

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

TOKA, LLC,

Plaintiff,

v.

MILESSTORE, *et al.*,

Defendants.

Case No.

FILED UNDER SEAL

DECLARATION OF CATHERINE JOYNT

I, Catherine Joynt, hereby declare and state as follows:

1. I am over eighteen (18) years of age. I have never been convicted of a felony or any criminal offense involving moral turpitude, and I am fully competent to testify to the matters stated herein. This declaration is based upon my personal knowledge of the facts stated herein or on the business records that were made at the time or in the regular course of business. If called as a witness, I could and would testify to the statements made herein.

2. I am the CEO, Co-founder, and Managing Member of Toka LLC, the Plaintiff in this lawsuit, and the maker of the EZ OUTLET® outlet extender. I personally operate and manage the company's independent website, "ezoutlet.com," as well as the Amazon.com and Walmart.com online marketplaces. I make this declaration from matters within my knowledge save where otherwise stated.

3. I make this declaration in support of Plaintiff's *Ex Parte* Application for Entry of a Temporary Restraining Order and Preliminary Injunction against Defendants, the Individuals, Partnerships, and Unincorporated Associations identified on **Schedule "A"** to the Complaint.

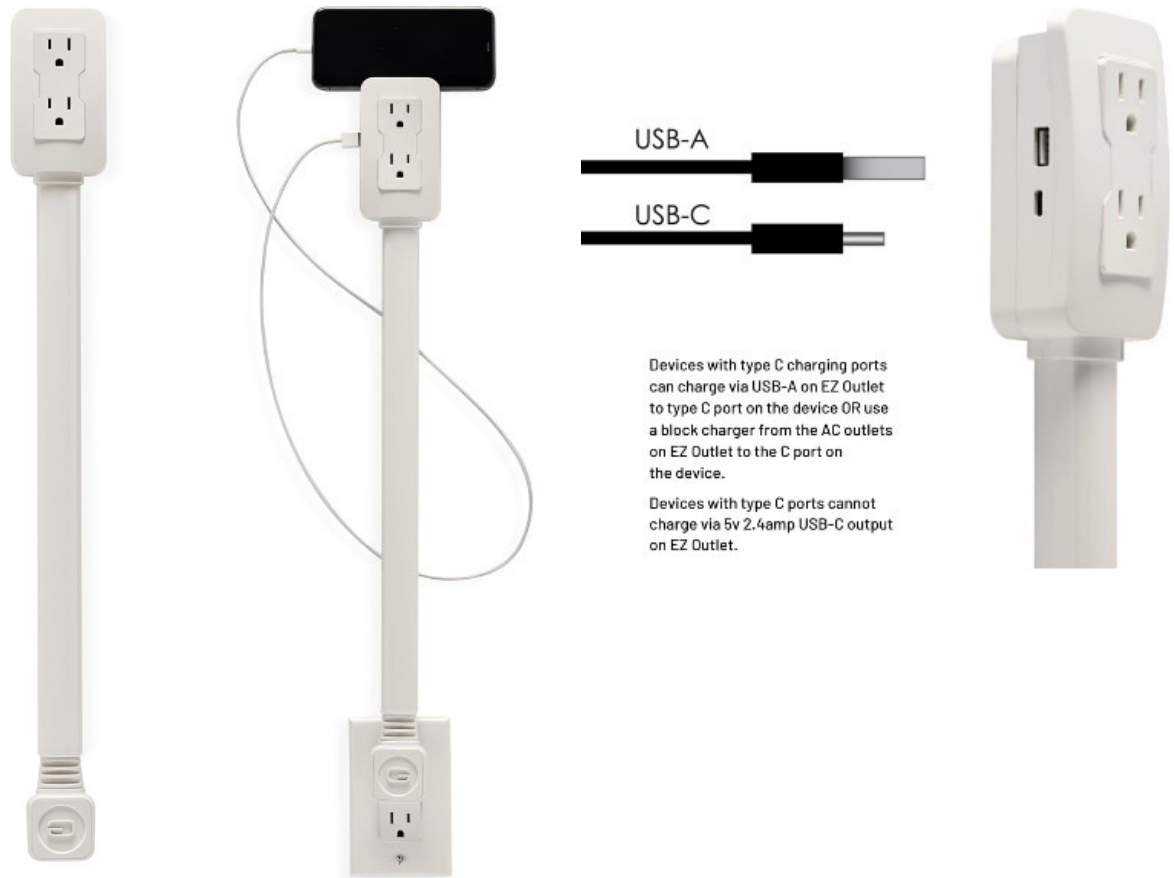
4. The EZ OUTLET[®] outlet extender is sold by Toka LLC to Pennsylvania customers. Wikipedia states that Pennsylvania is the fifth most populous state in the United States. <https://en.wikipedia.org/wiki/Pennsylvania> (last visited April 30, 2025).

