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LUIS A. GARCIA, State Bar No. 146876
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Attorneys for Plaintiff
MAJOR TEXTILE IMPORTS, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MAJOR TEXTILE IMPORTS,
INC., a California corporation,

Plaintiff,

vs.

ALL ACCESS APPAREL, INC., a
California corporation doing
business as SELF ESTEEM
corporation; and DOES 1 through
10, Inclusive,

Defendants

CASE NO.: CV 08-00719 ABC

COMPLAINT FOR COPYRIGHT
INFRINGEMENT AJWx

DEMAND FOR JURY TRIAL

Plaintiff MAJOR TEXTILE IMPORTS, INC. alleges as follows:

PARTIES

1. MAJOR TEXTILE IMPORTS, INC., ("Plaintiff" and/or "MAJOR TEXTILE") located at 138 West 38th Street, Los Angeles, California 90037, is a domestic corporation organized and existing under the laws of the State of California.

COPY

2. ALL ACCESS APPAREL, INC. ("Defendant" and/or "ALL ACCESS") located at 1515 Gage Road, Montebello, California 90640 is a domestic corporation organized and existing under the laws of the State of California.

3. ALL ACCESS conducts business in the County of Los Angeles, State of California under the name of SELF ESTEEM. A true and correct copy of the Fictitious Name Statement recorded with the County Recorder's Office of Los Angeles County as Instrument No, 03-1483091 is attached hereto as Exhibit 1 and is incorporated herein by this reference.

JURISDICTION AND VENUE

4. This action arises under the Copyright Laws of the United States, as hereinafter more fully appears. Jurisdiction is conferred upon this Court by 28 U.S.C. § 1338.

5. Venue is proper in the Central District of California in that the subject infringement involves the infringement of a copyright owned by the Plaintiff, which is located in the City of Los Angeles, County of Los Angeles, State of California, which lies within the Central District of California.

6. Personal jurisdiction exists in that ALL ACCESS, whose corporate offices are located in the City of Montebello, State of California, which lies within the Central District of California, derives substantial revenue from the State of California by engaging in a persistent course of conduct in the State of California, and because the subject claim arises from an act within the State of California resulting in injury and damages to the Plaintiff within the State of California.

7. In 2006, MAJOR TEXTILE designed a fabric design or pattern known as MA 0606111. Shortly thereafter, MAJOR TEXTILE published said fabric design and/or pattern in the United States.

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1 8. As of June 28, 2006, MAJOR TEXTILE complied in all respects with
2 the Act of October 19, 1976, Pub. L. 94-553, 90 Stat. 2598, Title 17 U.S.C.A. Sec.
3 101-810, as amended ("Copyright Act"), and all other laws covering copyright,
4 and was granted the exclusive rights in and to the copyrighted design and/or fabric
5 titled "MA 0606111," and received a Certificate of Registration from the Register
6 of Copyrights bearing registration number VAu-712-212, a copy of which is
7 attached hereto as Exhibit 2 and is incorporated herein by reference.

8 9. Since June, 2006, to the best of MAJOR TEXTILE's knowledge, said
9 fabric design and/or pattern has been only published by MAJOR TEXTILE, and all
10 copies of same have been printed, reproduced and published in strict conformity
11 with the provisions of the Copyright Act, and all other laws governing copyright.

12 10. At all times since June 2006, MAJOR TEXTILE has been and still is
13 the sole proprietor of all right, title and interest in and to the copyright of said
14 fabric design and/or pattern, and MAJOR TEXTILE is the sole proprietor thereof.

15 11. At all times since June 2006, MAJOR TEXTILE has been and still is
16 the sole rightful manufacturer of fabric or any goods bearing the aforementioned
17 copyrighted design and/or pattern, and has had, and still has, the exclusive right to
18 sell any such fabric or other goods.

19 12. That pursuant to such sole and exclusive rights, MAJOR TEXTILE
20 after June 2006, commenced and did thereafter manufacture fabric bearing
21 imprints of the said copyrighted design and/or pattern, and has shown, sampled,
22 offered for sale and sold such fabric to manufacturers and/or retailers of garments.

23 13. A sample of MAJOR TEXTILE's copyrighted design and/or pattern is
24 attached hereto as Exhibit 3 and is incorporated herein by this reference.

