

FILED

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

6 Attorneys for Plaintiff
7 MAJOR TEXTILE IMPORTS, INC.

8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 MAJOR TEXTILE IMPORTS,
13 INC., a California corporation,

14 Plaintiff,

15 vs.

16 JONES APPAREL GROUP, INC., a
17 Pennsylvania corporation; and DOES
1 through 10, Inclusive,

18 Defendants

CASE NO.:

CV08-01613 SJO (Ex)

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

DEMAND FOR JURY TRIAL

19
20 Plaintiff MAJOR TEXTILE IMPORTS, INC. alleges as follows:
21

22 PARTIES

23 1. MAJOR TEXTILE IMPORTS, INC., ("Plaintiff" and/or "MAJOR
24 TEXTILE") located at 138 West 38th Street, Los Angeles, California 90037, is a
25 domestic corporation organized and existing under the laws of the State of
26 California.
27

28

COPY

1 2. JONES APPAREL GROUP, INC. (“Defendant” and/or “JONES
2 APPAREL”) located at 250 Rittenhouse Cir., Bristol, Pennsylvania 19007 is a
3 domestic corporation organized and existing under the laws of the State of
4 Pennsylvania.

5 3. JONES APPAREL is a leader in the apparel and footwear industry
6 and it markets its products under national recognized brands, including **l.e.i.**, which
7 is an acronym for “LIFE, ENERGY, INTELLIGENCE”.

8 **JURISDICTION AND VENUE**

9 4. This action arises under the Copyright Laws of the United States, as
10 hereinafter more fully appears. Jurisdiction is conferred upon this Court by 28
11 U.S.C. § 1338.

12 5. Venue is proper in the Central District of California in that the subject
13 infringement involves the infringement of copyrights owned by the Plaintiff, which
14 is located in the City of Los Angeles, County of Los Angeles, State of California,
15 which lies within the Central District of California.

16 6. Personal jurisdiction exists in that JONES APPAREL maintains
17 corporate and/or business offices in the City of Commerce, State of California,
18 which lies within the Central District of California, derives substantial revenue
19 from the State of California by engaging in a persistent course of conduct in the
20 State of California, and because the subject claims arise from acts within the State
21 of California resulting in injury and damages to the Plaintiff within the State of
22 California.

23 7. The true names and capacities of defendants DOES 1 through 10,
24 inclusive, are unknown to Plaintiff who therefore sues said defendants by such
25 fictitious. Plaintiff will seek leave of court to amend this complaint when said true
26 names and capacities have been ascertained.

1 8. At all times mentioned herein, each of the Defendants, including the
2 defendants served as DOES herein, was the agent, servant and/or employee of one
3 another and each of the remaining Defendants, and in doing the things herein
4 mentioned and alleged was acting within the scope of such agency and/or
5 employment.

6 **CLAIM FOR RELIEF**

7 **COPYRIGHT INFRINGEMENT OF DESIGN MA 0611126**

8 9. In November 2006, MAJOR TEXTILE designed fabric design or
9 pattern known as **MA 0611126** and part of November 0806 Major Collection.
10 Shortly thereafter, MAJOR TEXTILE published the aforementioned fabric designs
11 and/or patterns in the United States.

12 10. As of January 4, 2007, MAJOR TEXTILE complied in all respects
13 with the Act of October 19, 1976, Pub. L. 94-553, 90 Stat. 2598, Title 17 U.S.C.A.
14 Sec. 101-810, as amended ("Copyright Act"), and all other laws covering
15 copyright, and was granted the exclusive rights in and to the copyrighted designs
16 and/or fabrics titled **MA 0611126** and received a Certificate of Registration from
17 the Register of Copyrights bearing registration number VAu-737-770, a copy of
18 which is attached hereto as Exhibit 1 and is incorporated herein by reference.

19 11. A sample of MAJOR TEXTILE's copyrighted design and/or pattern
20 **MA 0611126** is attached hereto as Exhibit 2 and is incorporated herein by this
21 reference.

