

**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)

Judge: Scheindlin

**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 Southern District of New York.

2. I submit this declaration in support of Plaintiff's Motion for a temporary restraining order and preliminary injunction. This declaration is submitted for the purposes of discussing the need for the Court's grant of the relief sought herein on an *ex parte* basis.

3. Plaintiff's motion seeks *ex parte* relief due to the exigent circumstances created by what its undercover investigation demonstrates is the ongoing sale of counterfeit OMEGA watches from the Defendants' websites located at the following addresses:

- (1) <http://www.watches-vogue.com>
- (2) <http://www.watchdear.com>
- (3) <http://www.queenofwatches.com>
- (4) <http://www.replicaup.com>

- (5) <http://www.watchmimic.com>
- (6) <http://www.watchkind.com>
- (7) <http://www.myfavomega.com>
- (8) <http://www.omegaonlineoutlet.com>

(9) <http://www.omegaonlineoutlet.biz>  
(10) <http://www.omegaonlineoutlet.net>  
(11) <http://www.qualityreplica.biz>  
(12) <http://www.qualityreplica.info>  
(13) <http://www.qualityreplica.us>  
(14) <http://www.bestreplicawatchesok.com>  
(15) <http://www.swisskiss.net>  
(16) <http://www.sinohorloge.com>  
(17) <http://www.salesswiss.com>  
(18) <http://watchesyes.net>  
(19) <http://replicavip.org>

(20) <http://www.watchc.com>  
(21) <http://www.watchespay.net>  
(22) <http://www.replicabuy.net>  
(23) <http://www.watch7750.com>  
(24) <http://www.swissale.net>  
(25) <http://www.replicafind.net>  
(26) <http://www.salesreplicas.com>  
(27) <http://www.replicawalker.com>  
(28) <http://replicaprice.com>  
(29) <http://www.watchesfull.com>

4. As discussed at length in the accompanying Memorandum of Law, absent this Court's grant of the relief sought herein on an *ex parte* basis, it is likely that Defendants will, upon receiving notice of imminent steps to be taken against them, act promptly to redirect their counterfeit activity to another website and secrete and/or destroy all records of previous sales and all other items evidencing their unlawful conduct, as well as the profits of their illegal business.

5. Consequently, Plaintiff will suffer irreparable harm if the proposed order is not entered on an *ex parte* basis, as it will be unable to effectively pursue its claim against the Defendants and have a meaningful impact on the ongoing counterfeit sales. Plaintiff will be denied access to records for the purpose of identifying the source of the counterfeit goods, and the location of assets derived from the sale of such goods.

6. For example, in *Omega S.A. v. RHS Products, Inc.*, (CV-02 0163) (E.D.N.Y. 2003), this firm encountered a variety of dilatory tactics employed by a network of counterfeiters. There, the counterfeit activities were orchestrated via an Internet website. During the course of that litigation, the ownership interests in the website changed at least twice. One individual even failed to appear at a deposition scheduled at his attorney's office. Despite plaintiffs efforts in that case, the unlawful sale of counterfeit watches continued for nearly eight months after commencement of the lawsuit.

7. As set forth in greater detail in the accompanying Memorandum of Law, numerous courts have held that *ex parte* relief of the type sought herein is appropriately granted when there is a threat of noncompliance with a court order or when similar defendants have acted in defiance of similar orders after having received notice. See e.g., *Vuitton v. White*, 945 F.2d 596, 571-2 (3<sup>rd</sup> Cir. 1991) (citing *In re Vuitton et Fils S.A.*, 606 F.2d 1 (2d Cir. 1979)), (court acknowledges that temporary restraining orders issued with notice are frequently ignored, holds that district court's denial of ex parte seizure request was abuse of discretion); *Century Home Entertainment, Inc., v. Laser Beat, Inc.*, 859 F.2d 636, 638-9 (E.D.N.Y. 1994) ("Furthermore, Plaintiffs need not show that a particular Defendant would not adhere to a TRO but rather only that someone like the Defendant would be likely to hide or destroy evidence of his infringing activity").

8. As an attorney who frequently practices counterfeit and trademark litigation for bereaved trademark holders, it has been my experience in other cases against sellers of counterfeit goods that when *ex parte* seizure orders were not sought, or were sought and not granted, the inventory and/or business records of the defendants, as well as other evidence, frequently disappear. It has also been my experience that such defendants, when provided with notice of actions against them, routinely take steps to transfer or secrete assets to frustrate judgments obtained against them. Indeed, even when *ex parte* orders are sought and obtained, some defendants still take numerous steps in violation thereof.

9. Attached as Ex. A to this declaration are true and correct Orders issued in other counterfeit lawsuits in which the courts, under similar circumstances, granted similar relief as sought in Omega's Motion for a Temporary Restraining Order.

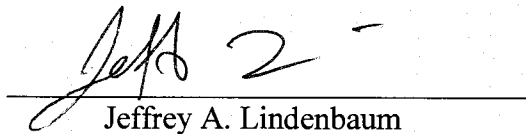
10. Upon information, belief and investigation by Omega, the names and mailing addresses identified in the WHOIS domain name database for the Counterfeit Websites are false and/or incomplete. A chart describing how each address is false or incomplete is attached as Ex. B.

11. Omega has found at least one email address for each of the Defendants. These addresses were provided by Defendants through registration of their domains, found on their websites, or used in connection with payment processing. A chart of Defendants and email addresses connected with the Counterfeit Websites is attached as Ex. C.

12. As required by 15 U.S.C. § 1116(d)(4)(B)(ii), Omega has advised the United States Attorney's Office for the Southern District of New York of Omega's intention to seek a seizure order against Defendants. A copy of Omega's letter to the U.S. Attorney's Office is attached hereto as Ex. D.

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

Executed December 21, 2012

  
Jeffrey A. Lindenbaum

# EXHIBIT A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 12-60635-CIV-SCOLA

HERMÈS INTERNATIONAL, *et al.*,

Plaintiffs,

vs.

AAAQUALITYREPLICAS.COM, *et al.*,

Defendants.

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**ORDER GRANTING *EX PARTE* TEMPORARY RESTRAINING ORDER**

THIS MATTER is before the Court on Plaintiffs' *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction (the "*Ex Parte* Application"). Plaintiffs Hermès International, Breitling U.S.A., Inc., Chopard (USA), Ltd., Omega, S.A., Henri Stern Watch Agency, Inc., LVMH Swiss Manufactures, S.A. (collectively "Plaintiffs") move *ex parte*, for entry of a temporary restraining order against Defendants, the Partnerships and Unincorporated Associations identified on Schedule "A" hereto (collectively "Defendants"), pursuant to 15 U.S.C. § 1116 and Fed. R. Civ. P. 65, for alleged violations of the Lanham Act. The Court has carefully reviewed the *Ex Parte* Application, the pertinent portions of the Record, and is otherwise fully advised in the premises.

**I. FACTUAL BACKGROUND<sup>1</sup>**

Plaintiff Hermès International ("Hermès") is the registered owner of the following trademark on the Principal Register of the United States Patent and Trademark Office (the "HERMÈS Mark"):

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<sup>1</sup> The factual background is taken from Plaintiffs' Complaint, *Ex Parte* Application, and supporting Declarations submitted by Plaintiffs.

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class / Goods</b>
HERMES	369,271	July 18, 1939	IC 014 - clocks and watches.

(See Declaration of Michel Arnoux in Support of Plaintiffs' *Ex Parte* Application ["Arnoux Decl."]) ¶ 4.) The HERMÈS Mark is used in connection with the manufacture and distribution of, among other things, watches. (See Arnoux Decl. ¶ 4; *see also* Certificate of Registration for the HERMÈS Mark attached as Composite Exhibit A to the Arnoux Decl.)

Plaintiff Breitling U.S.A., Inc. ("Breitling USA") is the registered owner of the following trademark on the Principal Register of the United States Patent and Trademark Office (the "BREITLING Mark"):

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class / Goods</b>
BREITLING	2,964,474	July 5, 2005	IC 014 - horological instruments and chronometrical instruments, namely, watches, wrist-watches straps for wrist-watches, watchcases, clocks, chronographs, chronometers, and parts thereof.  IC 025 - caps, scarves t-shirts, shirts, sweatshirts, polo shirts, jackets, pilot jackets, bomber's jackets, parka jackets.

(See Declaration of Robert Flood in Support of Plaintiffs' *Ex Parte* Application ["Flood Decl."]) ¶ 4.) The BREITLING Mark is used in connection with the manufacture and distribution of, among other things, watches. (See Flood Decl. ¶ 4; *see also* Certificate of Registration for the BREITLING Mark attached as Composite Exhibit A to the Flood Decl.)

Plaintiff Chopard (USA), Ltd. (“Chopard USA”) is the registered owner of the following trademark on the Principal Register of the United States Patent and Trademark Office (the “CHOPARD Mark”):

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class / Goods</b>
CHOPARD	1,877,546	February 7, 1995	IC 014 - horological products; namely, watches, watch movements, watch cases, watch dials and parts of watches; genuine jewelry; namely, rings, bracelets, necklaces, pendants, earrings, cuff links, tie pins and key holders made in whole or in part of precious metal.

(See Declaration of Daniel Bolognesi in Support of Plaintiffs’ *Ex Parte* Application [“Bolognesi Decl.”] ¶ 4.) The CHOPARD Mark is used in connection with the manufacture and distribution of, among other things, watches. (See Bolognesi Decl. ¶ 4; *see also* Certificate of Registration for the CHOPARD Mark attached as Composite Exhibit A to the Bolognesi Decl.)

Plaintiff Omega S.A. (“Omega”) is the registered owner of the following trademark on the Principal Register of the United States Patent and Trademark Office (the “OMEGA Mark”)

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class / Goods</b>
OMEGA	566,370	November 4, 1952	IC 014 - watches and parts thereof.

(See Declaration of Alain Monachon in Support of Plaintiffs’ *Ex Parte* Application [“Monachon Decl.”] ¶ 4.) The OMEGA Mark is used in connection with the manufacture and distribution of, among other things, watches. (See Monachon Decl. ¶ 4; *see also* Certificate of Registration for the OMEGA Mark attached as Composite Exhibit A to the Monachon Decl.)



Plaintiff Henri Stern Watch Agency, Inc. (“Henri Stern”) is the registered owner of the following trademark on the Principal Register of the United States Patent and Trademark Office (the “PATEK PHILIPPE”)

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class / Goods</b>
PATEK PHILIPPE	520,291	January 24, 1950	IC 014 - watches.

(See Declaration of Lisa Jones in Support of Plaintiffs’ *Ex Parte* Application [“Jones Decl.”] ¶ 4.) The PATEK PHILIPPE Mark is used in connection with the manufacture and distribution of watches. (See Jones Decl. ¶ 4; *see also* Certificate of Registration for the PATEK PHILIPPE Mark attached as Composite Exhibit A to the Jones Decl.)

Plaintiff LVMH Swiss Manufactures S.A.’s (“LVMH”) is the registered owner of the following trademark on the Principal Register of the United States Patent and Trademark Office (the “TAG HEUER Mark”)

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Class / Goods</b>
TAG HEUER	2,281,436	September 28, 1999	IC 014 - Clocks, watches and parts thereof.

(See Arnoux Decl. ¶ 15.) The TAG HEUER Mark is used in connection with the manufacture and distribution of, among other things, watches. (See Arnoux Decl. ¶ 15; *see also* Certificate of Registration for the TAG HEUER Mark attached as Composite Exhibit B to the Arnoux Decl.)

Defendants, through the Internet websites operating under the domain names identified on Schedule “A” hereto (the “Subject Domain Names”), have advertised, promoted, offered for sale, and/or sold, at least, watches bearing what each Plaintiff has determined to be counterfeits, infringements, reproductions, and/or colorable imitations of their respective HERMÈS Mark,

BREITLING Mark, CHOPARD Mark, OMEGA Mark, PATEK PHILIPPE Mark, and TAG HEUER Mark. (*See* Arnoux Decl. ¶¶ 13-14; 24-25; Flood Decl. ¶¶ 13-14; Bolognesi Decl. ¶¶ 13-14; Monachon Decl. ¶¶ 13-14; Jones Decl. ¶¶ 13-14.) Although each Defendant may not copy and infringe each of Plaintiffs' individual trademarks for each category of goods protected, Plaintiffs have submitted sufficient evidence showing each Defendant has infringed, at least, one or more of the trademarks at issue. (*See* Arnoux Decl. ¶¶ 13-14; 24-25; Flood Decl. ¶¶ 13-14; Bolognesi Decl. ¶¶ 13-14; Monachon Decl. ¶¶ 13-14; Jones Decl. ¶¶ 13-14.) Defendants are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, reproductions, and/or colorable imitations of the HERMÈS Mark, BREITLING Mark, CHOPARD Mark, OMEGA Mark, PATEK PHILIPPE Mark, and TAG HEUER Mark (collectively "Plaintiffs' Marks"). (*See* Arnoux Decl. ¶¶ 10; 21; Flood Decl. ¶ 10; Bolognesi Decl. ¶ 10; Monachon Decl. ¶ 10; Jones Decl. ¶ 10.)

Plaintiffs retained Investigative Consultants, a licensed private investigative firm, to investigate the sale of counterfeit versions of Plaintiffs' respective products by Defendants. (*See* Arnoux Decl. ¶¶ 11; 21; Flood Decl. ¶ 11; Bolognesi Decl. ¶ 11; Monachon Decl. ¶ 11; Jones Decl. ¶ 11; Declaration of Malerie Maggio in Support of Plaintiffs' *Ex Parte* Application ["Maggio Decl."] ¶ 3.) In February 2012, Malerie Maggio ("Maggio"), an employee of Investigative Consultants, placed an order for the purchase of (i) a watch bearing the HERMÈS Mark at issue via the Internet website operating under the domain name **replicas-online.com**; (ii) a watch bearing the BREITLING Mark at issue through the Internet website operating under the domain name **watchreplicahome.com**; (iii) a watch bearing the CHOPARD Mark at issue via the Internet website operating under the domain name **replica4watches.com**; (iv) a watch bearing the OMEGA Mark at issue via the Internet website operating under the domain name

**replicas99.com**; a watch bearing the PATEK PHILIPPE Mark at issue via the Internet website operating under the domain name **replica2u.com**; and a watch bearing the TAG HEUER Mark at issue via the Internet website operating under the domain name **best-replicas-watches.com**. (See Maggio Decl. ¶¶ 4-9 and Composite Exhibits A through F attached thereto.)

Thereafter, Plaintiffs' respective representatives each reviewed and visually inspected the web page listings, including images, for the watches bearing Plaintiffs' individual trademarks purchased by Maggio, and each determined the items to be non-genuine, unauthorized versions of Plaintiffs' respective products. (See Arnoux Decl. ¶¶ 13; 24; Flood Decl. ¶ 13; Bolognesi Decl. ¶ 13; Monachon Decl. ¶ 13; Jones Decl. ¶ 13.) Additionally, Plaintiffs' representatives each reviewed and visually inspected the items bearing Plaintiffs' respective trademarks offered for sale on the Internet websites operating under the relevant Subject Domain Names and determined the products were unauthorized, non-genuine versions of Plaintiffs' respective products. (See Arnoux Decl. ¶¶ 14; 25; Flood Decl. ¶ 14; Bolognesi Decl. ¶ 14; Monachon Decl. ¶ 14; Jones Decl. ¶ 14.)

## II. LEGAL STANDARD

In order to obtain a temporary restraining order, a party must demonstrate “(1) [there is] 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 the 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) (applying the test to a preliminary injunction in a Lanham Act case). Additionally, a court may only issue a temporary restraining order without notice to the adverse party or its attorney if:

(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition [and] (B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

FED. R. CIV. P. 65(b). *Ex parte* temporary restraining orders "should be restricted to serving their underlying purpose of preserving the status quo and preventing irreparable harm just so long as is necessary to hold a hearing and no longer." *Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cnty, etc.*, 415 U.S. 423, 439 (1974).

### **III. ANALYSIS**

The declarations Plaintiffs submitted in support of their *Ex Parte* Application support the following conclusions of law:

A. Plaintiffs have a very strong probability of proving at trial that consumers are likely to be confused by Defendants' advertisement, promotion, sale, offer for sale, and/or distribution of watches and related goods bearing counterfeits, reproductions, and/or colorable imitations of Plaintiffs' Marks, and that the products Defendants are selling are copies of Plaintiffs' respective products that bear copies of the HERMÈS Mark, BREITLING Mark, CHOPARD Mark, OMEGA Mark, PATEK PHILIPPE Mark, and TAG HEUER Mark on watches and related goods.

