

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

ALLSEASON ENTERPRISES, LLC,

Plaintiffs,

v.

MYKYTA MELNIK, LLC, *et al.*,

Defendants.

Civil Action No. 24-cv-921

(Judge Colville)

FILED UNDER SEAL

PLAINTIFFS' EXPEDITED INTERROGATORIES

AND NOW come Plaintiffs, by and through their attorneys, and serve the following Expedited Interrogatories on each Defendant in this action. In accordance with the Court Order dated July 3, 2024 ("TRO"), your responses are due no later than fourteen (14) days after these Interrogatories are served on you.

DEFINITIONS

1. Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Complaint, Plaintiffs' *Ex Parte* Application, and/or the TRO.
2. The terms "Defendant," "you," and "your" refer to the Defendant listed on Amended Schedule A, including all affiliates and subsidiaries, receiving these Interrogatories.
3. The terms "concerning" or "relating to" (or any forms thereof) mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating, or relevant to.

As indicated, the terms necessarily include information which is in opposition to as well as in support of the position(s) and claim(s) of the parties in this civil action.

4. The terms “communication” or “communications” refer to any transmission of information, the information transmitted, and any process by which information is transmitted, and will include written communications, electronic communications, and oral communications.

5. The term “person” refers to natural persons, firms, proprietorships, associations, partnerships, corporations and every other type of organization or entity.

6. The terms “document” or “documents” refer to all written, typed, printed, recorded, filmed or reproduced by any other mechanical process, photographic, or graphic matter of every type and description, however and by whomever prepared, produced, reproduced, disseminated, or made, in any form, whether originals or copies, now or formerly in your possession, custody, or control, including, but not limited to: letters; correspondence; e-mails; memoranda; records; books; minutes of all types of meetings; contracts; subcontracts; agreements; exhibits; attachments; intra-office and inter-office communications; analyses; bulletins; regulations, rules, directives, advisory opinions, manuals, proposals; estimates; recommendations; opinions; messages; instructions; notes; notebooks; measurements; designs; sketches; drawings; blueprints; data sheets; telephone records; tapes; computer stored data; computer disks; diaries; desk calendars; work sheets; reports; facsimiles; records of telephone conversations, meetings and conferences; notes and records of conversations or interviews; invoices; bills; statements; accounts; checks; drafts; notices; computer printouts; computer tapes; photographs; slides; negatives; motion pictures; video recordings; tape or other voice recordings and transcriptions thereof; data compilations from which information can be obtained, translated, if necessary, by you through detection devices into reasonably usable form; and any other

writings or recordings or data compilations from which information can be obtained in your actual or constructive possession, custody, or control, including drafts and multiple versions of documents containing marginalia or other comments or notes not appearing on the original. If any document was, but is no longer, in your possession or subject to your control, identify the document and identify its disposition, including, where applicable, the person who currently has possession and/or control of it.

7. The words “identify” or “identity” mean when used in reference to:
 - (a) a document, to state separately: (i) its type (letter, report, memorandum, etc.); (ii) its date; (iii) its subject matter; (iv) the identity of each author or signer; and (v) its present location and the identity of its custodian;
 - (b) an oral statement, communication, conference or conversation, to state separately: (i) its date and the place where it occurred; (ii) its substance; (iii) the identity of each person(s) participating in the communication or conversation; and (iv) the identity and location of all notes, memoranda or other documents memorializing, referring to or relating to the subject matter of the statement;
 - (c) a natural person or persons, to state separately: (i) the full name of each such person; (ii) his or her present or last known business address, or his or her present or last known residential address; and (iii) the employer of the person at the time to which the request or interrogatory is directed and the person’s title or position at that time; and
 - (d) an organization or entity (other than a natural person), a company, a corporation, a firm, an association, or a partnership, to state separately:
 - (e) the full name and type of organization or entity; (ii) the date and state of organization or incorporation, if a business entity; (iii) the address of each of its principal places of business and headquarters; and (iv) the nature of the business conducted or services rendered.
8. Respond separately and in writing to each interrogatory.
9. In answering these interrogatories, furnish all information that is known to you,

your attorneys, agents, advisers, employees or persons otherwise acting on your behalf. If any of these requests for information cannot be answered in full, answer them to the fullest extent

possible, state the reasons for your inability to answer the remainder, and state fully the information, knowledge, or belief you now have concerning the unanswered portions.

