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CLARENCE MADDOX
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No.

07-61837

VAN CLEEF & ARPELS LOGISTICS, S.A.,
VAN CLEEF & ARPELS, INC. and
VAN CLEEF & ARPELS DISTRIBUTION, INC.,

Plaintiffs,

v.

CIV-MARRA

FESTIVAL MARKETPLACE a d/b/a designation for
CHESTER BROTHERS, LLC; CHRISTINA'S
CREATIONS; CHRISTINA DILASCIO; CARMINE
DILASCIO; GOLDEN IMAGES JEWELERS, INC.;
JAY TRIETMAN; IS IT REAL SAMPLE, INC. d/b/a
IS IT REAL; JERRY GOLDMAN; JEWELRY
COLLECTION; LOLA'S FINE JEWELRY, INC.;
SILVER WAVE; TASTE OF BEAUTY;
and JOHN DOES 1 - 20,

**MAGISTRATE JUDGE
JOHNSON**

Defendants.

_____ /

COMPLAINT

Plaintiffs, complaining of defendants, through their undersigned counsel, hereby allege as follows:

ALLEGATIONS COMMON TO ALL COUNTS

Jurisdiction And Venue

1. This Court has subject matter jurisdiction over the claims in this action arising under the Copyright Act and the Trademark Act pursuant to 28 U.S.C. §§ 1331 and 1338.

2. This Court has subject matter jurisdiction over the claims in this action arising under state law pursuant to 28 U.S.C. §§ 1367 and 1338.

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

The Parties

4. Plaintiff Van Cleef & Arpels Logistics, S.A. is a corporation organized and existing under the laws of Switzerland, having an office and place of business at 8 Route de Chandolan, 1752 Villars-sur-Glane, Switzerland.

5. Plaintiff Van Cleef & Arpels, Inc. is a corporation organized and existing under the laws of the State of New York, having an office and place of business at 12 West 57th Street, New York, NY 10015. Van Cleef & Arpels, Inc. is a licensed importer of Van Cleef & Arpels brand products, and is the exclusive licensee for the sale of such products at retail in the United States.

6. Plaintiff Van Cleef & Arpels Distribution, Inc. is a corporation organized and existing under the laws of the State of New York, having an office and place of business at 12 West 57th Street, New York, New York 10019. Van Cleef & Arpels Distribution, Inc. is a licensed importer of Van Cleef & Arpels brand products, and is the exclusive licensee for the sale of such products at wholesale in the United States. For the purposes of this Complaint, except where specified, the interests of plaintiffs Van Cleef & Arpels Logistics, S.A., Van Cleef & Arpels, Inc. and Van Cleef & Arpels Distribution, Inc. herein are as a practical matter identical, and they are hereinafter referred collectively and interchangeably as “Plaintiffs” or “VCA.”

7. Upon information and belief, defendant Festival Marketplace, a doing business as designation for Chester Brothers, LLC, is a Florida limited liability company having an office and place of business at 2900 West Sample Road, Pompano Beach, Florida 33073. Upon further information and belief, defendant Festival Marketplace is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

8. Upon information and belief, defendant Christina's Creations is an entity of unknown corporate character, with an office and place of business at 2900 West Sample Road, No. 6223 Carnival, Pompano Beach, Florida 33073. Defendant Christina's Creations is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

9. Upon information and belief, defendant Christina DiLascio is an individual who is an officer or other managing agent of Christina's Creations, having an office at 2900 West Sample Road, No. 6223 Carnival, Pompano Beach, Florida 33073 and is a conscious dominant and active force behind the wrongful acts of Christina's Creations complained of herein, which wrongful acts she has engaged in for the benefit of Christina's Creations and for her own individual gain and benefit. Defendant Christina DiLascio is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

10. Upon information and belief, defendant Carmine DiLascio is an individual who is an officer or other managing agent of Christina's Creations, having an office at 2900 West Sample Road, No. 6223 Carnival, Pompano Beach, Florida 33073 and is a conscious dominant and active force behind the wrongful acts of Christina's Creations complained of herein, which wrongful acts he has engaged in for the benefit of Christina's Creations and for his own individual gain and benefit. Defendant Carmine DiLascio is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

