

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

PAWESOME PET PRODUCTS LLC, *et al.*,

Plaintiffs,

v.

CUTEBEAR STORE, *et al.*,

Defendants.

Civil Action No.

22-1063

(Judge Hornak)

**MOTION FOR ENTRY OF DEFAULT JUDGMENT AND PERMANENT
INJUNCTION¹**

Plaintiffs hereby move for entry of a Default Judgment and Permanent Injunction pursuant to Federal Rule of Civil Procedure 55(b)(2) against the Defendants set forth on **Schedule A** hereto, all of whom are in default. The grounds for this Motion are set forth in the accompanying Memorandum in Support.

Plaintiffs respectfully request the following relief against Defendants: 1) the entry of a final judgment and permanent injunction by default in order to prevent Defendants from infringing Plaintiffs' intellectual property rights in the future;² 2) award of \$2,128,500.00 against each Defendant, severally and distinctly, plus post-judgment interest; 3) a post-judgment asset restraining order and 4) an order authorizing the release and transfer of Defendants' frozen assets to satisfy the damages awarded to Plaintiffs.

An appropriate Proposed Judgment is filed herewith. The Court previously

¹ The is motion does not fully dispose of all the claims against all the Defendants. Pending is a consented order that extended the response deadlines for Joybuy, Joybuy America, Joybuy Express, Joybuy Selection (the "Joybuy Defendants")[ECF No. 37] providing the parties time to negotiate a resolution. If the parties are unable to resolve their claims, further appropriate motions will be filed with the Court.

² Plaintiffs hereby waive attorney's fees.

entered a Default Judgment and Permanent Injunction in the related cases of *Doggie Dental, Inc. v. CDOFFICE*, No. 22-629 (W.D. Pa., February 22, 2022(Hornak, CJ)) and *Doggie Dental, Inc. v. Avantdigital*, No. 22-1063 (W.D. Pa., February 22, 2022) (Hornak CJ), *Doggie Dental, Inc. v Ahui, et al.*, No. 19-cv-1627 (W.D. Pa., Sept. 27, 2021) (Hornak, CJ). The text of this Proposed Judgment is identical to the orders entered in those cases except Schedule A (identifying the defendants in this case) and B (identifying the accused product types) and the applicable Third-Party Service Providers and corresponding requested relief in Part IV of the Proposed Judgment. Additionally, since Plaintiffs are in the process of settling with some of the Defendants and those Defendants remain active, Plaintiffs have omitted them from the Proposed Judgment and requested that the bond remain in place until further Order of Court.

Respectfully submitted,

Dated: April 26, 2023

/s/ Stanley D. Ference III
Stanley D. Ference III
Pa. ID No. 59899
courts@ferencelaw.com

Brian Samuel Malkin
Pa. ID No. 70448
bmalkin@ferencelaw.com

FERENCE & ASSOCIATES LLC
409 Broad Street
Pittsburgh, Pennsylvania 15143
(412) 741-8400 – Telephone
(412) 741-9292 – Facsimile

Attorneys for Plaintiffs