10. Each interrogatory shall be construed as referring to information now within the knowledge, possession, custody or control of you or your attorneys, agents, advisers, employees or persons otherwise acting on your behalf, as well as any information, knowledge, data, document, or communication that subsequently is obtained or discovered by you or by your attorneys, agents, advisers, employees or persons otherwise acting on your behalf, that demonstrates that any answer originally provided in response to these requests for information was either incorrect or incomplete. Such supplemental information is to be supplied promptly to the party propounding these interrogatories with a designation as to which request the information is responsive.

11. If you do not answer an interrogatory because you claim the information requested is privileged, as to each such interrogatory, state the privilege claimed, set forth the facts relied upon to support your claim of privilege, and identify each document and/or communication upon which you base your claim of privilege.

5. If any document forms a part of or the entire basis for any answer, identify that document.

6. If any responsive document or portion of a responsive document is withheld from production on a claim of privilege, work-product protection, or other discovery immunity, such document should be identified on a privilege log which states, as to each such document: the name, affiliation, and job title of its author(s); the name, affiliation, and job title of its recipient(s); the name, affiliation, and job title of any copyholder(s); the date of the document;

the basis for the claim of privilege, protection or immunity; and the request to which the document is responsive.

7. These interrogatories are ongoing and you are required to file supplemental answers and/or provide additional documents as additional information becomes available.

INTERROGATORIES

1. Identify yourself, including stating your true name and physical address.

ANSWER:

2. Identify the name and location and URL of any and all websites that you own and/or operate and the name, location, account numbers and URL for any and all User Accounts and Merchant Storefronts on any Third Party Service Provider platform that you own and/or operate.

ANSWER:

3. Identify each of your Financial Accounts, including stating the account details for each account, which should include the account numbers and current account balances.

ANSWER:

4. State the steps taken by you to comply with the TRO.

ANSWER:

5. Identify each infringing and/or knock-off product that you have sold.

ANSWER:

6. For each product identified by you in your answer to interrogatory number 5, state:

- (a) The identity of each individual involved in, or with knowledge of, the conception, research, and development of the product, including but not limited to the packaging in the products are packaged;
- (b) The date the product was launched, first sold, or offered for sale by you;
- (c) The number of units of products that you have sold since their launch, broken down by month;
- (d) The U.S. dollar sales that you have earned from the products since their launch, broken down by month;
- (e) The profits that you have earned from the products since their launch, broken down by month;
- (f) The identity of each individual with knowledge of the number of units sold, dollar sales, and profits that you have earned from the products since their launch;
- (g) The amount of products and/or packaging in which the products are packaged currently in inventory;
- (h) The identity of each entity involved in the research, conception, and/or development of the products and/or packaging in which the products are packaged;
- (i) The identity of each entity involved in manufacturing and/or supplying the products and/or packaging in which the products are packaged.

ANSWER:

/s/ Stanley D. Ference III

Stanley D. Ference III

Pa. ID No. 59899

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Brian Samuel Malkin

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PLAINTIFFS' EXPEDITED REQUESTS FOR PRODUCTION OF DOCUMENTS

AND NOW come Plaintiffs, by and through their attorneys, and serve the following Expedited Requests for Production of Documents on each Defendant in this action. In accordance with the Court Order dated July 3, 2024 ("TRO"), your responses are due no later than fourteen (14) days after these Requests for Production are served on you.

DEFINITIONS

1. Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Complaint, Plaintiffs' *Ex Parte* Application, and/or the TRO.
2. The terms "Defendant," "you," and "your" refer to the Defendant listed on Schedule A, including all affiliates and subsidiaries, receiving these Requests for Production.
3. The terms "concerning" or "relating to" (or any forms thereof) mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating, or relevant to.

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5. The term “person” refers to natural persons, firms, proprietorships, associations, partnerships, corporations and every other type of organization or entity.