11. Upon information and belief, defendant Golden Images Jewelers, Inc. is a Florida corporation with an office and place of business at 2900 West Sample Road, Nos. KW101 Jamboree Entrance and K-4115, Pompano Beach, Florida 33073 ("Golden Images"). Defendant

Golden Images is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

12. Upon information and belief, defendant Jay Treitman (hereinafter “J. Treitman”) is an individual who is an officer or other managing agent of Golden Images having an office at Golden Images, 2900 West Sample Road, Nos. KW101 Jamboree Entrance and K-4115, Pompano Beach, Florida 33073 and is a conscious dominant and active force behind the wrongful acts of Golden Images complained of herein, which wrongful acts he has engaged in for the benefit of Golden Images and for his own individual gain and benefit. Defendant J. Treitman is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

13. Upon information and belief, defendant Is It Real Sample, Inc., doing business as Is It Real, is a Florida corporation with an office and place of business at 2900 West Sample Road, No. KE-111 Celebration Entrance, Pompano Beach, Florida 33073 (Is It Real”). Defendant Is It Real is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

14. Upon information and belief, defendant Jerry Goldman (hereinafter “J. Goldman”) is an individual who is an officer or other managing agent of Is It Real having an office at 2900 West Sample Road, No. KE-111 Celebration Entrance, Pompano Beach, Florida 33073 and is a conscious dominant and active force behind the wrongful acts of Is It Real complained of herein, which wrongful acts he has engaged in for the benefit of Is It Real and for his own individual gain and benefit. Defendant J. Goldman is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

15. Upon information and belief, defendant Jewelry Collection is an entity of unknown corporate character with an office and place of business at 2900 West Sample Road, No.5411 Acapulco, Pompano Beach, Florida 33073. Defendant Jewelry Collection is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

16. Upon information and belief, defendant Lola's Fine Jewelry, Inc. is a Florida corporation with an office and place of business at 2900 West Sample Road, No.1311 Carnival, Pompano Beach, Florida 33073. Defendant Lola's Fine Jewelry is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

17. Upon information and belief, defendant Silver Wave is an entity of unknown corporate character with an office and place of business at 2900 West Sample Road, No. 1513/1515 Bourbon Street, Pompano Beach, Florida 33073. Defendant Silver Wave is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

18. Upon information and belief, defendant Taste of Beauty is an entity of unknown corporate character with an office and place of business at 2900 West Sample Road, No. 3443 Acapulco and No. 3415, Pompano Beach, Florida 33073. Defendant Taste of Beauty is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

19. Upon information and belief, defendants John Does 1-10 are individuals who are officers or other managing agents of one or more of the defendants named above and are conscious dominant and active forces behind the wrongful acts of one or more of the defendants named above and complained of herein, which wrongful acts they have engaged in for the benefit of one or more of the named defendants above and for their own individual gain and

benefit. Defendants John Does 1-10 are transacting and doing business in this judicial district and are subject to the personal jurisdiction of this Court.

20. Upon information and belief, defendants John Does 11-20 are jewelers or other suppliers of infringing jewelry items to the named Defendants. Defendants John Does 11-20 are accordingly liable for copyright and/or contributory or inducement of copyright infringement and/or trade dress infringement. Defendants John Does 11-20 are transacting and doing business in this judicial district and are subject to the personal jurisdiction of this Court.

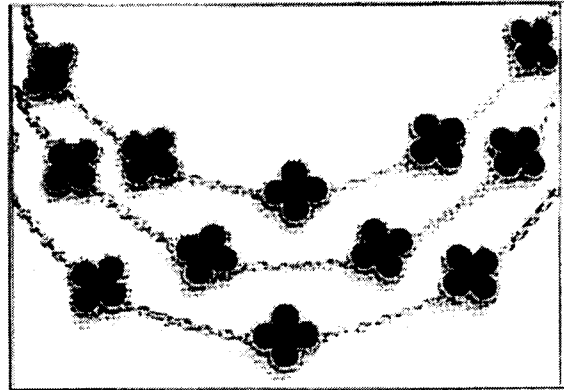
21. The above-named Defendants are all collectively referenced herein as the “Defendants.”

