

***UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT***

NAMI NAKAMURA, an individual,

Plaintiff,

Case No.

Hon.

v.

Barrington Studios Limited, USA, an Illinois For Profit Corporation and  
Big Lots, Inc., an Ohio For Profit Corporation

Defendants.

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT,  
INJUNCTIVE RELIEF, AND JURY DEMAND**

Plaintiff, NAMI NAKAMURA, by and through her attorneys, BROWNING-SMITH,  
P.C., complains and alleges as follows:

**PARTIES**

1. Plaintiff, NAMI NAKAMURA ("Nakamura"), is an individual residing in Maple Valley, Washington.

2. Nakamura is in the business of creating artistic works.

3. Upon information and belief, Defendant Barrington Studios Limited, USA ("Defendant Barrington"), is an Illinois corporation operating under the name Barrington Studios Limited, having a principal address of P.O. Box 568, Barrington, IL 60011. Defendant operates an international stationery and gift wrap design and printing company that offers merchandise to retailers throughout the United States and in the State of Michigan through stores such as Big Lots, Inc., (See Exhibit A – "Big Lots Receipt dated March 15, 2006") and it operates

barringtonstudiosltd.com, a website that also offers services to Michigan consumers (See Exhibit B – "*Barrington Studios Ltd. Website*").

4. Upon information and belief, Defendant Big Lots, Inc. ("Defendant Big Lots"), is an Ohio corporation operating under the name Big Lots!, having a principal address of 300 Phillipi Road, Columbus, Ohio 43228-5311. Defendant Big Lots operates a domestic retail chain that deals in a wide variety of products, goods, and services throughout the United States including numerous stores in the State of Michigan. (See Exhibit C – "*Big Lots Store Locations based on Detroit Area from www.biglots.com*")

#### **JURISDICTION AND VENUE**

5. This is a civil action for Federal Copyright Infringement under the Copyright Laws of the United States of America, 17 U.S.C. §101 *et. seq.*, Federal Unfair Competition under the Lanham Act 15 U.S.C. §1125(a), Unjust Enrichment and Unfair Competition under the common law of the State of Michigan.

6. This Court has subject matter jurisdiction based upon 28 U.S.C. §1338.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391.

8. This Court has subject matter jurisdiction under 28 U.S.C. §1332 because this is a civil action between diverse parties and the matter in controversy exceeds the jurisdictional amount of \$75,000.

9. This Court has supplemental jurisdiction over the state common law claims arising under the laws of the State of Michigan pursuant to 28 U.S.C. §1367.

### **BACKGROUND**

10. Nakamura is a world-famous artist (See Exhibit D – *www.denamidesign.com* showing products) and is in the business of creating artistic works, including whimsical designs, rubber stamps and paper designs under the names DeNami Designs and Bella Press. (See Exhibit E - *http://www.denamidesign.com/bella2006/home.html* showing the website for Bella Press).

11. The title of the main paper and rubber stamp collection that is the subject of this action is "*Mimi's Boutique*" ("*Mimi Designs*") along with other elements of her collections which were created from the years 1998 - 2003. (See Exhibit F – *Mimi's Boutique and elements from other various collections of Plaintiff*).

12. *Mimi Designs* illustrate Plaintiff Nakamura's original and distinctly characterized purses, shoes, and whimsical motifs, each original work was created, authored and painted by Plaintiff Nakamura. Plaintiff Nakamura's *Mimi Designs* have also acquired secondary meaning through her marketing, design, and sales efforts of over ten years.

13. Plaintiff Nakamura obtained United States Copyright Registration No. VA -1-366-198/VA 1-426-203 entitled *Mimi Collection*, US Copyright Registration VAu -602-426 entitled Floral Collection, and VA-1-223-848 entitled DeNami Design rubber stamps: catalog no. 7 ("*Copyright Registrations*") Plaintiff Nakamura is the sole owner of said registration. (Exhibit G – *Copyright Registrations as shown on file with the US Copyright Office*)

14. At all times relevant to this action, Plaintiff Nakamura has been and is the owner of all right, title and interest in Copyright Registrations. ("*Plaintiff's Copyrights*").

### **DEFENDANTS' INFRINGEMENT**

15. Plaintiff Nakamura restates and incorporates herein by reference the allegations above as though fully set forth herein.

16. Defendant Big Lots operates approximately 1,375 retail stores and an internet website/ presence which reach millions around the world.

17. Defendant Big Lots sells numerous types of products including paper, home goods, cosmetics, pharmaceuticals, hardware and groceries.

18. Defendant Barrington Studios supplied either directly or through an intermediary paper goods and other products to Defendant Big Lots including items using the *Mimi Designs*.

19. On or about March 15, 2006, Plaintiff Nakamura located in a Detroit Area Big Lots Store a series of paper goods sold by Defendant Big Lot bearing manufacturer's labels referring to Defendant Barrington Studios, Ltd. and further believes that more may exist (See Exhibit H – *Items Purchased at Big Lots Utilizing Mimi's Designs*)(See Exhibit A – *Big Lots Receipt*).

