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**E-filed on February 21, 2008**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

JIBBITZ LLC, a Colorado limited liability  
company,

Case No.

Plaintiff,

v.

JINJIANG HUAKAI SHOES &  
GARMENTS CO. LTD a/k/a JINJIANG  
HUAXING SHOES & GARMENTS CO.,  
LTD.; JEFFREY YE, an individual;  
YUANHUI CHEN a/k/a CHARLIE CHEN,  
an individual; XIAMEN UNIBEST IMPORT  
& EXPORT CO. LTD. a/k/a JINJIANG  
JIAXING SHOES & GARMENT CO., LTD.;  
JOHN DOES and ABC COMPANIES 1 --  
100, unknown individuals and entities  
exhibiting at the WSA (World Shoe  
Association) Las Vegas trade show, February  
21-23, 2008,

Defendants.

**COMPLAINT**

Plaintiff JIBBITZ LLC ("Jibbitz") alleges as follows:

**Nature of the Action --**  
**Copyright Infringement, Trademark Infringement, Trademark Counterfeiting,**  
**Trademark Dilution, Unfair Competition and Violation of Nevada State Law**

1. This action arises out of Defendants' infringement of Jibbitz's copyright protected materials and is filed pursuant to the United States Copyright Act, 17 U.S.C. § 101 *et seq.*, Defendants' acts of trademark infringement, counterfeiting, dilution and unfair competition in violation of the Lanham Act, 15 U.S.C. § 1051 *et seq.* and violation of Nevada common law.

2. Defendants have sold and/or will offer for sale copies of Jibbitz's copyright protected designs using the registered JIBBITZ trademarks. Defendants' acts are in direct violation of the Copyright Act and the Lanham Act. As a result, Defendants have infringed on Jibbitz's copyright and trademark protected works causing Jibbitz great and irreparable damage. In addition, Defendants' actions constitute dilution, unfair competition and violate Nevada common law, causing Jibbitz great and irreparable damage.

**The Parties**

3. Jibbitz is a Colorado limited liability company that maintains its principal place of business in Boulder, Colorado.

4. Jinjiang Huakai Shoes and Garments Co. Ltd a/k/a Jinjiang Huaxing Shoes & Garments Co., Ltd. ("Jinjiang Huakai") is a Chinese manufacturing and sales company with its principal place of business in Jinjiang, Fujian province, People's Republic of China. Jinjiang Huakai does business on the Internet using various domain names including [www.evadog.com](http://www.evadog.com) and [www.huakaishoes.com](http://www.huakaishoes.com). Upon information and belief, Jinjiang Huakai also goes by the names Huakai Shoes and Jinjiang Huaxing Shoes Factory.

5. Jeffrey Ye, on information and belief, is a Chinese citizen residing in Fujian province, People's Republic of China. Ye is an agent of Jinjiang Huakai and a business associate

1 of Jinjiang Huakai, and a central business contact for Jinjiang Huakai's sales activities in the  
2 United States.

3 6. Yuanhui Chen a/k/a Charlie Chen, on information and belief, is a Chinese citizen  
4 residing in Fujian province, People's Republic of China. Chen is an agent of Jinjiang Huakai  
5 and a business associate of Jinjiang Huakai, and a central business contact for Jinjiang Huakai's  
6 sales activities in the United States.

7  
8 7. Xiamen Unibest Import & Export Co. Ltd. a/k/a Jinjiang Jiaxing Shoes and  
9 Garment Co., Ltd. ("Jinjiang Jiaxing") is a Chinese manufacturing and sales company with its  
10 principal place of business in Jinjiang, Fujian province, People's Republic of China. Jinjiang  
11 Huakai does business on the Internet using various domain names including [www.evaclogs.cn](http://www.evaclogs.cn)  
12 and [www.loveclogs.com](http://www.loveclogs.com).

13  
14 8. John Doe No. 1, currently known only as "Peter", on information and belief, is a  
15 Chinese citizen residing in Fujian province, People's Republic of China. "Peter" is an agent of  
16 Jinjiang Jiaxing and a business associate of Jinjiang Jiaxing, and a central business contact for  
17 Jinjiang Jiaxing's sales activities in the United States.

