

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

MICHELLE E. DESOUSA, et al.,

Plaintiffs,

v.

SMART726, et al.,

Defendants.

Civil Action No. 24-1653

(Judge Stickman)

MOTION FOR ENTRY OF DEFAULT JUDGMENT AND PERMANENT INJUNCTION

In accordance Federal Rule of Civil Procedure 55(b)(2), Plaintiff respectfully submits this Motion for Default Judgment and Permanent Injunction against the defaulting Defendants set forth on Attachment “A” (hereinafter collectively referred to as “Defendants” or individually as “Defendant”).¹ The grounds for this Motion are set forth in the accompanying Memorandum in Support.

Plaintiff respectfully requests the following relief against Defendants: 1) the entry of a final judgment of \$3,000,000.00 against each individual Defendant as listed on Schedule A for disgorgement of their admitted profits for their intentional patent infringement under Count I of the Complaint, and against some of the Defendants for their intentional unfair competition under Federal Unfair Competition under Count II and Pennsylvania unfair competition under Count III², and a permanent injunction in order to prevent Defendants from infringing Plaintiff’s

¹ This Default Judgment does not dispose of the claims against all the Defendants. Several are still in negotiations and have not been defaulted.

² Defendant Nos. 66, 116, 117, and 118 used Plaintiff’s photographs, artwork, and promotional materials to advertise and promote their Infringing Products are named in Counts II (Federal Unfair Competition) and III (Pennsylvania Unfair Competition) of the Complaint. However, since the damages for patent infringement and unfair competition are disgorgement of the identical admitted profits, without waiving any of its claims under Counts II, or III, Plaintiff elects to seeks damages under Count I only.

intellectual property rights in the future; 2) a post-judgment asset restraining order; and 3) an order authorizing the release and transfer of Defendants' frozen assets to satisfy the damages awarded to Plaintiff. A proposed Order granting the relief sought is submitted herewith.

Respectfully submitted,

Dated: January 22, 2025

/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 Plaintiff