



MINISTERIO  
DE ASUNTOS EXTERIORES,  
UNIÓN EUROPEA  
Y COOPERACIÓN

TRIBUNAL CALIFICADOR  
PRUEBAS PARA EL INGRESO EN EL CUERPO  
DE TRADUCTORES E INTÉRPRETES DEL  
ESTADO

*Resolución de 10 de octubre de 2022  
(BOE núm. 247, del 14.10.2022)*

## TRADUCCIÓN INGLÉS-CASTELLANO

(Perfiles 20, 21, 23, 25 y 29)

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

BINBIT ARGENTINA, S.A., a foreign corporation, Plaintiff,

vs.

JOHN DOES 1-25; and ROE CORPORATIONS 26-50, Defendants.

Case No. CV-16-02399-PHX-DLR

(...)

### **STATEMENT OF RELEVANT FACTS**

The Binbit Group is a group of companies that provides mobile entertainment services to consumers around the world. Plaintiff Binbit, as part of the Binbit Group, provides mobile entertainment services, such as ringtones and video games, to consumers in Argentina. In providing these services, Binbit contracts with international cellular providers, who allow Binbit to offer its services to their customers. One such provider is AMX Argentina, S.A., operating under the name Claro.

As part of Binbit's commercial relationship with Claro, it retained the services of a company called 29Rhino, which operates an affiliate marketing network and promotes marketing campaigns, on December 2, 2015. 29Rhino retains affiliates as agents or subcontractors in performing these services. Its affiliates design marketing campaigns for web sites that offer promotions for cellular services. Network operators such as 29Rhino are bound by guidelines established by cellular providers such as Claro, as well as local statutes. Additionally, Binbit has formed a series of guidelines which impose certain obligations on third parties and affiliates Binbit contracts with in providing and promoting cellular services and content through mobile devices.

The Guidelines state that any third party Binbit contracts with for these purposes is responsible for the conduct of subcontractors it retains and that the third party must provide the Guidelines to any such subcontractors. Most importantly, the Guidelines unequivocally prohibit fraudulent or misleading advertising campaigns.

Between December 2, 2015 and May 11, 2016, one of 29Rhino's affiliates made fraudulent and misleading statements as part of an advertising campaign purportedly for



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Claro, pursuant to Binbit's agreement with 29Rhino. These statements included false representations that Claro would provide "1500 pesos of recharge credit and 500 MB of extra data to customers' cellular phone." Neither Binbit nor Claro made any such offer and did not provide any person or entity with the authority to make such a representation.

In response to these false statements, Claro terminated its contractual relationship with Binbit. Additionally, Binbit's reputation with America Movil, the 4<sup>th</sup> largest Mobile Network Operator in the world and Binbit's most important business partner in terms of revenue, suffered greatly as a response to the false statements.

The affiliate made these statements on the web site, which is registered through GoDaddy.com, LLC.

Because Defendants are aware that they are liable to Binbit, and likely other entities and individuals as well, they have taken pains to keep their identities hidden.

(...)

Binbit is confident that responses from these entities will allow it to amend its Complaint to name Defendants and their locations. Beyond forcing Defendants to answer for their actions, early discovery will also be invaluable in assisting Binbit to serve process upon Defendants. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Binbit respectfully requests that the Court grant this ex parte Motion.