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10 Attorneys for Plaintiff
11 GURU DENIM, INC.

12 UNITED STATES DISTRICT COURT FOR THE
13 CENTRAL DISTRICT OF CALIFORNIA

14 GURU DENIM, INC., A California
15 Corporation,

16 Plaintiff,

17 vs.

18 CHASE HAYES, an Individual;
19 WWW.WOMENDESIGNERCLOTHES.
20 COM, a California Business Entity of
21 Unknown Status; and Does 1-10,
22 Inclusive,

23 Defendants.

Case No. **CV08-04493**

**COMPLAINT FOR DAMAGES
AND DECLARATORY RELIEF :**

- (1) **FEDERAL TRADEMARK INFRINGEMENT** [15 U.S.C. § 1114/Lanham Act § 43(a)]
- (2) **FEDERAL COPYRIGHT INFRINGEMENT** [17 U.S.C. §501(a)];
- (3) **FALSE DESIGNATION OF ORIGIN** [15 U.S.C. §1125(a)];
- (4) **TRADEMARK DILUTION** [15 U.S.C. §1125(c); *CALIFORNIA BUSINESS & PROFESSIONS CODE* §14330];
- (5) **COMMON LAW COPYRIGHT INFRINGEMENT** [*CALIFORNIA CIVIL CODE* §980];

(6) UNFAIR BUSINESS
PRACTICES [*CALIFORNIA
BUSINESS & PROFESSIONS
CODE §17200*]; and
(7) UNJUST ENRICHMENT

COMES NOW, Plaintiff GURU DENIM, INC. to hereby file its Complaint against Defendants CHASE HAYES, WWW.WOMENDESIGNERCLOTHES.COM, and Does 1-10, inclusive (collectively "Defendants").

JURISDICTIONAL ALLEGATIONS

1. This Court has Federal subject matter jurisdiction over this matter pursuant to 28 *U.S.C.* §§ 1331 and 1338(a) and (b), by virtue of 15 *U.S.C.* §1051 *et seq.*, in that the case arises out of §43(a) of the *Lanham Act* for trademark infringement, and supplemental jurisdiction under 28 *U.S.C.* §§ 1367(a) and 1338 (a)(b).

2. Venue is proper, *inter alia*, under 28 *U.S.C.* § 1391(b) because on information and belief, a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

3. Personal jurisdiction exists over Defendants because on information and belief, Defendants conduct business in California and in this judicial district, or otherwise avail themselves of the privileges and protections of the laws of the State of California, such that this Court's assertion of jurisdiction over Defendants does not offend traditional notions of fair play and due process.

THE PARTIES

4. Plaintiff GURU DENIM, INC. (hereinafter "Plaintiff") is now, and was at the time of the filing of this Complaint and at all intervening times, a California corporation, duly authorized and licensed to conduct business in California, with its principal place of business in California.

1 5. Plaintiff GURU DENIM, INC. is a wholly owned subsidiary of TRUE
2 RELIGION APPAREL, INC., and manufactures and distributes denim and non-
3 denim men's and women's apparel under the True Religion line of apparel.

4 6. Plaintiff is informed and believes that Defendant CHASE HAYES is
5 now, and was at the time of the filing of this Complaint and at all intervening
6 times, an Individual residing at 4914 Diane Court, San Diego, California 92117.

7 7. Plaintiff is informed and believes that Defendant
8 WWW.WOMENDESIGNERCLOTHES.COM is now, and was at the time of the
9 filing of this Complaint and at all intervening times, a California Business Entity of
10 Unknown Status operating a website at
11 http://www.WWW.WOMENDESIGNERCLOTHES.COM, with a principal place
12 of business located at 4914 Diane Court, San Diego, California 92117.

13 8. The true names and capacities, whether individual, corporate,
14 associate or otherwise, of Defendants herein are designated by fictitious names and
15 Does 1-10, inclusive, are unknown to Plaintiff. Plaintiff therefore sues said
16 Defendants by such fictitious names. When the true names and capacities of said
17 Defendants have been ascertained, Plaintiff will amend this pleading accordingly.

