

JUDGE COTE
07 CV 7533
PAUL, HASTINGS, JANOFSKY & WALKER LLP
Robert L. Sherman (RS 5520)
Sara J. Crisafulli (SC 6185)
75 East 55th Street
New York, NY 10022
(212) 318-6000

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

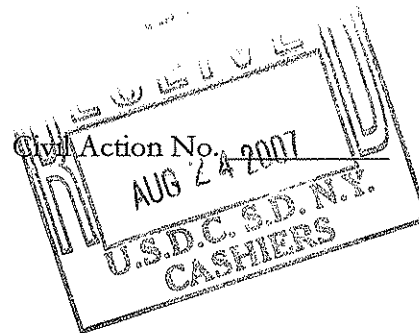
Nine West Development Corporation and
Nine West Footwear Corporation,

Plaintiffs,

- against -

Does 1-10,

Defendants.



COMPLAINT

Plaintiffs Nine West Development Corporation and Nine West Footwear Corporation (together, "Nine West"), by and through their attorneys Paul, Hastings, Janofsky & Walker LLP, as and for their Complaint against defendants Does 1-10, allege as follows, upon actual knowledge with respect to themselves and their own acts and upon information and belief as to all other matters:

Nature Of The Action

1. This is an action to recover for the damage caused by, and to prevent further damage arising from, the defendants' fraudulent, deceptive and misleading advertisements that solicit young females to send photographs of themselves with their contact information to defendants, by

pretending to be Nine West, and by infringement of the NINE WEST® mark. Nine West asserts claims for: (1) trademark infringement under Section 32 of the Lanham Act, 15 U.S.C. § 1114; (2) false designation of origin and false description and representation under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); (3) dilution by tarnishment under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c); (4) deceptive trade practices and false advertising under Sections 349 and 350 of the New York General Business Law; and (5) dilution under Section 360-l of the New York General Business Law. Nine West seeks preliminary and permanent injunctive relief and compensatory and punitive damages.

Parties

2. Nine West Development Corporation is a corporation organized and existing under the laws of the State of Delaware, with a place of business at 1007 Orange Street, Suite 225, Wilmington, Delaware 19801. Nine West Footwear Corporation is a Delaware corporation and is the licensed affiliate of Nine West Development Corporation that makes and sells the NINE WEST branded footwear and accessories, with offices at 1411 Broadway, New York, NY 10018.

3. One or more Does are infringing plaintiffs' NINE WEST® mark in this state, including in this district. The identities of the various Doe defendants are not presently known and the Complaint herein will be amended, if appropriate, to include their names when such information becomes available.

Jurisdiction and Venue

4. This Court has jurisdiction pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338 with respect to the claims arising under federal law, and pursuant to 28 U.S.C. §§ 1338 and 1367 with respect to the claims arising under the laws of the State of New York and other states.

5. This Court has personal jurisdiction over defendants because they have committed acts of trademark infringement in this state and in this district.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

Factual Allegations

7. Nine West, through its parent, Jones Apparel Group, Inc. and related companies and licensees, is one of the leading designers, manufacturers and marketers of fashionable women's footwear, clothing and accessories. Its internationally recognized brands include NINE WEST, EASY SPIRIT, BANDOLINO and ENZO ANGIOLINI.

8. Shoes under the NINE WEST brand are sold in many countries throughout the world. In the United States, NINE WEST shoes are sold in Nine West's own retail stores as well as in other retail stores, including Macy's, Bloomingdale's, Filenes's, Lord & Taylor and Foley's department stores. NINE WEST shoes also are available for sale at www.ninewest.com. In 2006, Nine West's annual sales of NINE WEST branded products in the United States totaled millions upon millions of dollars.

9. Nine West is the owner of the NINE WEST trademark, a brand that is renowned for women's footwear, accessories and apparel, and which is the subject of a number of federal

trademark registrations and represents one of the most popular and famous brands in the world. Its target is the fashion forward young woman.

10. In *The WWD 100, A Women's Wear Daily Special Report*, July 2007 edition, Nine West was ranked 24th out of the top 100 brands by Women's Wear Daily, a leading trade publication for the fashion industry. In the breakout rankings, Nine West was ranked 3rd out of the top 10 accessories brands and 7th out of the top 10 legwear brands.

11. Nine West is the owner of, *inter alia*, the entire right, title and interest in and to the following federal trademarks registrations (collectively, the "NINE WEST Mark"). Copies of the registration certificates from the U.S. Trademark Office's database are attached hereto as Exhibit A.

MARK	REG. NO.	GOODS	PRIORITY DATE
NINE WEST*	1,775,652	Handbags, shoes, retail store services for handbags and shoes	September 24, 1990
NINE WEST*	2,198,938	Jewelry	November 1997
NINE WEST*	2,322,474	Watches	August 12, 1998
NINEWEST.COM*	2,394,900	Computerized on-line retail store services featuring shoes, outerwear, belts, handbags, jewelry, sunglasses and legwear	August 21, 1998
NINE 9 WEST	2,794,769	Jewelry and watches	August 1, 2002
NINE 9 WEST	2,938,313	Clothing, namely, pants, skirts, dresses, jackets, coats, shirts, blouses, vests, shorts and sweaters	October 1, 2003
NINE WEST*	2,272,307	Clothing, namely, jackets, leather coats and rainwear	March 1998
NINE WEST*	2,518,612	Various types of clothing	March 8, 2000
NINE WEST*	2,571,795	Waterproofing chemical compounds for articles of leather; cleaning solvents, lotions and cream for footwear and shoe and boot polish; shoe brushes and polishing cloths for applying solvents to be used as a scuff remover.	December 31, 1996

NINE WEST*	2,246,350	Sunglasses, non-prescription reading glasses, clip-on sunglasses, eyeglass cases, eyeglass cords, sunglass cords	March 21, 1996
NINE WEST*	2,133,086	Sunglasses; hosiery	November 1, 1995
NINE WEST STUDIO	2,856,725	Footwear	January 24, 2002
NINE WEST STUDIO	2,984,262	Handbags, purses totebags; small leather goods, namely clutch purses, leather key cases, credit card cases, cosmetic cases sold empty, change purses, wallets, business card cases and passport cases	May 13, 2004
NINE WEST & Design*	1,829,417	Handbags and purses; retail store services for footwear, purses and handbags	November 4, 1990
NINE WEST & Design*	1,685,412	Shoes	September 24, 1990
9 WEST*	1,170,312	Shoes	March 6, 1978
9 NINE WEST	2,775,692	Various types of clothing	August 1, 2002
9 NINE WEST	2,786,445	Luggage, handbags, purses, attaché cases, briefcases, school bags, tote bags, all purpose sport tote bags, duffel bags, beach bags, traveling trunks and valises, cosmetic bags sold empty, briefcase type portfolios, umbrellas; small leather goods, namely clutch purses, leather key cases, credit card cases, cosmetic cases sold empty, change purses, wallets, business card cases and passport cases	August 1, 2002
9 NINE WEST	2,915,272	Jewelry and watches	June 30, 2003
9 NINE WEST	2,938,312	Belts	October 1, 2003
9 NINE WEST	2,942,212	Optical eyewear and sunglasses	October 1, 2003
NINE WEST HOT 9	2,774,159	Various types of clothing	May 15, 2002
9 NINE WEST NINEWEST.COM & Design	2,797,607	Luggage, handbags, purses, attaché cases, briefcases, school bags, tote bags, all purpose sport tote bags, duffel bags, beach bags, traveling trunks and valises, cosmetic bags sold empty, briefcase type portfolios, umbrellas; small leather goods, namely clutch purses, leather key cases, credit card cases, cosmetic cases sold empty, change purses, wallets, business card cases and passport cases	August 1, 2002

9 NINE WEST NINEWEST.COM & Design	2,771,726	Various types of clothing	August 1, 2002
9 DEGREES NINE WEST	3,182,559	Shoes and boots	September 30, 2004
CLOUD 9 NINE WEST*	2,999,409	Footwear	May 1998
CLOUD 9 NINE WEST*	2,999,410	Handbags	1998

* Denotes those registrations that are incontestable.

