

JUDGE ROEHL

07 CV 3645

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

ANDIN INTERNATIONAL INC., :

Plaintiff, :

v. :

WHITEHALL JEWELLERS, INC. and :

KRISTALL, INC., :

Defendants. :

-----X

Civil Action No.

COMPLAINT

(Jury Demanded)

ECF CASE

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Plaintiff Andin International Inc., by its attorneys, for its Complaint against Defendant Whitehall Jewellers, Inc. and Defendant Kristall, Inc., alleges as follows:

SUMMARY AND PURPOSE OF THIS SUIT

1. The purpose of this lawsuit is to seek damages and injunctive relief to stop Defendant Whitehall Jewellers, Inc. ("Whitehall") and Defendant Kristall, Inc. ("Kristall") (collectively "Defendants") from "knocking off" Plaintiff Andin International Inc.'s ("Andin") DUO collection line of diamond and other gemstone jewelry and unfairly competing with Andin. This has been manifested by Defendants in selecting the term "Duets" to identify a competing and infringing line of jewelry and by copying jewelry within this line that is protected by Andin's copyright and trade dress. Unless Defendants are enjoined from further trademark, copyright and trade dress infringement and unfair competition, Andin will suffer substantial ongoing and irreparable harm.

JURISDICTION AND VENUE

2. This complaint alleges causes of action for infringement of trademark, trade dress, copyright and for unfair competition, under the Copyright and Trademark Laws, 17 U.S.C. §101 et seq. and 15 U.S.C. § et seq.

3. This Court has subject matter jurisdiction in this action pursuant to 28 U.S.C. §§1331 and 1367(a). Case 1:07-cv-03545-JOK Document 1 Filed 03/08/2007 Page 2 of 30

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(a).

THE PARTIES

5. Andin is a corporation organized and existing under the laws of the State of New York, having an office and place of business at 609 Greenwich Street, New York, New York 10014.

6. Andin is a leading resource of original items of jewelry, including rings and like items.

7. Upon information and belief, Whitehall is a Delaware corporation with its headquarters located at 125 South Wacker Drive, Chicago, Illinois 60606.

8. Upon information and belief, Kristall is a Nevada corporation having an office and place of business at 611 West 6th Street, Los Angeles, California 90017.

9. Upon information and belief, Whitehall transacts business within this district, has committed tortious acts within this district and defendant is otherwise within the jurisdiction of this Court.

10. Upon information and belief, Kristall transacts business within this district, has committed tortious acts within this district and defendant is otherwise within the jurisdiction of this Court.

11. Upon information and belief, Whitehall operates various jewelry stores, including jewelry stores in New York, selling jewelry to members of the general public.

12. Upon information and belief, Kristall is a manufacturer and/or distributor of merchandise, including jewelry items supplied to Whitehall and other retailers, and has engaged in conduct in New York and elsewhere which infringes on Andin's intellectual property rights, as set forth hereinafter.

FACTS COMMON TO ALL COUNTS

Andin's DUO Collection

13. The DUO collection is the brainchild and exclusive creation of Ofer Azrielant, CEO of Andin, who conceived and developed on behalf of Andin the concept of associating two diamonds or other gemstones as representing the loving relationship between two individuals. This line consists of diamond jewelry or jewelry of other gemstones, including rings, pendants, earrings and bracelets in which the two stones are set in precious metal in a contemporary or classic design. The DUO collection line of jewelry was designed to capture the essence of romance, by emphasizing the relationship of the two diamonds or other gemstones in the design.

14. Andin began marketing its DUO collection of jewelry on Jewelry.com, a well-known and frequently visited online jewelry information resource for consumers, and started selling this line in major retail stores nationwide in the Fall of 2006.

15. Andin's major launch of the DUO collection was an immediate success and was met with great excitement and fanfare by jewelry executives of major retail chains and the DUO collection received extensive media attention, which has

continued. By way of example, a celebration of the DUO collection was held at The New York Public Library on February 5, 2007. The attendees present at this newsworthy and highly publicized festivity, hosted by the celebrity-chef Daniel Boulud, included over 150 jewelry industry VIPs and media, including Beryl Raff, J.C. Penney's executive vice president and many other officers of major jewelry chains.

16. The creation of Andin's DUO collection has also been touted by the jewelry industry. Stories about the DUO collection have appeared in several jewelry industry publications including National Jeweler, dated February 13, 2007, JCK, November 2006 issue and JQ, September/October 2006 issue, all of which are widely circulated publications in the jewelry industry.