18 9. Plaintiff further alleges that Does 1-10, inclusive, sued herein by
19 fictitious names are jointly, severally and concurrently liable and responsible with
20 the named Defendants upon the causes of action hereinafter set forth.

21 10. Plaintiff is informed and believes and thereon alleges that at all times
22 mentioned herein Defendants CHASE HAYES,
23 WWW.WOMENDESIGNERCLOTHES.COM, and Does 1-10, inclusive, and each
24 of them (collectively, "Defendants"), were the agents, servants and employees of
25 every other Defendant and the acts of each Defendant, as alleged herein, were
26 performed within the course and scope of that agency, service or employment.
27
28

INJURY TO PLAINTIFFS

11. Plaintiff owns nine (9) registered United States trademarks associated with the True Religion line of apparel.

12. Plaintiff owns a registered United States trademark for the "True Religion Brand Jeans World Tour Fashion for the Senses Section Row Seat" label and corresponding artwork under U.S. Reg. No. 2,917,187, registered January 11, 2005, attached herewith as Exhibit "A."

13. Plaintiff owns registered United States trademarks in the pocket stitching pattern that appears on True Religion Brand Jeans pants and the overall stitching pattern on the front of True Religion Brand Jeans pants under U.S. Reg. No. 3,147,244, registered September 16, 2006, and under U.S. Reg. No. 3,219,110, registered March 13, 2007, attached herewith as Exhibits "B" and "C," respectively.

14. Plaintiff owns 4 registered United States trademarks in the word mark "True Religion Brand Jeans," (hereinafter, "the Mark") with assorted designs, characters and artwork (hereinafter, "the Designs") under the following registration numbers: U.S. Reg. No. 2,761,793, registered September 9, 2003; U.S. Reg. No. 3,120,797, registered July 25, 2006; U.S. Reg. No. 3,120,798, registered July 25, 2006; U.S. Reg. No. 3,282,490, registered August 21, 2007; attached herewith as Exhibits "D," "E," "F," and "G," respectively.

15. Plaintiff owns registered United States trademarks in the word mark "True Religion," under U.S. Reg. No. 3,162,615, registered October 24, 2006; and under U.S. Reg. No. 3,162,614, registered October 24, 2006; collectively attached herewith as Exhibit "H."

16. Plaintiff owns two United States Copyrights for the True Religion Brand Jeans Designs under Certificate of Registration number VA 1-192-834, effective date of February 6, 2003, and Certificate of Registration number VA 1-

1 301-845, effective date of April 13, 2005, attached herewith as Exhibits "I" and
2 "J," respectively.

3 17. Plaintiff owns an additional United States Copyright in the
4 "truereigionbrandjeans.com" website under Certificate of Registration number TX
5 6-236-806, effective date of June 1, 2005, attached herewith as Exhibit "K."

6 18. Plaintiff owns a United States Design Patent for the stitch pattern
7 applied to True Religion Brand Jeans pants under United States Patent No.
8 D547530, issued July 31, 2007, attached herewith as Exhibit "L."

9 19. Plaintiff also owns registered trademarks in the True Religion Brand
10 Jeans Mark and Designs in the following foreign countries or territories: Canada,
11 United Kingdom, European Union, Germany, Australia, Japan, Korea, Mexico,
12 Colombia, Hong Kong, Korea, Norway, Russia, South Africa and Paraguay. The
13 relevant trademark registration documents are attached herewith as Exhibit "M."

14 20. Plaintiff designs, develops, manufactures, markets, distributes and
15 sells denim jeans and other apparel, including corduroy jeans and jackets, velvet
16 jeans and jackets, skirts, shorts for both men and women, t-shirts, sweaters and
17 sportswear under the Mark in the United States, Canada, the United Kingdom,
18 Europe, Mexico, Japan, Korea, Australia and the Middle East. Plaintiff has been
19 designing, manufacturing, distributing and selling its apparel under the Mark since
20 August of 2003. True Religion Brand Jeans products and their packaging
21 prominently bear the Mark. Plaintiff's Mark has been continually used in
22 commerce since its date of first issue.