25 ///

26 ///

COUNT 1 - COPYRIGHT INFRINGEMENT

14. Since at least as early as and prior to June 2007, ALL ACCESS, which is, upon information and belief, a business that manufactures and sells apparel and accessories on a nationwide basis to national retailers under the trade name and/or trademark SELF ESTEEM, has on a nationwide basis, infringed said copyright by manufacturing or causing to be manufactured, offering for sale and selling within the United States, without MAJOR TEXTILE's consent, garments imprinted with a design and/or pattern which is closely copied from and substantially similar to MAJOR TEXTILE's copyrighted design, pattern and/or fabric entitled MA 0606111.

15. Since at least as early as June 2007, ALL ACCESS infringed said copyright by offering for sale and selling within the United States, without MAJOR TEXTILE's consent, garments imprinted with a design and/or pattern which is closely copied from and substantially similar to MAJOR TEXTILE's copyrighted design, pattern and/or fabric entitled MA 0606111. Attached hereto as Exhibit 4 and incorporated herein by this reference is a true and correct copy of an infringing garment manufactured by ALL ACCESS and purchased from Ross Department Stores on or about June 2007 that infringed on MAJOR TEXTILE's copyrighted design and/or pattern identified as MA 0606111.

16. MAJOR TEXTILE has gone to great expense in designing, developing, purchasing and marketing its intellectual property including the design and/or pattern identified as MA 0606111 and as contained within the designs comprising U.S. Copyright Registration No. VAu-712-212.

17. MAJOR TEXTILE has always printed its copyrighted design on good quality fabric in attractive color combinations and has sold fabric bearing the copyrighted design to garment manufacturers and others.

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1 18. As a result of MAJOR TEXTILE's skill, expenditure of money and
2 expertise in the development and promotion of the copyrighted design and/or
3 fabric, MAJOR TEXTILE's garments imprinted with said design have acquired
4 substantial market value.

5 19. The design and/or pattern known and registered as MA 0606111 was
6 one of MAJOR TEXTILE'S most successful designs in years as large quantities of
7 fabric imprinted with said design and/or pattern were ordered from MAJOR
8 TEXTILE by its customers.

9 20. The infringing garment purchased on or about June 2007 is imprinted
10 with a pattern substantially similar to the copyrighted design, on a fabric which is
11 similar to, but of lesser weight and quality, than the fabric sold by MAJOR
12 TEXTILE which is imprinted with the copyrighted design and/or pattern.

13 21. The infringing design by ALL ACCESS is copied from and
14 substantially similar to MAJOR TEXTILE's design (see Exhibit 3) identified and
15 federally registered as MA 0606111.

16 22. Defendants, by virtue of the aforesaid acts, have taken advantage of
17 the knowledge, skill and good will developed by MAJOR TEXTILE in the
18 copyrighted design and have capitalized upon the market created by MAJOR
19 TEXTILE for their copyrighted design.

20 23. By their use of a design and color combinations substantially similar
21 to MAJOR TEXTILE's design and color and combinations, ALL ACCESS has
22 been able to pass off and sell their garments as a substitute for garments made from
23 MAJOR TEXTILE's fabric bearing the copyrighted design.

24 24. The aforesaid acts of Defendants in manufacturing, causing to be
25 manufactured, importing, marketing, advertising, converting, printing, selling,
26 and/or offering for sale garments imprinted with a design and/or pattern in virtually
27 identical color combinations as copied from MAJOR TEXTILE's copyrighted
28 design, constitute infringement, inequitable conduct, unfair trade practices and

1 unfair competition in that Defendants have thereby misappropriated MAJOR
2 TEXTILE's good will and the benefits of MAJOR TEXTILE's skill and
3 expenditures in the development and promotion of the distinctive designs and by
4 reason thereof has caused irreparable injury to MAJOR TEXTILE in that MAJOR
5 TEXTILE's market has been greatly reduced thereby, which injury will continue
6 as long as Defendants continue to market garments made from fabric imprinted
7 with the copyrighted design.

8 **WHEREFORE, MAJOR TEXTILE** demands as follows:

9 1. That Defendants and their agents and servants be enjoined during the
10 pendency of this action and permanently from infringing Copyright No. VAu-712-
11 212 of MAJOR TEXTILE, covering the aforementioned copyrighted design, in
12 any manner and from manufacturing, converting, promoting, importing, selling,
13 marketing or otherwise disposing of any garments imprinted with a design
14 copyrighted from MAJOR TEXTILE's said design and/or fabric.

