

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ILLINOIS OF ILLINOIS EASTERN DIVISION**

GAG GIFTS FOR GOOD CAUSES, LLC,
dba POOPING POOCHES,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS, AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE A HERETO,

Defendants.

Case No.:

**DECLARATION OF JACOB WAGENMAN IN SUPPORT OF PLAINTIFF'S MOTION
FOR TEMPORARY RESTRAINING ORDER**

Jacob Wagenman, being duly sworn, declares the following to be true under penalty of perjury:

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 Chief Executive Officer of GAG GIFTS FOR GOOD CAUSES, LLC (dba POOPING POOCHES) and I make this Declaration in support of the Motion for Temporary Restraining Order. Everything stated herein is true and I would testify in conformity herewith if called to do so in person.
3. Pooping Pooches manufactures and distributes calendars featuring photographs of animals relieving themselves in beautiful settings in nature.

4. I own U.S. Trademark Registration Nos. 6,197,383 and 7,071,501 in connection with Pooping Pooches.
5. I have spent considerable effort, time, and resources in developing, operating, and marketing Pooping Pooches since its inception.
6. Fans of Pooping Pooches calendars products can submit their own photography to be featured in the next edition of Pooping Pooches calendars and sign a waiver relinquishing all rights in the photograph when submitting the photographs.
7. Pooping Pooches has been in a partnership with the Maui Humane Society since 2013 in which Pooping Pooches donates \$1 from every calendar sold to the Maui Humane Society to help support animals in need.
8. I have regularly submitted infringement complaints over the years to try and prevent counterfeit versions of Pooping Pooches from being sold over the Internet. 2,700 listings have been removed as a result of my efforts on just Amazon alone.
9. I have also worked to remove infringing listings from online retail platforms such as Etsy and Temu.
10. Defendants are individuals and business entities who, upon information and belief, reside in foreign jurisdictions, and source their Products from likely one source. Defendants conduct business throughout the United States, including within the State of Illinois and this Judicial District, through the operation of the fully interactive, commercial online marketplaces operating under the Defendants' Internet Stores. Each Defendants targets the United States, including Illinois, and has offered to sell, and, on information and belief, has sold and continues to sell infringing Products to consumers within the United States.

11. Defendants are an interrelated group of infringers working in active concert to knowingly and willfully make, use, offer for sale, sell, and/or import into the United States for subsequent sale or use products that they are unauthorized to sell and that copy my Trademark and my products. Tactics used by Defendants to conceal their identities and the full scope of their operation make it virtually impossible for me to learn Defendants' true identities and the exact interworking of their network.
12. Defendants go to great lengths to conceal their identities and often use multiple fictitious names and addresses to register and operate their network of Defendant Internet Stores. Defendants create new online marketplace accounts on various platforms using the identities listed in Schedule A to the Complaint, as well as other unknown fictitious names and addresses. Such Defendant Internet Store registration patterns are one of many common tactics used by the Defendants to conceal their identities and to avoid being shut down.
13. I decided to proceed with filing this suit due to my awareness of a host of infringers selling counterfeit versions of my authentic Pooping Pooches Products in violation of my trademark rights.
14. These infringers sell inferior versions of Pooping Pooches calendars and usurp a significant portion of my sales.
15. The infringers are knowingly and purposefully infringing Pooping Pooches Products. This is evidenced by a round of test buys I performed of some of the counterfeit products, which used inferior low-quality scans of my exact photography.
16. The activities of these willful infringers is harming my business, my profits, and my goodwill with my consumers.

17. Monetary damages cannot adequately compensate me for the ongoing illegal and unauthorized sales by Defendants and monetary damages fail to address the loss of control of and damage to my reputation and goodwill. Furthermore, monetary damages are difficult, if not impossible, to ascertain due to the inability to calculate measurable damage in dollars and cents caused to my reputation and goodwill by acts of infringement.

18. 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 under the laws of the United States of America that the foregoing is true and correct.

Dated: December 17, 2024

A handwritten signature in black ink, appearing to read "Jacob Wagenman", is written above a horizontal line.

Jacob Wagenman