

FILED

1 Stephen M. Doniger, Esq. (SBN 179314)  
2 Scott A. Burroughs, Esq. (SBN 235718)  
3 **DONIGER LAW FIRM APC**  
4 300 Corporate Pointe, Suite 355  
5 Culver City, California 90230  
6 Telephone: (310) 590-1820  
7 Facsimile: (310) 417-3538  
8 Internet: scott@donigerlawfirm.com  
9 Attorneys for Plaintiff

2008 JUL 11 PM 2:39

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

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

12 L.A. PRINTEX INDUSTRIES, INC., a  
13 California Corporation,

14 Plaintiff,

15 vs.

16 CHARMING SHOPPES, INC., a Delaware  
17 Corporation; FASHION BUG RETAIL  
18 COMPANIES, INC., a Delaware  
19 Corporation; LANE BRYANT, INC., a  
20 Delaware Corporation; BODY SHOP OF  
21 AMERICA, INC., a Florida Corporation;  
22 BIG M, INC., a New Jersey Corporation;  
23 DEB SHOPS, INC., a Pennsylvania  
24 Corporation; BCBG MAX AZRIA GROUP,  
25 INC., a California Corporation; ROSS  
26 STORES, INC., a California Corporation;  
27 MAURICE'S, INC., a Minnesota  
28 Corporation; SKIVA INTERNATIONAL,  
INC., a New York Corporation;  
SPORTSWEAR GROUP LLC, a New York  
Limited Liability Company; TURN ON  
PRODUCTS, INC., a New York  
Corporation; and DOES 1 through 10,

Defendants.

Case No.: **CV08-04560**

PLAINTIFF'S COMPLAINT FOR:

1. COPYRIGHT  
INFRINGEMENT;

AND

2. VICARIOUS AND/OR  
CONTRIBUTORY COPYRIGHT  
INFRINGEMENT.Jury Trial DemandedGHK  
AJWx

1 L.A. Printex Industries, Inc. ("Plaintiff"), by and through its undersigned  
2 attorneys, hereby prays to this honorable Court for relief based on the following:  
3

### 4 **INTRODUCTION**

5 Plaintiff is a Los Angeles based company that creates unique two-dimensional  
6 graphic designs and manufactures textiles, primarily for use in the garment industry.  
7 This action is brought to recover damages for direct, vicarious and contributory  
8 copyright infringement arising out of the misappropriation of Plaintiff's intellectual  
9 property by the above-named Defendants, and each of them.  
10

### 11 **JURISDICTION AND VENUE**

12 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101  
13 et seq.

14 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and  
15 1338 (a) and (b).

16 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and  
17 1400(a) in that this is the judicial district in which a substantial part of the acts and  
18 omissions giving rise to the claims occurred.  
19

### 20 **PARTIES**

21 4. Plaintiff L.A. PRINTEX INDUSTRIES, INC. ("LAP") is a corporation  
22 organized and existing under the laws of the State of California with its principal  
23 place of business located at 3270 East 26<sup>th</sup> Street, Vernon, California 90023.

24 5. Plaintiff is informed and believes and thereon alleges that Defendant  
25 CHARMING SHOPPES, INC. ("CHARMING") is a corporation organized and  
26 existing under the laws of the State of Delaware and doing business in and with the  
27 State of California.  
28

1           6. Plaintiff is informed and believes and thereon alleges that Defendant  
2 FASHION BUG RETAIL COMPANIES, INC. ("BUG") is a corporation organized  
3 and existing under the laws of the State of Delaware and doing business in and with  
4 the State of California.

5           7. Plaintiff is informed and believes and thereon alleges that Defendant LANE  
6 BRYANT, INC. ("BRYANT") is a corporation organized and existing under the  
7 laws of the State of Delaware and doing business in and with the State of California.

8           8. Plaintiff is informed and believes and thereon alleges that BODY SHOP OF  
9 AMERICA, INC. ("BODY"), individually, and doing business as "Body Shop" and  
10 "Body Central" is a corporation organized and existing under the laws of the State of  
11 Florida and doing business in and with the State of California.

12           9. Plaintiff is informed and believes and thereon alleges that BIG M, INC.  
13 ("BIG M"), individually, and doing business as "Mandee's," is a corporation  
14 organized and existing under the laws of the State of New Jersey and doing business  
15 in and with the State of California.

