

June 4, 2008

STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMIUNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

ROLEX WATCH U.S.A., INC.,

Plaintiff,

v.

PHILIP HIMSCHOOT, individually and  
d/b/a WWW.MYNEWWATCHES.COM,  
GRAND CROWN, FLAWLESS PROMOTIONS,  
INC., UNKNOWN WEBSITES 1-10; JOHN  
DOES 1-10; JANE DOES 1-10;  
UNKNOWN ENTITIES 1-10,

Defendants.

CASE NO.

**08-CV-60843-Altonaga-Brown****COMPLAINT**

Plaintiff Rolex Watch U.S.A., Inc. ("Plaintiff" or "Rolex"), through its attorneys, complaining of defendants, hereby alleges as follows:

**STATEMENT OF THE CASE**

This is a suit by Rolex against defendant Philip Himschoot, individually and d/b/a www.mynewwatches.com, Grand Crown, Flawless Promotions, Inc., Unknown Websites 1-10, and against John Does 1-10, Jane Does 1-10 and Unknown Entities 1-10 (collectively "Defendants"), for injunctive relief, statutory damages, treble damages and/or profits, compensatory damages, punitive damages, pre-judgment interest, attorneys fees, investigators fees and costs for trademark counterfeiting, trademark infringement, false designations of origin and false description, dilution, unfair competition and violation of Florida Statutes Chapter 495 and Florida Deceptive and Unfair Trade Practices Act 501.201. Defendants are being sued by Rolex as a result of Defendants' sale, offers for sale, distribution, promotion and advertisement

of watches bearing counterfeits and infringements of Rolex's federally registered Rolex trademarks.

### **JURISDICTION AND VENUE**

1. This claim arises under the Trademark Act of 1946, 15 U.S.C. § 1051, *et seq.*, particularly under 15 U.S.C. § 1114(1). This Court has subject matter jurisdiction over the claims in this action which relate to trademark counterfeiting and infringement, dilution and false designation of origin and false descriptions pursuant to the provisions of 28 U.S.C. §§1331, 1338 and 15 U.S.C. § 1121.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and 1392(a).

### **PARTIES**

3. Plaintiff Rolex Watch U.S.A., Inc. is a corporation duly organized and existing under the laws of the State of New York, having an office and principal place of business at 665 Fifth Avenue, New York, New York, 10022.

4. Upon information and belief, defendant Phillip Himschoot ("Himschoot") is an individual residing at 870 Nandina Drive, Weston, FL 33327.

5. Upon information and belief, Himschoot has established electronic mail addresses at [mynewwatchsupport@hotmail.com](mailto:mynewwatchsupport@hotmail.com), [rlxdlr6270@hotmail.com](mailto:rlxdlr6270@hotmail.com), and [mynewwatches@gmail.com](mailto:mynewwatches@gmail.com).

6. Upon information and belief, Himschoot advertises, distributes, promotes, offers for sale, and sells watches bearing counterfeits of one or more of Rolex's federally registered trademarks, in this judicial district and elsewhere through the Internet website [www.mynewwatches.com](http://www.mynewwatches.com) (the "Website").

7. Upon information and belief, Himschoot is responsible for the day-to-day operations and management of, and is the moving force behind, the Website.

8. Upon information and belief, Himschoot used the fictitious company name “Grand Crown” to register the Website.

9. Upon information and belief, Himschoot advertises, distributes, imports, promotes, offers for sale, and sells watches bearing counterfeits of one or more of Rolex’s federally registered trademarks, in this judicial district and elsewhere through Grand Crown.

10. Upon information and belief, Grand Crown is a fictitious entity under which name Himschoot is and has been doing business, with a place of business at 62 Indian Terrace, Suite #47, Weston, FL 33326.

11. Upon information and belief, Himschoot is responsible for the day-to-day operations and management of, and is the moving force behind, Grand Crown.

12. Upon information and belief, Himschoot advertises, distributes, promotes, offers for sale, and sells watches bearing counterfeits of one or more of Rolex’s federally registered trademarks, in this judicial district and elsewhere through Flawless Promotions, Inc.

13. Upon information and belief, Flawless Promotions, Inc. is a fictitious entity under which name Himschoot is and has been doing business, with a place of business at 15970 W. State Road 84, Suite 211, Sunrise, FL 33326.

14. Upon information and belief, Himschoot is responsible for the day-to-day operations and management of, and is the moving force behind, Flawless Promotions, Inc.

15. The identities of Unknown Websites 1-10, John Does 1-10, Jane Does 1-10 and Unknown Entities 1-10 are not currently known, but, upon information and belief, they are associated with Defendants and contribute to Defendants’ infringements. Plaintiff will identify these Unknown Websites, Unknown Does and Unknown Entities upon further knowledge and investigation and will amend its pleadings accordingly.

16. Plaintiff is informed and believes and thereupon alleges that, at all times relevant hereto, Defendants are and have been doing business in this judicial district and elsewhere and have sold and distributed merchandise wrongfully bearing counterfeits of Plaintiff's trademarks. Upon information and belief, Defendants are advertising, distributing, offering for sale, and selling numerous items of merchandise wrongfully bearing counterfeits of Plaintiff's trademarks to persons located within this judicial district and elsewhere.

### **FACTUAL ALLEGATIONS**

#### **Rolex's Famous Products and Marks**


17. Rolex is the exclusive distributor and warrantor in the United States of Rolex watches, all of which bear one or more of Rolex's Registered Trademarks described below. Rolex watches are identified by the trade name and trademark ROLEX and one or more of Rolex's trademarks.

18. Rolex is responsible for assembling, finishing, marketing and selling in interstate commerce high quality Rolex watches, watch bracelets and related products for men and women.

19. Rolex owns numerous trademarks, including, but not limited to, the trademarks and trade names ROLEX, PRESIDENT, CROWN DEVICE (design), DATEJUST, GMT-MASTER, DAY-DATE, OYSTER, OYSTER PERPETUAL, YACHT-MASTER, SUBMARINER, ROLEX DAYTONA and DAYTONA on and in connection with watches, watch bracelets and related products.

20. Rolex is the owner of, including but not limited to, the following federal trademark registrations in the U.S. Patent and Trademark Office:

Trademark	Reg. No.	Reg. Date	Goods
ROLEX	101,819	1/12/15	Watches, clocks, parts of watches and clocks, and their cases.
PRESIDENT	520,309	1/24/50	Wristbands and bracelets for watches made wholly or in part or

			plated with precious metals, sold separately from watches.
 CROWN DEVICE	657,756	1/28/58	Timepieces of all kinds and parts thereof.
DATEJUST	674,177	2/17/59	Timepieces and parts thereof.
GMT-MASTER	683,249	8/11/59	Watches.
SEA-DWELLER	860,527	11/19/68	Watches, clocks and parts thereof.
OYSTER	239,383	3/6/28	Watches, movements, cases, dials, and other parts of watches.
OYSTER PERPETUAL	1,105,602	11/7/78	Watches and parts thereof.
YACHT-MASTER	1,749,374	1/26/93	Watches.
SUBMARINER	1,782,604	7/20/93	Watches.
ROLEX DAYTONA	1,960,768	3/5/96	Watches.
DAYTONA	2,331,145	3/21/00	Watches.
EXPLORER II	2,445,357	4/24/01	Watches.
TURN-O-GRAPH	2,950,028	5/10/05	Watches and parts thereof.
GMT-MASTER II	2,985,308	8/16/05	Watches and parts thereof.

Correct and true copies of Rolex's federal trademark registrations (hereinafter collectively referred to as the "Rolex Registered Trademarks") are attached as **Exhibit 1**.

21. The Rolex Registered Trademarks are valid, subsisting, and in full force and effect and, with the exception of TURN-O-GRAPH and GMT-MASTER II, have become incontestable pursuant to 15 U.S.C. § 1065, and serve as conclusive evidence of Rolex's ownership of the marks and of its exclusive right to use the marks in commerce on or in connection with all of the goods identified in the Rolex Registered Trademarks registrations, as provided by Section 33(b) of the Lanham Act, 15 U.S.C. §1115(b).

22. The Rolex Registered Trademarks are arbitrary and fanciful marks that are entitled to the highest level of protection afforded by law. The Rolex Registered Trademarks are associated with Rolex in the minds of consumers, the public and the trade.

23. Rolex and its predecessors have used the Rolex Registered Trademarks for many years on and in connection with Rolex watches and related products. The Rolex Registered Trademarks identify high quality products originating with Rolex.

24. Based upon Rolex's extensive advertising, sales and the wide popularity of Rolex's products, the Rolex Registered Trademarks have acquired secondary meaning so that any product or advertisement bearing such marks is immediately associated by consumers, the public and the trade as originating with Rolex.

25. Because of Rolex's exclusive and extensive use of the Rolex Registered Trademarks, the marks have acquired enormous value and have become extremely well known to the consuming public and trade as identifying and distinguishing Rolex exclusively and uniquely as the source of products available under the Rolex Registered Trademarks.

26. Rolex has gone to great lengths to protect its name and enforce the Rolex Registered Trademarks.

#### **Defendants' Counterfeiting and Infringing Activities**

27. Upon information and belief, long after Rolex's adoption and use of the Rolex Registered Trademarks on its products and after Rolex's federal registration of the Rolex Registered Trademarks, Defendants began selling, offering for sale, distributing, promoting and advertising watches in interstate commerce bearing counterfeits and infringements of the Rolex Registered Trademarks as those marks appear on Rolex's products and as shown in the Rolex Registered Trademarks attached hereto as **Exhibit 1**. The spurious marks or designations used by the Defendants in interstate commerce are identical with, or substantially indistinguishable from, the Rolex Registered Trademarks on goods covered by the Rolex Registered Trademarks.

28. The Website has been used to advertise, distribute, promote, offer for sale, and sell watches bearing watches bearing counterfeits of one or more of the Rolex Registered Trademarks. Representative samples of printouts from the Website are attached as **Exhibit 2**.

29. On or about September 12, 2006, counsel for Rolex conducted a Whois search for the website [www.mynewwatches.com](http://www.mynewwatches.com). The search revealed the following contact information:

Grand Crown, 62 Indian Terrace, Suite #47, Weston, FL 33326, [rlxdlr6270@hotmail.com](mailto:rlxdlr6270@hotmail.com) (“Contact Information”).

30. The Contact Information for [mynewwatches.com](http://mynewwatches.com) was the same as that which was previously associated with an inactive infringing domain, [myrolexwatches.com](http://myrolexwatches.com), in or around March 2006 and to which Rolex’s counsel sent a domain name infringement letter on or about March 1, 2006.

31. On or about September 12, 2006, Rolex’s investigator attempted to order a Rolex Submariner watch from the Website via the Website’s online ordering system. The investigator received a phone call from “Philip” because there was a problem processing the investigator’s credit card. “Philip” advised the investigator to inform his bank he was attempting to make payment to “Grand Crown Incorporated”.

32. Upon information and belief, “Philip” called from the telephone number 954-818-9643. This telephone number appeared on the Whois records for the domain [myrolexwatches.com](http://myrolexwatches.com) and the Website. Rolex’s investigation revealed that 954-818-9643 is a mobile number registered to Philip Himschoot.

33. On or about September 15, 2006, Rolex’s counsel sent a cease and desist letter via email to [rlxdlr6270@hotmail.com](mailto:rlxdlr6270@hotmail.com). A true and correct copy of this correspondence is attached as **Exhibit 3**.