The Van Cleef & Arpels Brand and Business

22. The Van Cleef & Arpels business has its origins in 1898, when Alfred Van Cleef married Estelle Arpels, and proceeded to open a jewelry business with her brothers at 22 Place Vendome in Paris. Plaintiffs and their affiliates and predecessors in interest are famous for the production of fine luxury watches and jewelry, innovation in watch and jewelry styles and designs, and introduction of new and important jewelry technologies, including the introduction of a patented invisible-setting technique in the 1930s. For many years, and long since before the acts of the Defendants complained of herein, VCA has been engaged in the manufacture and sale in interstate and intrastate commerce of high quality luxury watches and jewelry, rings and related goods (the “VCA Products”).

The Alhambra Jewelry Design

23. VCA is the owner of all rights, including the copyright, in the Alhambra Jewelry Design (hereinafter the “ALHAMBRA JEWELRY DESIGN”). That design appears thus:



24. The ALHAMBRA JEWELRY DESIGN is an original and creative work of VCA and its team of designers, and such design is validly protected by copyright. VCA is the owner of all rights in such design.

25. VCA owns Copyright Registration No. GP 101,958 for the ALHAMBRA JEWELRY DESIGN, which was first received by the Copyright Office on January 7, 1976. A copy of this registration is attached hereto and identified as Complaint Exhibit 1 (the “ALHAMBRA JEWELRY DESIGN Registration”).

26. On November 15, 2007 VCA recorded a document entitled “Second Statement Regarding Copyright Registration.” A copy of the November 15, 2007 recordation is attached hereto and identified as Complaint Exhibit 2.

The ALHAMBRA Trade Dress

27. VCA’s Alhambra Jewelry features a distinctive and unique combination of elements that collectively create a particular trade dress (the “ALHAMBRA Trade Dress”). The ALHAMBRA Trade Dress consists of a collocation of design elements. The combination of all or almost all such elements together give the jewelry a distinct overall look and commercial impression making it instantly recognisable. Although these elements cannot be perfectly

described in words, the following generally describes the elements of the ALHAMBRA Trade

Dress:

A quatrefoil shaped ornament comprising:

1. four identical lobes;
2. each lobe having a semicircular shape;
3. the lobes having both left-right and top-bottom symmetry;
4. an outer band;
5. having a constant width;
6. the outer surface of the band defining the contour of the ornament;
7. the inner surface of the band defining an inner or central portion;
8. having four identical cusps (inner points of the lobes) which extend about half way into the ornament;
9. the inner portion;
10. having a quatrefoil shape defined by the inner surface of the outer band; and
11. which is either hollowed out or made of a single filling material, such as mother of pearl, onyx, lapis, diamonds or metal, and may include a small centered jewel.

28. The collocation of features set forth in the above paragraph herein constitute a distinctive trade dress that has secondary meaning. This design has been extensively promoted by VCA in the United States and has achieved significant sales success. The public has come to recognize this design as distinctive of this line of VCA jewelry and as an indication of source of such jewelry. The ALHAMBRA Trade Dress is thus a means by which VCA is known to the public and the trade as the sole source and origin of Alhambra jewelry.

29. The ALHAMBRA Trade Dress is in no way functional.

Defendants' Infringing Activities

30. On information and belief, Defendants have manufactured, sold, offered for sale and/or distributed copies of the ALHAMBRA JEWELRY DESIGN and products embodying the ALHAMBRA Trade Dress.

31. No Defendant in this action has sought or received a license or authorization from the Plaintiff for any purpose whatsoever, including for the acts described herein.

COUNT I

**TRADE DRESS INFRINGEMENT
15 U.S.C. § 1125(a)**

32. VCA repeats and incorporates herein by reference each of the foregoing allegations.

33. Defendants have reproduced, copied and imitated the ALHAMBRA Trade Dress in designing certain of their jewelry in a manner that is confusingly similar to the distinctive trade dress of VCA.

34. Defendants' adoption and use of the ALHAMBRA Trade Dress constitutes trade dress infringement and deliberate and willful violations of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125 (a).

35. The actions and conduct of Defendants complained of herein have damaged VCA and will, unless restrained, further impair, if not destroy, the value of the ALHAMBRA Trade Dress and the goodwill associated therewith.

36. Defendants' trade dress infringement has caused VCA to sustain monetary damage, loss and injury, in an amount to thus far not determined, but believed to be in excess of Twenty-Five Thousand Dollars (\$25,000).

