

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

SUSAN WINGET,

Plaintiff,

v.

FUSEN, *et al.*,

Defendants.

Case No. 25-cv-1220

FILED UNDER SEAL

DECLARATION OF SUSAN WINGET

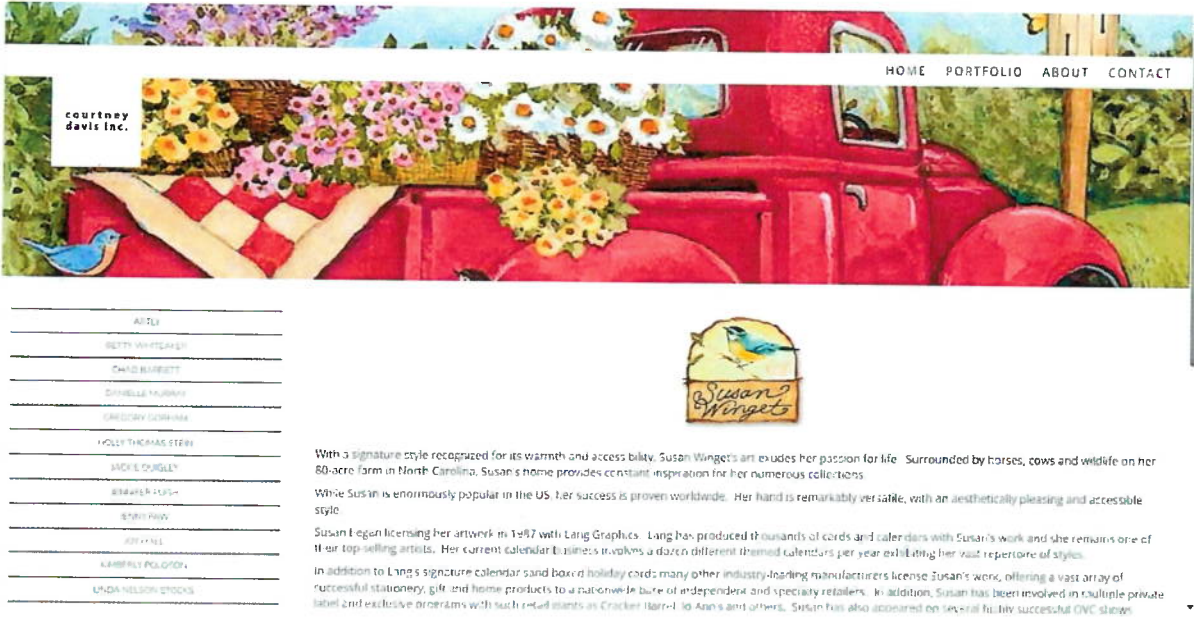
I, SUSAN WINGET, declare and state as follows:

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 Santa Truck Work and 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 name "Susan Winget." My signature style is recognized for its warmth and accessibility and exudes my passion for life. I am inspired by horses, cows, and wildlife on my 80-acre farm in North Carolina. My work is enormously popular in the United States, but my success is also proven worldwide. I began licensing my artwork in 1987 with Lang Graphics and remain one of their top-selling artists. My art has appeared on calendars, holiday cards, stationery, and gift and home products. I have worked with retailers such as Cracker Barrel, Jo-Ann's and others. My work has also been featured at the White House, Colonial Williamsburg, and the National Trust.

4. I am the official source of products associated with the Santa Truck Work (the "Santa Truck Products"):



<https://courtneydavis.com/artist-bio/susan-winget/>

5. I am the owner of a copyright registration that is identified by United States Copyright Registration No. VA 2-423-064 (the “Santa Truck Work”). A true and correct copy of the copyright registration for the Santa Truck Work is attached to the Complaint as **Exhibit 1**.



6. I control the quality of all materials and content that feature the distinctive Santa Truck Work.

7. Substantial time, money, and other resources have been expended in developing, advertising, licensing, and otherwise promoting the Santa Truck Work. As a result, the image is widely recognized and exclusively associated by consumers, the public, and the trade with my professional identity as an artist.

8. The success and acclaim of the Santa Truck 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 Santa Truck Work to consumers in this judicial district and throughout the United States.

9. I am aware of investigations related to internet-based infringement of the Santa Truck Work. The investigations show that Defendants are using the Defendant Internet Stores to sell infringing Santa Truck Products 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 infringing Santa Truck Products 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 copyrights for any reason. Below is a side-by-side comparison of the Santa Truck Work and examples of Defendants' products reviewed that embody the copyrighted Santa Truck Work:

Reg. Number	Title of Work	Copyrighted Work	Defendants' Image
VA 2-423-064	Santa Truck		 Def #1-167

10. Monetary damages alone cannot adequately compensate me for the 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.

11. My goodwill and reputation are irreparably damaged when the Santa Truck Work is used on unauthorized goods. I am further irreparably harmed by the unauthorized use of the Santa Truck copyrighted material because infringers take away my ability to control the nature and quality of products bearing the Santa Truck Work and derivative works.

12. I am further irreparably damaged due to a loss of exclusivity. The copyright rights in the Santa Truck Work are meant to be exclusive rights.

13. The marketing and distribution of the Santa Truck Work and derivative works are aimed at growing and sustaining sales. When infringers use the Santa Truck Work without authorization, the exclusivity associated with the Santa Truck Work, as well as my reputation, is damaged and eroded, resulting in a loss of unquantifiable future sales.

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

15. 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

Susan Winget - Winget Art Studio

Susan Winget