

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

DOGGIE DENTAL INC., *et al.*,

Plaintiffs,

v.

MAX_BUY, *et al.*,

Defendants.

Civil Action No.

19-746

Judge Hornak

**DECLARATION OF BRIAN SAMUEL MALKIN
IN SUPPORT OF MOTION FOR ENTRY OF
DEFAULT JUDGMENT AND PERMANENT INJUNCTION**

I, Brian Samuel Malkin, hereby affirm as follows:

1. I am over eighteen (18) years of age and not a party to this action. I have never been convicted of a felony or any criminal offense involving moral turpitude, and I am fully competent to attest to the matters stated herein. I have personal knowledge of every statement made in this Certificate of Service and such statements are true and correct.

2. I am an attorney with the law firm of Ference & Associates LLC, which is located at 409 Broad Street, Pittsburgh, Pennsylvania 15143.

3. I am an attorney for the Plaintiffs Peter Dertsakyan and Doggie Dental, Inc. in the above-captioned case.

4. I make and submit this Supplemental Declaration in support of Plaintiffs' Motion for Default Judgment and Permanent Injunction (hereinafter "Motion for Default Judgment") against those Defendants for whom the Clerk has entered Default (the "Defendants").

5. **Supplemental Exhibit 1** is a chart of evidence I prepared for calculating damages against the identified defendants based upon their infringing use of Plaintiff's copyrighted images. The chart includes citations to the evidence of record by ECF No. and page numbers. In some rows, there are more pages numbers than copyrighted photos identified. This is because the online platform item display page uses a rolling view of photos and for purposes of collecting evidence, each of the photos was rolled over to get a larger version from the rolling display. For further clarification, behind the Chart are copies of color photographs that were captured when all the evidence for this case was gathered. Each color photograph is at least one example of an infringing use of the Plaintiff's copyrighted photographs. There is a coversheet in front of each set of color photographs that indicates which Defendant's online storefront the photographs were being used.

6. There is a coversheet in front of each set of color photographs that indicates which Defendant's online storefront the photographs were being used.

7. **Supplemental Exhibit 2** is a chart indicating the total amount of funds in each Defendant's account at the time the restraints were placed in accordance with the Court's temporary restraining order. This information was provided to Plaintiff by the Third Party Service Provider or the Financial Institution served with the Court's temporary restraining order.

8. The Defendants were served with Requests for Admissions which they failed to answer and are now deemed admitted. These admissions included that they each Defendants sold more than 150,000 units of the infringing product and profits from the sale of the infringing products totals more than \$2 million Dollars.

9. Based upon my personal experiences with these online counterfeiting cases, China based sellers, such as Defaulting Defendants, sell into the United States across multiple e-commerce platforms and do not limit their sales to one e-commerce platform.

10. Examples of such other e-commerce platforms include Alibaba.com, AliExpress.com, DHgate.com, and Wish.com.

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 15th day of June, 2020, at Pittsburgh, Pennsylvania.

/s/ Brian Samuel Malkin
Brian Samuel Malkin

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2020, the foregoing document is being filed via the Case Management/Electronic Case Filing (CM/ECF) system; I also certify that on the same day, a true copy of the foregoing is being served in accordance with the Order Authorizing Alternate Service.

/s/ Brian Samuel Malkin
Brian Samuel Malkin

**SUPPLEMENTAL
EXHIBIT 1**

Deft. No.	Seller	Total Copyrighted Works Used	ECF No. 8-7	x \$150,000.00. =
2	adamchahir91	3	40, 41, 42, 43	\$450,000.00
6	cute-little-bear	1	88	\$150,000.00
8	deals4you9	3	120, 121, 122	\$450,000.00
9	dedicatedsalesman	2	131, 132	\$300,000.00
12	malifa168	3	167, 170, 171, 172	\$450,000.00
13	parts_online_2015	2	178, 180, 181, 182	\$300,000.00
15	shopiline	2	210, 212, 213	\$300,000.00
17	4dice_international	2	264, 267, 268	\$300,000.00
19	a281768443	1	285, 288	\$150,000.00
22	awesome*deals*today	1	317, 320	\$150,000.00
26	chawtabsu0	5	360, 364, 372,	\$750,000.00
27	crab-store	3	376, 381, 383	\$450,000.00
28	dd2004720	1	387, 390	\$150,000.00
31	global-onlineshop	3	439, 442, 443	\$450,000.00
33	hanguang2018	4	462, 463, 465,	\$600,000.00
			ECF No. 8-8	
37	home-store01	3	10, 11, 14,	\$450,000.00
38	ilovehome2018	2	19, 25, 26	\$300,000.00
40	jostegen0	1	39, 43	\$150,000.00
41	lagacreye	10	48, 51, 52, 53, 54, 55, 59, 60, 61, 62, 63, 70, 73, 74, 75, 76, 77, 78, 79,	\$1,500,000.00
44	mai202	4	103, 105,	\$600,000.00

