



07-CV-01178-CMP

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BLUE NILE, INC., a Delaware  
corporation,

Plaintiff,

v.

GOLDENWEST DIAMOND  
CORPORATION, a California corporation,  
d/b/a The Jewelry Exchange, The Jewelry  
Source, and The Jewelry Factory,

Defendant.

No.  
**C07-1178 RSM**  
COMPLAINT

JURY DEMAND

I. INTRODUCTION

1. This action arises from Goldenwest Diamond Corporation's knowing, willful and intentional copying of photographs displayed on Blue Nile, Inc.'s website.

2. Founded in 1999, Blue Nile, Inc. ("Blue Nile") has rapidly grown into the largest and most successful online retailer of certified diamonds and fine jewelry.

3. The Blue Nile websites are the heart of its business.

4. Building on the premise that, with the right information and tools, educated buyers will purchase higher-end jewelry on the Internet, Blue Nile developed and continues to refine its retail diamond and fine jewelry websites to do just that. Blue Nile's websites are

COMPLAINT - 1

Perkins Coie LLP  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Phone: 206.359.8000  
Fax: 206.359.9000

SEA 11062 5/15r

renowned for their industry-leading customization and innovative tools to help customers visualize final customized products.

5. Through its websites, Blue Nile has not only sold goods, Blue Nile has built the "Blue Nile" brand. Today, "Blue Nile" is synonymous with high quality diamonds and fine jewelry and with high-quality online user interface, information and services that provide a near-perfect customer experience.

## II. PARTIES

6. Plaintiff Blue Nile is a Delaware corporation that maintains its principal place of business at 705 Fifth Avenue South, Suite 900, Seattle, Washington 98104. Blue Nile owns and operates an online diamond and fine jewelry retail sales business through the websites [www.bluenile.com](http://www.bluenile.com), [www.bluenile.ca](http://www.bluenile.ca), and [www.bluenile.co.uk](http://www.bluenile.co.uk).

7. Defendant Goldenwest Diamond Corporation ("Goldenwest Diamond") is a California corporation with its principal place of business in California. Goldenwest Diamond operates an online retail jewelry business under the domain name [www.jewelryexchange.com](http://www.jewelryexchange.com). The [www.jewelryexchange.com](http://www.jewelryexchange.com) website is distributed and displayed in interstate commerce and within this judicial district. The [Jewelryexchange.com](http://www.jewelryexchange.com) business competes directly with Blue Nile in online retail sales of diamonds and jewelry.

## III. JURISDICTION AND VENUE

8. The Court has subject-matter jurisdiction over Blue Nile's claims pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338(a) (copyright).

9. The Court also has subject-matter jurisdiction pursuant to 28 U.S.C. § 1332, because there is complete diversity of citizenship between the parties and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

10. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) because a substantial part of the events giving rise to Blue Nile's claims occurred in this district and because Goldenwest Diamond is subject to personal jurisdiction in this district.

#### IV. FACTS AND BACKGROUND

##### A. THE BLUE NILE COMPANY AND BUSINESS

11. Blue Nile has, since 1999, provided diamond and fine jewelry retail services over the Internet. It is today the market leader in the online diamond and fine jewelry industry.

12. Blue Nile provides its services and products through the websites, [www.bluenile.com](http://www.bluenile.com) (serving the United States), [www.bluenile.ca](http://www.bluenile.ca) (serving Canadian customers), and [www.bluenile.co.uk](http://www.bluenile.co.uk) (serving the United Kingdom). Blue Nile's websites are available globally, and it sells diamonds and fine jewelry via its websites in interstate commerce throughout the United States, and elsewhere.

13. With no "brick and mortar" stores, the Blue Nile websites are Blue Nile's storefronts and sales clerks. The websites attract the customers, the websites answer questions, and the websites sell the diamonds and jewelry. As an Internet-only company in the high-end jewelry market, one of Blue Nile's highest priorities is the customer interface of its websites.

14. In Internet commerce, particularly involving the high-end diamond and jewelry markets, detailed, high-quality imagery is critical to success. High-quality images give online customers a certain level of comfort that the products purchased will be of suitable quality and that the retailer is really an expert in the field.

15. As Internet retail experts have commented, Blue Nile is "admittedly obsessed" with the concept of a perfect online order experience.

16. Blue Nile provides extraordinary detail in every aspect of its website and customer experience, from the photographs that display diamonds on Blue Nile's websites to the depth of data accessible to customers to the navigation and selection tools available to customers on the websites.