34. On or about March 1, 2006, Rolex’s counsel received a response via email ([rlxdlr6270@hotmail.com](mailto:rlxdlr6270@hotmail.com)) and fax (954-670-0047) advising that the domain registration had been cancelled. Accordingly, on or about May 8, 2006, the domain was acquired and registered on behalf of Rolex Watch U.S.A., Inc.

35. On or about September 18, 2006, Rolex’s investigator received an email from “Philip” from the email address [mynewwatches@gmail.com](mailto:mynewwatches@gmail.com). The email stated that they were

out of stock of the Rolex Submariner but that a new shipment was expected to arrive on September 20, 2006.

36. On or about September 22, 2006, Rolex's counsel received a response to its cease and desist letter of September 15, 2006 via email and signed mynewwatches.com.

37. On or about September 26, 2006, Rolex's investigator received an email from "Philip" from the email address mynewwatchessupport@hotmail.com updating the investigator or the status of the watch purchased.

38. On or about October 5, 2006, Rolex's investigator received a package via DHL which bore the return address: Grand Crown, Inc., 62 Indian Trace #47, Weston, FL 33326, Philip, support@mynewwatches.com. See **Exhibit 4**.

39. Inside the package was a counterfeit Rolex Submariner ("Counterfeit Watch 1"). A digital image of Counterfeit Watch 1 is attached hereto as **Exhibit 5**.

40. Rolex had no other choice but to file suit against Defendants on or about April 6, 2007 for injunctive relief, statutory damages, treble damages and/or profits, compensatory damages, punitive damages, pre-judgment interest, attorneys fees, investigators fees and costs for trademark counterfeiting, trademark infringement, false designations of origin and false description, dilution, unfair competition and violation of Florida Statutes Chapter 495 and Florida Deceptive and Unfair Trade Practices Act 501.201.

41. Despite Rolex's diligent efforts to serve Himschoot, he evaded service for three months, which resulted in Voluntary Dismissal of the underlying case without prejudice on July 25, 2007.

42. On or about September 26, 2007, counsel for Rolex received a letter from the U.S. Customs and Border Protection regarding the seizure of merchandise bearing counterfeits of the Rolex trademark. The importer was listed as Grand Crown, Incorporated at 62 Indian Trace, #



47, Weston, Florida 33326.

43. On or about October 11, 2007, counsel for Rolex sent a cease and desist letter to Himschoot at the 62 Indian Trace, # 47, Weston, Florida 33326 address regarding the Customs seizure and his Website activities.

44. On or about October 17, 2007, counsel for Rolex received an undated letter signed "mynewwatches.com" via facsimile. Counsel for Rolex subsequently received that same letter via first class mail, postmarked October 16, 2007. The response failed to meet the demands of the cease and desist letter and did not provide Rolex with sufficient information that Defendant ceased his infringing and counterfeiting activities.

45. On or about December 3, 2007, counsel for Rolex confirmed the Website was still active and sent another letter to Himschoot requesting that he contact counsel immediately.

46. On or about December 7, 2007, counsel for Rolex received a response via email from mynewwatches@gmail.com that the Website would be shut down immediately. Again, the response failed to meet the demands of the cease and desist letter and did not provide Rolex with sufficient information that Defendant ceased his infringing and counterfeiting activities.

47. On or about December 7, 2007, Rolex's investigator contacted the 800 number listed on the Website in order to purchase a watch offered for sale on same. The investigator spoke to an individual who purported to be "Phil." "Phil" asked Rolex's investigator to make a COD payment to Flawless Promotions, Inc.

48. On or about December 14, 2007, counsel for Rolex received a response from mynewwatches@gmail.com that the Website would be terminated. However, the response failed to meet the demands of the cease and desist letter and did not provide Rolex with sufficient information that Defendant ceased his infringing and counterfeiting activities.

49. On or about December 15, 2007, Rolex's investigator received a package via

DHL which bore the return address: Flawless Promotions, Inc., Cust. Support, Ste. 211, 15970 W. State Road 84, Sunrise, FL 33326. See **Exhibit 6**.

50. Inside the package was a counterfeit Rolex Submariner ("Counterfeit Watch 2"). A digital image of Counterfeit Watch 2 is attached hereto as **Exhibit 7**.

51. On or about December 20, 2007, counsel for Rolex sent a demand letter to Himschoot.

52. On or about January 6, 2008, counsel for Rolex received a response via email from mynewwatches@gmail.com; the response failed to meet the demands of the cease and desist letter and did not provide Rolex with sufficient information that Defendant ceased his infringing and counterfeiting activities.

53. On or about January 9, 2008, counsel for Rolex wrote via email to Himschoot requesting he contact counsel to resolve this matter immediately.

54. As of the filing of this Complaint, Himschoot has not replied to Rolex's counsel to resolve this matter.

#### **Defendants' Illegal Conduct**

55. Through the Website, Defendants have been intentionally, maliciously and willfully selling, offering for sale, distributing, promoting and advertising watches bearing counterfeits of one or more of the Rolex Registered Trademarks, despite knowledge that such sales are illegal.

56. The acts of Defendants are calculated to confuse and to deceive the public and are performed with full knowledge of Rolex's rights.

57. Defendants are not now, nor have they ever been, associated, affiliated or connected with, or endorsed or sanctioned by, Rolex.

58. Rolex has never authorized or consented in any way to the use by Defendants of the Rolex Registered Trademarks and/or copies thereof.

59. The use by Defendants of the Rolex Registered Trademarks and/or copies thereof on Defendants' products is likely to cause consumers, the public and the trade to erroneously believe that the goods sold by Defendants emanate or originate from Rolex, or that said items are authorized, sponsored, or approved by Rolex, even though they are not. This confusion causes irreparable harm to Rolex and weakens the distinctive quality of the Rolex Registered Trademarks.

60. By using counterfeits and infringements of the Rolex Registered Trademarks on Defendants' goods, Defendants are trading on the goodwill and reputation of Rolex and creating the false impression that Defendants' goods are Rolex's legitimate products.

61. Defendants have been unjustly enriched by illegally using and misappropriating Rolex's intellectual property for Defendants' own financial gain. Furthermore, Defendants have unfairly benefited and profited from Rolex's outstanding reputation for high quality products and its significant advertising and promotion of Rolex watches and the Rolex Registered Trademarks.

62. Defendants have disparaged and tarnished Rolex, its Rolex Registered Trademarks and its Rolex watch products by creating a false association with Rolex, its genuine goods and its Rolex Registered Trademarks.

63. Defendants have misappropriated Rolex's advertising ideas and style of doing business with regard to the advertisement, promotion, distribution and sale of Rolex's genuine products.

64. Rolex has had no control over the nature and quality of the products sold by Defendants bearing counterfeits and infringements of the Rolex Registered Trademarks.

65. Among other things, Defendants' distribution, sale, offers of sale, promotion and advertisement of their products has and will: reflect adversely on the Rolex as the believed source of origin thereof; hamper continuing efforts by Rolex to protect its outstanding reputation for high quality, originality and distinctive goods; and tarnish the goodwill and demand for genuine Rolex Watches and products.

66. Upon information and belief, Defendants have acted with reckless disregard for Rolex's rights and/or were willfully blind in connection with their unlawful activities. Upon information and belief, Defendants have willfully and maliciously engaged in their counterfeiting and infringing activities. Therefore, this case constitutes an exceptional case under 15 U.S.C. § 1117(a) and/or a case of intentional counterfeiting under 15 U.S.C. § 1117(b).

67. Rolex has suffered irreparable harm and damages as a result of the acts of Defendants in an amount thus far not determined. The injuries and damages sustained by Rolex have been directly and proximately caused by the Defendants' wrongful advertisement, promotion, distribution, sale and offers of sale of their goods bearing infringements and/or counterfeits of the Rolex Registered Trademarks.

68. Rolex has no adequate remedy at law.

69. Defendants' wrongful acts will continue unless enjoined by the Court. Accordingly, Defendants must be restrained and enjoined from any further counterfeiting or infringement the Rolex Registered Trademarks.

**FIRST CLAIM FOR RELIEF**  
**(Trademark Counterfeiting, 15 U.S.C. § 1114)**

70. Rolex hereby incorporates by reference the allegations set forth above.

71. Defendants have used spurious designations that are identical with, or substantially indistinguishable from, the Rolex Registered Trademarks on goods covered by registrations for the Rolex Registered Trademarks.

72. Defendants have used these spurious designations knowing they are counterfeit in connection with the advertisement, promotion, sale, offering for sale and distribution of goods.

73. Defendants' use of the Rolex Registered Trademarks to advertise, promote, offer for sale, distribute and sell Defendants' watches was and is without the consent of Rolex.

74. Defendants' unauthorized use of the Rolex Registered Trademarks on and in connection with Defendants' advertisement, promotion, sale, offering for sale and distribution of watches through the World Wide Web constitutes Defendants' use of the Rolex Registered Trademarks in commerce.

75. Defendants' unauthorized use of the Rolex Registered Trademarks, as set forth above, is likely to: (a) cause confusion, mistake and deception; (b) cause the public to believe that Defendants' watches are the same as Rolex's watches and/or that Defendants are authorized, sponsored or approved by Rolex or that Defendants are affiliated, connected or associated with or in some way related to Rolex; and (c) result in Defendants unfairly benefiting from Rolex's advertising and promotion and profiting from the reputation of Rolex and its Rolex Registered Trademarks all to the substantial and irreparable injury of the public, Rolex and Plaintiff's Rolex Registered Trademarks and the substantial goodwill represented thereby.

76. Defendants' acts as aforesaid constitute trademark counterfeiting in violation of Section 32 of the Lanham Act, 15 U.S.C. §1114.

77. Defendants' wrongful acts of willful and malicious counterfeiting will continue unless enjoined by this Court.

78. By reason of the foregoing, the Defendants are liable to Plaintiff for: (a) statutory damages in the amount of up to \$1,000,000 for each mark counterfeited as provided by 15 U.S.C. § 1117(c) of the Lanham Act, or, at Rolex's election, an amount representing three (3) times Rolex's damage and/or Defendants' illicit profits; and (b) reasonable attorneys' fees, investigative fees and pre-judgment interest pursuant to 15 U.S.C. § 1117(b).

**SECOND CLAIM FOR RELIEF**  
**(Trademark Infringement, 15 U.S.C. § 1114)**

79. Rolex hereby incorporates by reference the allegations set forth above.

80. Based upon Rolex's extensive advertising under the Rolex Registered Trademarks, its extensive sales and the wide popularity of Rolex watches, the Rolex Registered Trademarks have acquired a secondary meaning so that any product and advertisement bearing such trademarks is immediately associated by purchasers and the public as being a product and affiliate of Rolex.

81. Defendants' activities constitute Defendants' use in commerce of the Rolex Registered Trademarks. Defendants use the Rolex Registered Trademarks in connection with the Defendants' sale, offers of sale, distribution, promotion and advertisement of their goods bearing infringements and/or counterfeits of the Rolex Registered Trademarks.

82. Defendants have used the Rolex Registered Trademarks, knowing they are the exclusive property of Rolex, in connection with Defendants' sale, offers for sale, distribution, promotion and advertisement of their goods.