B. Because of the infringement of the Plaintiffs' Marks, Plaintiffs are likely to suffer immediate and irreparable injury if a temporary restraining order is not granted. It clearly appears from the following specific facts, as set forth in Plaintiffs' Complaint, *Ex Parte* Application, and accompanying declarations on file, that immediate and irreparable loss, damage, and injury will result to Plaintiffs and to consumers before Defendants can be heard in opposition unless Plaintiffs' request for *ex parte* relief is granted:

1. Defendants own or control Internet website businesses and are each part of an illegal enterprise which advertises, promotes, offers for sale, and sells, at least watches bearing counterfeit and infringing trademarks in violation of Plaintiffs' respective rights;

2. There is good cause to believe that more counterfeit and infringing products bearing Plaintiffs' respective trademarks will appear in the marketplace; that consumers are likely to be misled, confused, and disappointed by the quality of these products; and that Plaintiffs may suffer loss of sales for their respective genuine products and an unnatural erosion of the legitimate marketplace for Swiss made watches in which they operate;

3. There is good cause to believe that if Plaintiffs proceed on notice to Defendants on this *Ex Parte* Application, Defendants can easily and quickly transfer the registrations for many of the Subject Domain Names, or modify registration data and content, change hosts, and redirect traffic to other websites, thereby thwarting Plaintiffs' ability to obtain meaningful relief;

4. The balance of potential harm to Defendants in restraining their trade in counterfeit and infringing branded goods if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiffs, their respective reputations, and goodwill as manufacturers and distributors of high quality products if such relief is not issued; and

5. The public interest favors issuance of the temporary restraining order in order to protect Plaintiffs' trademark interests and protect the public from being defrauded by the palming off of counterfeit goods as genuine goods of the respective Plaintiffs.

#### IV. CONCLUSION

For the foregoing reasons, it is

**ORDERED AND ADJUDGED** that Plaintiffs' *Ex Parte* Application for a Temporary Restraining Order is hereby **GRANTED** as follows:

(1) Each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order are hereby temporarily restrained:

- a. From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing the HERMÈS Mark, BREITLING Mark, CHOPARD Mark, OMEGA Mark, PATEK PHILIPPE Mark, and TAG HEUER Mark, or any confusingly similar trademarks, other than those actually manufactured or distributed by Plaintiffs; and
- b. From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by Plaintiffs, bearing the HERMÈS Mark, BREITLING Mark, CHOPARD Mark, OMEGA Mark, PATEK PHILIPPE Mark, and TAG HEUER Mark, or any confusingly similar trademarks; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing the HERMÈS Mark, BREITLING Mark, CHOPARD Mark, OMEGA Mark, PATEK PHILIPPE Mark, and TAG HEUER Mark, or any confusingly similar trademarks.

(2) Each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order shall immediately discontinue the use of the HERMÈS Mark, BREITLING Mark, CHOPARD Mark, OMEGA Mark, PATEK PHILIPPE Mark, and TAG HEUER Mark or any confusingly similar trademarks, on or in connection with all Internet websites owned and operated, or controlled by them, including the Internet websites operating under the Subject Domain Names;

(3) Each Defendant, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with them having notice of this Order shall immediately discontinue the use of the HERMÈS Mark, BREITLING Mark, CHOPARD Mark, OMEGA Mark, PATEK PHILIPPE Mark, and TAG HEUER Mark, or any confusingly similar trademarks within domain name extensions, metatags or other markers within website source code, from use on any webpage (including as the title of any web page), any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms which is visible to a computer user or serves to direct computer searches to websites registered by, owned, or operated by each Defendant, including the Internet websites operating under the Subject Domain Names;

(4) Each Defendant shall not transfer ownership of the Subject Domain Names during the pendency of this Action, or until further Order of the Court;

(5) The domain name Registrars for the Subject Domain Names are directed to transfer to Plaintiffs' counsel, for deposit with this Court, domain name certificates for the Subject Domain Names;

(6) Upon Plaintiffs' request, the privacy protection service for any Subject Domain Name used by any Defendant to conceal the Defendant's true identity and contact information is ordered to disclose to Plaintiffs the true identities and contact information of those Defendant Registrants;

(7) Upon entry of this Order, Plaintiffs shall provide a copy of the Order by email to the registrar of record for each of the Subject Domain Names, so that the registrar of record of each of the Subject Domain Names may, in turn, notify each registrant of the Order and provide notice of the locking of the domain name to the registrant of record. After providing such notice

to the registrars so the domain names may be locked, Plaintiffs shall also provide notice and a copy of this Order to the registrant of each Subject Domain Name via email to the email address provided as part of the domain registration data for each of the Subject Domain Names identified in the *Ex Parte* Application. If an email address was not provided as part of the domain registration data for a Subject Domain Name, Plaintiffs shall provide notice and a copy of this Order to the operators of the Internet websites via an email address and/or online submission forms provided on the Internet websites operating under such Subject Domain Names. After forty-eight (48) hours have elapsed after the emailing of this Order to the registrars of record and the registrants, Plaintiffs shall provide a copy of this Order to the registries for the Subject Domain Names for the purposes described in Paragraph 8, *infra*;

(8) The Registrars and the top-level domain (TLD) Registries (or their administrators) for the Subject Domain Names, within five (5) business days of receipt of this Order, shall, change or assist in changing, the Registrar of record for the Subject Domain Names, excepting any such domain names which such Registries have been notified in writing by Plaintiffs have been or will be dismissed from this action, to a holding account with a Registrar of Plaintiffs' choosing (the "New Registrar"). As a matter of law, this Order shall no longer apply to any Defendant or associated domain name dismissed from this action. Upon the change of the Registrar of record for the Subject Domain Names, the New Registrar will maintain access to the Subject Domain Names in trust for the Court during the pendency of this action. Additionally, the New Registrar shall immediately update the Domain Name System ("DNS") data it maintains for the Subject Domain Names, which link the domain names to the IP addresses where their associated websites are hosted, to NS1.MEDIATEMPLE.NET and NS2.MEDIATEMPLE.NET, which will cause the domain names to resolve to the website where



copies of the Complaint, Summonses, Temporary Restraining Order, and all other documents on file in this action are displayed. Alternatively, the New Registrar may institute a domain name forwarding which will automatically redirect any visitor to the Subject Domain Names to the following Uniform Resource Locator (“URL”) <http://servingnotice.com/fh/index.html> whereon copies of the Complaint, Summonses, the Temporary Restraining Order, and all other documents on file in this action are displayed. After the New Registrar has effected this change the Subject Domain Names shall be placed on Lock status, preventing the modification or deletion of the domains by the New Registrar or Defendants;

(9) Plaintiffs may enter the Subject Domain Names into Google’s Webmaster Tools and cancel any redirection of the domains that have been entered there by Defendants which redirect traffic to the counterfeit operations to a new domain name or website and thereby evade the provisions of this Order;

(10) Each Defendant shall preserve copies of all computer files relating to the use of any of the Subject Domain Names and shall take all steps necessary to retrieve computer files relating to the use of the Subject Domain Names that may have been deleted before the entry of this Order;

(11) This Temporary Restraining Order shall remain in effect until the date for the hearing on the Motion for Preliminary Injunction set forth below, or until such further dates as set by the Court or stipulated to by the parties;

(12) This Temporary Restraining Order shall apply to the Subject Domain Names associated websites and any other domain names and websites properly brought to the Court’s attention and verified by sworn affidavit which verifies such new domain names are being used

by Defendants for the purpose of counterfeiting Plaintiffs' Marks at issue in this action and/or unfairly competing with Plaintiffs on the World Wide Web;

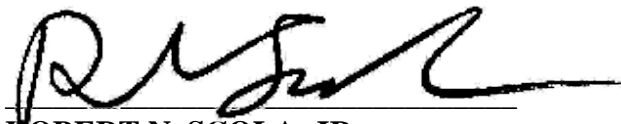
(13) Pursuant to 15 U.S.C. § 1116(d)(5)(D), Plaintiffs shall post a bond in the amount of Ten Thousand Dollars and Zero Cents (\$10,000.00), as payment of damages to which Defendants may be entitled for a wrongful injunction or restraint. Plaintiffs shall post the bond prior to requesting the registries change to the registrar of record for the Subject Domain Names to a holding account with the New Registrar;

(14) A hearing is set before this Court in the United States Courthouse located at 400 North Miami Avenue, Miami, Florida 33128, Courtroom 12-3, on **April 19, 2012, at 11:30 a.m.**, or at such other time that this Court deems appropriate, at which time Defendants and/or any other affected persons may challenge the appropriateness of this Order and move to dissolve the same and at which time the Court will hear argument on Plaintiffs' requested preliminary injunction;

(15) Plaintiffs shall serve copies of the *Ex Parte* Application and this Order and all other pleadings and documents on file in this action on Defendants by email as described above and by posting copies of the *Ex Parte* Application and this Order on the website located at <http://servingnotice.com/fh/index.html> within forty-eight (48) hours of control of the Subject Domain Names being changed to the Court via the New Registrar's holding account, and such notice so given shall be deemed good and sufficient service thereof. Plaintiffs shall continue to provide notice of these proceedings and copies of the documents on file in this matter to Defendants by regularly updating the website located at <http://servingnotice.com/fh/index.html> or by other means reasonably calculated to give notice which is permitted by the Court. Any response or opposition to Plaintiffs' Motion for Preliminary Injunction must be filed and served

on Plaintiffs' counsel on or before **April 17, 2012**. Plaintiffs shall file any Reply Memorandum on or before **April 18, 2012**. The above dates may be revised upon stipulation by all parties and approval of this Court. Defendants are hereby on notice that failure to appear at the hearing may result in the imposition of a preliminary injunction against them pursuant to 15 U.S.C. § 1116(d) and Fed. R. Civ. P. 65.

**DONE and ORDERED** in chambers, at Miami, Florida, on April 11, 2012 at  
12:00 p.m.

A handwritten signature in black ink, appearing to read 'R. Scola, Jr.', written over a horizontal line.

**ROBERT N. SCOLA, JR.**  
**UNITED STATES DISTRICT JUDGE**

Copies to:  
*Counsel of record*

**SCHEDULE A**  
**DEFENDANTS BY NUMBER AND SUBJECT DOMAIN NAMES**

Defendant 1: aaaqualityreplicas.com  
Defendant 2: aaawatchreplicas.com  
Defendant 3: amatory-store.com  
Defendant 4: a-replica.com  
Defendant 5: asiareplica.com  
Defendant 6: assistwatches.com  
Defendant 7: bag12.com  
Defendant 8: best-replicas-watches.com  
Defendant 9: brangelinareplicas.com  
Defendant 10: buy-replicas.com  
Defendant 11: callwatches.com  
callwatches.net  
Defendant 12: cart-watches.com  
Defendant 13: centwatches.com  
Defendant 14: chinahotreplica.com  
Defendant 15: czzza.com  
Defendant 16: eachwatches.com  
theywatches.com  
Defendant 17: eatwatches.com  
werewatches.com  
Defendant 18: exactwatches.com  
Defendant 19: exactwatches.net  
Defendant 20: fakesale.com  
fakesale.net  
fakesale.org  
Defendant 21: famousbrandwatch.com  
Defendant 22: first-watches.com  
Defendant 23: greatwatches.net  
Defendant 24: haowatches.com  
Defendant 25: hot-replicawatches.com  
Defendant 26: hotsale-watch.com  
Defendant 27: hqreplicawatches.com  
Defendant 28: imitation-watches.net  
Defendant 29: imitation-watchs.com  
Defendant 30: jordansnow.com

Defendant 31: lookrichforless.com  
Defendant 32: marketreplica.com  
Defendant 33: montre-copie.com  
Defendant 34: montrereplique.net  
montres-repliques.com  
Defendant 35: mymodelwatches.com  
Defendant 36: nurselh.com  
Defendant 37: nurselsaat.com  
Defendant 38: oldewatches.com  
Defendant 39: openwatches.net  
bearwatches.com  
Defendant 40: ourcheapwatches.com  
Defendant 41: perfectwatches.net  
Defendant 42: perfectwatchesau.com  
perfectau.com  
Defendant 43: precisionreplicas.com  
Defendant 44: puretimewatch.com  
Defendant 45: replica2u.com  
Defendant 46: replica4watches.com  
Defendant 47: replicadig.com  
Defendant 48: replicagood.com  
Defendant 49: replicahause.com  
replicahause.net  
replicahause.org  
replicahause.co  
Defendant 50: replica-prestigious-watches.com  
Defendant 51: replicas99.com  
Defendant 52: replicas-online.com  
Defendant 53: replica-time.com  
Defendant 54: replica--watches.net  
coowatches.com  
Defendant 55: replicawatches4s.net  
Defendant 56: replicawatchesales.com  
Defendant 57: replica-watches-all.com  
Defendant 58: replicawatcheschina.com  
Defendant 59: replica-watchesus.com  
replica-watchesusa.com  
Defendant 60: replik-uhren.com

Defendant 61: [replique-montre.com](http://replique-montre.com)  
[lux-montre-occasion.com](http://lux-montre-occasion.com)

Defendant 62: [replique-montre.net](http://replique-montre.net)

Defendant 63: [restwatches.com](http://restwatches.com)

Defendant 64: [roomwatches.com](http://roomwatches.com)  
[roomwatches.net](http://roomwatches.net)  
[roomwatches.org](http://roomwatches.org)

Defendant 65: [rootwatches.net](http://rootwatches.net)  
[rootwatches.org](http://rootwatches.org)  
[watcheview.com](http://watcheview.com)

Defendant 66: [seatwatches.com](http://seatwatches.com)  
[crywatches.com](http://crywatches.com)

Defendant 67: [shop-replica-watches.com](http://shop-replica-watches.com)  
[shopping-watches-club.com](http://shopping-watches-club.com)

Defendant 68: [silix-prime.com](http://silix-prime.com)

Defendant 69: [sinowatches.com](http://sinowatches.com)

Defendant 70: [superwatches.net](http://superwatches.net)  
[paradisiac.co](http://paradisiac.co)

Defendant 71: [swisseta.com](http://swisseta.com)

Defendant 72: [swissking.net](http://swissking.net)

Defendant 73: [swissreplicawatchesale.com](http://swissreplicawatchesale.com)

Defendant 74: [swiss-watches-mall.com](http://swiss-watches-mall.com)

Defendant 75: [switzerwatches.com](http://switzerwatches.com)

Defendant 76: [theswisswatches.com](http://theswisswatches.com)

Defendant 77: [topsreplica.com](http://topsreplica.com)

Defendant 78: [tricwatches.com](http://tricwatches.com)

Defendant 79: [watch009.com](http://watch009.com)

Defendant 80: [watchcopy.com](http://watchcopy.com)

Defendant 81: [watches39.com](http://watches39.com)  
[watches39.org](http://watches39.org)  
[watch39.net](http://watch39.net)

Defendant 82: [watchesen.com](http://watchesen.com)

Defendant 83: [watches-home.com](http://watches-home.com)

Defendant 84: [watchesmam.net](http://watchesmam.net)

Defendant 85: [watchespicture.com](http://watchespicture.com)

Defendant 86: [watchesproduct.com](http://watchesproduct.com)

Defendant 87: [watchesspace.net](http://watchesspace.net)

Defendant 88: [watchesthy.com](http://watchesthy.com)

Defendant 89: [watchesup.com](http://watchesup.com)  
Defendant 90: [watcheswell.com](http://watcheswell.com)  
Defendant 91: [watchmvp.com](http://watchmvp.com)  
Defendant 92: [watchnets.com](http://watchnets.com)  
Defendant 93: [watchreplicahome.com](http://watchreplicahome.com)  
Defendant 94: [watch-replicas.com](http://watch-replicas.com)  
Defendant 95: [wow-first.com](http://wow-first.com)  
Defendant 96: [w-watch.com](http://w-watch.com)  
Defendant 97: [yourtrustytime.com](http://yourtrustytime.com)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TRUE RELIGION APPAREL, INC.; GURU DENIM,  
INC.,

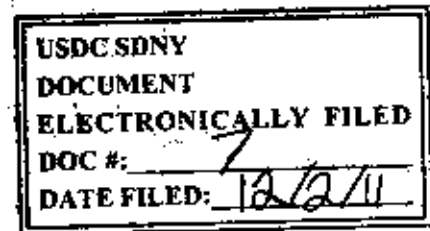
Plaintiffs,

v.

