UNITED STATES DISTRICT COURT DISTRICT OF NEW MEXICO

RELIOS, INC. f/k/a
CARLISLE JEWELRY CO.

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NO.	

v.

U.S. JEWELRY HOUSE, LTD.

Defendant.

COMPLAINT

PARTIES

- 1. Plaintiff Relios, Inc. f/k/a Carlisle Jewelry Co. ("Relios") is a New Mexico corporation having its principal offices at 6815 Academy Parkway West, NE, Albuquerque, New Mexico 87109.
- 2. Upon information and belief, Defendant U.S. Jewelry House, Ltd. ("Jewelry House") is a New York corporation having an address of 1239 Broadway, New York, NY 10001.
- 3. This Court has subject matter jurisdiction over Relios' copyright claim under 28 U.S.C. § 1338(a). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(a). This Court may exercise personal jurisdiction over Defendant based on Defendant's acts of directing infringing jewelry into this judicial district and/or placing goods in the stream of commerce with knowledge that such goods would pass into this judicial district.

GENERAL AVERMENTS

Relios and its Jewelry

- 4. Relios is engaged in the design, manufacture and sale of jewelry of various original, copyrighted jewelry designs including necklace pendants known as "Loving Family" (the "Loving Family Jewelry"). The Loving Family® jewelry line depicts many different family variations, such as "two parents, two children," "one parent, one child," etc. A copy of the "one parent, one child" variation of the Loving Family Jewelry is attached as Exhibit A.
- Relios' Loving Family Jewelry is, upon information and belief, wholly original to 5. Relios and is copyrightable subject matter under the Copyright Act of 1976, 17 U.S.C. § 101 et seq., as amended.
- 6. Upon information and belief, Relios has complied with the Copyright Act of 1976, 17 U.S.C. § 101 et seq., as amended, securing for itself the exclusive rights and privileges in the copyrights in and to Relios' Loving Family Jewelry. Relios has received from the United States Register of Copyrights certificates of registration for Relios' Loving Family Jewelry, marked as Copyright Registration Nos. VA 749-909, VA 733-097 and VA 529-196. True and correct copies of the foregoing certificates of registration are filed herewith as Exhibit B. In addition, Relios has submitted copyright applications for other derivative works to the jewelry depicted in Exhibit B. See composite Exhibit C.
- Upon information and belief, the copyrights in and to Relios' Loving Family 7. Jewelry are valid and subsisting.

Defendant and its Infringing Activities

8. Upon information and belief, Jewelry House, manufactures and/or imports and sells jewelry. Upon information and belief, Jewelry House sells jewelry to various customers,

through various means, including but not limited to mail order product catalogs, brochures, flyers, and by virtue of its Internet web site. Upon information and belief, jewelry manufactured and/or imported by Jewelry House is distributed and sold throughout the United States, including in this judicial district.

- 9. Upon information and belief, Jewelry House sold jewelry to retailers and/or consumers within this judicial district; alternatively, Jewelry House placed such jewelry in the stream of commerce with knowledge that such goods would pass into this judicial district.
- 10. Upon information and belief, Jewelry House sold, imported, distributed, marketed, publicly displayed, manufactured, and/or commissioned the manufacture of, jewelry that infringes upon Relios' Loving Family Jewelry (hereinafter referred to as "Defendant's Design"). A photocopy of a photograph of Defendant's Design is attached hereto as **Exhibit D**.
- 11. Upon information and belief, Defendant's Design was copied from Relios' Loving Family Jewelry.
- 12. Upon information and belief, Defendant's Design was cast from molds created using Relios' Loving Family Jewelry as a model.
- 13. Despite the many other manners in which Defendant could have configured its jewelry, Defendant has wrongfully appropriated the copyrighted design of Relios' Loving Family Jewelry to its own use and benefit, without permission of Relios.

COUNT I - COPYRIGHT INFRINGEMENT

- 14. Relios repeats the allegations of paragraphs 1-13 as if fully set forth herein.
- 15. Relios' cause of action for copyright infringement arises under the Copyright Act of 1976, 17 U.S.C. §§ 101 *et seq.*, as amended, particularly 17 U.S.C. §§ 106(1)-(3) and (5), 501, and 602.

