

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 20-62121-CIV-RUIZ**

CHANEL, INC.,

Plaintiff,

vs.

THE INDIVIDUALS, PARTNERSHIPS AND  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE "A,"

Defendants.

\_\_\_\_\_ /

**DECLARATION OF JAVIER DIAZ IN SUPPORT OF PLAINTIFF'S  
EX PARTE APPLICATION FOR ENTRY OF TEMPORARY RESTRAINING ORDER,  
PRELIMINARY INJUNCTION, AND ORDER RESTRAINING TRANSFER OF ASSETS**

I, Javier Diaz, declare and state as follows:

1. I am over 18 years of age and have personal knowledge of the facts set forth herein.




If called upon to do so, I could and would competently testify as to the following facts in support of Plaintiff's *Ex Parte* Application for Entry of Temporary Restraining Order, Preliminary Injunction, and Order Restraining Transfer of Assets (the "Application for Temporary Restraining Order") against Defendants, the Individuals, Partnerships or Unincorporated Associations Identified on Schedule "A" attached hereto (collectively "Defendants").





2. I am employed by Chanel, Inc. ("Chanel"), as Legal Counsel – Anti-counterfeiting.



I have been employed by Chanel, Inc., or its related company, since 2019. Chanel is a corporation duly organized under the laws of the State of New York with its principal place of business in the United States located at Nine West 57th Street, New York, New York 10019.

3. In my capacity as Chanel’s Legal Counsel – Anti-counterfeiting, I am responsible, in part, for Chanel’s trademark and anti-counterfeiting efforts in the United States. As a result, I am fully familiar with most aspects of the manufacture, sale, and distribution of genuine Chanel products, and I have been trained to identify the distinctions between genuine Chanel merchandise and counterfeit copies of the same.

4. Chanel is the owner of all rights in and to the following federally registered trademarks (the “Chanel Marks”):

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>	<b>Classes/Goods</b>
CHANEL	0,626,035	May 1, 1956	IC 018 - Women’s Handbags
CHANEL	0,902,190	November 10, 1970	IC 014 - Bracelets, Pins, and Earrings
CHANEL	1,177,400	November 10, 1981	IC 025 - Hats, Shawls and Belts
	1,241,264	June 7, 1983	IC 025 - Suits, Jackets, Skirts, Dresses, Pants, Blouses, Tunics, Sweaters, Cardigans, Tee-Shirts, Coats, Raincoats, Scarves, Shoes and Boots
CHANEL	1,241,265	June 7, 1983	IC 025 - Suits, Jackets, Skirts, Dresses, Pants, Blouses, Tunics, Sweaters, Cardigans, Coats, Raincoats, Scarves, Shoes and Boots
	1,314,511	January 15, 1985	IC 018 - Leather Goods-Namely, Handbags
CHANEL	1,347,677	July 9, 1985	IC 018 - Leather Goods-Namely, Handbags
	1,501,898	August 30, 1988	IC 006 - Keychains IC 014 - Costume Jewelry IC 025 - Blouses, Shoes, Belts, Scarves, Jackets, Men’s Ties IC 026 - Brooches and Buttons for Clothing

CHANEL	1,733,051	November 17, 1992	IC 018 - Leather Goods; namely, Handbags, Wallets, Travel Bags, Luggage, Business and Credit Card Cases, Change Purses, Tote Bags, Cosmetic Bags Sold Empty, and Garment Bags for Travel
	1,734,822	November 24, 1992	IC 018 - Leather Goods; namely, Handbags, Wallets, Travel Bags, Luggage, Business Card Cases, Change Purses, Tote Bags, and Cosmetic Bags Sold Empty
J12	2,559,772	April 9, 2002	IC 014 - Timepieces; namely, Watches, and Parts Thereof
RUE CAMBON	2,964,843	July 5, 2005	IC 018 - Handbags
	3,025,934	December 13, 2005	IC 018 - Handbags
	3,025,936	December 13, 2005	IC 009 - Eyeglass Frames, Sunglasses IC 025 - Gloves, Swimwear IC 026 - Hair Accessories, namely, Barrettes
CHANEL	3,133,139	August 22, 2006	IC 014 - Jewelry and Watches
CHANEL	3,134,695	August 29, 2006	IC 009 - Eyeglass Frames, Sunglasses, Sunglass Parts, Cases For Spectacles and Sunglasses IC 025 - Swimwear, Stockings IC 026 - Hair Accessories, Namely, Barrettes IC 028 - Bags Specially Adopted For Sports Equipment, Tennis Rackets, Tennis Balls, Tennis Racket Covers
CHANEL	3,890,159	December 14, 2010	IC 009 - Cases for Telephones IC 018 - Key Cases
	4,074,269	December 20, 2011	IC 009 - Protective Covers for Portable Electronic Devices, Handheld Digital Devices, Personal Computers and Cell Phones IC 018 - Key Cases

