

Douglas A. Linde, SBN 217584
 Erica L. Allen, SBN 234922
 THE LINDE LAW FIRM
 9000 Sunset Blvd., Ste. 1025
 Los Angeles, CA 90069

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

LA PRINTEX INDUSTRIES, INC.

PLAINTIFF(S)

v.

ROSS STORES, INC. and DOES 1 through 10,
 inclusive,

DEFENDANT(S).

CASE NUMBER

CV 08-00834 SJO JTLx

SUMMONS

TO: DEFENDANT(S): Above Named Defendants

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Douglas A. Linde, whose address is 9000 Sunset Blvd., Ste. 1025, Los Angeles, CA 90069. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: FEB 7 2008

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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Clerk, U.S. District Court

LA'REE HORN

Dated: FEB 7 2008

By: _____

Deputy Clerk



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1192

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

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

DEFENDANTS
 ROSS STORES, INC.

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

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

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
 Douglas A. Linde and Erica L. Allen
 THE LINDE LAW FIRM
 9000 Sunset Blvd., Ste. 1025
 Los Angeles, CA 90069, (310) 203-9333

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Plaintiff claims Defendant violated 17 U.S.C. 101, et seq. when they manufactured and/or sold garments bearing Plaintiff's original copyright protected design.

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

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE / PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities /Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY		<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation		<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure		<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment				<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: _____

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

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

- ☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.
 Los Angeles County

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

- ☐ Check here if the U.S. government, its agencies or employees is a named defendant.
 Alameda County

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

- Note:** In land condemnation cases, use the location of the tract of land involved.
 Los Angeles County

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date 2/5/08

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

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

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge S. James Otero and the assigned discovery Magistrate Judge is Jennifer T. Lum.

The case number on all documents filed with the Court should read as follows:

CV08- 834 SJO (JTLx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

DOUGLAS A. LINDE, ESQ. (SBN 217584)
CHANT YEDALIAN, ESQ. (SBN 222325)
ERICA ALLEN, ESQ. (SBN 234922)
THE LINDE LAW FIRM
9000 Sunset Boulevard, Ste. 1025
Los Angeles, California 90069
Telephone (310) 203-9333
Fax (310) 203-9233

Attorneys for Plaintiffs,
LA PRINTEX INDUSTRIES, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LA PRINTEX INDUSTRIES, INC.)

Plaintiffs,)

v.)

ROSS STORES, INC. and DOES 1)
though 10, inclusive,)

Defendants.)

Case No.

CV 08-00834

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

DEMAND FOR JURY TRIAL

COMES NOW, PLAINTIFF LA PRINTEX INDUSTRIES, INC. ("Plaintiff" or "LA Printex") and complains of and alleges the following:

INTRODUCTION AND OVERVIEW

1. As shown by the design and garment attached as Exhibits to this Complaint, this is a clear liability copyright infringement case, wherein Defendants made garments featuring nearly identical copies of Plaintiff's copyright protected designs and sold them to and/or through, inter alia, Ross retail stores. If successful,

1 successful, Plaintiff seeks recovery of all remedies available under law including but
2 not limited to its damages, all of Defendants profits, and payment of Plaintiff's attorneys
3 fees and costs.
4

5 **JURISDICTION AND VENUE**

6 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331,
7 1338(a).

8 3. The claims asserted herein arose in this judicial district and all Defendants
9 do business in this judicial district.

10 4. Venue in this judicial district is proper under 28 U.S.C. § 1391(b) and (c)
11 and 1400(a) in that this is the judicial district in which a substantial part of the acts and
12 omissions giving rise to the claims occurred.

13 5. This is an action for copyright infringement under the Copyright Act of
14 1976, Title 17 U.S.C. § 101 et seq., seeking damages, attorneys' fees, preliminary and
15 permanent injunctive relief and an accounting, as well as damages and other relief
16 based upon other claims related to the misappropriation of Plaintiff's intellectual
17 property.
18

19 **PARTIES**

20 **The Plaintiff**

21 6. Plaintiff LA Printex Industries, Inc., is a corporation organized and
22 existing under the laws of the State of California with its principal place of business at
23 3270 E. 26th Street, Vernon, California. It is citizen of the State of California.

