

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.: 17-24561-CIV-SCOLA

TAPESTRY, INC., and OTHERS,

Plaintiffs,

v.

2012COACHOUTLETS.COM,  
and OTHERS,

Defendants.

---

**DECLARATION OF DAVID B. ROSEMBERG**

I, David B. Rosemberg, declare and state as follows:

1. I am counsel of record for Plaintiffs Tapestry, Inc., Coach IP Holdings LLC, Stuart Weitzman IP, LLC and Kate Spade LLC (hereinafter collectively referred to as "Plaintiffs"). I submit this Declaration in support of Plaintiffs' Motion for Entry of Default Final Judgment against Defendants, the Individuals, Partnerships, and Unincorporated Associations identified on Schedule "A" attached to Plaintiffs' Motion for Entry of Default Final Judgment, and if called upon to do so, I could and would competently testify to the following facts set forth below

2. On December 18, 2017, Plaintiffs filed their Complaint against Defendants (ECF No. 1).

3. On January 10, 2018, Plaintiffs' filed their *Ex Parte* Application for Temporary Restraining Order and Preliminary Injunction (ECF No. 5). I hereby incorporate by reference all factual allegations contained in my Declaration in support of Plaintiffs' Application for Temporary Restraining Order (ECF No. 5-6). On January 11, 2018, the Court granted Plaintiffs' *Ex Parte* Application for Temporary Restraining Order and Preliminary Injunction (the "TRO") (ECF No.

7) and temporarily restrained the Defendants from infringing the Tapestry Marks at issue, and subsequently converted the TRO into a preliminary injunction on January 31, 2018 (ECF No. 12).

4. On January 31, 2018, Plaintiffs filed their Motion for Order Authorizing Alternative Service of Process, which this Court granted on February 6, 2018 (ECF No. 14).

5. Pursuant to the Court's Order authorizing alternative service of process, Plaintiffs served each Defendant with its respective Summons and a copy of the Complaint on February 9, 2018 via publication by posting copies of the same on the Internet website appearing at the URL, <http://www.noticeoflawsuit1.com>. (ECF No. 19, Proof of Service). Plaintiffs also served Defendants via e-mail on February 10, 2018 and February 13, 2018 (ECF Nos. 20 and 21, Proofs of Service).

6. The time allowed for Defendants to respond to the Complaint has expired.

7. To date, Defendants have not filed any responsive pleadings to the Complaint, have not requested an enlargement of time to respond to the Complaint, nor have Defendants entered a formal appearance *pro se* or by counsel on their behalf.

8. I am informed and believe that none of the Defendants are infants or incompetent persons, and, upon information and belief, the Servicemembers Civil Relief Act does not apply.

9. On March 13, 2018, Plaintiffs filed their Motion for Clerk's Entry of Default against Defendants (ECF No. 22), which was granted on the same day (ECF No. 23).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 16<sup>th</sup> day of March 2018.

  
\_\_\_\_\_  
David B. Rosenberg