22 12. Since November, 2006, to the best of MAJOR TEXTILE's knowledge
23 **MA 0611126** has been only published by MAJOR TEXTILE, and all copies of
24 same have been printed, reproduced and published in strict conformity with the
25 provisions of the Copyright Act, and all other laws governing copyright.

26 ///
27 ///
28

1 13. At all times since November 2006, MAJOR TEXTILE has been and
2 still is the sole proprietor of all rights, titles and interests in and to the copyright of
3 **MA 0611126**, and MAJOR TEXTILE is the sole proprietor thereof.

4 14. At all times since November 2006, MAJOR TEXTILE has been and
5 still is the sole rightful manufacturer of fabrics or any goods bearing **MA 0611126**
6 and has had, and still has, the exclusive rights to sell any such fabrics or other
7 goods.

8 15. That pursuant to such sole and exclusive rights, MAJOR TEXTILE
9 after November 2006, commenced and did thereafter manufacture fabrics bearing
10 imprints of **MA 0611126** and MAJOR TEXTILE has shown, sampled, offered for
11 sale and sold such fabrics to manufacturers and/or retailers of garments, including
12 JONES APPAREL, and did so on or about December 15, 2006.

13 16. Since at least as early as or prior to September 2007, JONES
14 APPAREL infringed said copyright by advertising, offering for sale, and selling
15 within the United States, without MAJOR TEXTILE's consent, garments
16 imprinted with a designs and/or patterns which is closely copied from and
17 substantially similar to MAJOR TEXTILE's copyrighted design and/or pattern
18 entitled **MA 0611126**. Attached hereto as Exhibit 3 and incorporated herein by
19 this reference is a true and correct copy of an infringing garment manufactured by
20 JONES APPAREL under the trade name and/or trademark **l.e.i.**, and advertised
21 and offered for on sale in *Seventeen Magazine* and *teen Vogue* on or about
22 September 2007-October 2007 that infringed on MAJOR TEXTILE's copyrighted
23 design and/or pattern identified as **MA 0611126**.

24 17. MAJOR TEXTILE has gone to great expense in designing,
25 developing, purchasing and marketing its intellectual property, including the
26 design and/or pattern identified as **MA 0611126** and as contained within the
27 designs comprising U.S. Copyright Registration No. VAu-737-770 (see Exhibit 1).
28

1 18. MAJOR TEXTILE has always printed its copyrighted designs on
2 good quality fabric in attractive color combinations and has sold fabric bearing the
3 copyrighted designs to garment manufacturers and others.

4 19. As a result of MAJOR TEXTILE's skill, expenditure of money and
5 expertise in the development and promotion of the copyrighted design and/or
6 fabric, MAJOR TEXTILE's garments imprinted with said design have acquired
7 substantial market value.

8 20. The design and/or pattern known and registered as **MA 0611126** is
9 one of MAJOR TEXTILE's most successful designs, as large quantities of fabric
10 imprinted with said designs and/or patterns were ordered from MAJOR TEXTILE
11 by its customers.

12 21. The infringing garments advertised for sale on or about September
13 2007-October 2007 are imprinted with patterns substantially similar to the
14 copyrighted design and/or pattern **MA 0611126** on fabrics which are similar to the
15 fabrics sold by MAJOR TEXTILE, which are imprinted with the copyrighted
16 design and/or pattern **MA 0611126**.

17 22. The infringing design by JONES APPAREL is copied from and
18 substantially similar to MAJOR TEXTILE's design (see Exhibits 2 and 3)
19 identified and federally registered as **MA 0611126**.

20 23. Defendants, by virtue of the aforesaid acts, have taken advantage of
21 the knowledge, skill and good will developed by MAJOR TEXTILE in the
22 copyrighted designs and/or patterns and they have capitalized upon the market
23 created by MAJOR TEXTILE for their copyrighted designs and/or patterns.