24 **The Defendants**

25 7. Plaintiff is informed and believes and thereon alleges that Defendant
26 ROSS STORES, INC. is a corporation organized and existing under the laws of the
27 State of California with its principal place of business at 4440 Rosewood Drive, Bldg.
28 4, Pleasanton, CA 94588-3050. Plaintiff is informed and believes and thereon alleges

1 that Defendant ROSS STORES, INC. is in the business of selling garments through
2 retail stores.

3 8. Plaintiff is informed and believes and thereon alleges that Defendants
4 DOES 1 through 10, inclusive, created, assembled, distributed, manufactured and/or
5 sold garments comprised of fabric printed with Plaintiff's copyrighted Subject Design
6 (as hereinafter defined) or that have otherwise contributed to the infringement of
7 Plaintiff's copyrighted Subject Design. The true names and capacities, whether
8 corporate, individual or otherwise, of the Defendant DOES 1 through 10, inclusive, are
9 unknown to Plaintiff who therefore sues said Defendants by such fictitious names, and
10 will ask leave to amend this Complaint to show their true names and capacities when
11 the same have been ascertained.

12 9. Plaintiff is informed and believes and thereon alleges that at all times
13 relevant hereto, each of the Defendants, including without limitation the DOE
14 Defendants, was the agent, affiliate, officer, director, manager, principal, partner, joint
15 venturer, alter-ego and/or employee of the remaining Defendants and was at all times
16 acting within the scope of such agency, affiliate, officer, director, manager, principal,
17 partner, joint venturer, alter-ego and/or employment relationship and actively
18 participated in, or subsequently ratified and adopted, or both, each and all of the acts or
19 conduct alleged herein, with full knowledge of all the facts and circumstances,
20 including, but not limited to, full knowledge of each and all of the violations of
21 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.
22

23 **CLAIM FOR RELIEF**

24 **COPYRIGHT INFRINGEMENT UNDER 17 U.S.C. § 101 ET SEQ.**

25 (Against All Defendants and Each of Them)

26 10. Plaintiff repeats, realleges and incorporates by reference in this paragraph
27 the allegations contained in this Complaint as if fully set forth herein.
28

1 11. This is a clear-cut case supported by irrefutable evidence of copyright
2 infringement.

3 12 Plaintiff is a textile vendor that develops original designs that it sells
4 exclusively to its customers.

5 13. Plaintiff developed original artwork which was assigned internal design
6 number C-30160 ("Subject Design"). Plaintiff applied for and received, a copyright
7 registration for the Subject Design. The Subject Design contains materials wholly
8 original with Plaintiff and is copyrightable subject matter under the laws of the United
9 States. A true and correct copy of Plaintiff's original design and copyright registration
10 certificate are attached hereto as Exhibit A.

11 14. Plaintiff maintains a showroom and otherwise makes its copyrighted and
12 proprietary designs, including the Subject Design, available for viewing by potential
13 customers such as textile converters, independent designers, garment manufacturers,
14 wholesalers, and retailers. All of Plaintiff's copyrighted designs that Plaintiff makes
15 available for viewing by potential customers, including the Subject Design, are clearly
16 marked with a designation that Plaintiff owns the copyright on the design.

17 15. Plaintiff is informed and believes and thereon alleges that Defendants
18 including all DOE Defendants, their customers and suppliers and each of them, had
19 access to the Subject Design, including without limitation: (a) access through
20 Plaintiff's showroom; (b) access through illegal copies; (c) access through strike-offs
21 and samples from Plaintiff; (d) access through their customers and or suppliers, and/or
22 (e) access through garments bearing the Subject Design sold by other retailers.

23 16. Plaintiff is informed and believes, and thereon alleges, wrongfully created
24 copies of the copyrighted Subject Design without Plaintiff's consent and distributed
25 said copies with a false and misleading designation of creation, ownership and origin,
26 falsely representing that the Subject Design was their own.
27
28

1 17. Plaintiff is informed and believes and thereon alleges that Defendants, and
2 each of them, further infringed Plaintiff's copyright by making derivative works from
3 Plaintiff's copyrighted Subject Design, by producing and distributing garments
4 incorporating those derivative works without Plaintiff's permission and by publicly
5 claiming ownership rights in and to the derivative works based on the Subject Design
6 that belong solely to Plaintiff.