23 21. Plaintiff has distinguished itself as a leader in the high-end denim
24 market, contributing significantly to the wide interest in designer denim.
25 Plaintiff's line of "super-premium" denim wear, which ranges in retail price fro
26 \$170.00 to in excess of \$300.00, is acclaimed in the fashion industry due to its
27 famous name recognition which represents quality and distinguished
28 craftsmanship. Each piece of clothing or pair of denim distributed under the Mark

bears an emblem of a smiling Buddha strumming a guitar and, in some occasions, is elaborately embroidered. Upscale retailers, such as *Barneys California*, *Bergdorf Goodman*, *Neiman Marcus*, *Nordstrom*, *Saks Fifth Avenue*, and about 650 high-end boutiques nationwide sell True Religion Brand Jeans apparel. Plaintiff also operates a 900 square foot flagship boutique store in trendy Manhattan Beach, California, which distributes men's and women's denim and non-denim apparel under the Mark.

22. Due to Plaintiff's extensive use of the Mark, Plaintiff has built up significant goodwill therein and its line has been praised and recognized in numerous articles appearing in both trade publications and those directed to the general public, including *Elle*, *Vogue*, and *Harper's Bazaar*. An increasingly large list of top celebrities purchase, wear and have been photographed wearing True Religion Brand Jeans apparel, including Madonna, Gwyneth Paltrow, Bruce Willis, and the entire cast of the television program *Desperate Housewives*. Plaintiff's apparel bearing the Mark has also been featured in films such as *Cake*, *The Fog*, *Domino*, and *Dukes of Hazzard*.

23. Defendants operate an online storefront which markets and retails, counterfeit True Religion Brand Jeans apparel utilizing the web address of <http://WWW.WOMENDESIGNERCLOTHES.COM>.

24. On April 15, 2008, in its ongoing investigation of counterfeit sales of True Religion Brand Jeans apparel, Plaintiff purchased counterfeit True Religion Brand Jeans jacket "hoodie" from Defendants for a cost of \$91.11 charged to the Paypal electronic payment account of Plaintiff's investigator. A true and correct copy of the website purchase receipt is attached hereto as Exhibit "N." A true and correct copy of the Paypal payment transaction detail is attached hereto as Exhibit "O."

25. Defendants have intentionally and knowingly confused consumers by advertising apparel bearing Plaintiff's Mark as "*TRUE RELIGION HOODIE*." A

1 true and correct copy of the advertisement on
2 <http://WWW.WOMENDESIGNERCLOTHES.COM> is attached hereto as Exhibit
3 "P."

4 26. Defendants have further intentionally and knowingly confused
5 consumers by advertising on <http://WWW.WOMENDESIGNERCLOTHES.COM>
6 that "[A]LL MERCHANDISE IS AUTHENTIC." A true and correct copy of said
7 advertisement is attached hereto as Exhibit "Q."

8 27. The purported True Religion apparel goods purchased from
9 Defendants arrived in Los Angeles, CA, on April 17, 2008. They were inspected
10 by Plaintiff to determine authenticity. Plaintiff's inspection of the purchased item
11 using security measures confirmed that the item Defendants sold to the investigator
12 was in fact a counterfeit True Religion Brand jacket "hoodie."

13 28. Upon information and belief, Defendants' use of Plaintiff's Mark
14 through the creation and/or sale of inferior quality clothing bearing the True
15 Religion Brand Jeans Mark was willful, having been adopted with knowledge of
16 Plaintiff's prior rights in and to the Mark, with the intent to trade on and benefit
17 from the goodwill established by Plaintiff in its Mark.

18 **FIRST CAUSE OF ACTION**

19 **(Federal Trademark Infringement Against Defendants CHASE HAYES,**
20 **WWW.WOMENDESIGNERCLOTHES.COM, and Does 1-10, Inclusive)**

21 **[15 U.S.C. § 1114/Lanham Act §43(a)]**

22 29. Plaintiffs repeat and re-allege every allegation set forth in Paragraphs
23 1-28.

