

# EXHIBIT A

# EXHIBIT A

JUDGE SCHEINDLIN

12 CIV 9338

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OMEGA SA,

Plaintiff,

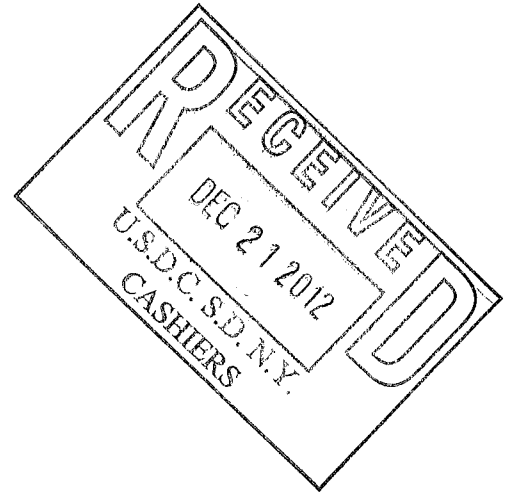
v.

XIE ZHENMIN, ZHENMIN XIE, SHENZHEN  
LAI WODE TECHNOLOGY CO., LTD, JOHN  
DOE 1, IS SHAPED DESIGN CO., LTD.,  
WANG JUNXI, SHANGHAI JING HAO  
MACHINERY CO., LTD., JINGLEI WANG,  
GUANGREN WANG, JOHN DOE 2, JOHN  
DOE 3, QI TANG, BONY HUNY, JOHN DOE  
4, MENG LUO, MENGE LUONY, PAUL  
FIORE, MINGQIN LIU, ZHU YONG, XIE  
JUN, FAN, JOHN DOE 5, LI GUANGPING,  
GUANGZHOU SHOUAI TRADING CO., LTD,  
ZHANG SHUNLIANG, OPTICAL  
AUTOMATION INSTRUMENT CO., LTD.,  
ZHAN LIXIONG, LAI SHUANG, XIAOJIE  
MA, LI YUANMING, WEICHENGWANG,  
BAOLING YANG, INTELLECTUAL  
PROPERTY AGENCY LTD., JIE XU, ZHI  
TECHNOLOGY CO., LTD., YUKUN CUI,  
and JOHN DOES 6-34

Defendants.

Civil Action No.:

Judge:



COMPLAINT

The Plaintiff, Omega SA (“Omega” or “Plaintiff”) brings this action to obtain redress and compensation for past and ongoing loss and damage sustained as a result of trademark counterfeiting and infringement, unfair competition, false advertising and false designation of origin by 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 (Swissale.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) and John Does 6-34 (collectively, “Defendants”).

As and for its Complaint against the Defendants, Plaintiff hereby states and alleges the following:

### **PARTIES**

1. Omega is a corporation duly organized and existing under the laws of Switzerland, located at 96 Rue Jakob Stampfli, CH-25009 Bienne, Switzerland. For over 150 years, Omega has manufactured and sold watches under, among others, the OMEGA and  $\Omega$  marks. Omega owns several incontestable, US Federal Registrations for its OMEGA and other marks.

2. Defendants are individuals and businesses of unknown makeup, who upon information and belief reside in the People's Republic of China. The Defendants are the controlling forces behind the operation of the commercial and interactive websites operating under the domain names:

- |                                                                                            |                                                                              |
|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (1) <a href="http://www.watches-vogue.com">http://www.watches-vogue.com</a>                | (16) <a href="http://www.sinohorloge.com">http://www.sinohorloge.com</a>     |
| (2) <a href="http://www.watchdear.com">http://www.watchdear.com</a>                        | (17) <a href="http://www.salesswiss.com">http://www.salesswiss.com</a>       |
| (3) <a href="http://www.queenofwatches.com">http://www.queenofwatches.com</a>              | (18) <a href="http://watchesyes.net">http://watchesyes.net</a>               |
| (4) <a href="http://www.replicaup.com">http://www.replicaup.com</a>                        | (19) <a href="http://replicavip.org">http://replicavip.org</a>               |
| (5) <a href="http://www.watchmimic.com">http://www.watchmimic.com</a>                      | (20) <a href="http://www.watchc.com">http://www.watchc.com</a>               |
| (6) <a href="http://www.watchkind.com">http://www.watchkind.com</a>                        | (21) <a href="http://www.watchespay.net">http://www.watchespay.net</a>       |
| (7) <a href="http://www.myfavomega.com">http://www.myfavomega.com</a>                      | (22) <a href="http://www.replicabuy.net">http://www.replicabuy.net</a>       |
| (8) <a href="http://www.omegaonlineoutlet.com">http://www.omegaonlineoutlet.com</a>        | (23) <a href="http://www.watch7750.com">http://www.watch7750.com</a>         |
| (9) <a href="http://www.omegaonlineoutlet.biz">http://www.omegaonlineoutlet.biz</a>        | (24) <a href="http://www.swissale.net">http://www.swissale.net</a>           |
| (10) <a href="http://www.omegaonlineoutlet.net">http://www.omegaonlineoutlet.net</a>       | (25) <a href="http://www.replicafind.net">http://www.replicafind.net</a>     |
| (11) <a href="http://www.qualityreplica.biz">http://www.qualityreplica.biz</a>             | (26) <a href="http://www.salesreplicas.com">http://www.salesreplicas.com</a> |
| (12) <a href="http://www.qualityreplica.info">http://www.qualityreplica.info</a>           | (27) <a href="http://www.replicawalker.com">http://www.replicawalker.com</a> |
| (13) <a href="http://www.qualityreplica.us">http://www.qualityreplica.us</a>               | (28) <a href="http://replicaprice.com">http://replicaprice.com</a>           |
| (14) <a href="http://www.bestreplicawatchesok.com">http://www.bestreplicawatchesok.com</a> | (29) <a href="http://www.watchesfull.com">http://www.watchesfull.com</a>     |
| (15) <a href="http://www.swisskiss.net">http://www.swisskiss.net</a>                       |                                                                              |