	4,241,822	November 13, 2012	IC 025 - For Clothing, namely, Coats, Jackets, Dresses, Tops, Blouses, Sweaters, Cardigans, Skirts, Vests, Pants, Jeans, Belts, Swim Wear, Pareos, Hats, Scarves, Ties, Gloves, Footwear, Hosiery
CHANEL	5,100,448	December 13, 2016	IC 020 - Pillows
CHANEL	5,166,441	March 21, 2017	IC 024 - Travelling blankets
	5,280,486	September 5, 2017	IC 020 - Pillows

The Chanel Marks are registered on the Principal Register of the United States Patent and Trademark Office and are used in connection with the manufacture and distribution of high quality goods in the categories identified above. True and correct copies of the Federal Registrations for each of the Chanel Marks listed above are attached to the Complaint as Composite Exhibit “1.”

5. Chanel is engaged in the manufacture, promotion, distribution, and sale in interstate commerce, including within this district, of high quality luxury products under the Chanel Marks.

6. Genuine Chanel products are marketed and sold at Chanel boutiques throughout the United States, at high quality, prestigious retail stores, and via the Internet. During the time that Chanel has sold its products in interstate commerce under the Chanel Marks, Chanel has spent tens of millions of dollars to extensively advertise and promote its goods and associated trademarks. In the last five years alone, Chanel’s sales of high quality luxury goods have been well into many hundreds of millions of dollars.

7. As a result of the foregoing, the Chanel Marks have acquired fame in the consumer market for a wide variety of high quality luxury goods. The Chanel Marks have come to symbolize the enormous goodwill of Chanel’s business throughout the United States and the world. No other manufacturer lawfully uses the Chanel Marks or any substantially similar marks for similar types

of goods. The Chanel Marks have never been abandoned. Chanel actively polices and enforces its trademark rights.

8. The Chanel Marks are vital to Chanel's business, as the marks represent a significant value to Chanel's overall business and associated image. Chanel suffers irreparable harm to its goodwill, as well as a direct monetary loss, any time any third parties, including Defendants, sell counterfeit and infringing goods bearing identical or substantially similar trademarks.

9. Chanel learned that Defendants are promoting, advertising, offering for sale, and/or selling various products under the Chanel Marks without Chanel's authorization, via the Internet based e-commerce stores, photo albums, and/or websites operating under their seller identification names and domain names identified on Schedule "A" hereto (the "Seller IDs and Subject Domain Names"). Defendants do not have, nor have they ever had, the right or authority to use the Chanel Marks. Further, the Chanel Marks have never been assigned or licensed to be used in connection with any of the Seller IDs or Subject Domain Names.

10. Chanel retained AED Investigations, Inc., and Invisible Inc, both licensed private investigative firms (collectively the "Investigative Firms"), to investigate the suspected sales of counterfeit Chanel branded products by Defendants and to obtain the available payment account data for receipt of funds paid to Defendants for the sale of counterfeit Chanel branded products.

11. Prior to filing this action, the Investigative Firms collectively accessed all of the e-commerce stores, photo albums, and websites operating under Defendants' Seller IDs and Subject Domain Names, and placed orders for the purchase of a product bearing counterfeits of, at least, one of the Chanel Marks at issue in this action from each Defendant. At the conclusion of the

process, the detailed web page captures and photographs<sup>1</sup> of the various Chanel branded products ordered by the Investigative Firms via each Defendant's Seller ID and Subject Domain Name, were sent to Chanel for inspection. (See Declaration of Eric Rosaler in Support of Plaintiff's Application for Temporary Restraining Order and Composite Exhibit "1" attached thereto; Declaration of Kathleen Burns in Support of Plaintiff's Application for Temporary Restraining Order and Composite Exhibit "1" attached thereto.)