24 30. Defendant(s) are actually aware that Plaintiff is the registered
25 trademark holder of the True Religion Brand Jeans Mark and Designs. (See
26 Exhibits A-H). Further, Plaintiff's registrations on the Principal Register give
27 constructive notice of Plaintiff's ownership rights.
28

1 31. Defendant(s) did not and failed to obtain the consent or authorization
2 of Plaintiff as the registered owner of the subject name and Mark to commercially
3 distribute and market apparel bearing the Plaintiff's Mark into the stream of
4 commerce.

5 32. Defendant(s) intentionally and knowingly used in commerce the
6 reproduction, counterfeit, copy, and/ or colorable imitation of Plaintiff's registered
7 mark in connection with the sale, offering for sale, distribution, or advertising of
8 Plaintiffs' goods by offering, advertising, promoting, retailing, selling, and
9 distributing counterfeit denim jeans bearing the trade name and Mark "True
10 Religion Brand Jeans."

11 33. Defendant(s)' reproduced, counterfeited, copied, and colorably
12 imitated Plaintiff's registered Mark and applied such reproduction, counterfeit,
13 copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles
14 and/or advertisements intended to be used in commerce upon or in connection with
15 the sale, offering for sale, distribution, and/or advertising of goods. Defendant(s)
16 thereupon offered, advertised, promoted, retailed, sold, and distributed through
17 <http://WWW.WOMENDESIGNERCLOTHES.COM> the counterfeit apparel
18 bearing the trade name and Mark "True Religion Brand Jeans."

19 34. Defendant(s)' egregious and intentional use and sale of fake, pirated
20 and counterfeit items bearing Plaintiff's trademark is likely to cause confusion, or
21 to cause mistake, or to deceive, mislead, betray, and defraud the consumer who
22 believes that the items are authentic garments manufactured by Plaintiff.

23 35. Defendant(s)' continued and knowing use of Plaintiff's trade name
24 and Mark without Plaintiffs' consent or authorization constitutes intentional
25 infringement of Plaintiffs' federally registered trademarks in violation of Section
26 32 of the *Lanham Act*, 15 U.S.C. §1114.
27
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SECOND CAUSE OF ACTION

**(Federal Copyright Infringement Against Defendants CHASE HAYES,
WWW.WOMENDESIGNERCLOTHES.COM, and Does 1-10, Inclusive)**

[17 U.S.C. §501(a)]

36. Plaintiffs repeat and re-allege every allegation set forth in Paragraphs 1-35.

37. Plaintiff is the exclusive owner of the copyright in its garment Designs and its logo Designs and possesses three copyright registrations with the United States Copyright Office in True Religion Brand Jeans Designs (registration numbers VA 1-301-845, VA 1-192-834, TX 6-236-806).

38. Defendants have actual notice of Plaintiff's exclusive copyright rights in the Designs.

39. Plaintiff's trademark registrations on the Principal Register of the United States Patent and Trademark Office further provide constructive notice of Plaintiff's ownership rights in the Designs.

40. Defendants did not seek and failed to obtain Plaintiff's consent or authorization to utilize, manufacture, reproduce, copy, display, commercially distribute and market in commerce or otherwise the Designs.

41. Without permission, Defendants intentionally and knowingly reproduced, counterfeited, copied, displayed, and manufactured colorable imitations of the Designs by offering, advertising, promoting, retailing, selling, distributing counterfeit denim jeans containing the copyrighted Designs.

42. Defendants intentionally and willfully applied their infringing uses of the Designs to labels, signs, printed notices, packaging, wrappers, receptacles and advertisements in connection with the fraudulent sale, offering for sale, distribution, or advertising of Defendants' goods and represented that the goods were authentic products of Plaintiff's. Defendants thereupon widely, publicly, and continuously offered, advertised, promoted, retailed, sold, and distributed

1 counterfeit denim jeans containing the Designs through the Internet website
2 <http://WWW.WOMENDESIGNERCLOTHES.COM>.

3 43. Defendants continue its infringement of the Designs in blatant
4 disregard of Plaintiff's protected rights.