- (1) Large Gift Bag – UPC 2105260041095085/ SKU 52630052
- (2) Small Gift Bag (Design 1) – UPC 2105260041079085/ SKU 52630051
- (3) Small Gift Bag (Design 2) - UPC 2105260041079085/ SKU 52630051
- (4) Photo Album (Design 1) – UPC 1825200153525085/ SKU 52080124
- (5) Photo Album (Design 2) – UPC 1825200153525085 / SKU 52080124
- (6) Photo Album (Design 3) – UPC 1825200153525085 / SKU 52080124
- (7) Photo Album (Design 4) – UPC 1825200153525085 / SKU 52080124
- (8) Round Gift Box - UPC 2105260041111085 / SKU 52640061
- (9) Note Pad (Design 1) – UPC 1635200153536085 / SKU 52020527
- (10) Note Pad (Design 2) - UPC 1635200153536085 / SKU 52020527

(11) Note Pad (Design 3) - UPC 1635200153536085 / SKU 52020527

## COUNT I

### **FEDERAL COPYRIGHT INFRINGEMENT (17 U.S.C. §501)**

20. Plaintiff Nakamura restates and incorporates herein by reference the allegations above as though fully set forth herein.

21. Count I is an action by Plaintiff against Defendants alleging Federal Copyright Infringement of Plaintiff's United States Copyright Registrations VA -1366-198, VAu-602-426, VA-1-223-848, in violation of 17 U.S.C. §501.

22. Plaintiff's copyrighted *Mimi Designs* contain original material that is copyrightable subject matter under the Copyright Laws of the United States.

23. Plaintiff Nakamura's *Mimi Designs* were sold throughout the world through direct and retail sales and displayed at major trade shows permitting the Defendants access to Plaintiff's work. (See Exhibit I – *Affidavit of Nami Nakamura*)

24. Upon information and belief, Defendants reproduced, prepared derivative works, distributed copies of, promoted, sold, and offered for sale, illegal and unauthorized copies of Plaintiff's copyrighted paper and rubber stamp designs and, thus, infringed Plaintiff's copyrights.

25. Defendants infringed Plaintiff's copyrights and made or caused to be created paper goods bearing Plaintiff's design. (See Exhibit J - *Sampling of Comparison of Plaintiff's Design to Defendant's Products*).

**COUNT II**

**FEDERAL UNFAIR COMPETITION (15 U.S.C. §1125)**

26. Plaintiff Nakamura restates and incorporates herein by reference the allegations above as though fully set forth herein.

27. Upon information and belief, Defendants violated 15 U.S.C. §1125(a).

28. Upon information and belief, Defendants infringed Plaintiff's trade dress in her distinctive whimsical purse and shoe designs.

29. Upon information and belief, Defendants' conduct is deliberate, willful and intentional.

30. Upon information and belief, Defendants' use, in commerce, of the infringing products has damaged Plaintiff in an amount yet to be determined but is believed to be in excess of \$75,000.

31. Upon information and belief, Defendants' activities are in direct contravention of Plaintiff's rights, making this an exceptional case as to warrant an award of attorney fees under 15 U.S.C. §1117(a).

**COUNT III**

**UNJUST ENRICHMENT**

32. Plaintiff Nakamura restates and incorporates herein by reference the allegations above as though fully set forth herein.

33. Upon information and belief, Defendants have been unjustly enriched by infringing Plaintiff's copyrights and by unfairly competing against Plaintiff, all to the detriment of

Plaintiff.

34. Upon information and belief, the activities complained of herein have allowed Defendants to unjustly enrich itself/themselves by deriving profits to which it/they are not entitled and to usurp the benefits of Plaintiff's extensive development and creation of the copyrighted works.

35. Upon information and belief, the activities constituting unjust enrichment by Defendants to the detriment of Plaintiff were deliberate, willful and intentional, and such activities were in direct contravention of Plaintiff's rights, making this an exceptional case to warrant an award of attorney fees.

#### **COUNT IV**

#### **COMMON LAW UNFAIR COMPETITION**

36. Plaintiff Nakamura restates and incorporates herein by reference the allegations above as though fully set forth herein.

37. Upon information and belief, the activities referred to above have occurred in the State of Michigan and have resulted in activities directed toward customers within the State of Michigan and constitute unfair competition by Defendants in violation of the common law of Michigan.

38. Upon information and belief, the aforementioned activities constitute common law unfair competition by Defendants to the detriment of Plaintiff and have been deliberate, willful and intentional, making this an exceptional case as to warrant an award of attorney fees.

**PRAYER FOR RELIEF**

Plaintiff asks this Court to:

- 1) Enter judgment in its favor and against Defendants;
- 2) Find that Defendants infringed Plaintiff's copyrights in violation of 17 U.S.C. §501 and find Defendants' acts were willful;
- 3) Award actual or statutory damages and/or Defendants' gross revenues for infringing Plaintiff's copyrights;
- 4) Award Plaintiff the costs incurred in this action including an award of reasonable attorney fees under 15 U.S.C. §1117 and 17 U.S.C. §505;
- 5) Order destruction of all infringing articles under 17 U.S.C. §503;
- 6) Find Defendants violated 15 U.S.C. §1125(a) and award damages under 15 U.S.C. §1117, and find that this is an exceptional case so as to award attorney fees and increased damages;
- 7) Find Defendants copied Plaintiff's trade dress;
- 8) Find Defendants have been unjustly enriched, and award Plaintiff all damages and profits resulting therefrom;
- 9) Find Defendants have unfairly competed in violation of the common law of the State of Michigan;
- 10) Permanently enjoin Defendants from all future infringing acts that violate Plaintiff's rights; and
11. Any other such relief as this Court deems appropriate.