83. Defendants' activities create the false and misleading impression that Defendants are sanctioned, assigned or authorized by Rolex to use the Rolex Registered Trademarks to advertise, manufacture, distribute, appraise, offer for sale or sell watches bearing the Rolex Registered Trademarks when Defendants are not so authorized.

84. Defendants engage in the aforementioned activity with the intent to confuse and deceive the public into believing that Defendants and the watches they sell are in some way sponsored, affiliated or associated with Rolex, when, in fact, they are not.

85. Defendants' use of one or more of the Rolex Registered Trademarks has been without the consent of Rolex, is likely to cause confusion and mistake in the minds of the public and, in particular, tends to and does falsely create the impression that the goods advertised, promoted, distributed and sold by the Defendants are warranted, authorized, sponsored or approved by Rolex when, in fact, they are not.

86. Defendants' unauthorized use of the Rolex Registered Trademarks has resulted in Defendants unfairly benefiting from Rolex's advertising and promotion, and profiting from the reputation of Rolex and the Rolex Registered Trademarks, to the substantial and irreparable injury of the public, Rolex and the Rolex Registered Trademarks and the substantial goodwill represented thereby.

87. Defendants' acts constitute willful and malicious trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. §1114.

88. Defendants' conduct has caused and is causing immediate and irreparable injury to Rolex and will continue to both damage Rolex and to deceive the public unless enjoined by this Court. Rolex has no adequate remedy at law

89. By reason of the foregoing, the Defendants are liable to Rolex for: (a) an amount representing three (3) times Rolex's damage and/or Defendants' illicit profits; and (b) reasonable attorney's fees, investigative fees and pre-judgment interest pursuant to 15 U.S.C. § 1117.

**THIRD CLAIM FOR RELIEF**  
**(False Designation of Origin & False Description, 15 U.S.C. § 1125(a))**

90. Rolex hereby incorporates by reference the allegations set forth above.

91. In connection with Defendants' advertisement, promotion, distribution, sales and offers of sales of their goods, Defendants have used in commerce, and continue to use in commerce, the Rolex Registered Trademarks.

92. In connection with Defendants' advertisement, promotion, distribution, sales and offers of sales of their goods, Defendants have affixed, applied and used false designations of origin and false and misleading descriptions and representations, including the Rolex Registered Trademarks, which tend falsely to describe the origin, sponsorship, association or approval by Rolex of the goods Defendants sell.

93. Defendants have used one or more of the Rolex Registered Trademarks with full knowledge of the falsity of such designations of origin, descriptions and representations, all to the detriment of Rolex.

94. Defendants' use of the Rolex Registered Trademarks on the Website and on Defendants' goods constitutes false descriptions and representations tending falsely to describe or represent Defendants and Defendants' products as being authorized, sponsored, affiliated or associated with Rolex.

95. Defendants have used one or more of the Rolex Registered Trademarks on the Website and goods with the express intent to cause confusion and mistake, to deceive and mislead the public, to trade upon the reputation of Rolex and to improperly appropriate to themselves the valuable trademark rights of Rolex.

96. Defendants' acts constitute the willful and malicious trademark use in commerce of false designations of origin and false and/or misleading descriptions or representations, tending to falsely or misleadingly describe and/or represent Defendants' products as those of Rolex in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).



97. By reason of the foregoing, the Defendants are liable to Rolex for: (a) an amount representing three (3) times Rolex's damage and/or Defendants' illicit profits; and (b) reasonable attorney's fees, investigative fees and pre-judgment interest pursuant to 15 U.S.C. § 1117.

**FOURTH CLAIM FOR RELIEF**  
**Federal Trademark Dilution, 15 U.S.C. §1125(c)**

98. Rolex hereby incorporates by reference the allegations set forth above.

99. Rolex is the exclusive owner of the trademark rights herein.

100. Defendants' use of the Rolex Registered Trademarks on the counterfeit goods they sell constitutes Defendants' commercial use in commerce of the Rolex Registered Trademarks.

101. These marks have been used for years and are so globally recognized and associated with Rolex that they are entitled to be recognized as famous and distinctive under 15 U.S.C. § 1125(c).

102. The Rolex Registered Trademarks have come to have a secondary meaning indicative of origin, relationship, sponsorship and/or association with Rolex and its distinctive reputation for high quality. The purchasing public is likely to attribute Defendants' use of the Rolex Registered Trademarks to Rolex as a source of origin, authorization and/or sponsorship for the products Defendants sell and further, purchase Defendants' products in the erroneous belief that Defendants are associated with, sponsored by or affiliated with Rolex, when Defendants are not.

103. Rolex has not authorized or licensed the use of the Rolex Registered Trademarks to Defendants.

104. Defendants' unauthorized use of the Rolex Registered Trademarks in their marketing, sale and distribution of counterfeit products is diluting the distinctive quality of the

Rolex Registered Trademarks and the goodwill associated with them in violation of Section 43(c) of the Lanham Act, 15 U.S.C § 1125(c).

105. Such conduct has injured Rolex and said injury will continue unless the Court enjoins Defendants from committing further wrongful acts.

106. Upon information and belief, Defendants intentionally and willfully utilize the Rolex Registered Trademarks and trade on Rolex's reputation and goodwill.

107. If such use on the part of the Defendants continues, Rolex will suffer irreparable harm of a continuing nature for which there is no adequate remedy at law.

108. Rolex has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount thus far not determined.

#### **FIFTH CLAIM FOR RELIEF**

##### **State Statutory and Common Law Trademark Dilution Florida Statutes Chapter 495**

109. Rolex hereby incorporates by reference the allegations set forth above.

110. This claim arises under Florida Statutes Chapter 495 and the common law of the state. This Court has jurisdiction over the subject matter of this claim pursuant to the provisions of 28 U.S.C. § 1338(b), this being a claim of trademark dilution joined with a substantial and related claim under the Trademark Laws of the United States, and under 28 U.S.C. § 1367.

111. Plaintiff states, upon information and belief and thereupon alleges that the acts of Defendants have caused a likelihood of injury to Plaintiff's goodwill and business reputation, impaired the effectiveness of the Plaintiff's Trademarks, and diluted the distinctive trade names and marks of Plaintiff.

112. Plaintiff states, upon information and belief and thereupon alleges, that the acts of Defendants have violated the trademark laws of the State of Florida and specifically Florida Statutes § 495.131.

113. Plaintiff has no adequate remedy at law. The conduct of Defendants has caused and, if not enjoined, will continue to cause, irreparable damage to the rights of Plaintiff in its Trademarks, and to Plaintiff's business, reputation, and goodwill, and Plaintiff is entitled to all remedies available under Florida Statutes § 495.141.

114. By reason of the foregoing, Defendants are liable to Rolex for all remedies available under Florida Statutes § 495.141, including injunctive relief, seizure of all offending goods, and treble damages as compensatory damages under the statute.

**SIXTH CLAIM FOR RELIEF**  
**Common Law Unfair Competition**

115. Rolex hereby incorporates by reference the allegations set forth above.

116. This is a claim against Defendants for unfair competition under the laws of the State of Florida.

117. Rolex has built up valuable goodwill in its Rolex Trademarks and the distinctive appearance of its watches and other products.

118. Defendants' use of the Rolex Trademarks is likely to and does permit Defendants to palm off their goods as those of Rolex, all to the detriment of Rolex and the unjust enrichment of Defendants.

119. Defendants, upon information and belief, with full knowledge of the notoriety of the Rolex Trademarks, intended to and did trade on the goodwill associated with the Rolex Trademarks and have misled and will continue to mislead the public into assuming a connection between Rolex and Defendants' goods by Defendants' advertisement, promotion, distribution, sales and offers for sale of watches which bear copies of the Rolex Trademarks.

120. Defendants' unauthorized use of the Rolex Trademarks has caused and is likely to continue to cause damage to Rolex by tarnishing the valuable reputation and image associated

with Rolex and its goods. Defendants have palmed off their goods and services as those of Rolex by Defendants' labeling and misrepresentations to the public, members of which are likely to believe that Defendants' watches emanate from, or are associated with, Rolex.

121. Defendants' acts are likely to have caused confusion and deceived the public as to the source of Defendants' goods. Defendants' goods falsely suggest a connection with Rolex.

122. Defendants' conduct constitutes unfair competition in violation of Florida law.

123. Upon information and belief, Defendants actions have been willful and malicious.

124. By reason of the foregoing, Defendants are liable to Rolex for compensatory damages and/or Defendants' illicit profits.

**SEVENTH CLAIM FOR RELIEF**

**Violation of the Florida Deceptive and Unfair Trade Practices Act  
Florida Statutes §501.201**

125. Rolex hereby incorporates by reference the allegations set forth above.

126. Defendants' aforementioned practices of selling their lower quality goods and services as those of Rolex through false labeling and misrepresentations to the public, cause the public to believe that Defendants' watches emanate from, or are associated with, Rolex.

127. Defendants' actions affect the public interest by deceiving and misleading the public into believing that Defendants and the watches they sell are in some way sponsored, affiliated or associated with Rolex, when in fact they are not.

128. Additionally, Defendants' actions are capable of repetition and have been repeated through numerous sales to consumers.

129. Defendants' actions were willful and wanton and Defendants knew or should have known that their conduct was unfair and deceptive and in violation of the Florida Deceptive and Unfair Trade Practices Act.

130. Rolex has suffered irreparable harm and damages as a result of the acts of

Defendants in an amount thus far not determined.

131. As a result of Defendants' unfair and deceptive acts in violation of the Florida Deceptive and Unfair Trade Practices Act (Florida Statutes § 501.201 et. seq.), Plaintiff prays judgment against Defendants for its actual damages, attorney's fees, and the costs and disbursements of this action.

**PRAYER FOR RELIEF**

**WHEREFORE**, Rolex respectfully requests that the Court order the following relief:

I. Enter an injunction ordering that the Defendants, their agents, servants, employees, and all other persons in privity or acting in concert with them be enjoined and restrained from:

(a) using any reproduction, counterfeit, copy, or colorable imitation of the Rolex Registered Trademarks to identify any goods or the rendering of any services not authorized by Rolex;

(b) engaging in any course of conduct likely to cause confusion, deception or mistake, or injure Rolex's business reputation or weaken the distinctive quality of the Rolex Registered Trademarks;

(c) using a false description or representation including words or other symbols tending to falsely describe or represent Defendants' unauthorized goods as being those of Rolex or sponsored by or associated with Rolex and from offering such goods in commerce;

(d) further infringing the Rolex Registered Trademarks by manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, displaying or otherwise disposing of any products not authorized by Rolex bearing any simulation, reproduction, counterfeit, copy or colorable imitation of the Rolex Registered Trademarks;

(e) using any simulation, reproduction, counterfeit, copy or colorable imitation of the Rolex Registered Trademarks in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, production, circulation or distribution of any unauthorized products in such fashion as to relate or connect, or tend to relate or connect, such products in any way to Rolex, or to any goods sold, manufactured, sponsored or approved by, or connected with Rolex;

(f) making any statement or representation whatsoever, or using any false designation of origin or false description, or performing any act, which can or is likely to lead the trade or public, or individual members thereof, to believe that any products manufactured, distributed, sold or offered for sale, or rented by Defendants are in any way associated or connected with Rolex, or are sold, manufactured, licensed, sponsored, approved or authorized by Rolex;

(g) engaging in any conduct constituting an infringement of any of the Rolex Registered Trademarks, of Rolex's rights in, or to use or to exploit, said Trademarks, or constituting any weakening of Rolex's name, reputation or goodwill;

(h) using or continuing to use the Rolex Registered Trademarks or trade names or any variation thereof on the Internet (either in the text of a websites, as a domain name, or as a key word, search word, metatag, or any part of the description of the site in any submission for registration of any Internet site with a search engine or index) in connection with any goods or services not directly authorized by Rolex;

(i) hosting or acting as Internet Service Provider for, or operating any websites, that offer for sale any products bearing counterfeits of the Rolex Registered Trademarks;

(j) using any email addresses to offer for sale any nongenuine products bearing counterfeits of the Rolex Registered Trademarks;

(k) having any connection whatsoever with any websites that offer for sale any merchandise bearing counterfeits of the Rolex Registered Trademarks;

(l) secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, or displaying of all unauthorized products which infringe the Rolex Registered Trademarks; and

(m) effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (l).