17. Through this investment and diligent attention to detail, Blue Nile has proven that luxury items can be sold online. In an online jewelry market where the average purchase is about \$300, Blue Nile customers spend about \$1,536 on each purchase. In addition, where the

1 industry average sale price for an engagement ring is about \$2,800, a typical engagement ring  
2  
3 order at Blue Nile is about \$5,500.

4  
5 **B. THE BLUE NILE WEBSITES: WWW.BLUENILE.COM**

6  
7 18. To attract and build the confidence of customers, Blue Nile's websites explain the  
8  
9 complexities of diamond and fine jewelry selection through carefully crafted text, through  
10  
11 excellent, sharp imagery, and in clear and creative organization and compilations on its websites  
12  
13 that are easy for even novice and other potential buyers to navigate and understand.

14  
15 19. Blue Nile's websites include exquisite photographs of diamonds that illustrate the  
16  
17 many beautiful stones and jewelry items Blue Nile offers.

18  
19 20. Blue Nile's diamond photographs are particularly distinctive. The qualities of cut  
20  
21 diamonds and the way diamonds reflect light makes them extremely difficult, costly and time-  
22  
23 consuming to photograph. Also as a result of diamonds' qualities and the way they reflect light,  
24  
25 every photograph of a diamond is as unique as a fingerprint.

26  
27 **C. PROTECTION OF BLUE NILE'S COPYRIGHTS**

28  
29 21. Due to the nature of its business—sales of high-end items exclusively over the  
30  
31 Internet—intellectual property is one of Blue Nile's most important and most valued assets.  
32  
33 Consequently, Blue Nile invests significant resources into its intellectual property and carefully  
34  
35 protects its intellectual property rights.

36  
37 22. For example, Blue Nile owns all rights, title and interest, including copyrights, in  
38  
39 and to the photographs of diamonds displayed on its websites. Blue Nile has registered  
40  
41 copyrights in the diamond photographs displayed on its websites, including the following  
42  
43 registrations for the preeminent Emerald, Heart, Marquise, Pear, Princess, Oval, Radiant, and  
44  
45 Round cut diamond photographs displayed on Blue Nile websites:

Reg. No.	Reg. Date	Title
TX 6-066-539	Sept. 23, 2004	Diamond Wire Frames, V 1

Reg. No.	Reg. Date	Title
VA 1-266-455	May 25, 2004	Product Line Fall 2003, Blue Nile
VA 1-264-435	May 25, 2004	Product Line 2000, Blue Nile

A true and correct copy of each registration certificate is attached as Exhibit A. Screen shots of the registered photographs displayed on BlueNile.com are attached as Exhibit B.

**D. JEWELRYEXCHANGE.COM IS WILLFULLY AND UNLAWFULLY COPYING BLUE NILE'S PHOTOGRAPHS**

23. Jewelryexchange.com has and is willfully and unlawfully copying Blue Nile's protected photographs.

24. Jewelycxchange.com copies these Blue Nile copyright-registered photographs on its website to exemplify Emerald, Heart, Marquise, Pear, Princess, Oval, Radiant, and Round diamonds to its viewers. Screen shots of these photographs on Jewelryexchange.com's website are attached as Exhibit C.

**V. CLAIM**

**COPYRIGHT INFRINGEMENT, 17 U.S.C. § 101 *et seq.***

25. Blue Nile realleges and incorporates by reference the allegations in paragraphs 1 through 24 above as if fully set forth herein.

26. Blue Nile has registered copyrights in its unique and original photographs.

27. Jewelryexchange.com had access to Blue Nile's websites, including the photographs on Blue Nile's websites.

28. Jewelryexchange.com copied and/or created derivative works from the photographs on Blue Nile's websites.

29. The photographs on the Jewelryexchange.com website are substantially similar to Blue Nile's original copyright-protected photographs.