12. All of the registrations set forth in Exhibit A are valid and subsisting and constitute presumptive evidence of their validity and ownership by Nine West, with those that are incontestable constituting conclusive evidence of Nine West's exclusive right to use the NINE WEST Mark in commerce in connection with the goods identified therein. The registration of the NINE WEST Mark also constitutes constructive notice to defendants of Nine West's ownership and exclusive rights in the NINE WEST Mark.

13. Nine West has exercised great care, skill and diligence in the conduct of its business, and has maintained uniform standards of high quality in making and selling goods under the NINE WEST Mark. As a result, that mark has achieved enormous consumer recognition and corresponding good will throughout the United States. Nine West has devoted substantial time, money and effort to marketing and promoting the NINE WEST Mark in the United States. In doing so, Nine West has established the NINE WEST Mark as a valuable and prominent identifier of a single source of uniformly high quality for its retail store services, footwear and apparel products, jewelry and fashion accessories.

14. Defendants are, or are believed to be, well aware of the popularity of plaintiffs' NINE WEST® brand, and the enormous good will associated therewith.

15. Defendants, without authorization or license from plaintiffs, have knowingly and willfully used, reproduced and/or copied the NINE WEST Mark in connection with a fraudulent scheme to make it appear as though plaintiffs were conducting auditions for young female models when that is not the case. As part of the scheme, defendants request that those who respond to their phony ad submit a picture. Examples of the fraudulent ads used to entice unsuspecting young women are depicted in Exhibits B and C hereto, each of which contains an unauthorized use of plaintiffs' NINE WEST Mark.

16. Pursuant to an intentional plan unfairly to capitalize on the business reputation and good will associated with plaintiffs' NINE WEST Mark, defendants created an account on the Web site www.facebook.com ("Facebook") using the alias "NineWest Shoes" without the knowledge or authorization of plaintiffs.

17. Facebook is a social networking site that was launched in 2004 and initially was open only to students. As of September 2006, almost anyone with an e-mail address who meets certain age criteria may join Facebook. Membership is free to users and with membership each user is given her own individual page to create a profile, including the ability to upload photographs and list personal interests and contact information. Members can create or join "groups" based on common interests, and the privacy and content of each group is maintained by its creator.

18. In furtherance of their intentional plan unfairly to capitalize on the business reputation and good will associated with plaintiffs' NINE WEST Mark, defendants, under the alias "NineWest Shoes" created a group on Facebook named "Nine West – Model Auditions" (the "Nine West Audition Group") without the knowledge or authorization of plaintiffs. The announcement

on the Nine West Audition Group page contains an image previously used by plaintiffs in their own ads and contains a link to the official Nine West Web site, www.ninewest.com (the "Facebook Announcement"). The text of the Nine West Audition Group page stated:

Group Info

Name: Nine West – Model Audition
Type: Entertainment & Arts - Fashion
Description: TO ALL APPLICANTS:

First of all, you're gonna have to send in the entry requirements.

I need a

- 1) Face picture – The recent the better
- 2) Whole/Half body picture
- 3) A photo of your toes. Must be a view from above. At least 4-8 inches close. Barefoot – The more the better

E-mail it to ninewest.audition@gmail.com including your Full Name and Contact Number.

You may use a Digital Camera, Web Cam or camera phone as long as you can produce high quality photos.

I strongly suggest that you email these requirements right away as slots are filling up quickly.

CHOSEN APPLICANTS WILL GET AN ALL EXPENSE
PAID TRIP AND ACCOMMODATION TO NEW YORK.

Thank you.

If you have any other inquiries, don't hesitate to message us, our Facebook account is "NineWest Shoes" you can see it in the members section.

OR

Here our Instant Messaging IDs

Yahoo: ninewest_audition@yahoo.com

Hotmail: ninewest.audition@hotmail.com

AIM(AOL): ninewest

Contact Info

Website: <http://www.ninewest.com>
Office: Nine West
City: New York

See Exhibit B.

19. As part of their plan, defendants registered several e-mail addresses containing plaintiffs' NINE WEST Mark without plaintiffs' authorization or consent thereto, including: ninewest.audition@gmail.com, ninewest_audition@yahoo.com, ninewest.audition@hotmail.com, and an AOL Instant Messenger account named "ninewest."

20. Approximately 400 Facebook members had joined the Nine West Audition Group as of July 16, 2007.

21. Defendants posted a message on the Nine West Audition Group page in the "Recent News" section that stated: "07/16/07 – THERE ARE STILL SLOTS FOR 100 PEOPLE! SO BETTER SEND THEM IN NOW!"

22. On or about July 12, 2007, plaintiffs learned of defendants' fraudulent Facebook Announcement when Facebook members contacted plaintiffs' customer relations department to inquire about the auditions advertised in the Facebook Announcement.

23. Upon learning of the defendants' fraudulent activities, plaintiffs immediately sought to stop defendants from perpetrating their fraud on the public and from potentially harming the young women who were the targets of the Facebook Announcement.

24. On July 16, 2007, plaintiffs contacted Google Inc. ("Google") via e-mail to inform Google of defendants' unauthorized use of plaintiffs' NINE WEST Mark as part of an e-mail

address registered through Google's Gmail. Plaintiffs requested information on Google's policy with respect to registering another's trademark as part of a Gmail address and how plaintiffs, aggrieved trademark owners, could file a complaint with Google.

25. On July 16, 2007, plaintiffs contacted Yahoo! Inc. ("Yahoo!") via e-mail to inform Yahoo! of defendants' unauthorized use of plaintiffs' NINE WEST Mark as part of an e-mail address registered through Yahoo!. Plaintiffs requested information on Yahoo's policy with respect to registering another's trademark as part of a Yahoo! address and how plaintiffs, aggrieved trademark owners, could file a complaint with Yahoo!.

26. On July 18, 2007, plaintiffs sent a letter to Facebook executives (the "July 18 Letter") informing them of the fraudulent Facebook Announcement for Nine West model auditions and of the potential danger that existed should the fraudulent ads continue.

27. In the July 18 Letter, plaintiffs also asked Facebook immediately and permanently to remove the Nine West Audition Group from the Facebook Web site and to revoke the membership of its creator "NineWest Shoes." Plaintiffs also requested the identity of the creator of the "NineWest Shoes" account.