17. This publicity has engendered significant sales success, with the DUO line being currently sold in numerous mass merchandisers and jewelry chains, including J.C. Penney's, Macy's and Zales.

Andin's "DUO" Trademarks

18. In connection with the marketing, promotion and sale of the DUO collection line of jewelry, Andin adopted and has used the mark DUO, as well as its English equivalent TWO, and the slogans "It takes two....," "Two is the essence of romance..." and "The Power of two..." ("Andin's Trademarks"). Essentially, Andin's Trademarks serve to impart the quintessential bond or romantic love existing in a couple relationship.

19. Andin's Trademarks have appeared extensively in advertising for the DUO collection line of jewelry. By way of example, Andin's DUO collection jewelry line has been advertised in the February issue of Glamour.

The DUETTO Trademark

20. Andin is a licensee under U.S. Registration No. 2,662,279 for the mark DUETTO. Under this license, Andin has the right to use the marks DUETTO, DUET and DUETS on jewelry in the U.S. and Andin has been granted the right to enforce and undertake all necessary actions against the infringement of the mark DUETTO, as well as against infringement of DUET and DUETS, which are the English translations of DUETTO.

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Andin's DUO Copyrights

21. Andin is the exclusive owner of Copyright Registrations covering jewelry items in its DUO collection, identified as Andin's Styles Z1990, Z1936 and Z2093 (collectively "the DUO Copyrighted Works"). The DUO Copyrighted Works are the subject of U.S. Copyright Registration Nos. VA 1-375-259 (Z1990), VA 1-384-893 (Z1936) and VA 1-370-196 (Z2093). Copies of the DUO Copyrighted Works are annexed hereto as Exhibit A and the issued certificates of registration for the DUO Copyrighted Works are attached as Exhibit B.

Andin's DUO Collection Trade Dress

22. As a result of the media attention, promotion and significant sales success, Andin's DUO collection, namely its line of diamond and other gemstone jewelry, including rings, pendants, earrings and bracelets in which the stones are set in precious metal and featuring two stones in a contemporary or classic design to signify the loving relation between two individuals, have become known to the jewelry trade and consumer purchasers as being associated with Andin. These jewelry items have thus achieved a distinctive and non-functional trade dress.

Defendants' Infringement

23. Recently, Andin determined that Defendants have embarked on a calculated plan and scheme to usurp for themselves the good will enjoyed by Andin attributable to Andin's DUO diamond jewelry collection. This scheme has manifested itself in the introduction of Whitehall's Diamond Duets Collection ("the Infringing Duets Collection"). Copies of pages from Whitehall's print and on-line catalogue showing this collection are annexed hereto as Exhibit C.

24. The Infringing Duets Collection includes numerous items having jewelry designs in which gemstones are set in precious metal in a contemporary or classic design. At least some of these items have been supplied to Whitehall by Kristall. As set forth hereinafter, the Infringing Duets Collection infringes on Andin's copyright, trademark and trade dress rights identified above, and constitutes unfair competition.

25. Specifically, the ring shown as Style A/Item 20 in Whitehall's catalogue pages is virtually identical to Andin's styles Z2093 and Z1990 rings, and the ring shown as Style D/Item 21 on these pages is virtually identical to Andin's style Z1936 ring.

26. Whitehall's use of the term "Duets" as a trademark, apparently with the consent and authorization of Kristall, to market, promote and sell its jewelry designs, along with such phrase as "Two Hearts, Always Together" and "A Meaning Only the Two of You will Share," is likely to cause confusion, mistake and deceit. Members of the trade and the purchasing public will incorrectly believe that the Infringing Duets Collection is endorsed, sponsored or connected with Andin.

27. Whitehall's use of "Duets" is also likely to cause confusion, mistake and deceit with respect to the registered DUETTO trademark. Members of the trade and the purchasing public will incorrectly believe that the Infringing Duets Collection is endorsed, sponsored or connected with Andin and/or with Argenterie Vicentine S.r.l., the owner of this registered mark, and Andin's licensor.

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28. Whitehall's selection of jewelry items, upon information and belief supplied by Kristall, having two diamonds or other gemstones, such as, for example, Style B/Item 19, Style C/Item 18, and Style E/Item 17 on the catalogue pages (which items are either virtually identical to or substantially similar with jewelry sold by Andin in its DUO collection line), is likely to cause confusion, mistake and deceit. Members of the trade and the purchasing public will incorrectly believe that the Infringing Duets Collection is endorsed, sponsored or connected with Andin.

