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Reply Written Testimony of Peter Chang

Meritless Copyright defenses

1. Mattiello states he began creating his designs in 2018, citing the December 23rd, 2018 text message. However, the image (ex.Z.i) in the text document, bears no similarity to my registered design ex.H outside the shared subject matter and usage of maps. Additionally, I had no access to this work and would not have likely caught my attention given the low number of sales. The date of December 23rd, 2018, is irrelevant to this proceeding in terms of establishing copyrights or precedence.

> *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*

2. Mattiello states his designs evolved to fit 40 or 50 mountains, but those variations for "40 or 50" are derivatives off of the infringing listing 863829022 (ex.N.vi), published on September 27th, 2020, dated well after my registered publish date of December 26th, 2019 (ex.G). As such I find them to be infringing as well. None of those designs would exist without the initial infringement having occurred. The infringement can be confirmed by viewing the first review image (ex.S.i) posted to listing 863829022 dated October 27th, 2020, compared to my work (ex.U page 8 for similarity analysis). Then the MapGala exact tracings see here (ex.U.i).

3. Mattiello claims functional necessity as an argument:

> *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.*

This argument is insincere given multiple examples of clearly traced works from my designs exist (ex.U). The demonstrated access by the Mattiello party to my work is evidenced by their initial infringing listing and message both posted the same day on September 27th, 2020, (ex.R - first message, ex.N.vi - first infringing listing). The Etsy shop MapGala, established May 18th, 2022 (ex.M) followed suit by selling copies of my circular design, years after demonstrating awareness of and attention to my shop through the 2020 wrongful takedown (ex.Y) against my business. The demonstrated levels of access and similarity put to rest any argument of similarity arising from functional design necessities.

4. Respondent Dominick Mattiello (Mattiello) correctly claims to be the initial reporter of copyright infringement to suggest precedent for copyrightability. His account lacks significant context and frames past events in an unduly favorable light.

> *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.*

Ironically, the initial "report" (ex.Y - see middle of page 5) targeted the very listing, 863829022 (ex.N.vi) that copies my own design, while also targeting listings which bore no resemblance at all. This bad-faith report became the basis of the resulting 512(f) lawsuit, which survived dismissal in federal court and resulted in judgment, demonstrating the merit of my claims.

Concealment of evidence

5. Mattiello cites financial harm. Not only is his financial harm not relevant to this proceeding, but the cessation of business outside of infringing business was entirely voluntary and should actually be considered destruction of evidence. Deleting or deactivating an Etsy shop pending a legal inquiry should be seen as concealment because all of the assets are now hidden from public view. Doing so at an admitted financial cost to the respondents, without other observable benefits points to deliberate concealment of evidence.

> *In contrast, I could easily present my own account of financial and personal harm… 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.*

6. In the same pattern, Mattiello cites the deletion of historical Etsy data when describing his Exhibit 19. His language is misleading. Etsy does not delete data—only the user can request the deletion of their own store data. The shop in question was deleted by request despite ongoing litigation at the time, destroying evidence central to legal proceedings:

> *...confirming his ownership and operational control of the Heirloom Prints store. Etsy has since deleted all associated store data.*

7. Mattiello claims to have developed Photoshop templates, the industry standard format for digital design work:

> *...I developed my own Photoshop templates from scratch, carefully generating and aligning triangles by hand.*

According to respondent provided sales data, MapGala sales data (ex.AW) respondents were actively utilizing these templates to produce offending artworks as recently as December 15th,

2023. Yet, these templates are nowhere to be seen in evidence, with forgeries (ex.AS) being presented in their stead.

Matters of Identity

8. Mattiello repeatedly brings up his son, Dominick Mattiello II, whom this case does not name or involve. Each separate case brought to the CCB was directed based on addresses uncovered from subpoenaed information received from Etsy ex.C. This proceeding, 24-CCB-0231, was brought against Dominick Mattiello and Raymond Harper of Jacksonville, Florida and the Etsy shop attached to them named MapGala. Neither claimant nor respondents have disputed this. Matters relating to identity simply do not concern this case.

9. Mattiello refers to a *"hand signed engagement letter"*, but again, matters of identity are not in dispute for this case and as far as I'm aware the respondents do not dispute that Dominick Mattiello and Raymond Harper of Jacksonville, FL are the subjects of this case.

10. Respondent Dominick Mattiello's statement makes several quotes from my witness statement from 24-CCB-0232 that were not made for this proceeding:

- "Do I know with 100% certainty…"
- "My theory, maybe I've got 20% of it wrong"
- "technical hi-jinx…"

Quotes from another case's testimony are not relevant to this proceeding, especially since they again refer to matters of identity.

11. Mattiello states in his testimony that my target is his son:

> *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.*

Clearly, the accountable party here is Dominick Mattiello Sr of Jacksonville, FL as per the initial claim. There have been zero attempts across either proceedings involving the Mattiello name by the claimant to deviate from the initial named respondents as indicated from subpoenaed information provided by Etsy.

Gross Contradictions

12. At the beginning of this proceeding Mattiello states in his claim response docket #22:

> *I do not and have not sold or created any of the artwork after I quit selling on Etsy in 2020. I was not in anyway affiliated with Raymond Harper selling his recent wood cutouts in 2022.*

Raymond Harper's initial claim response is coordinated with Mattiello in docket #21:

> *This is three styles I created myself and incorporated into the hand cut designs*

However, Raymond Harper's response statement directly contradicts both initial responses by stating Harper and Mattiello collaborated closely in creating the wooden art.

> *Dominick and I have collaborated closely in creating and selling wooden map art under the Etsy store names Travelbuffs and MapGala. Just Dominick and I without his son. In our partnership, I was responsible for hand-carving the wooden artworks, while Dominick created all the associated graphic elements necessary to finalize each piece.*

Mattiello's entire statement and testimony about MapGala is given in the first person, also contradicting his initial statement of *"not in anyway affiliated with Raymond Harper selling his recent wood cutouts in 2022"*.

These contradictory statements demonstrate respondents' willingness to modify their testimony to suit the needs of the moment, undermining the credibility of all their claims.

Concluding remarks

13. Respondents have provided no effective defense to the accusations of copyright infringement, relying instead on selective presentation of timelines and events to unduly bolster their position.

14. Respondents have no shame in openly declaring that the designs in question were independently designed or functional inevitabilities, in full awareness of the evidence before them clearly proving access to a specific day and demonstrating meticulous tracing of others' designs.

15. Finally, respondents' contradicting statements about Mattiello's contributions to MapGala indicate respondents' willingness to collaborate and fabricate narratives that suit their whims. Leaving no doubt that they cannot be trusted to provide reliable testimony.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief

Peter Chang

Proof of Delivery

I hereby certify that on Tuesday, July 01, 2025, I provided a true and correct copy of the reply testimony to the following:

Dominick Mattiello, represented by Dominick Mattiello, served via MANUALEEMAIL

Raymond Harper, represented by Raymond Harper, served via MANUALEEMAIL

Signed: /s/ Peter J Chang