28. Plaintiffs requested that Facebook send a notice to the 400+ members of the Nine West Audition Group alerting them to the fact that the posting for model auditions was fraudulent. In the July 18 Letter, plaintiffs provided Facebook with the following notification for it to distribute to group members:

URGENT NOTIFICATION:

We are reaching out to you because you joined the Facebook.com group called "Nine West - Model Auditions." NINE WEST HAS NOTIFIED US THAT THE POSTING IS FRAUDULENT. Nine West is not currently holding model auditions nor does it advertise on or use Facebook.com for such events. All postings on Facebook.com claiming to be from Nine West are fraudulent.

Facebook and Nine West are taking these matters very seriously. You should not send photographs or contact information to or attempt to contact the creator of the group. If you have already done so and/or have any further information about the creator of this group, please notify us immediately.

Nine West thanks you for your support of the brand and apologizes for any inconvenience or concern caused by this incident. Nine West values it[s] customers and does not take abuses of their trust lightly.

29. On or about June 20, 2007, Facebook removed the Nine West Audition Group.

30. On June 20, 2007, in response to plaintiffs' letter, Facebook sent an e-mail message to members of the Nine West Audition Group, stating:

Hello,

We received a notice from Nine West that the group "Nine West - Model Auditions" was neither created nor authorized by Nine West. As a result, we have removed this group, and you should not plan to attend any audition or other meeting you heard about through the group. We apologize for any inconvenience this may cause, and thanks for your understanding.

Simon
Investigations
Facebook

31. On August 13, 2007, plaintiffs again were contacted by a Facebook member regarding the legitimacy of a Nine West model audition advertisement posted on Facebook.

32. Apparently, this time, defendants using the alias "Laura Stevens (New York, NY)," created a new group on Facebook called "Nine West - Model Auditions" (the "New Nine West Audition Group") that also included the same image previously used by plaintiffs themselves in an earlier advertisement and a link to Nine West's official Web site www.ninewest.com. Defendants posted the following announcement (the "Second Facebook Announcement"):

Group Info

Name: Nine West – Model Audition
 Type: Entertainment & Arts - Fashion
 Description: TO ALL APPLICANTS:

You must be at least 13 to 28 years old, Female.

YOU WILL NOT BE GRANTED AN OFFER IF YOU
 DON'T SUBMIT ALL THE REQUIREMENTS

THE FOLLOWING ARE THE ENTRY REQUIREMENTS:

- 1) Recent Headshot
- 2) Whole or Half Body shot
- 3) A photo of your feet focusing the toes [sic]. Must be a view from above. At least 6-10 inches close. Barefoot – Must be in good lighting
- 4) Full Name
- 5) Contact Number

E-MAIL ALL THESE REQUIREMENTS TO
ninewest.audition@gmail.com

Successful candidates will be contacted via Telephone or Email.

You may use a Digital Camera, Web Cam or camera phone as long as you can produce high quality photos.

I strongly suggest that you email these requirements right away as slots are filling up quickly.

Chosen models will be given an all expense paid trip and accommodations to New York, NY.

If you have any other inquiries, don't hesitate to contact our representatives at these Instant Message IDs:

Yahoo: [ninewest_audition](#)

MSN: ninewest.audition@hotmail.com

AIM(AOL): [ninewest](#)

Thank you.

Contact Info

Website: <http://www.ninewest.com>

City: New York, NY

See Exhibit C.

33. Approximately 226 Facebook members had joined the New Nine West Audition Group as of August 15, 2007.

34. Defendants posted a message on the New Nine West Audition Group page in the "Recent News" section that stated: "08/15/07 – If you are worried if there is still room, YES THERE IS. In fact, there STILL A LOT of room [sic]. Only about 1/15 of this group actually sends the requirements in. So if I were you, send them in ASAP so that you get on top of the queuing system."

35. Upon learning of the New Nine West Audition Group and the Second Facebook Announcement, plaintiffs contacted a representative of Facebook via telephone and e-mail on August 15, 2007 to inform Facebook of the fraudulent activity and to request that the group immediately be removed and group members notified of the fraudulent nature of the posting. Additionally, plaintiffs expressed their concern that the Second Facebook Announcement targeted women as young as 13 years of age.

36. Facebook's legal counsel confirmed to plaintiffs in a telephone conversation on August 15, 2007 that the matter would be investigated and that the group would be removed and notification to group members would be sent. Facebook's legal counsel explained that ordinarily Facebook does not send notification to individual group members when a group has been removed but given the public safety concerns raised by defendants' fraudulent posting, this time he stated that Facebook would provide notification to the individual group members. However, Facebook's legal counsel would not provide information regarding the identity of the creator of the New Nine West Audition Group.

37. Defendants' use of plaintiffs' famous and distinctive NINE WEST Mark is unauthorized, infringing and likely to cause consumer confusion, mistake or to deceive.

38. Defendants' activities complained of herein have been willful, wanton and in deliberate disregard of plaintiffs' rights, and for the purpose of causing confusion or mistake, or to deceive the public.

39. The NINE WEST Mark is entitled to the widest scope of protection under federal and state trademark laws.

40. This is an exceptional case.

41. Defendants' unauthorized use of the NINE WEST Mark substantially and irreparably injures plaintiffs by impairing and threatening to impair the good will plaintiffs have created in their NINE WEST® brand of products and services, and by permitting defendants to misappropriate and trade on the enormous good will associated with plaintiffs' NINE WEST Mark.

42. Plaintiffs have no adequate remedy at law.

**First Claim for Relief
Trademark Infringement under 15 U.S.C. § 1114**

43. Plaintiffs repeat and reallege the allegations contained in paragraphs 1-42 as if fully set forth herein.

44. Defendants' unauthorized use of the NINE WEST Mark is likely to cause confusion, or to cause mistake, or to deceive the public, in violation of 15 U.S.C. § 1114.

45. The actions of defendants complained of herein have caused, are causing and, unless enjoined by this Court, will continue to cause irreparable harm, damage and injury to plaintiffs, for which plaintiffs have no adequate remedy at law.

46. The actions of defendants complained of herein have damaged, are damaging and will continue to damage plaintiffs in an amount not yet determined.

**Second Claim For Relief
False Description, False Representation and False
Designation of Origin under 15 U.S.C. § 1125(a)**

47. Plaintiffs repeat and reallege the allegations contained in paragraphs 1-42 as if fully set forth herein.

48. Defendants' acts alleged herein regarding use of the NINE WEST Mark in connection with the advertising for model auditions and soliciting photographs and personal contact information from young women on a social networking site are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of defendants with plaintiffs, or as to the origin, sponsorship, or approval of defendants' services by plaintiffs, in violation of

15 U.S.C. § 1125(a)(1)(A).

49. Defendants' advertisements are false and deceptive and constitute a misrepresentation in commerce in that plaintiffs are not soliciting models for auditions and have not authorized defendants to use their name and mark for that purpose, in violation of 15 U.S.C. § 1125(a)(1)(B).