("Subject Domain Names"). Upon information and belief, the Defendants have engaged in fraudulent conduct with respect to the registration of the Subject Domain Names by providing false and/or misleading information to their various Registrars during the registration process. Plaintiff is presently unaware of the true names of the Defendants. Plaintiff will amend this Complaint upon discovery of the true identity of the Defendants.

### **JURISDICTION AND VENUE**

3. On information and belief, the Defendants have committed and are committing acts of Trademark Counterfeiting and Infringement, and Unfair Competition under the Lanham Act as hereinafter alleged, in this District, through displaying, selling, importing, distributing,

advertising, tarnishing, and using Plaintiff's trademarks without authorization of Plaintiff. Defendants participate in these unlawful acts either directly, or contribute to the unlawful acts.

4. This action is for Trademark Counterfeiting and Infringement pursuant to the Lanham Act §32(1), 15 U.S.C. §1114, and Unfair Competition. False Advertising and False Designation of Origin arising under the Lanham Act §43(a), 15 U.S.C. §1125.

5. This Court has original jurisdiction pursuant to 28 U.S.C. §§1331 and 1338 as it involves claims presenting federal questions under 15 U.S.C. §1121(a) (actions arising under Lanham Act have original jurisdiction in federal courts), 15 U.S.C. §1114, §1125.

6. This Court has personal jurisdiction over Defendants in that each Defendant transacts business in the State of New York and in this Judicial District. Defendants also operate interactive websites that are available to residents of New York, and from which residents of New York can purchase goods and services.

7. Venue is proper in this District pursuant to 28 U.S.C. §1391 (b) and (c) because a substantial part of the events or acts giving rise to the claim occurred in this District, a substantial part of the property that is the subject of the action is situated in this District, and upon information and belief Defendants reside and/or conduct business in this District. Venue is also proper in this District under 28 U.S.C. § 1391(d).




### **FACTS**

8. Omega manufactures watches which it sells in the U.S. and worldwide under several trademarks, including OMEGA and Ω.

9. Omega is the owner of the entire right, title, and interest in Federal trademark registrations for goods and services including, among others, the following famous, valid,

subsisting, and un-cancelled US trademark registrations, most of which are incontestable

("OMEGA Marks"):

Trademark	Registration No.	Registration Date	Class(es)/Goods
 OMEGA	25,036	May 23, 1894	IC 014: Watch movements and watch cases
OMEGA	566,370	November 4, 1952	IC 014: Watches and parts thereof
	734,891	July 14, 1962	IC 014: Timepieces and parts thereof
	3,757,932	March 9, 2010	IC 014: jewelry and precious stones; horological and chronometric instruments.
SEAMASTER	556,602	March 25, 1952	IC 014: Watches, watch parts and watch movements
SPEEDMASTER	672,487	January 13, 1959	IC 014: Watches and clocks
CONSTELLATION	1,223,349	January 11, 1983	IC 014: Watches and parts thereof
DE VILLE	1,309,929	December 18, 1984	IC 014: Watches, Wrist Watches, Portfolio Watches, Pendant Watches, and Miniature Clocks; and Parts Thereof
HOUR VISION	3,681,927	September 15, 2009	IC 014: Horological and chronometric instruments
PLANET OCEAN	3,085,659	April 25, 2006	IC 014: Watches and watch parts
BROAD ARROW	3,418,186	April 29, 2008	IC 014: Watches, watch straps, watch bracelets and parts thereof; chronometers, chronographs, watches made of precious metals, watches partly or entirely set with precious stones

10. Copies of the Patent and Trademark Office public recordings of these marks are attached as Exhibit A.

11. Federal registration of a trademark is *prima facie* evidence of a Registrant's exclusive right to use the registered trademark in commerce in connection with the goods or services specified in the certificate, pursuant to 15 U.S.C. § 1057(b).

12. Watches bearing the OMEGA Marks have been advertised and promoted and otherwise used in commerce throughout the United States, including this District, since at least as early as 1894.

13. The OMEGA Marks have acquired distinctiveness and secondary meaning signifying Omega and its products. The public and trade have come to rely on Omega's trademarks to distinguish its products and services from those of others.