12. I personally analyzed the detailed web page captures and photographs of the various Chanel branded products ordered by the Investigative Firms via the e-commerce stores, photo albums, and websites operating under Defendants' Seller IDs and Subject Domain Names. I determined the Chanel branded products to be non-genuine, unauthorized Chanel branded products. I reached this conclusion through my visual inspection of the detailed web page captures and photographs provided by the respective Investigative Firms of the Chanel branded products, including my observation that the Chanel branded products are priced in a manner that is dissimilar from that used in connection with genuine Chanel products.

13. Prior to filing this Declaration, Chanel accessed the Internet based e-commerce stores, interactive photo albums, and interactive, commercial Internet websites operating under the Seller IDs and Subject Domain Names. Through their respective e-commerce stores, photo albums, and websites, Defendants advertise, offer for sale, and/or promote products bearing various counterfeits of Chanel's trademarks. Additionally, the e-commerce stores and websites appear to be fully interactive and appear to allow users to browse the online stores for products bearing

---

<sup>1</sup> Some Defendants deliberately blurred-out and/or physically altered the images of the Chanel Marks on the products being offered for sale via their respective e-commerce stores; accordingly, photographs of the Chanel branded products received by the Investigative Firms from those relevant Defendants were provided to Chanel for inspection.

Chanel's trademarks, add products to the online shopping carts, proceed to a point of checkout, and otherwise actively exchange data with the e-commerce stores and websites.<sup>2</sup> I personally reviewed the detailed web page captures reflecting the various Chanel branded products offered for sale by Defendants via the Seller IDs and Subject Domain Names, and I determined the products were non-genuine Chanel products. I reached this conclusion through my visual inspection of the products, the pricing of the Chanel branded products, which is far below the prices of similar genuine Chanel products, and because I personally know Chanel does not conduct business with Defendants, their e-commerce stores, photo albums, or websites operating under the Seller IDs and Subject Domain Names, nor do they have the right or authority to use the Chanel Marks for any purpose. True and correct copies of the printouts reflecting samples of the e-commerce stores, photo albums, and websites I reviewed, which were downloaded by the Investigative Firms and provided to Chanel thereafter, are attached as Composite Exhibit "1" to the respective Declarations of Eric Rosaler and Kathleen Burns in Support of Plaintiff's Application for Temporary Restraining Order.

14. In view of the foregoing, I can confirm the various Chanel branded products ordered by the Investigative Firms via the Internet based e-commerce stores, photo albums, and websites operating under the Seller IDs and Subject Domain Names are non-genuine Chanel products. I can also confirm the Chanel branded products Defendants are offering for sale and promoting under the Chanel Marks via the Seller IDs and Subject Domain Names are non-genuine Chanel products.

---

<sup>2</sup> Certain Defendants operate Internet based photo albums under their Seller IDs through the non-party social media website or image hosting website Instagram.com or Yupoo.com. These Defendants use their Seller IDs in tandem with electronic communication in order to complete their offer and sale of counterfeit Chanel branded products. Specifically, consumers are able to browse listings of Chanel branded products online via Defendants' respective photo albums, ultimately directing customers to send inquiries, exchange data, and complete purchases via electronic communication with these Defendants. (See generally Composite Exhibit "1" attached to the Declaration of Eric Rosaler in Support of Plaintiff's Application for Temporary Restraining Order.)

Furthermore, I can confirm Defendants do not have authorization to use the Chanel Marks or name in connection with any of the Seller IDs or Subject Domain Names.

15. Genuine Chanel branded goods are widely legitimately advertised, promoted, offered for sale, and discussed by Chanel, its authorized distributors, and unrelated third parties via the Internet.

16. Over the course of the past ten years, visibility on the Internet, particularly via search engines such as Google, Yahoo!, and Bing has become increasingly important to Chanel's overall marketing and consumer education efforts. Thus, Chanel expends significant monetary resources on Internet marketing and consumer education regarding its products, including search engine optimization ("SEO") strategies, which allow Chanel, its authorized retailers, and others to fairly and legitimately educate consumers about the value of the Chanel brand and the goods sold thereunder and the problems associated with the counterfeiting of Chanel's trademarks.

17. By benefiting from similar SEO strategies based upon an illegal use of the Chanel Marks, Defendants are obliterating the otherwise open and available marketplace space in which Chanel has the right to fairly market its goods and associated message. Specifically, Defendants use Chanel's name and trademarks, or variations thereof, in order to make their e-commerce stores, photo albums, and websites selling illegal goods appear more relevant and attractive to consumers searching for Chanel related goods and information online. Such illegal use results in unfair competition for Chanel when competing for visibility on the World Wide Web, including within search engine results space.