50. The actions of defendants complained of herein have caused, are causing and, unless enjoined by this Court, will continue to cause irreparable harm, damage and injury to plaintiffs, for which plaintiffs have no adequate remedy at law.

51. The actions of defendants complained of herein have damaged, are damaging and will continue to damage plaintiffs in an amount not yet determined.

Third Claim for Relief
Dilution by Tarnishment Under 15 U.S.C. § 1125(c)

52. Plaintiffs repeat and reallege the allegations contained in paragraphs 1-42 as if fully set forth herein.

53. Defendants' acts have diluted and tarnished and are likely to continue to dilute and tarnish plaintiffs' famous NINE WEST Mark, in violation of 15 U.S.C. § 1125(c).

54. Defendants' actions have been undertaken in bad faith.

55. The actions of defendants complained of herein have caused, are causing and, unless enjoined by this Court, will continue to cause irreparable harm, damage and injury to plaintiffs and to the NINE WEST Mark, for which plaintiffs have no adequate remedy at law.

56. The actions of defendants complained of herein have damaged, are damaging and will continue to damage plaintiffs in an amount not yet determined.

**Fourth Claim For Relief
Deceptive Acts and Practices under New York General Business Law § 349**

57. Plaintiffs repeat and reallege the allegations contained in paragraphs 1-42 as if fully set forth herein.

58. Defendants' acts constitute deceptive trade practices in violation of New York General Business Law § 349.

59. Defendants' acts are willful, wanton and deliberate.

60. The actions of defendants complained of herein have caused, are causing and, unless enjoined by this Court, will continue to cause irreparable harm, damage and injury to plaintiffs, for which plaintiffs have no adequate remedy at law.

61. The actions of defendants complained of herein have damaged, are damaging and will continue to damage plaintiffs in an amount not yet determined.

**Fifth Claim For Relief
Deceptive Acts and Practices under New York General Business Law § 350**

62. Plaintiffs repeat and reallege the allegations contained in paragraphs 1-42 as if fully set forth herein.

63. Defendants' acts constitute deceptive trade practices in violation of New York General Business Law § 350.

64. Defendants' acts have been willful, wanton and deliberate.

65. The actions of defendants complained of herein have caused, are causing and, unless enjoined by this Court, will continue to cause irreparable harm, damage and injury to plaintiffs, for which plaintiffs have no adequate remedy at law.

66. The actions of defendants complained of herein have damaged, are damaging and will continue to damage plaintiffs in an amount not yet determined.

67. Upon information and belief, defendants' unlawful activities also have damaged the public, inasmuch as members of defendants' Facebook groups may rely on defendants' false and misleading designation of origin and/or association with Nine West. Defendants' unlawful acts will continue to cause damage to the public unless enjoined by this Court.

**Sixth Claim for Relief
Dilution Under New York General Business Law § 360-1**

68. Plaintiffs repeat and reallege the allegations contained in paragraphs 1-42 as if fully set forth herein.

69. Defendants' acts have diluted and are likely to dilute and tarnish plaintiffs' distinctive NINE WEST Mark, in violation of New York General Business Law § 360-1.

70. Defendants' actions have been undertaken in bad faith.

71. The actions of defendants complained of herein have caused, are causing and, unless enjoined by this Court, will continue to cause irreparable harm, damage and injury to plaintiffs and the NINE WEST Mark, for which plaintiffs have no adequate remedy at law.

72. The actions of defendants complained of herein have damaged, are damaging and will continue to damage plaintiffs in an amount not yet determined.

Demand For Relief

WHEREFORE, plaintiffs respectfully pray for judgment to be entered against defendants as follows:

a. Preliminarily and permanently enjoining defendants, their officers, agents, servants, employees and attorneys, and those persons acting in concert with them from:

1) using on or in connection with any goods or services or the manufacture, importation, sale, offering for sale, distribution, advertising, promotion, labeling or packaging of any goods or services, or from using for any commercial purpose whatsoever the mark NINE WEST or any variation or derivation thereof that is likely to cause confusion therewith;

2) representing by any means whatsoever, directly or indirectly, that any products or services or activities sold or offered by defendants are associated with, sponsored, endorsed or authorized by, connected or affiliated with plaintiffs;

3) committing further acts of deceptive trade practices or false advertising with respect to any product or service of plaintiffs;

4) causing, engaging or permitting any individual or entity to perform any of the aforementioned acts.

d. Directing defendants to file with the Court and serve on counsel for plaintiffs within thirty (30) days after entry of any preliminary or permanent injunction issued by this

Court, a sworn written statement as provided in 15 U.S.C. § 1116 setting forth in detail the manner and form in which defendant has complied with the injunction.

e. Directing defendants to account to plaintiffs for any and all gains, profits and advantages derived from defendants' wrongful acts complained of herein.

f. Directing defendants to turn over to plaintiffs all documents, photographs, information and things received from any and all persons who responded to any form of advertisement, promotion or solicitation that used the mark NINE WEST.

g. Awarding plaintiffs such damages as it has sustained as a consequence of defendants' wrongful acts complained of herein, including multiple damages, in that this is an exceptional case.

h. Awarding plaintiffs on its state law claim compensatory damages in an amount to be determined at trial.

i. Awarding plaintiffs punitive damages in an amount to be determined at trial.

j. Granting such other and further relief as the Court deems just and proper.

Dated: August 24, 2007

Respectfully submitted,

PAUL, HASTINGS, JANOFSKY
& WALKER LLP

By: 

Robert L. Sherman (RS 5520)

Sara J. Crisafulli (SC 6185)

75 East 55th Street
New York, NY 10022
212-318-6000

Attorneys for Plaintiffs

EXHIBIT A

Int. Cls.: 18, 25, and 42

Prior U.S. Cls.: 3, 39, and 101

United States Patent and Trademark Office **Reg. No. 1,775,652**
Registered June 8, 1993

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

NINE WEST

NINE WEST GROUP INC. (DELAWARE CORPORATION)
9 WEST BROAD STREET
STAMFORD, CT 06902 BY CHANGE OF NAME
FROM FISHER CAMUTO GROUP INC.
(DELAWARE CORPORATION) STAMFORD,
CT 06902

FOR: HANDBAGS, IN CLASS 18 (U.S. CL. 3).
FIRST USE 11-4-1990; IN COMMERCE
11-4-1990.

FOR: SHOES, IN CLASS 25 (U.S. CL. 39).
FIRST USE 9-24-1990; IN COMMERCE
9-24-1990.

FOR: RETAIL STORE SERVICES FOR
HANDBAGS AND SHOES, IN CLASS 42 (U.S.
CL. 101).

FIRST USE 11-4-1990; IN COMMERCE
11-4-1990.

OWNER OF U.S. REG. NOS. 1,170,312,
1,652,410, AND OTHERS.

SN 74-245,243, FILED 2-7-1992.

ANDREW D. LAWRENCE, EXAMINING ATTORNEY

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28, and 50

Reg. No. 2,198,938

United States Patent and Trademark Office

Registered Oct. 20, 1998

**TRADEMARK
PRINCIPAL REGISTER**

NINE WEST

**NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
9 WEST BROAD STREET
STAMFORD, CT 06902**

**FIRST USE 11-0-1997; IN COMMERCE
11-0-1997.**

**OWNER OF U.S. REG. NOS. 1,685,412,
1,829,417, AND OTHERS.**

**FOR: JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27,
28 AND 50).**

SN 75-206,142, FILED 12-2-1996.