29. Andin has advised Defendants of their infringing activities as set forth herein, but despite such notice, Defendants have continued with their infringement. Accordingly, Defendants' conduct is wilful and wanton.

COUNT I
[COPYRIGHT INFRINGEMENT]

30. This cause of action arises under the Copyright Laws of the United States, Title 17 United States Code.

31. Andin repeats and realleges the allegations of paragraphs 1-29 hereof as if fully set forth herein.

32. In 2006, Andin created original designs for rings, identified as its Style Z1990, Style Z2093 and Style Z1936.

33. These rings consist of material which is wholly original and is copyrightable subject matter under the Copyright Laws of the United States, 17 U.S.C. Sec. 101, et seq.

34. Andin has duly complied with the provisions of the Copyright Laws of the United States and has secured rights and privileges in and to said designs, and has duly requested from the Register of Copyrights Certificates of Registration pertaining to said rings, identified as VA 1-370-196, VA 1-375-259 and VA 1-384-893. These copyrighted works and the certificates therefor and shown in Exhibits A and B.

35. Defendants, having full knowledge of the copyright rights of Andin as alleged herein, have infringed the aforesaid copyrights by manufacturing, publishing, displaying, vending, distributing, selling, promoting and/or advertising rings, the designs of which contains substantial material copied from said copyrighted works. These rings are shown as Style A/Item 20 and as Style D/Item 21 in Whitehall's catalogue pages, Exhibit C hereto.

36. All of the activities of Defendants are in violation of the rights of Andin under 17 U.S.C. §101 et seq.

37. All of the acts of Defendants as set forth herein, are without permission, license or consent of Andin, and are irreparably damaging Andin. Andin has been damaged by the acts of Defendants in an amount as yet unknown, but if such activities go unabated, the damage to Andin and its DUO collection line may well exceed \$1,000,000.

COUNT II
[FALSE DESIGNATIONS OF ORIGIN]

38. This cause of action arises under the Trademark Laws of the United States, Title 15, United States Code.

39. Andin repeats and realleges the allegations of paragraphs 1-29 hereof as if fully set forth herein. [Case 1:07-cv-03645-JGK Document 1 Filed 05/08/2007 Page 9 of 30](#)

40. As set forth herein, Andin adapted and has extensively used Andin's Trademarks, including the trademark DUO to identify items of jewelry. As the result of sales success and promotion, purchasers have come to identify the DUO trademark as associated with Andin. The DUO trademark is distinctive and has become distinctive of jewelry items associated with Andin.

41. Defendants, in selling, promoting and marketing jewelry items, identified by the term "Duets", are likely to cause confusion, mistake or deception in the trade and with the purchasing public as to the source or origin or sponsorship of said items and/or are likely to cause purchasers to incorrectly believe that Defendants' items of jewelry originate with, are endorsed by, or are otherwise associated with Andin.

42. The aforesaid activities of Defendants in selling, promoting and marketing jewelry items in commerce constitutes false descriptions, false representations, and false designations of origin, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

43. By reason of the acts of Defendants as alleged herein, Andin has, and will, suffer irreparable damage to its reputation and a loss of sales and profits which Andin would have made but for said acts of Defendants.

44. By reason of the acts of Defendants as alleged herein, Defendants have been unjustly enriched and Andin is entitled to an accounting of Defendants' profits.

45. All of the acts of Defendants as set forth herein, are without permission, license or consent of Andin, and are irreparably damaging Andin. Andin has been damaged by the acts of Defendants in an amount as yet unknown, but if such activities go unabated, the damage to Andin and its DUO collection line may well exceed \$1,000,000.

COUNT III
[INFRINGEMENT OF REGISTERED TRADEMARK]

46. This cause of action arises under the Trademark Laws of the United States, Title 15, United States Code.

47. Andin repeats and realleges the allegations of paragraphs 1-29 hereof as if fully set forth herein.

48. As set forth herein, Andin has the right to enforce and take all necessary action to against infringement of the mark DUETTO, which is the subject of Registration No. 2,662,279 for rings and other products in International Class 14.

49. Defendants, in selling, promoting and marketing jewelry items, identified by the term "Duets", have infringed the mark DUETTO and the registration thereof, in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

50. By reason of the acts of Defendants as alleged herein, Andin has, and will, suffer irreparable damage to its reputation and a loss of sales and profits which Andin would have made but for said acts of Defendants.

51. By reason of the acts of Defendants as alleged herein, Defendants have been unjustly enriched and Andin is entitled to an accounting of Defendants' profits.