24 24. By their use of a design and color combinations substantially similar
25 to MAJOR TEXTILE's design and color and combinations, JONES APPAREL
26 has been able to pass off and sell their garments as a substitute for garments made
27 from MAJOR TEXTILE's fabrics bearing the copyrighted design and/or pattern
28 identified and federally registered as **MA 0611126**.

1 25. The aforesaid acts of Defendants in manufacturing, causing to be
2 manufactured, importing, marketing, advertising, converting, printing, selling,
3 and/or offering for sale garments imprinted with a design and/or pattern in virtually
4 identical color combinations as copied from MAJOR TEXTILE's copyrighted
5 designs and/or patterns, constitute infringement, inequitable conduct, unfair trade
6 practices and unfair competition in that Defendants have thereby misappropriated
7 MAJOR TEXTILE's good will and the benefits of MAJOR TEXTILE's skill and
8 expenditures in the development and promotion of the distinctive designs and by
9 reason thereof has caused irreparable injury to MAJOR TEXTILE in that MAJOR
10 TEXTILE's market has been greatly reduced thereby, which injury will continue
11 as long as Defendants continue to market garments made from fabric imprinted
12 with the copyrighted designs and/or patterns.

13 **WHEREFORE**, Plaintiff MAJOR TEXTILE demands as follows:

14 1. That Defendants, and Does 1 through 10, and their agents and
15 servants, are enjoined during the pendency of this action and permanently from
16 infringing U.S. Copyright Registration No. VAu-737-770 (see Exhibit 1) of
17 MAJOR TEXTILE, covering the aforementioned copyrighted designs and/or
18 patterns, in any manner and from manufacturing, converting, promoting,
19 importing, selling, marketing or otherwise disposing of any garments imprinted
20 with a design copyrighted from MAJOR TEXTILE's designs and/or fabrics that
21 are the subject of this action.

22 2. That Defendants, and Does 1 through 10, and their agents and
23 servants be required to deliver up to be impounded during the pendency of this
24 action all garments made from fabric imprinted with a copy of said designs and/or
25 fabrics in their possession or under their control and to deliver up for destruction
26 all infringing copies and all plates, molds, and other matter for making such
27 infringing copies.
28

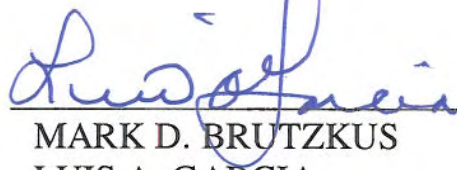
1 3. That Defendants, and Does 1 through 10, be required to pay MAJOR
2 TEXTILE such damages which MAJOR TEXTILE has sustained in consequence
3 of Defendants' infringement of said copyrights and to account for all gains, profits
4 and advantages derived by Defendants by its infringement of MAJOR TEXTILE's
5 copyright and such damages as to the Court shall appear proper within the
6 provisions of the copyright statute.

7 4. That Defendants, and Does 1 through 10, pay to MAJOR TEXTILE
8 the costs of this action and reasonable attorney's fees to be allowed to MAJOR
9 TEXTILE by the Court.

10 5. That MAJOR TEXTILE has such other and further relief as is just and
11 proper.

12 Dated: March 5, 2008

EZRA | BRUTZKUS | GUBNER, LLP

13
14 By: 

15 MARK D. BRUTZKUS

16 LUIS A. GARCIA

17 Attorneys for Plaintiff MAJOR TEXTILE
18 IMPORTS, INC.
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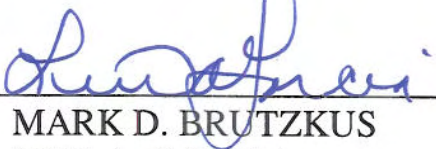
DEMAND FOR JURY TRIAL

Plaintiff MAJOR TEXTILE hereby demands a trial by jury on the claims made herein.

Dated: March 5, 2008

EZRA | BRUTZKUS | GUBNER, LLP

By:


MARK D. BRUTZKUS

LUIS A. GARCIA

Attorneys for Plaintiff MAJOR TEXTILE
IMPORTS, INC.