6. The terms “document” or “documents” refer to all written, typed, printed, recorded, filmed or reproduced by any other mechanical process, photographic, or graphic matter of every type and description, however and by whomever prepared, produced, reproduced, disseminated, or made, in any form, whether originals or copies, now or formerly in your possession, custody, or control, including, but not limited to: letters; correspondence; e-mails; memoranda; records; books; minutes of all types of meetings; contracts; subcontracts; agreements; exhibits; attachments; intra-office and inter-office communications; analyses; bulletins; regulations, rules, directives, advisory opinions, manuals, proposals; estimates; recommendations; opinions; messages; instructions; notes; notebooks; measurements; designs; sketches; drawings; blueprints; data sheets; telephone records; tapes; computer stored data; computer disks; diaries; desk calendars; work sheets; reports; facsimiles; records of telephone conversations, meetings and conferences; notes and records of conversations or interviews; invoices; bills; statements; accounts; checks; drafts; notices; computer printouts; computer tapes; photographs; slides; negatives; motion pictures; video recordings; tape or other voice recordings and transcriptions thereof; data compilations from which information can be obtained, translated, if necessary, by you through detection devices into reasonably usable form; and any other

writings or recordings or data compilations from which information can be obtained in your actual or constructive possession, custody, or control, including drafts and multiple versions of documents containing marginalia or other comments or notes not appearing on the original. If any document was, but is no longer, in your possession or subject to your control, identify the document and identify its disposition, including, where applicable, the person who currently has possession and/or control of it.

7. The words “identify” or “identity” mean when used in reference to:
 - (a) a document, to state separately: (i) its type (letter, report, memorandum, etc.); (ii) its date; (iii) its subject matter; (iv) the identity of each author or signer; and (v) its present location and the identity of its custodian;
 - (b) an oral statement, communication, conference or conversation, to state separately: (i) its date and the place where it occurred; (ii) its substance; (iii) the identity of each person(s) participating in the communication or conversation; and (iv) the identity and location of all notes, memoranda or other documents memorializing, referring to or relating to the subject matter of the statement;
 - (c) a natural person or persons, to state separately: (i) the full name of each such person; (ii) his or her present or last known business address, or his or her present or last known residential address; and (iii) the employer of the person at the time to which the request or interrogatory is directed and the person’s title or position at that time; and
 - (d) an organization or entity (other than a natural person), a company, a corporation, a firm, an association, or a partnership, to state separately:
 - (e) the full name and type of organization or entity; (ii) the date and state of organization or incorporation, if a business entity; (iii) the address of each of its principal places of business and headquarters; and (iv) the nature of the business conducted or services rendered.

INSTRUCTIONS

1. Respond separately and in writing to each document request.
2. In answering these requests for information, furnish all information that is known to you, your attorneys, agents, advisers, employees or persons otherwise acting on your behalf. If

any of these requests for information cannot be answered in full, answer them to the fullest extent possible, state the reasons for your inability to answer the remainder, and state fully the information, knowledge, or belief you now have concerning the unanswered portions.

3. Each request for information shall be construed as referring to information now within the knowledge, possession, custody or control of you or your attorneys, agents, advisers, employees or persons otherwise acting on your behalf, as well as any information, knowledge, data, document, or communication that subsequently is obtained or discovered by you or by your attorneys, agents, advisers, employees or persons otherwise acting on your behalf, that demonstrates that any answer originally provided in response to these requests for information was either incorrect or incomplete. Such supplemental information is to be supplied promptly to the party propounding these requests for information with a designation as to which request the information is responsive.

4. If you do not answer a request for information because you claim the information requested is privileged, as to each such request, state the privilege claimed, set forth the facts relied upon to support your claim of privilege, and identify each document and/or communication upon which you base your claim of privilege.

5. If any document forms a part of or the entire basis for any answer, identify that document.

6. If any responsive document or portion of a responsive document is withheld from production on a claim of privilege, work-product protection, or other discovery immunity, such document should be identified on a privilege log which states, as to each such document: the name, affiliation, and job title of its author(s); the name, affiliation, and job title of its recipient(s); the name, affiliation, and job title of any copyholder(s); the date of the document;

the basis for the claim of privilege, protection or immunity; and the request to which the document is responsive.

