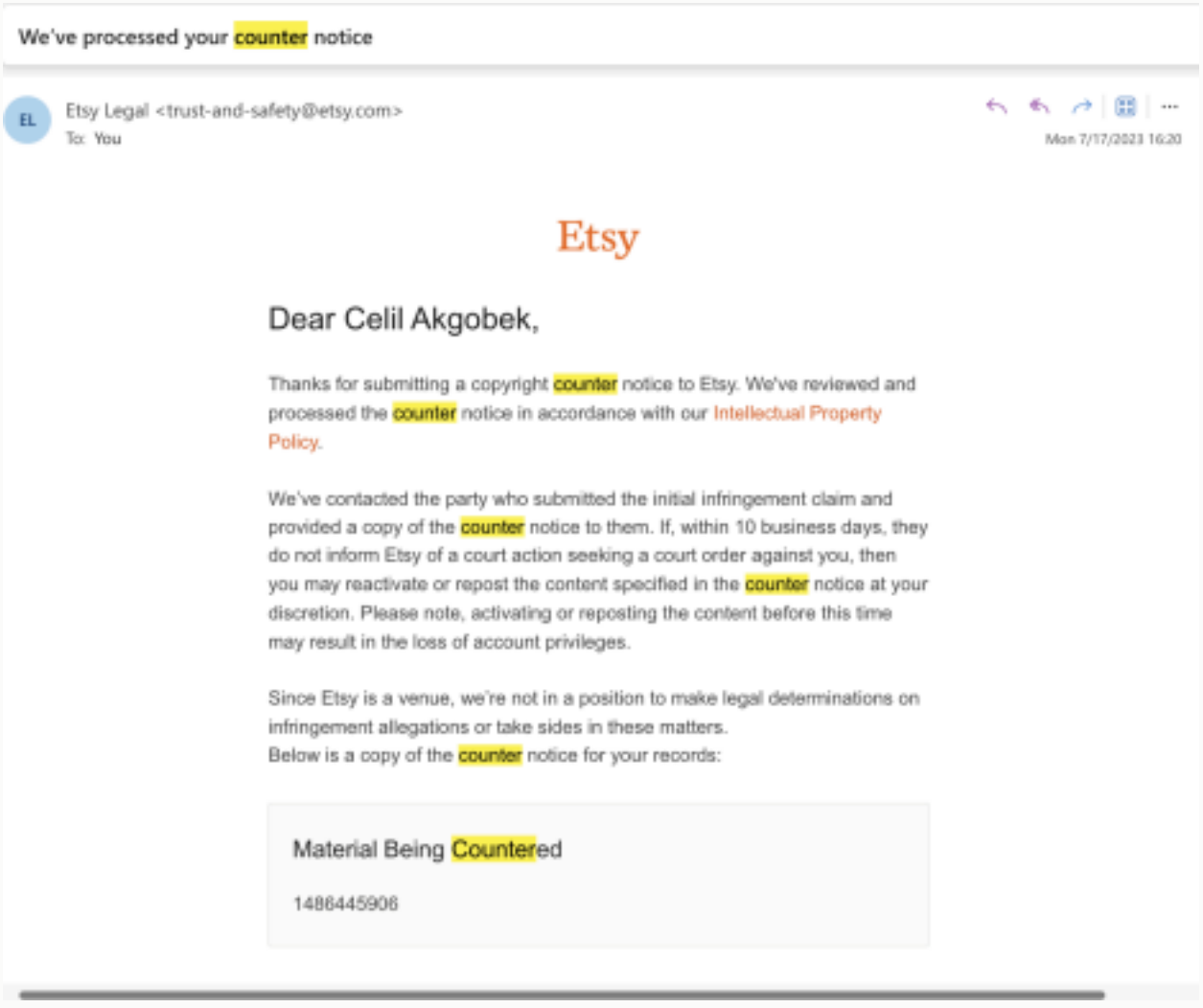
Electronically Filed
Docket: 23-CCB-0240
Filing Date: 05/24/2024 08:12:59 PM EDT