14. Upon information and belief, at all relevant times hereto, Defendants have had full knowledge of Omega's ownership of, and exclusive right to use, the OMEGA Marks.

15. The Defendants, without the authorization of Omega, are advertising, selling, distributing and offering for sale counterfeit watches bearing the OMEGA Marks ("Counterfeit Watches").

16. The watches sold by the Defendants are of a quality substantially different than, and inferior to, that of Omega's genuine goods.

17. Omega has no adequate remedy at law.

18. Omega is suffering irreparable injury and damages as a result of the Defendants' unlawful use of the OMEGA Marks. If Defendants' unlawful activities are not preliminarily and

permanently enjoined by this Court, Omega and the consuming public will continue to be harmed.

**COUNT I**  
**TRADEMARK COUNTERFEITING AND INFRINGEMENT**

19. Omega restates and re-avers each and every allegation contained in the foregoing paragraphs and the acts of Defendants asserted therein as if fully recited in this paragraph.

20. This claim is for trademark counterfeiting and infringement against the Defendants for their advertising, distribution, sale, importation and offering for sale counterfeit OMEGA watches.

21. Without Omega's authorization, and with full knowledge of Omega's exclusive rights in the OMEGA Marks, the Domain Defendants have advertised, distributed, sold, imported and offered for sale counterfeit watches bearing the OMEGA Marks.

22. The Defendants' use of the OMEGA Marks on counterfeit watches is likely to cause confusion, mistake and deception among the general purchasing public as to the origin of the counterfeit watches, and is likely to deceive the public into believing the counterfeit watches being sold by the Defendants originate from, are associated with or are authorized by Omega.

23. Defendants' actions constitute counterfeiting and infringement of the OMEGA Marks in violation of Omega's rights under § 32 of the Lanham Act, 15 U.S.C. § 1114.

24. Omega has no adequate remedy at law and, if the Defendants' activities are not enjoined, Omega will continue to suffer irreparable harm and injury to its goodwill and reputation.



25. The Defendants' actions demonstrate an intentional and willful intent to trade on the goodwill associated with the OMEGA Marks.

26. Defendants' acts of trademark infringement, as alleged above, are causing Omega and the public irreparable injury, and will continue to do so unless restrained and enjoined.

27. On information and belief, Defendants have no present intention of terminating the activities complained of but, on the contrary, are continually seeking to expand such activities.

**COUNT II**  
**FALSE DESIGNATION OF ORIGIN, FALSE ADVERTISING**  
**AND UNFAIR COMPETITION**

28. Omega restates and re-avers each and every allegation contained in the foregoing paragraphs and the acts of Defendants asserted therein as if fully recited in this paragraph.

29. This count arises under 15 U.S.C. §1125(a).

30. The Defendants have willfully and intentionally used the OMEGA Marks in a manner which is likely to cause confusion, mistake or deception, by virtue of its prominent use thereof in connection with the Defendants' counterfeit watches.

31. The Defendants' use and/or association with the OMEGA Marks represents a False Designation of Origin, as consumers are likely to associate the Defendants' counterfeit watches with Omega and Omega's well known and highly regarded use of the OMEGA Marks as an indicator of source, quality and consistency.

32. Consumers will believe that the Defendants' counterfeit watches are associated with, sponsored and/or endorsed by Omega, when in fact they are not.

33. The Defendants' use of the OMEGA Marks erodes the connection between the OMEGA MARKS and Omega. Omega's reputation has thus been and will continue to be subject

to the perils and hazards which arise from Defendants' counterfeit activities, resulting in grave irreparable harm to Omega and the consuming public.

34. The Defendants have no connection whatsoever with Omega and Omega has no control over the acts of the Defendants, nor any responsibility for the acts of the Defendants.

35. The Defendants' acts create and further the likelihood that the public will be confused as to sponsorship, source, affiliation or association of the products and services of the Defendants.

36. The Defendants' use of, and/or association with, Omega's OMEGA Marks constitutes a false designation of origin, as consumers are likely to associate Omega's OMEGA Marks with the Defendants.

37. The Defendants' use of the OMEGA Marks constitutes false advertising to lead consumers to believe that the Defendants' counterfeit watches originate from Omega when in fact they do not.

38. The Defendants' unauthorized use of the OMEGA Marks in advertising and promoting the Counterfeit watches is misleading as to the nature, quality and origins of the OMEGA brand goods sold by the Defendants.

39. The Defendants' adoption of the OMEGA Marks unfairly capitalizes on the goodwill associated with the Omega Marks that Omega has built throughout the years.

40. By adopting the OMEGA Marks, the Defendants are unfairly competing with Omega by conducting business on the goodwill built by Omega. At the same time, the Defendants are diluting the distinctive value of the OMEGA Marks, which are Omega's core asset.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby demands a trial by a jury on all issues triable by right of jury.

