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Attorneys for Plaintiff KB SOCKS, INC.

2008 JUL 23 PM 3:21
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

CV 08-04834 PA

(SSX)

KB SOCKS, INC., a California
corporation,

Plaintiff,

v.

GINA HOSIERY, LTD, a New York
corporation, and EDMOND HARARY, an
individual.

Defendants.

) Case No.: _____

) **COMPLAINT FOR COPYRIGHT**
) **INFRINGEMENT**

) [Jury Trial Demanded]

Plaintiff KB Socks, Inc. complains as follows:

JURISDICTION AND VENUE

1. The Court has subject matter jurisdiction under 28 U.S.C. §1331 and §1338(a) and (b), Plaintiff's action arising under the Copyright Act, 17 U.S.C. §101 *et seq.*

2. The Court has personal jurisdiction over the defendants in that a substantial part of the action arises from business done by defendants in California.

3. Venue in this judicial district is proper under 18 U.S.C. §1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the claims arose.

1 4. Plaintiff K.B. Socks, Inc. is a California corporation with its principal
2 place of business located at 215 S. Douglas Street, El Segundo, California 90245.

3 5. Defendant Gina Hosiery, Ltd. is a New York corporation, with its
4 principal place of business at 31 West 34th Street, Suite 502, New York, New York
5 1001.

6 6. Defendant Edmond Harary has at all relevant times been a citizen of
7 the state of New York and, as an owner and manager of Gina Hosiery, Ltd., has at
8 times been the conscious, active and dominant force directing the actions of such
9 defendants.

10 11 **COMMON FACTS**

12 7. Plaintiff is in the business of manufacturing and marketing socks,
13 which it sells in the United States and throughout much of the world under its brand
14 name "K. Bell."

15 8. Plaintiff is the owner of the copyrights in many original designs it has
16 displayed on its K. Bell socks. Among them are its "Men's 19th Hole Golf" design,
17 item no. 61452M, its "Men's Skull And Bones" design, item no. 61422M, and its
18 "Men's Card Shark" design, item no. 12995. These three designs are shown in the
19 attached Exhibit A, a true copy of pages from plaintiff's 2006 catalog. Exhibit B is
20 a true copy of plaintiff's copyright registration for the Men's 19th Hole Golf design,
21 Reg. No. VA 1-629-353. Exhibit C is a true copy of plaintiff's copyright
22 registration for the Men's Skull and Bones design, Reg. No. VA 1-629-356.
23 Exhibit D is a true copy of plaintiff's copyright registration for the Men's Card
24 Shark design, Reg. No. VA 1-629-364.

25 9. Defendants, acting in concert with each other, have made copies of the
26 three copyrighted patterns, without plaintiff's authorization, and have incorporated
27 them in socks they have manufactured and sold in the United States, and, on
28

1 information and belief, in California and within this District. Attached as Exhibit E
2 is a photograph of a sock sold by defendants, bearing defendants' copy of the Men's
3 19th Hole Golf design. Exhibit F is a photograph of a K. Bell sock bearing the
4 Men's 19th Hole Golf design. Exhibit G is a photograph of a sock sold by
5 defendants, bearing their copy of the Men's Skull and Bones design. Exhibit H is a
6 photograph of a genuine K. Bell sock bearing the Men's Skull and Bones design.
7 Exhibit I is a photograph of a sock sold by defendants, bearing their copy of the
8 Men's Card Shark design. Exhibit J is a photograph of a genuine K. Bell sock
9 bearing the Men's Card Shark design.

11 **FIRST CLAIM FOR RELIEF**

12 (Copyright Infringement Of Men's 19th Hole Design)

13 10. Plaintiff incorporates paragraphs 1 through 9, above, as though fully set
14 forth in this claim for relief.

15 11. Defendants have infringed plaintiff's copyright in the Men's 19th Hole
16 Design, and such infringement was willful and deliberate.

17 12. Plaintiff has suffered damages proximately caused by such
18 infringement, including, without limitation, lost profits on sales of K. Bell socks that
19 would have been made but for defendants' infringement. The amount of such
20 damages is not presently known by plaintiff.

21 13. Defendants have profited from their sale of products bearing the
22 infringing copy of the Men's 19th Hole design. The amount of such profits is not
23 presently known to plaintiff.

