimes.me
1	bestreplica.org	timereps.org
1	cchopardtimes.com	
1	ccluxury.org	
1	chattimes.me	
1	chopardforum.com	cchopardtimes.com
1	cinwatches.me	rolexforsale.me
1	clocktowerss.com	kuvarsitshop.com
1	cloneppwatch.com	finetimepieces.net
1	cmblogwatch.net	pureintime.net
1	cuwatch.com	
1	dermowatch.org	
1	detimer.net	replicauhrenat.com
1	dreampanerai.com	holapanerai.me
1	emyoku.com	bassreplica.com
1	fakewatchesswiss.com	usreplicas.com
1	falsiorologi.it	
1	farleftwatch.org	bassreplica.com
1	finetimepieces.net	
1	gradeclonewatch.com	perfect-clones.com
1	gradeonewatch.com	
1	hbuyings.me	

1	hellointimes.com	rolexforsale.me
1	hellopanerai.net	holapanerai.me
1	hellorolex.so	
1	hellorolexwatch.com	hellorolex.so
1	hellorollie.com	hellorolex.so
1	highreplicasshop.com	hellorolex.so
1	hireplica.com	ireplicas.com
1	holapanerai.me	
1	holatime.me	
1	hotreplicas.net	
1	innotizen.com	perfect-clones.com
1	ireplicas.com	
1	jfppwatch.com	pureintime.net
1	jfreplicawatch.com	ppfake.net
1	joinwatch.net	
1	juliuswatch.info	
1	king-watches.cn	
1	kuvarsitshop.com	
1	kuvarsitwatches.com	kuvarsitshop.com
1	linkpops.net	replicauhrenat.com
1	lreplica.com	ireplicas.com
1	luxurypaneraisale.com	hellorolex.so
1	magicrolex.com	finetimepieces.net
1	menwatchessell.com	bassreplica.com
1	mrepwatches.com	paywatches.net
1	multiluxury.com	bassreplica.com
1	nurrawatches.com	hellorolex.so
1	ok-replica.net	
1	okreplicaclock.com	tswatchesltd.com
1	okreplicawatch.com	pureintime.net
1	okrepliquemontre.com	
1	omegachat.me	
1	omegaforsale.me	king-watches.cn
1	omegasweden.org	paywatches.net
1	paybestwatch.net	paywatches.net
1	paywatches.me	paywatches.net
1	paywatches.net	
1	perfake.me	
1	perfect-clones.com	
1	pfcmarek.me	

1	popwatch.org	king-watches.cn
1	porwatch.com	paywatches.net
1	ppfake.net	
1	pureintime.net	
1	puretime03.me	
1	puretimes.me	
1	puretimeswatch.com	puretimes.me
1	replicachopard.com	cchopardtimes.com
1	replicaomegasale.com	zowatch.com
1	replicatopwatches.com	
1	replicauhrenat.com	
1	replica-watch.net	bassreplica.com
1	replicawatchonline.com	usreplicas.com
1	repswatch.org	hellorolex.so
1	rmclone.com	
1	rolexforreplica.com	
1	rolexforsale.me	
1	roowatch.com	zowatch.com
1	skytime.biz	
1	skytimepiece.com	winreplicas.com
1	skytimepiece.org	skytime.biz
1	swisspanerai.com	holapanerai.me
1	swisswatchsales.com	puretimes.me
1	swisswatchessite.com	hellorolex.so
1	tagsea.me	
1	timepiecebuy.org	
1	timereps.org	
1	topgradewatch.com	perfect-clones.com
1	toppuretime.com	puretimes.me
1	topswissclock.com	topwatchesstore.com
1	topwatchesstore.com	
1	topwatchshop.org	perfake.me
1	trustytime88.com	
1	trustytimewatch.com	
1	tswatches.me	tswatchesltd.com
1	tswatchesltd.com	
1	tswatchshop.com	tswatchesltd.com
1	tttime.co	
1	usjaeger.com	watchesclocks.me
1	usreplicas.com	

1	uswissale.me	hellorolex.so
1	vreplicawatches.com	
1	vshublot.com	trustytime88.com
1	watchesclocks.me	
1	watchindiscount.com	bassreplica.com
1	watchpig.com	bassreplica.com
1	winreplicas.com	
1	ywatch.org	king-watches.cn
1	zowatch.com	
1	zowatch.me	zowatch.com
2	affactorywatches.com	
2	arfactory.com.cn	
2	arwatches.org	
2	bestreplicawatch.cn	
2	bestswiss.net	
2	bestwatchesrolex.com	
2	breitlingreplicawatch.com	
2	copypatekphilippe.com	
2	copyrolexdaytona.com	
2	discountwatches.cn	
2	fakepatekwatches.com	
2	fakewatchesrolex.com	
2	menswatches.com.cn	
2	newlongines.com	
2	omegashop.net.cn	
2	patek-philipe.com	
2	repicalongines.net	
2	repicapatekphilippe.com	
2	repicawatch.ac.cn	
2	repicawatchesmap.org	
2	watchesoutlet.com.cn	
3	omegafamily.co	
4	allswisswatch.eu	allswisswatch.is
4	allswisswatch.is	
4	elitereplicawatch.eu	elitereplicawatch.is
4	elitereplicawatch.is	
4	replicahaus.ca	
4	replicahause.com.au	
4	replicahause.fr	
4	replicahause.is	