EXHIBIT “1”

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

VAu737-770



EFFECTIVE DATE OF REGISTRATION

JAN 4 2007
Month Day Year

RATE CONTINUATION SHEET.

Title of This Work ▼

November 0806 Major Collection

NATURE OF THIS WORK ▼ See Instructions

Fabric design

Previous or Alternative Titles ▼

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 ▼

NAME OF AUTHOR ▼

Blue Studio

DATES OF BIRTH AND DEATH

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 Italy
Domiciled in Italy

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

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

Name of Author ▼

..

Dates of Birth and Death

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 _____
Domiciled in _____

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

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

Year in Which Creation of This Work Was Completed

2006

This information must be given Year in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month _____ Day _____ Year _____

Nation _____

COPYRIGHT CLAIMANT(S): Name and full legal name of the claimant(s) as the author given in space 2. ▼

Major Textile Imports, Inc.; 1132 E. 12th Street, Los Angeles, CA. 90021

NOTE: 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. ▼

Artwork and copyrights were sold and transferred by Blue Studio to Major Textile Imports, Inc.

NOTE: ON BACK ►

Complete all applicable spaces (numbers 1-2) on the reverse side of this page. See detailed instructions. Sign the form at line 8.

APPLICATION RECEIVED

JAN 04 2007

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

JAN 04 2007

FUNDS RECEIVED

See Instructions before completing this space.

DO NOT WRITE HERE OFFICE USE ONLY

LEAD: WRITE HERE

Page 1 of 16 pages

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 or 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. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

b. Material Added to This Work Give a brief, general statement of the material that has been added to the 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

Major Textile Imports, Inc.
1132 E. 12th Street, Los Angeles, CA. 90021

Area code and telephone number (213) 683-8855

Fax number (213) 683-1577

Email majortextile@sbcglobal.net

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 Major Textile Imports, Inc.

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.

Samuel Shavens

Date December 27, 2006

Handwritten signature (Q)

Certificate will be mailed in window envelope to the address:

Name

Major Textile Imports, Inc.

Number/Street/Apt

1132 E. 12th Street

City/State/Zip

Los Angeles, CA. 90021

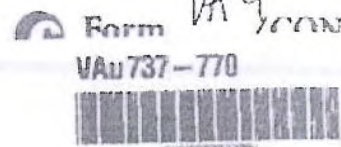
Complete all necessary spaces.
Sign your application in space 8.1. Application form
2. Nonreturnable filing fee in check or money order payable to Registrar of Copyrights
3. Deposit materialLibrary of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20540-5000

47 USC 1005(c): 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.

Form VA Rev. 07/2006 Price \$2.000—\$0.100 Paid on recycled paper

U.S. Government Printing Office: 2004-540-555/20.100

Continuation Sheet for Application Forms



- This Continuation Sheet is used in conjunction with Forms CA, PA, SE, SR, TX, and VA only. Indicate which basic form you are continuing in the space in the upper right-hand corner.
- Try to fit the information called for into the spaces provided on the basic form.
- If you do not have enough space on the basic form, use this Continuation Sheet, and submit it with the basic form.
- If you submit this Continuation Sheet, clip (do not tape or staple) it to the basic form and fold the two together before submitting them.
- Space A of this sheet is intended to identify the basic application.
Space B is a continuation of space 2 on the basic application.
Space B is not applicable to Short Forms.
- Space C (on the reverse side of this sheet) is for the continuation of Spaces 1, 4, or 6 on the basic application or for the continuation of Space 1 on any of the three Short Forms PA, TX, or VA.