XIAOKANG LEI D/B/A  
TRUERELIGIONJEANS4OUTLET.COM; LIN JIANYU  
D/B/A TRUERELIGIONJEANSOUTLET8.COM; ZHAO  
YANG QU D/B/A TRUERELIGION2CHEAP.COM;  
RONGLIAN LU D/B/A TOPTRJEANS.COM;  
FORTRUERELIGIONJEANS.COM D/B/A  
FASHIONJEANSHOP@GMAIL.COM; XIN JIE KOU  
D/B/A TRUERELIGIONSALE.CO.UK; JIAQIAO LV  
D/B/A TRUERELIGION2CHEAP.COM; ZHAO YANG  
QU D/B/A TRUERELIGION2CHEAP.COM;  
WANGMING D/B/A JEANSWHOLESALING.COM;  
SERVICE@TRUERELIGIONLIKE.COM D/B/A  
OBSC001@HOTMAIL.COM D/B/A  
TRUERELIGIONLIKE.COM;  
CHEAPERTRUERELIGIONJEANS.NET D/B/A  
JACKROSEGATES@GMAIL.COM; XIAOYU CHEN  
D/B/A SH12345602@HOTMAIL.COM D/B/A  
CHEAPTRUERELIGIONJEANSOUTLETS.COM; LUCY  
KING D/B/A LUCYKING88@YAHOO.COM D/B/A  
MYFASHIONJEANS.COM; TOM SMITH D/B/A  
KICKSONFOOT@GMAIL.COM D/B/A  
BUYTRUERELIGIONJEANS.NET D/B/A  
QIQUWANG.NET; QIN KE D/B/A  
CHEAPTRUERELIGIONJEANSSALE@HOTMAIL.COM  
D/B/A MRSHUANG123@HOTMAIL.COM; TAN JUN  
D/B/A WORLD203@HOTMAIL.COM D/B/A  
BTWGOLD4@HOTMAIL.COM; JINGSHUN HUANG  
D/B/A HAOTIAN INTERNATIONAL INDUSTRIAL  
CO., LTD. D/B/A NIKECOOL.COM; CHEN JINSHAN  
D/B/A HONG KONG TIMES SQUARE TRADING CO.,  
LTD. D/B/A V9MAIL.COM; CHEN ZHIFENG D/B/A  
ZHIF\_CHEN@163.COM D/B/A HONG KONG JAVON  
TRADE LTD. D/B/A TINRUI.COM; LI FENGNIAN  
D/B/A FENG08183@SOHU.COM D/B/A CHEAP SKYS  
CO. LTD. D/B/A CHEAP-SKYS.COM; SHOES-GOOGLE

Civil Action No. 11-cv-8242 (HB)

[FILED UNDER SEAL  
PURSUANT TO 15 U.S.C.  
§ 1116]





CO., LTD. D/B/A GOTRADINGZONE.COM D/B/A  
 GOTRADINGZONE@HOTMAIL.COM; GUOFANG  
 XIAO D/B/A EMAIL598269039@QQ.COM D/B/A  
 TONGHE TRADE CO., LTD. D/B/A  
 THE9THSTREET.COM; BRANDSTRIBE CO., LTD.  
 D/B/A BRANDSTRIBE.COM D/B/A  
 ALICEWENNE@HOTMAIL.COM D/B/A  
 SALES@BRANDSTRIBE.COM D/B/A  
 BRANDSTRIBE@HOTMAIL.COM D/B/A  
 BRANDSTRIBEINFO@YAHOO.COM; XUBEICHAO  
 D/B/A TRADEMEMOMENT CO. LTD. D/B/A  
 TRADEMOMENT.COM; YEMAO D/B/A SHUNYUAN  
 INTERNATIONAL EXPORT CO. D/B/A  
 TRADE88N.COM D/B/A  
 TRADE88CN@HOTMAIL.COM; WANG FOYUN D/B/A  
 FASHIONCHOOSE TRADE CO., LTD. D/B/A  
 FASHIONCHOOSE.COM D/B/A  
 WYZSHOES@HOTMAIL.COM; WWW.BESTKF.COM  
 D/B/A WZJ886@LIVE.CN D/B/A  
 -WUQIUPING2004@163.CN; CHENZHONG D/B/A  
 FASHION TRADING COMPANY D/B/A  
 FASHION2011STORE.COM D/B/A  
 ZOU1973@HOTMAIL.COM; ALLEN IEE D/B/A CHEER  
 TRADE COMPANY D/B/A CHEERWHOLESALE.COM;  
 LIN HAO D/B/A HONG KONG FAIRY  
 INTERNATIONAL, LTD. D/B/A MORIVER-  
 TRADE.COM D/B/A MOONRIVER-  
 TRADE@HOTMAIL.COM; XIAO XU D/B/A  
 TRADEVOID SHOES TRADING CO., LTD. D/B/A  
 TRADEVOID.COM; HUANG JINFENG D/B/A HAPPY  
 SPORTS INDUSTRY CO., LTD. D/B/A  
 PENGFASHIONSHOES.COM; WEI JIANGGUANG  
 D/B/A CHINARG002@126.COM D/B/A LONGFENG  
 INDUSTRY CO., LTD. D/B/A  
 LONGFENGTRADE.COM; XIAOFANG NI D/B/A WIWI  
 TRADE CO., LTD. D/B/A WIWITRADE.COM D/B/A  
 WIWITRADE@HOTMAIL.COM; CHEN ZIU SONG  
 D/B/A LRGJEANS008@HOTMAIL.COM D/B/A  
 JERSEY TRADE CO. LTD. D/B/A  
 AAANBAJERSEY.COM; HONEST99896 D/B/A  
 DAJIAHAO662009@HOTMAIL.COM;  
 FERSHOUHELLO D/B/A  
 XUHUAN0123@YAHOO.COM.CN; ZHAOMIN8898  
 D/B/A ZHAOMIN82@YAHOO.COM; TUNIAN1 D/B/A  
 402590112@QQ.COM; LINA669925 D/B/A  
 YANGYINGHUI0123@YAHOO.COM.CN; AND  
 TRUEYES85 D/B/A LYGANG2010@YAHOO.COM.CN,

XYZ COMPANIES, AND JOHN AND JANE DOES,  
Defendants.

**TEMPORARY RESTRAINING ORDER, ORDER TO DISABLE CERTAIN WEB SITES,  
ASSET RESTRAINING ORDER, EXPEDITED DISCOVERY ORDER AND ORDER TO  
SHOW CAUSE FOR PRELIMINARY INJUNCTION**

Plaintiffs TRUE RELIGION APPAREL, INC. and GURU DENIM, INC. (collectively, "True Religion" or "Plaintiffs") having moved *ex parte* against Defendants XIAOKANG LEI d/b/a TRUERELIGIONJEANS4OUTLET.COM; LIN JIANYU d/b/a TRUERELIGIONJEANSOUTLET8.COM; ZHAO YANG QU d/b/a TRUERELIGION2CHEAP.COM; RONGLIAN LU d/b/a TOPTRJEANS.COM; FORTRUERELIGIONJEANS.COM d/b/a FASHIONJEANSHOP@GMAIL.COM; XIN JIE KOU d/b/a TRUERELIGIONSALE.CO.UK; JIAQIAO LV d/b/a TRUERELIGION2CHEAP.COM; ZHAO YANG QU d/b/a TRUERELIGION2CHEAP.COM; WANGMING d/b/a JEANSWHOLESALE.COM; SERVICE@TRUERELIGIONLIKE.COM d/b/a OBCS001@HOTMAIL.COM d/b/a TRUERELIGIONLIKE.COM; CHEAPERTRUERELIGIONJEANS.NET d/b/a JACKROSEGATES@GMAIL.COM; XIAOYU CHEN d/b/a SH12345602@HOTMAIL.COM d/b/a CHEAPTRUERELIGIONJEANSOUTLETS.COM; LUCY KING d/b/a LUCYKING88@YAHOO.COM d/b/a MYFASHIONJEANS.COM; TOM SMITH d/b/a KICKSONFOOT@GMAIL.COM d/b/a BUYTRUERELIGIONJEANS.NET d/b/a QIQUWANG.NET; QIN KE d/b/a CHEAPTRUERELIGIONJEANSSALE@HOTMAIL.COM d/b/a MRSHUANG123@HOTMAIL.COM; TAN JUN d/b/a WORLD203@HOTMAIL.COM d/b/a BTWGOLD4@HOTMAIL.COM; JINGSHUN HUANG d/b/a HAOTIAN INTERNATIONAL INDUSTRIAL CO., LTD. d/b/a NIKECOOL.COM; CHEN JINSHAN d/b/a

HONG KONG TIMES SQUARE TRADING CO., LTD. d/b/a V9MAIL.COM; CHEN  
 ZHIFENG d/b/a ZHIF\_CHEN@163.COM d/b/a HONG KONG JAVON TRADE LTD. d/b/a  
 TINRUI.COM; LI FENGNIAN D/B/A FENG08183@SOHU.COM D/B/A CHEAP SKYS CO.  
 LTD. d/b/a CHEAP-SKYS.COM; SHOES-GOOGLE CO., LTD. d/b/a  
 GOTRADINGZONE.COM d/b/a GOTRADINGZONE@HOTMAIL.COM; GUOFANG XIAO  
 d/b/a EMAIL598269039@QQ.COM d/b/a TONGHE TRADE CO., LTD. d/b/a  
 THE9THSTREET.COM; BRANDSTRIBE CO., LTD. d/b/a BRANDSTRIBE.COM d/b/a  
 ALICEWENNE@HOTMAIL.COM D/B/A SALES@BRANDSTRIBE.COM d/b/a  
 BRANDSTRIBE@HOTMAIL.COM D/B/A BRANDSTRIBEINFO@YAHOO.COM;  
 XUBEICHAO d/b/a TRADEMEMOMENT CO. LTD. d/b/a TRADEMOMENT.COM; YEMAO  
 d/b/a SHUNYUAN INTERNATIONAL EXPORT CO. d/b/a TRADE88N.COM d/b/a  
 TRADE88CN@HOTMAIL.COM; WANG FOYUN D/B/A FASHIONCHOOSE TRADE CO.,  
 LTD. d/b/a FASHIONCHOOSE.COM d/b/a WYZSHOES@HOTMAIL.COM;  
 WWW.BESTKF.COM d/b/a WZJ886@LIVE.CN d/b/a WUQIUPING2004@163.CN;  
 CHENZHONG d/b/a FASHION TRADING COMPANY d/b/a FASHION2011STORE.COM  
 D/B/A ZOU1973@HOTMAIL.COM; ALLEN IEE d/b/a CHEER TRADE COMPANY d/b/a  
 CHEERWHOLESALE.COM; LIN HAO d/b/a HONG KONG FAIRY INTERNATIONAL,  
 LTD. d/b/a MORIVER-TRADE.COM d/b/a MOONRIVER-TRADE@HOTMAIL.COM; XIAO  
 XU d/b/a TRADEVOID SHOES TRADING CO., LTD. d/b/a TRADEVOID.COM; HUANG  
 JINFENG d/b/a HAPPY SPORTS INDUSTRY CO., LTD. d/b/a  
 PENGFASHIONSHOES.COM; WEI JIANGGUANG d/b/a CHINARG002@126.COM d/b/a  
 LONGFENG INDUSTRY CO., LTD. d/b/a LONGFENGTRADE.COM; XIAOFANG NI d/b/a  
 WIWI TRADE CO., LTD. d/b/a WIWITRADE.COM d/b/a WIWITRADE@HOTMAIL.COM;  
 CHEN ZIU SONG D/B/A LRGJEANS008@HOTMAIL.COM d/b/a JERSEY TRADE CO.

LTD. d/b/a AAANBAJERSEY.COM; HONEST99896 d/b/a  
DAJIAHAO662009@HOTMAIL.COM; FERSHOUHELLO d/b/a  
XUHU'AN0123@YAHOO.COM.CN; ZHAOMIN8898 d/b/a ZHAOMIN82@YAHOO.COM;  
TUNIAN1 d/b/a 402590112@QQ.COM; LINA669925 d/b/a  
YANGYINGHUI0123@YAHOO.COM.CN; AND TRUEYES85 d/b/a  
LYGANG2010@YAHOO.COM.CN, XYZ COMPANIES, AND JOHN AND JANE DOES  
(collectively, "Defendants") for a Temporary Restraining Order, Order to Disable Certain Web  
Sites, Asset Restraining Order, Expedited Discovery Order and Order to Show Cause for  
Preliminary Injunction (collectively, the "Order") pursuant to Federal Rule of Civil Procedure 65  
and the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark  
Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), the Anticybersquatting  
Consumer Protection Act of 1996, Pub. L. 104-153 (July 2, 1996), and the Prioritizing Resources  
and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the  
"Lanham Act"), and the Copyright Act, 17 U.S.C. §§ 501, 17 U.S.C. § 106, *et seq.*, for the  
reason that Defendants are distributing, offering for sale and/or selling, via the Internet, goods  
bearing counterfeit reproductions of the True Religion's federally registered trademarks and  
copyrights, as listed in True Religion's Complaint filed concurrently herewith and incorporated  
herein by reference, which trademarks (collectively, the "TRUE RELIGION Marks") and  
copyrights (the "True Religion Copyrights") are owned and controlled by the True Religion and  
used in connection with products listed in True Religion's Complaint and incorporated herein by  
reference (collectively, the "True Religion Products"), and the Court having reviewed the  
Complaint, Memorandum of Law in support of the Order, supporting Declarations and exhibits  
submitted herewith, finds:

1. True Religion has demonstrated that it is entitled to injunctive relief by establishing that it is suffering irreparable harm and that it is likely to succeed on the merits of its claims;

2. With respect to likelihood of success on the merits, True Religion has demonstrated that it is likely to succeed in showing that its TRUE RELIGION Marks and True Religion Copyrights are valid and protectable and entitled to protection;

3. Further with respect to likelihood of success on the merits, True Religion has demonstrated that it is likely to succeed in showing that Defendants are manufacturing, distributing, offering for sale and/or selling counterfeit products -- including, *inter alia*, jeanswear, sportswear, accessories and other goods -- bearing counterfeits of the TRUE RELIGION Marks and True Religion Copyrights ("Counterfeit Products") to buyers in the United States, including in this Judicial District;

4. Further with respect to likelihood of success on the merits, True Religion has demonstrated that it is likely to succeed in showing Defendants are selling Counterfeit Products by operating a network of web sites ("Defendants' Infringing Web Sites") resolving at various domain names set forth in **Exhibit I** attached hereto, including, without limitation, the following domain names containing the TRUE RELIGION Marks:

- |                                   |                                    |
|-----------------------------------|------------------------------------|
| 1. truereligionjeans4outlet.com   | 2. cheapertruereligionjeans.com    |
| 3. truereligionjeans2sale.com     | 4. truceligionoutlet-sale.com      |
| 5. truceligion4outlet.com         | 6. truereligionsoutlets2011.net    |
| 7. truereligionjeansoutlet8.com   | 8. jeans-truc-religions.com        |
| 9. cheaptruereligionjeanssale.org | 10. truereligionjeansbox.com       |
| 11. cheaptruereligionjeans2.com   | 12. truceligionjeans-outlets1.info |
| 13. truereligionoutlet3.com       | 14. cheaptruc-religionjeans.com    |
| 15. truereligionoutlet8.com       | 16. cheaptruereligionjeanssale.net |
| 17. truereligionjeanssales.com    | 18. true-religion-jeans-outlet.com |
| 19. cheaptruereligion8.com        | 20. cheapjeanstruereligion.info    |
| 21. toptruereligionjeans.com      | 22. cheaptruereligionjeans.info    |

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| 23. fortruereigionjeans.com          | 24. saletruereigionsjeans.info       |
| 25. truereligionsale.co.uk           | 26. truereligionjeans-outlet.cc      |
| 27. cheaptruereigion.co.uk           | 28. truereligionjeans-outlet.info    |
| 29. truereligion2cheap.com           | 30. truereligionjeans-outlets1.info  |
| 31. truereligion-cheap.com           | 32. truereligion-outlet.cc           |
| 33. truereligion2sale.com            | 34. truereligionoutletjeans.info     |
| 35. truereligionlike.com             | 36. truereligion-outletjeans.info    |
| 37. cheaptruereigionjeans.net        | 38. truereligionoutletjeans.cc       |
| 39. cheaptruereigionjeans2u.com      | 40. truereligionjeanssale.cc         |
| 41. cheaptruereigionjeans2011.com    | 42. truereligionoutlet.cc            |
| 43. truereligionoutletusa.com        | 44. jeans-true-religion.com          |
| 45. cheaptruereigionjeans-sale.com   | 46. truereligionoutletjeans-new.info |
| 47. truereligionjeansbox.com         | 48. jeans-true-religions.com         |
| 49. truereligionjeans4sale.com       | 50. truereligionbrandjeansstore.com  |
| 51. mycheaptruereigionjeans.com      | 52. cheaptruereigionjeanssale.net    |
| 53. cheaptruereigionjeansoutlets.com | 54. cheaptrue-religionjeans.com      |
| 55. cheaptruereigionjeansoutlets.net | 56. cheap-true-religion-jeans.com    |
| 57. buytruereigionjeans.net          | 58. truereligion4sale.com            |

(collectively, the “Infringing Domain Names”);

5. The distribution, offering for sale and sale of Counterfeit Products will result in immediate and irreparable injury to True Religion if injunctive relief is not granted;

6. Defendants have gone to great lengths to conceal themselves and their ill-gotten proceeds from True Religion’s and this Court’s detection including by using multiple false identities and addresses associated with their operations and purposely-deceptive contact information;

7. If True Religion were to proceed on notice to Defendants, Defendants would likely destroy, move, hide or otherwise make the Counterfeit Products, Defendants’ means of selling and distributing Counterfeit Products, financial accounts used in connection with the sale of Counterfeit Products, and business records relating thereto inaccessible to the Court, thus frustrating the ultimate relief True Religion seeks in this action;



8. True Religion's harm from denial of the requested *ex parte* Order would outweigh any harm to Defendants' legitimate interests from granting such an Order;

9. True Religion has represented that it has not publicized the requested Order;

10. True Religion has provided the United States Attorney with reasonable notice of Plaintiffs' application for an Order;

11. Entry of an order other than the requested Order would not adequately achieve the purposes of the Lanham Act to preserve True Religion's equitable remedies for trademark counterfeiting, including, *inter alia*, the restraint of Defendants' counterfeiting operations including Defendants' Infringing Web Sites, the disabling of Defendants' means of distributing, offering for sale and selling Counterfeit Products, the acquisition of the business records relating to Defendants' operations, and preservation of True Religion's right to an equitable accounting of proceeds from Defendants' sale of Counterfeit Products.

