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To: pawd_ecf@pawd.uscourts.gov
Subject: Activity in Case 2:19-cv-00746-MRH DOGGIE DENTAL INC. et al v. MAX_BUY et al Order

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U.S. District Court

Western District of Pennsylvania

Notice of Electronic Filing

The following transaction was entered on 5/26/2020 at 4:27 PM EDT and filed on 5/26/2020

Case Name: DOGGIE DENTAL INC. et al v. MAX_BUY et al

Case Number: [2:19-cv-00746-MRH](#)

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Document Number: 90(No document attached)

Docket Text:

ORDER. In reviewing the Motions for Default Judgment in this and the related cases (19-cv-682, 19-cv-746, 19-cv-1282, and 19-cv-1283), the Court observes that the Plaintiffs are requesting that the Court enter default judgments in the total amount of nearly \$300,000,000 in statutory damages and/or disgorgement of profits as to a single canine chew toy product. In context, that would be enough money to purchase over 14 million small-size BRISTLY chew toys. In aggregating the Plaintiffs' claimed lost profits and statutory damages; accounting for the statutory intent to punish and deter infringers and to compensate intellectual property owners; and in light of the fact that specifically proving Plaintiffs' actual lost profits may turn out to be nearly impossible, the Plaintiffs may end up being entitled to damage awards in substantial sums. However, the Court tentatively finds that the Plaintiffs will likely need to advance more than only unanswered pleadings and requests for admissions to justify the maximum statutory damages as to every Defendant in each of the four (4) related cases, and to also reasonably justify and support such substantial disgorgement of profits claims, as those damages are subject to the principles of equity and must be just. See 15 U.S.C. §§ 1117(a), (c); 17 U.S.C. § 504(c). From the Court's perspective, to support a claim for total damages in that amount, along with the magnitude of the lost profit claims subsumed in it, the Plaintiffs are going to have to demonstrate that their actual lost profits are in such orders

of magnitude. In anticipation of a hearing in cases 19-cv-682, 19-cv-746, 19-cv-1282, and 19-cv-1283, the Plaintiffs shall file (in each case) on or before Monday, June 15, 2020: (1) supplemental briefing and/or affidavits demonstrating that the damages sought are in reality reasonable, just, and bear some relation to the actual damages suffered, see *Coach, Inc. v. Bags & Accessories*, No. CIV.A. 10-2555 JBS-J, 2011 WL 1882403, at *6 (D.N.J. May 17, 2011); (2) supplemental exhibits/declarations of the infringing seller pages of the remaining Defendants accused of copyright infringement, which demonstrate and quantify each instance of copyright infringement; and (3) supplemental exhibits/declarations demonstrating the amount of funds in each of the remaining Defendants' accounts that were frozen by prior Order of the Court. A hearing in these matters would then be set by further Order. The Plaintiffs are also on notice that the Court will seek clarification at the forthcoming hearing on several points of injunctive relief listed in their proposed orders, but which are not discussed in depth in their Motions. They may include, but are not limited to: (1) the basis for which third party service providers and financial institutions should be enjoined from providing any future services to defaulting Defendants, when those Defendants seemingly could recommence using their online accounts without infringing the Plaintiffs' intellectual property; (2) the basis for which the defaulting Defendants' email addresses should be permanently suspended by their service providers; and (3) a clearer explanation of the injunctive relief sought vis--vis Amazon ASIN numbers and eBay item numbers. Signed by Chief Judge Mark R. Hornak on 5/26/20. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jad)

2:19-cv-00746-MRH Notice has been electronically mailed to:

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