			106	
46	miggie77392012	9	119, 120, 124, 125, 126, 132, 134, 138, 139, 140, 141, 142,	\$1,350,000.00
47	nununy3090	1	148, 149, 152	\$150,000.00
48	nutrasil	3	157, 161	\$450,000.00
50	oz-sweetdeals	5	176, 178, 179, 180,	\$750,000.00
51	paradisestore12	2	184, 188, 189, 190	\$300,000.00
52	parmesan_cliche	2	194, 196, 199, 201, 206, 210,	\$300,000.00
53	parsayt0	2	231, 236	\$300,000.00
54	pha_6296	6	240, 241, 242, 243, 247, 248, 249, 250,	\$900,000.00
56	poramatse	1	269, 273	\$150,000.00
62	redflower88	3	321, 323, 324	\$450,000.00
63	ricji-45	3	329, 331, 332, 333	\$450,000.00
66	sellingdaily90	3	355, 358	\$450,000.00
68	slayway	5	377, 381, 382, 383, 384,389, 393,	\$750,000.00
71	thph_5710	1	441, 445	\$150,000.00
			ECF No. 8-9	
72	timetree88	1	2, 5	\$150,000.00
76	us2014.runzh	1	48, 50,	\$150,000.00
77	usa.best.buying.experience	1	55, 59	\$150,000.00
78	usa_ezra	2	72, 75, 76	\$300,000.00
84	yvsg7734	8	130, 134, 135, 136, 137, 138,	\$1,200,000.00

Color Copies of Infringing Photos

eBay Seller Name
adamchahir91

eBay Item Number
173621663654



3 Infringing Works

eBay Seller Name
cute-little-bear

eBay Item Number
283429929853

The Best solution!!



**Bristly - stressless for dogs
& effortless for pet parents**

1 Infringing Work

eBay Seller Name
deals4you9

eBay Item Number
142946752219



3 Infringing Works

eBay Seller Name
dedicatedsalesman

eBay Item Number
113291620121



2 Infringing Works

eBay Seller Name
malifa168

eBay Item Number
254193025258



CHARACTERISTICS	DENTAL TREATS & STICKS	DOG TOOTHBRUSHES	CHEW TOYS	PROFESSIONAL VET CLEANING
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3 Infringing Works

eBay Seller Name
parts_online_2015


eBay Item Number
333134236938



Natural rubber with
meat flavor 

Gentle, while
highly durable 

Designed & developed
in the USA 

Complies with the US
child toy safety standards 



2 Infringing Works

eBay Seller Name
shopiline

eBay Item Number
143070043285



Natural Rubber
with Meat Flavor 

Gentle, while
Highly Durable 

Designed
& Developed
in the USA 

Complies with
the US Child Toy
Safety Standards 

The Best solution!!

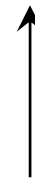
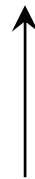


**Bristly - stressless for dogs
& effortless for pet parents**

2 Infringing Works

eBay Seller Name
4dice_international

eBay Item Number
113719563861



2 Infringing Works

eBay Seller Name
a281768443

eBay Item Number
123728836755

1 Infringing Work



eBay Seller Name
awesome*deals*today

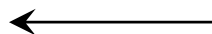
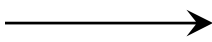
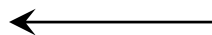
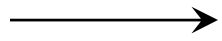
eBay Item Number
264257214090



1 Infringing Work

eBay Seller Name
chawtabso0

eBay Item Number
333152522862

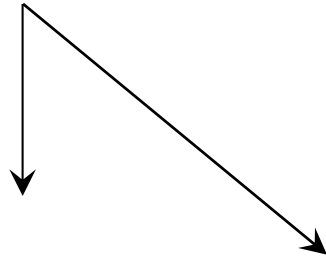




5 Infringing Works

eBay Seller Name
crab-store

eBay Item Number
132917299708



3 Infringing Works

eBay Seller Name
dd2004720

eBay Item Number
163648416417



1 Infringing Work

eBay Seller Name
global-onlineshop

eBay Item Number
192875156977

FREE SHIPPING
& RETURNS

HIGH QUALITY

SALE

FREE SHIPPING

Before use After use

Dog exclusive toy toothbrush
Get rid of bad breath
Cleaning the mouth.

