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U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

11 UNITED FABRICS INTERNATIONAL,  
12 INC., a California Corporation,

13 Plaintiff,

14 vs.

16 CONWAY CLOTHING CO., INC., a  
17 New York Corporation; GERI C. NEW  
18 YORK, a business entity of form  
19 unknown, DOES 1-10,

20 Defendants.

Case No.:

**CV07-07681 DSF (SHx)**

PLAINTIFF'S COMPLAINT FOR:

- 1. COPYRIGHT INFRINGEMENT;
- 2. VICARIOUS/CONTRIBUTORY COPYRIGHT INFRINGEMENT

Jury Trial Demanded

22 Plaintiff, UNITED FABRICS INTERNATIONAL, INC. (hereinafter "UFI" or  
23 "Plaintiff"), by and through its undersigned attorneys, hereby prays to this honorable  
24 Court for relief based on the following:

**INTRODUCTION**

26 Plaintiff creates and obtains unique two-dimensional graphic artworks for use  
27 on textiles, which textiles are transacted primarily in the fashion industry. Plaintiff

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1 owns these designs in exclusivity and makes sales of products bearing these designs  
2 for profit. This action is brought to recover damages for direct, vicarious and  
3 contributory copyright infringement arising out of the misappropriation of Plaintiff's  
4 intellectual property rights in certain of these designs by the Defendants, and each of  
5 them.

6 **JURISDICTION AND VENUE**

7 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101  
8 *et seq.*

9 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and  
10 1338 (a) and (b).

11 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and  
12 1400(a) in that this is the judicial district in which a substantial part of the acts and  
13 omissions giving rise to the claims occurred.

14 **PARTIES**

15 4. Plaintiff UFI is a corporation organized and existing under the laws of the  
16 State of California with its principal place of business located at 1723 South Central  
17 Avenue, Los Angeles, California 90021.

18 5. Plaintiff is informed and believes and thereon alleges that Defendant  
19 CONWAY CLOTHING CO., INC. ("CONWAY") is a corporation organized and  
20 existing under the laws of the State of New York with its principal place of business  
21 at 54 WEST 21<sup>st</sup> Street, New York, New York, 10010, and doing business in and  
22 with the State of California.

23 6. Plaintiff is informed and believes and thereon alleges that Defendant GERI  
24 C. NEW YORK ("GERI") is a business entity of form unknown doing business in  
25 and with the state of California.

26 7. Plaintiff is informed and believes and thereon alleges that some of  
27 Defendants DOES 1 through 3, inclusive, are manufacturers and/or vendors of  
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1 garments to Defendant, which DOE Defendants have manufactured and/or supplied  
2 and are manufacturing and/or supplying fabrics and other product printed with  
3 Plaintiff's copyrighted designs (as hereinafter defined) without Plaintiff's knowledge  
4 or consent or have contributed to said infringement. The true names, whether  
5 corporate, individual or otherwise of Defendants DOES 1-3, inclusive, are presently  
6 unknown to Plaintiff, which therefore sues said Defendants by such fictitious names  
7 and will seek leave to amend this complaint to show their true names and capacities  
8 when same have been ascertained.

9 8. Defendants DOES 4 through 10, inclusive, are other parties not yet  
10 identified who have infringed Plaintiff's copyrights, have contributed to the  
11 infringement of Plaintiff's copyrights, or have engaged in one or more of the  
12 wrongful practices alleged herein. The true names, whether corporate, individual or  
13 otherwise, of Defendants 4 through 10, inclusive, are presently unknown to Plaintiff,  
14 which therefore sues said Defendants by such fictitious names, and will seek leave to  
15 amend this Complaint to show their true names and capacities when same have been  
16 ascertained.

17 9. Plaintiff is informed and believes and thereon alleges that at all times  
18 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
19 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
20 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
21 and/or employment; and actively participated in or subsequently ratified and  
22 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of  
23 all the facts and circumstances, including, but not limited to, full knowledge of each  
24 and every violation of Plaintiff's rights and the damages to Plaintiff proximately  
25 caused thereby.

26 **CLAIMS RELATED TO DESIGN AFRICAN LEAF**

1 10. Prior to the conduct complained of herein, Plaintiff purchased all rights in  
2 certain artwork created by and/or owned by Fabric 8, a United Kingdom-based art  
3 broker. Plaintiff allocated this artwork the Internal Design Code 20050220,  
4 designated it as "African Leaf" and submitted it for copyright registration as part of  
5 UFI's 2005 African Collection I ("Subject Design African Leaf"). A true and correct  
6 copy of Subject Design African Leaf is attached hereto as Exhibit A.