1 30. Jewelryexchange.com is not licensed or authorized by Blue Nile to use Blue  
2 Nile's copyrighted works.  
3

4  
5 31. At all times relevant, Jewelryexchange.com obtained direct financial benefit from  
6 the infringement and had the right and ability to control the infringing conduct, and/or  
7 intentionally induced, encouraged, caused or materially contributed to the infringement.  
8

9  
10 32. The foregoing acts of Jewelryexchange.com constitute direct infringement,  
11 vicarious infringement and/or contributory infringement of Blue Nile's exclusive rights in its  
12 copyrighted works under 17 U.S.C. § 106.  
13

14  
15 33. Upon information and belief, Jewelryexchange.com's actions were intentional,  
16 willful, wanton and performed in disregard of the rights of Blue Nile.  
17

18  
19 34. Blue Nile has been and will continue to be damaged, and Jewelryexchange.com  
20 has been unjustly enriched, by Jewelryexchange.com's unlawful infringement of Blue Nile's  
21 copyrighted works in an amount to be proven at trial.  
22

## 23 VI. JURY DEMAND

24 35. Pursuant to Federal Rule of Civil Procedure 38(b), Blue Nile demands a trial by  
25 jury as to all issues so triable in this action.  
26

## 27 VII. PRAYER FOR RELIEF

28 WHEREFORE, plaintiff Blue Nile, Inc. prays for the following relief:  
29

30 1. A preliminary injunction and permanent injunction pursuant to 17 U.S.C. § 502  
31 enjoining and restraining Goldenwest Diamond, its officers, agents, servants, employees and all  
32 persons in active concert or participation with them, during the pendency of this action and  
33 thereafter perpetually from copying, distributing, displaying, creating derivative works or  
34 otherwise using protected elements of Blue Nile's copyrighted works, including, but not limited  
35 to, Blue Nile's photographs;  
36

37 2. An award of damages sustained by Blue Nile pursuant to 17 U.S.C. § 504(b) and  
38 as otherwise permitted by law;  
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1           3.     An accounting and award of profits and other unjust enrichment derived by  
2 Goldenwest Diamond from its unlawful conduct pursuant to 17 U.S.C. § 504(b) and as otherwise  
3 permitted by law;  
4

5           4.     At Blue Nile's election, an award of statutory damages pursuant to 17 U.S.C.  
6 § 504(c) and as otherwise permitted by law;  
7

8           6.     An award of Blue Nile's costs of suit and reasonable attorneys' fees pursuant to 17  
9 U.S.C. § 505 and as otherwise permitted by law;  
10

11           7.     An award of prejudgment and post-judgment interest; and  
12

13           8.     For such further and other relief as the Court deems just and proper.  
14  
15  
16  
17  
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20

21 DATED: July 30, 2007

PERKINS COIE LLP

22  
23  
24 By: 

25 Elizabeth L. McDougall, WSBA No. 27026

26 Rebecca S. Engrav, WSBA No. 33275

27 Angela R. Martinez, WSBA No. 38326

28 1201 Third Avenue, Suite 4800

29 Seattle, WA 98101-3099

30 Telephone: 206.359.8000

31 Facsimile: 206.359.9000

32 Email: EMcDougall@perkinscoie.com

33 REngrav@perkinscoie.com

34 AMartinez@perkinscoie.com  
35

36 Attorneys for Plaintiff Blue Nile, Inc.  
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**EXHIBIT A**



## Certificate of Registration



This Certificate issued under the authority 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.

*Margbeth Peters*

Register of Copyrights, United States of America

**Form TX**  
For a Non-dramatic Literary Work  
UNITED STATES COPYRIGHT OFFICE

TX 6-066-539



DATE OF REGISTRATION

SEP 23 2004

Month Day Year

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

1

**TITLE OF THIS WORK ▼**

Diamond Wire Frames, V 1

**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 Blue Nile, 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 ▼

☐ 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

**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

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed ▼  
entire computer program, text, photographic images, and illustrations

**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** Briefly describe nature of material created by this author in which copyright is claimed ▼

**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** Briefly describe nature of material created by this author in which copyright is claimed ▼

3

**YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED**  
2004

This information must be given in all cases.

**DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK**

Complete this information ONLY if this work has been published. Month ▼ July Day ▼ 29 Year ▼ 2004

U.S.A.

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 ▼

Blue Nile Inc  
705 Fifth Avenue South, Suite 900  
Seattle, WA 98104

**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 ▼

RECEIVED

SEP 23 2004

RECEIVED

SEP 23 2004

TWO DEPOSITS RECEIVED


FUNDS RECEIVED

**MORE ON BACK ▶**

Complete all applicable spaces (numbers 5-9) on the reverse side of this page. See detailed instructions. Sign the form at the bottom.