18 9. The John Doe Defendants are unknown JOHN DOES 2-100 and ABC  
19 COMPANIES 1-100 exhibiting at the WSA (World Shoe Association) Las Vegas trade show,  
20 February 21-23 (the "Trade Show"). The John Doe Defendants are, on information and belief,  
21 online, eBay auction, mail order and/or traditional distributors and/or retailers in interstate  
22 commerce of shoe charms who are exhibitors at one or both of the Trade Show acting in concert  
23 with Join world and distributing or selling the injurious items described below, whose true names  
24 and identities are not known to Plaintiff at this time, and will be named upon identification.  
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**Jurisdiction and Venue**

10. This is an action for copyright infringement under 17 U.S.C. § 101, *et seq.* and trademark infringement, trademark dilution and unfair competition under 15 U.S.C. § 1051, *et seq.*

11. This Court has federal question jurisdiction pursuant to 17 U.S.C. § 101, 502 *et seq.*, 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331, 1338 because this case arises under the copyright and trademark laws of the United States. Supplemental jurisdiction exists over the state law claims pursuant to 28 U.S.C. § 1367(a).

12. Venue properly lies in this District under 28 U.S.C. § 1391(b) because the Defendants are found in this district, a substantial part of the events or omissions giving rise to the claim occurred in this district and the tortious conduct was committed in this district.

**Factual Allegations**

13. Founded in 2005 as a family business by a stay-at-home mom, her husband and their children, Jibbitz pioneered and popularized a unique accessory brand comprising colorful snap-on products specifically suited for closed-cell resin footwear such as Crocs shoes. Today, more than 400 Jibbitz designs are available to consumers for personalizing and customizing their Crocs footwear and for other uses. *See* [www.jibbitz.com](http://www.jibbitz.com). The Jibbitz products are commonly known as “shoe charms.” A photo of Jibbitz shoe charms on Crocs clogs (and their owners) is shown on the following page:



14. Jibbitz develops creative and original designs for its shoe charms. Jibbitz owns all right, title and interest in its shoe charm designs, including all copyright rights therein. Jibbitz has obtained numerous copyright registrations for its shoe charms, a summary of which are attached hereto as Group Exhibit A (the designs and portions thereof are referred to herein as the “Copyrighted Works”).

15. Jibbitz has an ongoing copyright registration program with the United States Customs service regarding its Copyrighted Works.

16. Jibbitz has presented and presents, and has spent a significant amount of money developing, its Copyrighted Works and they are assets of immense value to Jibbitz.

17. Jibbitz owns three federal trademark registrations covering the mark JIBBITZ for: Small decorative objects made of rubber, plastic, paste, glass, non-precious stones or non-precious metal, namely, shoe ornaments, buttons for clothing, snap fasteners, slide fasteners, and zipper fasteners.

JIBBITZ

Reg. No. 3,180,450 Reg. Date: September 19, 2006

JIBBITZ (with color design) Reg. No. 3,183,380 Reg. Date: December 12, 2006



JIBBITZ (with b/w design) Reg. No. 3,183,379 Reg. Date: December 12, 2006



These registrations are valid, subsisting and owned by Jibbitz. (the "Jibbitz Marks"). Copies of the registration documentation are attached hereto as Group Exhibit B.

18. The Jibbitz Marks are strong trademarks that are distinctive and source identifying for shoe charms and other products offered by Jibbitz. The aforementioned registrations give Jibbitz the presumption of exclusive trademark rights, validity, prior use and ownership of the Jibbitz Marks. The Jibbitz Marks consequently embody the valuable goodwill and reputation Jibbitz has earned in the marketplace.

19. Jibbitz shoe charms are sold at over 3000 U.S. retailers. Jibbitz and its products have been featured in numerous media, including: CBS Saturday Early Show, The Wall Street Journal, Business 2.0, Westword, The Denver Business Journal, FOX 31 News (Denver) and 9 News (NBC -- Denver). In February 2007, the Oprah Winfrey Show did a segment that featured Jibbitz, its products and its founders. Jibbitz is an official licensee of the Walt Disney Company. In December, 2006, Crocs Inc., a publicly traded company and leading producer of closed-cell resin footwear (NASDAQ: CROX), purchased all membership interest in Jibbitz. As such, the Jibbitz Marks are famous trademarks.

20. Trade shows are very important avenues for sales and distribution in the apparel and footwear industry. Jibbitz plans on attending nearly one hundred trade shows throughout the

1 United States in 2008. Jibbitz expects a significant portion of its sales and revenue for the year  
2 will be derived from orders taken and exposure to its products at trade shows. The Trade Shows  
3 are thus very important Jibbitz's business.