WHEREFORE, Plaintiff prays:

1. That pursuant to 15 U.S.C. §1116 and the equity jurisdiction of this Court, Defendants be preliminarily and permanently enjoined and restrained from using on or in connection with the importation, sale, offering for sale, distribution, exhibition, display or advertising of goods or services through the Internet or otherwise, any OMEGA Marks;
2. That Defendants be preliminary and permanently enjoined and restrained from destroying, secreting or altering, pursuant to 15 U.S.C. §1118 all dyes, molds, letterheads, advertising materials, computer programs in any language or format (including HTML, Java or other formats for use in internet web pages), labels, packages, containers, name plates, watches and any other printed or electronic matter of any nature, and any products in their possession bearing any OMEGA Marks, and be ordered to deliver up these items for destruction;
3. For entry of an order requiring the Subject Domain Names, and any other domain names being used by Defendants to engage in the business of marketing, offering to sell and/or selling Counterfeit Watches, be immediately transferred to Plaintiff.
4. For entry of an order that any Internet search engines, web hosts, domain name registrars and domain-name registries, cease facilitating access to any websites which involve the Counterfeit Watches.

5. For entry of an order directing ICANN to take all actions necessary to ensure that the top level domain Registries responsible for the Subject Domain Names facilitate the transfer of the Subject Domain Names.

6. That pursuant to 15 U.S.C. §1117, Defendants be directed to pay over to Plaintiff all of Defendants' profits, and any and all damages sustained by Plaintiff, plus the costs of the action;

7. That pursuant to 15 U.S.C. §1117, Defendants be directed to provide Plaintiff an accounting of all profits that they have obtained by consequence of Defendants' statutory and Common Law Trademark Infringement and Counterfeiting, and Unfair Competition, False Advertising and False Designation of Origin as enumerated herein;

8. That because of the willful nature of the infringement, the amounts of actual damages be trebled as provided for in 15 U.S.C. §1117;

9. For an award of their reasonable attorney's fees pursuant to 15 U.S.C. §1117(a);

10. For an award of statutory damages pursuant to 15 U.S.C. § 1117(c).

11. For a declaration that Defendants' acts and conduct infringe the OMEGA Marks;

12. For a declaration that Defendants' acts and conduct infringing the OMEGA Marks are willful;

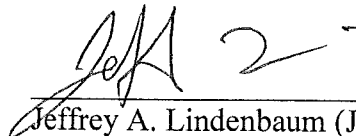
13. That Defendants be required to file with this Court and serve upon Plaintiff a report in writing and under oath setting forth in detail the manner and form in which the Defendants have complied with the terms of the injunction;

14. That this Court require the Defendants to account to Plaintiff for all profits and expenses realized by Defendants attributable to the infringements as alleged;

15. Any such other and further relief as this Court deems just and equitable.

Respectfully submitted  
for Plaintiffs,

By:

A handwritten signature in black ink, appearing to be 'JAL 2', written over a horizontal line.

Jeffrey A. Lindenbaum (JL-1971)

Jess M. Collen (JC-2875)

COLLEN *IP*

The Holyoke-Manhattan Building

80 South Highland Avenue

Town of Ossining

Westchester County, New York 10562

(914) 941 5668

(914) 941-6091 (facsimile)

[jlindenbaum@collenip.com](mailto:jlindenbaum@collenip.com)

Dated: December 21, 2012

# EXHIBIT A

original

Renewed to  
Societe Anonyme Louis Brandt & Frere Omega Watch Co.  
Renewed July 24-1944 to Societe Anonyme Louis Brandt  
& Frere Omega Watch Co., an organized company of  
Switzerland.

## UNITED STATES PATENT OFFICE.

LOUIS BRANDT & FRÈRE, OF BIENNE, SWITZERLAND.

### TRADE-MARK FOR WATCH-MOVEMENTS AND WATCHCASES.

STATEMENT and DECLARATION of Trade-Mark No. 25,036, registered July 24, 1894.

Application filed May 23, 1894.

#### STATEMENT.

*To all whom it may concern:*

Be it known that we, LOUIS BRANDT & FRÈRE, a firm domiciled and doing business in Bienne, Switzerland, have adopted for our use a Trade-Mark for Watch-Movements and Watchcases, of which the following is a full, clear, and exact specification.

Our trade-mark consists of the arbitrary sign of the last letter of the Greek alphabet. This has generally been arranged as shown in the accompanying fac-simile, in which it appears above the word "Omega." But it may be differently arranged and the word "Omega" may be omitted without materially altering the character of our trade-mark, the essential feature of which is the Greek letter "Ω."

This trade-mark has been continuously used by us in our business since March 10, 1894.

The class of merchandise to which this trade-mark is appropriated is horology, and the particular description of goods comprised in such class on which it is used by us is watch-movements and watch-cases. It is usually affixed to the goods by stamping or by printing it upon suitable labels which are afterward placed upon the packages containing the articles.

Signed this 2d day of May, 1894.

LOUIS BRANDT & FRÈRE.

Witnesses:

EDOUARD HAAS,  
ALF. H. BESSIR.

#### DECLARATION.

United States consulate Berne Switzerland ss.