DO NOT WRITE HERE  
Page 1 of 2 pages

\*Amended by C.O. from phone call to  
Gretchen Stroud of Cooley Godward LLP  
on Jan 07, 2005.

EXAMINED BY 	FORM TX
CHECKED BY	
<input type="checkbox"/> CORRESPONDENCE	FOR COPYRIGHT OFFICE USE ONLY
<input type="checkbox"/> Yes	

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

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

a

6

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

See instructions  
before completing  
this space

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 ▼

Gretchen R. Stroud, Cooley Godward LLP  
Five Palo Alto Square, 3000 El Camino Real  
Palo Alto, California 94306-2155

b

Area code and daytime telephone number ► 650-843-5036

Fax number ► 650-857-0663

Email ►

STROUDGR@cooley.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 Blue Nile, 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

8

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

Angela Bergman

Date ► 9/15/2004

Handwritten Signature (X) ▼

X

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address

Name ▼	Gretchen R. Stroud Cooley Godward LLP
Number/Street/Apt. ▼	5 Palo Alto Square 3000 El Camino Real
City/State/ZIP ▼	Palo Alto, CA 94306-2155

Copyright  
Complete all necessary spaces  
Sign your application in space 6

1. Application form  
2. Manuscript/Work to be registered  
3. Deposit material

4. Payment of fee  
5. Payment of fee

6. Payment of fee  
7. Payment of fee

8. Payment of fee  
9. Payment of fee

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 402 or in any written statement filed in connection with the application shall be fined not more than \$2,500

Rev July 2003—2007 Web Rev July 2003 Printed on recycled paper

U.S. Government Printing Office 2000-481 11320 021

## 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

VA 1-266-455



EFFECTIVE DATE OF REGISTRATION

5 25 04  
Month Day Year

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

**Title of This Work** ▼

Product Line Fall 2003, Blue Nile

**NATURE OF THIS WORK** ▼ See instructions

Photographs on Website

**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 Page ▼

**NAME OF AUTHOR** ▼

Blue Nile, 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 U.S.A.  
Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ No

Pseudonym? ☐ 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

**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

Pseudonym? ☐ 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

**Year in Which Creation of This Work Was Completed**

2003

This information must be given in all cases.

**Date and Nation of First Publication of This Particular Work**

Complete this information ONLY if this work has been published.

Month October

Day 17

Year 2003

U.S.A.

Nation

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

Blue Nile, Inc  
705 Fifth Ave S, Ste. 900  
Seattle WA 98104

**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

MAY 25 2004

ONE DEPOSIT RECEIVED

MAY 25 2004

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 8.

DO NOT WRITE HERE

Page 1 of 2

EXAMINED BY 

FORM VA

CHECKED BY

☐ CORRESPONDENCE  
YesFOR  
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. ▾

a  
See instructions  
before completing  
this space.

6

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. ▾

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

Gretchen R. Stroud, Cooley Godward LLP  
Five Palo Alto Square, 3000 El Camino Real  
Palo Alto, CA 94306-2155

Area code and daytime telephone number (650) 843-5000

Fax number (650) 857-0663

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 Blue Nile, 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.

Alex Berg

Date

4/27/01

Handwritten signature (X) ▾

X

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name ▾  
Gretchen Stroud c/o Cooley Godward LLP

Number/Street/Apt ▾  
FIVE PALO ALTO SQUARE, 3000 EL CAMINO REAL

City/State/ZIP ▾  
PALO ALTO, CA. 94306-2155

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

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. 20540-6000

Fee not subject to  
dispute. For small  
fees, check the  
Copyright Office  
website at  
www.copyright.gov  
for the Copyright  
Office, or call  
(202) 707-6000.

9

17 U.S.C. § 804(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 402, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

## 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

VA 1-264-435

EFFECTIVE DATE OF REGISTRATION  
5 25 07  
Month Day Year

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

Product Line 2000, Blue Nile

Photographs on Website

Previous or Alternative Title ▼

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 Page ▼

2  
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 date of birth and death blank.

NAME OF AUTHOR ▼

a Blue Nile, Inc

DATE 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 Domestic Name of Country

OR ☒ Citizen of U.S.A.