5. Tony Matthew Galazin is the inventor of the EZ OUTLET[®] and named Plaintiff as the assignee on the patent documents therefore establishing Plaintiff as the legal owner of the patent and granting it exclusive rights to the claims therein.

6. Plaintiff is the owner of U.S. Patent No. D1,006,758 for OUTLET EXTENDER (issued Dec. 5, 2023), the EZ OUTLET[®] design patent (the “Design Patent”), and U.S. Patent No. 12,155,158 for WALL MOUNTING OUTLET EXTENDER (issued Nov. 26, 2024), the EZ OUTLET[®] utility patent (the “Utility Patent”). The innovative features of Plaintiff’s Product are the subject of these patents of which true and correct copies are attached to the Complaint as **Exhibit 1**.

7. Plaintiff’s innovative outlet extender is a “rotatable and/or telescopic power outlet extender that may be used to relocate a wall power outlet to multiple other positions on the wall.” The design is intended to allow for relocation of a wall power outlet to a different location without requiring electrical work or professional installation, without cluttering surrounding surfaces, and that can be repositioned or remounted to accommodate changing needs.

8. Some of the innovative patented features of Plaintiff’s product include a built-in ledge to provide a convenient place to charge a phone, 1 USB-A and 1 USB-C connection, and 180° plug rotation, damage-free Velcro Command Strips to attach the extender to the wall, a maximum extension of 34”, and requires no installation. Plaintiff’s product retails for \$49.95 (Pictured below):



9. The unique features of Plaintiff's Product, including, the distinct photographs, the design, the instructions, the packaging, and the unique presentation of the product, all comprise Plaintiff's valuable intellectual property ("IP") and all have become distinct in consumers' minds such that consumers associate all of this IP with Plaintiff's Product.

10. Plaintiff advertises, sells, and distributes the EZ OUTLET® electrical outlet extender using the Amazon.com and Walmart.com online marketplace and its own independent retail website. Various true and correct screenshots of Plaintiff's Website and Marketplace Storefronts are attached to the Complaint as **Exhibit 2**.

11. Plaintiff's Product is sold under the brand name EZ OUTLET®, and is widely legitimately advertised and promoted by Plaintiff and its authorized distributors via the Internet.

Over the past several years, visibility on the Internet, particularly via Internet search engines such as Google, Yahoo!, and Bing has become increasingly important to Plaintiff's overall marketing.

12. Thus, Plaintiff and its authorized distributors expend significant monetary resources on Internet marketing, including search engine optimization ("SEO") strategies that allow Plaintiff to educate consumers fairly and legitimately about the value associated with Plaintiff's brand the outlet extender sold thereunder. Similarly, Defendants' individual seller's stores are indexed on search engines and compete directly with Plaintiff for space in the search results.

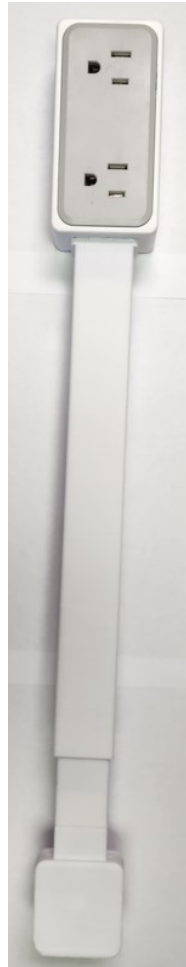
13. Certain Defendants use the AliExpress, Amazon, eBay, Walmart, and Wish online marketplaces using the seller identities and store names set forth on **Schedule "A"** to willfully infringe the claims of U.S. Patent No. D1,006,758 ("Plaintiff's Patent") by offering for sale Plaintiff's EZ OUTLET[®] outlet extender ("Infringing Products") while other defendants falsely advertise competing goods.