7 11. Plaintiff applied for and received copyright registration for Subject Design  
8 African Leaf on May 10, 2006, with the design being assigned Registration No. Vau  
9 667-547.

10 12. Subsequent to this registration, UFI's investigation revealed that CONWAY  
11 was purchasing, distributing and selling for profit, garments which infringed Subject  
12 Design African Leaf. A true and correct copy of an exemplar of a garment sold by  
13 CONWAY which infringed Subject Design African Leaf is attached hereto as  
14 Exhibit B.

15 13. Plaintiff's investigation further revealed that the garments set forth in  
16 paragraph 13 were supplied to CONWAY by GERI. This transaction was not  
17 authorized by Plaintiff and violated Plaintiff's intellectual property rights.

18 **CLAIMS RELATED TO DESIGN WAVERLY**

19 14. Prior to the conduct complained of herein, Plaintiff's designers created a  
20 two-dimensional textile design. Plaintiff allocated this artwork the Internal Design  
21 Code 20060303-HAE-G059, designated it as "Waverly" and submitted it for  
22 copyright registration as part of UFI's Geometric Collection V ("Subject Design  
23 Waverly"). A true and correct copy of Subject Design Waverly is attached hereto as  
24 Exhibit C.

25 15. Plaintiff applied for and received copyright registration for Subject Design  
26 Waverly on May 1, 2006, with the design being assigned Registration No. VA 708-  
27 323.



1 23.Plaintiff is informed and believes and thereon alleges that Defendants, and  
2 each of them, had access to the Subject Designs, including, without limitation,  
3 through (a) access to Plaintiff's showroom and/or design library; (b) access to  
4 illegally distributed copies of the Subject Designs by third-party vendors and/or  
5 DOE Defendants, including without limitation international and/or overseas  
6 converters and printing mills; and (c) access to Plaintiff's strike-offs and samples.

7 24.Plaintiff is informed and believes and thereon alleges that one or more of  
8 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is  
9 further informed and believes and thereon alleges that said Defendant(s) has an  
10 ongoing business relationship with Defendant retailer, and each of them, and  
11 supplied garments to said retailer, which garments infringed the Subject Designs in  
12 that said garments were composed of fabric which featured an unauthorized print  
13 design that was identical or substantially similar to the Subject Designs.

14 25.Plaintiff is informed and believes and thereon alleges that Defendants, and  
15 each of them, infringed Plaintiff's copyright by creating, making and/or developing  
16 directly infringing and/or derivative works from the Subject Designs and by  
17 producing, distributing and/or selling garments which infringe the Subject Designs  
18 through a nationwide network of retail stores and on-line outlets.

19 26.Due to Defendants' acts of infringement, Plaintiff has suffered substantial  
20 damages to its business in an amount to be established at trial.

21 27.Due to Defendants' acts of infringement, Plaintiff has suffered general and  
22 special damages in an amount to be established at trial.

23 28.Due to Defendants' acts of copyright infringement as alleged herein,  
24 Defendants, and each of them, have obtained direct and indirect profits they would  
25 not otherwise have realized but for their infringement of the Subject Designs. As  
26 such, Plaintiff is entitled to disgorgement of Defendant's profits directly and  
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28

1 indirectly attributable to Defendant's infringement of the Subject Designs in an  
2 amount to be established at trial.

3  
4 **SECOND CLAIM FOR RELIEF**

5 (For Vicarious and/or Contributory Copyright Infringement - Against All  
6 Defendants)

7 29.Plaintiff repeats, realleges and incorporates herein by reference as though  
8 fully set forth the allegations contained in the preceding paragraphs of this  
9 Complaint.

10 30.Plaintiff is informed and believes and thereon alleges that Defendants  
11 knowingly induced, participated in, aided and abetted in and profited from the illegal  
12 reproduction and/or subsequent sales of garments featuring the Subject Designs as  
13 alleged hereinabove.

14 31.Plaintiff is informed and believes and thereon alleges that Defendants, and  
15 each of them, are vicariously liable for the infringement alleged herein because they  
16 had the right and ability to supervise the infringing conduct and because they had a  
17 direct financial interest in the infringing conduct.