37. Defendants' trade dress infringement, unless enjoined by this Court, will continue to cause VCA to sustain irreparable damage, loss and injury, for which VCA has no adequate remedy at law.

COUNT II

COMMON LAW TRADE DRESS INFRINGEMENT AND UNFAIR COMPETITION

38. VCA repeats and incorporates herein by reference each of the foregoing allegations.

39. Defendants have reproduced, copied and imitated the ALHAMBRA Trade Dress in designing certain of their jewelry in a manner that is confusingly similar to the distinctive trade dress of VCA.

40. Defendants' actions constitute common law trade dress infringement and unfair competition.

41. The actions and conduct of Defendants complained of herein have damaged VCA and will, unless restrained, further impair, if not destroy, the value of the ALHAMBRA Trade Dress and the goodwill associated with them.

42. Defendants' trade dress infringement has caused VCA to sustain monetary damage, loss and injury, in an amount thus far not determined, but believed to be in excess of Twenty-Five Thousand Dollars (\$25,000).

43. Defendants' trade dress infringement, unless enjoined by this Court, will continue to cause VCA to sustain irreparable damage, loss and injury, for which VCA has no adequate remedy at law.

COUNT III
COPYRIGHT INFRINGEMENT
17 U.S.C. § 501

44. VCA repeats and reincorporates herein by reference each of the foregoing allegations.

45. Defendants have infringed upon VCA's copyright in the ALHAMBRA JEWELRY DESIGN, by reproducing such design without authorization and distributing copies thereof by sale and other means, and/or contributing to or inducing the reproduction and distribution of said design.

46. VCA has no adequate remedy at law and is suffering irreparable harm and damage as a result of the acts of defendants as aforesaid in an amount thus far not determined, but believed to be in excess of Twenty-Five Thousand Dollars (\$25,000).

WHEREFORE, Plaintiffs demand:

1. That defendants, their officers, agents, servants, employees and attorneys, and those in active concert or participation with them or any of them, be permanently enjoined and restrained from further copying or otherwise infringing upon Plaintiffs' copyright identified herein.

2. That defendants be required to deliver up to Plaintiffs for destruction any and all goods in their possession that infringe upon the copyright identified herein.

3. That defendants be required, pursuant to 17 U.S.C. § 504, to account to Plaintiffs for any and all profits derived by them, and for all damages sustained by Plaintiffs by reason of said Defendants' actions complained of herein, and/or statutory damages, which Plaintiffs may at a later time elect to recover.

4. That pursuant to 17 U.S.C. § 505, Plaintiffs have and recover from defendants, Plaintiffs' reasonable attorneys' fees, costs and disbursements of this civil action.

5. That Defendants, their officers, agents, servants, employees and attorneys, and those in active concert or participation with them or any of them, be permanently enjoined and restrained:

- (a) From using in any manner the ALHAMBRA Trade Dress, alone or in combination with any other words or designs, in manner likely to cause confusion, deception, or mistake on or in connection with advertising, offering for sale or sale of any goods not manufactured by VCA, or not authorized by VCA to be sold in connection with their respective said marks;
- (b) From representing, suggesting in any fashion to any third party, or performing any act that may give rise to the belief that Defendants, or any of their goods, are authorized or sponsored by VCA;
- (c) From passing off, inducing or enabling others to sell or pass off any goods as products produced by Plaintiffs that are not in fact genuine VCA goods, or not produced under the control and supervision of VCA and approved by VCA and
- (d) From otherwise competing unfairly with Plaintiffs in any manner.

6. That Defendants be required to deliver up to Plaintiffs for destruction, any and all goods in their possession or under their control that were or are being advertised, promoted,

offered for sale or sold in connection with the ALHAMBRA Trade Dress, whether alone or in combination with any words or designs.

7. That Defendants be required to deliver up to Plaintiffs for destruction, any and all catalogs, circulars and other printed material in their possession or under their control displaying or promoting the goods that were or are being advertising, promoted, offered for sale or sold in connection with the ALHAMBRA Trade Dress, whether alone or in combination with any words or designs.

8. That Defendants be ordered pursuant to 15 U.S.C. § 1116(a) to file, with the Court and serve upon Plaintiffs, within thirty (30) days of the entry of injunction prayed for herein, a written report under oath or affirmed under penalty of perjury setting forth in detail the form and manner in which it has complied with permanent injunction.