LOUIS PAUL BRANDT being duly sworn deposes and says that he is a member of the firm of LOUIS BRANDT AND FRÈRE, the applicants named in the foregoing statement; that he verily believes that the foregoing statement is true; that the said firm has at this time a right to the use of the trade-mark therein described; that no other person, firm or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that it is

used by the applicants in commerce between the United States and foreign nations and particularly with Switzerland; and that the description and fac-simile presented for record truly represent the trade-mark sought to be registered.

LOUIS PAUL BRANDT.

Sworn to and subscribed before me this 14th day of June, 1894.

[L. S.]

JOHN E. HINNEN,  
U. S. Vice-Consul.

Republished, under the Act of 1946, Jan. 17, 1950, by  
Omega Louis Brandt & Frere, S. A., Bienne, Switzerland.

New Certificate issued November 18, 1952, under Sec. 7c for unexpired term to Omega Louis Brandt & Frere S. A., of Bienne, Switzerland, a corporation of Switzerland, by change of name from Societe Anonyme Louis Brandt & Frere Omega Watch Co.



Registered Nov. 4, 1952.

Registration No. 566,370

**PRINCIPAL REGISTER**  
**Trade-Mark**

**UNITED STATES PATENT OFFICE**

**Omega Louis Brandt & Frère, S. A.,  
Bienne, Switzerland**

**Act of 1946**

**Application December 8, 1951, Serial No. 622,275**

**OMEGA**

**STATEMENT**

Omega Louis Brandt & Frère, S. A., a Swiss corporation, located and doing business at Bienne, Switzerland, has adopted and is using the trade-mark shown in the accompanying drawing, for **WATCHES AND PARTS THEREOF**, in Class 27, Horological instruments, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied by stamping, printing or engraving the same on the goods and by printing the same on the containers and/or tags attached to the goods, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used in 1894 and was first used in commerce which may lawfully be regulated by the Congress, viz. commerce between the United States and Switzerland in the same year.

Applicant owns the following U. S. registration: No. 25,036.

The applicant hereby designates Chauncey P. Carter, of 4400 Klinge Street, Washington 16, D. C., as applicant's representative in the United States on whom notices or process in proceedings affecting the mark may be served.

**OMEGA LOUIS BRANDT & FRÈRE, S. A.,**

By **A. VALLAT,**  
*Commercial Manager.*

COMB. AFF. SEC. 8 & 15

DEC 23 1957

# United States Patent Office

734,891  
Registered July 24, 1962

## PRINCIPAL REGISTER Trademark

Ser. No. 127,631, filed Sept. 11, 1961



Omega Louis Brandt & Frere, S.A. (Swiss company)  
Bienne, Switzerland

For: TIMEPIECES AND PARTS THEREOF, in  
CLASS 27.

First use 1894; in commerce 1894.

The symbol shown on the drawing is the last letter of  
the Greek alphabet.

Owner of U.S. Reg. Nos. 25,036, 708,731, and others.

# United States of America

## United States Patent and Trademark Office



**Reg. No. 3,757,932** OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWITZERLAND CORPORATION)  
Registered Mar. 9, 2010 JAKOB-STAMPFLI-STRASSE 96  
2502 BIEL/BIENNE, SWITZERLAND

**Int. Cl.: 14** FOR: JEWELRY AND PRECIOUS STONES; HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

**TRADEMARK** FIRST USE 0-0-1958; IN COMMERCE 0-0-1959.  
**PRINCIPAL REGISTER**

PRIORITY CLAIMED UNDER SEC. 44(D) ON SWITZERLAND APPLICATION NO. 10674/2006, FILED 8-17-2006, REG. NO. 551434, DATED 8-17-2006, EXPIRES 8-17-2016.

SN 77-108,646, FILED 2-15-2007.

BRIAN PINO, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

Int. Cl.: 14

Prior U.S. Cl.: 27

Reg. No. 556,602

United States Patent and Trademark Office

Registered Mar. 25, 1952

10 Year Renewal

Renewal Term Begins Mar. 25, 1992

**TRADEMARK  
PRINCIPAL REGISTER**

**SEAMASTER**

OMEGA SA (SWITZERLAND CORPORATION)  
96 RUE STAEMPFLI

2503 BIENNE, SWITZERLAND, BY  
CHANGE OF NAME FROM OMEGA  
LOUIS BRANDT & FRERE, S. A.  
(SWITZERLAND CORPORATION)  
BIENNE, SWITZERLAND

FOR: WATCHES, WATCH PARTS  
AND WATCH MOVEMENTS, IN CLASS  
27 (INT. CL. 14).

FIRST USE 3-25-1949; IN COMMERCE  
3-25-1949.

SER. NO. 71-596,436, FILED 4-27-1950.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Apr. 21, 1992.*

Registered Mar. 25, 1952

Registration No. 556,602

**PRINCIPAL REGISTER**

**Trade-Mark**

**UNITED STATES PATENT OFFICE**

Omega Louis Brandt & Frere, S. A.,  
Biel, Switzerland

Act of 1946

Application April 27, 1950, Serial No. 596,436

**SEAMASTER**

**STATEMENT**

Omega Louis Brandt & Frere, S. A., a corporation duly organized under the laws of the Republic of Switzerland, located and doing business at Bienne, Switzerland, has adopted and is using the trade-mark shown in the accompanying drawing, for WATCHES, WATCH PARTS AND WATCH MOVEMENTS, in Class 27, Horological instruments, and presents herewith five specimens (or facsimiles) showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to labels attached to packages containing the goods, or to circulars enclosed with packages containing the goods, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used on March 25, 1949, and was first used in commerce between Switzerland and the United States which may lawfully be regulated by Congress on March 25, 1949, and was first used in Switzerland in May 1949.