ODETTE BONNET, EXAMINING ATTORNEY

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28, and 50

Reg. No. 2,322,474

United States Patent and Trademark Office

Registered Feb. 22, 2000

**TRADEMARK
PRINCIPAL REGISTER**

NINE WEST

**NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
NINE WEST PLAZA
1129 WESTCHESTER AVENUE
WHITE PLAINS, NY 106043529**

**FIRST USE 12-0-1998; IN COMMERCE
12-0-1998.
OWNER OF U.S. REG. NOS. 1,685,412,
2,133,086, AND OTHERS.**

SN 75-535,075, FILED 8-12-1998.

**FOR: WATCHES, IN CLASS 14 (U.S. CLS. 2,
27, 28 AND 50).**

DAN VAVONESE, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,394,900

United States Patent and Trademark Office

Registered Oct. 17, 2000

**SERVICE MARK
PRINCIPAL REGISTER**

NINEWEST.COM

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
NINE WEST PLAZA
1129 WESTCHESTER AVENUE
WHITE PLAINS, NY 106043529

FOR: COMPUTERIZED ON-LINE RETAIL STORE
SERVICES FEATURING SHOES, OUTERWEAR,
BELTS, HANDBAGS, JEWELRY, SUNGLASSES AND

LEGWEAR, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).

FIRST USE 8-21-1998; IN COMMERCE 8-21-1998.
OWNER OF U.S. REG. NOS. 1,170,312, 2,198,938
AND OTHERS.

SER. NO. 75-625,945, FILED 1-22-1999.

HOWARD SMIGA, EXAMINING ATTORNEY

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28 and 50

United States Patent and Trademark Office

Reg. No. 2,794,769

Registered Dec. 16, 2003

**TRADEMARK
PRINCIPAL REGISTER**

NINE 9 WEST

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
200 WEST 9TH STREET PLAZA
WILMINGTON, DE 19801

OWNER OF U.S. REG. NOS. 1,170,312, 2,571,795
AND OTHERS.

FOR: JEWELRY AND WATCHES, IN CLASS 14
(U.S. CLS. 2, 27, 28 AND 50).

SER. NO. 78-174,154, FILED 10-14-2002.

FIRST USE 8-1-2002; IN COMMERCE 8-1-2002.

BARBARA BROWN, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,938,313

United States Patent and Trademark Office

Registered Apr. 5, 2005

**TRADEMARK
PRINCIPAL REGISTER**

NINE 9 WEST

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
200 WEST 9TH STREET PLAZA
WILMINGTON, DE 19801

FOR: CLOTHING, NAMELY, PANTS, SKIRTS,
DRESSES, JACKETS, COATS, SHIRTS, BLOUSES,
VESTS, SHORTS AND SWEATERS, IN CLASS 25
(U.S. CLS. 22 AND 39).

FIRST USE 10-1-2003; IN COMMERCE 10-1-2003.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,170,312, 2,856,725
AND OTHERS.

SER. NO. 78-473,440, FILED 8-25-2004.

GENE MACIOL, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,272,307

United States Patent and Trademark Office

Registered Aug. 24, 1999

Corrected

OG Date Sep. 11, 2001

**TRADEMARK
PRINCIPAL REGISTER**

NINE WEST

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
1129 WESTCHESTER AVENUE
WHITE PLAINS, NY 100643529
OWNER OF U.S. REG. NOS. 1,685,412,
2,133,086 AND OTHERS.
NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "OUTERWEAR",
APART FROM THE MARK AS SHOWN.

FOR: CLOTHING, NAMELY, JACK-
ETS, LEATHER COATS AND RAIN-
WEAR, IN CLASS 25 (U.S. CLS. 22 AND
39).

FIRST USE 3-0-1998; IN COMMERCE
3-0-1998.

SER. NO. 75-542,257, FILED 8-25-1998.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Sep. 11, 2001.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,518,612

Registered Dec. 11, 2001

**TRADEMARK
PRINCIPAL REGISTER**

NINE WEST

**NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
200 WEST 9TH STREET PLAZA
WILMINGTON, DE 19801**

FIRST USE 7-1-2000; IN COMMERCE 7-1-2000.

**FOR: WEARING APPAREL FOR WOMEN NAME-
LY, LEATHER, KNIT AND WOVEN DRESSES,
COATS, SUITS, JACKETS, BLOUSES, SHIRTS,
SWEATERS, T-SHIRTS TANK-TOPS, CAMISOLES,
CARDIGANS, PULLOVERS, VESTS, PANTS,
SHORTS, JEANS, SKIRTS, SCARVES AND HATS,
IN CLASS 25 (U.S. CLS. 22 AND 39).**

**OWNER OF U.S. REG. NOS. 1,775,652, 2,283,739,
AND OTHERS.**

SN 75-938,942, FILED 3-8-2000.

DAN VAVONESE, EXAMINING ATTORNEY

Int. Cls.: 1, 3, and 21

**Prior U.S. Cls.: 1, 2, 4, 5, 6, 10, 13, 23, 26, 29, 30, 33,
40, 46, 50, 51, and 52**

Reg. No. 2,571,795

Registered May 21, 2002

United States Patent and Trademark Office

**TRADEMARK
PRINCIPAL REGISTER**

NINE WEST

**NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
NINE WEST PLAZA
1129 WESTCHESTER AVENUE
WHITE PLAINS, NY 106043529**

**FOR: SHOE BRUSHES AND POLISHING CLOTHS
FOR APPLYING SOLVENTS TO BE USED AS A
SCUFF REMOVER, IN CLASS 21 (U.S. CLS. 2, 13, 23,
29, 30, 33, 40 AND 50).**

**FOR: WATERPROOFING CHEMICAL COM-
POUNDS FOR ARTICLES OF LEATHER, IN CLASS
1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).**

FIRST USE 12-31-1996; IN COMMERCE 12-31-1996.

FIRST USE 12-31-1996; IN COMMERCE 12-31-1996.

**OWNER OF U.S. REG. NOS. 1,685,412, 2,133,086,
AND OTHERS.**

**FOR: CLEANING SOLVENTS, LOTIONS AND
CREAM FOR FOOTWEAR, AND SHOE AND BOOT
POLISH, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).**

SN 75-612,495, FILED 12-28-1998.

FIRST USE 12-31-1996; IN COMMERCE 12-31-1996.

JAMES A. RAUEN, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,246,350

United States Patent and Trademark Office

Registered May 18, 1999

**TRADEMARK
PRINCIPAL REGISTER**

NINE WEST

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
9 WEST BROAD STREET
STAMFORD, CT 06902 ASSIGNEE OF NINE
WEST GROUP INC. (DELAWARE CORPORATION)
STAMFORD, CT 06902

FOR: SUNGLASSES, NON-PRESCRIPTION
READING GLASSES, CLIP-ON SUNGLASSES,
EYEGLASS CASES, EYEGLASS CORDS AND

SUNGLASS CORDS, IN CLASS 9 (U.S. CLS. 21,
23, 26, 36 AND 38).