52. All of the acts of Defendants as set forth herein, are without permission, license or consent of Andin, and are irreparably damaging Andin. Andin has been damaged by the acts of Defendants in an amount as yet unknown, but if such activities go unabated, the damage to Andin and its DUO collection line may well exceed \$1,000,000.

COUNT IV
[TRADE DRESS INFRINGEMENT]

53. This cause of action arises under the Trademark Laws of the United States, Title 15, United States Code.

54. Andin repeats and realleges the allegations of paragraphs 1-29 hereof as if fully set forth herein.

55. As set forth herein, Andin has distinctive, nonfunctional and protectable rights in a trade dress, namely its line of diamond or other gemstone jewelry, including rings, pendants, earrings and bracelets in which the stones are set in precious metal and featuring two gemstones along with a marketing program to emphasize (by trademark or otherwise) that the gemstones signify the loving relationship between two individuals, which has become known to purchasers as being associated with Andin.

56. Whitehall's selection of jewelry items, upon information and belief supplied by Kristall, having two diamonds juxtaposed adjacent one another or complementary with one another, such as, for example, Style B/Item 19, Style C/Item

18, and Style E/Item 17 on the catalogue pages (Exhibit C), which items are substantially identical to like items previously sold by Andin in its DUO collection line, is likely to cause confusion, mistake or deception in the trade and with the purchasing public as to the source or origin or sponsorship of said items and/or are likely to cause purchasers to incorrectly believe that Whitehall's items of jewelry originate with, are endorsed by, or are otherwise associated with Andin.

57. The aforesaid activities of Defendants in selling, promoting and marketing jewelry items in commerce constitute false descriptions, false representations, and false designations of origin, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

58. By reason of the acts of Defendants as alleged herein, Andin has, and will, suffer irreparable damage to its reputation and a loss of sales and profits which Andin would have made but for said acts of Defendants.

59. By reason of the acts of Defendants as alleged herein, Defendants have been unjustly enriched and Andin is entitled to an accounting of Defendants' profits.

60. All of the acts of Defendants as set forth herein, are without permission, license or consent of Andin, and are irreparably damaging Andin. Andin has been damaged by the acts of Defendants in an amount as yet unknown, but if such activities go unabated, the damage to Andin and its DUO collection line may well exceed \$1,000,000.

COUNT V
[COMMON LAW UNFAIR COMPETITION]

61. This cause of action arises under the New York common law of unfair competition.

62. Andin repeats and realleges the allegations of paragraphs 1 - 29 hereof as if fully set forth herein. Case 1:07-cv-03645-JGK Document 1 Filed 05/08/2007 Page 13 of 30

63. Defendants have engaged in a course of unfair competition by using the term "Duets," selling and promoting jewelry with two gemstones using a marketing program to emphasize (by trademark or otherwise) that the gemstones signify the loving relationship between two individuals and by copying Andin's jewelry designs, including designs protected by both copyright and trade dress.

64. Upon information and belief, the acts alleged herein are a specifically oriented predatory business practice undertaken by Defendants, the dominant purpose and effect of which is to pass off and palm off their line of diamond jewelry as originating with Andin and to confuse buyers as to the source or origin of such goods, in violation of the common law of New York.

65. By reason of the acts of Defendants as alleged herein, Andin has, and will, suffer irreparable damage to its reputation and a loss of sales and profits which Andin would have made but for said acts of Defendants.

66. By reason of the acts of Defendants as alleged herein, Defendants have been unjustly enriched and Andin is entitled to an accounting of Defendants' profits.

67. All of the acts of Defendants as set forth herein, are without permission, license or consent of Andin, and are irreparably damaging Andin. Andin

has been damaged by the acts of Defendants in an amount as yet unknown, but if such activities go unabated, the damage to Andin and its DUO collection line may well exceed \$1,000,000.

WHEREFORE, Andin demands:

A. [Case 1:07-cv-03645-JGK](#) [Document 1](#) [Filed 05/08/2007](#) [Page 14 of 30](#)
That Defendants, their agents, servants, related companies, and all

parties in privity with them, or any of them, be enjoined preliminarily and permanently from infringing the trademark, trade dress and copyright rights of Andin, or from otherwise unfairly competing with Andin, by

(a) infringing the trademark rights of Andin by using the term "Duets" or any term substantially similar to the trademarks DUO and DUETTO as would be likely to cause confusion, mistake or deceive,