THEREFORE, IT IS HEREBY ORDERED that Defendants show cause on or before the 30th day of November 2011 at 11:00 a.m. or as soon thereafter as counsel can be heard, in Courtroom 23B, in the United States District Court for the Southern District of New York, why an order pursuant to Federal Rule of Civil Procedure 65 and Section 34 of the Lanham Act should not be entered granting True Religion a Preliminary Injunction as follows:

(a) Enjoining and restraining Defendants, their officers, agents, servants and employees and any persons in active concert or participation with them, including but not limited to Internet service providers ("ISPs"), from:

(i) using the TRUE RELIGION Marks and True Religion Copyrights or any reproduction, counterfeit, copy or colorable imitation of the TRUE RELIGION Marks and True Religion Copyrights in connection with the distribution, advertising, offer for sale and/or sale of merchandise not the genuine products of True Religion; and

- (ii) passing off, inducing or enabling others to sell or pass off any Counterfeit Products as and for True Religion; and
  - (iii) shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner jeanswear, sportswear, accessories or other items falsely bearing the TRUE RELIGION Marks and True Religion Copyrights, or any reproduction, counterfeit, copy or colorable imitation of same; and
  - (iv) utilizing the Infringing Domain Names and registering any additional domain names that use or incorporate any of the TRUE RELIGION Marks and True Religion Copyrights; and
  - (v) operating and/or hosting Defendants' Infringing Web Sites.
- (b) Restricting the transfer of Defendants' assets pursuant to the provisions of this Order hereinafter set forth.
- (c) Ordering the domain name registries, including but not limited to VeriSign, Inc., Neustar, Inc., and Public Interest Registry and/or the individual registrars holding or listing one or more domain names used in conjunction with Defendants' Infringing Web Sites, to disable these domain names, through a registry hold or otherwise, and make them untransferable until further order from this Court.

IT APPEARING to the Court that Defendants are distributing, offering for sale and/or selling Counterfeit Products, including via Defendants' Infringing Web Sites, and will continue to carry out such acts unless restrained by Order of the Court, it is hereby:

ORDERED, that pending the hearing on True Religion's application for a Preliminary Injunction, Defendants, including their agents, servants, employees, confederates and any persons acting in concert or participation with them or third parties providing services used in connection with Defendants' operations including, without limitation, Internet Service Providers ("ISP"), registrars, or online third-party selling platforms, having knowledge of this Order by service, actual notice or otherwise bc, and are, hereby temporarily restrained from:



- (a) Committing any of the acts set forth in subparagraphs (a)(i)-(v) above;
- (b) Moving, destroying, or otherwise disposing of any items, merchandise or documents relating to the Counterfeit Products, Defendants' Infringing Web Sites, and/or Defendants' assets and operations; and
- (c) Removing, destroying or otherwise disposing of any computer files, electronic files, business records, or documents relating to Defendants' Infringing Web Sites, Defendants' assets and operations or relating in any way to the manufacture, acquisition, purchase, distribution or sale of Counterfeit Products or any reproduction, counterfeit, copy or colorable imitation of the TRUE RELIGION Marks; and it is further

ORDERED, that discovery herein may begin immediately by True Religion by providing actual notice, pursuant to subpoena or otherwise, of this Order to any of the following: (1) Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them; (2) any banks, savings and loan associations, payment processors or other financial institutions, including without limitation, PayPal, Inc., or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA), which receive payments or hold assets on Defendants' behalf; and (3) any third party service providers, including without limitation, ISPs, back-end service providers, web designers, sponsored search engine or ad-word providers, shippers, domain name registrars, domain name registries or online third-party selling who have provided services for Defendants; and it is further

ORDERED, that any third party providing services in connection with any Defendant and/or Defendants' Infringing Web Sites, including without limitation, ISPs, back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant

account providers including PayPal, Inc., third party processors and other payment processing services, shippers, domain name registrars, domain name registries and online third-party selling platforms (collectively "Third Party Providers") shall within five (5) days after receipt of such notice, provide copies of all documents and records in such person or entity's possession or control relating to:

- (a) The identities and addresses of Defendants, their agents, servants, employees, confederates, and any persons acting in concert or participation with them and the locations and identities of Defendants' operations, including without limitation, identifying information associated with Defendants' Infringing Web Sites, Infringing Domain Names and financial accounts;
- (b) Defendants' Infringing Web Sites;
- (c) The Infringing Domain Names or any domain name registered by Defendants; and
- (d) Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including without limitation, PayPal, Inc., Western Union, or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA); and it is further

ORDERED, that the Temporary Restraining Order shall remain in effect until the date for hearing on the Order to Show Cause set forth above, or such further dates as set by the Court, unless Defendants stipulate, or have not objected, to the Preliminary Injunction; and it is further

ORDERED, that True Religion shall post a corporate surety bond in the amount of ten thousand dollars (\$10,000.00) as security, determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful seizure or restraint hereunder; and it is further

ORDERED, that sufficient cause having been shown, service of this Order together with the Summons and Complaint, which may be made on Defendants by registered electronic mail, and that such service shall be made on or before November 23, 2011 at 5:00 p.m. following service on the Third Party Providers, which is to occur on or before Friday November 18, 2011; and it is further

ORDERED, that True Religion may complete service of process on Defendants by electronic mail at the following one hundred and thirty-seven (137) email addresses, which True Religion has demonstrated will provide adequate notice to Defendants pursuant to Fed. R. Civ.

P. 4:

sarah_trading@live.com	e-trade1988@hotmail.com	smart127@hotmail.com
sarah@psunions.com	dajiahao662009@hotmail.com	wuqiuping2004@163.cn
louisvuitton.sale@hotmail.com	ynyfan@aol.com	lucktrade09@hotmail.com
toptrjeans@hotmail.com	zhnzlin@aol.com	gouzhu66@gmail.com
toptruereligionjeans@hotmail.com	comaupeter@gmail.com	abcbuysell@hotmail.com
fashionjeanshop@gmail.com	sellersalecsmith@gmail.com	andear.pt@hotmail.com
sales@truereligionale.co.uk	admin@qq.com	kellylin55@hotmail.com
sarah@psunions.com	173916647@qq.com	pt123@126.com
outletjean@gmail.com	sanbokeyes@yahoo.com	hepinsports2010@yahoo.cn
vip.managerservice@gmail.com	black.hubbard@gmail.com	papy168@hotmail.com
service@truereligionlike.com	storezhs@hotmail.com	ipayebagi@163.com
obcs001@hotmail.com	yourspayment@yahoo.com	guang168ying@hotmail.com
jackrosegates@gmail.com	zhzrong@aol.com	271305515@qq.com
wrsns@msn.com	chezhen@aol.com	wangmeixiang86@yahoo.com.cn
service@myfashionjeans.com	outletjean@gmail.com	xuhuan0123@yahoo.com.cn
jeanstruereligion@gmail.com	vip.managerservice@gmail.com	zhaomin82@yahoo.com
cheaptruereligionjeanssale		
@hotmail.com	trademaster101@hotmail.com	402590112@qq.com
world203@hotmail.com	stephanyu28qz2@hotmail.com	yangyinghui0123@yahoo.com.cn

nikecool@live.com  
 V9mall@hotmail.com  
 tinrui\_tradekey@hotmail.com

javon\_trade@hotmail.com  
 cheapskys@hotmail.com  
 gotradingzone@hotmail.com  
 trade369@hotmail.com  
 trade369@gmail.com  
 sales@brandstribе.com  
 brandstribе@hotmail.com  
 brandstribеinfo@yahoo.com  
 order@trademoment.com  
 trade88cn@hotmail.com  
 wyzshoes@hotmail.com  
 wzj886@live.cn  
 zou1973@hotmail.com  
 sales@cheerwholesale.com  
 cheer\_001@hotmail.com  
 moonriver-trade@hotmail.com  
 tradevoid@hotmail.com  
 tradevoid@yahoo.com.cn  
 fashionshop2010@hotmail.com  
 papo168@hotmail.com  
 papo168@163.com  
 wiwitrade@gmail.com  
 aanbajersey@hotmail.com  
 aanbajersey@yahoo.com.cn

383068823@qq.com  
 ctownbaby@comcast.net  
 dradina@mac.com

vanessa.nikki@gmail.com  
 vikthegoddess@hotmail.co.uk  
 wxiaomian@hotmail.com  
 mmotrading@yahoo.cn  
 537553944@qq.com  
 kicksonfoot@gmail.com  
 kicksonfoots@gmail.com  
 needapairshoe@gmail.com  
 mrshuang123@hotmail.com  
 btwgold4@hotmail.com  
 wholesaledaily@gmail.com  
 nikecool@live.com  
 421567127@qq.com  
 efashiontrade@gmail.com  
 v9mall@hotmail.com  
 jask18@163.com  
 262001558@qq.com  
 402660558@qq.com  
 fengnianly@sohu.com  
 longbiztrade@hotmail.com  
 gotradingzone@hotmail.com  
 kaka368@163.com  
 trade369@hotmail.com  
 alicewenne@hotmail.com  
 marry-gan@hotmail.com

lygang2010@yahoo.com.cn  
 ca10010cn@hotmail.com  
 lan\_1802@163.com  
 brandstribе.com  
 @protecteddomainservices.com  
 Email598269039@qq.com  
 feng08183@sohu.com  
 zhif\_chen@163.com  
 jask18@163.com  
 shtanjuunno1@163.com  
 819486758@qq.com  
 kicksonfoot@gmail.com  
 sh12345602@hotmail.com  
 dradina@mac.com  
 zterry101@gmail.com  
 lrgjeans008@hotmail.com  
 wiwitrade@hotmail.com  
 chinarg002@126.com  
 404898547@qq.com  
 pt123@126.com  
 505175638@qq.com  
 cheerfred@hotmail.com  
 lan\_1802@163.com  
 lucyking88@yahoo.com  
 sh12345602@hotmail.com  
 ca10010cn@hotmail.com  
 1554253616@qq.com  
 XylonDameck@hotmail.com  
 kandyCarroll@hotmail.com

; and it is further

ORDERED, that True Religion's counsel file with the court within ten (10) days after this Order is executed, an affidavit or declaration setting forth: (a) the date on which the Order was executed, (b) the date and means with which the Defendants' were served with a copy of the Order, and (c) a description of the domain names, websites and other assets that were disabled and/or restrained; and it is further

ORDERED, that in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, Defendants and their officers, servants, employees and agents and any persons in active concert or participation with them, and any banks, savings and loan associations, payment processors or other financial institutions, including without limitation PayPal, Inc., or other merchant account providers, payment providers, or third party processors for any Defendant, any of Defendants' operations, Defendants' Infringing Web Sites or for any other website owned or controlled by Defendants, who receive actual notice of this Order, shall immediately locate all accounts connected to Defendants or Defendants' Infringing Web Sites and that such accounts be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets, not allowing such funds to be transferred or withdrawn, and not allowing any refunds, charge-backs, or other diminutions to be made from such accounts pending further order from this Court; and it is further

ORDERED, that upon two (2) business day's written notice to the Court and True Religion's counsel, any Defendant may, upon proper showing, appear and move for the dissolution or modification of the provisions of this Order concerning the restriction upon transfer of Defendants' assets; and it is further

ORDERED that, in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, the domain name registries, including but not limited to VeriSign, Inc., Neustar, Inc., and Public Interest Registry, and/or the individual registrars holding or listing one or more of the domain names used in conjunction with Defendants' Infringing Web Sites shall, within three (3) days of receipt of this Order, temporarily disable these domain names, through a registry hold or

otherwise, and make them inactive and untransferable pending further order from this Court; and it is further

ORDERED that, in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, any third party providing services in connection with any Defendant and/or Defendants' websites, including without limitation ISPs, back-end service providers, affiliate program providers, web designers, and sponsored search engine or ad-word providers, shall immediately temporarily disable service to any and all Defendants' Infringing Web Sites; and it is further

ORDERED, that Defendants' answering papers, if any, shall be filed with the Clerk of this Court and served upon the attorneys for True Religion by delivering copies thereof to the offices of Greenberg Traurig, 200 Park Avenue, 34<sup>th</sup> Floor, New York, NY 10166 Attention: Scott Gelin, Esq., before 5:00 p.m. on November 28, 2011. Any reply shall be filed and served by True Religion by 11:00 a.m. on November 30, 2011; and it is finally

ORDERED, that this action shall remain sealed by the Court until the date for hearing on the Order to Show Cause set forth above, at which time the Clerk shall remove the seal.



Defendants are hereby given notice that failure to attend the hearing scheduled herein may result in confirmation of the seizure authorized herein, destruction or other disposition of the goods seized, if any, immediate issuance of the prayed-for Preliminary Injunction to take effect immediately upon expiration or dissolution of the Temporary Restraining Order, and shall otherwise extend for the pendency of this litigation relief upon the same terms and conditions as comprise this Temporary Restraining Order. Defendants are hereby given further notice they shall be deemed to have actual notice of the issuance and terms of such Preliminary Injunction and any act by them or any one of them in violation of any of the terms thereof may be considered and prosecuted as contempt of this Court.

SIGNED this 17<sup>th</sup> day of November 2011.

  
UNITED STATES DISTRICT COURT JUDGE

Exhibit 1

1. truereligionjeans4outlet.com
2. truereligionjeans2sale.com
3. truereligion4outlet.com
4. truereligionjeansoutlet8.com
5. cheapjeanssale2.com
6. cheaptruereligionjeanssale.org
7. cheaptruereligionjeans2.com
8. truereligionoutlet3.com
9. truereligionoutlet8.com
10. brandjeansonline.org
11. truereligionjeanssales.com
12. bagsoutletss.com
13. religionoutlets.com
14. toptrjeans.com
15. cheaptruereligion8.com
16. toptruereligionjeans.com
17. fashionjeanshop.com
18. fortruereligionjeans.com
19. truereligionale.co.uk
20. cheaptruereligion.co.uk
21. truereligion2cheap.com
22. truereligion-cheap.com
23. truereligion2sale.com
24. jeanswholesaling.com
25. outlet-jeans.com
26. truereligionlike.com
27. cheapertruereligionjeans.net
28. cheaptruereligionjeans2u.com
29. cheaptruereligionjeans2011.com
30. truereligionoutletusa.com
31. cheaptruereligionjeans-sale.com
32. truereligionjeansbox.com
33. truereligionjeans4sale.com
34. mycheaptruereligionjeans.com
35. cheaptruereligionjeansoutlets.com
36. cheaptruereligionjeansoutlets.net
37. myfashionjeans.com
38. buytruereligionjeans.net (qiquwang.net)
39. cheapertruereligionjeans.com
40. truereligionoutlet-sale.com
41. truereligionoutlets2011.net
42. discounttrjeans.com
43. true-religion-jeans-outlet.com
44. cheapjeanstruereligion.info
45. cheaptruereligionjeans.info



46. saletruereligionjeans.info  
 47. truereligionjeans-outlet.cc  
 48. truereligionjeans-outlet.info  
 49. truereligionjeans-outlets1.info  
 50. truereligion-outlet.cc  
 51. truereligionoutletjeans.info  
 52. truereligion-outletjeans.info  
 53. truereligionoutletjeans.cc  
 54. truereligionjeanssale.cc  
 55. truereligionoutlet.cc  
 56. jeans-true-religion.com  
 57. truereligionoutletjeans-new.info  
 58. jeans-truc-religions.com  
 59. truereligionbrandjeansstore.com  
 60. nikecool.com  
 61. v9mall.com  
 62. tinrui.com  
 63. cheap-skys.com  
 64. gotradingzone.com  
 65. the9thstreet.com  
 66. brandstribе.com  
 67. trade88cn.com  
 68. fashionchoose.com  
 69. bestkf.com  
 70. cheerwholesale.com  
 71. moriver-trade.com  
 72. tradevoid.com  
 73. inttopbrand.com  
 74. toshoesa.com  
 75. pengfashionshoes.com  
 76. longfengtrade.com  
 77. wiwitrade.com  
 78. aanbajersey.com  
 79. cyberdealing.com  
 80. cheaptruereligionjeanssale.net  
 81. cheaptrue-religionjeans.com  
 82. cheap-true-religion-jeans.com  
 83. world203.com  
 84. truereligion4sale.com  
 85. franklinmarshalls.com  
 86. trademoment.com

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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CHANEL, INC.,	)	
a New York corporation,	)	
	)	
Plaintiff,	)	Case No. 2:10-cv-02684-BBD-dkv
	)	
v.	)	
	)	
DOES 7-172 d/b/a the aliases identified on	)	FILED UNDER SEAL
Schedule “A” and DOES 173-500	)	
	)	
Defendants.	)	
	)	

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**ORDER GRANTING *EX PARTE* APPLICATION FOR ENTRY OF A TEMPORARY  
RESTRAINING ORDER, SETTING HEARING ON PRELIMINARY INJUNCTION, AND  
ORDER TEMPORARILY SEALING THE FILE**

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THIS CAUSE is before the Court on Plaintiff’s *Ex Parte* Application for Entry of a Temporary Restraining Order and Preliminary Injunction and Order Temporarily Sealing the File (the “*Ex Parte* Application”). Plaintiff Chanel, Inc. (“Chanel”) moves *ex parte*, for entry of a temporary restraining order, and, upon expiration of the temporary restraining order, a preliminary injunction against Defendants Does 7-172 d/b/a as the aliases identified on Schedule “A” hereto and the Domain Names identified on Schedule “B” hereto (the “Subject Domain Names”) pursuant to 15 U.S.C. § 1116 and Fed. R. Civ. P. 65 for alleged violations of the Lanham Act, 15 U.S.C. §§ 1114, and 1125(a) and (d).