4 21. Jibbitz has identified Jinjiang Huakai as a supplier of infringing shoe charms to  
5 the United States market. Jibbitz has an ongoing investigation in China regarding these  
6 infringers. On information and belief, the infringing products will be present and on display at  
7 the Trade Show.  
8

9 22. Upon information and belief, Jinjiang Huakai has represented to third parties that  
10 it would be attending the WSA Trade Show on February 21-23, 2008 and that its agents,  
11 including Ye and Chen, will be displaying shoe products, including Jibbitz charms, at Booth  
12 Nos. 11359 and 11339.  
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14 23. Jinjiang Huakai, by and through its agents, Yu and Chen, has a history of  
15 infringing the Copyrighted Works and the Jibbitz Marks.

16 24. Jibbitz has also identified Jinjiang Jiaxing as a supplier of infringing shoe charms  
17 to the United States market. Jibbitz has an ongoing investigation in China regarding these  
18 infringers. On information and belief, the infringing products will be present and on display at  
19 the Trade Show.  
20

21 25. Jinjiang Jiaxing has represented to third parties that it would be attending the  
22 WSA Trade Show on February 21-23, 2008 and that its agents, including John Doe No. 1 a/k/a  
23 "Peter", would be displaying shoe products, including Jibbitz charms, at Booth Nos. 13345,  
24 13346 and 13339. Jinjiang Jiaxing placed an invitation to meet with its representatives at the  
25 WSA Trade Show on its website, where potential customers may purchase "Jibbitz" products.  
26 (See [http://www.lovecllogs.com/News\\_Display.asp?ID=6](http://www.lovecllogs.com/News_Display.asp?ID=6)).  
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1           26.     Jinjiang Jiaxing has a history of infringing the Copyrighted Works and the Jibbitz  
2 Marks.

3           27.     Jinjiang Jiaxing's agents currently attending the WSA trade show, including John  
4 Doe No. 1 a/k/a "Peter", have dispersed business cards stating Jinjiang Jiaxing's product line  
5 includes "Jibbitz."

6           28.     The John Doe Defendants 2-100 are, on information and belief, online, eBay  
7 auction, mail order and/or traditional distributors and/or retailers in interstate commerce of shoe  
8 charms who are exhibitors at one or both of the Trade Shows. As such, the John Doe Defendants  
9 2-100 are direct competitors of Jibbitz in the sale of shoe charms.

10           29.     The Defendants, on information and belief, have offered and/or will offer for sale  
11 reproductions that are identical or substantially similar to Jibbitz's Copyrighted Works, or  
12 portions thereof, and Defendants have distributed and displayed and/or will distribute and  
13 display such works and/or derivative works thereof in interstate commerce.

14           30.     The Defendants, on information and belief, have used counterfeits of the Jibbitz  
15 Marks on or in connection with the offering for sale and distribution of goods wherein such use  
16 of the Jibbitz Marks is spurious and identical with or substantially similar to the Jibbitz Marks.

17           31.     The Defendants, on information and belief, have offered and/or will offer for sale  
18 the reproductions of Jibbitz shoe charms, and other shoe charm designs, using the Jibbitz Marks  
19 in interstate commerce and within this judicial district and have offered and/or will offer their  
20 goods in interstate commerce and within this judicial district.

21           32.     The Defendants' use of the Jibbitz Marks is likely to confuse consumers into  
22 believing Defendants' goods originate from Jibbitz or into assuming that Defendants are otherwise  
23 affiliated with or endorsed by Jibbitz, and is likely to dilute the distinctive quality of the Jibbitz  
24 Marks.

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**FIRST CLAIM FOR RELIEF**  
**(For Copyright Infringement Under 17 U.S.C. § 101 et seq.)**

33. Jibbitz incorporates by reference as if fully stated herein each and every allegation contained in paragraphs 1 through 32.

34. Defendants have and continue to infringe the Copyrighted Works; reproduce the Copyrighted Works in copies; prepare derivative works based upon the Copyrighted Works; and distribute and display copies of the Copyrighted Works to the public, thus infringing Jibbitz's exclusive rights in the Copyrighted Works in violation of 15 U.S.C. § 106.

35. Defendants are not licensed or authorized by Jibbitz to use the Copyrighted Works.

36. Defendants have obtained and/or will obtain sales and revenue as a direct result of their willful infringement on the Copyrighted Works.

37. The natural and foreseeable result of Defendants' conduct has been and will continue to be to deprive Jibbitz of the benefits of the exclusive right to reproduce the Copyrighted Works in copies; prepare derivative works based upon the Copyrighted Works; and distribute and display copies of the Copyrighted Works to the public; to deprive Jibbitz of goodwill; and to injure Jibbitz's relations with present and prospective customers.

