

**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.

**DECLARATION OF VIRGILIO GIGANTE IN SUPPORT OF PLAINTIFFS’
MOTION FOR ENTRY OF FINAL DEFAULT JUDGMENT AGAINST DEFENDANTS**

I, Virgilio Gigante, declare and state as follows:

1. I am an attorney duly authorized and licensed to practice law before all courts in the State of Florida and the Southern District of Florida. I am counsel of record for 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”) in the above captioned action. I submit this Declaration in support of Plaintiffs’ Motion for Entry of Final Default Judgment against Defendants, the Individuals, Business Entities, and Unincorporated Associations Identified on Schedule “A” to Plaintiffs’ Motion for Entry of Final Default Judgment (collectively “Defendants”) and, if called upon to do so, I could and would competently testify to the following facts set forth below.

2. Prior to filing this action, my firm accessed each of the commercial Internet websites operating under Defendants’ domain names identified on Schedule “A” to Plaintiffs’

Complaint (the “Subject Domain Names”).¹ The websites advertised, offered for sale, and/or promoted products bearing counterfeits of one or more of Plaintiffs’ trademarks at issue in this action. The websites were fully-interactive and allowed users to browse the online stores for products bearing Plaintiffs’ trademarks, add products to the online shopping carts, proceed to a point of checkout, and otherwise actively exchange data electronically. True and correct copies of the relevant web pages my firm captured reflecting samples of the Internet websites operating under the Subject Domain Names displaying Defendants counterfeit goods offered for sale using Plaintiffs’ trademarks are attached to Plaintiffs’ Complaint as Composite Exhibit “9” [ECF Nos. 1-10 through 1-13].

3. On November 8, 2022, Plaintiffs served Defendants with their respective Summons and a copy of the Complaint.

4. The time allowed for Defendants to respond to the Complaint has expired.

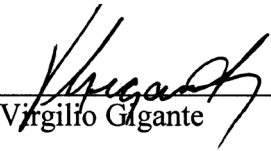
5. To date, Defendants have not filed any responsive pleadings to the Complaint, have not requested an enlargement of time to respond to the Complaint, nor have Defendants entered a formal appearance *pro se* or by counsel on their behalf.

¹ 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. 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. 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. Accordingly, the redirecting websites are identified as such in Schedule “A” to the Plaintiffs’ Motion for Final Default Judgment 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.

6. I am informed and believe that Defendants are not infants or incompetent persons, and, upon information and belief, the Servicemembers Civil Relief Act does not apply.

7. On December 1, 2022, Plaintiffs filed their Request for Clerk's Entry of Default against Defendants. The Clerk entered default against Defendants for failure to appear, plead, or otherwise defend pursuant to Rule 55(a) of the Federal Rules of Civil Procedure on December 8, 2022.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 18th day of December, 2022, at Fort Lauderdale, Florida.


Virgilio Gigante