FIRST USE 5-0-1996; IN COMMERCE
9-0-1996.

OWNER OF U.S. REG. NOS. 1,685,412,
1,829,417, AND OTHERS.

SN 75-076,480, FILED 3-21-1996.

KATHY DE JONGE, EXAMINING ATTORNEY

Int. Cls.: 9 and 25

Prior U.S. Cls.: 21, 22, 23, 26, 36, 38 and 39

United States Patent and Trademark Office

Corrected

Reg. No. 2,133,086

Registered Jan. 27, 1998

OG Date Oct. 27, 1998

**TRADEMARK
PRINCIPAL REGISTER**

NINE WEST

NINE WEST DEVELOPMENT CORPO-
RATION (DELAWARE CORPORA-
TION)

9 WEST BROAD STREET

STAMFORD, CT 06902, ASSIGNEE OF
NINE WEST GROUP INC. (DELA-
WARE CORPORATION) STAMFORD,
CT

OWNER OF U.S. REG. NOS. 1,685,412,
1,829,417 AND OTHERS.

FOR: SUNGLASSES, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-0-1996; IN COMMERCE
9-0-1996.

FOR: HOSIERY, IN CLASS 25 (U.S.
CLS. 22 AND 39).

FIRST USE 8-0-1997; IN COMMERCE
8-0-1997.

SER. NO. 75-013,127, FILED 11-1-1995.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Oct. 27, 1998.*

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,856,725

Registered June 22, 2004

**TRADEMARK
PRINCIPAL REGISTER**

NINE WEST STUDIO

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
200 WEST 9TH STREET PLAZA
WILMINGTON, DE 19801

OWNER OF U.S. REG. NOS. 1,685,412, 1,775,652,
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "STUDIO", APART FROM THE
MARK AS SHOWN.

FOR: FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND
39).

SN 78-104,621, FILED 1-24-2002.

FIRST USE 5-25-2002; IN COMMERCE 5-25-2002.

ELLEN PERKINS, EXAMINING ATTORNEY

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22, and 41

United States Patent and Trademark Office

Reg. No. 2,984,262

Registered Aug. 9, 2005

**TRADEMARK
PRINCIPAL REGISTER**

NINE WEST STUDIO

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)

200 WEST 9TH STREET PLAZA

WILMINGTON, DE 19801

FOR: HANDBAGS, PURSES, TOTE BAGS; SMALL
LEATHER GOODS, NAMELY CLUTCH PURSES,
LEATHER KEY CASES, CREDIT CARD CASES,
COSMETIC CASES SOLD EMPTY, CHANGE PUR-
SES, WALLETS, BUSINESS CARD CASES AND
PASSPORT CASES, IN CLASS 18 (U.S. CLS. 1, 2, 3,
22 AND 41).

FIRST USE 10-31-2004; IN COMMERCE 10-31-2004.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,685,412 AND
1,775,652.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "STUDIO", APART FROM THE
MARK AS SHOWN.

SN 78-418,331, FILED 5-13-2004.

KARANENDRA S. CHHINA, EXAMINING ATTOR-
NEY

Int. Cls.: 18 and 42

Prior U.S. Cls.: 3 and 101

United States Patent and Trademark Office **Reg. No. 1,829,417**
Registered Apr. 5, 1994

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

**N I N E
W E S T**

NINE WEST GROUP INC. (DELAWARE COR-
PORATION)
9 WEST BROAD STREET
STAMFORD, CT 06902

FOR: HANDBAGS AND PURSES, IN CLASS
18 (U.S. CL. 3).

FIRST USE 11-4-1990; IN COMMERCE
11-4-1990.

FOR: RETAIL STORE SERVICES FOR FOOT-
WEAR, PURSES AND HANDBAGS, IN CLASS
42 (U.S. CL. 101).

FIRST USE 11-4-1990; IN COMMERCE
11-4-1990.

OWNER OF U.S. REG. NOS. 1,170,312, 1,685,412
AND OTHERS.

SER. NO. 74-355,985, FILED 2-5-1993.

CHRISTOPHER KELLY, EXAMINING ATTOR-
NEY

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office **Reg. No. 1,685,412**
Registered May 5, 1992

**TRADEMARK
PRINCIPAL REGISTER**

**N I N E
W E S T**

FISHER CAMUTO CORPORATION (DELA-
WARE CORPORATION)
9 WEST BROAD STREET
STAMFORD, CT 06902

FOR: SHOES, IN CLASS 25 (U.S. CL. 39).

FIRST USE 9-24-1990, FIRST USED IN AN-
OTHER FORM ON MARCH 6, 1978; IN COM-

MERCE 9-24-1990, FIRST USED IN COM-
MERCE IN ANOTHER FORM ON JULY 7, 1978.
OWNER OF U.S. REG. NOS. 1,170,312,
1,283,432, AND 1,493,239.

SER. NO. 74-153,779, FILED 4-2-1991.

KEITH L. HENDERSON, EXAMINING ATTOR-
NEY

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,170,312

Registered Sep. 22, 1981

TRADEMARK

Principal Register

9 WEST

Fisher-Camuto Corporation (Delaware corporation)
15 Bank St.
Stamford, Conn. 06901

For: SHOES, in CLASS 25 (U.S. Cl. 39).
First use Mar. 6, 1978; in commerce Jul. 7, 1978.

Ser. No. 204,922, filed Feb. 26, 1979.

JEFFERY H. KAUFMAN, Primary Examiner

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,775,692

Registered Oct. 21, 2003

**TRADEMARK
PRINCIPAL REGISTER**

9 NINE WEST

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
200 WEST 9TH STREET PLAZA
WILMINGTON, DE 19801

FOR: CLOTHING, NAMELY, SKIRTS, SUITS, SLACKS, SHORTS, SKORTS, BLOUSES, SHIRTS, BLAZERS, DRESSES, DUSTERS, SWEATERS, CARDIGANS, PULLOVERS, JEANS, VESTS, JACKETS, SWEATERS, CAMISOLES, CULOTTES, KNIT PANTS, KNIT TOPS; TANK TOPS, T-SHIRTS, POLO SHIRTS, DENIM JACKETS, TAILORED JACKETS, PANTS, SPORT COATS; DRESS SHIRTS NECKWEAR; ACTIVE WEAR, NAMELY, SWEATSHIRTS, SWEATPANTS, WARM-UP JACKETS, TENNIS AND RAQUET BALL OUTFITS, CREW SHIRTS AND BASEBALL JACKETS; JOGGING, RUNNING WARM-UP JACKETS, TENNIS SKIRTS; OUTERWEAR, NAMELY, OVERCOATS, CAPES, FURS, LEATHER COATS AND RAINWEAR; SCARVES,

SHAWLS, HATS, GLOVES; SLEEPWEAR, NAMELY, PAJAMAS, NIGHTSHIRTS, NIGHTGOWNS AND ROBES; INTIMATE APPAREL; NAMELY, PANTIES, BRASSIERES, PETTICOATS, SLIPS, HALF-SLIPS, CHEMISES, TEDDIES, GARTER BELTS, GIRDLES, TANK TOPS, BOXERS, BRIEFS; HOSIERY, NAMELY PANTYHOSE, SOCKS, LEOTARDS TIGHTS AND LEGGINGS; SWIMWEAR; FOOTWEAR, NAMELY SHOES, BOOTS, SANDALS, SNEAKERS AND SLIPPERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-1-2002; IN COMMERCE 8-1-2002.