Evidence List

Document ID	Document Title	Description of The Evidence
Exhibit A	https://www.etsy.com/shop/LiberalTearsCafe Claimants Etsy Account	The claimant's Etsy account has made 9 shirt sales in 8 years. As my listing was active for no more than two weeks, statistically, maximum potential harm to the claimant does not exceed the revenue from one sale.
Exhibit B	https://www.comparitech.com/blog/information-security/copyright-infringement-scam/	Information on common copyright claim scam methods and protections thereof. Demonstrates popularity of fake infringement claims, showing respondents counterclaim was a legal measure of self-protection which was deemed righteous by Etsy's legal team.
Exhibit C	redstateboutique.com Claimant's main website to sell products with the design of our discussion	This main website does not involve sale of shirts or any other clothing. By showing clothing is not the main sector of the recipient, this minimizes the possibility of the respondent party receiving serious harm.
Exhibit D	The screenshot of the email received by respondent from Etsy	This email shows that even after the infringement claim was made, the respondent did not have a way of knowing who the righteous owner of the material was, however, respondent still removed the listing from his sole medium for e-commerce.
Exhibit E	The screenshot of the only sale made with this design on the respondent's account	It was made on July 15, a few days after I uploaded the product. Also, two days before I received the infringement claim, I removed the listing. When this is the case, there is no way Ms. Papula's sales were suffering due to my listing. Additionally, as can be seen from the sale screenshot, the end price of each of the shirts I sell is $17.49, not around $7-$8, as the claimant previously asserted.
Exhibit F	Receipt screenshot showing respondents purchase of the design from Etsy.	Respondent did not steal or randomly access the design of our discussion. He purchased the design from a seller on Etsy without any reasonable suspicion to think it could've belonged to another party. Thereby proving the point that the respondent simply is a victim, in this case, not the infringer.

Exhibit D

The notification respondent received from Etsy did not provide a solid fact that proved that this material was owned by a third party the respondent had not interacted before. However, despite the lack of confirmation, the respondent still removed the listing of our discussion on the day of the infringement claim. As this disproves the claimant's assertions on respondent's ill-intent, it also further discredits the statements of the claimant that argued the claimant was still engaged in the sale of their material.



We've processed your counter notice

EL Etsy Legal <trust-and-safety@etsy.com>
To: You
Mon 7/17/2023 16:20

Etsy

Dear Celil Akgobek,

Thanks for submitting a copyright counter notice to Etsy. We've reviewed and processed the counter notice in accordance with our Intellectual Property Policy.

We've contacted the party who submitted the initial infringement claim and provided a copy of the counter notice to them. If, within 10 business days, they do not inform Etsy of a court action seeking a court order against you, then you may reactivate or repost the content specified in the counter notice at your discretion. Please note, activating or reposting the content before this time may result in the loss of account privileges.