☐ Domestic in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No

Pseudonym? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate boxes. See instructions

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☒ 2-Dimensional artwork

☒ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

Name of Author ▼

b

Date 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 Domestic Name of Country

OR ☐ Citizen of

☐ Domestic in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No

Pseudonym? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate boxes. See instructions

☐ 3-Dimensional sculpture

☐ Map

☐ Technical drawing

☒ 2-Dimensional artwork

☒ Photograph

☐ Text

☐ Reproduction of work of art

☐ Jewelry design

☐ Architectural work

3

Year in Which Creation of This Work Was Completed

2000

Date and Month of First Publication of This Particular Work

Complete this information ONLY if the work has been published.

Month November

Day 30

Year 2000

4

See instructions before completing this space.

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

Blue Nile, Inc  
705 Fifth Ave S, Ste. 900  
Seattle WA 98104

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

MAY 25 2004

ONE DEPOSIT RECEIVED

MAY 25 2004

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ► • Complete all applicable spaces (numbers 1-4) on the reverse side of this page.  
• See detailed instructions. • Sign the form at line 5.

DO NOT WRITE HERE  
Page 1 of 2

EXAMINED BY <u>OK</u>	FORM VA
CHECKED BY <u>OK</u>	
<input type="checkbox"/> CORRESPONDENCE	FOR
Yes	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 6a for a compilation.a. **Presenting Material** Identify any presenting work or works that this work is based on or incorporates.a  
the instructions  
before completing  
this space.

6

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

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

Gretchen R. Stroud, Cooley Godward LLP  
 Five Palo Alto Square, 3000 El Camino Real  
 Palo Alto, CA 94306-2155

b

Area code and daytime telephone number (650) 843-5000

Fax number (650) 857-0663

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 Blue Nile, 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.

Alex Berg

Date 4/27/04

Handwritten signature (2)

X

8

Certificates  
 will be  
 mailed in  
 window  
 envelope  
 to this  
 address:

Name	Gretchen Stroud, Cooley Godward LLP
Number/Street	5 Palo Alto Sq. 3000 El Camino Real
City/State/ZIP	Palo Alto, CA 94306-2155

1. Complete all required spaces.	2. Sign your application in space 8.
3. Pay the fee.	4. Submit the application.
5. Receive the certificate.	6. Receive the certificate.
7. Receive the certificate.	8. Receive the certificate.
9. Receive the certificate.	10. Receive the certificate.

9

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 14

**EXHIBIT B**

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Round	Princess	Emerald	Cushion	Oval	Marquise	Solitaire	Antique	Heart	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Select your diamond price range (optional)

Price (per ct):  to

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0.12 Carat Round Diamond Engagement Ring  
 This elegant 14K white gold ring features a round brilliant cut 0.12 carat diamond set in a four-prong setting. The ring is finished with a smooth, polished band.

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Order by the end of the business day on Wednesday, July 25, and receive your ring by Friday, July 27.

Price: \$101

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Diamond Details

Certificate:

GIA

Report #:

1000000000

Color:

D

Clarity:

VVS1

Cut:

Excellent

Shape:

Round

Weight:

0.12 carat

Metal:

14K White Gold

Band:

4mm

Setting:

Four-prong

Ring Size:

5.0

Ring Width:

2.0mm

Ring Weight:

0.12 carat

Ring Length:

1.5mm

Ring Depth:

0.12 carat

Ring Thickness:

0.12 carat

Ring Width:

2.0mm

Ring Weight:

0.12 carat

Ring Length:

1.5mm

Ring Depth:

0.12 carat

Ring Thickness:

0.12 carat

Ring Width:

2.0mm

Ring Weight:

0.12 carat

Ring Length:

1.5mm

Ring Depth:

0.12 carat

Ring Thickness:

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Ring Weight:

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1.5mm

Ring Depth:

0.12 carat

Ring Thickness:

0.12 carat

Ring Width:

2.0mm

Ring Weight:

0.12 carat

Ring Length:

1.5mm

Ring Depth:

0.12 carat

Ring Thickness:

0.12 carat

Ring Width:

2.0mm

Ring Weight:

0.12 carat

Ring Length:

1.5mm

**EXHIBIT C**

7/24/2007

http://jewelryexchange.com/diamonddetails.aspx?diamondID=22390

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SKU: 08J26814  
Retail Price: \$15036.00  
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**Diamond Information**

Type	Loose Diamond
Shape	Round
Carat weight	4.020
Color	

**Shipping information**

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4.02CT LOOSE ROUND DIAMOND, GOOD cut, color, and clarity  
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**Clarity**

IF VS1 VS2 VSI VS2 SI1 SI2 SI3 I1 I2 I3

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