24 14. Plaintiff has suffered and, unless defendants are enjoined, will continue
25 to suffer irreparable harm from defendants' infringement, for which it has no
26 adequate legal remedy.

1
2
3 **SECOND CLAIM FOR RELIEF**

4 (Copyright Infringement Of Men's Skull and Bones Design)

5 15. Plaintiff incorporates paragraphs 1 through 9, above, as though fully set
6 forth in this claim for relief.

7 16. Defendants have infringed plaintiff's copyright in the Men's Skull and
8 Bones design, and such infringement was willful and deliberate.

9 17. Plaintiff has suffered damages proximately caused by such
10 infringement, including, without limitation, lost profits on sales of K. Bell socks that
11 would have been made but for defendants' infringement. The amount of such
12 damages is not presently known by plaintiff.

13 18. Defendants have profited from their sale of products bearing the
14 infringing copy of the Skull and Bones design. The amount of such profits is not
15 presently known to plaintiff.

16 19. Plaintiff has suffered and, unless defendants are enjoined, will continue
17 to suffer irreparable harm from defendants' infringement, for which it has no
18 adequate legal remedy.

19
20 **THIRD CLAIM FOR RELIEF**

21 (Copyright Infringement Of Men's Card Shark Design)

22 20. Plaintiff incorporates paragraphs 1 through 9, above, as though fully
23 set forth in this claim for relief.

24 21. Defendants have infringed plaintiff's copyright in the Men's Card
25 Shark design, and such infringement was willful and deliberate.

26 22. Plaintiff has suffered damages proximately caused by such
27 infringement, including, without limitation, lost profits on sales of K. Bell socks that
28

1 would have been made but for defendants' infringement. The amount of such
2 damages is not presently known to plaintiff.

3 23. Defendants have profited from their sale of products bearing the
4 infringing copy of the Men's Card Shark design. The amount of such profits is not
5 presently known to plaintiff.

6 24. Plaintiff has suffered and, unless defendants are enjoined, will continue
7 to suffer irreparable harm from defendants' infringement, for which it has no
8 adequate legal remedy.

9 **PRAYER FOR RELIEF**

10 Wherefore, Plaintiff prays for judgment against defendants, as follows:

11 1. With Respect to Each Claim for Relief

- 12 a. That Defendants, their agents and servants be enjoined from
13 infringing Plaintiff's copyrights in any manner;
14 b. That Plaintiff be awarded all profits of Defendants plus all losses
15 of Plaintiff, to the extent they do not overlap, according to proof.
16 c. That Plaintiff be awarded pre-judgment interest;
17 d. That Plaintiff be awarded its costs;
18 e. That Plaintiff be awarded such further relief as the Court deems
19 proper.
20

21
22 Date: July 23, 2008



23 Dennis G. Martin
24 Willmore F. Holbrow
25 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
26 12400 Wilshire Boulevard, Suite 700
27 Los Angeles, California 90025
28

Attorneys for Plaintiff
K. B. Socks, Inc.

K. Bell®

Fall 2006



215 South Douglas Street El Segundo, CA 90245-4626

(800) 969-5235 (310) 670-3235 Fax (310) 670-3244 Exhibit

www.kbellsocks.com

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A

Men's Socks

6 pair minimum per style/color - \$50.00 minimum re-order
80% Cotton/20% Nylon unless noted