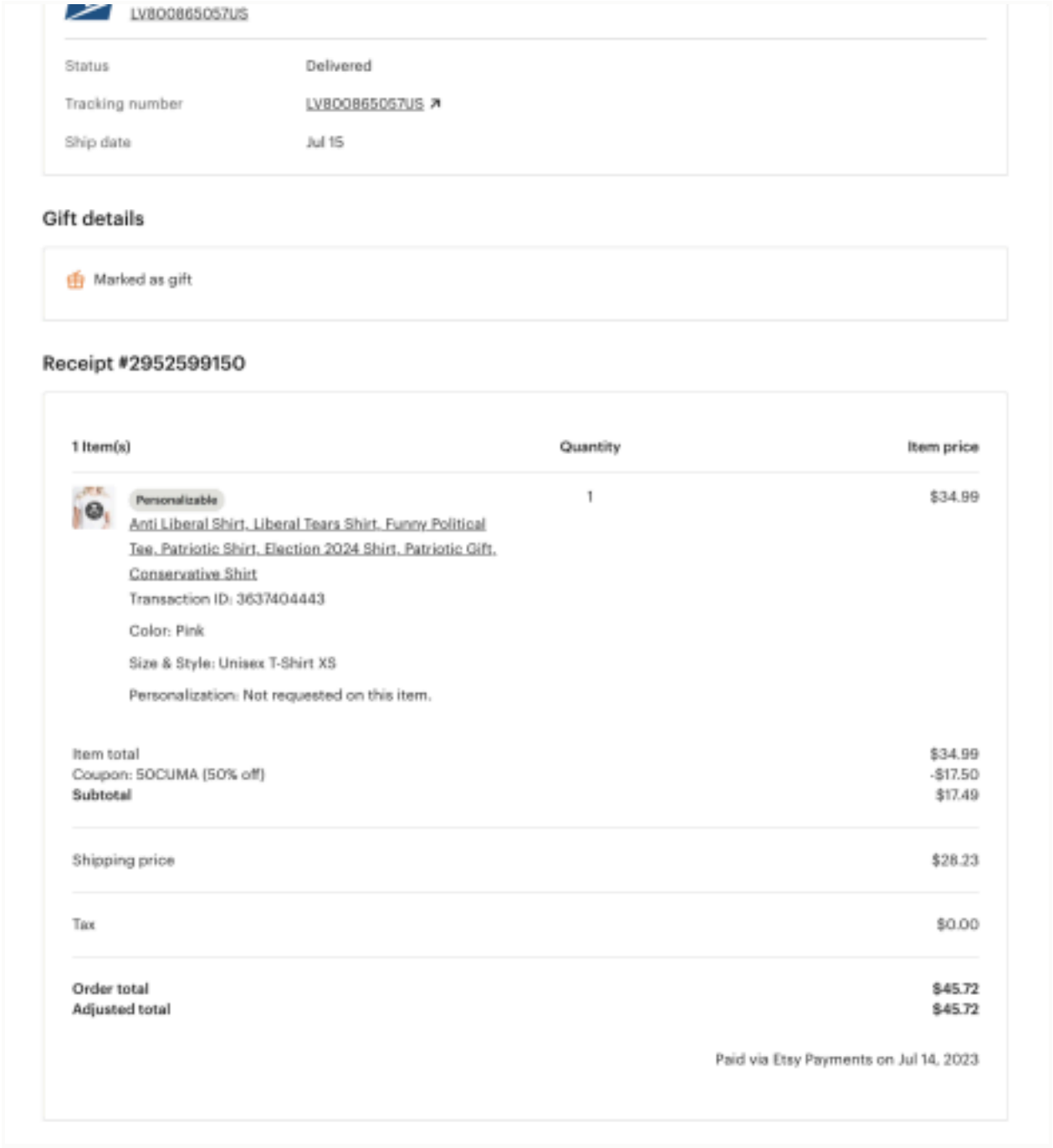
Since Etsy is a venue, we're not in a position to make legal determinations on infringement allegations or take sides in these matters.
Below is a copy of the counter notice for your records:

Material Being Countered

1486445906

Exhibit E

The screenshot below shows the only sale made with this design. It was made on July 15, a few days after I uploaded the product. Also, two days before I received the infringement claim, I removed the listing. When this is the case, there is no way Ms. Papula's sales were suffering due to my listing. Additionally, as can be seen from the sale screenshot, the end price of each of the shirts I sell is $17.49, not around $7-$8, as the claimant previously asserted.