PA PAU SE SEG SEU SR SRU TX TXU VA VAA

EFFECTIVE DATE OF REGISTRATION

JAN 4 2007

CONTINUATION SHEET RECEIVED

Page 3 of 4 pages

DO NOT WRITE ABOVE THIS LINE. FOR COPYRIGHT OFFICE USE ONLY

IDENTIFICATION OF CONTINUATION SHEET: This sheet is a continuation of the application for copyright registration on the basic form submitted for the following work:

- **TITLE:** Give the title as given under the heading, "Title of this Work," in space 1 of the basic form.

November 0806 Major Collection

- **NAME(S) AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S):** Give the name and address of at least one copyright claimant as given in space 4 of the basic form or space 2 of any of the Short Forms PA, TX, or VA.

Major Textile Imports, Inc.; 1132 E. 12th Street, Los Angeles, CA. 90021

Identification
of
Application

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Continuation
of Space 2

Was this contribution to the work a "work made for hire"?
☐ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR
Citizen of ►
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by the author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
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 ►
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by the author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH
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 ►
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No
Pseudonymous? ☐ Yes ☐ No

NATURE OF AUTHORSHIP Briefly describe nature of the material created by the author in which copyright is claimed. ▼

Use the reverse side of this sheet if you need more space for continuation of spaces 1, 4, or 6 of the basic form or for the continuation of Space 1 on any of the Short Forms PA, TX, or VA.