7 18. Plaintiff is informed and believes that infringing garments comprised of
8 fabric bearing Plaintiff's Subject Design were sold at, inter alia, various Ross retail
9 stores. A color photocopy of an infringing garment bearing Plaintiff's Subject Design,
10 which was found and purchased from Ross, is attached hereto as Exhibit B.

11 19. Plaintiff is informed and believes and thereon alleges that Defendants, and
12 each of them, if not directly liable for infringement of Plaintiff's copyright, are also
13 liable for contributory copyright infringement because each Defendant knew or should
14 have known of the direct infringement, had the right and ability to supervise the
15 infringing conduct, and had an obvious and direct financial interest in the infringing
16 conduct.

17 20. Plaintiff is informed and believes and thereon alleges that Defendants, and
18 each of them, if not directly liable for infringement of Plaintiff's copyright, are also
19 vicariously liable for the subject infringements because each Defendant enjoys a direct
20 financial benefit from another's infringing activity and has the right and ability to
21 supervise the infringing activity.

22 21. Plaintiff has demanded that some or all of the named Defendants cease and
23 desist from all sales and manufacturing of garments incorporating Plaintiff's
24 copyrighted Subject Design, and cease and desist from printing the copyrighted Subject
25 Design without Plaintiff's consent.

26 22. Plaintiff has demanded a full accounting of the garments printed utilizing
27 the Subject Design, that have been manufactured, bought and sold by some or all of the
28

1 named Defendants, and each of them. Plaintiff has further demanded from these
2 Defendants an accounting of the revenues and profits derived from sales of garments
3 comprised of fabric printed utilizing the copyrighted Subject Design.

4 23. Notwithstanding Plaintiff's demands that these Defendants cease and
5 desist from their infringement, Defendants have willfully, intentionally and maliciously,
6 and in conscious disregard for Plaintiff's rights, and only in furtherance of those
7 Defendants' sole pecuniary interests, continued to manufacture and/or sell garments
8 utilizing fabric printed with the Subject Design, which fabric was created without
9 Plaintiff's consent and in violation of Plaintiff's rights as the copyright proprietor of the
10 Subject Design.

11 24. Plaintiff is informed and believes and thereon alleges that, notwithstanding
12 Plaintiff's demands that Defendants cease and desist their infringement, Defendants
13 have willfully, intentionally and maliciously, in conscious disregard for Plaintiff's
14 rights, and only in furtherance of those Defendants' sole pecuniary interests, continued
15 to print or cause to be printed fabric utilizing the Subject Design without Plaintiff's
16 consent and without observing Plaintiff's rights as the copyright proprietor of the
17 Subject Design.

18 25. By reason of Defendants' acts of copyright infringement as alleged above,
19 Plaintiff has suffered and will continue to suffer substantial damage to its business in
20 the form of diversion of trade, loss of income and profits, and a dilution of the value of
21 its rights.

22 26. Further, as a direct result of the acts of copyright infringement alleged
23 above by the named Defendants and Defendants as yet unidentified, Defendants, and
24 each of them, have obtained direct and indirect profits they would not otherwise have
25 realized but for their infringement of Plaintiff's copyrighted Subject Design. Plaintiff is
26 entitled to disgorgement of each Defendant's profits directly and indirectly attributable
27 to said Defendant's infringement of the Subject Design. Because of the massive scope
28

1 and extent of the infringement of the Subject Design by named Defendants and
2 Defendants as yet unidentified, the amount of Defendants' profits cannot be presently
3 ascertained or estimated.