(b) infringing the copyright rights of Andin by manufacturing, illustrating, publishing, displaying, vending, distributing, offering to sell, selling, shipping, delivering, promoting, using or advertising any copies of works which are the subject of Andin's copyright registrations, including but not limited to an injunction against Whitehall dealing in the rings are shown as Style A/Item 20 and as Style D/Item 21 in Whitehall's catalogue pages, Exhibit C hereto, or any other items incorporating the infringing designs,

(c) infringing the trade dress rights of Andin by selling, marketing and promoting the rings are shown as Style B/Item 19, Style C/Item 18, and Style E/Item 17 in Whitehall's catalogue pages, Exhibit C hereto, or any other items substantially similar thereto or by selling any other jewelry having two gemstones along with a marketing

program to emphasize (by trademark or otherwise) that the gemstones signify the loving relationship between two individuals, and

(d) from otherwise unfairly competing with Andin by using Andin's trademarks, copyrights and/or trade dress.

B. That Defendants be required to deliver up for destruction all infringing copies of Andin's items in Defendants' possession or under of the control of Defendants, and to deliver up for destruction all material implementing such infringing works.

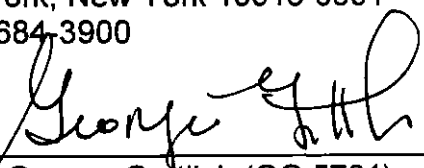
C. That Defendants be required to pay Andin such damages as Andin sustained in consequence of Defendants' infringement of Andin's rights and to account for all gains, profits and advantages derived by Defendants from said infringement, and that such award for damages be trebled due to willful and wanton nature thereof.

D. That Defendants pay to Andin its costs of this action, and Andin's reasonable attorneys' fees, as the Court may allow.

E. That Andin be granted such other and further relief as the Court may deem just.

GOTTLIEB, RACKMAN & REISMAN, P.C.
Attorneys for Plaintiff
270 Madison Avenue
New York, New York 10016-0601
(212) 684-3900

By: _____


George Gottlieb (GG 5761)
Barry A. Cooper (BC 9298)
Yuval H. Marcus (YM 5348)

Dated: New York, New York
May 8, 2007





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Filed 05/08/2007 Page 17 of 30

z1990

z1936



z2093

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
 Register of Copyrights, United States of America



Form VA
 For a Work of the Visual Arts

REGI **VA 1-370-196**



EFFECTIVE DATE OF REGISTRATION

10-13-06

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DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

Title of This Work ▼

Z2093

NATURE OF THIS WORK ▼ See instructions

JEWELRY DESIGN

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2

NAME OF AUTHOR ▼

a ANDIN INTERNATIONAL, INC.

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

Author's Nationality or Domicile
 Name of Country
 OR { Citizen of USA
 Domiciled in _____

Was This Author's Contribution to the Work
 Anonymous? Yes No
 Pseudonymous? Yes No
 If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions

- 3-Dimensional sculpture
- 2-Dimensional artwork
- Reproduction of work of art
- Map
- Photograph
- Jewelry design
- Technical drawing
- Text
- Architectural work

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

b

Name of Author ▼

Dates of Birth and Death
 Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

Author's Nationality or Domicile
 Name of Country
 OR { Citizen of _____
 Domiciled in _____

Was This Author's Contribution to the Work
 Anonymous? Yes No
 Pseudonymous? Yes No
 If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions

- 3-Dimensional sculpture
- 2-Dimensional artwork
- Reproduction of work of art
- Map
- Photograph
- Jewelry design
- Technical drawing
- Text
- Architectural work

3

a Year in Which Creation of This Work Was Completed
2006

b Date and Nation of First Publication of This Particular Work
 Complete this information ONLY if this work has been published.
 Month JULY Day 13 Year 2006

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

ANDIN INTERNATIONAL, INC.
 609 GREENWICH STREET, NEW YORK, NY 10014

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

DO NOT WRITE IN THIS OFFICE USE ONLY

APPLICATION RECEIVED
OCT 13 2006

ONE DEPOSIT RECEIVED
OCT 13 2006

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-8) on the reverse side of this page.
 • See detailed instructions. • Sign the form at the B.

EXAMINED BY CSC FORM VA

CHECKED BY WRTD

CORRESPONDENCE
 Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼

- a. This is the first published edition of a work previously registered in unpublished form.
- b. This is the first application submitted by this author as copyright claimant.
- c. This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼ Year of Registration ▼

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

NONE

a

6

See instructions before completing this space.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

NONE

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼ Account Number ▼

a

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

b

TAMARA HUMMEL/ANDIN INTERNATIONAL, INC.
609 GREENWICH STREET, NEW YORK, NY 10014

Area code and daytime telephone number (212) 886-6003

Fax number (212) 886-6006

Email

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one → {

- author
- other copyright claimant
- owner of exclusive right(s)
- authorized agent of ANDIN INTERNATIONAL, INC.