5 **THIRD CAUSE OF ACTION**

6 **(False Designation of Origin & Unfair Competition Against Defendants**
7 **CHASE HAYES, WWW.WOMENDESIGNERCLOTHES.COM, and Does 1-**
8 **10, Inclusive)**

9 **[15 U.S.C. § 1125(a)]**

10 44. Plaintiffs repeat and re-allege the allegations in Paragraphs 1-43.

11 45. Defendants' conduct described above violate the Lanham Act, have
12 unfairly competed with and injured and, unless immediately restrained, will
13 continue to injure Plaintiff, causing damage to Plaintiff in an amount to be
14 determined at trial, and will cause irreparable injury to Plaintiff's goodwill and
15 reputation associated with the value of Plaintiff's Mark.

16 46. Defendants have the legal obligation and responsibility to conduct a
17 search before utilizing a trademark so as not to confuse or deceive consumers as to
18 the origin of its name and Mark. Had Defendants conducted a search they would
19 have discovered Plaintiff's long-time use of its Mark in commerce as well as its
20 state trademark registrations:

- 21 (a) California, registration number 111148, issued August 23,
22 2005;
- 23 (b) Texas, registration number 800534335, issued November 7,
24 2005;
- 25 (c) California, registration number R-30664, issued August 22,
26 2005;
- 27 (d) New Jersey, registration number 22299, issued October 4,
28 2005; and

(e) Florida, registration number T05000001315, issued October 10, 2005.

47. Plaintiff's Mark is distinctive in the states in which trademark registration was obtained by virtue of its substantial inherent and acquired distinctiveness, extensive use in each state in which registration was obtained, and the extensive advertising and publicity of the Mark.

48. Defendants' egregious and intentional use and sale of fake, pirated and counterfeit items bearing Plaintiff's trademark unfairly competes with Plaintiff and is likely to cause confusion, mistake, or to deceive, mislead, betray, and defraud consumers to believe that the substandard imitations are genuine True Religion Brand Jeans garments.

49. Defendants' continuing and knowing use of Plaintiff's Mark constitutes willful infringement, false designation of origin and unfair competition in violation of Section 43(a) of the *Lanham Act*, 15 U.S.C. § 1125(a).

FOURTH CAUSE OF ACTION

**(Dilution by Tarnishment Against Defendants CHASE HAYES,
WWW.WOMENDESIGNERCLOTHES.COM, and Does 1-10, Inclusive)
[15 U.S.C. § 1125(c), *California Business and Professions Code* § 14330 *et seq.*,
and California Common Law]**

50. Plaintiffs repeat and re-allege every allegation set forth in Paragraphs 1-49.

51. Plaintiff's Mark is "famous" within the meaning of the Lanham Act and is distinctive in the states in which trademark registration was obtained by virtue of the substantial inherent and acquired distinctiveness of the Mark, the extensive use in the relevant states, and the wide advertising and publicity of Plaintiff's goods bearing the Mark.

52. As a result of the substantial inherent and acquired distinctiveness in Plaintiff's Mark, extensive use in the states in which registration was obtained, and

1 the wide advertising and publicity of the Mark, Plaintiff's Mark has become strong
2 and is widely identified and respected.

3 53. Upon information and belief, Defendants' unlawful actions began
4 long after Plaintiff's Mark became famous, and Defendants acted knowingly,
5 deliberately and willfully with the intent to trade on Plaintiff's reputation and to
6 dilute Plaintiff's Mark. Defendants' conduct is willful, wanton and egregious.

7 54. The actions of Defendants complained of herein are likely to injure
8 the business reputation of Plaintiff and its Mark.

9 55. Defendants' intentional sale of fake, pirated and counterfeit items
10 bearing Plaintiff's Mark unfairly competes with Plaintiff and is likely to cause
11 confusion, mistake, or to deceive, mislead, betray, and defraud consumers to
12 believe that the substandard imitations are genuine True Religion Brand Jeans
13 garments.

14 56. Defendants' unauthorized and counterfeit use of Plaintiff's famous
15 Mark has diluted and will continue to dilute and tarnish Plaintiff's name and Mark,
16 and is likely to detract from the distinctiveness of Plaintiff's Mark.