OWNER OF U.S. REG. NOS. 1,170,312, 2,571,795 AND OTHERS.

SER. NO. 78-174,136, FILED 10-14-2002.

DARRYL SPRUILL, EXAMINING ATTORNEY

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22 and 41

United States Patent and Trademark Office

Reg. No. 2,786,445

Registered Nov. 25, 2003

**TRADEMARK
PRINCIPAL REGISTER**

9 NINE WEST

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
200 WEST 9TH STREET PLAZA
WILMINGTON, DE 19801

CHANGE PURSES, WALLETs, BUSINESS CARD
CASES AND PASSPORT CASES, IN CLASS 18 (U.S.
CLS. 1, 2, 3, 22 AND 41).

FOR: LUGGAGE, HANDBAGS, PURSES, AT-
TACHE CASES, BRIEFCASES, SCHOOL BAGS, TO-
TEBAGS, ALL PURPOSE SPORT TOTE BAGS,
DUFFEL BAGS, BEACH BAGS, TRAVELLING
TRUNKS AND VALISES, COSMETIC BAGS SOLD
EMPTY, BRIEFCASE TYPE PORTFOLIOS, UM-
BRELLAS; SMALL LEATHER GOODS, NAMELY
CLUTCH PURSES, LEATHER KEY CASES, CREDIT
CARD CASES, COSMETIC CASES SOLD EMPTY,

FIRST USE 8-1-2002; IN COMMERCE 8-1-2002.

OWNER OF U.S. REG. NOS. 1,170,312, 1,829,417
AND OTHERS.

SER. NO. 78-174,115, FILED 10-14-2002.

SUELLEN HICKEY, EXAMINING ATTORNEY

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28, and 50

United States Patent and Trademark Office

Reg. No. 2,915,272

Registered Dec. 28, 2004

**TRADEMARK
PRINCIPAL REGISTER**

9 NINE WEST

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
200 WEST 9TH STREET PLAZA
WILMINGTON, DE 19801

OWNER OF U.S. REG. NOS. 2,198,938, 2,322,474,
AND OTHERS.

FOR: JEWELRY AND WATCHES, IN CLASS 14
(U.S. CLS. 2, 27, 28 AND 50).

SN 78-268,501, FILED 6-30-2003.

FIRST USE 10-1-2003; IN COMMERCE 10-1-2003.

MARY BOAGNI, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,938,312

United States Patent and Trademark Office

Registered Apr. 5, 2005

**TRADEMARK
PRINCIPAL REGISTER**

9 NINE WEST

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)

200 WEST 9TH STREET PLAZA

WILMINGTON, DE 19801

FOR: BELTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-1-2003; IN COMMERCE 10-1-2003.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,170,312, 2,856,725
AND OTHERS.

SER. NO. 78-473,394, FILED 8-25-2004.

GENE MACIOL, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,942,212

United States Patent and Trademark Office

Registered Apr. 19, 2005

**TRADEMARK
PRINCIPAL REGISTER**

9 NINE WEST

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
200 WEST 9TH STREET PLAZA
WILMINGTON, DE 19801

FOR: OPTICAL EYE WEAR AND SUNGLASSES,
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-1-2003; IN COMMERCE 10-1-2003.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,225,421, 2,748,784
AND OTHERS.

SER. NO. 78-473,412, FILED 8-25-2004.

GENE MACIOL, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,774,159

Registered Oct. 14, 2003

**TRADEMARK
PRINCIPAL REGISTER**

NINE WEST HOT 9

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
200 WEST 9TH STREET PLAZA
WILMINGTON, DE 19801

FIRST USE 6-30-2002; IN COMMERCE 6-30-2002.

SN 78-129,302, FILED 5-16-2002.

FOR: DRESSES, SLACKS, BLOUSES, KNIT TOPS,
JEANS, SHORTS, SHIRTS, SKIRTS, SUITS, COATS,
JACKETS, SCARVES, HATS, GLOVES, SOCKS,
HOSIERY, TIGHTS AND BELTS , IN CLASS 25
(U.S. CLS. 22 AND 39).

MARIA-VICTORIA SUAREZ, EXAMINING ATTOR-
NEY

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22 and 41

United States Patent and Trademark Office

Reg. No. 2,797,607

Registered Dec. 23, 2003

**TRADEMARK
PRINCIPAL REGISTER**



NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
200 WEST 9TH STREET PLAZA
WILMINGTON, DE 19801

CARD CASES, CHANGE PURSES, WALLETS, BUSINESS CARD CASES, PASSPORT CASES, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 8-1-2002; IN COMMERCE 8-1-2002.

FOR: LUGGAGE, HANDBAGS, PURSES, ATTACHE CASES, BRIEFCASES, SCHOOL BAGS, TOTE BAGS, ALL PURPOSE SPORT TOTE BAGS, DUFFEL BAGS, BEACH BAGS, TRAVELLING TRUNKS AND VALISES, COSMETIC BAGS SOLD EMPTY, BRIEFCASE TYPE PORTFOLIOS, UMBRELLAS; SMALL LEATHER GOODS, NAMELY CLUTCH PURSES, LEATHER KEY CASES, CREDIT

OWNER OF U.S. REG. NOS. 1,775,652, 1,829,417, AND 2,322,474.

SER. NO. 78-174,086, FILED 10-14-2002.

MICHAEL WEBSTER, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,771,726

Registered Oct. 7, 2003

**TRADEMARK
PRINCIPAL REGISTER**



NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
200 WEST 9TH STREET PLAZA
WILMINGTON, DE 19801

FOR: CLOTHING, NAMELY, SKIRTS, SUITS, SLACKS, SHORTS, SKORTS, BLOUSES, SHIRTS, BLAZERS, DRESSES, DUSTERS, SWEATERS, CARDIGANS, PULLOVERS, JEANS, VESTS, JACKETS, SWEATERS, CAMISOLES, CULOTTES, KNIT PANTS, KNIT TOPS; TANK TOPS, T-SHIRTS, POLO SHIRTS, DENIM JACKETS, TAILORED JACKETS, PANTS, SPORT COATS; DRESS SHIRTS NECKWEAR; ACTIVE WEAR, NAMELY, SWEATSHIRTS, SWEATPANTS, WARM-UP JACKETS, TENNIS AND RACQUET BALL OUTFITS, CREW SHIRTS AND BASEBALL JACKETS; JOGGING, RUNNING WARM-UP JACKETS, TENNIS SKIRTS; OUTERWEAR, NAMELY, OVERCOATS, CAPES, FURS, LEATHER COATS AND RAINWEAR; SCARVES,

SHAWLS, HATS, GLOVES; SLEEPWEAR, NAMELY, PAJAMAS, NIGHTSHIRTS, NIGHTGOWNS AND ROBES; INTIMATE APPAREL; NAMELY, PANTIES, BRASSIERES, PETTICOATS, SLIPS, HALF-SLIPS, CHEMISES, TEDDIES, GARTER BELTS, GIRDLES, TANK TOPS, BOXERS, BRIEFS; HOSIERY, NAMELY PANTYHOSE, SOCKS, LEOTARDS TIGHTS AND LEGGINGS; SWIMWEAR; FOOTWEAR, NAMELY SHOES, BOOTS, SANDALS, SNEAKERS AND SLIPPERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-1-2002; IN COMMERCE 8-1-2002.