15 2. That Defendants be required to pay MAJOR TEXTILE such damages
16 which MAJOR TEXTILE has sustained in consequence of Defendants'
17 infringement of said copyright and to account for all gains, profits and advantages
18 derived by Defendants by its infringement of MAJOR TEXTILE's copyright and
19 such damages as to the Court shall appear proper within the provisions of the
20 copyright statute.

21 3. That Defendants be required to deliver up to be impounded during the
22 pendency of this action all garments made from fabric imprinted with a copy of
23 said design and/or fabric in their possession or under their control and to deliver up
24 for destruction all infringing copies and all plates, molds, and other matter for
25 making such infringing copies.

26 4. That Defendants pay to MAJOR TEXTILE the costs of this action and
27 reasonable attorney's fees to be allowed to MAJOR TEXTILE by the Court.

28 ///

1 5. That MAJOR TEXTILE have such other and further relief as is just
2 and proper.

3
4 Dated: January 30, 2008

Respectfully submitted,

5 EZRA | BRUTZKUS | GUBNER, LLP

6
7 By: 

8 MARK D. BRUTZKUS

9 LUIS A. GARCIA

10 Attorneys for Plaintiff **MAJOR TEXTILE**
11 **IMPORTS, INC.**
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on the claims made herein.

Dated: January 30, 2008

Respectfully submitted,

EZRA | BRUTZKUS | GUBNER, LLP

By: 

MARK D. BRUTZKUS

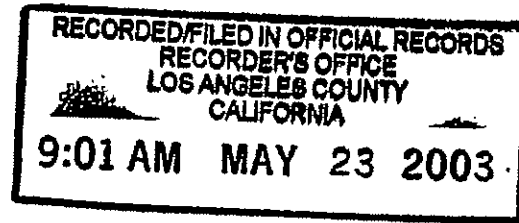
LUIS A. GARCIA

Attorneys for Plaintiff **MAJOR TEXTILE
IMPORTS, INC.**

EXHIBIT “1”

This page is part of your document - DO NOT DISCARD

03-1483091



TITLE(S) : Fictitious Name Statement



FEE

D.T.T

\$10.00

CODE

20

CODE

19

CODE

9

Assessor's Identification Number (AIN)

To be completed by Examiner OR Title Company in black ink.

Number of Parcels Shown

THIS FORM NOT TO BE DUPLICATED

RETURN ADDRESS FOR RECORDED COPY

03-1483091

Name: Douglas M. Lipstone, Esq.
 Street: Buchalter, Nemer, Fields & Younger
 City: 601 S. Figueroa Street, Suite 2400
 State & Zip: Los Angeles, California 90017
 Telephone #: (213) 891-0700

Cust. Ref. #:

1 ☒ First Filing ☐ Renewal Filing
☐ with changes
 Current Registration No.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

FICTITIOUS BUSINESS NAME STATEMENT

THE FOLLOWING PERSON(S) IS (ARE) DOING BUSINESS AS:

2 Fictitious Business Name(s)

c:

a: Self Esteem

b:

Articles of Incorporation/LLC Number (if applicable)
 AMLLC # C2001097

3 Street Address & City of Principal Place of Business in California

(P.O. Box alone not acceptable)

ZIP Code

1515 Gage Road, Montebello, CA 90640

4 Full name of Registrant
All Access Apparel, Inc.

(If corporation or limited liability company - Incorporated or organized in which state)
(California)

Residence Street Address

City

State

ZIP Code

1515 Gage Road, Montebello, CA 90640

Full name of Registrant

(If corporation or limited liability company - Incorporated or organized in which state)

Residence Street Address

City

State

ZIP Code

Full name of Registrant

(If corporation or limited liability company - Incorporated or organized in which state)

Residence Street Address

City

State

ZIP Code

Full name of Registrant

(If corporation or limited liability company - Incorporated or organized in which state)

Residence Street Address

City

State

ZIP Code

5 This Business is conducted by: ☐ an individual ☐ joint venture ☐ a limited partnership ☐ an unincorporated association other than
☐ husband and wife ☒ a corporation ☐ a general partnership ☐ a partnership
 (check one only) ☐ co-partners ☐ a business trust ☐ limited liability company ☐ other - please specify

6 ☒ The registrant commenced to transact business under the fictitious business name or names listed above on (Date) Feb 11, 1997
☐ Registrant has not yet begun to transact business under the fictitious business name or names listed herein

I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime)

If Registrant is not a corporation sign below:

SIGNATURE

TYPE OR PRINT NAME

SIGNATURE

TYPE OR PRINT NAME

SIGNATURE

TYPE OR PRINT NAME

If Registrant is a corporation or limited liability company sign below

All Access Apparel, Inc.