17 57. Defendants' conduct is intended to trade on Plaintiff's reputation and
18 goodwill and the quality and high standards of Plaintiff's products. Defendants'
19 failure to meet Plaintiff's strict regulations of material, design, craftsmanship and
20 workmanship will mar the perception among consumers regarding Plaintiff's
21 products, will tarnish and dilute the strength and value of Plaintiff's Mark, and will
22 saturate the clothing Market with substandard and counterfeit merchandise.

23 58. Defendants' egregious and intentional use and sale of fake, pirated
24 and counterfeit items bearing Plaintiff's trademark is likely to cause confusion, or
25 to cause mistake, or to deceive, mislead, betray, and defraud the consumer who
26 believe that the items are authentic garments manufactured by Plaintiff.

27 59. Defendants' continuing and knowing use of "True Religion Brand
28 Jeans" constitutes intentional infringement of Plaintiff's common law trademarks

1 in violation of 15 U.S.C. § 1125(c) and California common law, as well as dilution
2 and injury to business reputation in violation of *Cal. Bus. & Prof. Code* § 14330 *et*
3 *seq.*

4 60. Plaintiff has no adequate remedy at law to compensate it fully for the
5 damages that have been caused and which will continue to be caused by
6 Defendants' unlawful acts, unless they are enjoined by this Court.

7 **FIFTH CAUSE OF ACTION**

8 **(Copyright Infringement Against Defendants CHASE HAYES,**
9 **WWW.WOMENDESIGNERCLOTHES.COM, and Does 1-10, Inclusive)**
10 **[California Civil Code § 980 *et seq.*, and California Common Law]**

11 61. Plaintiffs repeat and re-allege every allegation set forth in Paragraphs
12 1-60.

13 62. At all times relevant herein, Plaintiff has held and still holds the
14 exclusive rights under California law and common law to reproduce, distribute, or
15 license the reproduction and distribution of the artwork, design, pictures,
16 representation, model and pattern for its Mark and Designs in any and all formats
17 and mediums, throughout the United States.

18 63. The artwork, design, pictures, representation, model and pattern of
19 Plaintiff's Mark and Designs are original works in tangible form which have been
20 widely disseminated and published since at least in or about September 2004.

21 64. The conduct herein complained of was extreme, outrageous,
22 fraudulent, and was inflicted on Plaintiff in reckless disregard of Plaintiff's rights.
23 Defendants' acts have irreparably harmed and continue to harm Plaintiff's
24 exclusive proprietary rights and constitute common law copyright infringement
25 and unfair competition. Defendants' outrageous conduct supports an award of
26 exemplary and punitive damages in an amount sufficient to punish and make an
27 example of Defendants and to deter them from similar conduct in the future.

28 65. Each infringing transfer, duplication, sale, rental, distribution, display

1 and other exploitation of the artwork, design, pictures, representation, model and
2 pattern of Plaintiff's Mark and Designs constitutes a separate claim against
3 Defendants under common law copyright and *California Civil Code* § 980.

4 **SIXTH CAUSE OF ACTION**

5 **(Unlawful, Unfair, Fraudulent Business Practices Against Defendants**
6 **CHASE HAYES, WWW.WOMENDESIGNERCLOTHES.COM, and Does 1-**
7 **10, Inclusive)**

8 **[*California Business & Professions Code* § 17200 *et seq.*]**

9 66. Plaintiffs hereby incorporate each and every allegation contained in
10 paragraphs 1-65.

11 67. Defendants have committed all of the aforesaid acts of infringement
12 deliberately, willfully, maliciously and oppressively, without regard to Plaintiff's
13 legal, contractual, and exclusive proprietary rights.

14 68. Defendants' acts and practices as detailed above constitute acts of un
15 lawful, unfair or fraudulent business acts and practices within the meaning of
16 *California Business & Professions Code* §17200.

17 69. Defendants have engaged in transactions that are in violation of
18 numerous provisions of California law. Strict liability may be applied even if
19 Defendants' acts have violated only one of the three provisions set forth above.