9. That Defendants be required, pursuant to 15 U.S.C. § 1117, to account to Plaintiffs for any and all profits derived by it, and for all damages sustained by Plaintiffs by reason of Defendants' actions complained of herein, including an award of treble damages as provided for statute.

10. That Plaintiffs be awarded punitive damages.

11. That Plaintiffs be awarded both pre-judgment and post-judgment interest on each and every damage award.

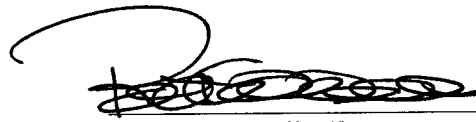
12. That pursuant to 15 U.S.C. § 1117, Plaintiffs have and recover from Defendants, Plaintiffs' reasonable attorneys' fees, costs and disbursements of this civil action.

13. That Plaintiffs have such other and further relief as the Court may deem just and proper.

KALOW & SPRINGUT LLP
Milton Springut, Esquire
Tal S. Benschar, Esquire
488 Madison Avenue, 19th Floor
New York, New York 10022

and

ROBERT W. WELLS
Attorney at Law
Fla. Bar No. 0231878
1450 Madruga Ave. Ste 306
Coral Gables, Florida 33146
Tel: 305/669-8989
Fax: 305/669-9995
E-mail: wellsrw@msn.com
Attorneys for Plaintiffs
Van Cleef & Arpels Logistics, S.A.; Van
Cleef & Arpels, Inc. and Van Cleef &
Arpels Distribution, Inc.



Robert W. Wells, Esq.

JS 44 (Rev. 11/05)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

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| <p>I. (a) PLAINTIFFS Van Cleef & Arpels Logistics, S.A., et. al.</p> <p>(b) County of Residence of First Listed Plaintiff <u>Foreign</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) ROBERT W. WELLS, Attorney at Law 1450 Madruga Ave. Ste 306 Coral Gables, Florida 33146</p> | <p>DEFENDANTS Festival Marketplace d/b/a Chester Brothers, LLC et. al.</p> <p>County of Residence of First Listed Defendant <u>Broward</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p style="font-size: 2em; text-align: center;">07-61837</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.</p> <p>Attorneys (If Known) CIV-MARK MAGISTRATE JUDGE JOHNSON</p> |
|--|--|

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

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|---|---|------------------------------|---|------------------------------|---|------------------------------|------------------------------|--------------------------|----------------------------|----------------------------|---|----------------------------|----------------------------|---|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| <p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p> <p style="font-size: 1.5em; font-family: cursive;">0:2007cv61837/KAM/LRW</p> | <p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> PTF</td> <td><input type="checkbox"/> DEF</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> PTF</td> <td><input type="checkbox"/> DEF</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table> | Citizen of This State | <input type="checkbox"/> PTF | <input type="checkbox"/> DEF | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> PTF | <input type="checkbox"/> DEF | Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| Citizen of This State | <input type="checkbox"/> PTF | <input type="checkbox"/> DEF | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> PTF | <input type="checkbox"/> DEF | | | | | | | | | | | | | | |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | | | | | | | | | | | | | | |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | | | | | | | | | | | | | | |

| IV. NATURE OF SUIT (Place an "X" in One Box Only) | | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|---|--|--|---|
| <p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise</p> | <p>TORTS</p> <p>PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury</p> <p>PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability</p> | <p><input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other</p> | <p><input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p> | <p><input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes</p> |
| <p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property</p> | <p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights</p> | <p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition</p> | <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p> | |

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Re-filed- (see VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S). (See instructions second page):

a) Re-filed Case YES NO b) Related Cases YES NO

JUDGE _____ DOCKET NUMBER _____

FILED by D.K.T.G. D.C.

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

Trademark infringement 15 U.S.C. § 1125 (a) and copyright infringement 17 U.S.C. § 504

LENGTH OF TRIAL via 5 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE SIGNATURE OF ATTORNEY OF RECORD: _____ DATE: December 17, 2007

FOR OFFICE USE ONLY

AMOUNT \$350.00 RECEIPT # 971985 FILED # 12/17/07