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AFFIDAVIT OF ELLIOTT BRAFMAN

I, **Elliott Brafman**, submit the following testimony under penalty of perjury:

A. Affiant and Authority

1. I am the Co-Owner of PerfectPinz LLC ("PerfectPinz" or "Plaintiff"). I oversee product design, online listings, advertising, sales, and brand protection for PerfectPinz's golf accessories, including golf ball markers and golf headcovers. I make this affidavit based on my personal knowledge and the business records maintained in the ordinary course of PerfectPinz's operations.

B. Ownership, Creation, Publication, and Registration

2. Creation and conception: PerfectPinz conceived the works at issue on or about March 2021 and created them on or about April 2021.

3. First publication: The works were first published on Amazon.com on August 18, 2021.

4. Registration and ownership: PerfectPinz registered the works with the U.S. Copyright Office on June 23, 2023, and PerfectPinz owns all right, title, and interest in the works identified in this action.

C. Background on Amazon and Alibaba

5. Amazon search results: When a shopper searches on Amazon, the site shows a results page. Some listings appear because Amazon's system finds them relevant or popular ("organic" results). Others appear because a seller paid for advertising; those are clearly labeled "Sponsored."

6. Best Sellers rankings: Amazon publishes Best Sellers lists by category (e.g., Golf Ball Markers, Golf Headcovers) that rank items by recent sales. The list ranks the top 100 best-selling products in the category. A top-3 (out of thousands) rank means the item is the top-3 most purchased across all of Amazon in the category and is displayed prominently to shoppers.

7. First page: The first page is what a shopper sees immediately after searching; products on the first page receive far more visibility than those on later pages.

8. Alibaba: Alibaba is a website where factories advertise they can make products for sellers. Factories sometimes use photos copied from successful products to attract orders, making those designs and images visible to anyone seeking a manufacturer.

D. Marketplace Visibility of PerfectPinz's Products (Access Pathway #1)

9. From approximately November 2021 through December 2023, PerfectPinz's golf ball markers and golf headcovers were repeatedly top-3 Best Sellers in their respective Amazon categories.

10. During the same period, PerfectPinz's products appeared on the first page when shoppers searched (a) generic golf terms (e.g., "golf ball marker," "golf headcover"), (b) "funny golf accessories," and (c) Happy Gilmore inspired phrases.

11. PerfectPinz also ran Amazon Advertising, causing our listings to appear in clearly labeled "Sponsored" positions on those same pages—often resulting in our listings appearing both organically and as Sponsored on the first page for the same search.

12. As a result of the foregoing, PerfectPinz's products were impossible to miss for anyone searching for golf accessories on Amazon.

E. Unauthorized Use of PerfectPinz Photos on Alibaba (Access Pathway #2)

13. Throughout November 2021–Present, multiple Alibaba factory listings copied PerfectPinz's product photos without permission to solicit orders from prospective sellers of golf accessories.

F. K9King's Business History and Sourcing

14. Dog-related Products: Until at least July 2022 when it began selling its infringing products, Defendant K9King only sold dog/pet accessories (almost exclusively dog tags and charms), consistent with its name.

15. Alibaba sourcing admission: After PerfectPinz's products had already achieved the visibility described above, K9King admitted that it found its manufacturer on Alibaba—the same marketplace where our photos were being used by factories to pitch replication.

G. K9King's Sudden Golf Listings and Pattern of Copying

16. Sudden pivot to golf with matching products: After selling only dog items, K9King suddenly listed golf accessories that are identical or substantially similar to PerfectPinz's once our products were highly visible and successful.

17. Copying beyond PerfectPinz: K9King's golf offerings also mirror other top-performing Amazon listings in the same categories—reusing distinctive phrases, motifs, titles/bullets, pack sizes, and price bands common to market leaders.

H. Messaging Facts (WhatsApp and Alibaba)

18. K9King's assertion vs. PerfectPinz's experience: K9King claims its communications with its Chinese manufacturer on WhatsApp and Alibaba are no longer available or recoverable. By contrast, we still have access to our own WhatsApp and Alibaba messages

going back to 2018 because they do not automatically delete. We have switched cell phones during this time period and they still exist.

I. Impact

19. After K9King's accused listings went live, PerfectPinz experienced measurable declines on overlapping search terms (including reduced click-through and conversion rates and decreased share of purchases), consistent with diversion and confusion.

I, Elliott Brafman, certify that the testimony above is accurate, complete, and truthful to the best of my knowledge.



Signature

08/29/2025

Date

Proof of Delivery

I hereby certify that on Wednesday, September 10, 2025, I provided a true and correct copy of the Affidavit of Elliott Brafman to the following:

K9 KING, LLC, represented by Jeffrey T Breloski, served via ESERVICE at jbreloski@atlawip.com

Signed: /s/ Cory Lapin