16           10. Plaintiff is informed and believes and thereon alleges that DEB SHOPS,  
17 INC. ("DEB"), is a corporation organized and existing under the laws of the State of  
18 Pennsylvania and doing business in and with the State of California.

19           11. Plaintiff is informed and believes and thereon alleges that BCBG MAX  
20 AZRIA GROUP, INC. ("BCBG"), individually, and doing business as "Max Rave,"  
21 is a corporation organized and existing under the laws of the State of California and  
22 doing business in and with the State of California.

23           12. Plaintiff is informed and believes and thereon alleges that ROSS STORES,  
24 INC. ("ROSS"), is a corporation organized and existing under the laws of the State  
25 of California and doing business in and with the State of California.

1           13. Plaintiff is informed and believes and thereon alleges that MAURICE'S,  
2 INC. ("MAURICE'S"), is a corporation organized and existing under the laws of the  
3 State of Minnesota and doing business in and with the State of California.

4           14. Plaintiff is informed and believes and thereon alleges that SKIVA  
5 INTERNATIONAL, INC. ("SKIVA"), is a corporation organized and existing under  
6 the laws of the State of New York and doing business in and with the State of  
7 California.

8           15. Plaintiff is informed and believes and thereon alleges that SPORTSWEAR  
9 GROUP, LLC. ("SPORTSWEAR"), is a limited liability company organized and  
10 existing under the laws of the State of New York and doing business in and with the  
11 State of California.

12           16. Plaintiff is informed and believes and thereon alleges that TURN ON  
13 PRODUCTS, INC. ("TURN ON"), individually and doing business as "Younique,"  
14 is a corporation organized and existing under the laws of the State of New York and  
15 doing business in and with the State of California.

16           17. Plaintiff is informed and believes and thereon alleges that some of  
17 Defendants DOES 1 through 3, inclusive, are manufacturers and/or vendors of  
18 garments to Defendant, which DOE Defendants have manufactured and/or supplied  
19 and are manufacturing and/or supplying garments comprised of fabric printed with  
20 Plaintiff's copyrighted Design No. **E50155** (as hereinafter defined) without  
21 Plaintiff's knowledge or consent or have contributed to said infringement. The true  
22 names, whether corporate, individual or otherwise of Defendants DOES 1-3,  
23 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants  
24 by such fictitious names and will seek leave to amend this complaint to show their  
25 true names and capacities when same have been ascertained.

26           18. Defendants DOES 4 through 10, inclusive, are other parties not yet  
27 identified who have infringed Plaintiff's copyrights, have contributed to the  
28

1 infringement of Plaintiff's copyrights, or have engaged in one or more of the  
2 wrongful practices alleged herein. The true names, whether corporate, individual or  
3 otherwise, of Defendants 4 through 10, inclusive, are presently unknown to Plaintiff,  
4 which therefore sues said Defendants by such fictitious names, and will seek leave to  
5 amend this Complaint to show their true names and capacities when same have been  
6 ascertained.

7 19. Plaintiff is informed and believes and thereon alleges that at all times  
8 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
9 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
10 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
11 and/or employment; and actively participated in or subsequently ratified and  
12 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of  
13 all the facts and circumstances, including, but not limited to, full knowledge of each  
14 and every violation of Plaintiff's rights and the damages to Plaintiff proximately  
15 caused thereby.

16 **CLAIMS RELATED TO DESIGN NO. E50155**

17 20. Prior to the conduct complained of herein, Plaintiff composed an original  
18 two-dimensional artwork for purposes of textile printing. It allocated this design  
19 Plaintiff's Internal Design Number E50155 ("Subject Design"). A true and correct  
20 image of the Subject Design has been attached hereto as Exhibit One.

21 21. Plaintiff applied for and received copyright registration for the Subject  
22 Design on March 24, 2005, with the Subject Design being granted the assignment of  
23 Registration No. VA 1-308-871. A copy of said registration is attached hereto as  
24 Exhibit Two.

25 22. Prior to the acts complained of herein, Plaintiff sampled and sold fabric  
26 bearing the Subject Design to numerous parties in the fashion and apparel industries.  
27  
28

1           23. Following this distribution of product bearing the Subject Design,  
2 Plaintiff's investigation revealed that certain entities within the fashion and apparel  
3 industries had misappropriated the Subject Design, and were selling fabric and  
4 garments bearing illegal reproductions and derivations of the Subject Design.

