

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

PAWESOME PET PRODUCTS LLC, *et al.*,

Plaintiffs,

v.

DREAMBLISS STORES, *et al.*,

Defendants.

Civil Action No.

22-1584

(Judge Hornak)

**RESPONSE TO ORDER AT ECF NO. 71**

Plaintiffs' response to each of the Court's notes, in sequence, in the Court's Order of ECF No. 71 follows:

(1) Plaintiffs have filed herewith an amended and red-lined Memorandum of Law, respectively, that supplement the originally filed Memorandum of Law with an appropriate discussion of the clerk's having properly entered default [ECF No. 55] as to the Defendants and the factual allegations establishing Defaulting Defendants liability.

(2) The conclusion section of Plaintiffs' Amended Memorandum of Law filed herewith has been modified to recite that the appropriate damages, as supported by the legally sufficient and uncontroverted evidence, are "trebled lost profits and convoyed sales consistent with 35 U.S.C. § 284."

(3) Plaintiffs and Defendant Most Wanted Merch have filed a Stipulated Dismissal at ECF No. 72 (awaiting gavel). Since Plaintiffs are no longer seeking claims or damages against the Defendant Most Wanted Merch, the affidavit/answer at ECF No. 62 does not impact the legally sufficient and uncontroverted evidence as established in Plaintiffs' Amended Memorandum. The evidence supporting the admitted damages is legally sufficient against the remaining defaulted defendants who failed to respond, cooperate in discovery, or participate in these proceedings.

(4) Having filed this Response and amended Memoranda, Plaintiffs believe that the Court should dispose of the pending motions at ECF Nos. 68 and 69 consistently with its rulings in the related cases (*see, e.g., Pawesome Pet Products LLC et al. v. CDOFFICE et al.*, No. 21-cv-271)(judgment granted on February 22, 2022)[ECF No. 151].

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Respectfully submitted,

Dated: June 8, 2023

/s/ Brian Samuel Malkin

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