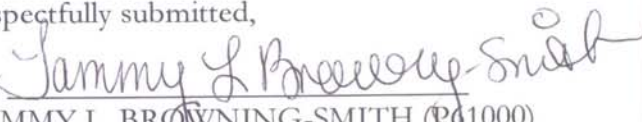


**DEMAND FOR JURY TRIAL**

Plaintiff respectfully requests a trial by jury.

Respectfully submitted,

By:



TAMMY L. BROWNING-SMITH (P01000)

ATTORNEY FOR PLAINTIFF

BROWNING-SMITH, P.C.

1126 Meadowbrook Dr.

Amherst, OH 44001

(440) 398-0098

FAX (734) 418-2756

tammy@browning-smith.com

**VERIFIED STATEMENT**

I declare under the penalty of perjury that the above stated facts are true to the best of my knowledge and belief except as to those matters stated to be upon information and belief and, as to those matters; I believe them to be true.

Dated: November 16, 2007

By:



Nami Nakamura, an individual

PLAINTIFF

Nakamura v. Barrington Studios, et. al  
Big Lots Receipt dated 3/15/06

**BIG LOTS**

Store #0102  
Taylor MI

Mar 15/06 06:31PM Cshr47  
#24903 10-0102 069 CLRK-7

#2105260041111	
PARTYGOODS	1\$2.99
#2105260041111	
PARTYGOODS	1\$2.99
#1635200153536	
STATIONERY	1\$0.99
#1635200153536	
STATIONERY	1\$0.99
#1825200153525	
STATIONERY	1\$0.99
#1825200153525	
STATIONERY	1\$0.99
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STATIONERY	1\$0.99
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STATIONERY	1\$0.99
#1825200153525	
STATIONERY	1\$0.99
#1825200153525	
STATIONERY	1\$0.99
#1825200153525	
STATIONERY	1\$0.99
MDSE	\$15.88
6.0% Tx	\$0.95
*TTL	\$16.83
M/C TOTAL:	\$16.83
Card Number:	*****9768
APR#	C307448
REF#	25664553
TXNID	69-2490300
CHANGE	\$0.00

I agree to pay the amount shown,  
in accordance with my cardholder's  
agreement.

X \_\_\_\_\_  
Customer Signature

Please come again!  
Store #0102  
Phone 734-941-5020

**BIG LOTS**  
Taylor MI

Mar 15/06  
10-1002 001 Cshr47  
#50342

#2105260041111	
PARTYGOODS	1\$2.99
#1635200153536	
STATIONERY	1\$0.99
#1635200153536	
STATIONERY	1\$0.99
#1825200153525	
STATIONERY	1\$0.99
#1825200153525	
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STATIONERY	1\$0.99
#1825200153525	
STATIONERY	1\$0.99
#1825200153525	
STATIONERY	1\$0.99
MDSE	\$15.88
6.0% Tx	\$0.95
*TTL	\$16.83
M/C TOTAL:	\$16.83
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Visit us on the web  
www.biglots.com

*Barrington Studios Limited*

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PRODUCTS

WHAT'S NEW

CONTACT US

ARTWORK  
SUBMISSION

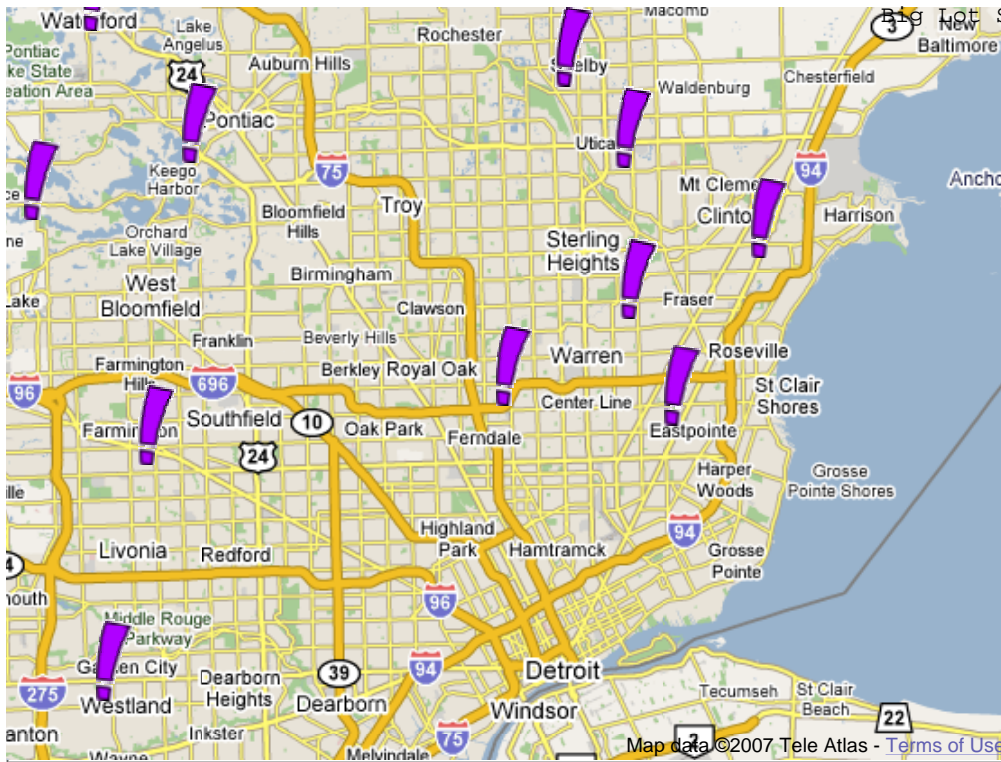
We started with a desire to create a company that stretched beyond the mainstream. A fresh approach to gift bag design that would excite our customers and create a buzz in the market. By giving our customers their own unique one-of-a-kind look.

