

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

PIKE BRANDS LLC,

Plaintiff,

v.

TEEGEM, *et al.*,

Defendants.

Civil Action No. 22-cv-171

(Judge Colville)

**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 490 Broad Street, Pittsburgh, Pennsylvania 15143.

3. I am an attorney for the Plaintiff in the above-captioned case.

4. I make and submit this Declaration in support of Plaintiff 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. Concurrent with service of the Summons and Compliant, Plaintiff served all of the Defendants, with Requests for Admissions, which included, *inter alia*, the following:

**Plaintiff is the owner of U.S. Design Patent No. RE48,520 for TODDLER FORK.**

**Plaintiff is the owner of U.S. Design Patent No. RE48,743 for TODDLER FORK.**

**Plaintiff is the owner of U.S. Design Patent No. RE48,531 for TODDLER SPOON.**

**Plaintiff is the owner of U.S. Design Patent No. 799,280 for TODDLER SPOON.**

**You were on notice of the Plaintiff's Patents before you began manufacturing, offering for sale, selling, promoting, advertising, and otherwise distributing the Infringing Product.**

**You have intentionally infringed and continue to infringe at least one claim of the Plaintiff's Patents either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271, by making, using, selling, importing and/or offering to sell Infringing Products.**

**At all times relevant hereto, Plaintiff have the manufacturing and marketing capability to meet the consumer demand for the Plaintiff's Products.**

**In the absence of your sales of infringing or counterfeit products, consumers would have purchased Plaintiff's Products.**

Not one of the Defendants has responded to these Requests for Admissions. Thus, each request is deemed admitted.

6. I am informed and believe that none of the Defendants are infants or incompetent persons, and upon information and belief, the Servicemembers Civil Relief Act does not apply.

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 3rd day of November, 2022 at Pittsburgh, Pennsylvania.

/s/ Brian Samuel Malkin  
Brian Samuel Malkin