7. These requests are ongoing and you are required to file supplemental answers and/or provide additional documents as additional information becomes available.

REQUESTS FOR PRODUCTION

1. Produce all documents sufficient to identify your true name and physical address.

RESPONSE:

2. Produce all insurance policies in effect at the time of the claims in this case.

RESPONSE:

3. Produce all documents concerning the name and location and URL of any and all websites that you own and/or operate and the name, location, account numbers and URL for any and all User Accounts and Merchant Storefronts on any Third Party Service Provider platform that you own and/or operate.

RESPONSE:

4. Produce all documents concerning your manufacture, sale and/or offer for sale of Infringing Products, including the complete sales records for any and all sales of Infringing Products, including number of units sold, price per unit, total gross revenues received (in U.S. dollars) and dates thereof.

RESPONSE:

5. Produce all documents sufficient to show the account details for any and all of your Financial Accounts, including the account numbers and current account balances.

RESPONSE:

6. Produce all documents concerning the steps taken by you to comply with the TRO.

RESPONSE:

7. For each Infringing Product identified by you in your answer to interrogatory number 5, produce a sample of the Infringing Product and all documents concerning:

- (a) the sales, profits, or revenue that you projected to earn from the product;
- (b) the number of units of product that you have sold;

- (c) the dollars sales that you have actually earned from the product;
- (d) the profits that you have actually earned from the product;
- (e) the launch or rollout of the product;
- (f) contracts you have with manufacturers or suppliers of the product and/or the packaging in which the product is packaged;
- (g) the manufacturers or suppliers of the product and/or the packaging in which the product is packaged; and
- (h) the customers to whom you sold the product and/or the packaging in which the product is packaged.

RESPONSE:

5. Produce all documents that refer to the Plaintiffs' Product as defined in the Complaint.

RESPONSE:

6. Produce all documents that refer to Plaintiff.



RESPONSE:

7. Produce all documents concerning any communications you or your agent had with Plaintiff or any representative of Plaintiff.

RESPONSE:

8. Produce all documents concerning any communications you or your agent had with any Third Party Service Provider.

RESPONSE:

9. Produce all documents concerning any of the CLEAN NUTRA & design (U.S. Reg. No. 7031116):  and CLEAN NUTRACEUTICALS & design (U.S. Reg. No. 7031117):  (“Plaintiff’s Marks”):

RESPONSE:

10. Produce all documents concerning the Plaintiff’s Works (U.S. Copyright Registration Nos. TX 9-367-638, TX 9-388-519, TX 9-388-522, TX 9-388-523, TX 9-389-848, TX 9-389-849, TX 9-394-790).

RESPONSE:

11. Produce all documents concerning communications from consumers that refer to the Plaintiff's Product, including but not limited to communications from consumers that indicate confusion as to the source or origin of the Plaintiff's Product and/or the Infringing Products.

RESPONSE:

12. Produce a copy of each web page on which you sold and/or offered for sale Infringing Products.

RESPONSE:

13. Produce all documents concerning communications from manufacturers, distributors, retailers, suppliers, vendors, or brokers about the Infringing Products.

RESPONSE:

14. Produce all documents concerning your customers for the Infringing Products, including documents sufficient to identify your customers.

RESPONSE:

/s/ Stanley D. Ference III

Stanley D. Ference III

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PLAINTIFFS' EXPEDITED REQUESTS FOR ADMISSIONS

AND NOW come Plaintiffs, by and through their attorneys, and serve the following Expedited Requests for Admissions on each Defendant in this action. In accordance with Fed. R. Civ. P. 26 and 36, and with the Court Order dated July 3, 2024 ("TRO"), your responses are due no later than fourteen (14) days after these Requests for Admissions are served on you.

DEFINITIONS

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writings or recordings or data compilations from which information can be obtained in your actual or constructive possession, custody, or control, including drafts and multiple versions of documents containing marginalia or other comments or notes not appearing on the original. If any document was, but is no longer, in your possession or subject to your control, identify the document and identify its disposition, including, where applicable, the person who currently has possession and/or control of it.