38. Jibbitz has lost and will continue to lose revenue from the Defendants' unlawful use of its Copyrighted Works as the direct result of Defendants' conduct alleged herein and Defendants' conduct has deprived and will continue to deprive Jibbitz of opportunities for expanding its business and goodwill.

39. On information and belief, Defendants intend to continue their course of conduct and to wrongfully use, infringe upon, present and otherwise continue to profit from their infringement of the Copyrighted Works.

1           40.     Jibbitz has no adequate remedy at law to redress the injuries that Defendants have  
2 caused and intend to cause by their conduct. Jibbitz will continue to suffer irreparable damage  
3 and sustain lost profits until Defendants' actions alleged herein are enjoined by this Court.

4           41.     Defendants' conduct alleged herein has been and will be willful and malicious.

5           42.     Defendants' actions alleged herein infringe Jibbitz's copyright rights in and  
6 relating to the Copyrighted Works.  
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8                               **SECOND CLAIM FOR RELIEF**  
9                               **(For Trademark Infringement Under 15 U.S.C. § 1114)**

10           43.     Jibbitz re-alleges and incorporates herein by reference paragraphs 1 through 42  
11 above as though fully set forth herein.

12           44.     Defendants are not authorized to use the Jibbitz Marks or any mark confusingly  
13 similar or that in any way represents or implies that Defendants and/or Defendants' goods are in  
14 any way associated with Jibbitz.

15           45.     Defendants' unauthorized use of the Jibbitz Marks as alleged herein constitutes  
16 trademark infringement in violation of 15 U.S.C. § 1114. Defendants' use of the Jibbitz Marks is  
17 likely to cause, and on information and belief, has actually caused, confusion, mistake, or  
18 deception in the market as to the source or origin of Defendants' goods, and has falsely  
19 suggested that Defendants and/or their goods are sponsored by, connected to, or associated with  
20 Jibbitz.  
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22           46.     As a direct and proximate result of Defendants' infringement of the Jibbitz Marks,  
23 Jibbitz has suffered, and will continue to suffer, irreparable injury to its business, reputation, and  
24 goodwill, unless and until Defendants' actions as alleged herein are permanently enjoined.  
25 Jibbitz has no adequate remedy at law.  
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27           47.     As a direct and proximate result of Defendants' actions, Jibbitz has suffered, and  
28 will continue to suffer, monetary damages in an amount to be proven at trial.

48. Defendants' wrongful use of the Jibbitz Marks is knowing, deliberate and willful. Jibbitz is therefore entitled to recover three times the amount of its damages as well as its attorneys' fees and costs incurred in this action.

**THIRD CLAIM FOR RELIEF**  
**(For Trademark Counterfeiting Under 15 U.S.C. § 1114 and § 1116)**

49. Jibbitz incorporates by reference as if fully stated herein each and every allegation contained in paragraphs 1 through 48.

50. Defendants' use of counterfeit and spurious Jibbitz Marks on merchandise that is not genuine Jibbitz product constitutes trademark counterfeiting in violation of 15 U.S.C. § 1114(1) and § 1116(d).

51. As a direct and proximate result of Defendants' counterfeiting of the Jibbitz Marks, Jibbitz has suffered, and will continue to suffer, irreparable injury to its business, reputation, and goodwill, unless and until Defendants' actions as alleged herein are permanently enjoined. Jibbitz has no adequate remedy at law.

52. As a direct and proximate result of Defendants' actions, Jibbitz has suffered, and will continue to suffer, monetary damages in an amount to be proven at trial.

53. Defendants' wrongful use of the Jibbitz Marks is knowing, deliberate and willful. Jibbitz is therefore entitled to recover three times the amount of its damages as well as its attorneys' fees and costs incurred in this action.

**FOURTH CLAIM FOR RELIEF**  
**(For Trademark Dilution Under 15 U.S.C. § 1125(c))**

54. Jibbitz incorporates by reference as if fully stated herein each and every allegation contained in paragraphs 1 through 53.

55. The Jibbitz Marks are famous and distinctive as they are widely recognized by the general consuming public of the United States as a designation of source of the goods of Jibbitz.

1           56. After the Jibbitz Marks became famous, Defendants commenced use in commerce  
2 of marks that are likely to cause dilution by blurring that impairs the distinctiveness of the  
3 famous Jibbitz Marks.