II. That Defendants, within ten (10) days of Judgment, take all steps necessary to remove from all websites they own or control, including, but not limited to [www.mynewwatches.com](http://www.mynewwatches.com), all text or other media offering for sale any merchandise bearing counterfeits of the Rolex Registered Trademarks.

III. Directing that Defendants, within thirty (30) days of Judgment, file and serve Rolex a sworn statement setting forth in detail the form in which Defendants have complied with this injunction pursuant to 15 U.S.C. § 1116(a).

IV. Directing that Defendants deliver up for destruction to Rolex all unauthorized products and advertisements in their possession or under their control bearing any of the Rolex Registered

Trademarks or any simulation, reproduction, counterfeit, copy or colorable imitation thereof, and all plates, molds, matrices and other means of production of same pursuant to 15 U.S.C. §1118.

V. Directing such other relief as the Court may deem appropriate to prevent the trade and public from deriving any erroneous impression that any products manufactured, sold or otherwise circulated or promoted by Defendants are authorized by Rolex or are related in any way to Rolex's products.

VI. Requiring Defendants pay to Rolex such damages as Rolex has sustained as a consequence of Defendants' infringement of the Rolex Registered Trademarks and unfair competition and to account for all gains, profits and advantages derived by Defendants from the sale of their infringing merchandise bearing the Rolex Registered Trademarks and that the award to Rolex be trebled as provided for under 15 U.S.C. §1117; alternatively, that Rolex be awarded statutory damages pursuant to 15 U.S.C. §1117(c) of up to \$1,000,000 for each trademark that the Defendants have willfully counterfeited and infringed.

VII. Ordering that Rolex recover the costs of this action, together with reasonable attorneys' and investigators' fees and prejudgment interest in accordance with 15 U.S.C. §1117.

VIII. Ordering that Rolex be awarded punitive damages and attorneys' fees for Defendants' willful, malicious and bad faith conduct.

IX. Ordering that, pursuant to 11 U.S.C.S. §523(a)(6), Defendants be prohibited from a discharge under 11 U.S.C.S. §727 for malicious, willful and fraudulent injury to Rolex.

X. Directing that this Court retain jurisdiction of this action for the purpose of enabling Rolex to apply to the Court at any time for such further orders and interpretation or execution of any order entered in this action, for the modification of any such order, for the enforcement or compliance therewith and for the punishment of any violations thereof.

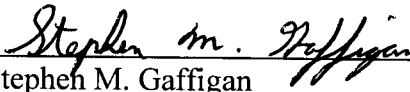


XI. Awarding to Rolex such other and further relief as the Court may deem just and proper, together with the costs and disbursements which Rolex has incurred in connection with this action.

Dated this 02 day of June, 2008.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.  
312 S.E. 17<sup>th</sup> Street, Second Floor  
Ft. Lauderdale, Florida 33316  
Telephone: (954) 767-4819  
Facsimile: (954) 767-4821  
Email: [Stephen@smgpa.net](mailto:Stephen@smgpa.net)

  
\_\_\_\_\_  
Stephen M. Gaffigan  
Fla. Bar No. 025844  
Counsel for Plaintiff

# EXHIBIT “1”

1308098

# THE UNITED STATES OF AMERICA

~~TO ALL TO WHOM THESE PRESENTS SHALL COME:~~

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 28, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 101,819 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

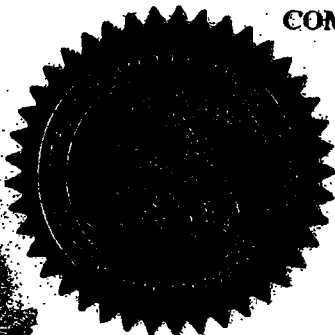
REGISTERED FOR A TERM OF 20 YEARS FROM *January 12, 1915*  
*5th* RENEWAL FOR A TERM OF 10 YEARS FROM *January 12, 2005*  
SECTION 8 & 15

REPUBLISHED SECTION 12C

SAID RECORDS SHOW TITLE TO BE IN:

*ROLEX WATCH U.S.A. INC.*  
*A NY CORP*

By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS



T. LAWRENCE  
Certifying Officer

Int. Cl.: 14

Prior U.S. Cl.: 27

United States Patent and Trademark Office  
10 Year Renewal

Reg. No. 101,819  
Registered Jan. 12, 1915  
Renewal Term Begins Jan. 12, 1995

TRADEMARK  
PRINCIPAL REGISTER

**ROLEX**

ROLEX WATCH U.S.A., INC. (NEW  
YORK CORPORATION)  
665 FIFTH AVENUE  
NEW YORK, NY 10022, BY CHANGE OF  
NAME AND ASSIGNMENT FROM  
ABOLEX S. A. (SWITZERLAND COM-  
PANY) BIENNE, SWITZERLAND

OWNER OF SWITZERLAND REG.  
NO. 34251, DATED 10-7-1913.  
FOR: WATCHES, CLOCKS, PARTS OF  
WATCHES AND CLOCKS, AND THEIR  
CASES, IN CLASS 27 (INT. CL. 14).  
FIRST USE 0-6-1912; IN COMMERCE  
0-0-1912.

SER. NO. 71-071,504, FILED 6-4-1914.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Nov. 8, 1994.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Renewed to  
Aegler, S.A., Fabrique des Montres Rolex & Gruen Guild A, a  
corporation of Switzerland.

## UNITED STATES PATENT OFFICE.

AEGLER S. A., OF BIENNE, SWITZERLAND.

TRADE-MARK FOR WATCHES, CLOCKS, PARTS OF WATCHES AND CLOCKS, AND THEIR  
CASES.

101,819.

Registered Jan. 12, 1915.

Application filed June 8, 1914. Serial No. 78,904.

### STATEMENT.

*To all whom it may concern:*

Be it known that AEGLER S. A., a company registered in Switzerland under Swiss law, and located in Bienne, Switzerland, doing business at Rebberg Works, Höhweg 89 and 82, Bienne, Switzerland, has adopted and used the trade-mark shown in the accompanying drawing, for watches, clocks, parts of watches and clocks, and their cases, in Class 27, Horological instruments:

The trade mark has been continuously used

in the business of the said company since the year 1913.

The trade mark is applied or affixed to the goods or to the packages containing same by placing thereon a printed label on which the trade mark is shown; it is also stamped directly on the goods.

AEGLER S. A.  
HERMAN AEGLER,  
*Director.*

## ROLEX

### DECLARATION.

Confederation of Switzerland. Canton and city of Berne ss.

HERMAN AEGLER, being duly sworn deposes and says that he is the director of the company, the applicant named in the foregoing statement; that he believes the foregoing statement is true; that he believes the said company is the owner of the trade mark sought to be registered; that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use said trade mark in the United States, either in the identical form or in any such near resemblance thereto as

might be calculated to deceive; (that said trade mark has been registered in Switzerland on the 7th October 1913 No. 34251); that the description and drawing presented truly represent the trade mark sought to be registered; and that the facsimiles show the trade mark as actually used upon the goods.

HERMAN AEGLER.

Subscribed and sworn to before me this  
20th day of May, 1914.

[L. S.] GEO. HEIMROD,  
*Consul of the United States of America at  
Berne, Switzerland.*

Copies of this trade-mark may be obtained for five cents each, by addressing the "Commissioner of Patents,  
Washington, D. C."

1380098

# THE UNITED STATES OF AMERICA

~~TO ALL TO WHOM THESE PRESENTS SHALL COME:~~

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 29, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 520,309 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *January 24, 1950*  
*3rd* RENEWAL FOR A TERM OF 10 YEARS FROM *January 24, 2000*  
SECTION 8 & 15

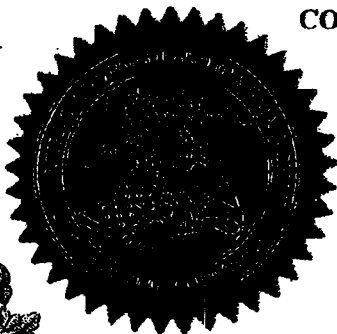
LESS GOODS

SAID RECORDS SHOW TITLE TO BE IN:

*ROLEX WATCH U.S.A., INC.*

*A NEW YORK CORPORATION*

By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS



P. SWAIN

Certifying Officer

Int. Cl. 14

Prior U.S. Cl. 28

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 528,309

Registered Jan. 24, 1958

Renewal Term Begins Jan. 24, 2008

TRADEMARK  
PRINCIPAL REGISTER

President

ROLEX WATCH U.S.A. INC. (NEW  
YORK CORPORATION)  
663 FIFTH AVENUE  
NEW YORK, NY 10022, BY ASSIGN-  
MENT BULOVA WATCH COMPANY,  
INC. (NEW YORK CORPORATION)  
NEW YORK, NY

OWNER OF U.S. REG. NO. 221,239.

FOR: WRISTBANDS AND BRACE-  
LETS FOR WATCHES MADE WHOLLY  
[OR IN PART OR PLATED] WITH PRE-  
CIOUS METALS [GOLD SEPARATELY  
FROM WATCHES], IN CLASS 21 (INT.  
CL. 14).

FIRST USE 1-5-1949; IN COMMERCE  
1-5-1949.

SER. NO. 71-571,640, FILED 2-16-1949.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Dec. 7, 1999.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Registered Jan. 24, 1950

Registration No. 520,309

AFFIDAVIT SEC. 8

ACCEPTED

RENEWED

PRINCIPAL REGISTER

Trade-Mark

*Pres. Add.  
Franking Hall, N.Y.*

## UNITED STATES PATENT OFFICE

Bulova Watch Company, Inc., New York, N. Y.

Act of 1946

Application February 10, 1949, Serial No. 573,640

President

### (Statement)

Bulova Watch Company, Inc., a corporation duly organized under the laws of the State of New York, located and doing business at No. 630 Fifth Avenue, in the city of New York, State of New York, United States of America, has adopted and is using the trade-mark shown in the accompanying drawing, for WRISTBANDS AND BRACELETS FOR WATCHES MADE WHOLLY OR IN PART OR PLATED WITH PRECIOUS METALS, SOLD SEPARATELY FROM WATCHES, in Class 28, Jewelry and precious-metal ware, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to tag-labels affixed 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 on January 5, 1949, and first used in commerce among the several States of the United States which may lawfully be regulated by Congress, on January 5, 1949.