5           24. The **BRYANT** Garments: Plaintiff is informed and believes and thereon  
6 alleges that, without Plaintiff's authorization, BRYANT, a subsidiary of  
7 CHARMING, created, manufactured, caused to be manufactured, imported,  
8 distributed, and/or sold fabric and/or garments comprised of fabric featuring a design  
9 which is identical, or substantially similar, to the Subject Design. (hereinafter  
10 "BRYANT Garment(s)").

11           25. Plaintiff is informed and believes and thereon alleges that the BRYANT  
12 Garments were created by one of the DOE 1-10 defendants, and sold through BUG  
13 retail outlets, catalogues and on-line stores. One exemplar of a BRYANT Garment is  
14 attached hereto as Exhibit Three.

15           26. The **BUG** Garments: Plaintiff is informed and believes and thereon alleges  
16 that, without Plaintiff's authorization, BUG, a separate subsidiary of CHARMING,  
17 created, manufactured, caused to be manufactured, imported, distributed and/or sold  
18 fabric and/or garments comprised of fabric featuring a design which is clearly an  
19 illegally modified version, and/or work that is derivative, of the Subject Design.  
20 (hereinafter "BUG Garments").

21           27. Plaintiff is informed and believes and thereon alleges that the BUG  
22 Garments were created by one of the DOE 1-10 defendants, and sold through BUG  
23 retail outlets, catalogues and on-line stores. One exemplar of a BUG Garment is  
24 attached hereto as Exhibit Four.

25           28. The **TURN ON** Garments: Plaintiff is informed and believes and thereon  
26 alleges that, without Plaintiff's authorization, TURN ON, a clothing vendor, created,  
27 manufactured, caused to be created or manufactured, and then imported, distributed  
28



1 and/or sold fabric and/or garments comprised of fabric featuring a design which is  
2 substantially similar to, and thus infringing of, the Subject Design. (hereinafter  
3 “TURN ON Garments”).

4 29. Plaintiff is informed and believes and thereon alleges that the TURN ON  
5 Garments were manufactured at TURN ON’s direction in Korea and then illegally  
6 imported into the United States. TURN ON then offered for sale, sold, distributed  
7 and shipped the TURN ON Garments to its customers, which included, without  
8 limitation, BODY, MAURICES, BIG M, and DEBS. One exemplar of a TURN ON  
9 Garment is attached hereto as Exhibit Five.

10 30. The **SPORTSWEAR** Garments: Plaintiff is informed and believes and  
11 thereon alleges that, without Plaintiff’s authorization, SPORTSWEAR, a clothing  
12 vendor, created, manufactured, caused to be created or manufactured, and then  
13 imported, distributed and/or sold fabric and/or garments comprised of fabric  
14 featuring a design which is substantially similar to, and thus infringing of, the  
15 Subject Design. (hereinafter “SPORTSWEAR Garments”).

16 31. Plaintiff is informed and believes and thereon alleges that the  
17 SPORTSWEAR Garments were manufactured at SPORTSWEAR’s direction in  
18 Pakistan and then illegally imported into the United States. SPORTSWEAR then  
19 offered for sale, sold, distributed and shipped the SPORTSWEAR Garments to its  
20 customers, which included without limitation BCBG. One exemplar of a  
21 SPORTSWEAR Garment is attached hereto as Exhibit Six.

22 32. The **SKIVA** Garments: Plaintiff is informed and believes and thereon  
23 alleges that, without Plaintiff’s authorization, SKIVA, a clothing vendor, created,  
24 manufactured, caused to be created or manufactured, and then imported, distributed,  
25 and/or sold fabric and/or garments comprised of fabric featuring a design which is  
26 substantially similar to, and thus infringing of, the Subject Design. (hereinafter  
27 “SKIVA Garments”).  
28

36. Plaintiff issued cease and desist letters to Defendants, and each of them, and is informed and believes and thereon alleges that, in spite of their receipt of the aforementioned cease and desist demand letters, Defendants, and each of them, continued to sell Subject Garments in violation of Plaintiff's rights as the copyright proprietor and owner of the Subject Design.

38. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE



1 Defendants, including without limitation international and/or overseas converters  
2 and printing mills; and (c) access to Plaintiff's strike-offs and samples.

3 39. Plaintiff is informed and believes and thereon alleges that one or more of  
4 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is  
5 further informed and believes and thereon alleges that said Defendant(s), and each of  
6 them, has an ongoing business relationship with Defendant retailers, and each of  
7 them, and supplied garments to said retailers, which garments infringed the Subject  
8 Design in that said garments were composed of fabric which featured unauthorized  
9 print designs that were identical or substantially similar to the Subject Design, or  
10 were an illegal modification thereof.