In just a few short years, Barrington Studios has grown to be a leader in the marketplace, with an inner spirit that dares to be different. A common vision we try to carry into every aspect of our company. Achieving these goals has taken a lot of hard work from dedicated employees who dream outside the box. A team whose talent and energy reflect the heart and vision that is Barrington Studios.

We pride ourselves not only on our outstanding designs, but also on our innovative ideas, quality products and customer service. We are always striving to improve every facet of our company to insure the utmost in customer satisfaction now and into the future.





**Big Lots #419**

2680 Dequindre Road  
Warren, MI 48091  
(586) 558-3990  
*Distance: 8.5*

**Big Lots #387**

16100 East 10 Mile Road  
Eastpointe, MI 48021  
(586) 776-0210  
*Distance: 10.15*

**Big Lots #1425**

14155 Eureka Road  
Southgate, MI 48195  
(734) 324-8960  
*Distance: 12.15*

**Big Lots #102**

27290 Eureka Road  
Taylor, MI 48180  
(734) 941-5020  
*Distance: 13.18*

**Big Lots #1469**

7010 Monroe Boulevard  
Taylor, MI 48180  
(313) 299-0221  
*Distance: 13.18*

**Big Lots #152**

33100 Schoenherr Road  
Sterling Heights, MI 48312  
(586) 264-2220  
*Distance: 15.04*

**Big Lots #1811**

31550 Grand River Avenue  
Farmington Hills, MI 48336  
(248) 427-9845  
*Distance: 16.79*

**Big Lots #1814**

35507 Ford Road  
Westland, MI 48185  
(734) 326-5608  
*Distance: 17.2*

**Big Lots #1855**

44725 Schoenherr Road  
Sterling Heights, MI 48313  
(586) 254-3294  
*Distance: 17.75*

**Big Lots #1206**

37555 South Gratiot  
Clinton Township, MI 48036  
(586) 954-3191  
*Distance: 18.81*

**Big Lots #1636**

300 North Telegraph Road  
Pontiac, MI 48341  
(248) 454-8391  
*Distance: 22.76*

**Big Lots #1823**

7651 23 Mile Road  
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(586) 323-9135  
*Distance: 23.23*

**Big Lots #1482**

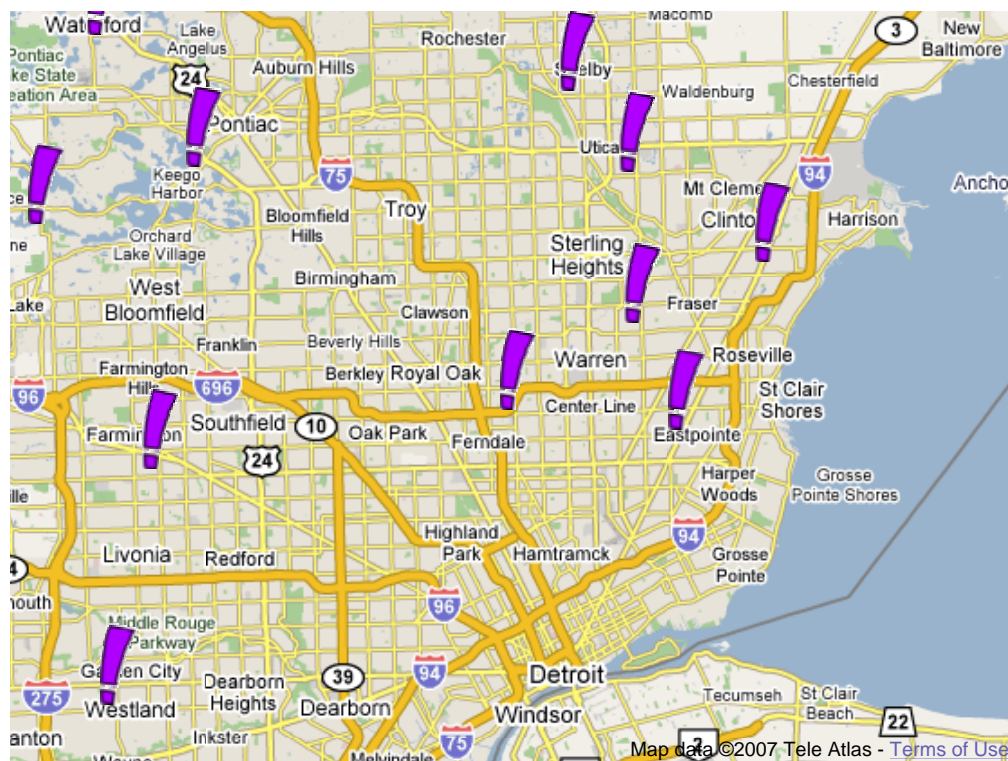
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Commerce Township, MI 48382  
(248) 366-6359  
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*Distance: 29.41*

