

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

DOGGIE DENTAL INC, *et al.*,

Plaintiffs,

v.

CDOFFICE, *et al.*,

Defendants.

Civil Action No.

21-271

(Judge Hornak)

**SUPPLEMENTAL 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. Before the Defendants were served with the Default, they were each served with a copy of the Complaint and Discovery. Thus, they had an opportunity to both answer the Complaint and respond to the Discovery. None of the active Defendants filed an answer or responded to the discovery.

6. As noted in the Plaintiffs' Memorandum of Law in Support of its Motion for Default Judgment ("Memorandum of Law"), the discovery sought by the Plaintiffs from the Defendants included the total amount of sales and profits of the infringing product and the total amount of sales and profits of the conveyed dog toothpaste. (*See* Memorandum of Law, p. 8). Likewise, in the Requests for Admissions served upon the Defendants, the Plaintiffs sought to narrow by seeking admissions about the Defendants' sales and profits. (*Id.*) In this case, by defaulting on these requests, each Defendant admitted that over the two months that they intentionally infringed they deprived the Plaintiffs of at least \$709,500.00 in lost profits between the lost sales of the Bristly[®] dog toothbrush and the conveyed sales of the dog toothpaste. (*Id.*)

6. **Supplemental Exhibit 1** is a chart that includes the admitted damages (conveyed sales for 2 months) and the total amount of funds in each Defendant's account (*in descending order*) at the time the restraints were first placed by either Aliexpress.com, Amazon.com, or Wish.com ("Financial Institutions"), in accordance with the Court's temporary restraining order. This information was provided to Plaintiffs by the Financial Institutions when served with the Court's temporary restraining order.

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, eBay.com, DHgate.com, and Wish.com.

11. Filed herewith is an Amended Proposed Default Judgment. This Amended Proposed Default Judgment is identical in all respect to the originally filed Proposed Default Judgment except that the Schedule “A” has been updated by removing any Defendants that were terminated in between the filing of the original Proposed Default Judgment and this filing.

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 9th day of February, 2022, at Pittsburgh, Pennsylvania.

/s/ Brian Samuel Malkin
Brian Samuel Malkin

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2022, 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