4           57. After the Jibbitz Marks became famous, Defendants commenced use in  
5 commerce of marks that are likely to cause dilution by tarnishment by association arising from  
6 the similarity between Defendants' marks and the famous Jibbitz Marks that harms the  
7 reputation of the famous Jibbitz Marks.

8           58. Jibbitz has no adequate remedy at law to redress the injuries that Defendants have  
9 caused and intend to cause by their conduct. Jibbitz will continue to suffer irreparable damage  
10 and sustain lost profits until Defendants' actions alleged herein are enjoined by this Court.

11           59. As a direct and proximate result of Defendants' conduct, Jibbitz and the Jibbitz  
12 Marks have suffered, and will continue to suffer, irreparable injury to business, reputation, and  
13 goodwill, unless and until Defendants' actions as alleged herein are enjoined.

14           60. As a direct and proximate result of Defendants' actions, Jibbitz has suffered, and  
15 will continue to suffer, monetary damages in an amount to be proven at trial.

16           61. Defendants' wrongful dilution of the Jibbitz Marks is knowing, deliberate, and  
17 willful. Jibbitz is therefore entitled to recover three times the amount of its damages as well as  
18 its attorneys' fees and costs incurred in this action.

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22                           **FIFTH CLAIM FOR RELIEF**  
23                           **(For Unfair Competition Under 15 U.S.C. § 1125(a)(1)(B))**

24           62. Jibbitz incorporates by reference as if fully stated herein each and every allegation  
25 contained in paragraphs 1 through 61.

26           63. The Defendants have used the Copyrighted Works and the Jibbitz Marks relating  
27 to the subject matter of this Complaint in interstate commerce.

64. Defendants, by using Jibbitz's Copyrighted Works, the Jibbitz Marks and other materials and passing them off as their own, have used in connection with their goods in interstate commerce a false designation of origin, a false or misleading description of fact, and/or a false or misleading representation of fact in commercial advertising or promotion that misrepresents the nature, characteristics, qualities, and/or geographic origin of its goods, services or commercial activities in violation of 15 U.S.C. § 1125(a)(1)(B).

65. Jibbitz has no adequate remedy at law to redress the injuries that Defendants have caused and intend to cause by their conduct. Jibbitz will continue to suffer irreparable damage and sustain lost profits until Defendants' actions alleged herein are enjoined by this Court.

66. As a direct and proximate result of Defendants' conduct, Jibbitz has suffered, and will continue to suffer, irreparable injury to its business, reputation, and goodwill, unless and until Defendants' actions as alleged herein are enjoined.

67. As a direct and proximate result of Defendants' actions, Jibbitz has suffered, and will continue to suffer, monetary damages in an amount to be proven at trial.

68. Defendants' wrongful use of the infringing Copyrighted Works and the Jibbitz Marks is knowing, deliberate, and willful. Jibbitz is therefore entitled to recover three times the amount of its damages as well as its attorneys' fees and costs incurred in this action.

**SIXTH CLAIM FOR RELIEF  
(Common Law Trademark Infringement)**

69. Jibbitz incorporates by reference as if fully stated herein each and every allegation contained in paragraphs 1 through 68.

70. Defendants are not authorized to use the Jibbitz Marks or any mark confusingly similar or that in any way represents or implies that Defendants and/or Defendants' goods are in any way associated with Jibbitz.

1           71.     Jibbitz was the first to use the Jibbitz Marks or any marks similar thereto in  
2 association with the sale of any product and service. As a result of the continued sale by Jibbitz  
3 of products under the Jibbitz Marks, the Jibbitz Marks have become widely known and Jibbitz  
4 has become identified in the public mind as the manufacturer and/or licensor of the products to  
5 which the Jibbitz Marks are applied.

6  
7           72.     As a result of the experience, care, and service of Jibbitz in producing and  
8 providing Jibbitz's products, Jibbitz products have become widely known to have acquired a  
9 worldwide reputation for excellence. Moreover, the Jibbitz Marks have become associated with  
10 Jibbitz products, and have come to symbolize the reputation for quality and excellence of  
11 Jibbitz's products. As such the Jibbitz Marks have become inherently distinctive.

12           73.     Moreover, the Jibbitz Marks neither suggest nor describe any ingredient or  
13 characteristic of Jibbitz's goods or services. As such, the Jibbitz Marks are arbitrary and  
14 therefore distinctive.