18 32.By reason of the Defendants', and each of their, acts of contributory  
19 infringement as alleged above, Plaintiff has suffered and will continue to suffer  
20 substantial damages to its business in an amount to be established at trial, as well as  
21 additional general and special damages in an amount to be established at trial.

22 33.Due to Defendants' acts of copyright infringement as alleged herein,  
23 Defendants, and each of them, have obtained direct and indirect profits they would  
24 not otherwise have realized but for their infringement of the Subject Designs. As  
25 such, Plaintiff is entitled to disgorgement of Defendants' profits directly and  
26 indirectly attributable to Defendants' infringement of the Subject Designs, in an  
27 amount to be established at trial.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment as follows:

**Against All Defendants**

1. **With Respect to Each Claim for Relief**

- a. That Defendants, their agents and servants be enjoined from infringing Plaintiff's copyrights in any manner, specifically those for the Subject Designs;
- b. That Plaintiff be awarded all profits of Defendants plus all losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- c. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 101 et seq.;
- d. That Defendants, and each of them, account to Plaintiff for their profits and any damages sustained by Plaintiff arising from the foregoing acts of infringement;
- e. That Plaintiff be awarded pre-judgment interest as allowed by law;
- f. That Plaintiff be awarded the costs of this action; and
- g. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

A TRIAL BY JURY PURSUANT TO FED. R. CIV. P. 38 AND CONSTITUTIONAL AMENDMENT SEVEN IS HEREBY DEMANDED.

Dated: November 21, 2007

**DONIGER LAW FIRM**

By:  /s/ Scott A. Burroughs

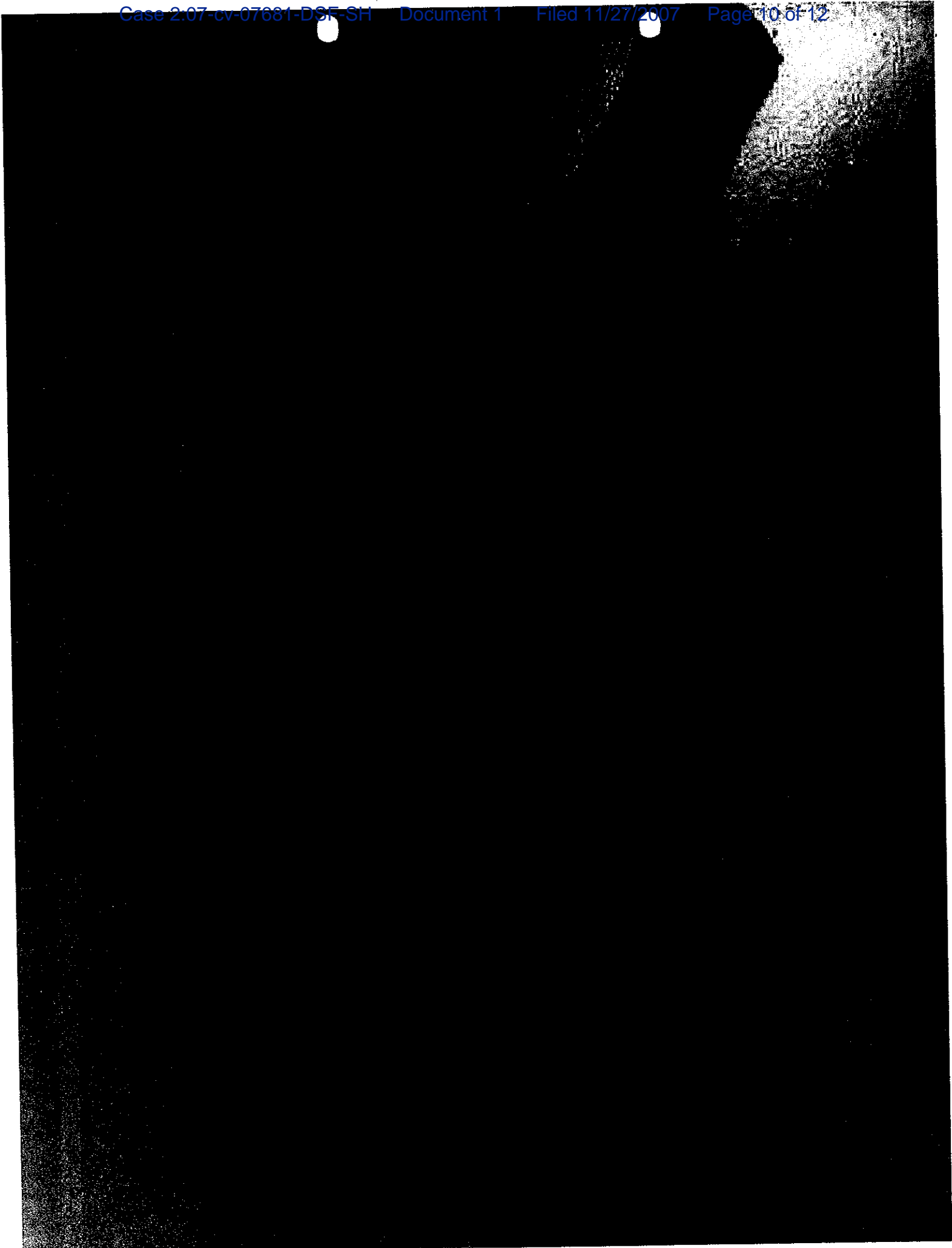
Scott A. Burroughs, Esq.

