

FILED

JUN 24 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

DOGGIE DENTAL INC., *et al.*,

Plaintiffs,

Civil Action No. 19-746

v.

MAX_BUY, *et al.*,

Defendants.

FILED UNDER SEAL

**DECLARATION OF BRIAN SAMUEL MALKIN
IN SUPPORT OF PLAINTIFF'S *EX PARTE* APPLICATION
FOR ENTRY OF A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

I, Brian Samuel Malkin, hereby declare as follows:

1. I am over eighteen (18) years of age. I have never been convicted of a felony or any criminal offense involving moral turpitude, and I am fully competent to testify to the matters stated herein. I have personal knowledge of every statement made in this Declaration and such statements are true and correct.

2. I am one of the attorneys working for Ference & Associates LLC ("the Ference Firm" or "Plaintiffs' Counsel"), legal counsel for Plaintiffs. I make this declaration in support of Plaintiff's *Ex Parte* Application for Entry of a Temporary Restraining Order and Preliminary Injunction against Defendants, the Individuals, Partnerships, and Unincorporated Associations identified on **Schedule "A"** to the Complaint.

3. eBay, Inc. d/b/a eBay.com ("eBay") is a foreign registered corporation in the Commonwealth of Pennsylvania with a registered address of "c/o CT Corporation System

Dauphin” which indicates “c/o C T Corporation System, 600 North 2nd Street, Suite 401, Harrisburg, Pennsylvania 17101.” Since the instant case involves a brand owner and eBay has cooperated with on other restraining orders against counterfeiters, I have a reasonable belief that it will similarly cooperate with any court order issued by this Court.

4. PayPal, Inc. d/b/a paypal.com (“PayPal”) is foreign registered corporation in the Commonwealth of Pennsylvania with a registered address of “c/o CT Corporation System Dauphin” which indicates “c/o C T Corporation System, 600 North 2nd Street, Suite 401, Harrisburg, Pennsylvania 17101.” According to PayPal’s website at https://www.paypalobjects.com/webstatic/en_US/licenses/PA_license.pdf (last accessed on May 7, 2019), it is a licensed money transmitter under Pennsylvania’s Transmitting Money Act (License #0043). As such, this Court has jurisdiction over PayPal, Inc.

5. I reasonably believe that each of the Parties to be enjoined may be served at the noted contact information, by the following delivery method, and further reasonably believe that upon service, each will comply with a temporary restraining order (“Order”) if one is issued by this Court:

Third Party	Platform	Delivery Method, Contact and Address
eBay, Inc.	eBay.com	Delivery of a copy of this Order via electronic mail to Bryce Baker, Esquire at brybaker@ebay.com and a copy to Joanna Lahtinen at jlahtinen@ebay.com .
PayPal, Inc.	PayPal.com	Delivery of a true and correct copy this Order to PayPal, Inc. via electronic mail to Adrian Miller at EEOMALegalSpecialist@paypal.com and copy to PayPal, Inc., 221 North First Street, San Jose, California 95131.

I declare under the penalty of perjury laws of the United States of America that to the best of my knowledge the foregoing is true and correct.

Executed this 24th day of June, 2019, at Pittsburgh, Pennsylvania.

/s/ Brian Samuel Malkin
Brian Samuel Malkin