For reasons set forth herein, Plaintiff’s *Ex Parte* Application is GRANTED.

**I. Factual Background**

The Court bases this Order on the following facts from Plaintiff’s First Amended Complaint, *Ex Parte* Application, and supporting evidentiary submissions.

Chanel is a corporation duly organized under the laws of the State of New York with its principal place of business in the United States located at Nine West 57th Street, New York, New York 10019. Compl. ¶ 2. Chanel is engaged in the manufacture, promotion, distribution, and sale in interstate commerce, including within this Judicial District, of high quality products under the Chanel Marks. (Declaration of Pilar Toro (“Toro Decl.”) ¶ 4. Chanel is, and at all times relevant hereto has been, the owner of all rights in and to the following Federally registered trademarks:

<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>
CHANEL	0,626,035	May 1, 1956
CHANEL	0,955,074	March 13, 1973
	1,314,511	January 15, 1985
CHANEL	1,347,677	July 9, 1985
CHANEL	1,571,787	December 19, 1989
CHANEL	1,733,051	November 17, 1992
J12	2,559,772	April 9, 2002
	3,025,934	December 13, 2005
CHANEL	3,133,139	August 22, 2006
	1,734,822	November 24, 1992
	1,501,898	August 30, 1988
	1,241,264	June 7, 1983
CHANEL	1,241,265	June 7, 1983
	1,271,876	March 27, 1984

CHANEL	0,915,139	June 15, 1971
CHANEL	1,510,757	November 1, 1988
	3,025,936	December 13, 2005
CHANEL	3,134,695	August 29, 2006
	1,654,252	August 20, 1991

(the “Chanel Marks”) which are registered in International Classes 9, 14, 18 and 25 and are used in connection with the manufacture and distribution of, among other things, handbags, wallets, costume jewelry, watches, shoes, boots and clothing. (Toro Decl. ¶ 4 and Composite Exhibit “1” attached thereto).

Defendants have advertised, offered for sale, and/or sold at least handbags, wallets, costume jewelry, watches, shoes, boots and clothing, bearing what Plaintiff has determined to be counterfeits, reproductions, and/or colorable imitations of the Chanel Marks. (Toro Decl. ¶¶ 12-14; Declaration of Brandon Scott (“Scott Decl.”) ¶ 4). Defendants are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, reproductions, and/or colorable imitations of the Chanel Marks. (Toro Decl. ¶ 9.)

Plaintiff retained Brandon Scott (“Scott”) of Brasco & Associates, LLC to investigate suspected sales of counterfeit Chanel branded products by Defendants. (Toro Decl. ¶ 10; Scott Decl. ¶ 3). On September 16, 2010, Scott accessed the Internet websites operating under the domain names Allbagshop.com, Chanelhandbagstore.com, Meetbags.com, Chanelbagsoutlet.com, Chanelbags2010.com, Evoguemail.com, Namebrandsfashions.com, Livedealmall.net, Purse-mall.com, and Brands-center.com, and placed orders for the purchase of Chanel branded handbags, wallets, shoes and sunglasses. (Scott Decl. ¶¶ 4, and Composite Exhibit “1”). Scott’s purchases were processed entirely online, which included providing

shipping and billing information, payment, and confirmation of his orders. (Scott Decl. ¶ 4 and Composite Exhibit “1”). Scott was able to communicate only electronically in connection with his purchase of the Chanel branded goods via the various websites. (Scott Decl. ¶ 4). A representative of Chanel inspected and analyzed the web page listings, including images, for the Chanel branded goods purchased by Scott and determined them to be a non-genuine Chanel products. (Toro Decl. ¶¶ 11-12.) Additionally, Chanel’s representative reviewed and visually inspected the items bearing the Chanel Marks offered for sale on all of the Internet websites operating under the Subject Domain Names and determined the products were non-genuine products. (Toro Decl. ¶ 13).

## II. Conclusions of Law

The Declarations Plaintiff submitted in support of its *Ex Parte* Application support the following conclusions of law:

A. Plaintiff has a very strong probability of proving at trial that consumers are likely to be confused by Defendants’ advertisement, promotion, sale, offer for sale, and/or distribution of handbags, wallets, watches, shoes, boots, clothing, sunglasses, watches, and costume jewelry, bearing counterfeits, reproductions, and/or colorable imitations of the Chanel Marks, and that the products Defendants are selling are copies of Plaintiff’s products that bear copies of the Chanel Marks on handbags, wallets, costume jewelry, watches, shoes, boots and clothing. *Feist Publication, Inc. v. Rural Telephone Service, Co., Inc.*, 499 U.S. 340, 361 (1991).

B. Because of the infringement of the Chanel Marks, Plaintiff is likely to suffer an immediate and irreparable injury if a temporary restraining order is not granted. *McDonald’s Corp. v. Robertson*, 147 F.3d 1301, 1310 (11<sup>th</sup> Cir. 1998). It clearly appears from the following specific facts, as set forth in Plaintiff’s First Amended Complaint, *Ex Parte* Application, and

accompanying Declarations on file that immediate and irreparable loss, damage, and injury will result to Plaintiff and to consumers before Defendants can be heard in opposition unless Plaintiff's request for *ex parte* relief is granted:

1. Defendants own or control Internet business operations which advertise, offer for sale, and sell at least handbags, wallets, costume jewelry, watches, shoes, boots and clothing, bearing counterfeit and infringing trademarks in violation of Plaintiff's rights;

2. Plaintiff has well-founded fears that more counterfeit and infringing handbags, wallets, costume jewelry, watches, shoes, boots and clothing bearing Chanel trademarks will appear in the marketplace; that consumers may be misled, confused, and disappointed by the quality of these products; and that Plaintiff may suffer loss of sales for its genuine products;

3. Plaintiff has well-founded fears that if it proceeds on notice to the Defendants on this *Ex Parte* Application, Defendants can easily and quickly transfer the registrations for many of the Subject Domain Names, or modify registration data and content, change hosts, and redirect traffic to other websites, thereby thwarting Plaintiff's ability to obtain meaningful relief;

4. The balance of potential harm to Defendants in restraining their trade in counterfeit and infringing branded goods if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiff, its reputation and goodwill as a manufacturer of quality handbags, wallets, costume jewelry, watches, shoes, boots and clothing if such relief is not issued; and

5. The public interest favors issuance of the temporary restraining order in order to protect Plaintiff's trademark interests and protect the public from being defrauded by the

palming off of counterfeit goods as genuine goods of Plaintiff. *See Nike, Inc. v. Leslie*, 227 U.S.P.Q. 574, 575 (M.D. Fla. 1985).

Upon review of Plaintiff's First Amended Complaint, *Ex Parte* Application, and supporting evidentiary submissions, it is hereby

ORDERED that Plaintiff's *Ex Parte* Application is GRANTED, according to the terms set forth below:

### **TEMPORARY RESTRAINING ORDER**

(1) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order are hereby temporarily restrained:

- (a) From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing the Chanel trademarks identified in Paragraph 13 of the First Amended Complaint in this matter (the "Chanel Marks"), or any confusingly similar trademarks, other than those actually manufactured or distributed by Plaintiff; and
- (b) From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by Plaintiff, bearing the Chanel Marks, or any confusingly similar trademarks; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing the Chanel Marks, or any confusingly similar trademarks.

(2) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order shall immediately discontinue the use of the Chanel Marks or any confusingly similar trademarks, on or in connection with all Internet websites owned and operated, or controlled by them including the Internet websites operating under the Subject Domain Names;

(3) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of

this Order shall immediately discontinue the use of the Chanel Marks, or any confusingly similar trademarks within domain name extensions, metatags or other markers within website source code, from use on any webpage (including as the title of any web page), any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms which is visible to a computer user or serves to direct computer searches to websites registered by, owned, or operated by Defendants, including the Internet websites operating under the Subject Domain Names;

(4) Defendants shall not transfer ownership of the Subject Domain Names during the pendency of this Action, or until further Order of the Court;

(5) The top-level domain (TLD) Registry for the Subject Domain Names, within ten (10) days of receipt of this Temporary Restraining Order shall change the Registrar of record for the Subject Domain Names to the United States based Registrar GoDaddy.com, Inc. where they will be placed in a holding account in trust for the Court. Upon transfer of the Subject Domain Names into the holding account, GoDaddy.com, Inc. will hold the Subject Domain Names in trust for the Court during the pendency of this action. Additionally, Go Daddy.com, Inc. shall immediately update the Domain Name System ("DNS") data it maintains for the Subject Domain Names, which links the domain names to the IP addresses where their associated websites are hosted, to NS1.MEDIATEMPLE.NET and NS2.MEDIATEMPLE.NET, which will cause the domain names to resolve to the website where a copy of the First Amended Complaint, Summons and Temporary Restraining Order and other documents on file in this action are displayed. Alternatively, Go Daddy.com, Inc. may institute a domain name forwarding which will automatically redirect any visitor to the Subject Domain Names to the following Uniform Resource Locator ("URL") <http://servingnotice.com/oft/index.html> whereon a copy of the First



Amended Complaint, Summons and Temporary Restraining Order and other documents on file in this action shall be displayed. After Go Daddy.com, Inc. has effected this change the Subject Domain Names shall be placed on Lock status, preventing the modification or deletion of the domains by the registrar or the Defendant;

(6) Defendants shall preserve copies of all their computer files relating to the use of any of the Subject Domain Names and shall take all steps necessary to retrieve computer files relating to the use of the Subject Domain Names and that may have been deleted before the entry of this Order;

(7) This Temporary Restraining Order shall remain in effect until the date for the hearing on the Motion for Preliminary Injunction set forth below, or until such further dates as set by the Court or stipulated to by the parties;

(8) This Temporary Restraining Order shall apply to the Subject Domain Names and any other domain names properly brought to the Court's attention and verified by sworn affidavit to be used by Defendants for the purpose of counterfeiting the Chanel Marks at issue in this action and/or unfairly competing with Chanel in connection with search engine results pages;

#### **BOND TO BE POSTED**

(9) Pursuant to 15 U.S.C. § 1116(d)(5)(D), Plaintiff shall post a bond in the amount of Twenty Thousand Dollars and Zero Cents (\$20,000.00), as payment of damages to which Defendants may be entitled for a wrongful injunction or restraint. Plaintiff shall post the bond prior to requesting the Registries to transfer control of the Subject Domain Names;

#### **PRELIMINARY INJUNCTION**

(10) A hearing is set before this Court in Courtroom Number 3 on the 9<sup>th</sup> floor of the Clifford Davis and Odell Horton Federal Building, 167 North Main Street, Memphis, Tennessee,

on November 15, 2010, at 2:00 p.m., or at such other time that this Court deems appropriate, on Plaintiff's Motion for a Preliminary Injunction restraining Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants from engaging in the activities that are subject of the above Temporary Restraining Order;

(11) Plaintiff shall serve a copy of the *Ex Parte* Application and this Order and all other pleadings and documents on file in this action on Defendants by posting a copy of the *Ex Parte* Application and this Order on the website located at <http://servingnotice.com/oft/index.html> within forty-eight (48) of the Subject Domain Names being transferred to the Go Daddy holding account and such notice shall so given shall be deemed good and sufficient service thereof. Plaintiff shall thereafter further provide notice of these proceedings and copies of the documents on file in this matter to Defendants using all email addresses identified in the registration data for each of the Subject Domain Names. Any response or opposition to Plaintiff's Motion for Preliminary Injunction must be filed and served on Plaintiff's counsel forty-eight (48) hours prior to the hearing set for November 15, 2010, and filed with the Court, along with Proof of Service, on November 13, 2010. Plaintiff shall file any Reply Memorandum on or before November 14, 2010. The above dates may be revised upon stipulation by all parties and approval of this Court. Defendants are hereby on notice that failure to appear at the hearing may result in the imposition of a preliminary injunction against him pursuant to 15 U.S.C. § 1116(d) and Fed. R. Civ. P. 65.

**SEAL ORDER**

(12) It is further **ORDERED** that for good cause shown, Plaintiff's Motion for Order Temporarily Sealing the File is **GRANTED**. The file in this case shall remain sealed until the Subject Domain Names are transferred to the Court's control as ordered herein. At that time, the Court will enter an order unsealing the file and directing the Clerk to make all documents on file in this matter accessible to the public. Notwithstanding the foregoing Chanel may file additional sworn Affidavits as contemplated in Paragraph 8 hereof under seal and those Affidavits and any further Orders resulting there from shall be maintained under seal until released by further Order of this Court.

IT IS SO ORDERED.

DATED: November 1, 2010 at 2:00 p.m.

s/Bernice Bouie Donald  
BERNICE B. DONALD  
UNITED STATES DISTRICT JUDGE

**SCHEDULE A**  
**DEFENDANT DOES 7-172 ALIASES**

???

Adam Wong

Airjordanforsale

Alotshoes Alotshoes

Andrei Grischechkin

Anuo

Asd Asd

Azhong Chen

Bai Fiefie

Barbara Palmer

Cai Lingling

Changwen Tu

Chen Chen

Chen Hai

Chen Yang

Chenhaibin

Chenshaofa

Chenzhixin

Chlsale Inc.

Christian Louboutin

Dan Liu

Dawi Chan

Dearpurses

Digirock, Inc.

Domains By Proxy, Inc.

Dongdong Zhao

Edgar Torres

Eishe Eishe

Endeavor I.E.

Eshishang

Fang Tao

Fangchen

Feng Feng

Gao Fei

Gao Ting

Gaomeng

Gdasgf

Ghijkl

Guangguang Xu

Guangzhou Boyee Information Technology Co.,

Guo Yanya

Haiao Network

Han Guang

Huang Jianying  
Huangyang Guo  
Huizhen Lin  
Huyitian  
Hyb  
Irene Pan  
James Donald  
Jeremy Tirolle  
Jia Liu  
Jian Lin  
Jiancheng Lin  
Jiang Zhihua  
Jianhaokan  
Jianming  
Jianqing Chen  
Jinxian Zhang  
Jun Jie  
Kevin Lee  
Koji  
Ksaler.Com  
Lewis  
Li Hang  
Li Kaitai  
Li Ping Xu  
Li Xiao  
Lijinda  
Lijun  
Lila Banafshe  
Lin Zhi Ping  
Linhaoran  
Liu Hao  
Liu Jun  
Liu Ming  
Liu Xiu Gao  
Liu Yunfei  
Liujinfa  
Liumaying  
Liyanghua  
Luo Yang  
Marco Gonzales  
Merry Liny  
Ming Zhao  
Ni Lu Yang  
Onepound  
Panbenhai  
Peng Cheng

Privacyprotect.Org  
Protected Domain Services  
Pryor Bill  
Qiang Teng  
Ren Xue  
Ru Hua  
Samdy Chen  
Sean Mcneill  
Sebastian  
Shang Yanghui  
Shi Juan Yao  
Shiping Fang  
Sihua Maoyi Co., Ltd  
Simon Chen  
Steven Wangkk  
Su Qimei  
Su Xin  
Suen Wei  
Tanjunguan  
U-Replica-Watches  
Us880  
Value Domain  
Wang Hua  
Wang Shihuang  
Wang Xiaoqiang  
Wangjiangchuan  
Wangxiqin  
Webhost Ltd  
Wei Xiao  
Wen Dapao  
Weng Huangteng  
Wenjin Li  
Whoisguard  
Whoisprotection.Cc  
Wholesale-Here Inc  
William King  
Wu Xin  
Wuji  
Wuxiaoying  
Xiang Long Commerce Company  
Xiaoli Chen  
Xiaosuona  
Xie Jiayi  
Xie Li  
Xieling  
Xu Defu

Xu Qing  
Yangxueli  
Youmeihui  
Yunfei Liu  
Zhang Bin  
Zhang Chuhong  
Zhang Jie  
Zhang San  
Zhangyong  
Zhao Kuang Yin  
Zhej China  
Zheng Liquan  
Zhonshuntao  
Zhu Jun Wen  
Zihan Meng  
北京春秋建礼品店