18. As a result of the availability of the non-genuine Chanel branded goods being offered for sale by Defendants, Chanel will experience irreparable damage to its reputation among consumers unless the infringing and counterfeiting activity alleged in the Complaint is stopped.



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

Dated this 16th day of October, 2020.

A handwritten signature in black ink, appearing to read 'J. Diaz', written in a cursive style.

---

Javier Diaz

**SCHEDULE "A"**  
**DEFENDANTS BY NUMBER, SELLER ID, AND SUBJECT DOMAIN NAME**

<b>Defendant Number</b>	<b>Defendant / Seller ID / Subject Domain Name</b>
1	HandbagStore
2	XWXJewelryStudio
3	MalliChoco
4	supergoods
5	Amy0515 Store
6	ANNA520 Store
7	Boutique unique Store
8	EasyBuy 03 Store
9	rains_bags Store
10	Robert Fasion Store
11	Sasaluxury Store
12	Shop5250129 Store
13	Shop5271013 Store
14	Shop5368258 Store
15	Shop5434264 Store
16	Shop5576131 Store
17	Shop5590009 Store
18	Shop5600114 Store <i>aka James</i>
19	Shop5637099 Store
20	Shop5736009 Store
21	Shop5793022 Store
22	Shop5878052 Store
23	Shop5885316 Store
24	Whatapp+8613802926921 Store <i>aka luxurybeautybag</i>
25	augustfactory
26	chan_elrx <i>aka wholesale china</i>
27	chanel.bags.2
28	chanel_love1027
29	crisamazon0930
30	eggluxurygood <i>aka eggluxury</i>
31	HypeAvenuePH <i>aka Hype Avenue</i>
32	laike8213
33	luxuryworldwides <i>aka qzone2518967574</i>

34	lv_chanel_hermes_dior
35	sara_collection111 <i>aka</i> Sara lux
36	shoes1highquality
37	supplier.all.series <i>aka</i> Supplier_wholesale
38	wholesale_bags.jewellery
39	kickcc
40	wandy91
41	hotshowshop.com <i>aka</i> reordershop <i>aka</i> iordershop
42	i-bay.cn
43	loveluxurybags.top
44	replicagod.com
45	repliquemontresuissefr.ru
46	stevehandbag.com
47	bestfashiongifts <i>aka</i> Best Fashion Gifts
48	Chelseyshop <i>aka</i> Chelsey Shop
49	louleeboutique <i>aka</i> Loulee's Boutique
50	Shodg
51	Trulym
52	Amy Reynolds
53	Anaklang
54	andagree
55	Anlunwe Zhengban Shulack
56	Aridget
57	asfjksaofklk123
58	baozenqiudong
59	Bazhangduankongyp
60	binjiedongquang
61	Bnmcv
62	Bole Slaw
63	Camryn Foseva Willis
64	cass_cass
65	Cevon
66	cfred466
67	chanel.bagy
68	ChaselDarlened
69	ChengxianxingshaopE
70	chenhelong66

71	ChunluzhangduaneFg
72	CliffordAndreamWvN
73	Cvbhz
74	Cynthia Pena
75	dgjffkxhs
76	DSFKSDMFJ654
77	DunnBenedictmCoPi
78	Duorou xiaomaos penleita
79	FantujiaoshanMXg
80	fdokdigudigu
81	Feilan Beyangde
82	FHEIOF
83	fjreprt
84	guotiancong
85	haley22
86	HarveySallyyMfT
87	HeiyongwofAu
88	heke72
89	Helen Goodluck Peinow winner
90	hermannfa
91	heyucun
92	huangdar47
93	huangjinxiang1
94	HWEUD DJDKFDF
95	iwuekjrie
96	jdiuyuie73
97	jiamengen66
98	JieyuzhangjY
99	Jordan Vance
100	KongtongtuxianHA
101	Lagemen Tebefan
102	LaibianyoueYo
103	lakinjavie
104	liassyTpp
105	LorraineLeodE
106	LunliaotongyongxFa
107	Luxurylifestylee
108	LuxuryWomenBagss
109	MandelRivatNhD
110	mattieme
111	mcsheeshgqqfc
112	MeganO'Keefe
113	Melissa Mills