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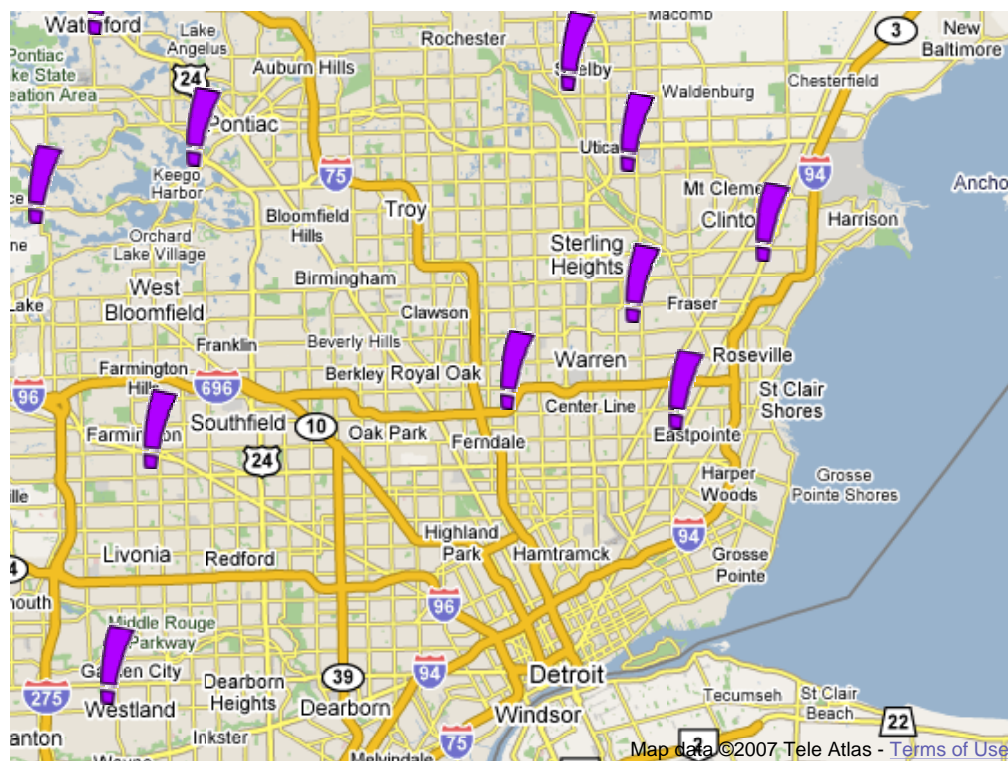
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1



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Sentiments  
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Wedding  
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Espresso  
Golden Vines  
Mimi's Boutique  
Rosettes  
Rosevine Romance  
Spring Garden  
The Sweet Shoppe  
Tropical Dreams  
Winter Joys

#### Accessories

Decorative Papers  
Boutique Bags  
Cardstock  
Ink Pads  
Ribbon  
Sparklets Glitter  
More...

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Parties & Showers  
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Here you can browse an extensive selection of project ideas for a variety of occasions, shop online for all your favorite DeNami stamps and accessories, and don't forget to sign up for DeNami InTouch, our exclusive online mailing list!

Scroll down to see the latest news and ideas at [www.denamidesign.com](http://www.denamidesign.com).

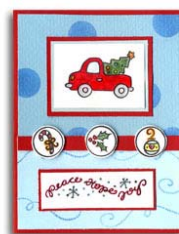
### NEW!!! Christmas 2007



**Click here to see all the NEW STAMPS!**

### New Card Ideas!

Love the new stamps?  
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### FEATURED PRODUCTS

## stylish ACCESSORIES

See the newest products!

### NEW! Tsukineko Ink Pads!

#### Brilliance Pads



shown: Pearlescent  
Orchid (BR034)

#### Versamagic pads



shown: Sea Breeze  
(VG037)

## STAMPS by category

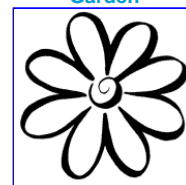
Click on the images below to sample our most popular stamp categories!

#### Sentiments



F151 You're Invited  
Block

#### Garden



J77 Large Daisy  
Blossom

## STAMPS by collection

This month features our popular and Mimi's Boutique Collection!

#### Mimi's Boutique



E92 Small Bouquet

#### Mimi's Boutique



G124 Polka Dot Purse

#### Mimi's Boutique



#### Mimi's Boutique



VIEW  
CART



J101 Fashion Purse

J100 Wedding Gift





1



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[Sentiments](#)
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#### Stamps By Collection

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[Golden Vines](#)
[Mimi's Boutique](#)
[Rosettes](#)
[Rosevine Romance](#)
[Spring Garden](#)
[The Sweet Shoppe](#)
[Tropical Dreams](#)
[Winter Joys](#)

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[Ribbon](#)
[Sparklets Glitter](#)
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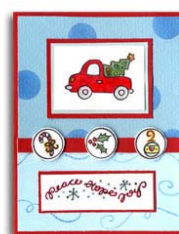
### NEW!!! Christmas 2007



[Click here to see all the NEW STAMPS!](#)

### New Card Ideas!

Love the new stamps?  
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### stylish ACCESSORIES

See the newest products!