7. The words “identify” or “identity” mean when used in reference to:
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 - (b) an oral statement, communication, conference or conversation, to state separately: (i) its date and the place where it occurred; (ii) its substance; (iii) the identity of each person(s) participating in the communication or conversation; and (iv) the identity and location of all notes, memoranda or other documents memorializing, referring to or relating to the subject matter of the statement;
 - (c) a natural person or persons, to state separately: (i) the full name of each such person; (ii) his or her present or last known business address, or his or her present or last known residential address; and (iii) the employer of the person at the time to which the request or interrogatory is directed and the person’s title or position at that time; and
 - (d) an organization or entity (other than a natural person), a company, a corporation, a firm, an association, or a partnership, to state separately:
 - (e) the full name and type of organization or entity; (ii) the date and state of organization or incorporation, if a business entity; (iii) the address of each of its principal places of business and headquarters; and (iv) the nature of the business conducted or services rendered.

INSTRUCTIONS

1. Respond separately and in writing to each request.
2. These requests for admission shall be construed as referring to information now within the knowledge, possession, custody or control of you or your attorneys, agents, advisers,

employees or persons otherwise acting on your behalf, as well as any information, knowledge, data, document, or communication that subsequently is obtained or discovered by you or by your attorneys, agents, advisers, employees or persons otherwise acting on your behalf, that demonstrates that any answer originally provided in response to these requests for information was either incorrect or incomplete. Such supplemental information is to be supplied promptly to the party propounding these requests for information with a designation as to which request the information is responsive.

3. If you do not answer a request for admission because you claim the information requested is privileged, as to each such request, state the privilege claimed, set forth the facts relied upon to support your claim of privilege, and identify each document and/or communication upon which you base your claim of privilege.

4. If you deny a request for admission, set forth your reason and identify and produce any document relied upon in your denial.

REQUESTS FOR ADMISSIONS

1. At all times relevant hereto, Plaintiffs owned the common law trademark CLEAN NUTRA™ and registered trademarks CLEAN NUTRA & design (U.S. Reg. No. 7031116):



and CLEAN NUTRACEUTICALS & design (U.S. Reg. No. 7031117):



("Plaintiff's Marks") and Defendant knew that Plaintiffs had the exclusive right to use and license their intellectual property and the goodwill associated therewith.

ADMITTED: _____ **DENIED:** _____

2. At all times relevant hereto, Plaintiffs owned the common law trade dress rights comprising the organization, selection of the text, arrangement of the elements of the

creative artwork and colors for the label, the differently colored spheres containing abbreviations for various vitamins, minerals, and supplements, the black tree shaped background and the distinctly proportioned text for Plaintiff's Product, (the "Plaintiff's Trade Dress"):



and Defendant knew that Plaintiffs had the exclusive right to use and license their intellectual property and the goodwill associated therewith.

ADMITTED: _____ **DENIED:** _____

3. At all times relevant hereto, Plaintiffs Trade Dress had secondary meaning identifying Plaintiffs as the source of the products bearing it.

ADMITTED: _____ **DENIED:** _____

4. At all times relevant hereto, Plaintiffs owned the U.S. Copyright Reg. Nos. TX 9-367-638, TX 9-388-519, TX 9-388-522, TX 9-388-523, TX 9-389-848, TX 9-389-849, TX 9-394-790 all with the title "Multimineral Sea Moss Black Seed" published on October 15, 2022. ("Plaintiff's Works") and Defendant knew that Plaintiff had the exclusive right to use and license its intellectual property and the goodwill associated therewith.

ADMITTED: _____ **DENIED:** _____

5. Despite having the knowledge that you had no license or legal authority to do so, you engaged in the activity of promoting and otherwise advertising, selling, offering for sale, and/or distributing knock-off and or infringing goods featuring, displaying, and/or using Plaintiffs' Works and or Plaintiffs' Marks and/or using Plaintiff's Trade Dress without authorization under your Seller ID or Seller IDs.