20 70. Pursuant to *California Business & Professions Code* §17203, Plaintiff
21 seeks an order from this Court prohibiting Defendants from engaging or continuing
22 to engage in the unlawful, unfair, or fraudulent business acts or practices set forth
23 in this Complaint and/or ordering that Defendants perform their obligations under
24 the law and cancel any illegal obligations.

25 71. Plaintiff additionally requests an order from this Court requiring that
26 Defendants disgorge profits and return or pay to Plaintiff all of Defendants' ill-
27 gotten gains obtained from the illegal transactions, and/or pay restitution, including
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1 the amount of monies that should have been paid if Defendants complied with their
2 legal obligations, or, as equity requires.

3 72. Plaintiff further requests a court order that an asset freeze or
4 constructive trust be imposed over all monies in Defendants' possession which
5 rightfully belong to Plaintiff.

6 **SEVENTH CAUSE OF ACTION**

7 **(Unjust Enrichment Against Defendants CHASE HAYES,**
8 **WWW.WOMENDESIGNERCLOTHES.COM, and Does 1-10, Inclusive)**

9 73. Plaintiffs hereby incorporate each and every allegation contained in
10 paragraphs 1-72.

11 74. By virtue of the egregious and illegal acts of Defendants as described
12 above, Defendants have been unjustly enriched in an amount to proven at trial.

13 75. Defendants' retention of monies gained through its deceptive business
14 practices, infringements, acts of counterfeit and otherwise would serve to unjustly
15 enrich Defendants and would be contrary to the interests of justice.

16 **WHEREFORE**, Plaintiff GURU DENIM, INC., prays for judgment against
17 Defendants, as follows:

18 A. For damages in an amount to be proven at trial for trademark
19 infringement under 15 U.S.C. § 1114/Lanham Act §43(a);

20 B. For damages in an amount to be proven at trial for copyright
21 infringement under 17 U.S.C. §501(a);

22 C. For damages in an amount to be proven at trial for false designation of
23 origin under 15 U.S.C. §1125(a);

24 D. For damages in an amount to be proven at trial for trademark dilution
25 under 15 U.S.C. §1125(c);

26 E. For damages in an amount to be proven at trial for copyright
27 infringement and violation of common law under *California Civil Code*
28 §980;

- 1 F. For damages to be proven at trial for common law unfair competition.
- 2 G. For damages in an amount to be proven at trial for unfair, fraudulent and
- 3 illegal business practices under *Business and Professions Code* §17200;
- 4 H. For disgorgement of Defendants' profits under 15 *U.S.C.* §1117(a);
- 5 I. For an injunction by this Court prohibiting Defendants from engaging or
- 6 continuing to engage in the unlawful, unfair, or fraudulent business acts
- 7 or practices described herein;
- 8 J. For an order from the Court requiring that Defendants provide complete
- 9 accountings and for equitable relief, including that Defendants disgorge
- 10 and return or pay their ill-gotten gains obtained from the illegal
- 11 transactions entered into and or pay restitution, including the amount of
- 12 monies that should have been paid if Defendants' complied with their
- 13 legal obligations, or as equity requires;
- 14 K. For an order from the Court that an asset freeze or constructive trust be
- 15 imposed over all monies and profits in Defendants' possession which
- 16 rightfully belong to Plaintiff;
- 17 L. For destruction of the infringing articles in Defendants' possession under
- 18 15 *U.S.C.* §1118;
- 19 M. For treble damages suffered by Plaintiff as a result of the willful and
- 20 intentional infringements and acts of counterfeiting engaged in by
- 21 Defendants, under 15 *U.S.C.* §1117(b);
- 22 N. For damages in an amount to be proven at trial for unjust enrichment.
- 23 O. For Plaintiff's reasonable attorney's fees;
- 24 P. For all costs of suit; and
- 25 Q. For such other and further relief as the Court may deem just and
- 26 equitable.
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DEMAND FOR JURY TRIAL:

Plaintiff GURU DENIM, INC. respectfully demands a trial by jury in this action.

DATED: July 3, 2008

GAREEB | PHAM, LLP

By: 

Christopher Q. Pham, Esq.
Attorney for Plaintiff
GURU DENIM, INC.