**SCHEDULE B**  
**SUBJECT DOMAIN NAMES**

21centurybags.com  
4bag4.com  
8afashion.com  
airjordanforsale.com  
allbagshop.com  
allofbags.com  
allofchanel.com  
alotshoes.org  
an-christianlouboutin.com  
bagaol.com  
bagfrance.com  
bagsboard.org  
bagscabin.com  
bagsfrance.com  
bagsfrench.com  
bagshobby.com  
bagsop.com  
bagsship.org  
bagsshow.com  
bestaring.com  
brandjewelrysale.com  
brands-center.com  
buybagshere.com  
buychaneljewelryonline.com  
buycocochanel.com  
buy-designer-boots.com  
calbrena.com  
cartierreplicawatches.net  
centermalls.com  
chanelashop.com  
chanelbagoutlet.com  
chanelbags2.com  
chanelbags2010.com  
chanelbagsoutlet.com  
chanelcocoonsale.com  
chanelfan.com  
chanelhandbagstore.com  
chaneljewelry.org  
chaneljewelryonsale.com  
chanel-online-shop.com  
chanel-outlets-store.com  
chanel-outlet-store.com  
chaneloutletstore.net



chaneloutletstores.com  
chanelsonline.com  
chanel-sunglass-lover.com  
cheapbagstore.com  
cheap-chanel.com  
cheapchanelbags.us  
cheap-chanel-shopping.com  
cheapchanelwatches.com  
cheapclarksshoes.com  
cheapretrojordan.com  
chinacheapbags.com  
chinawholesalesunglasses.com  
chlsale.com  
christianlouboutinsaleuk.net  
christian-louboutin-shoes.org  
coachhandbagss.com  
cocobags.com  
cocoschanel.com  
csscoosite.com  
designer2shoes.com  
discounts-christianlouboutin.com  
eby-store.com  
ec23.com  
enreplicas.net  
eshishang.com  
eshoesworld.com  
eurluxury.com  
evoguemail.com  
famousbrandshop.com  
fashionjewelrysale.com  
fendsell.com  
freplicahandbags.com  
frreplicahandbags.com  
getchinabest.com  
global-bag.com  
go-handbags.com  
guccionlineoutlet.net  
guccisoutlet.com  
handbagair.net  
handbagsangel.com  
ikeepall.com  
iluxuryonline.com  
inikesneakers.com  
ksaler.com  
ladyhandbagssale.com  
largejewelrysite.com

lirenhandbags.com  
livedealmall.net  
louis-vuitton-outlet.net  
lovechanelhandbags.com  
lovesmall.com  
luckywholesaler.com  
luxury-handbags-lady.com  
luxuryowner.net  
mainbags.org  
meetbags.com  
mirrorwatch.com  
mmebay.com  
mybagsroom.net  
mylike123.com  
my-luxuryhandbags.com  
myphonecard.cn  
myretrokicks.com  
mysubmariner.com  
namebrandsfashions.com  
nikespaces.com  
obhandbags.com  
okeyxixi.com  
patty-schnyder.com  
pick-designer-shoes.com  
prevalentbags.com  
pursefocus.com  
purse-mall.com  
replica4sgs.com  
replicabags4u.com  
replicabagscenter.com  
replicabagscn.com  
replicachannels.com  
replicacn.net  
replicaexpert.us  
replicahandbags963.com  
replicahandbagss.com  
replicainchina.com  
replicaonlinebags.com  
replica-product.com  
replicaslouisvuitton.net  
replicatiffanys.net  
replicawatches5.com  
replicawatcheshk.com  
salebesthandbags.com  
sale-sunglasses.net  
sandalsbay.com

sf46.com  
shehandbag.net  
shoeinshoes.com  
shoes2toryburch.com  
shoesbagsbags.com  
silverdesignerjewelry.com  
silverjewelrylife.com  
sogokey.com  
sunglassesfield.com  
sunglassesoo.com  
sunglassesviponsale.com  
sunglasssky.com  
tiffanyreplicas.net  
tiffanysjewelry.net  
top1handbag.com  
topareplicas.com  
topchanelbagsonsale.com  
tophotwatches.com  
topursestore.com  
u-replica-watches.com  
us-sunglassesale1.com  
vipsneaker.com  
wantlouboutinshoes.com  
watcheslux.com  
watchsever.com  
wholesale567.com  
wholesale-here.com  
wholesale-hub.com  
wholesale-mall.com  
wholesaler-handbag.com  
women2shoes.com

Memphis 1882519v1

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*Attorneys for Plaintiff Tiffany (NJ), LLC*

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

TIFFANY (NJ), LLC,	)	Case No. 2:11-cv-00590-LDG-GWF
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER GRANTING</b>
	)	<b>PLAINTIFF'S <i>EX PARTE</i></b>
THE PARTNERSHIPS and	)	<b>APPLICATION FOR ENTRY OF</b>
UNINCORPORATED ASSOCIATIONS	)	<b>TEMPORARY RESTRAINING ORDER</b>
IDENTIFIED ON SCHEDULE "A" and	)	
DOES 1-1000,	)	
	)	
Defendants.	)	
	)	

THIS CAUSE is before the Court on Plaintiff's *Ex Parte* Application For Entry of a Temporary Restraining Order and Preliminary Injunction (the "Application for TRO"). Plaintiff, Tiffany (NJ), LLC ("Plaintiff" or "Tiffany"), moves *ex parte*, for entry of a temporary restraining

order, and, upon expiration of the temporary restraining order, a preliminary injunction against Defendants, The Partnerships and Unincorporated Associations identified on Schedule "A" hereto and Docs 1-1000 (collectively "Defendants"), pursuant to 15 U.S.C. § 1116 and Fed. R. Civ. P. 65 for alleged violations of the Lanham Act, 15 U.S.C. §§ 1114, and 1125(a) and (d).

For reasons set forth herein, Plaintiff's Application for TRO is GRANTED.




### I. Factual Background

The Court bases this Order on the following facts from Plaintiff's Complaint, Application for TRO, and supporting evidentiary submissions.

Tiffany is a Delaware limited liability company, with its principal place of business in the United States located at 15 Sylvan Way, Parsippany, NJ 07054. (Compl. ¶ 2.) Tiffany is engaged in the manufacture, promotion, distribution, and sale in interstate commerce, including within this Judicial District, of high quality products under Tiffany's trademarks. (Declaration of Steven Costello in Support of Plaintiff's *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction, and Order Authorizing Alternate Service of Process ["Costello Decl."] ¶ 5.)

Tiffany is, and at all times relevant hereto has been, the owner and/or exclusive licensee of all rights in and to the following Federally registered trademarks:

<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>
TIFFANY & CO	0,023,573	September 5, 1893
Tiffany	0,133,063	July 6, 1920
TIFFANY & CO.	1,228,189	February 22, 1983
TIFFANY	1,228,409	February 22, 1983
TIFFANY & CO.	1,283,306	June 26, 1984
ATLAS	1,605,467	July 10, 1990
T & CO.	1,669,365	December 24, 1991
⌘	1,785,204	August 3, 1993
PERETTI	1,787,861	August 17, 1993

1	ELSA PERETTI	1,799,272	October 19, 1993
2		1,804,353	November 16, 1993
3	TIFFANY & CO.	1,968,614	April 16, 1996
4		2,184,128	August 25, 1998
5		2,359,351	June 20, 2000
6	TIFFANY	2,639,539	October 22, 2002
7	ATLAS	2,886,655	September 21, 2004

8 (the "Tiffany Marks") which are registered in International Classes 14 and 21, and are used in  
9 connection with the manufacture and distribution of, among other things, high quality jewelry,  
10 including bracelets, necklaces, pendants, earrings and rings, cufflinks, money clips, key rings,  
11 watches, and gift boxes. (Costello Decl. ¶ 4. *See also* United States Trademark Registrations of the  
12 Tiffany Marks at issue ["Tiffany Trademark Registrations"] attached as Exhibit A to the Costello  
13 Decl.)

14 Defendants have advertised, offered for sale, and/or sold at least jewelry, including bracelets,  
15 necklaces, pendants, earrings and rings, cufflinks, money clips, key rings, watches, and gift boxes,  
16 bearing what Plaintiff has determined to be counterfeits, reproductions, and/or colorable imitations  
17 of the Tiffany Marks. (Costello Decl. ¶¶ 9-15; Declaration of Brandon Tanori in Support of  
18 Plaintiff's *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary  
19 Injunction ["Tanori Decl."] ¶ 4.) Defendants are not now, nor have they ever been, authorized or  
20 licensed to use, reproduce, or make counterfeits, reproductions, and/or colorable imitations of the  
21 Tiffany Marks. (Costello Decl. ¶ 9.)

22 Plaintiff retained Brandon Tanori ("Tanori") of Investigative Consultants to investigate  
23 suspected sales of counterfeit Tiffany branded products by Defendants. (Costello Decl. ¶ 10; Tanori  
24 Decl. ¶ 3.) Between February 15, 2011 and February 25, 2010, Tanori accessed the Internet websites  
25 operating under the domain names brandtiffany.com, faketiffany.org, goldtiffanyjewelry.com,  
26 mirrorjewelry.com, myfaketiffany.com, replicatiffany.net, tiffanyforu.com, tiffanyo.com, and  
27 top1tiffany.com, and placed orders for the purchase of Tiffany branded bracelets, necklaces, rings,

1 earrings, and key rings. (Tanori Decl. ¶ 4 and Composite Exhibit A attached thereto.) Tanori's  
 2 purchases were processed entirely online, which included providing shipping and billing  
 3 information, payment, and confirmation of his orders. (Tanori Decl. ¶ 4 and Composite Exhibit A  
 4 attached thereto.)

5       Thereafter, a representative of Tiffany, Steven Costello, reviewed and visually inspected the  
 6 web page listings, including images, for each of the Tiffany branded goods purchased by Tanori and  
 7 determined the items were non-genuine Tiffany products. (Costello Decl. ¶¶ 11-12.) Additionally,  
 8 Costello reviewed and visually inspected the items bearing the Tiffany Marks offered for sale via the  
 9 Internet websites operating under the partnership and/or business association names identified on  
 10 Schedule "A" hereto (the "Subject Domain Names") and determined the products were non-genuine  
 11 Tiffany products. (Costello Decl. ¶ 12 and Composite Exhibit B attached thereto, relevant web page  
 12 captures from Defendants' Internet websites operating under the Subject Domain Names displaying  
 13 the Tiffany branded items offered for sale.)

## 14                                   II.       Conclusions of Law

15       The declarations Plaintiff submitted in support of its Application for TRO support the  
 16 following conclusions of law:

17       A.     Plaintiff has a very strong probability of proving at trial that consumers are likely to  
 18 be confused by Defendants' advertisement, promotion, sale, offer for sale, and/or distribution of  
 19 shoes and boots bearing counterfeits, reproductions, and/or colorable imitations of the Tiffany  
 20 Marks, and that the products Defendants are selling are copies of Plaintiff's products that bear copies  
 21 of the Tiffany Marks on jewelry, including bracelets, necklaces, pendants, earrings and rings,  
 22 cufflinks, money clips, key rings, watches, and gift boxes.

23       B.     Because of the infringement of the Tiffany Marks, Plaintiff is likely to suffer  
 24 immediate and irreparable injury if a temporary restraining order is not granted. It clearly appears  
 25 from the following specific facts, as set forth in Plaintiff's Complaint, Application for TRO, and  
 26 accompanying declarations on file, that immediate and irreparable loss, damage, and injury will  
 27  
 28



1 result to Plaintiff and to consumers before Defendants can be heard in opposition unless Plaintiff's  
2 request for *ex parte* relief is granted:

3 1. Defendants own or control Internet business operations which advertise, offer  
4 for sale, and sell at least jewelry, including bracelets, necklaces, pendants, earrings and rings,  
5 cufflinks, money clips, key rings, watches, and gift boxes bearing counterfeit and infringing  
6 trademarks in violation of Plaintiff's rights;

7 2. There is good cause to believe that more counterfeit and infringing jewelry,  
8 including bracelets, necklaces, pendants, earrings and rings, cufflinks, money clips, key rings,  
9 watches, and gift boxes bearing Plaintiff's trademarks will appear in the marketplace; that consumers  
10 may be misled, confused, and disappointed by the quality of these products; and that Plaintiff may  
11 suffer loss of sales for its genuine products;

12 3. There is good cause to believe that if Plaintiff proceeds on notice to  
13 Defendants on this Application for TRO, Defendants can easily and quickly transfer the registrations  
14 for many of the Subject Domain Names, or modify registration data and content, change hosts, and  
15 redirect traffic to other websites, thereby thwarting Plaintiff's ability to obtain meaningful relief;

16 4. The balance of potential harm to Defendants in restraining their trade in  
17 counterfeit and infringing branded goods if a temporary restraining order is issued is far outweighed  
18 by the potential harm to Plaintiff, its reputation and goodwill as a manufacturer of high quality  
19 jewelry, including bracelets, necklaces, pendants, earrings and rings, cufflinks, money clips, key  
20 rings, watches, and gift boxes, if such relief is not issued; and

21 5. The public interest favors issuance of the temporary restraining order in order  
22 to protect Plaintiff's trademark interests and protect the public from being defrauded by the palming  
23 off of counterfeit goods as genuine goods of the Plaintiff.

24 Upon review of Plaintiff's Complaint, Application for TRO, and supporting evidentiary  
25 submissions, it is hereby

26 ORDERED that Plaintiff's Application for TRO is GRANTED, according to the terms set  
27 forth below:



**TEMPORARY RESTRAINING ORDER**

(1) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order are hereby temporarily restrained:

(a) From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing the Tiffany Marks, or any confusingly similar trademarks, other than those actually manufactured or distributed by Plaintiff; and

(b) From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by Plaintiff, bearing the Tiffany Marks, or any confusingly similar trademarks; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing the Tiffany Marks, or any confusingly similar trademarks.

(2) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order shall immediately discontinue the use of the Tiffany Marks or any confusingly similar trademarks, on or in connection with all Internet websites owned and operated, or controlled by them including the Internet websites operating under the Subject Domain Names;

(3) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order shall immediately discontinue the use of the Tiffany Marks, or any confusingly similar trademarks within domain name extensions, metatags or other markers within website source code, from use on any webpage (including as the title of any web page), any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms which is visible to a computer user or serves to direct computer searches to websites registered by, owned, or operated by Defendants, including the Internet websites operating under the Subject Domain Names;

1 (4) Defendants shall not transfer ownership of the Subject Domain Names during the  
2 pendency of this Action, or until further Order of the Court;

3 (5) The domain name Registrars for the Subject Domain Names are directed to transfer to  
4 Plaintiff's counsel, for deposit with this Court, domain name certificates for the Subject Domain  
5 Names;

6 (6) The top-level domain (TLD) Registries for the Subject Domain Names, within ten  
7 (10) days of receipt of this Temporary Restraining Order shall change the registrar of record for the  
8 Subject Domain Names to a holding account with the United States based Registrar, GoDaddy.com,  
9 Inc. Upon transfer of the Subject Domain Names into the holding account, GoDaddy.com, Inc. will  
10 hold the Subject Domain Names in trust for the Court during the pendency of this action.  
11 Additionally, GoDaddy.com, Inc. shall immediately update the Domain Name System ("DNS") data  
12 it maintains for the Subject Domain Names, which links the domain names to the IP addresses where  
13 their associated websites are hosted, to NS1.MEDIATEMPLE.NET and  
14 NS2.MEDIATEMPLE.NET, which will cause the domain names to resolve to the website where a  
15 copy of the Complaint, Summonses, and Temporary Restraining Order and other documents on file  
16 in this action are displayed. Alternatively, GoDaddy.com, Inc. may institute a domain name  
17 forwarding which will automatically redirect any visitor to the Subject Domain Names to the  
18 following Uniform Resource Locator ("URL") <http://servingnotice.com/oJJ/index.html> whereon a  
19 copy of the Complaint, Summonses, and Temporary Restraining Order and other documents on file  
20 in this action are displayed. After GoDaddy.com, Inc. has effected this change the Subject Domain  
21 Names shall be placed on Lock status, preventing the modification or deletion of the domains by the  
22 registrar or Defendants;

23 (7) Plaintiff may enter the Subject Domain Names into Google's Webmaster Tools and  
24 cancel any redirection of the domains that have been entered there by Defendants which redirect  
25 traffic to the counterfeit operations to a new domain name and thereby evade the provisions of this  
26 Order;

(8) Defendants shall preserve copies of all their computer files relating to the use of any of the Subject Domain Names and shall take all steps necessary to retrieve computer files relating to the use of the Subject Domain Names and that may have been deleted before the entry of this Order;

(9) This Temporary Restraining Order shall remain in effect until the date for the hearing on the Motion for Preliminary Injunction set forth below, or until such further dates as set by the Court or stipulated to by the parties;

(10) This Temporary Restraining Order shall apply to the Subject Domain Names and any other domain names properly brought to the Court's attention and verified by sworn affidavit to be used by Defendants for the purpose of counterfeiting the Tiffany Marks at issue in this action and/or unfairly competing with Tiffany in connection with search engine results pages;

#### **BOND TO BE POSTED**

(11) Pursuant to 15 U.S.C. § 1116(d)(5)(D), Plaintiff shall post a bond in the amount of Twenty Thousand Dollars and Zero Cents (\$20,000.00), as payment of damages to which Defendant may be entitled for a wrongful injunction or restraint. Plaintiff shall post the bond prior to requesting the Registry to transfer control of the Subject Domain Names.