4	shopreplica.eu	
4	thereplicahaus.es	
5	betterbuywatches.com	replicamagicwatch.to
5	betterbuywatches.me	replicamagicwatch.to
5	e-luxurywatches.com	replicamagicwatch.to
5	e-luxurywatches.me	replicamagicwatch.to
5	replicamagic.is	
5	replicamagicwatch.me	
5	replicamagicwatch.to	
5	suitewatches.com	replicamagicwatch.to
5	swissexpert.me	replicamagicwatch.to
5	swissexpert.net	replicamagicwatch.to
5	swissreplicas.to	
5	watchsourceguide.com	replicamagicwatch.to
6	luxurywatchreplica.com	
6	noobfactorywatch.com	
6	noobreplicawatches.com	
6	repicaluxurywatch.com	
6	replicasale.online	
6	replicasale.vip	
6	replicawatchprice.com	
6	swissclonewatch.com	
6	swissluxuryreplica.com	
6	swissreplicashop.com	
6	swisswatches.vip	
7	361watches.com	
8	aaareplicawatch.co	aaa-replicawatch.co
8	aaa-replicawatch.co	
9	affordablewatches.ru	
10	annashop.com.ua	
11	biao.sr	
12	avenwatchesalike.co	
13	bywatch.co	
14	chasy-vip.by	
15	chinanoobwatch.cx	
15	replicachinawatch.cc	
16	chinwatch.co	
17	choosepopwatches.co	
18	cheapestwrist.co	
18	cheapestwrist.com	cheapestwrist.co

18	chrono4usale.co	
18	chronosale.co	chrono4usale.co
18	highluxurystore.co	
19	classicwatchess.com	
20	clonesuperwatch.io	
20	clonesuperwatch.ru	clonesuperwatch.io
21	cloudwatches.co	
21	x-watch.co	x-watches.co
21	x-watches.co	
22	contests4moms.com	watchcopy.live
22	watchcopy.live	
23	copwatchalike.co	copywatchalike.is
23	copywatchalike.co	copywatchalike.is
23	copywatchalike.is	
24	dealerclocks.shop	
24	dealerclocks.to	
25	deuhr.de	
26	donghosieure.vn	
27	eta-uhren.de	
28	fakewatchesforsell.com	
28	salefakewatches.com	
29	frmontre.fr	
29	replicareloj.co	
29	rrwatch.co	
29	watchfeed.co	
30	frs.fo	
31	hahabags.ru	ihahabags.ru
31	ihahabags.ru	
32	hontwatch.ru	
33	intime05.co.uk	
34	intime06.co	
35	intimereplica.co	
36	intimewatch.net	
37	iwatchclone.co	
38	jemontres.co	
39	jtime.io	
40	luxurypurse.cn	
40	replicaswatches.co	
40	ukwatches.cn	
41	magazin1.replicano.org	

42	minutka.by	
43	montrereplique.co	
44	montresdeluxe.co	
45	mywatches.com.pk	
45	replicawatches.pk	
45	rshop.com.pk	
46	noobwristwatch.net	
47	onlinewatcha.com	
48	orologiit.it	
49	orologireplicablog.com	
50	oscarfreirerelojoaria.com.br	
51	otxwatches.net	
52	perfectreplicawatch.to	perfectreplicawatches.to
52	perfectreplicawatches.to	
53	pkwatchstore.com	
54	pro-watch.co	
54	relojline.co	
54	watch-demo.cc	
54	watchesgoing.co	pro-watch.co
55	relojesreplicas.es	
55	relojessuizosdelujo.com	
55	replicasrelojesbaratos.com	
55	replikuhrenshop.de	
56	replicamade.is	
57	replica-relojes.es	
57	replicas-relojs.es	
58	replicashop1.com.ua	
59	replicas-relojes.es	
60	replica-uhren-shop.cc	
61	replicawatchreport.co	replicawatchreports.co
61	replicawatchreports.co	
62	rolexwanduhr.de	
63	royalwatches.pk	
64	skywalt.com	
65	teatorivellino.it	
66	thefakewatches.com	
67	time-expert.com.ua	
68	trb88.club	
69	trustytimewatch88.io	
70	vipwatches.eu	

71	vogkopi.com	
72	vollmer-replica.com	
73	watchesi.co	
73	watchi.co	watchesi.co
74	watchesproduct.com	
74	watcheswork.com	
75	watchesyoga.io	
76	watchhutuk.com	
77	watch-paradise-1.ru	
77	watch-paradise-1.su	watch-paradise-1.ru
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