

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

DOGGIE DENTAL INC, *et al.*,

Plaintiffs,

v.

WORTHBUYER, *et al.*,

Defendants.

Civil Action No.

19-1283

(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 on 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. 11-1	x \$150,000.00. =
12	is_2863	1	71, 74	\$150,000.00

Color Copies of Infringing Photos

eBay Seller Name
is_2863

eBay Item Number
362731337189



1 Infringing Work

SUPPLEMENTAL
EXHIBIT 2

DEF_NO	USER_SLCTD_ID	USER_ID	EMAIL	AMOUNT
3	xieji-52	1888879453	xiejiebbing@outlook.com	\$7,699.24
6	hanbi-57	1927887450	hanbing818@outlook.com	\$2,540.21
5	chensini2	1668835392	xiangsis22@126.com	\$2,342.86
2	junmaioo-7	1675173601	junagree@outlook.com	\$1,193.70
12	is_2863	2019433978	afrinaziz48@yahoo.com	\$214.94
11	family-store-online	1925543034	ismarivas162534@gmail.com	\$139.35
10	treasures-of-rare	1725508705	boualiyassine11@gmail.com	\$21.44
8	carmha_84	1884257511	Carmeliahayek1@gmail.com	\$6.03
9	mrsrespect	PayPal (Europe)	macaszz@gmail.com	\$0.00
13	joeetrib	4468352	fdpeng@yahoo.com	\$0.00