14. Due to the success of Plaintiff's Product, Plaintiff has become the target of multiple infringers seeking to profit from the goodwill and reputation enjoyed by Plaintiff's Product. Defendants have flooded the market with cheap imitations of far inferior quality and have caused Plaintiff's sales and profits to plummet.

15. Defendants' advertise, offer for sale, sell, and distribute three variations of the Infringing Products and/or Falsely Advertised Products with each having slightly different features. Exemplary photographs of each variation of the Infringing Products are included below:



Type 1



Type 2



Type 3

16. I understand certain defendants (those identified in **Count I** of the Complaint) utilize images of the EZ OUTLET[®] in the advertisements for their products. The design of the EZ OUTLET[®] is protected by the EZ OUTLET[®] design patent, U.S. Patent No. D1,006,758. Put another way, the EZ OUTLET[®] outlet extender infringes U.S. Patent No. D1,006,758. Figure 1 of U.S. Patent No. D1,006,758 together with images of the full EZ OUTLET[®] outlet extender and the receptacle portion are shown below.

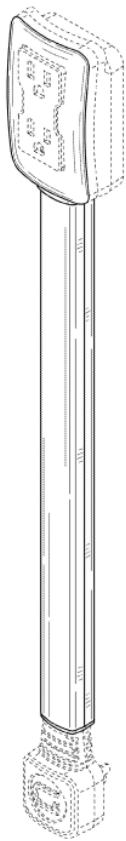


FIG. 1



17. The EZ OUTLET[®] outlet extender has obtained and continue to obtain safety certifications from Intertek, a Nationally Recognized Testing Laboratory (NRTL) in the United States. This certification is reflected in the Intertek “ETL” certification mark that Toka places onto each of its EZ OUTLET[®] outlet extenders; sets forth on its product packaging of its EZ OUTLET[®] outlet extender; and described in the Amazon.com product listing of its EZ OUTLET[®] outlet extenders.

18. Plaintiff has established a reputation for high-quality and safe products among consumers because of their elective compliance with these standards. Plaintiff includes such certifications in product advertisements thus establishing a strong affiliation between product safety and the products manufactured, sold, and distributed under the EZ OUTLET[®] brand.

19. This ETL certification mark certifies that the EZ OUTLET[®] outlet extenders conform to applicable UL (Underwriter Laboratories) Standards relating to structure, design, and safety profile of an electrical device. In order for the EZ OUTLET[®] outlet extenders to maintain their ETL safety certification, and the right to display the ETL certification mark, the EZ OUTLET[®] outlet extenders must undergo periodic, rigorous testing by Toka, and random, quarterly inspections by Intertek.

20. I have worked extensively on Toka safety certification matters from the inception of the company and I have direct familiarity and experience with the corresponding industry safety standards, testing procedures, certification requirements of applicable UL Standards, and mandatory protocol for displaying the ETL certification mark,

21. There is no certification mark of any Nationally Recognized Testing Laboratory on the packaging of defendants' products, among the many other ways that the defendants' products fail to comply with applicable UL 498-A. As a result, it was and is clear to me that defendants' products lack verifiable, genuine safety certification under applicable UL Standard 498-A.

22. I did notice that a component of the defendants' Type 3 products – the plug pig-tail (or cord) – bears a UL certification mark for both the United States and Canada, number E330321, and a model number KE-301:



23. Upon looking up on the UL certification directory (<https://productiq.ulprospector.com/en/search>) the UL certification number with the model number KE-301, I discovered that *none of the fully assembled type 3 defendants' products are certified under any UL standard in the United States*. The only result was under this model number was under the product description “cord sets and power-supply cords certified for Canada” and the company name was Dongguan Kunze Electronics Co Ltd.

24. As a double check, I also looked up on the UL certification director the UL certificate number E330331 and discovered that while there were two listings in the United States under the product description “cord sets and power-supply cords,” under company name Dongguan Kunze Electronics Co. Ltd. no model numbers were listed (“none listed”).

25. The use of a visible UL certification mark on a component of a fully assembled products deceives the consumer into believing the fully assembled product itself is certified as meeting applicable UL safety standards.