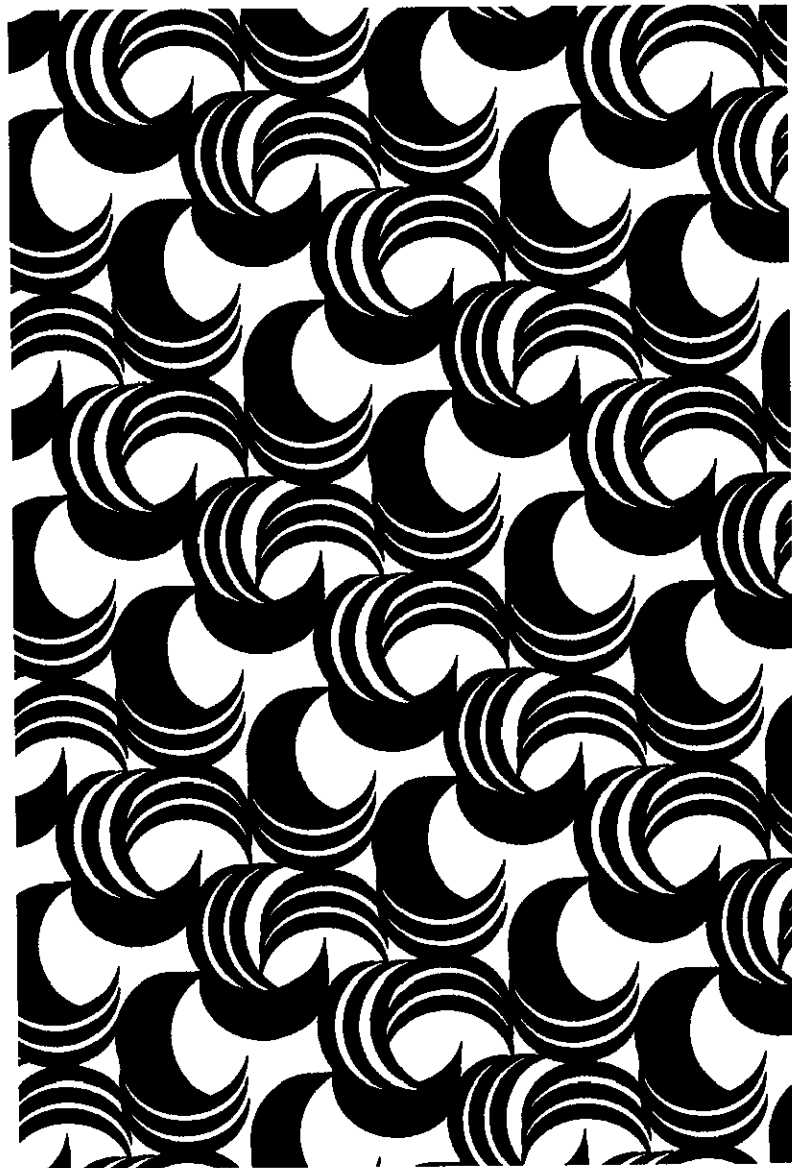
Attorneys for Plaintiff

UNITED FABRICS INTERNATIONAL, INC.









NEW YORK  
**GERI G.**