

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

DOGGIE DENTAL INC., *et al.*,

Plaintiffs,

v.

AVANTDIGITAL, *et al.*,

Defendants.

21-cv-00565

Chief Judge Mark R. Hornak

**ORDER SCHEDULING HEARING ON DEFAULT JUDGMENT
AND REQUEST FOR PERMANENT INJUNCTION**

A Default Judgment/Permanent Injunction Hearing before the Court is hereby SCHEDULED for February 22, 2022 at 3:00 P.M. EDT via ZOOM Video Conference.

The Hearing will address the Motions for Default Judgment and Permanent Injunction in the above-captioned case. The Plaintiffs shall give notice and provide service of this Order to all remaining Defendants in conformity with this Court's previous Orders authorizing alternative service. The Plaintiffs shall file Certificates of Service promptly upon completion of such service.

Any person who wishes to participate in the hearing by ZOOM must be a party to these actions. In order to participate, any non-individual party must be represented by an attorney who is admitted or capable of being admitted to practice before this Court, and any such attorney must enter an appearance on the appropriate docket. Only the party's attorney may join the ZOOM conference on their behalf. Alternatively, any party to these actions who files, via the Court's CM/ECF system, formal notice on the appropriate docket, including an email at which they can be contacted, that they intend to represent themselves may participate in the ZOOM hearing.

The ZOOM information required to participate will be disseminated by email to parties who comply with these procedures for their use only. Public access to observe proceedings will be

provided by other means. Participants are expected to join the ZOOM conference at least fifteen (15) minutes early to provide time for admitting approved participants.

Not later than February 16, 2022, any party intending to present testimony at this proceeding shall file on the docket a notice setting forth the name/title/affiliation of any such witness, along with a summary of the testimony that will be presented, along with the anticipated time that the direct examination of each such witness would likely consume. The party calling any such witness(es) shall be responsible for making all necessary arrangements for such witnesses to testify via video, including all technical capabilities. At the Hearing, the Court specifically intends to cover several issues.

The Court will inquire in detail into the Plaintiffs' request for the damages in the specific amounts claimed as to each specific defaulting Defendant, including as to sales of meat-flavored toothpaste. Of course, there is a substantial vacuum of information, given that the Defendants failed to appear and standard discovery on the matter of damages is impossible. The online nature of the infringement could also mean that Defendants were able to reach a vast number of customers. Further, the Court must assess damages in an amount that furthers the deterrence goals of the applicable law, and that prevents Defendants and others from viewing cases like these as merely the "cost of doing business."

The Court will hear further from the involved parties on any other matter germane to the disposition of the pending Motions. Plaintiffs shall file and serve an updated Proposed Order, including any updates as to specific Defendants then in default and who then remain as Defendants in the case and as to specific damages then claimed, on or before February 9, 2022. In addition, Plaintiffs shall file a notice by such date setting forth the specific amount of embargoed funds which Plaintiffs seek be released and redirected to them.

/s/ Mark R. Hornak _____
Mark R. Hornak
Chief United States District Judge

Dated: December 30, 2021

cc: All counsel of record