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Opening Party Statement of Dominick Mattiello for case 24-CCB-0231: This revised statement replaces the prior version to comply with the 12-page limit and complies with CCB formatting rules.

My name is **Dominick Mattiello**. I am **not** my son. **Dominick Mattiello II**, and my son is **not** me. Despite the claimant's ongoing efforts to confuse this distinction, I am here to address the Copyright Claims Board (CCB) on three specific issues—clearly, directly, and without emotional embellishment. I am only going to address the claimant's accusations of "fraudulent evidence", my son and his alleged involvement and the design infringement dispute. This is not a personal journal entry or an emotional appeal; this is a factual response to a legal proceeding.

Accusations of Fraudulent Evidence: Let me first address the claimant's repeated accusations that I, and in the claimant's reality, my son, submitted fraudulent evidence. This issue was already discussed during our discovery **conference call** with the CCB. At that time, I specifically raised the concern, and the claimant had the opportunity to address any discovery-related disputes. He chose **not to do so**. During that call, the possibility of third-party forensic review of the files was mentioned. The CCB advised that this **was not an available option** in these proceedings. Despite that, the claimant continues to repeat vague accusations of fraud throughout his filings. I voluntarily **withdrew the questioned evidence** not because it was fraudulent, but because the claimant continues to **manipulate and mischaracterize** it to suit his narrative. This is consistent with his pattern of distorting evidence across multiple matters, including this one. That is the extent of what I will say about this issue.

The Claimant's Improper Involvement of My Son: The claimant has consistently attempted to entangle my son, Dominick Mattiello II, in these proceedings without presenting any factual or legal basis for doing so. This conduct has persisted despite **clear and irrefutable evidence** provided during discovery that establishes I—**Dominick Mattiello, the father**—was solely responsible for the Etsy stores and designs at issue in these cases (24-CCB-0231 and 24-CCB-0232).

To illustrate the claimant's approach, here are direct quotes from his own final written statement: ***"Do I know 100% with certainty that Mattiello II is the culprit? No. But when all the signs and circumstances point to him, it is what I believe..." and "...my theory... maybe I got 20% of it wrong. But that's how I am currently perceiving all that has occurred..."***

These statements confirm that his accusations are based not on facts or verifiable evidence, but on **personal belief and speculation**. The claimant has openly admitted uncertainty regarding the involvement of my son, and yet continues to pursue claims that implicitly or explicitly seek to hold him accountable. **That is not how the legal process works.** This admission is critical. It underscores the lack of factual basis for his claim. It is both illogical and improper to initiate legal action against an individual while simultaneously admitting uncertainty as to whether that person is, in fact, responsible.

Legal claims must be based on verifiable facts, not speculation or belief. The claimant's approach undermines the integrity of the legal process and places undue burden on individuals who are not properly subject to the dispute at hand. My son!

Despite this, the claimant has gone so far as to suggest that my son's military background and technical skills "fit the profile" of the individual he wishes to implicate—again, without evidence. He has made dramatic and inflammatory claims, including references to "Bouts with depression" and a "Wife who fears for her safety because she knows the Mattiellos are out there" and "False documents" and "technical hi-jinx". This is **not evidence**—it is conjecture and, quite frankly, character assassination.

Factual Clarification: To set the record straight, I, **Dominick Mattiello (the father)**, was the party named and served in the original wrongful takedown lawsuit initiated by the claimant. My identity and involvement are verified through documentation submitted in discovery, including: A **hand signed engagement letter** with attorney Nicholas D. Myers and a **Florida state-issued driver's license**, both bearing my exact signature. I owned, operated, and created all designs sold through the Etsy store **Heirloom Prints**. I also collaborated with **Raymond Harper** (not my son on the designs listed under the Etsy stores **MapGala** and **Travelbuffs**. **My son, Dominick Mattiello II, has had no involvement whatsoever** in the creation, operation, or management of these Etsy stores or the designs in question.

The claimant's repeated insistence on my son's involvement—despite the above evidence—suggests a **misguided effort to retroactively link him to a default judgment from a prior case** to which he was never a party.