16. Upon information and belief, Defendant, and/or one or more persons who have supplied Defendant's Design to Defendant, have copied Relios' Loving Family Jewelry in the creation of Defendant's Design. Upon information and belief, Defendant has impermissibly imported, distributed, marketed, sold and/or publicly displayed Defendant's Design. Such acts have been without the permission of Relios and constitute infringements of Relios' copyrights in Relios' Loving Family Jewelry in derogation of 17 U.S.C. §§ 106(1)-(3) and (5), 501, and 602.

COUNT II - WILLFUL COPYRIGHT INFRINGEMENT

- 17. Relios repeats the allegations of paragraphs 1-16 as if fully set forth herein.
- 18. Relios' cause of action for copyright infringement arises under the Copyright Act of 1976, 17 U.S.C. §§ 101 *et seq.*, as amended, particularly 17 U.S.C. §§ 106(1)-(3) and (5), 501, and 602.
- 19. Upon information and belief, Defendant, and/or one or more persons who have supplied Defendant's Design to Defendant, have willfully, deliberately, and unlawfully copied Relios' Loving Family Jewelry in the creation of Defendant's Design. Upon information and belief, Defendant has unlawfully imported, distributed, marketed, sold and/or publicly displayed Defendant's Design. Such acts have been without the permission of Relios and constitute willful and deliberate infringements of Relios' copyrights in Relios' Loving Family Jewelry in derogation of 17 U.S.C. §§ 106(1)-(3) and (5), 501, and 602.

REQUEST FOR JURY TRIAL

Relios hereby demands that this cause be tried by a jury.

PRAYER FOR RELIEF

WHEREFORE, Relios prays for judgment against Defendant, and for relief including:

1. Upon proper application, a temporary restraining order restraining Defendant

against the continuation of the illegal acts recited above.

- 2. Upon proper application, a preliminary injunction-enjoining Defendant against continuation of the illegal acts recited above.
- 3. A permanent injunction-enjoining Defendant against continuation of the illegal acts recited above.
- 4. An accounting for and an award of the profits earned by Defendant as a result of its illegal acts and the damages suffered by Relios as a result of Defendant's illegal acts or, if so elected by Relios at any time prior to final judgment, an award of the maximum statutory damages of \$150,000 per copyrighted work infringed, or such other amount of statutory damages the Court deems just.
 - 5. An award of costs and reasonable attorneys' fees.
 - 6. An award of pre- and post-judgment interest.
 - 7. All other and further relief as the Court may deem just and proper.

Respectfully submitted,

BANNERMAN & WILLLAMS, P.A.

Barry D. Williams

2201 San Pedro NE, Bldg. 2, Suite 207

Albuquerque, NM 87110

(505) 837-1900; (505) 837-1800 (fax)

ATTORNEYS FOR PLAINTIFF RELIOS, INC.

EXHIBITA

Page 2 of 2

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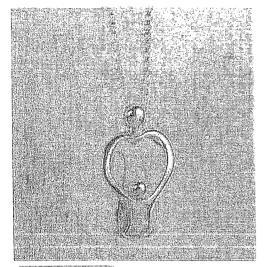
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Home > Jewelry > Pendants > Loving Family

A PREVIOUS PRODUCT

back to search results



Loving Family(R) small sterling silver loving and child

Loving family original jewelry is perfect for all Moms! The symbol of fa Give her the Loving Family(R) sterling silver pendant (1 in. x 1/2 in.) center and e-coat finish to enhance dimension. This elegant pendant c adjustable 16 inch sterling silver box chain with 4 inch extender; and resistant. Pendant features mother and child in an embrace that forms Comes nicely gift boxed. Charm is 1 inch L x 1/2 inch W. Made in New

Customer Reviews Tell a Friend

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6-2011-183 Loving Family(R) small sterling silver loving mother and child In Stock

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- Made in New Mexico, USA
- Designed and manufactured by the skilled craftspeople at Re

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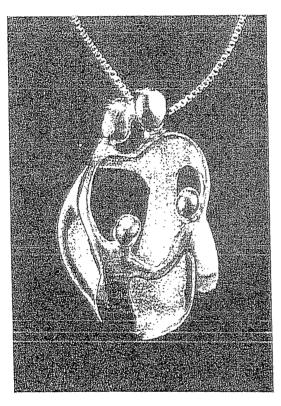
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750 Rankin Road NE Albuquerque, NM 87107 (505)345-5305 H.W. Pollack, president