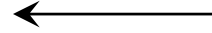
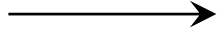
GLOBAL ONLINE SHOP

3 Infringing Works



eBay Seller Name
hanguang2018

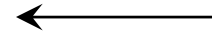
eBay Item Number
183570344990



Most Effective Toothbrush for Dogs

Medium
25-40 lbs

ORAL DISEASE
Also known as Gingivitis



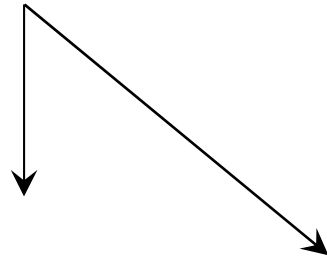
19-746



4 Infringing Works

eBay Seller Name
home-store01

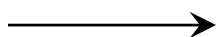
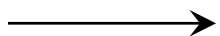
eBay Item Number
192877988183



3 Infringing Works

eBay Seller Name
ilovehome2018

eBay Item Number
153397186403



Bristly – Large
5.04 x 7.14 x 2.3 in



Bristly – Medium
4.03 x 5.71 x 1.9 in



Bristly – Small
3.28 x 4.64 x 1.5 in

2 Infringing Works

eBay Seller Name
jostegen0

eBay Item Number
303047473519



1 Infringing Work

eBay Seller Name
lagacreye

eBay Item Number
264247044239



Natural Rubber
with Meat Flavor 

Gentle, while
Highly Durable 

Designed
& Developed
in the USA 

Complies with
the US Child Toy
Safety Standards 





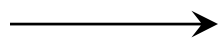
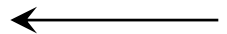
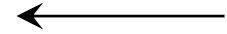
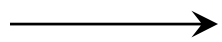
19-746



10 Infringing Works

eBay Seller Name
mai202

eBay Item Number
392262076927



STABILIZING PAW PADS
To allow easy holding for your dogs.

MEAT FLAVORED THROUGHOUT
To promote chewing & increase palatability.



2-SIDED BRISTLE LINE GROOVES
clean dog's teeth down to the gum line.

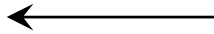
TOOTHPASTE RESERVOIR
Self-dispensing toothpaste reservoir enhances cleaning