A Misuse of Legal Process: The claimant's conduct appears to reflect a **"who-done-it"** theory rather than a legitimate copyright claim. These proceedings are meant to resolve

claims of copyright infringement based on factual and legal merit—not to serve as a platform for speculative blame-shifting or personal vendettas.

It is fundamentally unfair and procedurally improper to: 1. Pursue legal action while openly admitting uncertainty as to the accused party's identity. 2. Rely on personal narratives and emotionally charged testimony in the absence of corroborating evidence. 3. Drag uninvolved third parties into litigation based solely on **surname** or conjecture.

Personal Impact and Final Clarification: This relentless effort to implicate my son—against all factual evidence—has caused significant strain on my relationship with my son and his family. Regardless of how absurd these claims may be to those who review the evidence, the emotional and reputational impact is real. It is disheartening that despite having clearly proven my sole authorship and responsibility, the claimant continues to press a narrative that is **false, damaging, and unsupported**.

During the initial conference call with the Copyright Claims Board (CCB), I expressed genuine shock when the claimant publicly stated his belief that he had previously sued my son in connection with the original *Heirloom Prints* lawsuit. This statement was not only incorrect but wholly unsupported by any factual evidence.

To correct the record, I have submitted irrefutable and undisputed evidence—already provided to the claimant in discovery—that the original lawsuit was filed solely against me, Dominick Mattiello (the father). My son, Dominick Mattiello II, was not a party to that lawsuit, nor has he ever been involved in any capacity with the *Heirloom Prints*, *MapGala*, or *Travelbuffs* Etsy stores. I will say this one final time for the record: **I, Dominick Mattiello**

(the father), am the sole individual responsible for all actions and designs related to Heirloom Prints, MapGala, and Travelbuffs. My son, Dominick Mattiello II, is not, and has never been, involved.

The Alleged Infringement and Creative Origins of My Work: At the outset, I want to be transparent: like many individuals who create and sell original work online, I was not fully versed in the complexities of copyright law. I only learned of the claimant's new copyright registrations when I was notified of these infringement claims by the CCB. At the time of our original dispute, neither the claimant nor I had registered copyrights for the designs in question. Both parties were actively creating and selling these map-filled mountain designs on Etsy well before any registered copyrights existed or CCB claims were filed.

In fact, I was the first to report the claimant for copying my work. I filed a takedown notice with Etsy based on what I believed to be a clear imitation of the original triangular mountain designs I had created and listed in my *Heirloom Prints* Etsy store. In response, the claimant sued me for a "wrongful takedown," asserting in his lawsuit that my designs lacked copyrightability due to their reliance on basic shapes. Since then, he has aggressively pursued these claims, attempting to frame a copyright infringement narrative that lacks factual and legal grounding.

Original Creation and Functional Design: I began creating **triangular map-filled mountain scape designs in 2018**, well before the claimant's arrival on Etsy in 2020. My designs evolved significantly in response to customer demand—particularly for **panoramic versions** that featured as many as 40 or 50 mountains per piece. These works were not

static or repetitive but an involved creative interpretation and customization for each order. I developed my own Photoshop templates from scratch, carefully generating and aligning triangles by hand.

Given the geometric simplicity of triangle shapes, some level of visual similarity between my work and the claimant's is inevitable. We were both working with the same basic building blocks—triangles, maps, and spacing—because these were functionally necessary to achieve the aesthetic and prevent visual clutter. As any graphic designer knows, **spacing and positioning in layered map designs** are essential to avoid blending or "blurring" of the map content. These technical necessities were not unique to either of us; they were inherent to the medium and design style.

These elements— triangle spacing, triangle positioning, triangle count—were a functional design necessity, **not artistic appropriation**.

Eventually, I began creating three-dimensional wooden artworks, which I believe represent a transformative evolution of my original 2D mountain designs, first developed in 2018. While I acknowledge that the Copyright Claims Board has previously stated that the mere fact of 3D transformation does not preclude copyright infringement, it remains my position that these wood-based designs constitute original and materially distinct works. Of course, I defer to the Board's ultimate determination on this matter.