11 40. Plaintiff is informed and believes and thereon alleges that Defendants, and  
12 each of them, infringed Plaintiff's copyright by creating, making and/or developing  
13 directly infringing and/or derivative works from the Subject Design and by  
14 producing, distributing and/or selling Subject Garments through a nationwide  
15 network of retail stores, catalogues, and through on-line websites.

16 41. Due to Defendants' acts of infringement, Plaintiff has suffered substantial  
17 damages to its business in an amount to be established at trial.

18 42. Due to Defendants' acts of infringement, Plaintiff has suffered general and  
19 special damages in an amount to be established at trial.

20 43. Due to Defendants' acts of copyright infringement as alleged herein,  
21 Defendants, and each of them, have obtained direct and indirect profits they would  
22 not otherwise have realized but for their infringement of the Subject Design. As  
23 such, Plaintiff is entitled to disgorgement of Defendant's profits directly and  
24 indirectly attributable to Defendant's infringement of the Subject Design in an  
25 amount to be established at trial.

26 44. Plaintiff is informed and believes and thereon alleges that Defendants, and  
27 each of them, have continued to import, manufacture, cause to be manufactured  
28

1 and/or sell Subject Garments after Plaintiff demanded that they cease and desist from  
2 engaging in same. Therefore, Defendants' acts of copyright infringement as alleged  
3 above were, and continue to be, willful, intentional and malicious, subjecting  
4 Defendants, and each of them, to liability for statutory damages under Section  
5 504(c)(2) of the Copyright Act in the sum of up to one hundred fifty thousand dollars  
6 (\$150,000) per infringement. Further, Defendants', and each of their, willful and  
7 intentional misappropriation and/or infringement of Plaintiff's copyrighted Subject  
8 Design renders Defendants, and each of them, liable for statutory damages as  
9 described herein. Within the time permitted by law, Plaintiff will make its election  
10 between actual damages and statutory damages.

11  
12 **SECOND CLAIM FOR RELIEF**

13 (For Vicarious and/or Contributory Copyright Infringement - Against All  
14 Defendants, and Each)

15 45. Plaintiff repeats, realleges and incorporates herein by reference as though  
16 fully set forth the allegations contained in Paragraphs 1 through 44, inclusive, of this  
17 Complaint.

18 46. Plaintiff is informed and believes and thereon alleges that Defendants  
19 knowingly induced, participated in, aided and abetted in and profited from the illegal  
20 reproduction and/or subsequent sales of garments featuring the Subject Design as  
21 alleged herein.

22 47. Plaintiff is informed and believes and thereon alleges that Defendants, and  
23 each of them, are vicariously liable for the infringement alleged herein because they  
24 had the right and ability to supervise the infringing conduct and because they had a  
25 direct financial interest in the infringing conduct.

26 48. By reason of the Defendants', and each of their, acts of copyright  
27 infringement as alleged above, Plaintiff has suffered and will continue to suffer  
28

1 substantial damages to its business in an amount to be established at trial, as well as  
2 additional general and special damages in an amount to be established at trial.

3 49. Due to Defendants', and each of their acts of copyright infringement as  
4 alleged herein, Defendants, and each of them, have obtained direct and indirect  
5 profits they would not otherwise have realized but for their infringement of the  
6 Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants' profits  
7 directly and indirectly attributable to Defendants' infringement of the Subject  
8 Design, in an amount to be established at trial.

9 50. Plaintiff is informed and believes and thereon alleges that Defendants, and  
10 each of them, have continued to manufacture and/or sell Subject Garments after  
11 Plaintiff demanded that they cease and desist from engaging in same. Therefore,  
12 Defendants' acts of copyright infringement as alleged above were, and continue to  
13 be, willful, intentional and malicious, subjecting Defendants, and each of them, to  
14 liability therefore, including statutory damages under Section 504(c)(2) of the  
15 Copyright Act in the sum of one hundred fifty thousand dollars (\$150,000) per  
16 infringement. Further, Defendants', and each of their, willful and intentional  
17 misappropriation and/or infringement of Plaintiff's copyrighted Subject Design  
18 renders Defendants, and each of them, liable for statutory damages as described  
19 herein. Within the time permitted by law, Plaintiff will make its election between  
20 actual damages and statutory damages.