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**Brilliance Pads**



shown: Pearlescent  
Orchid (BR034)

**VersaMagic pads**



shown: Sea Breeze  
(VG037)

### STAMPS by category

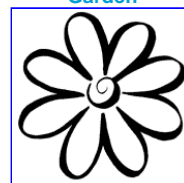
Click on the images below to sample  
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J77 Large Daisy  
Blossom

### STAMPS by collection

This month features our popular and  
Mimi's Boutique Collection!

**Mimi's Boutique**



E92 Small Bouquet

**Mimi's Boutique**



G124 Polka Dot Purse

**Mimi's Boutique**



**Mimi's Boutique**



VIEW  
CART

J101 Fashion Purse

J100 Wedding Gift



1



**Sign up for special offers and updates!**

Name

Email Address




### SEE WHAT'S NEW!

#### Stamps By Category

Birthday  
Baby  
Christmas  
Easter  
Garden  
Sentiments  
Valentine  
Wedding  
More...

#### Stamps By Collection

Espresso  
Golden Vines  
Mimi's Boutique  
Rosettes  
Rosevine Romance  
Spring Garden  
The Sweet Shoppe  
Tropical Dreams  
Winter Joys

#### Accessories

Decorative Papers  
Boutique Bags  
Cardstock  
Ink Pads  
Ribbon  
Sparklets Glitter  
More...

#### Publications

#### Designer Occasions

Card & Gift Sets  
Parties & Showers  
Weddings

#### DeNami Outlet

Accessories  
Retired Stamps



What's New

Shop DeNami Online

Project Ideas

### Welcome to DeNami Design Online!

Here you can browse an extensive selection of project ideas for a variety of occasions, shop online for all your favorite DeNami stamps and accessories, and don't forget to sign up for DeNami InTouch, our exclusive online mailing list!

Scroll down to see the latest news and ideas at [www.denamidesign.com](http://www.denamidesign.com).

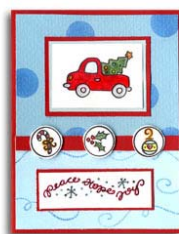
### NEW!!! Christmas 2007



**Click here to see all the NEW STAMPS!**

### New Card Ideas!

Love the new stamps?  
Check out these fresh and exciting card ideas!



### FEATURED PRODUCTS

## stylish ACCESSORIES

See the newest products!

### NEW! Tsukineko Ink Pads!

#### Brilliance Pads



shown: Pearlescent Orchid (BR034)

#### VersaMagic pads



shown: Sea Breeze (VG037)

## STAMPS by category

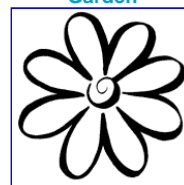
Click on the images below to sample our most popular stamp categories!

#### Sentiments



F151 You're Invited Block

#### Garden



J77 Large Daisy Blossom

## STAMPS by collection

This month features our popular and Mimi's Boutique Collection!

#### Mimi's Boutique



E92 Small Bouquet

#### Mimi's Boutique



G124 Polka Dot Purse

#### Mimi's Boutique



#### Mimi's Boutique



VIEW  
CART



J101 Fashion Purse

J100 Wedding Gift



Exhibit E

Nakamura v. Barrington Studios et. al

Bella Press



Bella  
PRODUCTS

Bella  
MARKETPLACE

Bella  
INSPIRATIONS

*Beautiful Expressions*



**DeNAMI DESIGN**  
RUBBER STAMPS

visit [www.denamidesign.com](http://www.denamidesign.com)  
for matching rubber stamps!

© 2006 Bella Press. | [home](#) | [contact us](#) | Bella Press is a division of DeNami Design Rubber Stamps.



# Mimi's

## Collection



Designer  
products  
for all your  
paper arts



**Boutique Bags**  
Sheer elegance!  
Favors, gifts, packaging,  
endless possibilities!

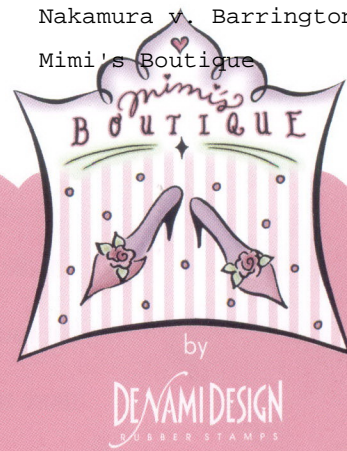
### Sparklets

Glamorous colors in  
sets of three make all  
your projects shine!



Nakamura v. Barrington Studios et al

Mimi's Boutique



No fashion-savvy girl would have just one pair of shoes or just one little purse, so why have just one stamp? Mimi's Boutique is full of fashion and flair, including a trio of sassy shoes and purses! An array of stylish stamps complete the selection from Mimi's Boutique.

We all know weddings are the ultimate fashion show, so Mimi's Boutique offers an assortment of exquisite wedding stamps that will sweep you off your feet!



**Exhibit G**

***Copyright Registrations As Shown On File with the US Copyright Office  
Nami Nakamura v. Barrington Studios, et. al.***

**Page 1**

Type of Work: Visual Material

Registration Number / Date:  
VA0001223848 / 2002-05-09

Application Title: DeNami Design images, catalog 7

Title: DeNami Design rubber stamps : catalog no. 7.

Description: 69 p.

Notes: Drawings.