My 3D pieces were not mere reproductions—they were handcrafted, custom-made artworks that added depth and artistic value beyond the scope of the original 2D images. These works were built using individual balsawood cutouts, each design unique and

shaped by both creative choice and technical necessity. No two pieces were the same, and each was tailored to specific customer requests, including variations in mountain count and panoramic scale.

Due to the physical properties of the materials used, precise spacing of the triangular components was required to prevent wood breakage—a constraint that did not apply to the claimant's design, which the claimant's designs are digitally created and printed on paper by a third-party vendor. My artworks, in contrast, were physical, dimensional, and hand-assembled, with unique and self-created elements such as a sun, clouds, birds, and road graphics designed entirely by me and incorporated into the wood compositions.

Regarding the circular mountain design in question, while I recognize that there are some visual similarities, the layout, elements, and execution differ. The overall spacing, shaping, and structure are not identical, and—again—each wood piece was created by hand. It is also my belief that both the claimant and I drew early inspiration from publicly available templates that were once accessible on open-source design websites, though those resources are no longer available to me today. That said, the finished products I created were always materially different, and again, created in direct response to individual customer orders. Furthermore, both the claimant and I have incorporated copyright-registered maps as part of our final artworks, which adds yet another layer of transformation and expression to the final pieces. Despite this, I understand that these facts may not carry decisive weight under current interpretations of copyright law—but they are nonetheless crucial to understanding the creative distinctions between our respective works.

Finally, I want to reiterate that I have only sold a total of 7 circular mountain designs across both of my Etsy shops, which I have previously disclosed. This minimal commercial activity further undercuts the scale of alleged infringement and the excessive damages now being pursued.

On Damages and the Question of Proof: One of the most troubling aspects of these proceedings is the claimant's continued reliance on speculative and unsupported damages. Despite multiple opportunities in this forum and others, the claimant has failed to offer concrete evidence of actual harm. He instead presents inflated figures and arbitrary percentages, seemingly expecting them to carry weight without the backing of documentation or verifiable metrics.

As I have consistently stated, the claimant has not demonstrated how he has been materially harmed by the sales he is challenging. While he freely speculates on losses and invokes large damage figures, he has yet to produce any meaningful proof of economic impact directly attributable to the alleged infringement. It appears to be more of a performance than a substantiated claim.

In contrast, I could easily present my own account of financial and personal harm—starting with the fact that I was a top seller of these and related artworks on Etsy well before the claimant ever joined the platform. Since these claims were filed, I have ceased operations on Etsy entirely—over a year and a half ago—essentially conceding my entire customer base to the claimant. I was not selling only the triangular and circular mountain artwork in

question, but a broader and popular line of map-based designs. The benefit to the claimant, who now faces no competition from my store, is self-evident.

As shown to the claimant in discovery, I sold a total of **6 circular mountain designs** in the *MapGala* store and **1 in the *Travelbuffs* store**, for a **combined profit of $715.38**. This was clearly disclosed. Yet the claimant seeks over **$26,000** in damages—an amount completely disconnected from reality, unsupported by evidence, and grossly disproportionate to any proven impact. Further, the harm inflicted upon my family cannot be ignored. My son—whom the claimant has fixated on without credible basis—has incurred legal fees, endured ongoing mental distress, and has been forced to dedicate considerable time and resources to defending himself against unproven allegations. The claimant's narrative appears driven by personal conviction rather than demonstrable fact, and yet it continues to cause a significant disruption in our lives. It is my hope that the Board will take all of this into account and weigh the absence of proven damages against the demonstrated impact this process has had on those wrongly accused.

Evidence Summary – Respondent's Submission: We respectfully submit this summary of evidence to clarify the record and distinguish our position from the claimant's approach, which we believe is characterized by speculation and a volume-driven strategy intended to obscure rather than illuminate the facts. The claimant continues to rely heavily on unsupported assertions and speculative exhibits, many of which were not disclosed during discovery. This contrasts sharply with the respondent's transparent and consistent provision of evidence. The majority of the claimant's submissions appear aimed at establishing a mistaken identity—attempting to conflate Dominick Mattiello (the father)

with Dominick Mattiello II (the son). However, the evidence provided clearly identifies the correct individual, Dominick Mattiello (the father), as the respondent in these matters. The documentation we have supplied further confirms this identity and shows a consistent pattern of authorship, business ownership, and legal correspondence that underpins our position.

