

FILED

OCT 31 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

AIRIGAN SOLUTIONS, LLC.,

Plaintiff,

v.

ARTIFACTS_SELLING, *et al.*,

Defendants.

Civil Action No. 18-1462

FILED UNDER SEAL

**DECLARATION OF JENNIFER LINEBERRY
IN SUPPORT OF PLAINTIFF'S *EX PARTE* APPLICATION FOR ENTRY OF
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I, Jennifer Lineberry, declare and state as follows:

1. I am over 18 years of age, and I have personal knowledge of the facts set forth herein. I make this declaration in support of Plaintiff's *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction ("Application"). If called upon to do so, I could and would competently testify to the following facts set forth below.

2. Prior to filing this Declaration, I accessed through AliExpress.com and eBay.com, the Merchant Storefronts operating under the seller identities as identified on **Schedule "A"** hereto (the "Seller IDs"). Upon accessing each of the Merchant Storefronts¹, I was able to view products using Airigan Solutions LLC's trademarks or infringing on their patent claims, add products to the online shopping cart, proceed to a point of checkout, and otherwise actively

¹ As defined in the Application, a "Merchant Storefront" is any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in products, including Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them.

exchange data with each Merchant Storefront. I then placed an order via each Merchant Storefront operating under the Seller IDs for the purchase of various products – all using counterfeits and infringements of at least one of Airigan Solution’s trademarks at issue in this action, and requested each product to be shipped to my firm’s address in Sewickley, Pennsylvania. Each of my orders was processed entirely online and following the submission of my orders, I finalized payment for each of the various products. At the conclusion of the process, I captured and downloaded the detailed web page screen shots reflecting each product I ordered, together with photographs of the received items². These were sent to Margaret Tyler, President and CEO of Airigan Solutions LLC. True and correct copies of the web pages I captured and downloaded showing the various products I purchased via Defendant’s Seller IDs, together with redacted copies of the order summary web pages, order and shipping confirmation, and photographs of each shipping envelope and product received, are attached hereto as **Composite Exhibit 1**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed the 31 day of October, 2018, at Sewickley, Pennsylvania.

/s/Jennifer Lineberry/
Jennifer Lineberry

² Items ordered from the AliExpress sellers have not yet been received because of the delay in shipping from China. However, I know with certainty that these products are counterfeit because: (1) Plaintiff only manufactures its products in the United States, (2) Plaintiff only has a small number of authorized re-sellers for its product; (3) none of the AliExpress sellers are authorized to sell Plaintiff’s product anywhere; and (4) these products were offered for sale as new by an AliExpress.com seller for far below the average retail price used by the authorized re-sellers.