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

STAR FABRICS, INC., a California Corporation,

Plaintiff,

v.

PERFECT INK, INC., a California Corporation; HADARI POWER FASHION HOUSE INCORPORATED, a California Corporation; AZULES, a Business Entity of Unknown Form; and DOES 1 through 10,

Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR COPYRIGHT INFRINGEMENT

Jury Trial Demanded

Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to this honorable Court for relief based on the following:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101 *et seq.*

1 by such fictitious names, and will seek leave to amend this Complaint to show their
2 true names and capacities when same have been ascertained.

3 9. Plaintiff is informed and believes and thereon alleges that at all times
4 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
5 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
6 at all times acting within the scope of such agency, affiliation, alter-ego relationship
7 and/or employment; and actively participated in or subsequently ratified and/or
8 adopted each of the acts or conduct alleged, with full knowledge of all the facts and
9 circumstances, including, but not limited to, full knowledge of each violation of
10 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

11 **CLAIMS RELATED TO DESIGN NO. 62721**

12 10. Plaintiff owns an original two-dimensional artwork used for purposes of
13 textile printing entitled 62721 ("Subject Design") which has been registered with the
14 United States Copyright Office.

15 11. Prior to the acts complained of herein, Plaintiff sampled and sold fabric
16 bearing Subject Design to numerous parties in the fashion and apparel industries.

17 12. Plaintiff is informed and believes and thereon alleges that following this
18 distribution of product bearing Subject Design, LYSS, ROUTE, HADARI, AZULES
19 and DOE Defendants, and each of them, manufactured, distributed, and/or sold
20 fabric and/or garments comprised of fabric featuring a design which is identical, or
21 substantially similar, to Subject Design (hereinafter "Subject Product") without
22 Plaintiff's authorization, including but not limited to products:

- 23 a. Sold by HADARI under Item No. K13TOP-1600-
24 ASK9001CBOTTOM-8747-XL and bearing the label "AZULES"
25 and Style No. ASK 9001, indicating it was manufactured by or for
26 AZULES;

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b. Sold by Beyond the Rack USA, Inc. and bearing the label “Lyss Loo” and Style No. SK753, indicating it was manufactured by or for LYSS;

13. Representative portions of Subject Design and Subject Product are set forth hereinbelow:

Subject Design



Subject Product



FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

14. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

15. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff’s showroom and/or design library; (b) access to illegally distributed copies of Subject Design by third-party vendors and/or DOE

1 Defendants, including without limitation international and/or overseas converters
2 and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to
3 garments in the marketplace manufactured with lawfully printed fabric bearing
4 Subject Design.

5 16. Plaintiff is informed and believes and thereon alleges that one or more of
6 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is
7 further informed and believes and thereon alleges that said Defendant(s), and each of
8 them, has an ongoing business relationship with Defendant retailers, and each of
9 them, and supplied garments to said retailers, which garments infringed Subject
10 Design in that said garments were composed of fabric which featured unauthorized
11 print designs that were identical or substantially similar to Subject Design, or were
12 an illegal modification thereof.

13 17. Plaintiff is informed and believes and thereon alleges that Defendants, and
14 each of them, infringed Plaintiff's copyright by creating, making and/or developing
15 directly infringing and/or derivative works from Subject Design and by producing,
16 distributing and/or selling Subject Products through a nationwide network of retail
17 stores, catalogues, and through on-line websites.

18 18. Due to Defendants', and each of their, acts of infringement, Plaintiff has
19 suffered damages in an amount to be established at trial.

20 19. Due to Defendants', and each of their, acts of copyright infringement as
21 alleged herein, Defendants, and each of them, have obtained profits they would not
22 otherwise have realized but for their infringement of Subject Design. As such,
23 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits
24 attributable to the infringement of Subject Design in an amount to be established at
25 trial.

26 20. Plaintiff is informed and believes and thereon alleges that Defendants, and
27 each of them, have committed copyright infringement with actual or constructive
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1 knowledge of Plaintiff's rights such that said acts of copyright infringement were,
2 and continue to be, willful, intentional and malicious.

3 **PRAYER FOR RELIEF**

4 Wherefore, Plaintiff prays for judgment as follows:

- 5 a. That Defendants—each of them—and their respective agents and
6 servants be enjoined from importing, manufacturing, distributing,
7 offering for sale, selling or otherwise trafficking in any product that
8 infringes Plaintiff's copyrights in Subject Design;
- 9 b. That Plaintiff be awarded all profits of Defendants, and each of them,
10 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,
11 or, if elected before final judgment, statutory damages as available under
12 the Copyright Act, 17 U.S.C. § 101 et seq.;
- 13 c. That Plaintiff be awarded its attorneys' fees as available under the
14 Copyright Act U.S.C. § 101 et seq.;
- 15 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 16 e. That Plaintiff be awarded the costs of this action; and
- 17 f. That Plaintiff be awarded such further legal and equitable relief as the
18 Court deems proper.

19 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
20 38 and the 7th Amendment to the United States Constitution.

21 Dated: April 18, 2017

DONIGER/BURROUGHS

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23 By: /s/ Stephen M. Doniger
24 Stephen M. Doniger, Esq.
25 Howard S. Han, Esq.
26 Attorneys for Plaintiff