

IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA

DEEPGULF, INC. and
TOKE OIL AND GAS, S.A.

Plaintiffs,

vs.

MARC M. MOSZKOWSKI

Defendant.

Case No.: 2018 CA 000543

Division: "E

**NOTICE OF FILING DECLARATION REGARDING DOMAIN NAME
OWNERSHIP AND USE**

COMES NOW Defendant, Marc Moszkowski, Pro Se, and hereby gives notice of filing the attached Declaration Regarding Domain Name Ownership and Use, which provides factual background and clarification concerning Plaintiff's demand for domain names registered and paid for by Defendant over the course of more than 20 years.

The Declaration also addresses the Plaintiff's misunderstanding of domain ownership as distinct from website hosting and access to websites, and notes that some of the domain names listed in Plaintiff's demands are owned by third parties around the world — not by Defendant — making

Plaintiff's claim not only overbroad, but in part directed toward property that is not and never has been under Defendant's control.

Respectfully submitted this 9th day of April, 2025

Marc Moszkowski, Pro Se
Email: m.moszkowski@deepgulf.net
Phone: +1(850)316 8462
Le Verdos
83300 Châteaudouble, France

A handwritten signature in blue ink that reads "M. Moszkowski". The signature is written in a cursive, flowing style.

CERTIFICATE OF SERVICE

I hereby certify that, on this 9th day of April, 2025, a copy of this motion has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.

A handwritten signature in blue ink that reads "M. Moszkowski". The signature is written in a cursive, flowing style.

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DECLARATION REGARDING DOMAIN NAME OWNERSHIP AND USE

I, Marc Moszkowski, under penalty of perjury, declare as follows:

1. I am the Defendant in the above-captioned matter and the registered owner of the domain names *deep-gulf.com*, *deepgulf.net*, and *pipepredictor.com*, the latter of which I personally acquired 22 years ago and have maintained continuously since. The oldest one was established in 2003.
2. These domains are hosted on a private server under my control, which I fund and manage. That server also hosts a number of unrelated domains, files, and services unrelated to the Plaintiff

Corporation. There is a unique set of credentials for the whole server.

3. These domain names form the foundation of my longstanding personal and private email addresses, which I have used for over two decades. They are connected to a wide range of personal, administrative, legal, and practical communications. Releasing the domains would result in loss of access to these communications, and enable Plaintiff to intercept private correspondence or impersonate me electronically.
4. For a few years, Plaintiff provided me with a corporate credit card, which I used — among other things — to pay for the renewal and hosting costs of these domains from 2010 until 2016. In June 2016, Plaintiff caused the card to lapse, without informing me, which resulted in the automatic payments being declined. To prevent the domain names from lapsing or being lost to third parties, I personally assumed all payment obligations and technical responsibility for them from that point forward, and I have done so without interruption for the past nine years since 2016, as I had done before for the six years between 2004 and 2010.
5. Since that time, Plaintiff has made no contribution, reimbursement, or

effort to reclaim financial responsibility for the domains. Their current demand for control over them — nearly a decade later — is not supported by any continuing payment, registration, or use.

6. Furthermore, if Plaintiff's claim is based on their identity as "*deepgulf*" or "*deep-gulf*", it is worth noting that the distinctive element of a domain name is its primary identifier, not its suffix. A large number of alternative domain names (e.g., *deepgulf.com*, *deep-gulf.net*, *deepgulf.biz*, *deepgulf.co*, *deepgulf.us*, *deepgulf.tech*, etc.) are currently available for Plaintiff's registration. Plaintiff could obtain one of these alternatives without interfering with my private infrastructure, email continuity, or security. Counting the *deepgulf* and *deep-gulf* prefixes, there exist more than 800 prefix.suffix combinations.

7. Plaintiff also appears to misunderstand the nature of their demand, at times referring to "website" and "passwords" when what is at issue are domain name registrations and hosting infrastructure. They have, in fact, demanded access to domain names I do not even own — including some that are publicly registered to unrelated parties — which further illustrates the overbreadth of their claims.

8. Given the critical role these domains play in maintaining the security

and continuity of my private communications — and considering the absence of any demonstrated business need by Plaintiff — I do not believe there is any safe or practical basis for transferring the domains under current circumstances.

9. Finally, to the best of my knowledge, the term “*Deepgulf*” has been used by others even before DeepGulf, Inc.'s incorporation. It is not protected by copyright, and it is not registered by Plaintiff as a trademark. In domain name law, ownership depends on registration, payment, and continuous use — not on corporate identity. I have maintained these domains in my own name for over two decades, except for a six year hiatus. Plaintiff neither secured these domains when available, nor maintained them when it had the opportunity, and it now seeks control without any legal or equitable basis for doing so.