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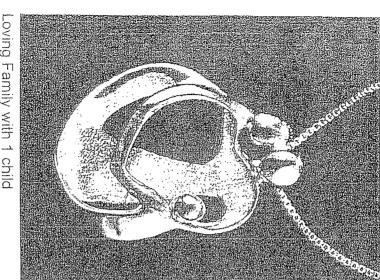
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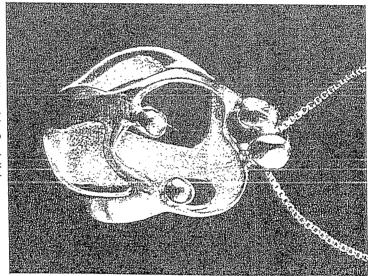


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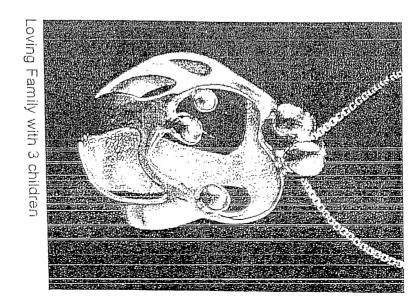
Loving Family with 1 child

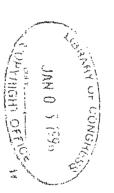
Loving Family with 2 children



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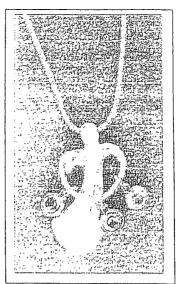
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Relios

Relios

Name ▼

Albuquerque, NM 87109

CERTIFICATION* I, the undersigned, hereby certify that I am the

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□ author

☐ other copyright claimant

owner of exclusive right(s)

authorized agent of Relios

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.

Robb Haltom 10/19/2007

Handwritten signature (X)

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Name V Relios Number/Street/Apt ▼ 6815 Academy Parkway West NE City/State/ZIP ▼

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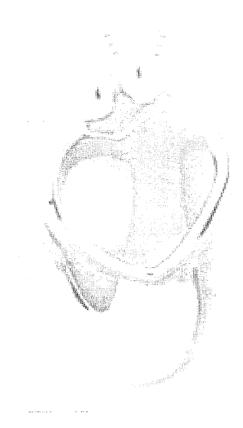
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*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.



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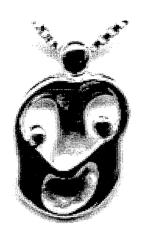
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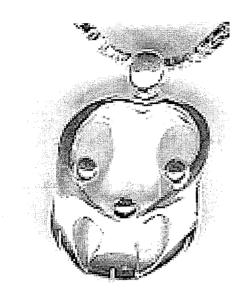
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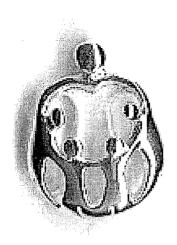
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Home > Necklaces >

Sterling Silver Mother & Baby Pendant Necklace



Our Price: \$28.00 Sale Price: \$19,00 You Save \$9.001

Stock Status: In Stock

Availability: Usually Ships in 24 Hours

Ban Panion Enforce

| Hair Accessories

) Animals) Anklet

Rings

Earnings

| Bracelets | Matching Sets Brooches & Pins

) Bridal Jewelry

> Cross

> Fleur De Lis

D Heart

りHorn

ાં/ Initial Letter

|| || Skull Crossbones

lz Star & Moon

Enter your e-mail address to receive special offers.

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TESTED DAILY 24-JUL



Description

Return Policy

Shipping Info

Depicting a baby adoringly held by its mother. It celebrates the incomparable love a mother feels for her heaven's gift. Pendant measures 1 inch tall and 1/2 inch wide. Dangles from 1 inch chain. A unique look for everyday.

Product Details

Item Code:

n561

Metal:

Sterling Silver, Stamped 925

Sterling Silver Mother & Baby F. ant Necklace

Chain Length:

16 inch

Chain Clasp:

Spring Ring Clasp

Pendant Size:

1 inch L X 1/2 inch W

Necklace Weight:

4.7 grams

Note: Prices and availability are subject to change without notice. All measurements are approximate.

Share your knowledge of this product with other customers... Be the first to write a review.

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Necklaces Necklaces > Pendants & Lockets Mother's Day Gifts Metal Type > Sterling Silver Metal Type

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Sterling Silver Mother & Baby Pendant Necklace \$19,00