114	MerlinLynn
115	mqqzfrftrqjg
116	needass
117	ntntlike
118	ont2H6egro
119	oujin
120	PanmulaofuuAd
121	pengsongdeni
122	pklbhgh
123	products520
124	QuewowenyunbR
125	Ralph Faulkner
126	releekimshoes
127	rhsifhsfgyjdfb
128	rinlyn
129	RN GDS51
130	RodneyAbson
131	rodriguezmaxlo
132	Sanxiangka
133	Sara Mendez
134	Shang Huhu Taian Fation Woman Wearing Store
135	shaoliyang123456
136	sheshatiwxcw
137	ShibianlanjingjD
138	shorayshkqefg
139	si3369a
140	SilasGonzalez
141	slaseuamgy
142	slatequeyigbtx
143	slawheaugemf
144	TammyGeraldineeLxF
145	TanxihuitoudM
146	TaoanbaqI
147	Tayshawn
148	TMC Jerrow
149	TobyBae
150	tonprest
151	TopQualityLuxuryBags
152	hebe5779
153	lsaijdisysiudtf
154	refugiob
155	zhangpar33

156	a132688
157	a133688
158	Account9939
159	adnkgucci
160	Aific_shoes <i>aka</i> Tbtgroup
161	Alvmy567
162	andrea6868
163	anneyao321
164	asia_brand_watch
165	automatic_watches
166	Azlx157
167	baby0808
168	bag05
169	bag06
170	bags256
171	baitong516
172	baoming99
173	Beijing444
174	bestforquality
175	bestqualitybags
176	bick_jewelry
177	bingbingka
178	boss05
179	brandbag18
180	brandlogo520
181	brandnewstore
182	brucelee2012
183	bunny168
184	Bupabupale
185	bxy7799
186	c123456789b
187	Candis8866
188	canghaiyishengxiao
189	Case_greatsupplier
190	cc758
191	Ccct04
192	chanel-watch-watch
193	chengguodong1234
194	chenglijia1
195	clothes_shoe_store_2
196	ctlqf
197	cuppozoo

198	designer_handbags
199	designershoes789
200	designsneaker
201	dhgate2088
202	dhgate3366
203	dhqjd1014
204	dhren008
205	dioo_02
206	dolce8 aka 0200594123.com
207	dsjkiosei
208	duobao20188
209	dw1989
210	ea378szx
211	ewoaini
212	fanshu887
213	fashion_company001
214	fashion_shoes1688
215	fashionacstore
216	fashionhadbag
217	fashionwatches888
218	fenash10
219	feng25855
220	flourishing996
221	fog05
222	fsmall
223	fujimin003
224	gift1004
225	gmarket_global8
226	Greyskyle
227	Gu1221
228	gucci_real_handbags
229	gucci_top_1
230	guona125
231	guoxian188
232	gz_qiaochi
233	haida222
234	haida444
235	hangxu89
236	haoshuai1
237	heartrade01
238	high quaity shoes_3
239	hjiayan00001

240	honesbusiness
241	Honglvdeng87
242	Hotshoe001
243	Huangyifafafa168
244	Hubiao28
245	huijie998
246	ikwatches
247	in13569876
248	jason0077
249	jewelry_hall
250	jewelrycc
251	jewelrycd
252	jianghu2020
253	jianghu2021
254	jinjin05
255	jn8899
256	joycebrand
257	jujukvc2v5
258	just_store_god
259	justgod
260	Aaa_luxury03
261	Abstract369
262	Ahongbelt886
263	Amy151010
264	Amyyao1232
265	Aqluxury
266	Bag202020
267	Bdsanhaodian <i>aka</i> HapptTom2020
268	Bingo24
269	Bingo49
270	Bingo50
271	Boutique_designerbag
272	Brand_supplier
273	Cheng9802
274	Chinafashion4 <i>aka</i> Boutique Bags
275	Chushu11
276	Cindaa03
277	Czh0214
278	D13640344370
279	Dalin26
280	Designershops1



281	Dioo_05
282	dioo_06
283	Djdj8653
284	eccoshoes
285	Ess377
286	fa000222
287	fa000333
288	Fangfang_discount
289	Fantasticshoesstore
290	Fashion_shoes998
291	Fashion_shoes147258
292	Fashion6666666
293	Fog03
294	Frffashionbedding
295	Fu8878
296	G1225
297	Gaga2018
298	Good_case
299	Goodseller1985
300	haijacket
301	Handbagstore668