CORPORATION OR COMPANY NAME

Signature of Robert L. Laret
 Signature & Title

ROBERT L. LARET
 TYPE OR PRINT NAME

This statement was filed with the County Clerk of _____ County on date indicated by file stamp above

NOTICE - THIS FICTITIOUS NAME STATEMENT EXPIRES FIVE YEARS FROM THE DATE IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED BEFORE THAT TIME. The filing of this statement does not of itself authorize the use in this state of a fictitious business name in violation of the rights of another under federal, state, or common law (See Section 14411 et seq., Business and Professions Code).

I HEREBY CERTIFY THAT THE FOREGOING IS A CORRECT COPY OF THE ORIGINAL STATEMENT ON FILE IN MY OFFICE

REGISTRAR-RECORDER/COUNTY CLERK

BY

DEPUTY

File No

MNC Metropolitan News Company

P.O. Box 60859, Los Angeles, CA 90060-0859
 (213) 346-0033 FAX (213) 687-3886 • www.mnc.net

If you intend to use the words incorporated, inc., corporation, or corp. the registrant must be a corporation. If you intend to use the words limited liability company or LLC or LC the registrant must be a limited liability company. The County Clerk requires a copy of the articles of incorporation or organization in either case.

EXHIBIT “2”

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

REG#

VAU712-212



EFFECTIVE DATE OF REGISTRATION

6 28 2006
Month Day Year

LATE CONTINUATION SHEET

1

Title of This Work ▼

June 0806 Major Collection

NATURE OF THIS WORK ▼ See Instructions

Fabric design

Previous or Alternative Titles ▼

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

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

2

NAME OF AUTHOR ▼

a Major Textile Imports, Inc

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

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

Author's Nationality or Domicile
Name of Country

OR Citizen of USA
Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No

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 ▼

b

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

3

Year in Which Creation of This Work Was Completed

2006

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month _____ Day _____ Year _____

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 ▼

Major Textile Imports, Inc 1132 E 12th Street, Los Angeles, CA 90021

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

JUN 28 2006

ONE DEPOSIT RECEIVED

JUN 28 2006

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 8

DO NOT WRITE HERE

Page 1 of 4 pages

EXAMINED BY **b**

FORM VA

CHECKED BY

☐ CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

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

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

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

If your answer is Yes, give Previous Registration Number ▼

Year of Registration ▼

5

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

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

6

a
See instructions
before completing
this space

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

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 ▼

7

a

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

Major Textile Imports, Inc
1132 E 12th Street, Los Angeles, CA 90021

b

Area code and daytime telephone number (213) 683-8855

Fax number (213) 683-1577

Email majortextile@abglobal.net

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

Major Textile Imports, Inc

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

8

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

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

Samuel Sham

Date June 23 2006

Handwritten signature (X) ▼

X

Certificate
will be
mailed in
window
envelope to this
address

Name ▼

Major Textile Imports, Inc

Number/Street/Apt ▼

1132 E 12th Street

City/State/ZIP ▼

Los Angeles CA 90021

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

Application fee

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. 20540-4000

9

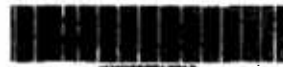
Please see subject to
change. For current
fee, check the
Copyright Office
website at
www.copyright.gov
with the Copyright
Office, or call
(202) 707-6000.

17 U.S.C. § 405(a) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 406 or in any written statement filed in connection with the application, shall be fined not more than \$2,000.