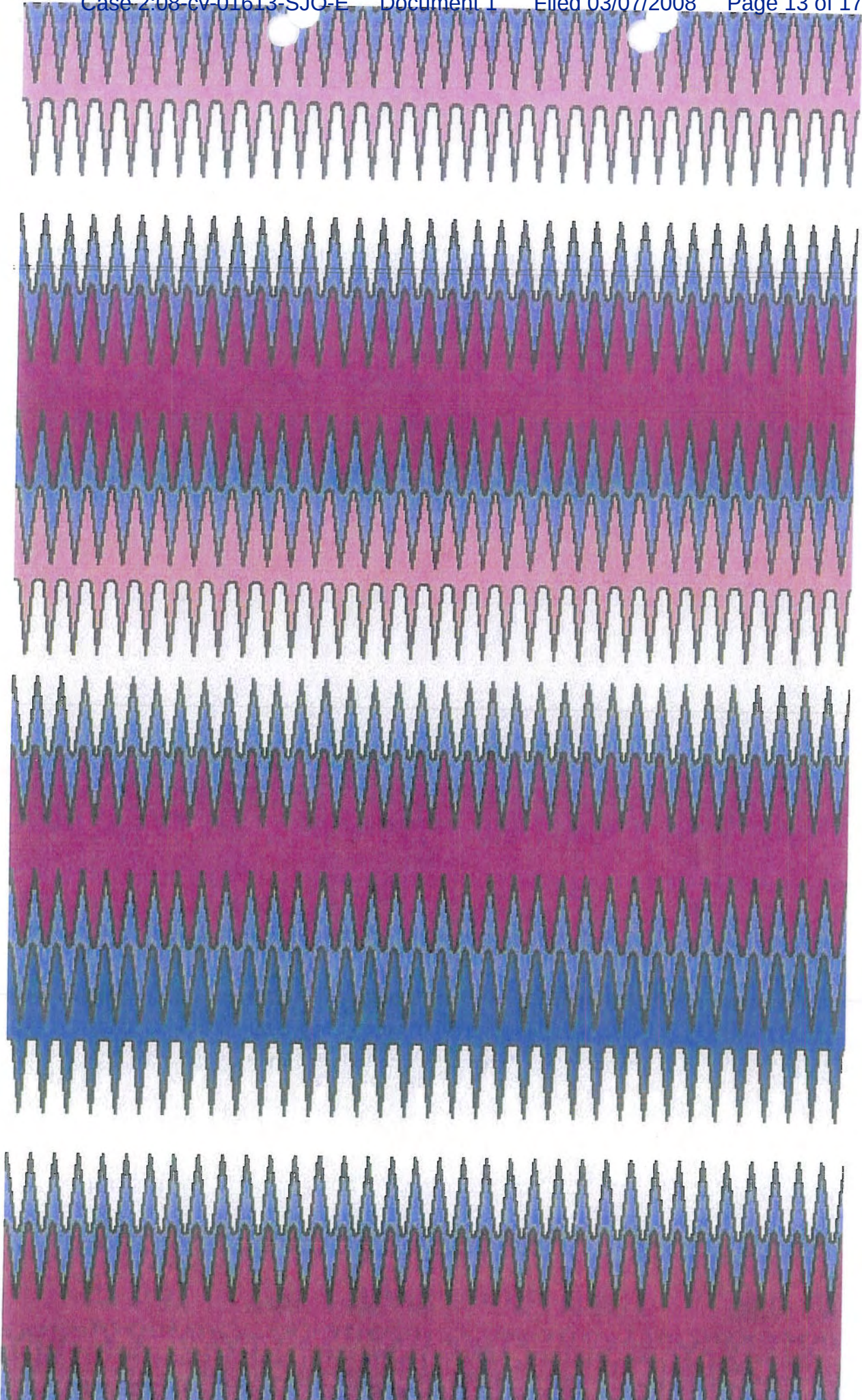


EXHIBIT “3”



Jeans Intimates Watches Sunglasses Outerwear Footwear Hats Legwear Girls

Boston Bergner's Boston Store Carson Pirie Scott
Elder-Beerman Herberger's Younger's

lei jeans.com

The One **FLIRTING MOVE**

Guys Can't Resist!

seventeen

WOW!

998

**Fashion
& Beauty
Tricks**

**PLUS: 10 Trends
To Try Now**

September 2007

**Ashlee
Simpson**

**Crazy
In Love!**

FREE
Tix To Her Concert! p34

BACK-TO-SCHOOL

**Hot
HAIR
Ideas!**
Find Your Style

Fall Shopping

*BXBDGDT *****AUTO**5-DIGIT 90037
SVN0624699948/4 RH D7J09
AU3 SEM901 SEP07 0105 *91 *18362
MAJOR TEXTILE IMPORTS INC
138 W 38TH ST
LOS ANGELES CA 90037-1404

- ✓ **The Right Jeans**
- ✓ **Sexy Shoes**
- ✓ **Cute Bags & More**

|||||

Sorority Scandal!

the Real Reason You Might Not Get In

OCTOBER

teenVOGUE

beauty
school
dazzling hair
and makeup
tricks from
the pros

THE
YOUNG
HOLLYWOOD
ISSUE

FEATURING

MISCHA
BARTON

A-LIST
FASHION

HOW TO GET
SUPERSTAR
STYLE

- glam dresses
- cool coats
- the new It jeans
- tips from L.A.'s
top stylist

+22
RISING STARS

weight
watcher

DOES YOUR MOM PRESSURE
YOU TO BE SKINNY?

Luis A. Garcia, SBN 146876
 EZRA|BRUTZKUS|GUBNER LLP
 21650 Oxnard Street
 Suite 500
 Woodland Hills, California 91367
 Ph.:818-827-9000; Fax: 818-827-9099

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

MAJOR TEXTILE IMPORTS, INC., a
 California corporation,

Plaintiff(s)

v.

JONES APPAREL GROUP, INC., a
 Pennsylvania corporation; and DOES 1
 through 10, Inclusive,

Defendant(s)

CASE NUMBER:

CV08-01613 SJO (Ex)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney
EZRA|BRUTZKUS|GUBNER LLP, whose address is:

21650 Oxnard Street, Suite 500, Woodland Hills, California 91367

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

CLERK, U.S. DISTRICT COURT

Date: **MAR - 7 2008**

By: _____

NATALIE LONGOR

Deputy Clerk

(Seal of the Court)



1198

COPY
 CV-1A (01/01)

SUMMONS

CCD-1A

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

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
MAJOR TEXTILE IMPORTS, INC., a California corporation,

DEFENDANTS
JONES APPAREL GROUP, INC., a Pennsylvania corporation; and DOES 1 through 10, Inclusive,
County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

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

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Luis A. Garcia, SBN 146876
EZRA|BRUTZKUS|GUBNER LLP
21650 Oxnard Street
Suite 500
Woodland Hills, California 91367
818-827-9000

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.)