ADMITTED: _____ **DENIED:** _____

6. You knew that you were copying Plaintiff's Works before you sold the infringing and/or knock-off products.

ADMITTED: _____ **DENIED:** _____

7. You knew that you were copying Plaintiff's Marks before you sold the infringing and/or knock-off products.

ADMITTED: _____ **DENIED:** _____

8. You knew you were infringing Plaintiffs' Trade Dress before you sold the infringing and/or knock-off products.

ADMITTED: _____ **DENIED:** _____

9. At all times relevant hereto, you were offering and selling infringing and/or knock-off goods in order to directly compete with Plaintiff's genuine goods.

ADMITTED: _____ **DENIED:** _____

10. You have been named as a defendant in past counterfeiting, infringing and/or knock-off cases.

ADMITTED: _____ **DENIED:** _____

11. You view the cost of defending this lawsuit and any damages that the Plaintiffs might recover as a cost of running your counterfeiting, infringing and/or knock-off selling business.

ADMITTED: _____ **DENIED:** _____

12. You intentionally copied and/or infringed on Plaintiff's Works.

ADMITTED: _____ **DENIED:** _____

13. You intentionally copied and/or infringed one or more of Plaintiffs' Marks, in order to benefit from the Plaintiffs' fame, reputation, and goodwill to divert Plaintiffs' profits into your business.

ADMITTED: _____ **DENIED:** _____

14. You intentionally copied and/or infringed Plaintiffs' BTrade Dress to unfairly compete and/or in order to benefit from the Plaintiffs' fame, reputation, and goodwill to divert Plaintiffs' profits into your business.

ADMITTED: _____ **DENIED:** _____

15. You cooperated, coordinated, and communicated with the other Defendants in order to take control of the search results for "SEA MOSS" and/or "SEAWEED" or other confusingly similar terms when used with Plaintiff's Trade Dress, all of which were calculated to cause the online platform search engine to return your infringing and/or knock-off listing instead of Plaintiffs' genuine goods when a buyer searched for those terms.

ADMITTED: _____ **DENIED:** _____

16. At all times relevant hereto, you have been engaged in the fraudulent promotion, advertisement, distribution, offering for sale, and/or sale of goods that are knock-offs, infringements, and/or substandard copies of Plaintiff's genuine goods.

ADMITTED: _____ **DENIED:** _____

17. You intentionally make, use, offer to sell, or import into the United States infringing, knock-off and substandard copies of Plaintiff's genuine goods with English language packaging and instructions.

ADMITTED: _____ **DENIED:** _____

18. You made more than \$50,000.00 (United States Dollars) in profit on the sales of products that infringe on the Plaintiff's Works.

ADMITTED: _____ **DENIED:** _____

19. You made more than \$1,000,000.00 (United States Dollars) in profit on the sales of products that infringe on the Plaintiff's Works.

ADMITTED: _____ **DENIED:** _____

20. You made more than \$2,000,000.00 (United States Dollars) in profit on the sales of products that infringe on the Plaintiff's Works.

ADMITTED: _____ **DENIED:** _____

21. You made more than \$50,000.00 (United States Dollars) in profit on the sales of products that infringe on one or more of the Plaintiff's Marks.

ADMITTED: _____ **DENIED:** _____

22. You made more than \$1,000,000.00 (United States Dollars) in profit on the sales of products that infringe on one or more of the Plaintiff's Marks.

ADMITTED: _____ **DENIED:** _____

23. You made more than \$2,000,000.00 (United States Dollars) in profit on the sales of products that infringe on one or more of the Plaintiff's Marks.

ADMITTED: _____ **DENIED:** _____

24. You made more than \$50,000.00 (United States Dollars) in profit on the sales of products that infringe on the Plaintiff's Trade Dress.

ADMITTED: _____ **DENIED:** _____

25. You made more than \$1,000,000.00 (United States Dollars) in profit on the sales of products that infringe on the Plaintiff's Trade Dress.

ADMITTED: _____ **DENIED:** _____

26. You made more than \$2,000,000.00 (United States Dollars) in profit on the sales of products that infringe on the Plaintiff's Trade Dress.

ADMITTED: _____ **DENIED:** _____

27. You began selling the infringing goods after Plaintiffs obtained their federal registration for the Plaintiff's Works.