Name of author or other copyright claimant, or owner of exclusive right(s) ▼

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

TAMARA HUMMEL

Date 09/22/2006

Handwritten signature (X) ▼

x Tamara Hummel

Certificate will be mailed in window envelope to this address:

Name ▼	ANDIN INTERNATIONAL, INC./ATTN.: TAMARA HUMMEL
Number/Street/Apt ▼	609 GREENWICH STREET
City/State/ZIP ▼	NEW YORK, NY 10014

• Complete all necessary spaces
• Sign your application in space 8

SEND ALL ELEMENTS IN THE SAME PACKAGE

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

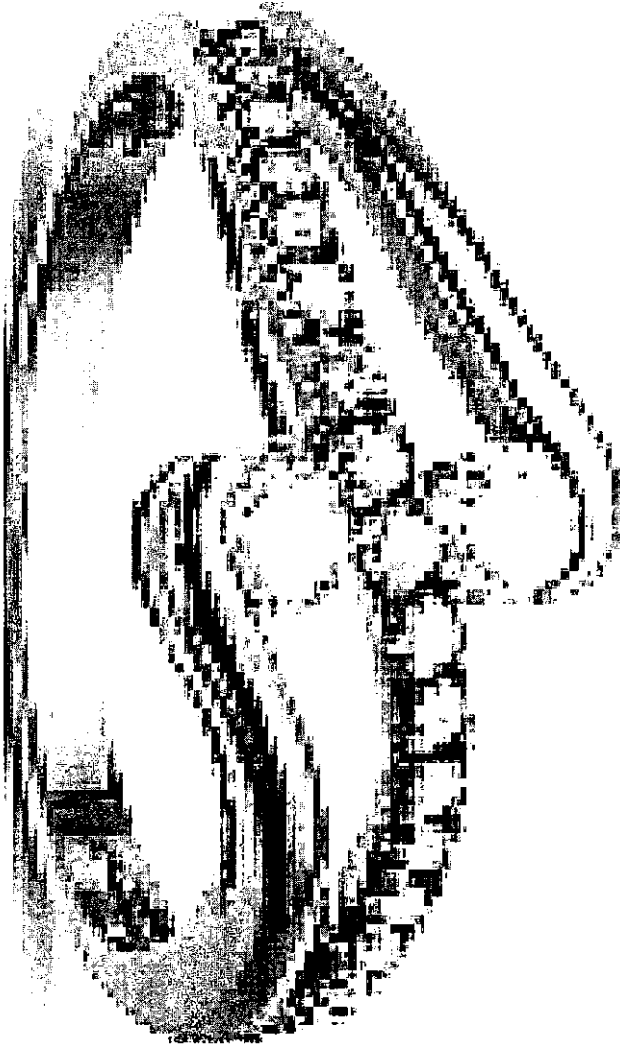
MAIL TO

Library of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20540-8000

9

*17 USC §506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Z2093

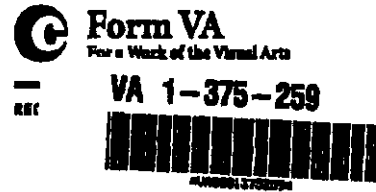


Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
 Register of Copyrights, United States of America



EFFECTIVE DATE OF REGISTRATION
JUN 28 2006
 Month Year

Copyright © 2006 by the United States Copyright Office. All rights reserved. Document 1 Filed 05/08/2007 Page 22 of 30

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

Title of This Work ▼ **NATURE OF THIS WORK** ▼ See instructions

Z1990-DUO DOUBLE LOOP RING WITH DIAMOND STRIP **JEWELRY DESIGN**

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. **Title of Collective Work** ▼

If published in a periodical or serial give: **Volume** ▼ **Number** ▼ **Issue Date** ▼ **On Pages** ▼

2

a **NAME OF AUTHOR** ▼ **DATES OF BIRTH AND DEATH**

ANDIN INTERNATIONAL, INC. Year Born ▼ Year Died ▼

NOTE
 Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

Was this contribution to the work a "work made for hire"? **Author's Nationality or Domicile** **Was This Author's Contribution to the Work**

Yes No OR Citizen of USA Anonymouse? Yes No Pseudonymous? Yes No

Nature of Authorship Check appropriate box(es). See instructions.