CONTINUATION SHEET FOR APPLICATION FORMS

Form **VA**/CON
UNITED STATES COPYRIGHT OFFICE

VAU 712-212



- This Continuation Sheet is used in conjunction with Forms CA PA SE SR TX and VA only indicate which basic form you are continuing in the space in the upper right-hand corner
- If at all possible try to fit the information called for into the spaces provided on the basic form
- If you do not have enough space for all the information you need to give on the basic form use this Continuation Sheet and submit it with the basic form
- If you submit this Continuation Sheet clip (do not tape or staple) it to the basic form and fold the two together before submitting them
- Space A of this sheet is intended to identify the basic application
- Space B is a continuation of Space 2 on the basic application
- Space B is not applicable to Short Forms
- Space C (on the reverse side of this sheet) is for the continuation of Spaces 1 4 or 6 on the basic application or for the continuation of Space 1 on any of the three Short Forms PA, TX or VA.

PA	PAU	SE	SEG	SR	SRU	TX	TXU	VA	VAU
----	-----	----	-----	----	-----	----	-----	----	-----

EFFECTIVE DATE OF REGISTRATION

6 28 2006
(Month) (Day) (Year)

CONTINUATION SHEET RECEIVED

Page 3 of 4 pages

DO NOT WRITE ABOVE THIS LINE FOR COPYRIGHT OFFICE USE ONLY

IDENTIFICATION OF CONTINUATION SHEET This sheet is a continuation of the application for copyright registration on the basic form submitted for the following work:

- **TITLE** (Give the title as given under the heading: Title of this Work in Space 1 of the basic form)

June 0806 Major Collection

- **NAME(S) AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S)** (Give the name and address of at least one copyright claimant as given in Space 4 of the basic form or Space 2 of any of the Short Forms PA, TX, or VA)

Major Textile Imports, Inc. 1132 E 12th Street, Los Angeles, CA 90021

A
Identification
of
Application

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

d

Was this contribution to the work a "work made for hire"?

- ☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR { Citizen of ► _____
Domesticated 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 the material created by the author in which copyright is claimed ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

e

Was this contribution to the work a "work made for hire"?

- ☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR { Citizen of ► _____
Domesticated 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 the material created by the author in which copyright is claimed ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

f

Was this contribution to the work a "work made for hire"?

- ☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR { Citizen of ► _____
Domesticated 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 the material created by the author in which copyright is claimed ▼

Use the reverse side of this sheet if you need more space for continuation of Spaces 1 4 or 6 of the basic form or for the continuation of Space 1 on any of the Short Forms PA, TX, or VA

CONTINUATION OF (Check which)

☒ Space 1☐ Space 4☐ Space 6**C**Continuation
of other
Spaces

- 1) MA 060675
- 2) MA 060683
- 3) MA 060688
- 4) MA 060689
- 5) MA 060690
- 6) MA 0606111,
- 7) MA 0606112
- 8) MA 0606113
- 9) MA 0606117
- 10) MA 0606118
- 11) MA 0606119
- 12) MA 0606128
- 13) MA 0606134
- 14) MA 0606138
- 15) MA 0606145
- 16) MA 0606146
- 17) MA 0606147

Certificate
will be
sealed in
window
envelope
to this
addressName **V**

Major Textile Imports, Inc

Number/Street/Apt **V**

1132 E 12th Street

City/State/ZIP **V**

Los Angeles, CA. 90021

Complete all necessary spaces
Sign your application

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

Library of Congress Copyright Office
101 Independence Avenue S.E.
Washington D.C. 20540-6000**D**Fees are subject to change.
For information, check the Copyright Office website at www.copyright.gov or call the Copyright Office, (202) 707-6000.

EXHIBIT “3”