LV8OO865O57US

Status	Delivered
Tracking number	LV8OO865O57US
Ship date	Jul 15

Gift details

Marked as gift

Receipt #2952599150

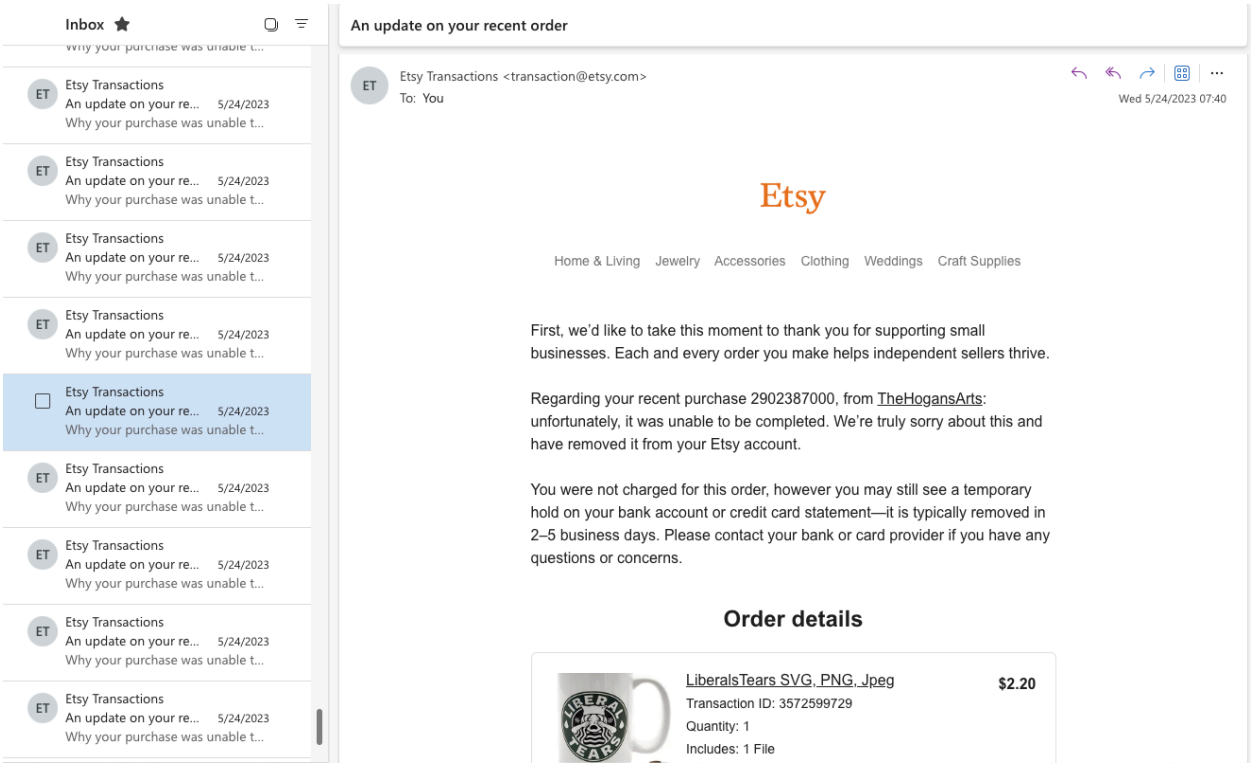
1 Item(s)	Quantity	Item price
Personalizable Anti Liberal Shirt, Liberal Tears Shirt, Funny Political Tee, Patriotic Shirt, Election 2024 Shirt, Patriotic Gift, Conservative Shirt Transaction ID: 3637404443 Color: Pink Size & Style: Unisex T-Shirt XS Personalization: Not requested on this item.	1	$34.99

Item total	$34.99
Coupon: SOCUMA (50% off)	-$17.50
Subtotal	$17.49
Shipping price	$28.23
Tax	$0.00
Order total	**$45.72**
Adjusted total	**$45.72**

Paid via Etsy Payments on Jul 14, 2023

Exhibit F

The screenshot below shows my proof of purchasing the design of our discussion from Etsy and also shows the design was available on Etsy through sources other than the claimant. Thereby proving the point that the respondent simply is a victim, in this case, not the infringer.



Proof of Delivery

I hereby certify that on Friday, May 24, 2024, I provided a true and correct copy of the Evidence List to the following:

Wendy Papula, represented by Wendy Papula, served via ESERVICE at wpapula@gmail.com

Signed: /s/ Celil Akgobek