3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

b

Name of Author ▼ **Dates of Birth and Death**

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"? **Author's Nationality or Domicile** **Was This Author's Contribution to the Work**

Yes No OR Citizen of _____ Anonymouse? Yes No Pseudonymous? Yes No

Nature of Authorship Check appropriate box(es). See instructions.

3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

3

a **Year in Which Creation of This Work Was Completed** **b** **Date and Nation of First Publication of This Particular Work**

2006 This information must be given in all cases. Month JUNE Day 6 Year 2006 Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

ANDIN INTERNATIONAL, INC.
 609 GREENWICH STREET, NEW YORK, NY 10014

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

DO NOT WRITE HERE. OFFICE USE ONLY.

JUN 22 2006 APPLICATION RECEIVED
 JUN 22 2006 ONE DEPOSIT RECEIVED
 JUN 22 2006 TWO DEPOSITS RECEIVED
 FUNDS RECEIVED

EXAMINED BY STI FORM VA

CHECKED BY [Signature]

CORRESPONDENCE
Yes

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DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

- Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▾
- a. This is the first published edition of a work previously registered in unpublished form.
- b. This is the first application submitted by this author as copyright claimant.
- c. This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▾ Year of Registration ▾

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Presenting Material Identify any presenting work or works that this work is based on or incorporates. ▾

NOT APPLICABLE

a 6
See instructions before completing this space.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▾

NOT APPLICABLE

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▾ Account Number ▾

NONE

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▾

TAMARA HUMMEL/ANDIN INTERNATIONAL, INC.
609 GREENWICH STREET, NEW YORK, NY 10014

b

Area code and daytime telephone number (212) 886-6003

Fax number (212) 886-6006

Email thummel@andin.com

CERTIFICATION I, the undersigned, hereby certify that I am the

- check only one →
- author
 - other copyright claimant
 - owner of exclusive right(s)
 - authorized agent of **ANDIN INTERNATIONAL, INC.**
- Name of author or other copyright claimant, or owner of exclusive right(s) ▾

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▾ If this application gives a date of publication in space 3, do not sign and submit it before that date.

TAMARA HUMMEL

Date 06/22/06

Handwriting signature (X) ▾

X Tamara Hummel

Certificate will be mailed in window envelope to this address:

Name ▾
TAMARA HUMMEL/ANDIN INTERNATIONAL, INC.

Number/Street/Apt ▾
609 GREENWICH STREET

City/State/ZIP ▾
NEW YORK, NY 10014

- Complete all necessary spaces
 - Sign your application in space 6
1. Application form
2. Nonrefundable filing fee in check or money order payable to Registrar of Copyrights
3. Deposit material
- Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20540-6005

9
Please see subject to change. For current fees, check the Copyright Office website at www.copyright.gov, or call (800) 771-0700.



z1990

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Form VA
For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

REGI **VA 1-384-893**



EFFECTIVE DATE OF REGISTRATION
JUL 24 2006

Month Day Year
Filed 05/08/2007

Page 25 of 30

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

Title of This Work ▼ **NATURE OF THIS WORK ▼ See Instructions**

Z1936- DUO OVER/UNDER BYPASS RIGHT-HAND RING **JEWELRY DESIGN**

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2

a NAME OF AUTHOR ▼ **ANDIN INTERNATIONAL, INC.** DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

Author's Nationality or Domicile
Name of Country
OR Citizen of **USA**
Domiciled in

Was This Author's Contribution to the Work
Anonymous? Yes No
Pseudonymous? Yes No
If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions
 3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

b Name of Author ▼ Dates of Birth and Death
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

Author's Nationality or Domicile
Name of Country
OR Citizen of
Domiciled in

Was This Author's Contribution to the Work
Anonymous? Yes No
Pseudonymous? Yes No
If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See instructions
 3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

3

a Year in Which Creation of This Work Was Completed **2006** **b** Date and Nation of First Publication of This Particular Work
This information must be given in all cases. Complete this information ONLY if this work has been published. Month **JUNE** Day **8** Year **2006**

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

ANDIN INTERNATIONAL, INC.
609 GREENWICH STREET, NEW YORK, NY 10014

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED
JUL 24 2006
ONE DEPOSIT RECEIVED
JUL 24 2006
TWO DEPOSITS RECEIVED
FUNDS RECEIVED

EXAMINED BY *[Signature]* FORM VA
 CHECKED BY *[Signature]*
 CORRESPONDENCE
 Yes

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DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET. Case 1:07-cv-03645-JGK Document 1 Filed 05/08/2007 Page 26 of 30