OWNER OF U.S. REG. NOS. 1,170,312, 2,571,795 AND OTHERS.

SER. NO. 78-174,127, FILED 10-14-2002.

DARRYL SPRUILL, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,182,559

Registered Dec. 12, 2006

**TRADEMARK
PRINCIPAL REGISTER**

**9 DEGREES NINE
WEST**

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)

SUITE 225

1007 ORANGE STREET

WILMINGTON, DE 19801

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,775,652, 2,775,692
AND OTHERS.

FOR: SHOES AND BOOTS, IN CLASS 25 (U.S. CLS.
22 AND 39).

SER. NO. 78-506,022, FILED 10-26-2004.

FIRST USE 9-30-2004; IN COMMERCE 9-30-2004.

LANA PHAM, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,999,409

Registered Sep. 27, 2005

**TRADEMARK
PRINCIPAL REGISTER**

CLOUD 9 NINE WEST

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
NINE WEST PLAZA
1129 WESTCHESTER AVENUE
WHITE PLAINS, NY 10604

OWNER OF U.S. REG. NOS. 1,685,412, 2,133,086
AND OTHERS.

FOR: FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND
39).

SER. NO. 75-507,290, FILED 6-23-1998.

FIRST USE 5-0-1998; IN COMMERCE 5-0-1998.

JAMES A. RAUEN, EXAMINING ATTORNEY

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22 and 41

United States Patent and Trademark Office

Reg. No. 2,999,410

Registered Sep. 27, 2005

**TRADEMARK
PRINCIPAL REGISTER**

CLOUD 9 NINE WEST

NINE WEST DEVELOPMENT CORPORATION
(DELAWARE CORPORATION)
NINE WEST DEVELOPMENT CORPORATION
NINE WEST PLAZA 1129 WESTCHESTER AVENUE
WHITE PLAINS, NY 10604

OWNER OF U.S. REG. NOS. 1,685,412, 2,133,086
AND OTHERS.

FOR: HANDBAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3,
22 AND 41).

SER. NO. 75-534,635, FILED 8-11-1998.

FIRST USE 0-0-1998; IN COMMERCE 0-0-1998.

JAMES A. RAUEN, EXAMINING ATTORNEY

EXHIBIT B

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Global

Nine West - Model Auditions

Search

Applications edit

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- Events
- Marketplace

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Information

Group Info

Name: Nine West - Model Auditions
Type: Entertainment & Arts - Fashion
Description: TO ALL APPLICANTS:

First of all, you're gonna have to send in the entry requirements.

I need a

- 1) Face picture - The recent the better
- 2) Whole/Half body picture
- 3) A photo of your toes. Must be a view from above. At least 4-8 inches close. Barefoot - The more the better

E-mail it to ninewest.audition@gmail.com including your Full Name and Contact Number.

You may use a Digital Camera, Web Cam or camera phone as long as you can produce high quality photos.

I strongly suggest that you email these requirements right away as slots are filling up quickly.

CHOSEN APPLICANTS WILL GET AN ALL EXPENSE PAID TRIP AND ACCOMMODATION TO NEW YORK.

Thank you.

If you have any other inquiries, don't hesitate to message us, our Facebook account is "NineWest Shoes" you can see it in the members section.

OR

Here our Instant Messaging IDs

Yahoo: ninewest_audition@yahoo.com



Invite People to Join

Leave Group

Report Group

Share

Group Type

This is an open group. Anyone can join and invite others to join.

Admins

- [NineWest Shoes \(no network\)](#) (creator)

Hotmail: ninewest.audition@hotmail.com
AIM(AOL): [ninewest](#)

Contact Info

Website: <http://www.ninewest.com>
Office: Nine West
City: New York, NY

Recent News

07/16/07 - THERE ARE STILL SLOTS FOR 100 PEOPLE! SO BETTER SEND THEM IN NOW!






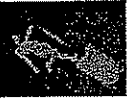
Photos

No one has uploaded any photos.

Members

This group has 403 members.

See All

					
Samantha Jean Isaac	JonVlere Marchante	Lauren A. McRipley	Feni Hsieh	Phiona Swanson	Nancy Le

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Found 1 match.




Name: **NineWest Shoes**
 Networks: None

[Send Message](#)[Poke Her!](#)[View Friends](#)[Add to Friends](#)

I'll find something to put here.

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EXHIBIT C

Nine West - Model Auditions

Global

Information**Group Info**

Name: Nine West - Model Auditions
 Type: Entertainment & Arts - Fashion
 Description: TO ALL APPLICANTS:

You must be at least 13 to 28 years old, Female.

YOU WILL NOT BE GRANTED AN OFFER IF YOU
 DON'T SUBMIT ALL THE REQUIREMENTS.

THE FOLLOWING ARE THE ENTRY REQUIREMENTS:

- 1) Recent Headshot
- 2) Whole or Half Body shot
- 3) A photo of your feet focusing the toes. Must be a view from above. At least 6-10 inches close. Barefoot - Must be in good lighting
- 4) Full Name
- 5) Contact Number

EMAIL ALL THESE REQUIREMENTS TO
 ninewest.audition@gmail.com

Successful candidates will be contacted via Telephone or Email.

You may use a Digital Camera, Web Cam or camera phone as long as you can produce high quality photos.

I strongly suggest that you email these requirements right away as slots are filling up quickly.

Chosen models will be given an all expense paid trip and accommodation to New York, NY.

If you any other inquiries, don't hesitate to contact our representatives at these Instant Messaging IDs:

Yahoo: ninewest_audition
 MSN: ninewest.audition@hotmail.com
 AIM(AOL): ninewest

Thank you.

Contact Info

Website: <http://www.ninewest.com>
 City: New York, NY

Recent News

08/15/07 - If you are worried if there is still room, YES THERE IS. In fact, there STILL A LOT of room. Only about 1/15 of this group actually sends the requirements in. So if I were you, send them in ASAP so that you get on top of the queuing system.

Members

This group has 226 members.

[See All](#)



[Invite People to Join](#)

[Leave Group](#)

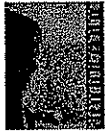
[Share](#)

Group Type

This is an open group. Anyone can join and invite others to join.

Admins

- Laura Stevens (New York, NY)
 (creator)



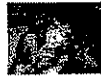
Natalie
Peterson



Joyce Zhang



Rachel
Dordal



Holly Blair



Shari
Cummins



Kierstian
Chambers

Report Group

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Page 1 of 1

Found 1 match.



Name: **Laura Stevens**
Network: New York, NY

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