Mock & Blum, whose postal address is 10 East 40th Street, New York 16, N. Y., is designated as applicant's representative on whom notice or process in proceeding affecting the mark may be served.

OMEGA LOUIS BRANDT & FRERE, S. A.,  
By ADOLPHE VALLAT,  
*Managing Director.*

COMB. AFF. SEC. 8 & 15

APR 16 1957

# United States Patent Office

672,487  
Registered Jan. 13, 1959

## PRINCIPAL REGISTER Trademark

Ser. No. 47,594, filed Mar. 12, 1958

### SPEEDMASTER

Norman M. Morris Corporation (New York corporation)  
655 Madison Ave.  
New York 21, N. Y.

For: WATCHES AND CLOCKS, in CLASS 27.  
First use Dec. 1, 1957; in commerce Dec. 1, 1957.

**Int. Cl.: 14**

**Prior U.S. Cl.: 27**

**United States Patent and Trademark Office**

**Reg. No. 1,223,349**

**Registered Jan. 11, 1983**

**TRADEMARK**  
**Principal Register**

**CONSTELLATION**

Omega Louis Brandt & Frere S.A. (Switzerland  
corporation)  
95 rue Stampfli  
Bienne, Switzerland 2500

For: WATCHES AND PARTS THEREOF, in  
CLASS 14 (U.S. Cl. 27).  
First use Sep. 1, 1955; in commerce Sep. 1, 1955.

Ser. No. 331,540, filed Oct. 7, 1981.

ROBERT PEVERADA, Examining Attorney

**Int. Cl.: 14**

**Prior U.S. Cl.: 27**

**United States Patent and Trademark Office**

**Reg. No. 1,309,929**

**Registered Dec. 18, 1984**

**TRADEMARK**  
**Principal Register**

**DE VILLE**

Omega S.A. (Switzerland corporation)  
96 rue Staempfli  
Bienne, Switzerland 2500

For: WATCHES, WRIST WATCHES, PORT-  
FOLIO WATCHES, PENDANT WATCHES,  
AND MINIATURE CLOCKS; AND PARTS  
THEREOF, in CLASS 14 (U.S. Cl. 27).

Owner of Switzerland Reg. No. 196,247, dated  
Dec. 31, 1962, renewed as Reg. No. 322,384, dated  
Oct. 1, 1982, expires Oct. 1, 2002.

The English translation of "De Ville" is "of the  
City".

Ser. No. 418,969, filed Mar. 28, 1983.

JANIS MALTZ, Examiner



# United States of America

United States Patent and Trademark Office

## HOUR VISION

**Reg. No. 3,681,927** OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWITZERLAND SOCIÉTÉ ANONYME (SA))  
Registered Sep. 15, 2009 JAKOB-STÄMPFLI-STRASSE 96  
2502 BIEL/BIENNE, SWITZERLAND

**Int. Cl.: 14** FOR: HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

**TRADEMARK** FIRST USE 5-16-2007; IN COMMERCE 5-16-2007.  
**PRINCIPAL REGISTER**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY CLAIMED UNDER SEC. 44(D) ON SWITZERLAND APPLICATION NO. 560321, FILED 4-3-2007, REG. NO. 560321, DATED 4-3-2007, EXPIRES 4-3-2017.

SER. NO. 77-292,537, FILED 10-1-2007.

STEVEN JACKSON, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28 and 50

United States Patent and Trademark Office

Reg. No. 3,085,659

Registered Apr. 25, 2006

TRADEMARK  
PRINCIPAL REGISTER

**PLANET OCEAN**

OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWIT-  
ZERLAND JOINT STOCK COMPANY)  
96, RUE JAKOB-STÄMPFLI  
CH-2502 BIENNE  
SWITZERLAND

OWNER OF INTERNATIONAL REGISTRATION  
0705904 DATED 1-14-1999, EXPIRES 1-14-2009.

FOR: WATCHES AND WATCH PARTS, IN CLASS  
14 (U.S. CLS. 2, 27, 28 AND 50).

SER. NO. 79-009,839, FILED 9-17-2004.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

VERNA BETH RIRIE, EXAMINING ATTORNEY

**Int. Cl.: 14**

**Prior U.S. Cls.: 2, 27, 28 and 50**

**United States Patent and Trademark Office**

**Reg. No. 3,418,186**

**Registered Apr. 29, 2008**

**TRADEMARK  
PRINCIPAL REGISTER**

**BROAD ARROW**

OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWITZERLAND CORPORATION)  
JAKOB-STÄMPLI-STRASSE 96  
BIEL/BIENNE, SWITZERLAND 2502

FOR: WATCHES, WATCH STRAPS, WATCH BRACELETS AND PARTS THEREOF; CHRONOMETERS, CHRONOGRAPHS, WATCHES MADE OF PRECIOUS METALS, WATCHES PARTLY OR ENTIRELY SET WITH PRECIOUS STONES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 8-9-2001; IN COMMERCE 8-9-2001.