- | | | | | | |
|---|---|---------------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF ☒ 1 | DEF ☐ 1 | Incorporated or Principal Place of Business in this State | PTF ☐ 4 | DEF ☐ 4 |
| Citizen of Another State | ☐ 2 | ☒ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 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:** \$Unknown

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.)

Complaint for Copyright Infringement under 17 U.S.C. 101 et seq.

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

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
☐ 400 State Reapportionment	☐ 110 Insurance	☐ 310 Airplane	☐ 370 Other Fraud	☐ 510 Motions to Vacate Sentence Habeas Corpus	☐ 710 Fair Labor Standards Act
☐ 410 Antitrust	☐ 120 Marine	☐ 315 Airplane Product Liability	☐ 371 Truth in Lending	☐ 530 General	☐ 720 Labor/Mgmt. Relations
☐ 430 Banks and Banking	☐ 130 Miller Act	☐ 320 Assault, Libel & Slander	☐ 380 Other Personal Property Damage	☐ 535 Death Penalty	☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 450 Commerce/ICC Rates/etc	☐ 140 Negotiable Instrument	☐ 330 Fed. Employers' Liability	☐ 385 Property Damage Product Liability	☐ 540 Mandamus/Other	☐ 740 Railway Labor Act
☐ 460 Deportation	☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 340 Marine	BANKRUPTCY	☐ 550 Civil Rights	☐ 790 Other Labor Litig.
☐ 470 Racketeer Influenced and Corrupt Organizations	☐ 151 Medicare Act	☐ 345 Marine Product Liability	☐ 422 Appeal 28 USC 158	☐ 555 Prison Condition	☐ 791 Empl. Ret. Inc. Security Act
☐ 480 Consumer Credit	☐ 152 Recovery of Defaulted Student Loan (Excl. Veterans)	☐ 350 Motor Vehicle	☐ 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	PROPERTY RIGHTS
☐ 490 Cable/Sat TV	☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 355 Motor Vehicle Product Liability	CIVIL RIGHTS	☐ 610 Agriculture	☒ 820 Copyrights
☐ 810 Selective Service	☐ 160 Stockholders' Suits	☐ 360 Other Personal Injury	☐ 441 Voting	☐ 620 Other Food & Drug	☐ 830 Patent
☐ 850 Securities/Commodities/Exchange	☐ 190 Other Contract	☐ 362 Personal Injury-Med Malpractice	☐ 442 Employment	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 840 Trademark
☐ 875 Customer Challenge 12 USC 3410	☐ 195 Contract Product Liability	☐ 365 Personal Injury-Product Liability	☐ 443 Housing/Accommodations	☐ 630 Liquor Laws	SOCIAL SECURITY
☐ 890 Other Statutory Actions	☐ 196 Franchise	☐ 368 Asbestos Personal Injury Product Liability	☐ 444 Welfare	☐ 640 R.R. & Truck	☐ 861 HIA (1395ff)
☐ 891 Agricultural Act	REAL PROPERTY		☐ 445 American with Disabilities - Employment	☐ 650 Airline Regs	☐ 862 Black Lung (923)
☐ 892 Economic Stabilization Act	☐ 210 Land Condemnation		☐ 446 American with Disabilities - Other	☐ 660 Occupational Safety/Health	☐ 863 DWG/DIWW (405(g))
☐ 893 Environmental Matters	☐ 220 Foreclosure		☐ 440 Other Civil Rights	☐ 690 Other	☐ 864 SSID Title XVI
☐ 894 Energy Allocation Act	☐ 230 Rent Lease & Ejectment				☐ 865 RSI (405(g))
☐ 895 Freedom of Info. Act	☐ 240 Torts to Land				FEDERAL TAX SUITS
☐ 900 Appeal of Fee Determination Under Equal Access to Justice	☐ 245 Tort Product Liability				☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 950 Constitutionality of State Statutes	☐ 290 All Other Real Property				☐ 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: _____

CV-71 (07/05)

CIVIL COVER SHEET

Page 1 of 2
CCD-JS44

COPY

CV08-01613

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 ☒ YesIf yes, list case number(s): CV08-01448CAS (RCx)

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.