Copyright Claimant:  
Nami C. Nakamura, 1968-

Date of Creation: 1998

Date of Publication:  
1998-07-01

Copyright Note: C.O. correspondence.

Variant title: DeNami Design rubber stamps : catalog no. 7.

Other Title: DeNami Design images, catalog 7

Names: Nakamura, Nami C., 1968-

=====  
=====

Type of Work: Visual Material

Registration Number / Date:  
VAu000602426 / 2003-10-27

Title: Floral collection.

Description: Art original.

Copyright Claimant:  
Nami Nakamura, 1968-

Date of Creation: 2003

Names: Nakamura, Nami, 1968-

=====  
=====



**Exhibit G**

***Copyright Registrations As Shown On File with the US Copyright Office***

***Nami Nakamura v. Barrington Studios, et. al.***

**Page 2**

Type of Work: Visual Material

Registration Number / Date:  
VA0001366198 / 2006-02-22

Title: Mimi collection.

Description: Drawings.

Copyright Claimant:  
Nami Nakamura, 1968-

Date of Creation: 2005

Date of Publication:  
2004-01-01

Previous Registration:  
Preexisting material: DeNami rubber stamps.

Basis of Claim: New Matter: designs & illustrations.

Copyright Note: C.O. correspondence.  
Cataloged from appl. only.

Names: Nakamura, Nami, 1968-



**Exhibit G**

*Copyright Registrations As Shown On File with the US Copyright Office  
Nami Nakamura v. Barrington Studios, et. al.*

**Page 3**

**Exhibit G****Copyright Registrations As Shown On File with the US Copyright Office****Nami Nakamura v. Barrington Studios, et. al.****Page 4****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 CA**  
For Supplementary Registration  
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER  
**VA 1-426-203**

TX TXU PA PAU VA VAU SKI JANU RE  
EFFECTIVE DATE OF SUPPLEMENTARY REGISTRATION  
*Jan.* *2* *2008*  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Title of Work ▼

Mimi Collection

Registration Number of the Basic Registration ▼

\* ~~VA 1-356-498~~ VA 1-366-198

Year of Basic Registration ▼

2006

Name(s) of Author(s) ▼

Nami Nakamura

Name(s) of Copyright Claimant(s) ▼

Nami Nakamura

Location and Nature of Incorrect Information in Basic Registration ▼

Line Number <sup>3</sup> Line Heading or Description Dates of Creation & Publication

Incorrect Information as It Appears in Basic Registration ▼

a - 2005 b - Jan 01 2004

Corrected Information ▼

a - 2004 b - Aug 31, 2004

Explanation of Correction ▼

Author error in completing form

Location and Nature of Information in Basic Registration to be Amplified ▼

Line Number Line Heading or Description

Amplified Information and Explanation of Information ▼

**MORE ON BACK ►** • Complete all applicable spaces (D-G) on the reverse side of this page.  
• See detailed instructions. • Sign the form at Space F.

DO NOT WRITE HERE  
Page 1 of 2 pages

**Exhibit G****Copyright Registrations As Shown On File with the US Copyright Office**  
**Nami Nakamura v. Barrington Studios, et. al.****Page 5**

\*Corrected by C.O. from C.O. records

FORM CA RECEIVED

FORM CA \*

JAN 2, 2008  
FUNDS RECEIVED DATE

EXAMINED BY

CORRESPONDENCE ☐FOR  
COPYRIGHT  
OFFICE  
USE  
ONLYREFERENCE TO THIS REGISTRATION ADDED TO  
BASIC REGISTRATION ☒ YES ☐ NO

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Continuation of: ☐ Part B or ☐ Part C

Correspondence: Give name and address to which correspondence about this application should be sent.

Tammy L. Browning-Smith, Attorney for Author  
1126 Meadowbrook Dr.  
Amherst, OH 44001

Phone (440) 398-0098 Fax (734) 418-2756 Email tammy@browning-smith.com

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

Certification\* I, the undersigned, hereby certify that I am the: (Check only one)

☐ author☐ owner of exclusive right(s)☐ other copyright claimant☒ duly authorized agent of

Nami Nakamura

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 ▼ Tammy L. Browning-Smith

Date ▼ December 28, 2007

Handwritten signature (X) ▼

Tammy L. Browning-Smith

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:Name ▼  
Browning-Smith, P.C.  
Number/Street/Apt ▼  
1126 Meadowbrook Dr.  
City/State/ZIP ▼  
Amherst, OH 44001

## YOU MUST:

• Complete all necessary spaces

• Sign your application in Space F

## SEND ALL ELEMENTS

IN THE SAME PACKAGE

1. Application form

2. Nonrefundable filing fee in check or

money order payable to Register of

Copyrights

## MAIL TO:

Library of Congress

Copyright Office

101 Independence Avenue SE

Washington, DC 20559-6009

\*17 USC §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.