#61469M

Men's Chopper
Black, Charcoal
\$4.00/pair



#61470M

Men's Airplane
Black, Charcoal
\$4.00/pair



#61421M

Men's Spider
Black
\$4.00/pair



#61475M

Men's Low
Black
\$4.00/pair



#61474M

Men's Medicine
Black
\$4.00/pair



#12971M

Men's Striped
Blk/Whl, Blk/Red, Blk/Royal
Red/Whl, Blk/H Gray
\$4.00/pair



#61476M

Men's Wedding
Black
\$4.00/pair



#61432M

Men's Flamingo
Black
\$4.00/pair



#61323M

Men's Rainbow Paw Print
Black, Charcoal
\$4.00/pair



#61416M

Men's Rainbow Cats
Black, Charcoal
\$4.00/pair



#61451M

Men's Card Suit Gof
Black
\$4.00/pair



#61452M

Men's 19th Hole
Black
\$4.00/pair



#61298M

Men's Red Wine
Black, Khaki
\$4.00/pair



#61068MSL

Men's Fresh Water Fish
Black
\$4.00/pair



#61154MSL

Men's Dog w/ Fritsbea
Black
\$4.00/pair



#61425M

Men's Palm Trees
Black
\$4.00/pair



#61443M

Men's Camouflage
Olive Multi
\$4.00/pair



#61335M

Men's Chihuahuas
Black
\$4.00/pair



#61346M

Men's Leonardo Sock
Black, Navy, Khaki
\$4.00/pair



#6144MSL

Men's Making Music
Black
\$4.00/pair

Questions? (800) 969-5235

Fax your orders to (310) 670-3244

Men's Socks

6 pair minimum per style/color - \$50.00 minimum re-order
50% Cotton / 20% Nylon unless noted



#12994M

Men's Argyle
Blue, Plum
\$4.00/pair



#12993M

Men's Multi Stripe
Navy, Green
\$4.00/pair



#12991M

Men's Multi Diamond
Black, Gray
\$4.00/pair



#12992M

Men's Jagged Stripe
Black, Gray
\$4.00/pair



#61368M

Men's Deca Sphere
Black, Charcoal
\$4.00/pair



#6149MSL

Men's Mosaic
Black Multi
\$4.00/pair



#12910M

Tri Color Stripes
Black Multi
\$4.00/pair



#61155MSL

Men's Hearts
Black
\$4.00/pair



#61036MSL

Men's Flame Sock
Red/Black
\$4.00/pair



#1776M

Men's Flag
\$4.00/pair



#61426M

Men's Stars
Black
\$4.00/pair



#61442M

Men's Skull and Bones
Black
\$4.00/pair



#19603M

Men's Checkerboard
Black
\$4.00/pair



#61428M

Men's Dog Talk
Black
\$4.00/pair



#61252M

All Over Paw Prints
Black
\$4.00/pair



#12995M

Men's Card Shark
Black
\$4.00/pair



#61424M

Men's Flaming Dice
Black
\$4.00/pair



#61427M

Men's Margarita
Black
\$4.00/pair



#12825M

Men's Martini Sock
Black
\$4.00/pair



#61156MSL

Men's Cocktail Olive
Black
\$4.00/pair

Questions? (800) 969-5235

Fax your orders to (310) 670-3244

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

— —
* *

Registration Number:

VA 1-629-353

Effective date of
registration:

April 4, 2008

Title

Title of Work: Men's 19th Hole Golf Design

Nature of Work: Fabric Design

Completion/Publication

Year of Completion: 2005

Date of 1st Publication: December 6, 2005

Author

■ Author: K B Socks, Inc.

Author Created: 2-Dimensional artwork

Work made for hire: Yes

Domiciled in: United States

Copyright claimant

Copyright Claimant: K B Socks, Inc.

215 S. Douglas Street, El Segundo, California, 90245

Certification

Name: Norman Zafman, Esq.

Date: March 3, 2008

Exhibit

B

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Certificate of Registration



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Marybeth Peters

Register of Copyrights, United States of America

**

Registration Number:

VA 1-629-356

Effective date of
registration:

April 4, 2008

Title

Title of Work: Men's Skull and Bones Design

Nature of Work: Fabric Design

Completion/Publication

Year of Completion: 2005

Date of 1st Publication: October 10, 2005

Author

* Author: K B Socks, Inc.

Author Created: 2-Dimensional artwork

Work made for hire: Yes

Citizen of: United States

Copyright claimant

Copyright Claimant: K B Socks, Inc.

215 S. Douglas Street., El Segundo, California, 90245

Certification

Name: Norman Zafman, Esq.

Date: March 3, 2008

Exhibit C

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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



Registration Number:

VA 1-629-364

Effective date of
registration:

April 4, 2008

Title

Title of Work: Men's Card Shark Design

Nature of Work: Fabric Design

Completion/Publication

Year of Completion: 2005

Date of 1st Publication: September 6, 2005

Author

Author: K B Socks, Inc

Author Created: 2-Dimensional artwork

Work made for hire: Yes

Domiciled in: United States

Copyright claimant

Copyright Claimant: K B Socks, Inc

15 S. Douglas Street, El Segundo, California, 90245

Certification

Name: Norman Zafman

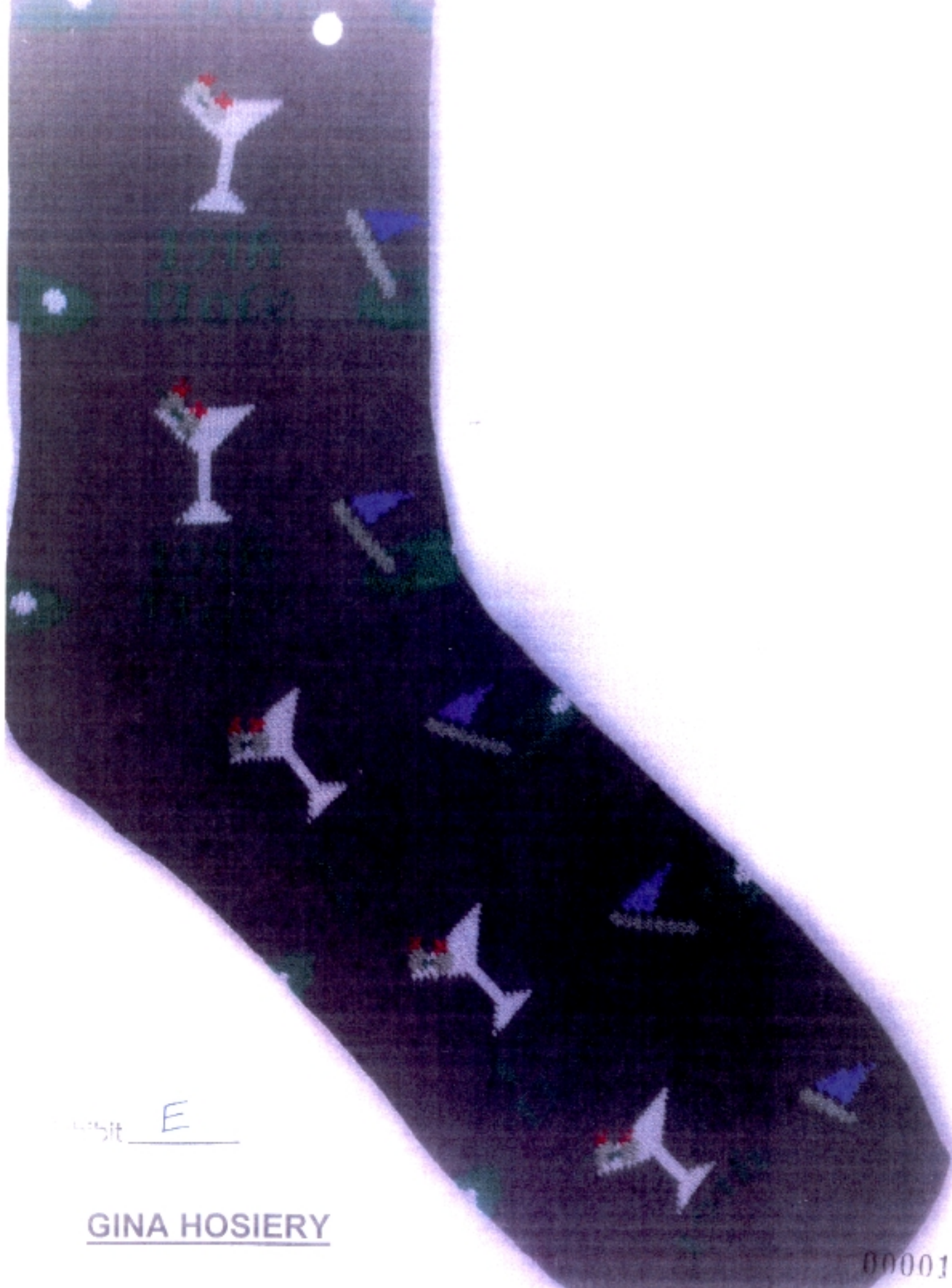
Date: March 3, 2008

Exhibit

D

000011

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Size E

GINA HOSIERY

000012

K. Bell
for men

Markus Krenn



Exhibit F

000013



Exhibit G

GINA HOSIERY

000014

K. Bell
for men

Sock Size 10-13

Made in Korea



Exhibit H

000015



Exhibit I

GINA HOSIERY

000016

K. Bell
for men

Sock Size 10-13

Made in Korea



Exhibit 5

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