4 Infringing Works

eBay Seller Name
miggie7739012

eBay Item Number
183524497018





9 Infringing Works



eBay Seller Name
nununy3090

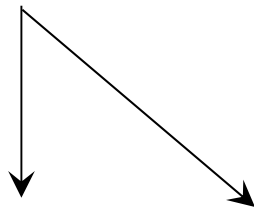
eBay Item Number
233100866536



1 Infringing Work

eBay Seller Name
nutrasil

eBay Item Number
173831912125



3 Infringing Works

eBay Seller Name
oz-sweetdeals

eBay Item Number
132987937936

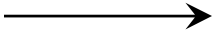




5 Infringing Works

eBay Seller Name
paradisestore12

eBay Item Number
123689950279



Enough Stock, Ready to Ship



19-746



2 Infringing Works

eBay Seller Name
parmesan_cliche

eBay Item Number
254137941237

Fit 0-50 LBs, Small and Medium Dogs



World's Most Effective Toothbrush for Dogs

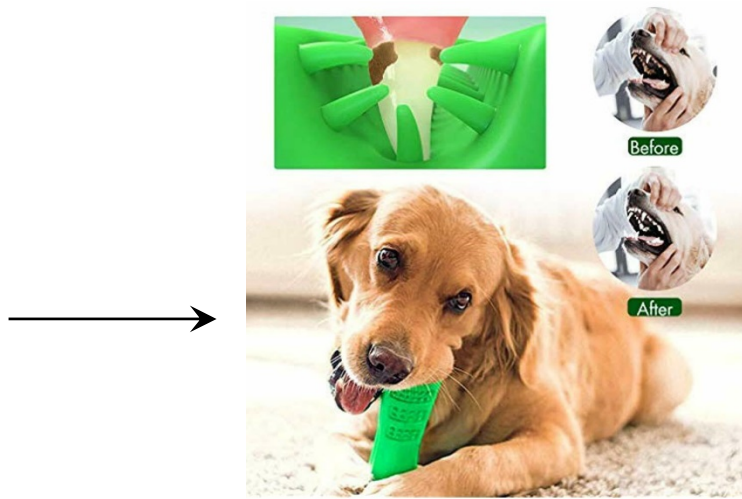


Characteristics	Our Brand	Dental Treats & Sticks	Dog Toothbrushes	Chew Toys	Professional Vet Cleaning
Affordability	✓	✓	✓	✓	
Tooth Brushing Efficiency	✓		✓		✓
Time-Saving	✓	✓		✓	
Mental Stimulation	✓	✓	✓	✓	
Healthy-to-use	✓		✓		
Enjoyable for Dogs	✓	✓		✓	

2 Infringing Works

eBay Seller Name
parsayt0

eBay Item Number
323760244487



2 Infringing Works

eBay Seller Name
pha_6296

eBay Item Number
401732550025





Natural Rubber
with Meat Favor

Gentle, while
Highly Durable

Designed
& Developed
in the USA

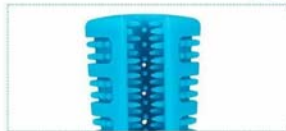
Complies with
the US Child Toy
Safety Standards

The image features a golden retriever lying on a light-colored carpet, holding a bright green, cylindrical dog toy in its mouth. To the right of the dog, there are four rows of text and icons, each separated by a horizontal dashed line. The first row contains the text 'Natural Rubber with Meat Favor' and an icon of a piece of meat. The second row contains 'Gentle, while Highly Durable' and an icon of an elephant. The third row contains 'Designed & Developed in the USA' and an icon of a map of the United States. The fourth row contains 'Complies with the US Child Toy Safety Standards' and an icon of a hand holding a shield.



STABILIZING PAW PADS
To allow easy holding for your fogs.

MEAT FLAVORED THROUGHOUT
To promote chewing & increase palatability.



2-SIDED BRISTLE LINE GROOVES
clean dog's teeth down to the gum line.

TOOTHPASTE RESERVOIR
Self-dispensing toothpaste reservoir enhances cleaning





6 Infringing Works

eBay Seller Name
poramatse

eBay Item Number
14313777670

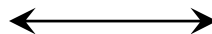
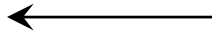
Fit 0-50 LBs, Small and Medium Dogs



1 Infringing Work

eBay Seller Name
redflower88

eBay Item Number
192864978584



For dogs under
40lbs only



Natural rubber material



Cleaning dog teeth

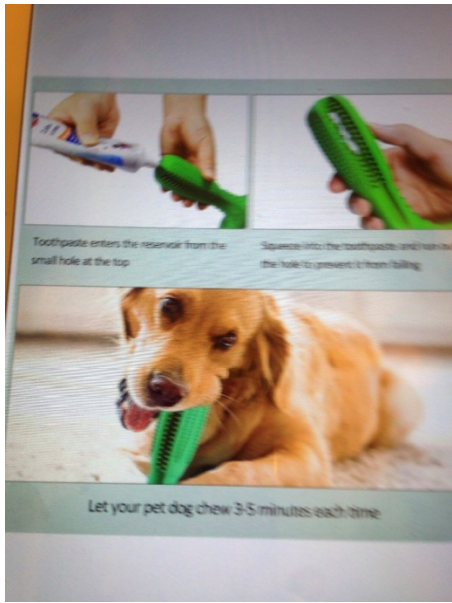


Fresh breath

3 Infringing Works

eBay Seller Name
ricji-45

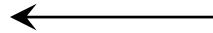
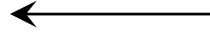
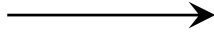
eBay Item Number
312460809336