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?
 Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼

a. This is the first published edition of a work previously registered in unpublished form.
 b. This is the first application submitted by this author as copyright claimant.
 c. This is a changed version of the work, as shown by space 6 on this application.
 If your answer is "Yes," give: Previous Registration Number ▼ Year of Registration ▼

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.
 a. **Preexisting Material** Identify any preexisting work or works that this work is based on or incorporates. ▼

NOT APPLICABLE

b. **Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

NOT APPLICABLE

6

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
 Name ▼ Account Number ▼

NONE

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

TAMARA HUMMEL/ANDIN INTERNATIONAL, INC.
 609 GREENWICH STREET, NEW YORK, NY 10014

Area code and daytime telephone number (212) 886-6003 Fax number (212) 886-6006
 Email

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one ► author
 other copyright claimant
 owner of exclusive right(s)
 authorized agent of ANDIN INTERNATIONAL, INC.
Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.
 TAMARA HUMMEL Date 07/21/2006

Handwritten signature (X) ▼
 X *Tamara Hummel*

8

Certificate will be mailed in window envelope to this address:

Name ▼ TAMARA HUMMEL/ANDIN INTERNATIONAL, INC.
 Number/Street/Apt ▼ 609 GREENWICH STREET
 City/State/ZIP ▼ NEW YORK, NY 10014

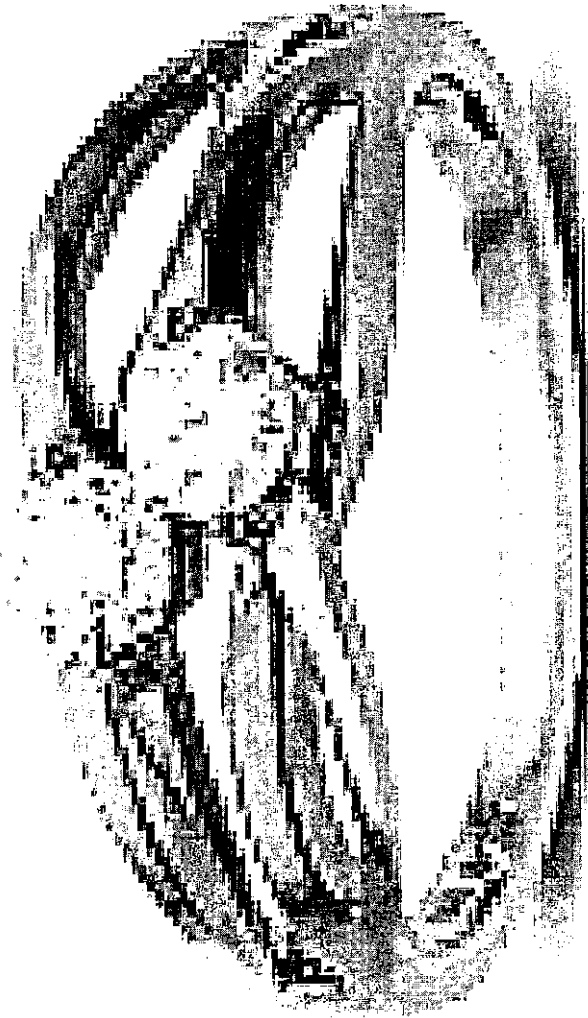
POSTAGE
 • Complete all necessary spaces
 • Sign your application in space 8

SEND ALL PAYMENTS BY THE SAFE PACKAGE

1. Application form
 2. Nonrefundable filing fee in check or money order payable to Registrar of Copyrights
 3. Deposit material

MAILED TO
 Library of Congress
 Copyright Office
 101 Independence Avenue SE
 Washington, DC 20540-0000

9



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Whitehall
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LENDSTROM
JEWELERS

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Company Information

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Pages:
1 | 2

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1/4 Ct. TW
\$299



ITEM 22

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\$399



ITEM 23

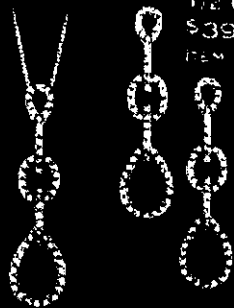


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1/3 CT TW
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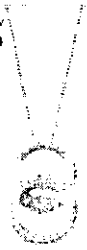


A



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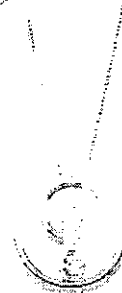
C

1/3 CT TW
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E

The Treasures of France