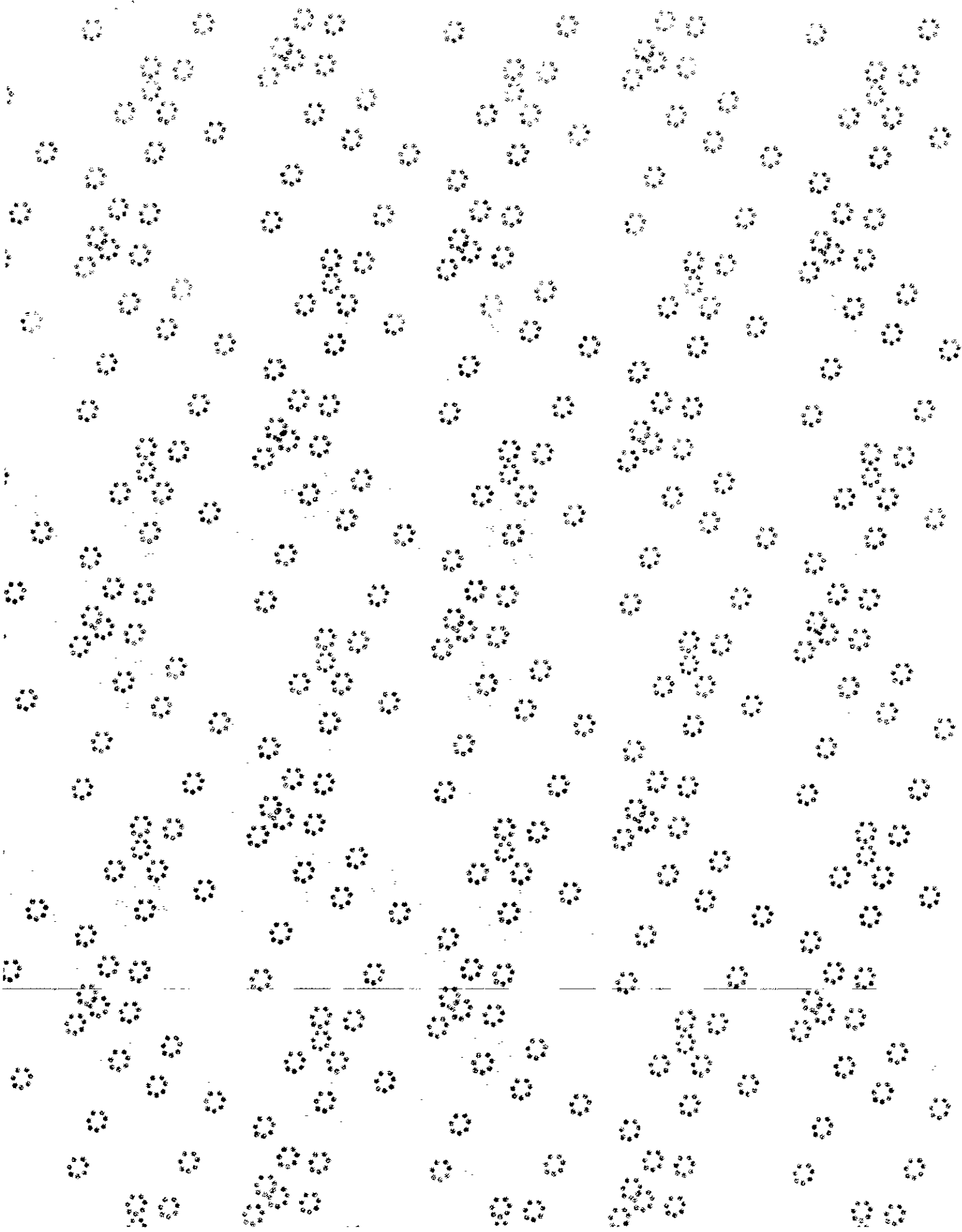


EXHIBIT “4”





100% COTTON
MADE IN CHINA
SN # 96741
EXCLUSIVE OF
TRIM
SMALL

ROSS
DRESS FOR LESS

Luis A. Garcia, SBN 146876
EZRA|BRUTZKUS|GUBNER LLP
21650 Oxnard Street
Suite 500
Woodland Hills, California
Ph.: 818-827-9000; Fax: 818-827-9099

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MAJOR TEXTILE IMPORTS, INC., a
California corporation,

Plaintiff(s)

v.

ALL ACCESS APPAREL, INC., a California
corporation doing business as SELF ESTEEM;
and DOES 1 through 10, Inclusive.

Defendant(s)

CASE NUMBER:

CV-08-00719 ABC AJWx

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney

EZRA|BRUTZKUS|GUBNER LLP, whose address is:

21650 Oxnard Street, Woodland Hills, California 91367

an answer to the ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-
claim which is herewith served upon you within 20 days after service of this Summons upon you, exclusive
of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded
in the complaint.

CLERK, U.S. DISTRICT COURT

Date: FEB 1 2008

By: LA'REE HORN
Deputy Clerk



SUMMONS

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

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Audrey B. Collins and the assigned discovery Magistrate Judge is Andrew J. Wistrich.

