

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

TANYA PAGET,

Plaintiff,

v.

AMXYFBK, *et al.*,

Defendants.

Case No. 25-cv-1106

**FILED UNDER SEAL**

**DECLARATION OF TANYA PAGET**

I, TANYA PAGET, declare and state as follows:

1. 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 artist that created the Cloud Urchins / Rain Spots Work and am the Plaintiff in this lawsuit. I make this declaration from matters within my knowledge save where otherwise stated.

3. I am an artist and designer who produces work under the names “Tanya Paget” and “Albaquirky.” I have been involved in the art and design world, whether professionally or for pleasure, for my entire life. I have been a fine artist, designer, maker, and educator. I have designed patterns and art for companies like Paperchase, Feathr, and MTV. I am also in the brand-new Liberty Book – the first edition of their bi-annual coffee table publication – in a feature on the #libertyopencall competition, sharing the work of surface patterns designers that caught the judges eye. Through my previous work I fine-tuned my visual language and developed a strong sense of how others connect with my work. I also learned that I love using my work to show others the joy

that can be found in the shapes, colors, marks, patterns, expression, meaning, connections, and individuality of art.

4. This led me to set up the Albaquirky label to make products that people can use to express their own identity and individuality. I produce patterns and designs that are wearable and useable, but still a little different. The name of the label comes from my roots as a Scot (Alba) and my continued creative fascination with the Scottish landscape (which often comes through in my work) and what I want to offer with my designs; quirkiness, something a little different, patterns for individuals.

5. I am the official source of products associated with the Cloud Urchins / Rain Spots Work (the “Cloud Urchins / Rain Spots Products”):



<https://www.albaquirky.com/abstract-and-geo>

6. I am the owner of a copyright registration that is identified by United States Copyright Registration No. VA 2-432-866 (the “Cloud Urchins / Rain Spots Work”). A true and correct copy of the copyright registration for Cloud Urchins / Rain Spots Work is attached to the Complaint as **Exhibit 1**.



7. I control the quality of all materials and content that feature the distinctive Cloud Urchins / Rain Spots Work.

8. Substantial time, money, and other resources have been expended in developing, advertising, licensing, and otherwise promoting the Cloud Urchins / Rain Spots Work. As a result, the image is widely recognized and exclusively associated by consumers, the public, and the trade with me.

9. The success and acclaim of the Cloud Urchins / Rain Spots Work has resulted in significant infringement of my copyright. Consequently, an anti-pirating program has been implemented to investigate suspicious websites and online marketplace listings identified in proactive internet sweeps. Various marketplace listings have been identified on multiple platforms, including the internet stores identified in Schedule A attached to the Complaint (“Defendant Internet Stores”), which were offering for sale, selling, and/or importing unauthorized copies of the Cloud Urchins / Rain Spots Work to consumers in this judicial district and throughout the United States.

10. I am aware of investigations related to internet-based infringement of the Cloud Urchins / Rain Spots Work. The investigations show that Defendants are using the Defendant Internet Stores to sell infringing reproductions of the Cloud Urchins / Rain Spots Work from foreign countries such as China to consumers in the United States. I, or someone working under my direction, analyzed the Defendant Internet Stores and determined that products featuring

infringing reproductions of the Cloud Urchins / Rain Spots Work were being offered for sale to the United States, including Pennsylvania. The Defendants and their websites do not conduct business with me and do not have the right or authority to use the copyright for any reason. Below is a side-by-side comparison of the Cloud Urchins / Rain Spots Work and an example image used by Defendants that infringes copyrighted Cloud Urchins / Rain Spots Work:

Reg. Number	Title of Work	Copyrighted Work	Defendants' Image
VA 2-432-866	CLOUD URCHINS / RAIN SPOTS		 Def. #1-79

11. Monetary damages alone cannot adequately compensate me for Defendants' ongoing infringement because monetary damages fail to address the loss of control of and damage to my reputation, goodwill, and control over the nature of the derivative works made using my copyrighted material. Furthermore, monetary damages are difficult, if not impossible, to completely ascertain due to the inability to fully quantify the monetary damage caused to my reputation and goodwill by acts of infringement.

12. My goodwill and reputation are irreparably damaged when the Cloud Urchins / Rain Spots Work is used on unauthorized goods. I am further irreparably harmed by the unauthorized use of the copyrighted Cloud Urchins / Rain Spots image as infringers take away my

ability to control the nature and quality of products bearing the Cloud Urchins / Rain Spots Work and derivative works.

13. I am further irreparably damaged due to a loss of exclusivity. The copyright rights in the Cloud Urchins / Rain Spots Work are meant to be exclusive rights.

14. The marketing and distribution of the Cloud Urchins / Rain Spots Work and derivative works are aimed at growing and sustaining sales. When infringers use the Cloud Urchins / Rain Spots Work without authorization, the exclusivity associated with the image, as well as my reputation, is damaged and eroded, resulting in a loss of unquantifiable future sales.

15. Uncontrolled profiteering and pirating of the Cloud Urchins / Rain Spots Work creates the impression that the copyright rights associated with the Cloud Urchins / Rain Spots Work may be infringed with impunity. The Cloud Urchins / Rain Spots Work is distinctive and signifies to consumers that products authorized are authorized by me and are manufactured to my high-quality standards. The devaluing of the intellectual property associated with the Cloud Urchins / Rain Spots Work cannot be compensated for financially since it erodes my ability to monetize the Cloud Urchins / Rain Spots Work.

16. I will suffer immediate and irreparable injury, loss, or damage if an *ex parte* Temporary Restraining Order is not issued in accordance with Federal Rule of Civil Procedure 65(b)(1).

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

Executed on Jun 11, 2025

*Tanya Paget*

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Tanya Paget