Applicant is the owner of United States Trade-Mark Registration No. 223,259, registered January 25, 1927, renewed.

### (Declaration)

Harry D. Henshel, being duly sworn, deposes and says that he is vice president of Bulova Watch Company, Inc., the applicant named in the foregoing statement, that he believes that said corporation is the owner of the trade-mark which is in use in commerce among the several States of the United States, and that no other person, firm, corporation or association, to the best of his knowledge and belief, has the right to use such trade-mark in commerce which may lawfully be regulated by Congress either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive, that the drawing and description truly represent the trade-mark sought to be registered, that the specimens show the trade-mark as actually used in connection with the goods, and that the facts set forth in the statement are true.

BULOVA WATCH COMPANY, INC.,  
By HARRY D. HENSHEL,  
Vice President.



1300098

# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 31, 2005

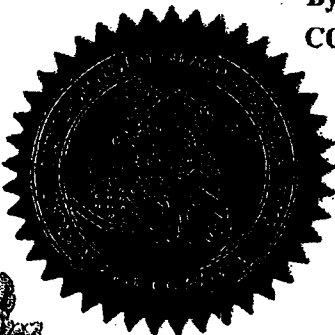
THE ATTACHED U.S. TRADEMARK REGISTRATION 657,756 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *January 28, 1958*  
2nd RENEWAL FOR A TERM OF 10 YEARS FROM *January 28, 1998*  
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

*ROLEX WATCH U.S.A., INC.*

By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS



P. SWAIN  
Certifying Officer

Int. Cl.: 14

Prior U.S. Cl.: 27

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 637,756

Registered Jan. 21, 1938

Renewal Term Begins Jan. 21, 1948

**TRADEMARK  
PRINCIPAL REGISTER**



ROLEX WATCH U.S.A., INC. (NEW  
YORK CORPORATION)  
665 FIFTH AVENUE

NEW YORK, NY 10022, ASSIGNEE OF  
MONTRES ROLEX S. A. (ROLEX  
UHREN AG.) (ROLEX WATCH CO.  
LTD.) (SWITZERLAND CORPORA-  
TION) GENEVA, SWITZERLAND

FOR TIMEPIECES OF ALL KINDS  
AND PARTS THEREOF, IN CLASS 27  
(INT. CL. 14).

FIRST USE 1-13-1941; IN COMMERCE  
6-1-1941.

SER. NO. 72-027,383, FILED 4-2-1957.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Feb. 3, 1958.*

COMMISSIONER OF PATENTS AND TRADEMARKS

# United States Patent Office

657,756

Registered Jan. 28, 1938

AFFIDAVIT SEC. 8  
ACCEPTED

PRINCIPAL REGISTER  
Trademark

AFFIDAVIT SEC. 15  
RECEIVED 3-11-63

Des. No. 27,388, Issd Apr. 2, 1937



Jaeger Suter & A. (Jaeger Uhren Ag.), (Jaeger Watch  
Co. Ltd.), (Swiss corporation)  
1, rue de Marche  
Neuchâtel, Switzerland

For: TIMEPIECES OF ALL KINDS AND PARTS  
THEREOF, in CLASS 27.  
First use Jan. 15, 1941; in commerce June 1, 1941.

1300101

# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

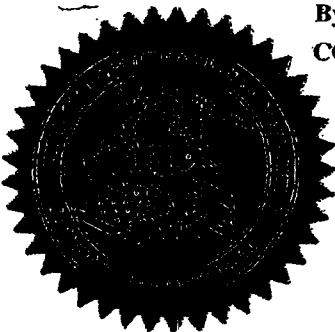
March 31, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 674,177 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *February 17, 1959*  
2nd RENEWAL FOR A TERM OF 10 YEARS FROM *February 17, 1999*  
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:  
*ROLEX WATCH, U.S.A., INC.*

By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS



*L. Edelen*

L. EDELEN  
Certifying Officer

Int. Cl.: 14

Prior U.S. Cl.: 27

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 674,177

Registered Feb. 17, 1959

Renewal Term Begins Feb. 17, 1999

**TRADEMARK  
PRINCIPAL REGISTER**

**DATEJUST**

ROLEX WATCH U.S.A. INC. (NEW  
YORK CORPORATION)  
635 FIFTH AVENUE  
NEW YORK, NY 10022, ASSIGNEE OF  
MONTRES ROLEX S. A. (ROLEX  
UHREN AG.) (ROLEX WATCH CO.  
LTD.) (SWITZERLAND CORPORA-  
TION) GENEVA, SWITZERLAND

FOR: TIME-PIECES AND PARTS  
THEREOF, IN CLASS 27 (INT. CL. 14).

FIRST USE 8-0-1933; IN COMMERCE  
0-0-1933.

SER. NO. 72-053,420, FILED 6-12-1958.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Mar. 16, 1999.*

**COMMISSIONER OF PATENTS AND TRADEMARKS**

# United States Patent Office

674,177

Registered Feb. 17, 1968

AFFIDAVIT SEC. 8  
ACCEPTED

PRINCIPAL REGISTER  
Trademark

AFFIDAVIT SEC. 15  
RECEIVED 6-10-67

Sec. No. 23,428, filed June 12, 1968

DATEJUST

Monsieur Robert S. A. (Robert S. A. (Robert S. A.  
Co. Ltd.), (Incorporated)  
rue de Marseille  
Geneve 18, Switzerland

For TIME-PIECES AND PARTS THEREOF, in  
CLASS 37  
First use in 1953, as continuous in 1951

1300101

# THE UNITED STATES OF AMERICA

~~TO ALL TO WHOM THESE PRESENTS SHALL COME:~~

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 25, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 683,249 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *August 11, 1959*  
2nd RENEWAL FOR A TERM OF 10 YEARS FROM *August 11, 1999*  
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:  
*ROLEX WATCH, U. S. A., INC.*

By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS



*N. Woodson*  
N. WOODSON  
Certifying Officer

# United States Patent Office

683,249

Registered Aug. 11, 1959

## PRINCIPAL REGISTER Trademark

Ser. No. 63,731, filed Dec. 5, 1958

**GMT-MASTER**

Montres Rolex S.A. (Swiss corporation)  
18, Rue du Marche  
Geneva, Switzerland

For: WATCHES, in CLASS 27.  
First use on or about Apr. 21, 1955; in commerce on  
or about Sept. 19, 1956.



1300101

# THE UNITED STATES OF AMERICA

~~TO ALL TO WHOM THESE PRESENTS SHALL COME:~~

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 25, 2005

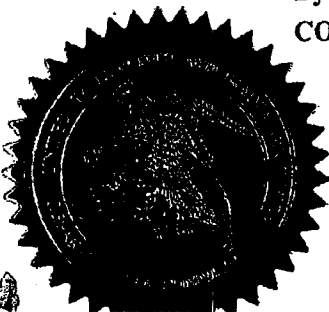
THE ATTACHED U.S. TRADEMARK REGISTRATION 860,527 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM *November 19, 1968*  
*1st* RENEWAL FOR A TERM OF 20 YEARS FROM *November 19, 1988*  
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

*ROLEX WATCH, U.S.A., INC.*

By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS



P. SWAIN  
Certifying Officer

Int. Cl.: 14

Prior U.S. Cl.: 27

United States Patent and Trademark Office  
Renewal

Reg. No. 860,527  
Registered Nov. 19, 1968  
OG Date Apr. 18, 1989

**TRADEMARK  
PRINCIPAL REGISTER**

**SEA-DWELLER**

ROLEX WATCH U.S.A., INC. (NEW  
YORK CORPORATION)  
665 FIFTH AVENUE  
NEW YORK, NY 10022, ASSIGNEE OF  
MONTRES ROLEX S.A. (SWITZER-  
LAND CORPORATION) 1211 GENEVE  
24, SWITZERLAND

OWNER OF SWITZERLAND REG.  
NO. 215610, DATED 1-31-1966.

FOR: WATCHES AND CLOCKS, AND  
PARTS THEREOF, IN CLASS 27 (INT.  
CL. 14).

FIRST USE 6-9-1967; IN COMMERCE  
6-9-1967.

SER. NO. 289,907, FILED 1-30-1968.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Apr. 18, 1989.*

COMMISSIONER OF PATENTS AND TRADEMARKS

# United States Patent Office

860,527

Registered Nov. 19, 1968

## PRINCIPAL REGISTER Trademark

Ser. No. 289,987, filed Jan. 30, 1968

### SEA-DWELLER

Montres Rolex S.A. (Swiss corporation)  
3, rue Francois Dussaud  
1211 Geneva 24, Switzerland

For: WATCHES AND CLOCKS, AND PARTS  
THERHOF, in CLASS 27 (INT. CL. 14).  
First use June 9, 1967; in commerce June 9, 1967.  
Owner of Swiss Reg. No. 215,610, dated Jan. 31, 1966.

1300098

# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

March 25, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 239,383 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 20 YEARS FROM March 06, 1928  
3rd RENEWAL FOR A TERM OF 20 YEARS FROM March 06, 1988  
SECTION 8 & 15

REPUBLISHED SECTION 12C

LESS GOODS

SAID RECORDS SHOW TITLE TO BE IN:

*ROLEX WATCH, U.S.A., INC.*

By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS



*L. Edelen*

L. EDELEN  
Certifying Officer

Int. Cl. 14

Prior U.S. Cl. 27

United States Patent and Trademark Office  
Renewal

Reg. No. 239,383  
Registered Mar. 6, 1928  
OG Date Oct. 4, 1988

TRADEMARK  
PRINCIPAL REGISTER

OYSTER

ROLEX WATCH U.S.A., INC. (NEW  
YORK CORPORATION)  
665 FIFTH AVENUE  
NEW YORK, NY 10022, ASSIGNEE BY  
MESNE ASSIGNMENT WILSDORF,  
HANS (GREAT BRITAIN CITIZEN)  
BIENNE, SWITZERLAND

OWNER OF SWITZERLAND REG.  
NO. 62367, DATED 7-29-1924

FOR: WATCHES, [MOVEMENTS,  
CASES] DIALS [-AND-OTHER-PARTS-  
OF-WATCHES], IN CLASS 27 (INT. CL.  
14).

FIRST USE 7-0-1926, IN COMMERCE  
7-0-1924

SER. NO. 235,783, FILED 10-7-1927.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 4, 1988.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Registered Mar. 6, 1928.

Trade-Mark 239,383

Renewed, March 6, 1948, to Montres Rolex S. A., of Geneva, Switzerland.

## UNITED STATES PATENT OFFICE.

HANS WILSDORF, OF BIENNE, SWITZERLAND.

ACT OF FEBRUARY 20, 1905.

Application filed October 7, 1937. Serial No. 255,783.

# OYSTER

### STATEMENT.

#### *To the Commissioner of Patents:*

Hans Wilsdorf, a subject of the King of Great Britain, residing at 82 Chemin du Haut, Bienne, Switzerland, and doing business at 82 Chemin du Haut, Bienne, Switzerland, has adopted and used the trade-mark shown in the accompanying drawing, for ~~WATCHES, MOVEMENTS, CASES, DIALS, AND OTHER PARTS OF~~ ~~WATCHES~~, in Class 27, Horological instruments, and presents herewith five specimens showing the trade-mark as actually used by applicant upon the goods, and requests that the same be registered in the United States Patent Office in accordance with the act of February 20, 1905, as amended. The trade-mark has been continuously used and applied to said goods in applicant's business since July, 1926.