The case number on all documents filed with the Court should read as follows:

CV08- 719 ABC (AJWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)

MAJOR TEXTILE IMPORTS, INC., a California corporation,

DEFENDANTS

ALL ACCESS APPAREL, INC., a California corporation doing business as SELF ESTEEM; and DOES 1 through 10, Inclusive

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Luis A. Garcia, SBN 146876
EZRA|BRUTZKUS|GUBNER LLP
21650 Oxnard Street
Suite 500
Woodland Hills, California
818-827-9000

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | | | | | |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| 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. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☐ No

MONEY DEMANDED IN COMPLAINT: \$

VI. 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.)

Copyright Infringement. Act of October 19, 1976, Pub. L. 94-553, 90 Stat. 2598, Title 17 U.S.C.A. Sec. 101-810, as amended ("Copyright Act").

VII. NATURE OF SUIT (Place an X in one box only.)

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

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: _____

CV-71 (07/05)

CIVIL COVER SHEET

Page 1 of 2
CCD-JS44

COPY

6V09-00719

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides. (Use an additional sheet if necessary)☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.*Los Angeles*List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).☐ Check here if the U.S. government, its agencies or employees is a named defendant.List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Luis A. Garcia
Luis A. Garcia, atty. for Plaintiff

Date 01/30/08

Notice to Counsel/Parties: The CV-71 (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. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM
 Authority for Civil Cover Sheet

The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other paper 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 use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **PLAINTIFFS - DEFENDANTS.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a Government Agency only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and the official giving both name and title.
- (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: in land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) **Attorneys.** Enter firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in section ("see attachment"). Refer to Local Rules 83-2.7 and 41-6 for further information regarding change of attorney name, address, firm association, phone number, fax number or e-mail address, and dismissal of action for failure of pro se plaintiff to keep Court apprised of current address.
- II. **JURISDICTION.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdiction be shown in pleadings. Place an "X" in one or more of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States Plaintiff. (1) Jurisdiction is based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States Defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal Question. (3) This refers to suits under 28 U.S.C. 1331 where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, and act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code precedence and box 1 or 2 should be marked.

Diversity of Citizenship. (4) This refers to suits under 28 U.S.C. 1332 where parties are citizens of different states. When box 4 is checked, citizenship of the different parties must be checked. (See Section III below) (Federal question actions take precedence over diversity cases.)

- III. **RESIDENCE (CITIZENSHIP) OF PRINCIPAL PARTIES.** This section of the CV-71 (JS-44) is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

- IV. **ORIGIN.** Place an "X" in one of the seven boxes:

- (1) Original Proceedings. Cases which originate in the United States District Courts.
- (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. Section 1441. When petition for removal is granted, check this box.
- (3) Remanded from Appellate court. Check this box for cases remanded to the district court for further action. Use the date of remand as the date.
- (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- (5) Transferred from Another District. For cases transferred under Title 28 U.S.C. Section 1404(a). DO NOT use this for within-district transfer or multidistrict litigation transfers. When this box is checked, DO NOT check (6) below.
- (6) Multidistrict Litigation. Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, DO NOT check (5) above.
- (7) Appeal to District Judge from Magistrate Judge Judgment. Check this box for an appeal from a magistrate judge's decision.

- V. **REQUESTED IN COMPLAINT.**

Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

- VI. **CAUSE OF ACTION.** Report the civil statute directly related to the cause of action and give a brief description of the cause of action. Do not cite jurisdictional statutes unless diversity.

Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

- VII. **NATURE OF SUIT.** Place an "X" in the appropriate box. MARK ONE BOX ONLY. If the cause of action fits more than one nature of suit, select the one that best describes your cause of action.

- VIII(a) **IDENTICAL CASES.** Indicate if an identical action has previously been filed and dismissed, remanded or closed. Insert the docket number and judge's name, if applicable.

- VIII(b) **RELATED CASES.** This section of the CV-71 (JS-44) is used to reference related cases, if any. If there are related cases, insert the docket number and the corresponding judge's name for each case. Check all boxes that apply.

- IX. **VENUE.** This section of the CV-71 (JS-44) is used to identify the correct division in which the case will be filed. Please remember to indicate the residence of EACH plaintiff and defendant and the county or state in which each claim arose.

If the United States government or an agency thereof is a plaintiff or defendant, place an "X" in the appropriate box. Indicate the residence of other parties, if any.

In each category: for each party and claim, indicate the county, if in California. If other than California, you need only to list the state or country.

- X. **Attorney or party appearing pro per must sign and date this form.**