PRIORITY CLAIMED UNDER SEC. 44(D) ON SWITZERLAND APPLICATION NO. 508927, FILED 12-5-2002, REG. NO. 508927, DATED 12-5-2002, EXPIRES 12-5-2012.

SER. NO. 78-258,004, FILED 6-4-2003.

WANDA KAY PRICE, EXAMINING ATTORNEY

**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)

**CERTIFICATE OF SERVICE**

I Jeffrey A. Lindenbaum certify that on January 8, 2013<sup>1</sup> I effectuated electronic service of the following documents, pursuant to the Court's December 21, 2012 Order, on the Defendants sending same via email to the email addresses listed in the attached Schedule A:

1. Complaint
2. Civil Cover Sheet
3. Plaintiff's Rule 7.1 Statement
4. Summons
5. Plaintiff's Notice of Motion for Temporary Restraining Order and Preliminary Injunction
6. Plaintiff's Memorandum of Law for TRO and PI
7. Declaration of Lauren Kennedy
8. Declaration of Colleen Hurley
9. Declaration of Jeffrey Lindenbaum
10. Order to Show Cause for TRO and PI
11. Order Granting TRO
12. Individual Rules and Procedures for Judge Shira A. Scheindlin
13. SDNY ECF Rules and Instructions
14. Order Granting Extension of Time

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<sup>1</sup> The documents were sent to the email address domain@abcde.cn on January 11, 2013, not January 8, 2013.


I further certify that the above listed documents were posted and made available for viewing prior to January 8, 2013, and continuing thereafter on the website [www.notice-lawsuit.com](http://www.notice-lawsuit.com).

I further certify that this Certificate of Service was served on the Defendants by sending same via email to the email addresses listed in the attached Schedule A and by posting it on the website [www.notice-lawsuit.com](http://www.notice-lawsuit.com).

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted  
for Plaintiff,

By:

  
Jeffrey A. Lindenbaum (JL-1971)  
Jess M. Collen (JC-2875)  
COLLEN IP  
The Holyoke-Manhattan Building  
80 South Highland Avenue  
Town of Ossining  
Westchester County, New York 10562  
(914) 941 5668  
(914) 941-6091 (facsimile)  
[jlindenbaum@collenip.com](mailto:jlindenbaum@collenip.com)

Dated: January 18, 2013

**SCHEDULE A**

<a href="http://www.watches-vogue.com">http://www.watches-vogue.com</a>	Xie Zhenmin / Zhenmin Xie	admin@watches-vogue.com
		service@watches-vogue.com
		yangb0593@gmail.com
		zhilinyang135@gmail.com
<a href="http://www.watchdear.com">http://www.watchdear.com</a>	Shenzhen Lai Wode Technology Co., Ltd. / qixi lou	admin@watchdear.com
		service@watch-dear.com
		yangliufang89@gmail.com
		yangliufang89@gmail.com
<a href="http://www.queenofwatches.com">http://www.queenofwatches.com</a>	EC Brother / Li Lin	qu4676923903401@domainshield.com
		qu4676923392004@domainshield.com
		queenofwatches@gmail.com
		noorderinfos@gmail.com
		marryxie1987@gmail.com
		yuntingchui@hotmail.com
		121641514@qq.com
		ecpurchascom@hotmail.com
		ecshinecom@hotmail.com
		paynowgoods@gmail.com
		interact100803@hotmail.com
		yinhaiping0514@gmail.com
		yinjinpings1@gmail.com
<a href="http://www.replicaup.com">http://www.replicaup.com</a>	Is shaped Design Co., Ltd. / Wang Junxi	admin@replicaup.com
		service@replicaup.com
		yangliufang78@gmail.com
		yangb0593@gmail.com
		yangb0593@gmail.com
		qingronguk@gmail.com
		kevin-wangxian@hotmail.com, aillyok1987@hotmail.com, 394773602@qq.com, 2441153645@qq.com, willacather777@hotmail.com
		kc Zhang63@gmail.com
		paymentlingerie@gmail.com
		ylifang1983@gmail.com
		zhangwh2019@gmail.com
		yangliufang78@gmail.com
<a href="http://www.watchmimic.com">http://www.watchmimic.com</a>	Shanghai Jing Hao Machinery Co., Ltd. / Wang, Jinglei	admin@watchmimic.com
		service@watchmimic.com
		yangliufang78@gmail.com
		yangb0593@gmail.com
		yangliufang78@gmail.com