#### **PRELIMINARY INJUNCTION**

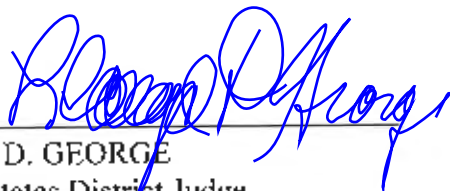
(12) A hearing is set before this Court in the United States Courthouse located 333 Las Vegas Blvd. So., Las Vegas, NV, Courtroom 6B, on Wednesday, May 25, 2011, at 9 a.m., or at such other time that this Court deems appropriate, on Plaintiff's Motion for a Preliminary Injunction restraining Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants from engaging in the activities that are subject of the above Temporary Restraining Order;

(13) Plaintiff shall serve a copy of the Application for TRO and this Order and all other pleadings and documents on file in this action on all Defendants by posting a copy of the Application for TRO and this Order on the website located at <http://servingnotice.com/off/index.html> within forty-eight (48) hours of the Subject Domain Names being transferred to the GoDaddy.com, Inc. holding account, and such notice so given shall be deemed good and sufficient service thereof.

1 Plaintiff shall thereafter further provide notice of these proceedings and copies of the documents on  
2 file in this matter to Defendants using all email addresses identified in the registration data for each  
3 of the Subject Domain Names. Any response or opposition to Plaintiff's Motion for Preliminary  
4 Injunction must be filed and served on Plaintiff's counsel prior to the hearing set for May 25,  
5 2011, and filed with the Court, along with Proof of Service, on May 18, 2011. Plaintiff  
6 shall file any Reply Memorandum on or before May 23, 2011. The above dates may be  
7 revised upon stipulation by all parties and approval of this Court. Defendants are hereby on notice  
8 that failure to appear at the hearing may result in the imposition of a preliminary injunction against  
9 them pursuant to 15 U.S.C. § 1116(d) and Fed. R. Civ. P. 65.

10  
11 IT IS SO ORDERED.

12 DATED: 11 May 2011

  
\_\_\_\_\_  
LLOYD D. GEORGE  
United States District Judge

**SCHEDULE A**  
**THE PARTNERSHIPS and UNINCORPORATED ASSOCIATIONS**

Defendant 1: 925ly.com  
 Defendant 2: *Dismissed*  
 Defendant 3: 925silvershop.com  
 Defendant 4: 925tiffany.com  
 Defendant 5: 925tiffany.net  
 Defendant 6: 925wholesaler.com  
 Defendant 7: aliexpressuk.com  
 Defendant 8: *Dismissed*  
 Defendant 9: atjewelry.com  
 Defendant 10: atopsilver.com  
 Defendant 11: australiatiffanystore.com  
 Defendant 12: autiffany4sale.com  
 Defendant 13: b2bvogue.com  
 Defendant 14: bestbuytiffany.com  
 Defendant 15: better-tiffany.com  
 Defendant 16: beyeshop.com  
 Defendant 17: brandtiffany.com  
 Defendant 18: buy-tiffanyjewelry.com  
 Defendant 19: bybybuy.com  
 Defendant 20: canadatiffanystore.com  
 Defendant 21: cartiercshop.com  
 Defendant 22: casualtiffany.com  
 Defendant 23: *Dismissed*  
 Defendant 24: chcapdesignerwholesale.com  
 Defendant 25: cheaptiffanyjewelry.com a/k/a tiffanysales.org a/k/a 925silversale.com  
 Defendant 26: cheaptiffanys.com  
 Defendant 27: chinafamousproducts.com  
 Defendant 28: chinawholesalejewelry.com  
 Defendant 29: cityjewels.net  
 Defendant 30: coachjewelry.com  
 Defendant 31: coboen.com  
 Defendant 32: *Dismissed*  
 Defendant 33: cooltiffany.com  
 Defendant 34: crowntco925.com  
 Defendant 35: designerjewelry.net  
 Defendant 36: designertiffanyjewelry.org a/k/a alltiffanyjewelry.com  
 Defendant 37: diorgirl.com a/k/a tiffanyandcostore.com  
 Defendant 38: discounttiffany.com  
 Defendant 39: discounttiffanyjewelry.us  
 Defendant 40: doreplica.com  
 Defendant 41: eshopping-replica.com  
 Defendant 42: etiffanybag.com  
 Defendant 43: europeantiffany.com



Defendant 44: faketiffany.org  
 Defendant 45: faketiffanyjewelry.org a/k/a goldtiffanyjewelry.com  
 Defendant 46: fashionjewelryzone.com  
 Defendant 47: fashion-wigs.com a/k/a tiffanybraceletscheap.com  
 Defendant 48: forsaletiffany.com  
 Defendant 49: globeffashion.com  
 Defendant 50: goecshop.com  
 Defendant 51: goldtiffanyjewelry.com  
 Defendant 52: goolcool.com  
 Defendant 53: greatgolden.com  
 Defendant 54: handbagsforcheap.com  
 Defendant 55: hot-tiffany.com  
 Defendant 56: hotwholesaleonline.com  
 Defendant 57: idolbags.com a/k/a rwholesalejewelry.com  
 Defendant 58: ilikejewellery.com  
 Defendant 59: ilovetiffany.net  
 Defendant 60: istiffany.com  
 Defendant 61: ixreplicajewelry.com  
 Defendant 62: jewellery888.com  
 Defendant 63: jewellerybi.com  
 Defendant 64: jewelleryhotsale.com  
 Defendant 65: *Dismissed*  
 Defendant 66: jewelry-925.com  
 Defendant 67: jewelrycheapbuy.com  
 Defendant 68: jewelrkyt.com a/k/a tiffanyjewelrynet.com  
 Defendant 69: jewelryorwatches.com a/k/a alltiffanyjewelry.com  
 Defendant 70: jewelryover.com  
 Defendant 71: jewelryrain.com  
 Defendant 72: jewelrysale925.com  
 Defendant 73: jwely.com  
 Defendant 74: kljewelry.com a/k/a tiffanyjewelrynet.com  
 Defendant 75: kttop.com  
 Defendant 76: linkworldco.com  
 Defendant 77: lipwu.com  
 Defendant 78: lovetiffanyjewelry.com  
 Defendant 79: luckyjewelryshop.com  
 Defendant 80: luxurysandals2u.com  
 Defendant 81: *Dismissed*  
 Defendant 82: mirrorjewelry.com  
 Defendant 83: msmrapparel.com a/k/a tiffanyjewelrynet.com  
 Defendant 84: myfaketiffany.com  
 Defendant 85: mytiffanycity.com  
 Defendant 86: mytiffanyonline.com  
 Defendant 87: mytiffanysjewelry.com  
 Defendant 88: mytiffanysonline.com  
 Defendant 89: new925silverjewelry.com

Defendant 90: newtiffany.com  
 Defendant 91: newtiffanys.com a/k/a alltiffanyjewelry.com  
 Defendant 92: ojewelry.com  
 Defendant 93: onlytobuy.com  
 Defendant 94: *Dismissed*  
 Defendant 95: pocvt.com  
 Defendant 96: populartiffany.com  
 Defendant 97: prdashoeschina.com a/k/a prdashoechina.com  
 Defendant 98: pursestrade.com  
 Defendant 99: replicagalleryonline.com  
 Defendant 100: replicasilverjewelry.com  
 Defendant 101: replicasky.com  
 Defendant 102: replicatiffany.net  
 Defendant 103: saarca.com  
 Defendant 104: saletiffanyjewelry.org a/k/a tiffanysalejewelry.com a/k/a 925silversale.com  
 Defendant 105: *Dismissed*  
 Defendant 106: shelovcs925silver.com  
 Defendant 107: shoes51.com  
 Defendant 108: silver-bulk.com  
 Defendant 109: silverjewelryblog.net a/k/a silvertiffanyshop.com  
 Defendant 110: silverjewelryworld.com  
 Defendant 111: *Dismissed*  
 Defendant 112: silvertiffanyshop.com  
 Defendant 113: silverurban.com  
 Defendant 114: solid925silver.com  
 Defendant 115: sterlingtiffany.com  
 Defendant 116: super925.com  
 Defendant 117: taltoo.com  
 Defendant 118: tco1837.com  
 Defendant 119: tcogift.com  
 Defendant 120: thesalesky.com  
 Defendant 121: tiffany4ever.com  
 Defendant 122: tiffany4girls.com  
 Defendant 123: tiffany4u.us  
 Defendant 124: tiffany7.com  
 Defendant 125: tiffanya.com  
 Defendant 126: tiffanyamerica.com  
 Defendant 127: tiffanyandcojewelry.com  
 Defendant 128: tiffany-and-co-jewelry.com  
 Defendant 129: tiffanyandcooutlet.com  
 Defendant 130: tiffanyandco-outlet.com  
 Defendant 131: tiffanyandcooutlet.org  
 Defendant 132: tiffanyandcosale.com  
 Defendant 133: tiffanyandcostore.com  
 Defendant 134: tiffanyboss.com  
 Defendant 135: tiffanybraceletscheap.com

Defendant 136: tiffanybuying.com  
 Defendant 137: tiffanyco1837.com  
 Defendant 138: tiffanyco-mall.com a/k/a tiffanyco-mall.net  
 Defendant 139: tiffanycouk.com  
 Defendant 140: *Dismissed*  
 Defendant 141: *Dismissed*  
 Defendant 142: tiffany-fashion.com  
 Defendant 143: tiffanyforsale.com  
 Defendant 144: tiffanyforu.com  
 Defendant 145: tiffany-guide.com  
 Defendant 146: tiffanyhere.com  
 Defendant 147: tiffanyhotsale.com  
 Defendant 148: tiffanyinfo.com  
 Defendant 149: tiffanyinlove.com  
 Defendant 150: tiffanyjewelersuk.com  
 Defendant 151: tiffany-jewellery-shop.com  
 Defendant 152: *Dismissed*  
 Defendant 153: tiffanyjewelry1837.com  
 Defendant 154: *Dismissed*  
 Defendant 155: tiffanyjewelry2u.com  
 Defendant 156: tiffanyjewelry4sale.com  
 Defendant 157: tiffanyjewelryauctions.com  
 Defendant 158: tiffanyjewelryforsale.com  
 Defendant 159: tiffanyjewelrygift.com  
 Defendant 160: tiffanyjewelrynet.com  
 Defendant 161: tiffany-jewelry-on-sale.com  
 Defendant 162: *Dismissed*  
 Defendant 163: tiffanyjewelryoutlet.com  
 Defendant 164: tiffanyjewelry-outlet.com  
 Defendant 165: *Dismissed*  
 Defendant 166: tiffanyjewelrysales.com  
 Defendant 167: tiffanyjewelryshops.com a/k/a tiffanyjewelrynet.com  
 Defendant 168: tiffanyjewelrystores.com  
 Defendant 169: *Dismissed*  
 Defendant 170: tiffanyknockoffs.com  
 Defendant 171: tiffany-mine.com  
 Defendant 172: tiffanynew.com  
 Defendant 173: tiffanyo.com  
 Defendant 174: tiffanyonlinestoreus.com  
 Defendant 175: tiffanyonsale.net a/k/a ustiffany4sale.com  
 Defendant 176: tiffanyoutlet.com  
 Defendant 177: *Dismissed*  
 Defendant 178: tiffanyoutletcheap.com  
 Defendant 179: tiffanyoverstock.com  
 Defendant 180: tiffanys1837jewelry.com  
 Defendant 181: tiffanysalesstore.com



Defendant 182: tiffanysave.com  
 Defendant 183: tiffanyselected.com  
 Defendant 184: tiffany-seller.com  
 Defendant 185: tiffanysforever.com  
 Defendant 186: *Dismissed*  
 Defendant 187: tiffanysjewelryonline.com  
 Defendant 188: tiffanysjewelryshop.com  
 Defendant 189: tiffanysjewelryworld.com  
 Defendant 190: tiffanysky.com  
 Defendant 191: tiffanysocool.com  
 Defendant 192: tiffanysonly.com  
 Defendant 193: tiffany-sterling-silvers.com  
 Defendant 194: tiffanystock.com  
 Defendant 195: tiffanystore.uk.com  
 Defendant 196: tiffanysupplier.com  
 Defendant 197: tiffanytopsale.com  
 Defendant 198: tiffanyuksale.com  
 Defendant 199: tiffanyusonsale.com  
 Defendant 200: tiffanywto.com  
 Defendant 201: toopgood.com  
 Defendant 202: top1tiffany.com  
 Defendant 203: towholesalejewelry.com  
 Defendant 204: uktiffanyonsale.com  
 Defendant 205: upoun.com  
 Defendant 206: urbanclothingchina.com  
 Defendant 207: usdesignerjewelry.com  
 Defendant 208: ustiffany4sale.com  
 Defendant 209: utiffany.com  
 Defendant 210: vogueconsale.com  
 Defendant 211: watches-trade.com  
 Defendant 212: wholesale1837.com  
 Defendant 213: wholesaleabc.net  
 Defendant 214: wholesalcanywhere.com  
 Defendant 215: wholesalecm.com  
 Defendant 216: wholesale-tiffany-jewellery.com  
 Defendant 217: wholesaletiffanyjewelry.net a/k/a tiffanyonlineus.com  
 Defendant 218: whslecn.com  
 Defendant 219: winlo.com  
 Defendant 220: wowyahoo.com  
 Defendant 221: x-jewelrybox.com  
 Defendant 222: yahoo wholesaler.com  
 Defendant 223: yasajewelry.com a/k/a tiffanyjewelrynet.com

# EXHIBIT B

Defendant	Domain Name	Registrant / Administrator	Contact Address	Result of Address Verification
1.	<a href="http://www.watches-vogue.com">http://www.watches-vogue.com</a>	Xie Zhenmin / Zhenmin Xie	Inner West Street, Taiyuan, Shanxi Province, No. 19 South Taiyuan Shanxi 200110 CN Telephone No. 8613969536288	The address is not valid. 200110 is not a valid postal code of Guangzhou city. Moreover, the telephone number 8613969536288 belongs who an individual who stated that it is his personal number and he does not sell watches or operate any business related to watches.
2.	<a href="http://www.watchdear.com">http://www.watchdear.com</a>	Shenzhen Lai Wode Technology Co., Ltd. / qixi lou	Nibea Road, Hangzhou, Zhejiang 1, Room 38 Hangzhou, ZHEJIANG 310000 CN Telephone No. 8615305810588	The address is not valid. A valid address in Hangzhou city must include a street name, building name or number, and a room number. The address does not provide the building name or number required to be valid. Moreover, the telephone number 8615305810588 is not a valid phone number in China
3.	<a href="http://www.queenofwatches.com">http://www.queenofwatches.com</a>	Domain ID Shield Service CO., Limited	Room 510-511A2 Nan Fung Tower., 173 Des Voeux Road C. Hong Kong Hong Kong 999077 CN	
4.	<a href="http://www.replicaup.com">http://www.replicaup.com</a>	Is shaped Design Co., Ltd. / Wang Junxi	Wang Junxi Road, Baoshan District, Shanghai, No. shanghai Shanghai, 151100 China	The address is not valid. A valid address in Baoshan District, Shanghai must include a street name, building name or number and a room number. The address does not provide a street name and room number required to be valid.
5.	<a href="http://www.watchmimic.com">http://www.watchmimic.com</a>	Shanghai Jing Hao Machinery Co., Ltd. / Wang, Jinglei	Shanghai Pudong New Area Chuanliu Highway shanghai, shanghai 201200 China	The address is not valid. A valid address on Chuanliu Highway must include a building name or number and a room number. The address does not provide the requisite information to be valid.
6.	<a href="http://www.watchkind.com">http://www.watchkind.com</a>	Guangren Wang	Xingtai City, Yiwu market, B, No. 3 Xingtai, guangdong 110015 CN	The address is not valid. Yiwu market is in the Zhejiang Province. Further, Xingtai is located in the Hebei province, not Guangdong. 110015 is not a valid postal code of Guangdong, Hebei or Zhejiang.
7.	<a href="http://www.myfavomega.com/">http://www.myfavomega.com/</a>	PrivacyProtect.org / Domain Admin	ID#10760, PO Box 16 Nobby Beach null,QLD 4218 AU	

Defendant	Domain Name	Registrant / Administrator	Contact Address	Result of Address Verification
8.	<a href="http://www.omegaonlineoutlet.com">http://www.omegaonlineoutlet.com</a>	PrivacyProtect.org / Domain Admin	ID#10760, PO Box 16 Nobby Beach null,QLD 4218 AU	
9.	<a href="http://www.omegaonlineoutlet.biz">http://www.omegaonlineoutlet.biz</a>	qi tang	171 beida road nanjing jiangsu 213015 China CN	The address is not valid. The postal code 213015 is not a valid postal code for the city of Nanjing, Jiangsu Province.
10.	<a href="http://www.omegaonlineoutlet.net">http://www.omegaonlineoutlet.net</a>	bony huny	48 cuiquing road zhoushan, zhejiang 541980 CN	The address is not valid. The postal code 541980 is not a valid postal code for the city of Zhoushan or the Zhejiang Province.
11.	<a href="http://www.qualityreplica.biz">http://www.qualityreplica.biz</a>	PrivacyProtect.org / Domain Admin	ID#10760, PO Box 16 Nobby Beach null,QLD 4218 AU	
12.	<a href="http://www.qualityreplica.info">http://www.qualityreplica.info</a>	meng lu	42 huancheng road xiantao hubei 511949 CN	The address is not valid. The postal code 511949 is not a valid postal code for the city of Xiantao or the Hubei province.
13.	<a href="http://www.qualityreplica.us">http://www.qualityreplica.us</a>	menge luony	42 huancheng road xiantao hubei 511949 CN	The address is not valid. The postal code 511949 is not a valid postal code for the city of Xiantao or the Hubei province.
14.	<a href="http://www.bestreplicawatchesok.com/">http://www.bestreplicawatchesok.com/</a>	fiore paul	9 Chelsea Drive Mount Sinai north carolina BJ, 117663 CN	The address is not valid. Mount Sinai is not a city in North Carolina and the last part of the address is Beijing, a province in China. Further, 117663 is not a valid postal code for the U.S. or China.
15.	<a href="http://www.swisskiss.net/">http://www.swisskiss.net/</a>	Mingqin Liu	Liu Dalian Pulandian home community Dalian, Shandong 037000 CN	The address is not valid. A valid address in the Shandong Province must include a street name, building name or number and a room number. Further, the city of Dalian is in the Liaoning Province. 037000 is not a valid postal code of Dalian or Shandong.