The trade-mark is usually applied or affixed to the goods, or to the packages containing the same, by means of labels having the mark printed thereon, or by impressing the mark directly upon the goods.

Said trade-mark has been registered in Switzerland, No. 62,367, dated 29th July 1926, on an application filed July 29, 1926.

Messrs. Ruege, Boyce & Bakelar, whose postal address is 261 Broadway, New York, N. Y., are designated, on whom process or notice of proceedings affecting the right to ownership of said trade-mark brought under the laws of the United States may be served.

The undersigned hereby appoints Messrs. Ruege, Boyce & Bakelar, (a firm composed of John H. Ruege, Francis E. Boyce and Walter L. Bakelar) 261 Broadway, New York, N. Y., its attorneys, with full powers of substitution and revocation, to prosecute this application for registration, to make alterations and amendments therein, to receive the certificate, and to transact all business in the Patent Office connected therewith.

HANS WILSDORF.

1300101

# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

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**United States Patent and Trademark Office**

**March 29, 2005**

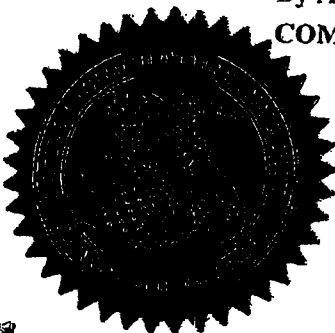
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*1st* RENEWAL FOR A TERM OF 10 YEARS FROM *November 07, 1998*  
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

*ROLEX WATCH U.S.A., INC.*  
*A NEW YORK CORPORATION*

By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS



P. SWAIN

Certifying Officer

Int. Cl. 14  
Prior U.S. Cl.: 27  
United States Patent and Trademark Office  
10 Year Renewal

**TRADEMARK  
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**OYSTER PERPETUAL**

ROLEX WATCH U.S.A., INC. (NEW  
YORK CORPORATION)  
665 FIFTH AVENUE  
NEW YORK, NY 10022, ASSIGNEE OF  
MONTRES ROLEX S.A. (SWITZER-  
LAND CORPORATION) GENEVA,  
SWITZERLAND

OWNER OF U.S. REG. NO. 394,881.  
FOR: WATCHES AND PARTS THERE-  
OF, IN CLASS 14 (U.S. CL. 17).  
FIRST USE 2-25-1938; IN COMMERCE  
2-25-1938.

SER. NO. 73-165,727, FILED 4-10-1978.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 13, 1998.*

**COMMISSIONER OF PATENTS AND TRADEMARKS**



Int. Cl.: 14

Prior U.S. Cl.: 27

United States Patent and Trademark Office

Reg. No. 1,105,602  
Registered Nov. 7, 1978

TRADEMARK  
Principal Register

OYSTER PERPETUAL

Montres Rolex S.A. (Swiss corporation)  
3, Rue Francois Dussaud  
Geneva, Switzerland

For: WATCHES AND PARTS THEREOF, in CLASS  
14 (U.S. CL. 27).  
First use at least as early as Feb. 25, 1938; in com-  
merce at least as early as Feb. 25, 1938.  
Owner of Reg. No. 394,881.

Ser. No. 165,727, filed Apr. 10, 1978.

R. PEVERADA, Examiner

1300101

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

March 25, 2005

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REGISTERED FOR A TERM OF 10 YEARS FROM *January 26, 1993*  
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:  
*REGISTRANT*

By Authority of the  
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*N. Woodson*  
N. WOODSON  
Certifying Officer

Int. Cl.: 14

Prior U.S. Cl.: 27

**United States Patent and Trademark Office**

**TRADEMARK  
PRINCIPAL REGISTER**

**YACHT-MASTER**

ROLEX WATCH U.S.A., INC. (NEW YORK  
CORPORATION)  
665 FIFTH AVENUE  
NEW YORK, NY 100225305

FIRST USE 10-8-1992; IN COMMERCE  
10-8-1992.

SN 74-219,826, FILED 11-7-1991.

FOR: WATCHES, IN CLASS 14 (U.S. CL. 27).

JILL C. ALT, EXAMINING ATTORNEY

1300096

**THE UNITED STATES OF AMERICA**

**TO ALL, TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

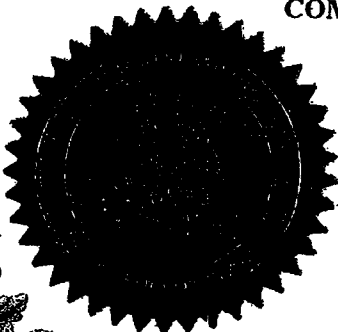
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PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *July 20, 1993*  
*1st* RENEWAL FOR A TERM OF 10 YEARS FROM *July 20, 2003*  
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:  
*REGISTRANT*

By Authority of the  
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*T. Lawrence*

T. LAWRENCE  
Certifying Officer

Int. Cl.: 14

Prior U.S. Cl.: 27

**United States Patent and Trademark Office** Reg. No. 1,782,604  
Registered July 20, 1993

**TRADEMARK  
PRINCIPAL REGISTER**

**SUBMARINER**

ROLEX WATCH U.S.A., INC. (NEW YORK  
CORPORATION)  
665 FIFTH AVENUE  
NEW YORK, NY 10022

FIRST USE 0-0-1954; IN COMMERCE  
0-0-1954.

SER. NO. 74-336,069, FILED 12-2-1992.

FOR: WATCHES, IN CLASS 14 (U.S. CL. 27).

SUSAN LESLIE, EXAMINING ATTORNEY

1380096

**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

March 25, 2005

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SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:  
*REGISTRANT*



By Authority of the  
**COMMISSIONER OF PATENTS AND TRADEMARKS**

*N. Woodson*  
N. WOODSON  
Certifying Officer

Int. Cl.: 14

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

**United States Patent and Trademark Office**

Reg. No. 1,960,768  
Registered Mar. 5, 1996

**TRADEMARK  
PRINCIPAL REGISTER**

**ROLEX DAYTONA**

ROLEX WATCH U.S.A., INC. (NEW YORK  
CORPORATION)  
665 FIFTH AVENUE  
NEW YORK, NY 10022

FIRST USE 0-0-1994; IN COMMERCE  
0-0-1994.

OWNER OF U.S. REG. NO. 101,819.

SN 74-453,503, FILED 10-27-1993.

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

ANGELA M. MICHELI, EXAMINING ATTOR-  
NEY

1300096

# THE UNITED STATES OF AMERICA

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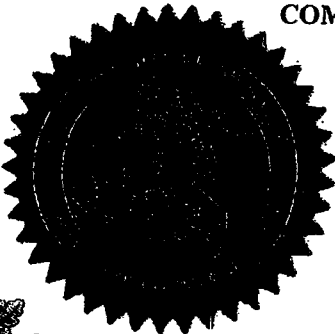
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SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS



T. LAWRENCE  
Certifying Officer



**Int. Cl.: 14**

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

**United States Patent and Trademark Office**

**Reg. No. 2,331,145**

**Registered Mar. 21, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**DAYTONA**

**ROLEX WATCH U.S.A., INC. (NEW YORK  
CORPORATION)  
665 FIFTH AVENUE  
NEW YORK, NY 10022**

**FIRST USE 0-0-1966; IN COMMERCE  
0-0-1966.**

**OWNER OF U.S. REG. NO. 1,960,768.**

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

**SER. NO. 75-518,406, FILED 7-13-1998.**

**BARBARA A. GOLD, EXAMINING ATTORNEY**

1200096

# THE UNITED STATES OF AMERICA

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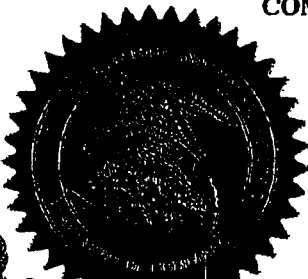
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United States Patent and Trademark Office

March 28, 2005

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SAID RECORDS SHOW TITLE TO BE IN: Registrant

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COMMISSIONER OF PATENTS AND TRADEMARKS



A handwritten signature in cursive script, reading "T. Lawrence", is positioned above the printed name of the certifying officer.

T. LAWRENCE  
Certifying Officer

Int. Cl.: 14

Prior U.S. Cl.: 27

**United States Patent and Trademark Office**

Reg. No. 2,445,357

Registered Apr. 24, 2001

**TRADEMARK  
PRINCIPAL REGISTER**

**EXPLORER II**

ROLEX WATCH U.S.A., INC. (NEW YORK COR-  
PORATION)  
665 FIFTH AVENUE  
NEW YORK, NY 10022

FIRST USE 0-0-1972; IN COMMERCE 0-0-1972.

SER. NO. 74-506,238, FILED 3-22-1994.

FOR: WATCHES, IN CLASS 14 (U.S. CL. 27).

DAVID H. STINE, EXAMINING ATTORNEY

**Int. Cl.: 14**

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

**United States Patent and Trademark Office**

**Reg. No. 2,950,028**

**Registered May 10, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**

**TURN-O-GRAPH**

ROLEX WATCH U.S.A., INC. (DELAWARE COR-  
PORATION)  
665 FIFTH AVENUE  
NEW YORK, NY 10022

FIRST USE 9-15-2004; IN COMMERCE 9-15-2004.

SN 78-252,196, FILED 5-20-2003.

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

DEZMONA MIZELLE, EXAMINING ATTORNEY

**Int. Cl.: 14**

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

**United States Patent and Trademark Office**

**Reg. No. 2,985,308**

**Registered Aug. 16, 2005**

**TRADEMARK  
PRINCIPAL REGISTER**

**GMT-MASTER II**

ROLEX WATCH U.S.A., INC. (NEW YORK COR-  
PORATION)  
665 FIFTH AVENUE  
NEW YORK, NY 100225305

OWNER OF U.S. REG. NO. 683,249.

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

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "II", APART FROM THE MARK  
AS SHOWN.

FIRST USE 12-31-1984; IN COMMERCE 12-31-1984.