Los Angeles County, State of California

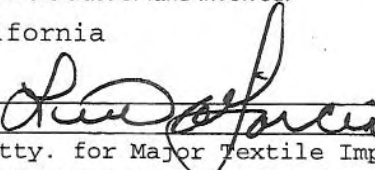
List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).☐ Check here if the U.S. government, its agencies or employees is a named defendant.

State of Pennsylvania

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, State of California

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 03/05/08

Atty. for Major Textile Imports, Inc.

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))

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM
 Authority for Civil Cover Sheet

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 paper required by law except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **PLAINTIFFS - DEFENDANTS.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a Government Agency, enter only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and the official giving both name and title.
- (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: in land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) **Attorneys.** Enter firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in each section ("see attachment"). Refer to Local Rules 83-2.7 and 41-6 for further information regarding change of attorney name, address, firm association, phone number, fax number or e-mail address, and dismissal of action for failure of pro se plaintiff to keep Court apprised of current address.
- II. **JURISDICTION.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdiction be shown in pleadings. Place an "X" in one or more of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States Plaintiff. (1) Jurisdiction is based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States Defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal Question. (3) This refers to suits under 28 U.S.C. 1331 where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, and act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code precedence and box 1 or 2 should be marked.

Diversity of Citizenship. (4) This refers to suits under 28 U.S.C. 1332 where parties are citizens of different states. When box 4 is checked, citizenship of the different parties must be checked. (See Section III below) (Federal question actions take precedence over diversity cases.)
- III. **RESIDENCE (CITIZENSHIP) OF PRINCIPAL PARTIES.** This section of the CV-71 (JS-44) is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **ORIGIN.** Place an "X" in one of the seven boxes:
 - (1) Original Proceedings. Cases which originate in the United States District Courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C. Section 1441. When petition for removal is granted, check this box.
 - (3) Remanded from Appellate court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 U.S.C. Section 1404(a). DO NOT use this for within-district transfer or multidistrict litigation transfers. When this box is checked, DO NOT check (6) below.
 - (6) Multidistrict Litigation. Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, DO NOT check (5) above.
 - (7) Appeal to District Judge from Magistrate Judge Judgment. Check this box for an appeal from a magistrate judge's decision.
- V. **REQUESTED IN COMPLAINT.**

Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VI. **CAUSE OF ACTION.** Report the civil statute directly related to the cause of action and give a brief description of the cause of action. Do not cite jurisdictional statutes unless diversity.

Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service
- VII. **NATURE OF SUIT.** Place an "X" in the appropriate box. MARK ONE BOX ONLY. If the cause of action fits more than one nature of suit, select the one that best describes your cause of action.
- VIII(a) **IDENTICAL CASES.** Indicate if an identical action has previously been filed and dismissed, remanded or closed. Insert the docket number and judge's name, if applicable.
- VIII(b) **RELATED CASES.** This section of the CV-71 (JS-44) is used to reference related cases, if any. If there are related cases, insert the docket number and the corresponding judge's name for each case. Check all boxes that apply.
- IX. **VENUE.** This section of the CV-71 (JS-44) is used to identify the correct division in which the case will be filed. Please remember to indicate the residence of EACH plaintiff and defendant and the county or state in which each claim arose.

If the United States government or an agency thereof is a plaintiff or defendant, place an "X" in the appropriate box. Indicate the residence of other parties.

In each category: for each party and claim, indicate the county, if in California. If other than California, you need only to list the state or country.
- X. **Attorney or party appearing pro per must sign and date this form.**