3 Infringing Works

eBay Seller Name
sellingdaily90

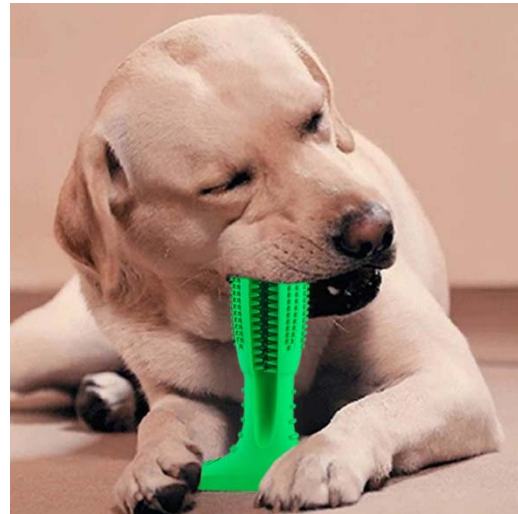
eBay Item Number
293068665207

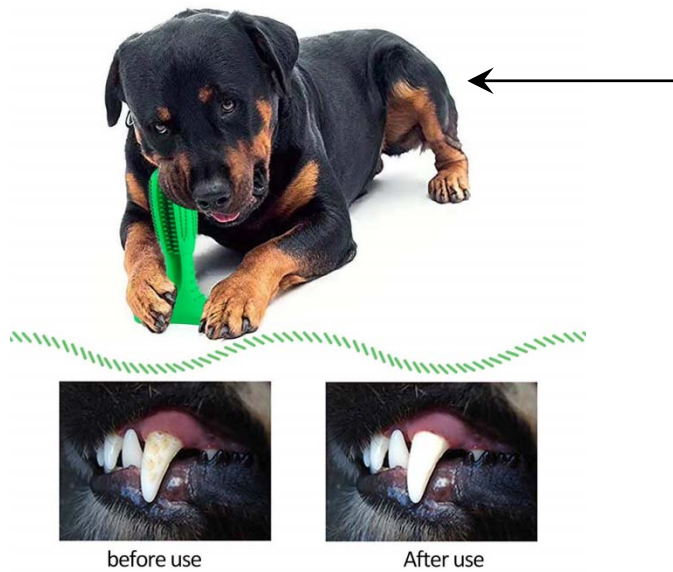


3 Infringing Works

eBay Seller Name
slayway

eBay Item Number
372601629978





World's Most Effective Toothbrush for Dogs



Characteristics	Our Brand	Dental Treats & Sticks	Dog Toothbrushes	Chew Toys	Professional Vet Cleaning
Affordability	✓	✓	✓	✓	
Tooth Brushing Efficiency	✓		✓		✓
Time-Saving	✓	✓		✓	
Mental Stimulation	✓	✓	✓	✓	
Healthy-to-use	✓		✓		
Enjoyable for Dogs	✓	✓		✓	

5 Infringing Works

eBay Seller Name
thph_5710

eBay Item Number
133021409411

Fit 0-50 LBs, Small and Medium Dogs



1 Infringing Work

eBay Seller Name
timetree88

eBay Item Number
352625751236



For dogs under
40lbs only



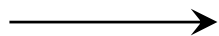
Natural rubber material



Cleaning dog teeth



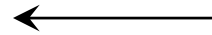
Fresh breath



1 Infringing Work

eBay Seller Name
us2014.runzh

eBay Item Number
254095575455



1 Infringing Work

eBay Seller Name
usa.best.buying.experience

eBay Item Number
183680993414



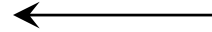
1 Infringing Work

eBay Seller Name
usa_ezra

eBay Item Number
273779162823



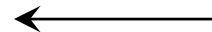
- Natural rubber with meat flavor
- Gentle, while highly durable
- Complies with the US child toy safety standards



Before



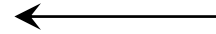
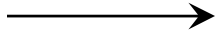
After



2 Infringing Works

eBay Seller Name
yvsg7734

eBay Item Number
163479765919



- Natural Rubber with Meat Favor 
- Gentle, while Highly Durable 
- Designed & Developed in the USA 
- Complies with the US Child Toy Safety Standards 