Defendant	Domain Name	Registrant / Administrator	Contact Address	Result of Address Verification
16.	<a href="http://www.sinohorloge.com/">http://www.sinohorloge.com/</a>	zhu yong	Zhongxing East Road, Luoshe Town, Huishan District, Wuxi City, J wuxi Jiangsu CN 214187	The address is not valid. A valid address in the Jiangsu Province must include a building name or number and a room number.
17.	<a href="http://www.salelswiss.com/">http://www.salelswiss.com/</a>	Xie Jun	bai yun da dao jing xin lu GuangZhou, Guangdong 510000 CN	The address is not valid. A valid address in the Guangdong Province must include a street name, building name or number and a room number. The address does not provide the street name and room number required to be valid.
18.	<a href="http://watchesyes.net/">http://watchesyes.net/</a>	fan	wangshidonglu 78 guangzhoushi guangdongsheng china 510000	The address is not valid. A valid address in the Guangdong Province must include a street name, building name or number and a room number. The address does not provide the street name and room number required to be valid.
19.	<a href="http://replicavip.org/">http://replicavip.org/</a>	PrivacyProtect.org / Domain Admin	ID#10760 PO Box 16 Nobby Beach null,QLD 4218 AU	
20.	<a href="http://www.watchc.com/">http://www.watchc.com/</a>	Li guangping	zhenwu zhen AC27 yangzhoushi jiangsusheng china 330533	The address is not valid. A valid address in Jiangsu Sheng must include a street name, building name or number and a room number. The address does not provide the street name and room number required to be valid. 330533 is not a valid postal code for Yangzhou, Jiangsu.
21.	<a href="http://www.watchespay.net/">http://www.watchespay.net/</a>	Guangzhou Shouai Trading Co., Ltd / zhang shunliang	Room 406, No. 301 Dajinzhoung Road, Baiyun District, Guangzhou Guangzhou Anguilla 432133 CN Zhangxian108@163.com	The address is not valid. Anguilla is not city name or province name in China. Further, 432133 is not a valid postal code of Guangzhou.
22.	<a href="http://www.replicabuy.net/">http://www.replicabuy.net/</a>	Optical Automation Instrument Co., Ltd. / Zhan Lixiong	Pei-Hua Road, Chengdu No. 7 on Shing Street, Chengdu, 118 West Chengdu, shichuang 100070 CN	The address is not valid. A valid address in the Sichuan Province requires a building name and a room number. Further, 100070 is not a valid postal code of Sichuan.

Defendant	Domain Name	Registrant / Administrator	Contact Address	Result of Address Verification
23.	<a href="http://www.watch7750.com/">http://www.watch7750.com/</a>	lai shuang	luohu shenzhen shenzhen 518138 GD CN	The address is not valid. A valid address in the city of Shenzhen, Guangdong province must include a street name, building name or number and a room number. The address does not provide the street name or building name or number required to be valid. Further, 518138 is not a valid postal code of the city of Shenzhen or the Guangdong province.
24.	<a href="http://www.swisssale.net">http://www.swisssale.net</a>	Xiaojie Ma	Jin Park, Jiading District, Shanghai, No. 999 all the way 101500 Shanghai China	The address is not valid. A valid address in the Shanghai Province requires a building name and a room number. Further, 101500 is not a valid postal code of Shanghai.
25.	<a href="http://www.replicafind.net/">http://www.replicafind.net/</a>	Li Yuanming	High-tech Zone, Chengdu Tianfu Avenue North, No. 1480 pull? West Chengdu, shichuang 100102 CN	The address is not valid. A valid address in the Sichuan Province requires a room number. Further, 100102 is not a valid postal code of Sichuan.
26.	<a href="http://www.salesreplicas.com/">http://www.salesreplicas.com/</a>	weichengwang	no. 305, baiyun guangzhoushi Guangdongsheng china 510000	The address is not valid. A valid address in the Guangdong Province must include a street name. The address does not provide a street name and room number required to be valid.
27.	<a href="http://www.replicawalker.com/">http://www.replicawalker.com/</a>	yang, baoling	No. 33, Tianhe district, Guangzhou Guangzhou, Guangdong 510000 China	The address is not valid. A valid address in Tian He District, Guangzhou must include a street name, building name or number and a room number. The address does not provide a street name and room number required to be valid.
28.	<a href="http://replicaprice.com/">http://replicaprice.com/</a>	Intellectual Property Agency Ltd. / Jie Xu	Chaoyang District, Changchun City No. 22 wide flat road Changchun heilongjian 100013 CN	The address is not valid. Changchun is not a city in the Heilongjian province. Moreover, 100013 is not a valid postal code of the city of Changchun or the Heilongjian province.

Defendant	Domain Name	Registrant / Administrator	Contact Address	Result of Address Verification
29.	<a href="http://www.watchesfull.com">http://www.watchesfull.com</a>	Zhi Technology Co., Ltd. / Yukun Cui	Guan Road East, West, Xi'an weeks Xi'an shanxi 100035 CN	The address is not valid. A valid address in the city of Xi'an, Shaanxi Province must include a building name or number and a room name. The address does not provide a street name and room number required to be valid. Further, 100035 is not a valid postal code of the city of Xi'an or the Shaanxi province.

# EXHIBIT C



Defendant	Domain Name	Email Addresses
1.	<a href="http://www.watches-vogue.com">http://www.watches-vogue.com</a>	<a href="mailto:admin@watches-vogue.com">admin@watches-vogue.com</a> <a href="mailto:service@watches-vogue.com">service@watches-vogue.com</a> <a href="mailto:yangb0593@gmail.com">yangb0593@gmail.com</a>
2.	<a href="http://www.watchdear.com">http://www.watchdear.com</a>	<a href="mailto:admin@watchdear.com">admin@watchdear.com</a> <a href="mailto:service@watch-dear.com">service@watch-dear.com</a> <a href="mailto:yangliufang89@gmail.com">yangliufang89@gmail.com</a>
3.	<a href="http://www.queenofwatches.com">http://www.queenofwatches.com</a>	<a href="mailto:qu4676923903401@domainidshield.com">qu4676923903401@domainidshield.com</a> <a href="mailto:qu4676923903402@domainidshield.com">qu4676923903402@domainidshield.com</a> <a href="mailto:qu4676923392003@domainidshield.com">qu4676923392003@domainidshield.com</a> <a href="mailto:qu4676923392004@domainidshield.com">qu4676923392004@domainidshield.com</a> <a href="mailto:queenofwatches@gmail.com">queenofwatches@gmail.com</a>
4.	<a href="http://www.replicaup.com">http://www.replicaup.com</a>	<a href="mailto:admin@replicaup.com">admin@replicaup.com</a> <a href="mailto:service@replicaup.com">service@replicaup.com</a> <a href="mailto:yangliufang78@gmail.com">yangliufang78@gmail.com</a> <a href="mailto:yangb0593@gmail.com">yangb0593@gmail.com</a>
5.	<a href="http://www.watchmimic.com">http://www.watchmimic.com</a>	<a href="mailto:admin@watchmimic.com">admin@watchmimic.com</a> <a href="mailto:service@watchmimic.com">service@watchmimic.com</a> <a href="mailto:yangliufang78@gmail.com">yangliufang78@gmail.com</a> <a href="mailto:yangb0593@gmail.com">yangb0593@gmail.com</a>
6.	<a href="http://www.watchkind.com">http://www.watchkind.com</a>	<a href="mailto:admin@watchkind.com">admin@watchkind.com</a> <a href="mailto:service@watchkind.com">service@watchkind.com</a> <a href="mailto:yangliufang78@gmail.com">yangliufang78@gmail.com</a> <a href="mailto:yangb0593@gmail.com">yangb0593@gmail.com</a>
7.	<a href="http://www.myfavomega.com/">http://www.myfavomega.com/</a>	<a href="mailto:contact@privacyprotect.org">contact@privacyprotect.org</a> <a href="mailto:service@myfavomega.com">service@myfavomega.com</a>
8.	<a href="http://www.omegaonlineoutlet.com">http://www.omegaonlineoutlet.com</a>	<a href="mailto:contact@privacyprotect.org">contact@privacyprotect.org</a> <a href="mailto:salewatchesstore@gmail.com">salewatchesstore@gmail.com</a>
9.	<a href="http://www.omegaonlineoutlet.biz">http://www.omegaonlineoutlet.biz</a>	<a href="mailto:parigmat@gmail.com">parigmat@gmail.com</a> <a href="mailto:salewatchesstore@gmail.com">salewatchesstore@gmail.com</a>
10.	<a href="http://www.omegaonlineoutlet.net">http://www.omegaonlineoutlet.net</a>	<a href="mailto:bhu38@yahoo.com">bhu38@yahoo.com</a> <a href="mailto:salewatchesstore@gmail.com">salewatchesstore@gmail.com</a>
11.	<a href="http://www.qualityreplica.biz">http://www.qualityreplica.biz</a>	<a href="mailto:contact@privacyprotect.org">contact@privacyprotect.org</a> <a href="mailto:service@wr48.raybangood.com">service@wr48.raybangood.com</a>
12.	<a href="http://www.qualityreplica.info">http://www.qualityreplica.info</a>	<a href="mailto:luomeng96@yahoo.com">luomeng96@yahoo.com</a> <a href="mailto:service@wr48.raybangood.com">service@wr48.raybangood.com</a>
13.	<a href="http://www.qualityreplica.us">http://www.qualityreplica.us</a>	<a href="mailto:luomeng96@yahoo.com">luomeng96@yahoo.com</a> <a href="mailto:service@wr48.raybangood.com">service@wr48.raybangood.com</a>
14.	<a href="http://www.bestreplicawatchesok.com/">http://www.bestreplicawatchesok.com/</a>	<a href="mailto:marvakjq@hotmail.com">marvakjq@hotmail.com</a>
15.	<a href="http://www.swisskiss.net/">http://www.swisskiss.net/</a>	<a href="mailto:admin@swisskiss.net">admin@swisskiss.net</a>
16.	<a href="http://www.sinohorloge.com/">http://www.sinohorloge.com/</a>	<a href="mailto:sinohorloge@163.com">sinohorloge@163.com</a>
17.	<a href="http://www.salesswiss.com/">http://www.salesswiss.com/</a>	<a href="mailto:zhengpinsale@163.com">zhengpinsale@163.com</a> <a href="mailto:service@swissale.net">service@swissale.net</a>
18.	<a href="http://watchesyes.net/">http://watchesyes.net/</a>	<a href="mailto:pong2987@126.com">pong2987@126.com</a> <a href="mailto:watchesyes@126.com">watchesyes@126.com</a>
19.	<a href="http://replicavip.org/">http://replicavip.org/</a>	<a href="mailto:contact@privacyprotect.org">contact@privacyprotect.org</a>
20.	<a href="http://www.watchc.com/">http://www.watchc.com/</a>	<a href="mailto:swiseta@qq.com">swiseta@qq.com</a>
21.	<a href="http://www.watchespay.net/">http://www.watchespay.net/</a>	<a href="mailto:zhangxian108@163.com">zhangxian108@163.com</a> <a href="mailto:service@watchespay.net">service@watchespay.net</a>
22.	<a href="http://www.replicabuy.net/">http://www.replicabuy.net/</a>	<a href="mailto:admin@replicabuy.net">admin@replicabuy.net</a> <a href="mailto:service@replicabuy.net">service@replicabuy.net</a>
23.	<a href="http://www.watch7750.com/">http://www.watch7750.com/</a>	<a href="mailto:hongfeida2008@163.com">hongfeida2008@163.com</a> <a href="mailto:domain@abcde.com">domain@abcde.com</a> <a href="mailto:sales@watch7750.com">sales@watch7750.com</a>
24.	<a href="http://www.swissale.net">http://www.swissale.net</a>	<a href="mailto:admin@swissale.net">admin@swissale.net</a> <a href="mailto:service@swissale.net">service@swissale.net</a>

<b>Defendant</b>	<b>Domain Name</b>	<b>Email Addresses</b>
25.	<a href="http://www.replicafind.net/">http://www.replicafind.net/</a>	<a href="mailto:admin@replicafind.net">admin@replicafind.net</a> <a href="mailto:service@replicafind.net">service@replicafind.net</a>
26.	<a href="http://www.salesreplicas.com/">http://www.salesreplicas.com/</a>	<a href="mailto:salesreplicas@yeah.net">salesreplicas@yeah.net</a>
27.	<a href="http://www.replicwalker.com/">http://www.replicwalker.com/</a>	<a href="mailto:ebuysoooooo@21cn.com">ebuysoooooo@21cn.com</a> <a href="mailto:bigexporters@gmail.com">bigexporters@gmail.com</a>
28.	<a href="http://replicaprice.com/">http://replicaprice.com/</a>	<a href="mailto:admin@replicaprice.com">admin@replicaprice.com</a> <a href="mailto:nameshoufeng@163.com">nameshoufeng@163.com</a> <a href="mailto:replicaprice2011@gmail.com">replicaprice2011@gmail.com</a> <a href="mailto:zhilinyang135@gmail.com">zhilinyang135@gmail.com</a> <a href="mailto:service@replicasold.com">service@replicasold.com</a> <a href="mailto:yangliufang67@gmail.com">yangliufang67@gmail.com</a>
29.	<a href="http://www.watchesfull.com">http://www.watchesfull.com</a>	<a href="mailto:admin@watchesfull.com">admin@watchesfull.com</a>

# EXHIBIT D



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December 20, 2012

**BY FEDEX**

Preet Bharara, Esq.

United States Attorney, S.D.N.Y.

86 Chambers Street

New York, NY 10007

**RE: Notice of Seizure under 15 U.S.C. § 1116(d)(2)**

Dear Mr. Bharara:

This firm represents Omega SA, manufacturer of Swiss watches and owner of the trademark OMEGA.

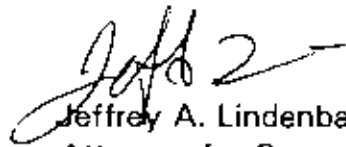
Notice is hereby given that Omega SA intends to file an action in the United States District Court for the Southern District of New York, for, *inter alia*, trademark counterfeiting and infringement. Omega will be seeking an *ex parte* temporary restraining order and order of seizure against the following Defendants:

- Xie Zhenmin and Zhenmin Xie (Watches-vogue.com)
- Shenzhen Lai Wode Technology Co., Ltd (Watchdear.com)
- John Doe 1 (Queenofwatches.com)
- is Shaped Design Co., Ltd. and Wang Junxi (Replicaup.com)
- Shanghai Jing Hao Machinery Co., Ltd. and Jinglei Wang (Watchmimic.com)
- Guangren Wang (Watchkind.com)
- John Doe 2 (Myfavomega.com)
- John Doe 3 (Omegaonlineoutlet.com)
- Qi Tang (Omegaonlineoutlet.biz)
- Bony Huny (Omegaonlineoutlet.net)
- John Doe 4 (Qualityreplica.biz)
- Meng Luo (Qualityreplica.info)
- Menge Luony (Qualityreplica.us)
- Paul Fiore (Bestreplicawatchesok.com)
- Mingqin Liu (Swisskiss.net)
- Zhu Yong (Sinohorloge.com)

- Xie Jun (Saleswiss.com)
- Fan (Watchesyes.net)
- John Doe 5 (Replicavip.org)
- Li Guangping (Watchc.com)
- Guangzhou Shouai Trading Co., Ltd and Zhang Shungliang (Watchespay.net)
- Optical Automation Instrument Co., Ltd. and Zhan Lixiong (Replicabuy.net)
- Lai Shuang (Watch7750.com)
- Xiaojie Ma (Swisssale.net)
- Li Yuanming (Replicafind.net)
- Weichengwang (Salesreplicas.com)
- Baoling Yang (Replicawalker.com)
- Intellectual Property Agency Ltd. and Jie Xu (Replicaprice.com)
- Zhi Technology Co., Ltd. and Yukun Cui (Watchesfull.com)

Please contact me if you wish to participate in these proceedings, or if you require any additional information regarding same.

Very truly yours,



Jeffrey A. Lindenbaum  
*Attorney for Omega SA*