4
5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff prays for judgment as follows:

7 1. That Defendants, and each of them, and their respective agents and servants
8 be enjoined from infringing Plaintiff's copyright in any manner;

9
10 2. That Plaintiff be awarded all profits of Defendants, and each of them, plus all
11 losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before
12 final judgment, statutory damages, as available under the Copyright Act, 17 U.S.C. §
13 101 et seq.;

14
15 3. That Plaintiff be awarded its attorneys' fees as available under the Copyright
16 Act, 17 U.S.C. § 101 et seq.;

17
18 4. That Defendants, and each of them, account to Plaintiff for their profits and
19 any damages sustained by Plaintiff arising from the foregoing acts of infringement;

20
21 5. That Plaintiff be awarded pre-judgment interest as allowed by law;

22
23 6. That Plaintiff be awarded the costs of this action; and

24
25 7. That Plaintiff be awarded such further legal and equitable relief as the Court
26 deems proper.
27
28

Dated: 2/5, 2008

THE LINDE LAW FIRM

By: 

Douglas A. Linde

Erica L. Allen

Attorneys for Plaintiff

L.A. PRINTEX INDUSTRIES, INC.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in this action pursuant to F.R.C.P.
38 and the Seventh Amendment of the Constitution.

Dated: 2/5, 2008

THE LINDE LAW FIRM

By: 

Douglas A. Linde

Erica L. Allen

Attorneys for Plaintiff

L.A. PRINTEX INDUSTRIES, INC.

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Form VA
For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

VA 1-464-245



EFFECTIVE DATE OF REGISTRATION

OCT 24 2006

Month Day Year

UNATE CONTINUATION SHEET

1

Title of This Work

LAP 06-C3

NATURE OF THIS WORK See Instructions

TEXTILE DESIGN

Previous or Alternative Titles

C30153, C30156, C30158, C30160, C30161

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 Date On Page

2

NOTE

Under the law the author of a work made for hire is generally the employer not the employee (see instructions). For any part of this work that was made for hire, give the name of the employer, the person for whom the work was prepared, or the person for whom the work was made. Give the name of the employer, the person for whom the work was prepared, or the person for whom the work was made. Give the name of the employer, the person for whom the work was prepared, or the person for whom the work was made.

NAME OF AUTHOR

a LA PRINTEX INDUSTRIES INC

DATE 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 Residence

OR ☒ Citizen of
Resident in USA

Was This Author's Contribution to the Work

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

Nature of Authorship Check appropriate box(es). See Instructions

☒ 3 Dimensional sculpture ☐ Map ☐ Technical drawing
☒ 2 Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

Name of Author

b LA PRINTEX INDUSTRIES, INC

Date 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 Residence

OR ☒ Citizen of
Resident in USA

Was This Author's Contribution to the Work

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

Nature of Authorship Check appropriate box(es). See Instructions

☒ 3 Dimensional sculpture ☐ Map ☐ Technical drawing
☒ 2 Dimensional artwork ☐ Photograph ☐ Text
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

3

a Year in Which Creation of This Work Was Completed

2006

This information must be given in all cases.

b Date and Month of First Publication of This Particular Work

Complete this information ONLY IF THIS WORK HAS BEEN PUBLISHED Month OCTOBER Day 15 Year 2006

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

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

Transfer: If the claimant(s) would have in space 4 to (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED MAY 07 2007 OCT 24 2006

ONE DEPOSIT RECEIVED MAY 07 2007 OCT 24 2006

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK

Complete all applicable spaces (numbers 1-10) on the reverse side of this page. See detailed instructions. Sign the form at the 2

DO NOT WRITE HERE
Page 1 of 2 pages

EXAMINED BY

FORM VA

CHECKED BY

CORRESPONDENCE

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

PREVIOUS REGISTRATIONS 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. Derivative 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 this work and in which copyright is claimed.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Account Number

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

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

Applicant and daytime telephone number (323) 269-0100

Fax number (323) 269-0190

Email

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

check only one

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

Name of author or other copyright claimant, or owner or authorized agent 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

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

JAE SOON NAH

Date APRIL 30, 2007

Handwritten signature (CV)