SER. NO. 78-422,009, FILED 5-20-2004.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
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DOMINIC J. FERRAIUOLO, EXAMINING ATTOR-  
NEY

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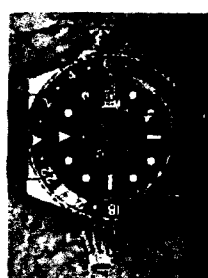
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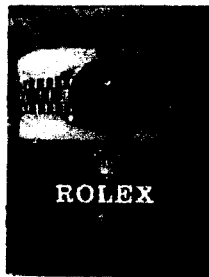
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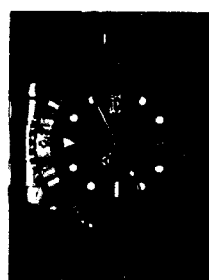
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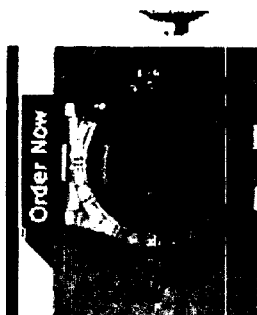


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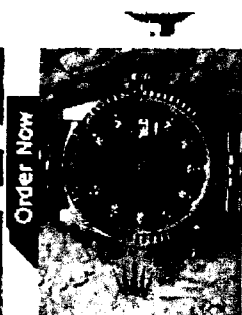
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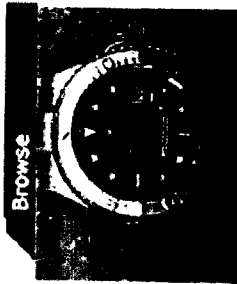








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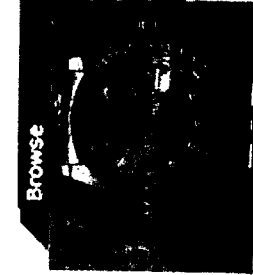
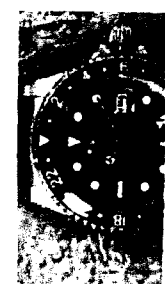
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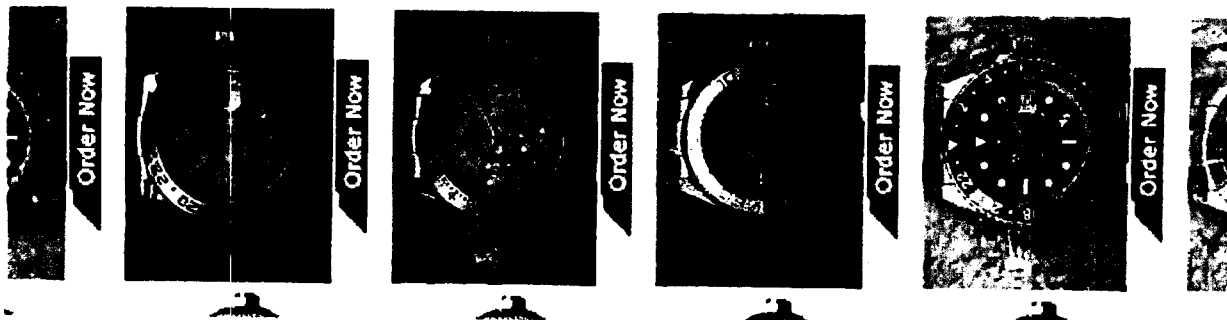


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8/18/2006



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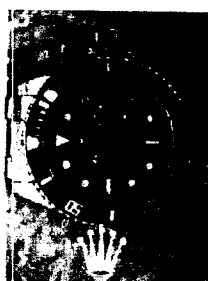
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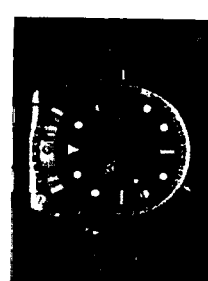
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**Rolex Daytona white face**  
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There is a lot of confusion & variance in different types of Rolex Replica watches. There are 100% exact Grade 1 Swiss-Made Rolex replica Timepieces and then there are the very lesser quality Asian, Chinese or Japan-made Rolex replica watches. We only provide 100% exact Grade 1 Swiss-made Rolex replica Timepieces, because of their high quality, durability, weight, feel & 100% exact Rolex markings & engravings.

Many people buy a Rolex replica watch for many different reasons. Some people may want to keep their authentic Rolex Timepiece safely hidden, and wear a replica watch while going out. Some people simply want an authentic look without having to spend the tens of thousands of dollars it may cost to own a real Authentic Rolex watch. Whatever the case may be you can find what you are looking for here. At MyNewWatches.com, we sell hundreds of replica watches that are made with exquisite craftsmanship and precision!

**Swiss-Made Grade 1 Rolex replicas are the**

<http://proxify.com/p/011010A0000110/http:=2f=2fwwww.mynewwatches.com/moreinfo.php>

8/18/2006

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These 2006 Luxury Swiss-Made Grade 1 Rolex replica timepieces are not only a "Work of Art" but guaranteed to have the same quality craftsmanship you'd expect from a \$20,000 Authentic Rolex Watch without the price tag... You can feel 100% confident taking off your Rolex replica Timepiece & having friends who own Authentic ones inspect it & even they will never know the difference. From the solid case back with the authentic hologram sticker down to the sweeping hand, even you will believe it's the real thing...

Do not be fooled by other competitors lower prices. They sell 3, 4 or 5 grade replicas which are simply "junk" to put it nicely. The very much lower end Chinese, Asian or Japanese replicas found elsewhere usually chip within a few months. When you touch them, you just have to laugh as to the bubble gum machine quality as they weigh 1/2 the weight of a Genuine Rolex watch or Grade 1 Swiss-Made Rolex replica. The markings & engravings are not even close to the real thing & the second hand will tick rather than sweep smoothly... The quality & craftsmanship is just not there as they are mass produced, not hand made.

We hate to put down other companies but we want you to have all the facts when making such an important decision such as purchasing your next Rolex luxury Timepiece.

So many people get lured in with a lower price & eventually come back to MyNewWatches.com to purchase the next best thing to an Authentic Rolex Timepiece which is a Grade 1 HEAVY Swiss-Made Rolex replica Timepiece.

Do you realize that you can literally have 10 Rolex replica Timepieces for the price of one Authentic watch? Most people prefer to start their first very own Rolex Timepiece Collection.

All of our fine luxury Rolex Timepieces are available in either solid stainless steel, 2-tone or Solid 18K Gold. If you don't see what you are looking for, simply email us & MyNewWatches.com can get it for you...

*Our Swiss-Made Rolex Watches are not just merely perfect replicas of the originals, but quality Swiss Made Exquisite Luxury Timepieces that are made to last a lifetime!*

There is a reason why we are The  
Largest World-Wide Online Direct  
Distributor for Swiss-Made Grade 1  
Rolex replica Timepieces... That  
Reason is: We over deliver above &  
beyond your expectations!!!

**Helpful Information:**

**NOTICE - THIS WEBSITE MIGHT NOT BE  
RIGHT FOR YOU?**

*If you do not know the difference between  
a quartz watch and a mechanical automatic  
self winding watch than this might NOT be  
the website for you. Our luxury Timepieces  
are neither cheap nor flimsy AS A FEATHER  
with a ticking second hand. Our timepieces  
will not chip or break down in a few  
months. We provide HEAVY Grade 1 Swiss-  
Made Rolex replica Timepieces with true  
grade 1 Swiss ETA movements that are  
identical to the original in every way &  
MADE TO LAST Decades upon Decades.*

*We are super serious about quality, are  
you? We pay the closest attention to detail,  
that's why each one of our timepieces are  
made by hand, not mass produced. Did you  
know it takes 6 months to meticulously  
hand produce a single Grade 1 Swiss-*

<http://proxify.com/p/011010A0000110/http:=2f=2fwww.mynewwatches.com/moreinfo.php>

8/18/2006

***hand produce a single Grade 1 Swiss-Made Rolex replica Timepiece. We suggest you browse other cheaper sites selling lesser quality replicas. Then come back to MyNewWatches.com with your knowledge and understanding of our fine luxury timepieces.***

***Thank You, Enjoy your new Rolex & have a great day!!!***

**Disclaimer:**

The products we sell are replicas of their genuine counterparts. In no way are we representing them as the genuine watch, nor are we affiliated with the original manufacturers in any way, shape, or form. None of these watches carry the warranty, nor the parts, of the original manufacturers. All of our products are replicas and are meant for entertainment & novelty purposes only. These replica timepieces are not to be sold as Authentic. By purchasing our products, Due to the fact that these Rolex replica Timepieces are identical in every way, the buyer must agree not to re-sell these Rolex replica Timepieces as Genuine.

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**Trademarks and Software Copyright are the  
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**8/18/2006**




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☒ Show this form ☐ Remove titles ☐ Less caching ☒ Hide useragent ☐ Encode URL's

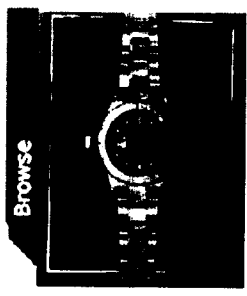


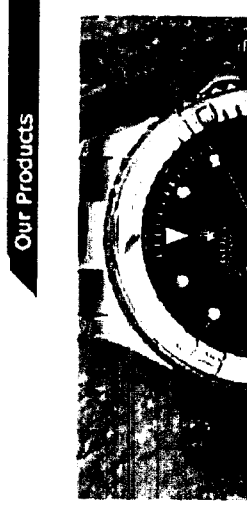
This site is what the Retail Rolex dealers hope you never see...

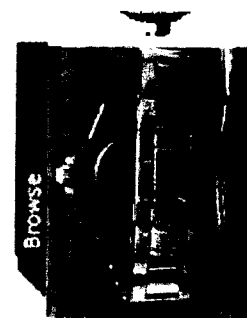
**MyNewWatches.com**

**Save up to 80% off retail**

**Your Direct Swiss Wholesale Secret Source...**







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8/18/2006

MyNewWatches.com Presents this Magnificent:

Rolex Oyster Perpetual Yacht-Master "Slate face" Timepiece

Inspect your Rolex Timepiece first before giving your payment!

Sporty yet elegant!!!

Mens 40 mm or Ladies 29mm

Genuine Swiss-Made ETA 27 Jewel 2892-2 Automatic Movement

Special Platinum Time-Lapse Bezel

Solid 440-grade Stainless Steel

2.5 x Magnification

Correct Date Fonts at Cyclops

Laser etched Crown at the "6"

Exclusive Hacking signal on Movement, second hand stops sweeping when the Crown is pulled, "Standard feature on a genuine Rolex"

One piece screw down Crown with Rolex engraving

Solid screw down back with green Rolex hologram security sticker

The back of the Timepiece can only be opened with a Genuine Rolex tool

Genuine Sapphire Crystal

100% Exact Markings & Engravings

Water Proof to 30m

Serial & Model numbers engraved between the lugs

Bands are linked with large threaded screws, not pins

Genuine Bright Luminex Hour Markers

We do not sell cheap Asian, Chinese or Japan made replica watches that are flimsy, light as a feather, have a ticking second hand & may chip or break after a few months. We only provide 100% exact Grade 1 Heavy Swiss-made Rolex replica Timepieces which are built to the same specifications with Solid 440-grade Stainless Steel with sweeping second hands just as the originals.

Our Swiss-Made Rolex replica Timepieces are so exact, not even your friends, family members or co-workers will be able to tell the difference. The only way a Rolex jeweler can tell them apart is if they disassemble the watch & thoroughly inspect it. The weight, look & feel is identical.

These pictures do not reveal the radiant beauty of this "Rolex Oyster Perpetual Yacht-Master" It does not get any better than this, absolutely the finest timepiece made. Enjoy the satisfaction of knowing you have the finest name brand timepiece in the world.

For your convenience, we accept Visa & Mastercard. We can also ship C.O.D. where you would be able to open the package first, inspect the contents & then give your Payment.

Genuine Retail Price \$7,850.00!!!

Why pay the Genuine Retail price when you can have this one for a fraction of the cost....

Competitors price \$995.00

Your guaranteed lowest Price \$795.00

Our prices are guaranteed to be the absolute lowest in the industry for our Grade 1 Swiss Made Rolex replica Timepieces. (Do Not confuse Grade 1 Swiss Made with lesser quality Chinese or Japanese replicas. See our more

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Page 4 of 4

info. & FAQ page.)