10. Lastly, Plaintiff's specific demand for the domain names *deepgulf.net* and *deep-gulf.com* is not only functionally irrelevant to any legitimate business objective, but reflects a deeper intent to harm rather than operate. If Plaintiff's true concern were establishing an online presence, they could have easily acquired *deepgulf.com* (which is reportedly offered for sale) or any other domain extension such as the

generic *deepgulf.xyz*—all of which offer identical practical utility.

In reality, seizing *deepgulf.net* and *deep-gulf.com* would not prevent Defendant from registering an alternative like *deepgulf.co* or *deepgulf.dev* the very next day. The singular focus on one dormant domain name, paired with the abandonment of patents they claimed to own, reinforces that the Plaintiff's true objective is not commercial continuity, but retaliation.

It is also worth noting again that neither *deepgulf* nor *deep-gulf* is a registered trademark or protected under any copyright, nor has Plaintiff submitted any evidence to the contrary. Defendant's use of these terms in domain registration has never infringed upon any proprietary right.

Notably, both *deepgulf.net* and *deep-gulf.com* web pages have remained blank and entirely inactive since Boxing Day, December 26, 2017. While Defendant has retained administrative control over these domains, they have never been used for any commercial purpose, impersonation, or misleading content. Their sole function has been for email continuity, a practical and personal use consistent with longstanding technical control—not public-facing operations.

Plaintiff, meanwhile, has taken no steps to register or utilize alternative domains—such as *deepgulf.com*, *deepgulf.xyz*, or any of dozens of comparable extensions—almost all of which remain available. The demand for one specific, unused domain after more than seven years of inactivity suggests a motive of retaliation rather than any legitimate business interest.

Forcing the transfer of these domains—especially given their role in Defendant’s personal communication—would serve no constructive purpose and would be devastating in the extreme.

There are over 400 domain name extensions currently available through public registrars—ranging from *.com* and *.org* to *.xyz*, *.co*, and *.global*—any of which Plaintiff could have registered at any point over the past seven years. That they chose instead to demand the specific domains controlled by Defendant underscores the retaliatory, rather than constructive, nature of their request.

With so many domain extensions open for registration, Plaintiff’s selective demand for two specific, inactive domain names—controlled solely for personal email use—further highlights the retaliatory nature of their position, and the idea that Plaintiff’s business interests—or

legal rights—could only be preserved by seizing the two unused domains held by Defendant is as unreasonable as it is unnecessary.

To paraphrase the title character in Mike Nichols' *"Charlie Wilson's Wars"*: *"Four hundred and twenty-four extensions you can move that domain to in Pensacola—everybody lives."*

11. It is also notable that Plaintiffs have never raised any claim or concern regarding the domains *tokeoilandgas.com* and *tokepetroleum.com*, both of which are controlled by Defendant and were directly associated with Toke Oil and Gas S.A.—a named Plaintiff in this matter. Defendant has no interest in retaining these domains, which have never been used for email or commercial purposes.

The fact that Plaintiff has made no effort to identify or claim them—while aggressively pursuing unrelated, inactive domains used only for personal email—demonstrates a lack of due diligence and further suggests that their objective is not asset protection, but retaliation. Plaintiff's failure to identify the Toke-related domains also reinforces that this litigation is driven by narrative, not fact.

If Plaintiff truly believes that Toke Oil and Gas S.A. is an extant

enterprise entitled to sue, and that domains such as *deepgulf.net* are vital to DeepGulf, Inc.'s alleged operations, it is difficult to explain why Plaintiff made no attempt to identify or reclaim the domains *tokeoilandgas.com* and *tokepetroleum.com*, both of which are under Defendant's control and directly tied to the corporate name.

Instead, Plaintiff focused on unrelated, inactive domains used solely for personal email, as well as domains not controlled by the Defendant. This disconnect reveals not only a lack of diligence, but an intent to punish rather than preserve. Ironically, if DeepGulf and Toke Oil and Gas are indeed buzzing with business, Defendant welcomes the outcome—as a 50% beneficial owner of the companies, defunct or extant.

- 12.** I respectfully submit this declaration to provide the Court with a clear account of the technical and historical facts surrounding the domain name dispute.

Executed, this 9th day of April, 2025:

Under penalty of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

Marc Moszkowski, Pro Se
Email: m.moszkowski@deepgulf.net
Phone: +1(850)316 8462
Le Verdos
83300 Châteaudouble, France



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I hereby certify that, on this 9th day of April, 2025, a copy of this motion has been furnished to Braden K. Ball, Jr., attorney for the plaintiffs, through the Florida Courts E-Filing Portal.