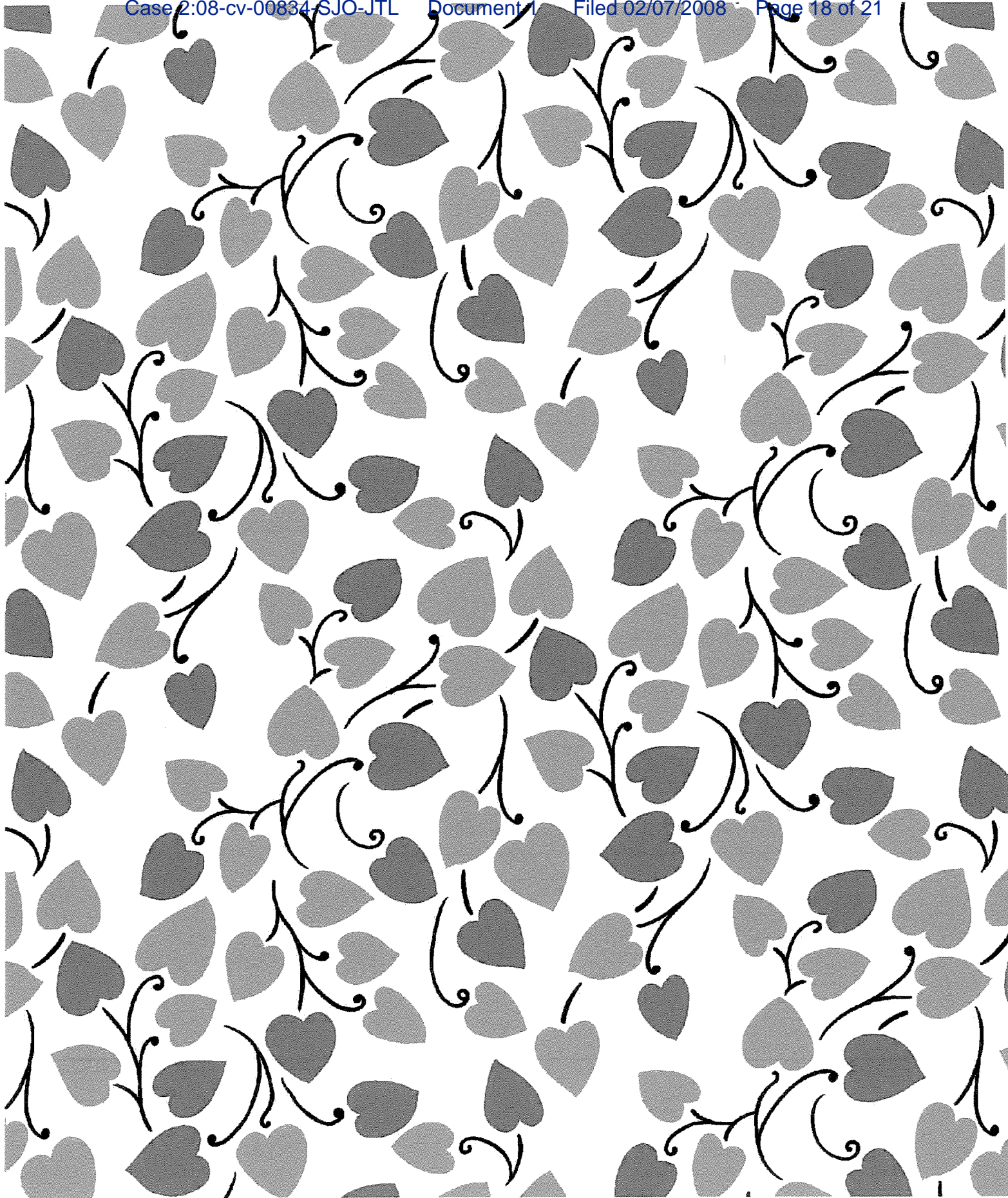
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Name
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Address
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Complete all information in spaces 1-5. Sign your application in space 6.

1. Information about the work
2. Information about the author or other copyright claimant
3. Deposit materialLibrary of Congress
Copyright Office
501 Independence Avenue SE
Washington DC 20540-4001

17 USC (107) 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 used in connection with the application, shall be fined not more than \$2,500.



C30160

1

2

3

EXHIBIT B



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400024090849 BLK EMMA RED STRAW	8.99 R
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Taxable 8.250%	\$4.37
Total	\$57.33

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