Form CA-Full Rev. 07/2006 Print: 07/2006-- --.000 Printed on recycled paper

U.S. Government Printing Office: 2006-000-000-000

**Exhibit H**

***Items Purchased at Big Lots Containing Mimi's Designs***

***Nami Nakamura v. Big Lots, et. al.***

**Page - 1 -**

**Large Gift Bag – UPC 2105260041095085/ SKU 52630052**



**Small Gift Bag (Design 1) – UPC 2105260041079085/ SKU 52630051**



**Small Gift Bag (Design 2) - UPC 2105260041079085/ SKU 52630051**





**Exhibit H**

***Items Purchased at Big Lots Containing Mimi's Designs***

***Nami Nakamura v. Big Lots, et. al.***

**Page - 2 -**

**Photo Album (Design 1) – UPC 1825200153525085/ SKU 52080124**



**Photo Album (Design 2) – UPC 1825200153525085 / SKU 52080124**



**Photo Album (Design 3) – UPC 1825200153525085 / SKU 52080124**



**Exhibit H**

***Items Purchased at Big Lots Containing Mimi's Designs***

***Nami Nakamura v. Big Lots, et. al.***

**Page - 3 -**

**Photo Album (Design 4) – UPC 1825200153525085 / SKU 52080124**



**Round Gift Box - UPC 2105260041111085 / SKU 52640061**



**Note Pad (Design 1) – UPC 1635200153536085 / SKU 52020527**





**Exhibit H**

*Items Purchased at Big Lots Containing Mimi's Designs*

*Nami Nakamura v. Big Lots, et. al.*

**Page - 4 -**

Note Pad (Design 2) - UPC 1635200153536085 / SKU 52020527



Note Pad (Design 3) - UPC 1635200153536085 / SKU 52020527



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT

NAMI NAKAMURA, an individual,

Plaintiff,

Case No.

Hon.

v.

Barrington Studios Limited, USA, an Illinois For Profit Corporation and  
Big Lots, Inc., an Ohio For Profit Corporation

Defendants.

\_\_\_\_\_  
TAMMY L. BROWNING-SMITH (P61000)  
ATTORNEY FOR PLAINTIFF  
BROWNING-SMITH, P.C.  
1126 Meadowbrook Dr.  
Amherst, OH 44001  
(440) 398-0098  
FAX (734) 418-2756  
tammy@browning-smith.com  
\_\_\_\_\_

AFFIDAVIT OF NAMI C. NAKAMURA

County of King ) SS  
State of Washington )

*Nami C. Nakamura, being first duly sworn, deposes and says:*

1. I am an individual plaintiff in the above-entitled action.
2. I am the owner of United States Copyright Registration No. VA -1-366-198 (as amended) entitled *Mimi Collection*, US Copyright Registration VAu -602-426 entitled *Floral Collection*, and VA-1-223-848 entitled *DeNami Design* rubber stamps: catalog no. 7. These registrations are in full force and effect and are unrevoked and uncanceled.
3. Through my efforts in worldwide marketing, retail sales, and displays at major trade shows, both a wide patronage and invaluable good will for its product have been established. I have spent in excess of \$100,000.00 for advertising my products. Further, as a result of the design of the product and its high quality the product has become noted for excellence.
4. With the intent of trading on and profiting from my creations, reputation and good



will, Defendants have used my designs. This use has caused the public to be confused and deceived.

VERIFICATION OF AFFIDAVIT BY NAMI C. NAKAMURA

I, Nami C. Nakamura, an individual, hereby declare that I have read the foregoing AFFIDAVIT and the factual allegations thereof and that the facts alleged therein are true and correct.

Nami Nakamura

Nami C. Nakamura, an Individual

Subscribed and sworn to me this  
28 day of December, 2007.

Shawn R Jackson

Notary Public -

My Commission Expires:



**Exhibit J**

***Sampling of Comparison of Plaintiff's Design to Defendant's Products***

***Nami Nakamura v. Big Lots, et. al***

**Page 1**





**Exhibit J**

***Sampling of Comparison of Plaintiff's Design to Defendant's Products***

***Nami Nakamura v. Big Lots, et. al***

**Page 2**

Images below were designed by Nami Nakamura for DeNami Design rubber stamps and Bella Press designer papers.

Mimi's Boutique logo for DeNami Design stamp collection. Designed by Nami Nakamura.



Rubber stamp (#G124) from DeNami Design. Designed by Nami Nakamura.



Images below are from products by Barrington Studios, found at Big Lots



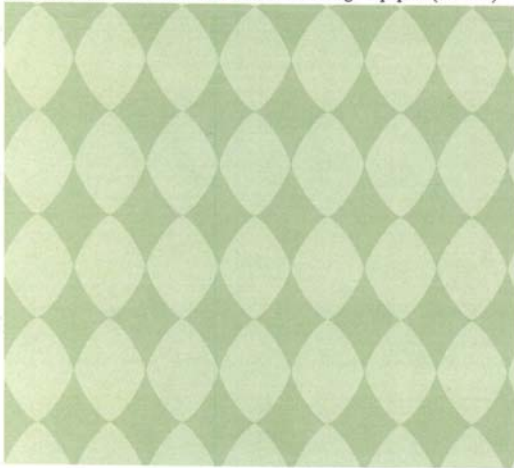
Barrington Studios, Ltd. Found at Big Lots

**Exhibit J*****Sampling of Comparison of Plaintiff's Design to Defendant's Products******Nami Nakamura v. Big Lots, et. al*****Page 3**

Images below were designed by Nami Nakamura for DeNami Design rubber stamps and Bella Press designer papers.



Designed by Nami Nakamura for Bella Press designer papers (#MM05)



*glamour girl*

This image designed by  
Nami Nakamura for  
DeNami Design Rubber  
Stamps (#K54)

Images below are from products by Barrington Studios, found at Big Lots