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16           74.     Defendants, with intentional disregard of Jibbitz's rights, continue to advertise,  
17 promote, and sell products bearing the likeness of the Jibbitz Marks or counterfeits and  
18 imitations thereof. Such acts by Defendants have caused and continue to cause confusion and  
19 mistake with an appreciable number of reasonable customers as to the source or sponsorship of  
20 Defendants' products and services.

21           75.     Defendants, with intentional disregard of Jibbitz's rights, continue to advertise,  
22 promote, and sell products bearing the likeness of the Jibbitz Marks or counterfeits and  
23 imitations thereof through marketing channels used by Jibbitz, including past and upcoming  
24 trade shows in Las Vegas, Nevada, causing confusion as to the source or sponsorship of  
25 Defendants' products and services.  
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1           76. Defendants' acts constitute willful infringement of Jibbitz's exclusive rights in the  
2 Jibbitz Marks, in violation of the common law.

3           77. As a direct and proximate result of Defendants' infringement of the Jibbitz Marks,  
4 Jibbitz has suffered, and will continue to suffer, irreparable injury to its business, reputation, and  
5 goodwill, unless and until Defendants' actions as alleged herein are permanently enjoined.  
6 Jibbitz has no adequate remedy at law.

7  
8           78. As a direct and proximate result of Defendants' actions, Jibbitz has suffered, and  
9 will continue to suffer, monetary damages in an amount to be proven at trial.

10           79. Defendants' wrongful use of the Jibbitz Marks is knowing, deliberate and willful.  
11 Jibbitz is therefore entitled to recover three times the amount of its damages as well as its  
12 attorneys' fees and costs incurred in this action.

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14                                   **PRAYER FOR RELIEF**

15           WHEREFORE, Plaintiff JIBBITZ LLC, respectfully requests that judgment be entered in  
16 its favor and prays:

17           (a) That this Court preliminarily and permanently enjoin Defendants and each of their  
18 partners, associates, agents, servants and employees, and all others acting in concert with  
19 Defendants, from directly or indirectly infringing Jibbitz's copyright rights in the Copyrighted  
20 Works, or any portion thereof, and any and all use of the Copyrighted Works, either alone or in  
21 conjunction with other materials; and

22           (b) That this Court preliminarily and permanently enjoin Defendants and each of their  
23 partners, associates, agents, servants and employees, and all others acting in concert with  
24 Defendants, from directly or indirectly infringing and diluting Jibbitz's Lanham Act rights in the  
25 Jibbitz Marks and any and all use of the Jibbitz Marks, either alone or in conjunction with other  
26 materials and otherwise engaging in unfair competition; and

27           (c) That this Court order Defendants and each of their partners, associates, agents,  
28 servants and employees, and all others acting in concert with Defendants, to return to Jibbitz any

1 and all originals, copies, facsimiles or duplicates of the Copyrighted Works and the Jibbitz  
2 Marks in its custody or control; and

3 (d) That this Court order Defendants and each of their partners, associates, agents,  
4 servants and employees, and all others acting in concert with Defendants, to notify and recall  
5 from all third parties known to Defendants, any and all originals, copies, facsimiles or duplicates  
6 of Jibbitz's Copyrighted Works and the Jibbitz Marks or any works shown by the evidence to  
7 infringe and/or dilute any rights in Jibbitz's Copyrighted Works and the Jibbitz Marks; and

8 (e) That this Court order Defendants to pay to Jibbitz such damages as Jibbitz has  
9 sustained by reason of Defendants' willful infringement, dilution and other wrongful conduct;  
10 and

11 (f) That this Court order that Defendants be required to account to and pay Jibbitz for  
12 all profits derived by Defendant by reason of the acts complained of herein; and

13 (g) That this Court treble all profits and damages owing to Jibbitz due to Defendants'  
14 willful trademark infringement and dilution; and

15 (h) That this Court award statutory damages in the maximum amount allowable due  
16 to Defendants' willful copyright infringement; and

17 (i) That this Court award punitive damages to the extent appropriate due to  
18 Defendants' violation of state law; and

19 (j) That this Court order Defendants to pay Jibbitz's reasonable attorneys' fees and  
20 costs; and

21 (k) That this Court order Defendants to provide Jibbitz complete identification of all  
22 their suppliers, affiliates, sales reps, distributors, customers and the like, and all documentation  
23 relating to their wrongful activities; and

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(l) That this Court award Jibbitz such other further relief as this Court shall deem just.

Dated: February 21, 2008

By: /s/ Rodney M. Jean

Rodney M. Jean  
Robert Hernquist

Attorneys for Plaintiff  
JIBBITZ LC