26. Defendants are providing consumers with goods that are of a far inferior quality than Plaintiff's. Defendants are placing consumers at risk of experiencing hazards such as electrical fires or shock. Aside from these risks, poorly designed and manufactured products such as Defendants' products disappoint customers who then give the EZ OUTLET® outlet extender a bad review.

27. Plaintiff has been forced to police the various Internet marketplaces to identify and seek takedowns of unlawful listings for the Infringing Products since allowing the unlawful listings to continue is causing damage to Plaintiff's reputation and bottom line. Some Defendants sell their infringing products at a fraction of the controlled retail price. Because of the software provided by the various Internet Marketplaces, the lowest priced items are sorted to the top and/or promoted by the software and then purchased by the consumers. Plaintiff's Product is thus ignored.

28. The Defendants' products threaten to destroy the reputation of high quality that Plaintiff's Products have earned.

29. Defendants do not have, nor have they ever had, the right or authority to use Plaintiff's Patent. Defendants' unlawful activities have deprived and continue to deprive Plaintiff of its rights to control its IP. By their activities, Defendants are defrauding Plaintiff and the consuming public for Defendants' benefit. Defendants should not be permitted to continue their unlawful activities, which are causing Plaintiff ongoing irreparable harm. Accordingly, Plaintiff is seeking entry of a temporary restraining order prohibiting Defendants' further wrongful infringement.

30. Given Defendants' use of Plaintiff's Patent, the Defendants' products are indistinguishable to consumers, both at the point of sale and post-sale and is causing and will continue to cause Plaintiff's irreparable harm and damage.

31. The infringements of Plaintiff's IP devalue the Plaintiff's Patent and product by associating it with inferior quality goods, and it undermines the value of the Plaintiff's IP by creating the impression that infringement may be undertaken with impunity which threatens Plaintiff's ability to attract investors and markets for the Plaintiff's Products.

32. Upon information and belief, the Defendants identified in **Schedule "A"** of the Complaint, were and/or are currently manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale and or/selling non genuine, knock-off versions of Plaintiff's Product, with the non-genuine, copies of Plaintiff's Product directed to U.S. consumers, including those consumers in Pennsylvania, through their e-commerce stores.

33. None of the identified Defendants are authorized re-sellers of genuine version of Plaintiff's Product. Moreover, none of the identified Defendants are authorized to manufacture, import, export, advertise, offer for sale, or sell Plaintiff's Products or knock-offs. Further, Plaintiff never consented or granted permission to any of the identified Defendants to use Plaintiff's Patent.

34. Defendants' actions have caused and will continue to cause, in the event the requested relief is not granted, irreparable harm to Plaintiff's goodwill and reputation as well as to the unassuming consumers who will continue to believe that the Defendants cheaply produced, inferior, and typically faulty infringing products and knock-offs are produced, authorized, approved, endorsed or licensed by Plaintiff, when they are not.

35. Defendants' intentional and illegal conduct, including offering for sale and selling inferior infringing knock-offs into the U.S. and the Commonwealth of Pennsylvania has caused lost profits to Plaintiff and damaged the inherent value of Plaintiff's business, by diluting the brand and goodwill, damaging Plaintiff's reputation for providing high quality products, and interfering

with Plaintiff's relationships with its customers and authorized resellers, as well as impeding Plaintiff's ability to attract new customers and business.

36. All the injuries and damages described above are taking place in the United States, including in Pittsburgh, Allegheny County, Pennsylvania.

37. In addition to trying to stop the injuries and damages caused to Plaintiff's business, Plaintiff is also seeking in this lawsuit to protect purchasers from potentially confusing or disappointing purchases.

38. I have worked with Plaintiff's legal counsel in this case to assist them in identifying knock-off products and have provided them with various leads in order to find the various outlets for the infringing and knock-off products. If called upon by the Court, Plaintiff's legal counsel is able to explain additional differences between the genuine version of Plaintiff's Product and the knock-off products by the identified Defendants.

39. To be sure that none of the Defendants receive advance notice of the relief and remedies requested in Plaintiff's Complaint or the *Ex Parte* Application for Entry of a Temporary Restraining Order and Preliminary Injunction in this case, neither I nor anybody else working for Plaintiff have publicized the filing of this lawsuit.

I declare under penalty of perjury that the foregoing is true and correct.

Signed: /s/ Catherine Joynt
Catherine Joynt

Dated: May 1, 2025