

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

BARTLEY FORBES,

Plaintiff,

v.

JINGJINGWANG, et al.,

Defendants.

Case No. 25-cv-1494

FILED UNDER SEAL

DECLARATION OF BARTLEY FORBES

I, Bartley Forbes, 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 Ben Hogan 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 that produces work under the names "Bartley J. Forbes" and "Bart Forbes". I graduated from the University of North Carolina with a degree in art, went on to serve in the U.S. army, and then attended the Art Center School of Design in California where I studied illustration. I got my first job as a working artist in 1968 with a small design studio and became a free-lance illustrator soon after. As an illustrator, I primarily worked for advertising agencies until an agent in New York Cit helped me find work in magazine illustration, books, record albums, posters, and many other areas where my work was a fit. In 2010 I started trying to produce paintings for galleries and continue that effort with the landscape paintings I create today.

4. I am one of America's most recognized illustrators and have found success as a gallery artist in recent years. My clients have included well-known publications such as Time and

Sports Illustrated and corporate clients have included NBC, the NFL, ABC-TV, The Kentucky Derby, Indianapolis 500, the Green Bay Packers, and the America's Cup. I have created many paintings for PGA golf tournaments and clubhouses including seven murals that hang in the PGA's TPC clubhouse at Sawgrass, Florida. I was honored in 1988 as the Official Artist for the Summer Olympics in Seoul, Korea. I have designed over 20 postage stamps for the U.S. Postal Service, including the President Ronald Reagan Centennial stamp. Two of my paintings hang in the National Portrait Gallery in Washington, D.C. I was selected as one of the "Most Influential Alumni" of the Art Center College of Design in Pasadena, California.

5. I am the official source of products associated with the Ben Hogan Work (the "Ben Hogan Products"):

BART FORBES

Contemporary
American
Painter

Home
Paintings
Installations
Reproductions
Purchase
About Giclees
FAQ

Buy Now
About Bart

New Page
Contact



Homecoming
\$560.00



Red Cedars
\$400.00



Summer Evening
\$475.00



Loch Mist
\$325.00



Morning Fog
\$465.00



Moonrise
\$445.00

<https://www.bartforbesgallery.com/purchase>

6. I am the owner of the United States Copyright Registration No. VA 2-295-367 (the “Ben Hogan Work”). A true and correct copy of the copyright registrations for the Ben Hogan Work is attached to the Complaint as Exhibit 1.


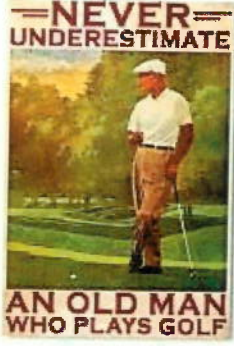
7. I control the quality of all materials and content that feature the distinctive Ben Hogan Work.

8. Substantial time, money, and other resources have been expended in developing, advertising, licensing, and otherwise promoting the Ben Hogan 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.

9. The success and acclaim of the Ben Hogan Work has resulted in significant infringement of our copyrights. 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 Ben Hogan 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 Ben Hogan Work. The investigations show that Defendants are using the Defendant Internet Stores to sell infringing Ben Hogan Works 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 Ben Hogan 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 Ben Hogan Work and examples of Defendants' products reviewed that embody the copyrighted Ben Hogan Work:

Reg. Number	Title of Work	Copyrighted Work	Defendants' Image
VA 2-295-367	Ben Hogan		 <p data-bbox="1161 848 1305 877">Def #1-105</p>

11. 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 the 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 Ben Hogan Work is used on unauthorized goods. I am further irreparably harmed by the unauthorized use of the Ben Hogan Work copyrighted material because infringers take away my ability to control the nature and quality of products bearing the Ben Hogan Work and derivative works.

13. I am further irreparably damaged due to a loss of exclusivity. The copyright rights in the Ben Hogan Work are meant to be exclusive rights.

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

15. Uncontrolled profiteering and pirating of the Ben Hogan Work creates the impression that the copyright rights associated with the Ben Hogan Work may be infringed with impunity. The Ben Hogan Work is distinctive and signify 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 Ben Hogan Work cannot be compensated for financially since it erodes my ability to monetize the Ben Hogan 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 Aug 13, 2025

Bartley Forbes

Bartley Forbes