Respondent's Exhibits:

- **Exhibit 1:** Etsy Notice of Intellectual Property Infringement filed by **Dominick Mattiello (father)** against the claimant, alleging unauthorized copying of his original works.
- **Exhibit 2:** Articles of Organization for *Heirloom Prints*, filed with the State of Florida by **Dominick Mattiello (father)**, with matching residential information (379 Willow Green Drive, Orange Park, FL) tied to the original Etsy storefront.
- **Exhibit 3:** Executed Engagement Letter between **Nicholas D. Myers** and **Dominick Mattiello (father)**, personally signed in blue ink by **Dominick Mattiello (father)**, establishing legal representation during the initial DCMA-related lawsuit.
- **Exhibit 3A:** Florida Driver's License of **Dominick Mattiello (father)**, showing a signature that matches the engagement letter, further confirming identity and authorship.
- **Exhibits 4–10:** Etsy-generated CSV financial statements, verifying income and expenses from the specific designs in question (triangular and circular mountains).

- **Exhibits 11–14:** All original 2D and 3D artworks created by **Dominick Mattiello (father)**, demonstrating authorship and creative origin.
- **Exhibit 15:** Claimant's own prior lawsuit dated **03.18.2021**, in which he acknowledged the contested designs themselves, primarily consist of geometric shapes and public domain maps and lack the requisite authorship necessary to support **any** copyright claim or because his use of the designs is self-evident as non-infringing fair use under 17 U.S.C. § 107.
- **Exhibits 16–18:** Dated Etsy listings from the original *Heirloom Prints* store (2018–2020), corroborating creation timelines and authorship by **Dominick Mattiello (father)**.
- **Exhibit 19:** While potentially of limited relevance, this includes **Dominick Mattiello's (father's)** attempt to retrieve historical Etsy account data, confirming his ownership and operational control of the *Heirloom Prints* store. Etsy has since deleted all associated store data.

All Etsy stores in question (*Heirloom Prints*, *MapGala*, and *Travelbuffs*) have been inactive and non-operational for over 18 months. The consistent thread throughout our submissions is factual accuracy, proper documentation, and a clear chain of identity, authorship, and lawful action on the part of **Dominick Mattiello (father)**.

In Closing: The claimant has made several unfounded and inappropriate assertions, including remarks that can fairly be characterized as ageist—implying that I, **Dominick Mattiello (father)**, lack the capacity to be a graphic designer or manage an Etsy store due

to my age. He portrays me as a “simple and grounded man” who has been “roped into more deception than I can chew,” allegedly orchestrated by my son. These are speculative characterizations, not facts.

It is evident from the claimant’s filings and tone that his true target is my son, and that these proceedings are part of a broader and misguided attempt to hold the wrong party accountable. This is not a pursuit of justice—it is a misdirected effort to build a narrative that fits the claimant’s own assumptions. Again, the claimant himself concedes his own uncertainty regarding my son’s involvement, stating in his written submission to the CCB: ***“Do I know 100% with certainty that Mattiello II is the culprit? No. But when all the signs and circumstances point to him, it is what I believe…”*** This admission alone underscores the speculative nature of his own claim.

I respectfully trust that the Board will decide this matter based on the evidence presented—not on conjecture, hunches, emotional appeals, or personal attacks. The factual record clearly identifies the correct party, and I am confident that, upon review, the Board will see that this case lacks the merit the claimant believes it holds.

Respectfully and signed by,

Dominick Mattiello (the father and not the son)



Proof of Delivery

I hereby certify that on Thursday, June 05, 2025, I provided a true and correct copy of the Direct Party - Dominick Mattiello - 24-CCB-0231 to the following:

Raymond Harper, represented by Raymond Harper, served via MANUALEEMAIL

Custom Family Gifts LLC, represented by Peter J Chang, served via ESERVICE at admin@customfamilygifts.com

Signed: /s/ Dominick Mattiello