<a href="http://www.watchkind.com">http://www.watchkind.com</a>	Guangren Wang	admin@watchkind.com service@watchkind.com yangliufang78@gmail.com yangb0593@gmail.com yjianyu1986@gmail.com yangliufang78@gmail.com
<a href="http://www.myfavomega.com/">http://www.myfavomega.com/</a>	PrivacyProtect.org / Domain Admin/jianxian li	contact@privacyprotect.org 1007128333@qq.com service@myfavomega.com lidong885@yahoo.com
<a href="http://www.omegaonlineoutlet.com">http://www.omegaonlineoutlet.com</a>	PrivacyProtect.org / Domain Admin / jianxian li	contact@privacyprotect.org 1007128333@qq.com salewatchesstore@gmail.com
<a href="http://www.omegaonlineoutlet.biz/">http://www.omegaonlineoutlet.biz/</a>	qi tang	parigmat@gmail.com salewatchesstore@gmail.com
<a href="http://www.omegaonlineoutlet.net">http://www.omegaonlineoutlet.net</a>	bony huny	bhu38@yahoo.com salewatchesstore@gmail.com
<a href="http://www.qualityreplica.biz">http://www.qualityreplica.biz</a>	PrivacyProtect.org / Domain Admin / jianxian liu	contact@privacyprotect.org service@wr48.raybangood.com jianxian.liu@yahoo.com omg3888@hotmail.com
<a href="http://www.qualityreplica.info/">http://www.qualityreplica.info/</a>	meng luo	Luomeng96@yahoo.com service@wr48.raybangood.com
<a href="http://www.qualityreplica.us">http://www.qualityreplica.us</a>	menge luony	Luomeng96@yahoo.com service@wr48.raybangood.com
<a href="http://www.bestreplicawatchesok.com/">http://www.bestreplicawatchesok.com/</a>	fiore paul	marvakjq@hotmail.com
<a href="http://www.swisskiss.net/">http://www.swisskiss.net/</a>	Mingqin Liu	admin@swisskiss.net cflong1988@gmail.com
<a href="http://www.sinohorloge.com/">http://www.sinohorloge.com/</a>	zhu yong	sinohorloge@163.com gloria8.kim@gmail.com agape789123@hotmail.com

<a href="http://www.salesswiss.com/">http://www.salesswiss.com/</a>	Xie Jun	zhengpinsale@163.com service@swissale.net jiayinsale@gmail.com
<a href="http://watchesyes.net/">http://watchesyes.net/</a>	fan	pong2987@126.com watchesyes@126.com pong2987@126.com
<a href="http://replicavip.org/">http://replicavip.org/</a>	PrivacyProtect.org / Domain Admin / Bolelov Aleksandr Valentinovich	contact@privacyprotect.org albolelov@gmail.com
<a href="http://www.watchc.com/">http://www.watchc.com/</a>	Li guangping	swisseta@qq.com zhuaxiao222@gmail.com pcopal@gmail.com hongshengmachine@gmail.com, hongshengmachine.@gmail.com ptjoinhello@gmail.com johnzhao911@gmail.com meimery3@gmail.com trustytimes@gmail.com
<a href="http://www.watchespay.net/">http://www.watchespay.net/</a>	Guangzhou Shouai Trading Co., Ltd / zhang shunliang	zhangxian108@163.com service@watchespay.net zhangxian108@163.com
<a href="http://www.replicabuy.net/">http://www.replicabuy.net/</a>	Optical Automation Instrument Co., Ltd. / Zhan Lixiong	admin@replicabuy.net service@replicabuy.net shunhe1987@gmail.com zgwan1982@gmail.com zmqiong1970@gmail.com
<a href="http://www.watch7750.com/">http://www.watch7750.com/</a>	lai shuang	hongfeida2008@163.com domain@abcde.com sales@watch7750.com domain@abcde.cn <sup>2</sup>
<a href="http://www.swissale.net">http://www.swissale.net</a>	Xiaojie Ma	admin@swissale.net service@swissale.net

<sup>2</sup> The documents were emailed to [domain@abcde.cn](mailto:domain@abcde.cn) on January 11, 2013.



<a href="http://www.replicafind.net/">http://www.replicafind.net/</a>	Li Yuanming	admin@replicafind.net service@replicafind.net
<a href="http://www.salesreplicas.com/">http://www.salesreplicas.com/</a>	weichengwang	salesreplicas@yeah.net
<a href="http://www.replicawalker.com/">http://www.replicawalker.com/</a>	yang, baoling	ebuysoooooo@21cn.com bigexporters@gmail.com bigexporters@gmail.com
<a href="http://replicaprice.com/">http://replicaprice.com/</a>	Intellectual Property Agency Ltd. / Jie Xu	admin@replicaprice.com nameshoufeng@163.com replicaprice2011@gmail.com zhilinyang135@gmail.com service@replicasold.com yangliufang67@gmail.com hellopt2001@gmail.com xiaozhenzhang23@gmail.com shunliang301@gmail.com zhiboyang12@gmail.com xiuying1968@gmail.com cxiao1995@gmail.com guowan5@gmail.com yangliufang67@gmail.com
<a href="http://www.watchesfull.com">http://www.watchesfull.com</a>	Zhi Technology Co., Ltd. / Yukun Cui	admin@watchesfull.com service@watchesfull.com cxiao2015@gmail.com fengj2018@gmail.com zhonggw2012@gmail.com xiuying1968@gmail.com