8 Infringing Works

SUPPLEMENTAL
EXHIBIT 2

DEF_NO	USER_SLCTD_ID	USER_ID	EMAIL	AMOUNT
13	parts_online_2015	1365538153	jiamingimport_01@sina.com	\$9,613.92
38	ilovehome2018	1734159369	zjhuahui@outlook.com	\$3,993.18
78	usa_ezra	1545940406	shlomi0992@gmail.com	\$3,223.67
100	power-option	1327337747	cjczhihui2015@hotmail.com	\$3,078.15
51	paradisestore12	1637060496	zoro_zoro1@hotmail.fr	\$1,069.81
104	rm_best_4u	1807979937	vakninmr@gmail.com	\$975.04
47	nununy3090 (now doublefaster)	1561433504	littledogmoji@gmail.com	\$801.45
77	usa.best.buying.experience	1583824257	davidmichanumber10@gmail.com	\$782.92
56	poramatse	1106944276	ohoporamat@gmail.com	\$781.79
52	parmesan_cliche	1622518224	parmesancliche@gmail.com	\$555.73
19	a281768443	1247063475	281768443@qq.com	\$548.58
63	ricji-45	1844859422	fengjiang6160@gmail.com	\$412.74
92	japanmarketplace	1581940909	ta_fu2007@yahoo.co.jp	\$385.30
46	miggie77392012	1110354997	miggie7739@126.com	\$375.36
48	nutrasil	1801562323	kingfur4500@gmail.com	\$365.73
36	homca2018	1815015713	zslmike2018@hotmail.com	\$309.79
50	oz-sweetdeals	1670222608	ozsweetdeals@gmail.com	\$293.03
88	daos_34	1936795125	david.oshry984@gmail.com	\$290.75
37	home-store01	1734842200	vuhaininh2146@gmail.com	\$253.77
15	shopiline	1541500576	simolovitch@gmail.com	\$214.57
93	ljsuperiorchew	1506470472	LJSuperiorChew@gmail.com	\$209.08
12	malifa168	1050839061	lszwe16828@hotmail.com	\$200.90
2	adamchahir91	1767239801	wchahirprod@gmail.com	\$196.82
44	mai202	1903120030	maivanlua120791@gmail.com	\$167.17
84	yvsg7734	1785417655	672705668@qq.com	\$146.46
9	dedicatedsalesman	1809094543	trandangkhoa.041093@gmail.com	\$107.63
62	redflower88	1821670967	1361652718@qq.com	\$102.42
103	raysal_64	1936828858	raymond.saldana990@gmail.com	\$92.84

72	timetree88	1822494739	a17099946555@qq.com	\$79.72
28	dd2004720	1295586534	susan.she@live.com	\$52.79
108	simshop2018	1790748422	nassimashopp@gmail.com	\$47.92
6	cute-little-bear	1622834571	cutelittlebear@126.com	\$38.79
31	global-onlineshop	1787035684	adamahituvdrop@gmail.com	\$35.88
97	oobest_shop	1215271972	oobestshop@outlook.com	\$30.70
68	slayway	1880756361	justin@dijcorp.com	\$26.63
76	us2014.runzh	1227565075	j7245847@gmail.com	\$13.28
27	crab-store	1758263149	hanhtran091291@gmail.com	\$10.73
98	pege-318	1945321712	peter.gerba975@gmail.com	\$3.09
71	thph_5710	1895716701	thangphamnhu1991@gmail.com	\$1.66
8	deals4you9	1578099455	farid.errokai@gmail.com	\$0.00
17	4dice_international	1001901531	benfordyce_1@msn.com	\$0.00
22	awesome*deals*today	1786424439	acmeprodigy@gmail.com	\$0.00
26	chawtabso0	1764458530	pathumwandemo@gmail.com	\$0.00
40	jostegen0	1533158232	yehoalashet309@gmail.com	\$0.00
41	lagacreye	1779337196	lagacreyeerer@yahoo.com	\$0.00
53	parsayt0	1796485846	saythong7113220@gmail.com	\$0.00
54	pha_6296	1903444517	phamphutan151193@gmail.com	\$0.00
66	sellingdaily90	1724196526	dachra.alaa@zoho.com	\$0.00
89	elshm_23	1856457756	elia36447@gmail.com	\$0.00
91	gohastings	1051936460	gohasting1@gmail.com	\$0.00
101	presst_55	1802202042	loukili253@gmail.com	\$0.00
102	ramah76m9	1894613956	ramah76m@hotmail.com	\$0.00
113	vestut-56	1888317350	stutzmanv@yahoo.com	\$0.00