21 **PRAYER FOR RELIEF**

22 Wherefore, Plaintiff prays for judgment as follows:

23 **Against All Defendants**

24 1. **With Respect to Each Claim for Relief**

- 25 a. That Defendants, their agents and servants be enjoined from importing,  
26 manufacturing, distributing, offering for sale, selling or otherwise  
27  
28

1 trafficking in any product that infringes Plaintiff's copyrights in the  
2 Subject Design;

- 3 b. That Plaintiff be awarded all profits of Defendants plus all losses of  
4 Plaintiff, the exact sum to be proven at the time of trial, or, if elected  
5 before final judgment, statutory damages as available under the  
6 Copyright Act, 17 U.S.C. § 101 et seq.;
- 7 c. That Plaintiff be awarded its attorneys' fees as available under the  
8 Copyright Act U.S.C. § 101 et seq.;
- 9 d. That Defendants, and each of them, account to Plaintiff for their profits  
10 and any damages sustained by Plaintiff arising from the foregoing acts  
11 of infringement;
- 12 e. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 13 f. That Plaintiff be awarded the costs of this action; and
- 14 g. That Plaintiff be awarded such further legal and equitable relief as the  
15 Court deems proper.

16 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.  
17 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

18 Dated: July 10, 2008

**DONIGER LAW FIRM APC**

19  
20 By:  /S/ Scott A. Burroughs

21 Scott A. Burroughs, Esq.

22 Attorneys for Plaintiff

23 L.A. PRINTEX INDUSTRIES, INC.

# **Exhibit 1**



E50155



# **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

VA 1-308-871

*MAR 04 2005*

Month Day Year

SEPARATE CONTRIBUTION SHEET.

**1** Title of This Work **▼** **NATURE OF THIS WORK ▼** See instructions

**ETHNIC (GROUP 03)** **TEXTILE DESIGN**

Previous or Alternative Titles **▼**  
B20032, E50155, E50156, E50157

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

If published in a periodical or serial give: Volume **▼** Number **▼** Issue Date **▼** On Pages **▼**

**2** **NOTE**  
Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

**a** NAME OF AUTHOR **▼** **DATES OF BIRTH AND DEATH**  
LA PRINTEX INDUSTRIES, INC. 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 **OR** Domiciled in

Was This Author's Contribution to the Work  
Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

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

**b** Name of Author **▼** **Dates of Birth and Death**  
LA PRINTEX INDUSTRIES, INC. 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 **OR** Domiciled in

Was This Author's Contribution to the Work  
Anonymous? ☐ Yes ☐ No  
Pseudonymous? ☐ Yes ☐ No

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** **a** Year in Which Creation of This Work Was Completed **2005** **b** Date and Nation of First Publication of This Particular Work  
This information must be given Year in all cases. Complete this information Month **FEBRUARY** Day **28** Year **2005**  
ONLY IF this work has been published. **USA** 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. **▼**  
LA PRINTEX INDUSTRIES, INC.  
3270 E. 26TH ST.  
VERNON CA 90023

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  
MAR 04 2005  
ONE DEPOSIT RECEIVED  
MAR 04 2005  
TWO DEPOSITS RECEIVED  
FUNDS RECEIVED

DO NOT WRITE HERE  
OFFICE USE ONLY

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

DO NOT WRITE HERE  
Page 1 of \_\_\_\_\_ pages

\*Amended by the C.O. Authority per telephone conversation with Cindy Song on 8/11/2005.

EXAMINED BY

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

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

a. **Presenting Material** Identify any preexisting work or works that this work is based on or incorporates.

~~DISCOG-AVANTAGE-#41041, DISCOG-STUDIO-03-#000050021~~ \*

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.

**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

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

LA PRINTEX INDUSTRIES, INC.  
3270 E. 26TH ST. VERNON, CA 90023

Area code and daytime telephone number (323) 269-0100

Fax number (323) 269-0190

E-mail

**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

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

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

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

CINDY SONG

Date 2/28/05

Handwritten signature (X)

X

Certificates will be mailed in window envelope to this address:

Name

LA PRINTEX INDUSTRIES, INC.

Number/Street/Apt

3270 E. 26TH ST.

City/State/ZIP

VERNON, CA 90023

• Complete all necessary spaces

• Sign your application in space 8

1. Application form  
2. Non-refundable 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. 20540-8000

Please do not stamp, do not write, mark, or otherwise alter this certificate. If you need a new certificate, you must pay the fee again.