ADMITTED: _____ **DENIED:** _____

28. You began selling the knock-offs after Plaintiffs began using one or more of the Plaintiff's Marks.

ADMITTED: _____ **DENIED:** _____

29. You began selling the knock-offs and/or infringing goods after Plaintiffs began using the Plaintiff's Trade Dress.

ADMITTED: _____ **DENIED:** _____

30. At all times relevant hereto, you knew you were infringing on one or more of the Plaintiff's Marks before you began selling the infringing and/or knock off goods.

ADMITTED: _____ **DENIED:** _____

31. At all times relevant hereto, you knew that you were copying Plaintiffs' Works before you sold your infringing and/or knock-off goods.

ADMITTED: _____ **DENIED:** _____

32. At all times relevant hereto, you knew you were unfairly competing by using Plaintiff's Trade Dress without their authorization or consent before you sold your knock-offs or infringing products.

ADMITTED: _____ **DENIED:** _____

33. You knew that you were copying one or more of the Plaintiff's Marks before you sold your infringing and/or knock-off goods.

ADMITTED: _____ **DENIED:** _____

34. You literally copied (*verbatim*) the Plaintiff's Works in promoting, advertising and offer for sale, selling and producing the knock-off and/or infringing goods.

ADMITTED: _____ **DENIED:** _____

35. You manufactured, offered for sale and sold products whose trade dress were identical or confusingly similar to the Plaintiff's Trade Dress.

ADMITTED: _____ **DENIED:** _____

36. You have sold more than 50,000 units of that infringe on the Plaintiff's Works.

ADMITTED: _____ **DENIED:** _____

37. You have sold more than 50,000 units of goods that infringe on one or more of the Plaintiff's Marks.

ADMITTED: _____ **DENIED:** _____

38. You have sold more than 50,000 units of goods that infringe on the Plaintiff's Trade Dress.

ADMITTED: _____ **DENIED:** _____

39. You have sold more than 100,000 units of goods that infringe on the Plaintiff's Works.

ADMITTED: _____ **DENIED:** _____

40. You have sold more than 100,000 units of goods that infringe on one or more of the Plaintiff's Marks.

ADMITTED: _____ **DENIED:** _____

41. You have sold more than 100,000 units of goods that infringe on the Plaintiff's Trade Dress.

ADMITTED: _____ **DENIED:** _____

42. You have sold more than 150,000 units of goods that infringe on the Plaintiff's Works.

ADMITTED: _____ **DENIED:** _____

43. You have sold more than 150,000 units of goods that infringe on one or more of the Plaintiff's Marks.

ADMITTED: _____ **DENIED:** _____

44. You have sold more than 150,000 units of goods that infringe on the Plaintiff's Trade Dress.

ADMITTED: _____ **DENIED:** _____

45. At all times relevant hereto, Plaintiff's Amazon listing displayed the #1 Seller badge for the Plaintiff's Product.

ADMITTED: _____ **DENIED:** _____

46. The consumer demand for the Plaintiff's Product is based upon its unique features which comprise the Plaintiffs' intellectual property.

ADMITTED: _____ **DENIED:** _____

47. In the absence of your sales of infringing and/or knock-off products, consumers would have purchased Plaintiff's genuine goods.

ADMITTED: _____ **DENIED:** _____

48. But for your sales of illegal infringing and/or knock-off products, Plaintiffs would have made each sale in place of the sale you made of the products.

ADMITTED: _____ **DENIED:** _____

49. Your illegal sales of infringing and/or knock-off products have eroded Plaintiff's market share.

ADMITTED: _____ **DENIED:** _____

50. Your sales of substandard infringing and/or knock off products have undermined and damaged Plaintiff's reputation and goodwill associated with its products.

ADMITTED: _____ **DENIED:** _____

51. Your unfair competition has driven the market price of Plaintiff's' genuine goods down.

ADMITTED: _____ **DENIED:** _____

52. But for your infringement of Plaintiff's substandard infringing and/or knock off products, Plaintiff would have made each sale you made instead.

ADMITTED: _____ **DENIED:** _____

53. Plaintiffs did not assign, consent, or license to you any of their intellectual property rights, including the right to use the Plaintiff's Works , the Plaintiff's Marks, or the Plaintiff's Trade Dress.

ADMITTED: _____ **DENIED:** _____

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