Comes with Rolex Box, tags & Authenticity certificate  
(\$150 Value)

Free Shipping w/ a 1 year warranty

Enjoy your new Rolex Timepiece & have a great day!!!

**Order Now**

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Save up to  
80% off retail

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This site is what the Retail Rolex dealers hope you never see...

Your Direct Swiss Wholesale Secret Source...

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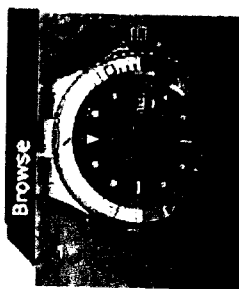
Feedback

Order

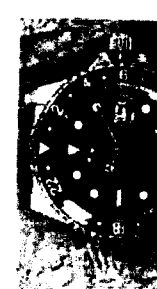
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Contact Us

For immediate assistance & live help 24 hours a day,  
feel free to IM us using Windows Live Messenger

We take your questions or concerns seriously! We are  
standing by right now to speak with you. You must  
have windows live messenger installed on your  
computer. Our email is:

MyNewWatchesSupport@hotmail.com

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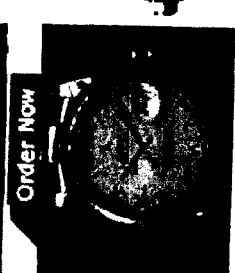
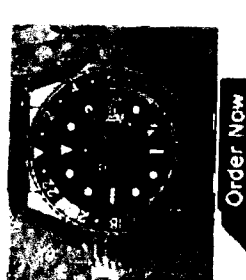
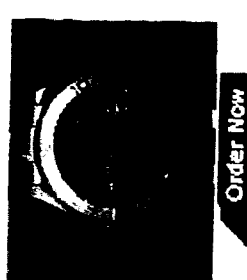
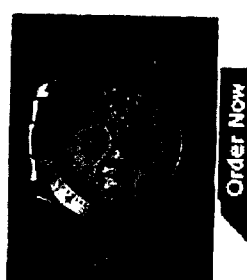
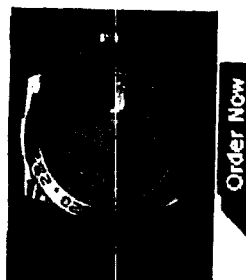
Page 3 of 3

Our friendly & expert knowledgeable staff will be happy to assist you...

Name:

Email Address:

Question/Concern:



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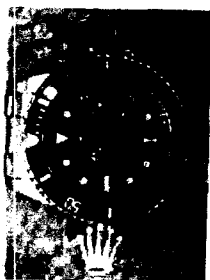
8/18/2006

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Page 3 of 3



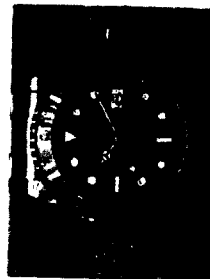
Order Now



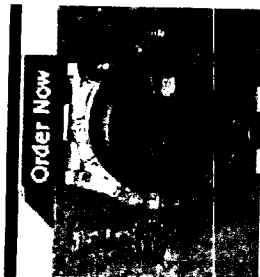
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8/18/2006

# EXHIBIT “3”



September 15, 2006

**BY EMAIL: rlxdlr6270@hotmail.com**

**AND FIRST CLASS MAIL**

Grand Crown  
62 Indian Trace  
Suite #47  
Weston, FL 33326

**Re: Rolex Watch U.S.A., Inc.**

To Grand Crown:

This firm is general counsel to Rolex Watch U.S.A. Inc. ("Rolex"), the owners of the federally registered Rolex Trademarks: ROLEX, PRESIDENT, SUBMARINER, YACHT-MASTER, DAYTONA, GMT-MASTER, DATEJUST and Crown Device (among others).

**We are writing to demand that you immediately cease the sale of counterfeit Rolex watches in order to avoid legal action by Rolex.**

It has come to Rolex's attention that you are offering for sale and selling watches bearing one or more Rolex Trademarks (or bearing marks substantially indistinguishable thereto) through the web site **mynewwatches.com** and that this merchandise is COUNTERFEIT.

Such use is likely to cause confusion and constitutes counterfeiting, trademark infringement and dilution of Rolex's intellectual property rights in violation of both federal and state laws. As a result of your conduct, you may be held liable for trademark counterfeiting and infringement. The penalties for such conduct are severe and may include injunctive relief, actual damages, statutory damages of up to \$1,000,000 for each trademark that has been counterfeited, costs and attorneys' fees.

In order to avoid legal proceedings, we must receive your written assurances by **September 22, 2006**, that you have already removed all web page content relating to the unlawful use of the Rolex Trademarks from this website, including the corresponding metatags, HTML, etc. In addition, we ask that you provide us with the following:

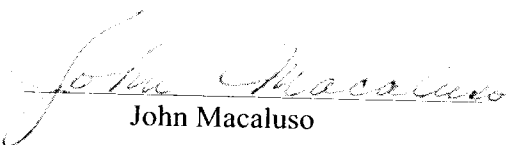
1. All counterfeit Rolex watches and any merchandise bearing any of the Rolex Trademarks presently in your possession or control.
2. A representation that any merchandise bearing marks substantially indistinguishable or identical to the Rolex Trademarks has been withdrawn from sale.
3. The identity of your supplier for the counterfeit Rolex watches.

Please be advised that your failure to respond or to comply with these demands will result in Rolex taking legal action to enforce its rights. You are also hereby advised that your Internet Service Provider has been notified of this serious matter.

We await a response from you or your counsel.

Sincerely,

Gibney, Anthony & Flaherty, LLP

By:   
John Macaluso



**Patel, Amy**

---

**From:** Gaf Counsel  
**Sent:** Friday, September 15, 2006 10:42 AM  
**To:** 'rlxdlr6270@hotmail.com'  
**Subject:** Re: Rolex Watch U.S.A., Inc.  
**Attachments:** 06.09.12.mynewwatches.com.vendor.pdf

This firm is general counsel to Rolex Watch U.S.A., Inc. Please see the attached letter concerning the sale of counterfeit Rolex merchandise.

Gibney, Anthony & Flaherty, LLP  
[www.gibney.com](http://www.gibney.com)

9/15/2006

# EXHIBIT “4”

**FROM**

*Grand Union*  
*68 - 1st Ave*  
*West, 1133*  
*1133*

**Payment**  
 Bill to: ☐ Receiver 3rd Party ☐  
☐ Paid in Advance  
 Billing Reference (will appear on invoice) 1 800 Call-DHL

**Origin** Waybill Number **53648253142**

**DHL**  
 EXPRESS

**Next Day**  
 10:30  
 Next Day  
 12:00  
 Next Day  
 3:00

**2nd Day**

**# of Pkgs** **Weight(LBS)** **Package One box must be checked**  
 Express ☐ Fragile ☐ Other ☐  
 Insurance ☐ Signature ☐ Restricted ☐

**Special Instructions**  
☐ **SAT** ☐ **HAA**  
☐ **LAB** ☐

53648 253142



10/02/02

**Hold at DHL**

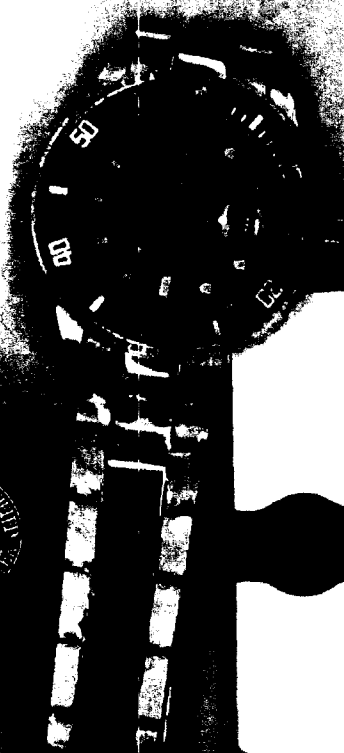


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SHIPMENTS WITHIN U.S.

TYPE OR PRINT

# EXHIBIT “5”



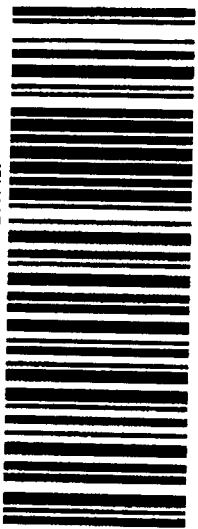
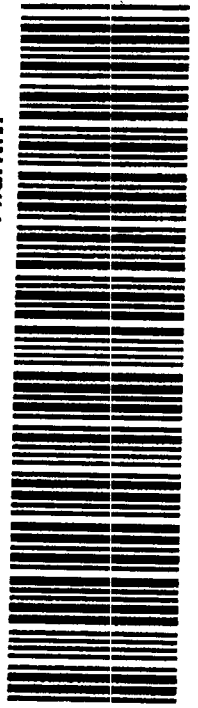
KROLL

[www.mynewwatches.com](http://www.mynewwatches.com)

10.24.06

# EXHIBIT "6"



<b>EXP+</b>		Pieces: <b>1/1</b>
<b>FM: FLAWLESS PROMOTIONS INC.</b> Cust. Support STE 211 15970 W STATE ROAD 84 SUNRISE, FL 33328 UNITED STATES Phone: 305-428-2693		<b>ORIGIN:</b> <b>MMR</b>
<b>To: JOSHUA LICHT</b> 230 PARK PLACE BROOKLYN, NY 11238 UNITED STATES		<b>POSTCODE:</b> <b>11238</b> TEL: 917-294-6816
<b>COD</b> Description: <b>Weight: 2 lbs for 1 pos</b> COD Amount: \$ 850.00 USD COD Payment: Cashier's Check or Money Order Date: 2007-12-07 DHL standard terms and conditions apply.		
<b>Time</b> <b>10:30</b>		
 <b>BIYA 0X</b> <b>ABH</b> CLJUS11238		
 <b>WAYBILL: 24826087053</b> (Non-Negotiable)		

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Using a photocopy could delay the delivery of your package and will result in additional shipping charge

For Tracking, please go to [www.dhl-usa.com](http://www.dhl-usa.com) or call 1-800-225-5345

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▶ View pending shipments

Print waybill ▶

mynewwatches.com

# EXHIBIT “7”



01.22.08

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KROLL

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

## I. (a) PLAINTIFFS

Rolex Watch U.S.A., Inc.

## DEFENDANTS

Philip Himschoot, et al.

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Stephen M. Gaffigan/STEPHEN M. GAFFIGAN, P.A.  
312 S.E. 17th Street, Second Floor  
Ft. Lauderdale, Florida 33316 (954) 767-4819

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT  
LAND INVOLVED.

Attorneys (If Known)

(d) Check County Where Action Arose: ☐ MIAMI-DADE ☐ MONROE ☒ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE  
HIGHLANDS

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Re-filed- (see VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. RELATED/RE-FILED CASE(S).

(See instructions second page):

a) Re-filed Case ☐ YES ☒ NOb) Related Cases ☐ YES ☒ NO

JUDGE Magistrate Stephen Brown

DOCKET NUMBER

## VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

Trademark infringement pursuant to 15 USC 1114

LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

## VIII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

ABOVE INFORMATION IS TRUE &amp; CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE

Stephen M. Gaffigan

6/3/08

FOR OFFICE USE ONLY

AMOUNT 3200

RECEIPT #

IFP

643292