**U.S.C. § 504:** Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Rev. August 2008—80,800 Web Rev. June 2008 © Printed on recycled paper

U.S. Government Printing Office: 2008-406-808/80,889

# **Exhibit 3**



# **Exhibit 4**





# **Exhibit 5**



# **Exhibit 6**





# **Exhibit 7**





**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 George King 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- 4560 GHK (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.

Stephen M. Doniger, Esq. (SBN 179314)  
Scott A. Burroughs, Esq. (SBN 235718)  
DONIGER LAW FIRM APC  
300 Corporate Pointe, Suite 355  
Culver City, CA 90230  
Telephone: (310) 590-1820

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

L.A. PRINTEX INDUSTRIES, INC., a California  
Corporation,  
PLAINTIFF(S)

v.

THE CHARMING SHOPPES, INC., a Delaware  
Corporation; et al.,  
[See Attached "Schedule A"]  
DEFENDANT(S).

CASE NUMBER

CV08-04560

GHK  
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  
SCOTT A. BURROUGHS, ESQ., whose address is:

300 Corporate Pointe, Suite 355  
Culver City, CA 90230  
Telephone: (310) 590-1820  
Facsimile: (310) 417-3538  
Email: Scott@DonigerLawFirm.com

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, judgement by default will be taken against you for the relief  
demanded in the complaint.

Clerk, U.S. District Court

Dated: JUL 11 2008

By: NATALIE LONGORIA

Deputy Clerk



1198

**“SCHEDULE A”**

L.A. PRINTEX INDUSTRIES, INC., a  
California Corporation

Plaintiff,

vs.

CHARMING SHOPPES, INC., a  
Delaware Corporation; FASHION BUG  
RETAIL COMPANIES, INC., a Delaware  
Corporation; LANE BRYANT, INC., a  
Delaware Corporation; BODY SHOP OF  
AMERICA, INC., a Florida Corporation;  
BIG M, INC., a New Jersey Corporation;  
DEB SHOPS, INC., a Pennsylvania  
Corporation; BCBG MAX AZRIA  
GROUP, INC., a California Corporation;  
ROSS STORES, INC., a California  
Corporation; MAURICE’S, INC., a  
Minnesota Corporation; SKIVA  
INTERNATIONAL, INC., a New York  
Corporation; SPORTSWEAR GROUP  
LLC, a New York Limited Liability  
Company; TURN ON PRODUCTS, INC;  
a New York Corporation; and DOES 1  
through 10,

Defendants.

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

**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)  
L.A. PRINTEX INDUSTRIES, INC.

**DEFENDANTS**  
CHARMING SHOPPES, INC., a Delaware Corporation; et al.

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

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

**(c) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  
Stephen M. Doniger, Esq. (SBN 179314)  
Scott A. Burroughs, Esq. (SBN 235718)  
300 Corporate Pointe, Suite 355  
Culver City, CA 90230  
Telephone: (310) 590-1820

**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 Act, 17 U.S.C. § 101 - Action for misappropriation of Plaintiff's two-dimensional artwork for use in the apparel industry.

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

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL PROPERTY</b>	<b>PETITIONS</b>	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<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"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<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"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 550 Civil Rights	<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"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<b>PROPERTY RIGHTS</b>
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>FORFEITURE/PENALTY</b>	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities /Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<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	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	<b>REAL PROPERTY</b>	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation		<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure		<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment		<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				<b>FEDERAL TAX SUITS</b>
<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: \_\_\_\_\_

**CV08-04560**



**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.

L.A. PRINTEX INDUSTRIES, INC. - Los Angeles County

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.

CHARMING SHOPPES, INC., a Delaware Corporation; FASHION BUG RETAIL COMPANIES, INC., a Delaware Corporation; LANE BRYANT, INC., a Delaware Corporation; BODY SHOP OF AMERICA, INC., a Florida Corporation; BIG M, INC., a New Jersey Corporation; DEB SHOPS, INC., a Pennsylvania Corporation; BCBG MAX AZRIA GROUP, INC., Los Angeles County; ROSS STORES, INC., Alameda County; MAURICE'S, INC., a Minnesota Corporation; SKIVA INTERNATIONAL, INC., a New York Corporation; SPORTSWEAR GROUP LLC, a New York Limited Liability Company; TURN ON PRODUCTS, INC, A New York Corporation

**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 County

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** \_\_\_\_\_

Date 7/10/08

**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))