

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OMEGA SA,

Plaintiff,

v.

XIE ZHENMIN, *et al.*,

Defendants.

Civil Action No.: 12-cv-9338 (SAS)

**DECLARATION OF JEFFREY A. LINDENBAUM**

I, Jeffrey A. Lindenbaum, declare as follows:

1. I am a partner of the law firm Collen IP, counsel for the above-captioned Plaintiff in this action. I am licensed to practice in the state of New York, and in among others, the United States District Court for the Southern District of New York.
2. I submit this declaration in support of Plaintiff's Motion for Default Judgment.
3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.
4. This Court has personal jurisdiction over Defendants in that they conduct and transact business in this judicial district by directing their activities toward consumers in the State of New York and this district through their fully interactive, Counterfeit Websites.
5. Upon information and belief the Defendants are not infants or incompetents, as they have not only operated interactive websites, but have also secured accounts with financial institutions and payment processors. Upon information and belief Defendants are not members of the military of the United States.

6. Attached as Ex. A to Plaintiff's Motion for Default Judgment is a copy of the Complaint filed by Plaintiff in this action, along with the declaration of service.

7. Attached as Ex. B to Plaintiff's Motion for Default Judgment is the Clerk's Certificate of Default certifying that the summons and Complaint have been properly served on Defendants, and the Defendants have failed to answer or appear, and the time to do so has expired.

8. Attached as Ex. C to this declaration is a true and correct copy of financial records obtained from PayPal, Inc. pursuant to the Temporary Restraining Order (TRO) entered by the Court. PayPal has linked certain PayPal accounts to the Counterfeit Websites, and the documents reflect that the PayPal accounts are also linked to the bank accounts identified in Plaintiff's motion and proposed order.

9. Attached as Ex. D to this declaration is a report from Visa Inc. produced pursuant to the TRO. Visa's report identifies certain Merchant Accounts linked to the Counterfeit Websites.

10. Attached as Ex. E to this declaration are printouts from the websites operated by Bank of Communications Co. Ltd., Agricultural Bank of China, Ltd., China Merchants Bank Co. Ltd., China Construction Bank Corporation, and Industrial and Commercial Bank of China, Ltd. Each of these websites identify a branch located in New York City.

11. Attached as Ex. F to this declaration is a true and correct printout from China Merchants Bank's website discussing its iPhone Mobile Banking program.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: June 6, 2013

s/ Jeffrey A. Lindenbaum  
Jeffrey A. Lindenbaum

N1368\_JAL Decl for Default Judgment\_130520

**CERTIFICATE OF FILING AND SERVICE**

I Jeffrey A. Lindenbaum certify that on June 6, 2013 I electronically filed the foregoing declaration and exhibits with the Court via ECF and also served on the Defendants via email, by sending same to the emails listed in the attached schedule A, and by posting same on the website [www.notice-lawsuit.com](http://www.notice-lawsuit.com) in accordance with the Court's December 24, 2012 Order permitting service by alternative means.

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s/ Jeffrey A. Lindenbaum  
Jeffrey A. Lindenbaum

Dated: June 6, 2013

**SCHEDULE A**

<a href="http://www.watches-vogue.com">http://www.watches-vogue.com</a>	Xie Zhenmin / Zhenmin Xie	admin@watches-vogue.com service@watches-vogue.com yangb0593@gmail.com zhilinyang135@gmail.com
<a href="http://www.watchdear.com">http://www.watchdear.com</a>	Shenzhen Lai Wode Technology Co., Ltd. / qixi lou	admin@watchdear.com service@watch-dear.com yangliufang89@gmail.com yangliufang89@gmail.com
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<a href="http://www.watchmimic.com">http://www.watchmimic.com</a>	Shanghai Jing Hao Machinery Co., Ltd. / Wang, Jinglei	admin@watchmimic.com service@watchmimic.com yangliufang78@gmail.com yangb0593@gmail.com yangliufang78@gmail.com

<a href="http://www.watchkind.com">http://www.watchkind.com</a>	Guangren Wang	admin@watchkind.com
		service@watchkind.com
		yangliufang78@gmail.com
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<a href="http://www.swisskiss.net/">http://www.swisskiss.net/</a>	Mingqin Liu	admin@swisskiss.net
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<a href="http://www.sinohorloge.com/">http://www.sinohorloge.com/</a>	zhu yong	sinohorloge@163.com
		gloria8.kim@gmail.com
		agape789123@hotmail.com

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<a href="http://www.swisssale.net">http://www.swisssale.net</a>	Xiaojie Ma	admin@swisssale.net service@swisssale.net
<a href="http://www.replicafind.net/">http://www.replicafind.net/</a>	Li Yuanming	admin@replicafind.net service@replicafind.net

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