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 Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

BESTFORD USA INC., a Delaware Corporation dba
 EVISU; STUDIO IP HOLDINGS, LLC, (cont'd)
 PLAINTIFF(S)

v.

J.R. OFF PRICE CLOTHING, INC., a California
 Corporation; JULIUS YOUNG HOSIERY, INC., a
 New Jersey Corporation; and DOES 1-10, inclusive,
 DEFENDANT(S).

CASE NUMBER

CV08-00303 ABC (JCx)

SUMMONS

TO: DEFENDANT(S): J.R. Off Price Clothing, Inc. and Julius Young Hosiery, Inc.

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, Brent H. Blakely, whose address is 915 North Citrus Avenue, Hollywood, California 90038. 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: JAN 17 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)].

ATTACHMENT TO SUMMONS

(Continued from Page 1)

a Delaware Limited Liability Company dba)
ROCAWEAR; and GURU DENIM, INC., a)
California Corporation dba TRUE RELIGION)
BRAND JEANS,)

Plaintiffs,)

vs.)

_____)

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

IN THE UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

BESTFORD USA INC., a Delaware
 Corporation dba EVISU; STUDIO IP
 HOLDINGS, LLC, a Delaware Limited
 Liability Company dba ROCAWEAR;
 and GURU DENIM, INC., a California
 Corporation dba TRUE RELIGION
 BRAND JEANS,

Plaintiffs,

vs.

J.R. OFF PRICE CLOTHING, INC., a
 California Corporation; JULIUS YOUNG
 HOSIERY, INC., a New Jersey
 Corporation; and DOES 1-10, inclusive,

Defendants.

CASE NO.

CV08-00303

COMPLAINT FOR DAMAGES: ABC

1. *TRADEMARK INFRINGEMENT*
(15 U.S.C. §1114);

2. *FALSE OR MISLEADING*
DESCRIPTIONS AND
REPRESENTATIONS, AND
DILUTION (15 U.S.C. §1125);

3. *INFRINGEMENT OF*
CALIFORNIA AND COMMON
LAW;

4. *INJURY TO BUSINESS*
REPUTATION AND DILUTION
(Cal. Bus. & Prof. Code §14330);

5. *UNJUST ENRICHMENT*

JURY TRIAL DEMANDED

Plaintiffs Bestford USA Inc., dba Evisu, Studio IP Holdings, LLC dba
 Rocawear, and Guru Denim, Inc. dba True Religion Brand Jeans for the claims
 against Defendants J.R. Off Price Clothing, Inc. and Julius Young Hosiery Inc.
 respectfully alleges as follows:

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JURISDICTION AND VENUE

1
2 1. Plaintiffs filed this action against Defendants for trademark
3 counterfeiting and infringement, and trademark dilution under the Lanham
4 Trademark Act of 1946, 15 U.S.C. §1051 et seq. (the "Lanham Act") and related
5 claims of unfair competition and trademark dilution under the statutory and
6 common law of the State of California. This Court has subject matter jurisdiction
7 over the Federal trademark counterfeiting and infringement and trademark dilution
8 claims under 28 U.S.C. §§1121(a), 1331, 1338(a) and 1367.

9 2. This Court has personal jurisdiction over Defendants because
10 Defendants reside in the State of California and/or do business within this judicial
11 district.

12 3. This action arises out of wrongful acts, including advertising, offering
13 for sale, selling and distributing products by Defendants within this judicial district.
14 Venue is proper in this district pursuant to 28 U.S.C. §1391 because the claims
15 asserted arise in this district.

THE PARTIES

16
17 4. Plaintiff Bestford USA, Inc., is a Delaware corporation doing business
18 as Evisu ("Evisu"), a company organized and existing under the laws of the state of
19 New York with an office and place of business at 121 Greene Street in the city of
20 New York, New York.

21 5. Plaintiff Studio IP Holdings LLC ("Studio IP") is a limited liability
22 company organized and existing under the laws of the State of Delaware, with an
23 office and place of business at 103 Foulk Road, Wilmington, Delaware 19803.
24 Studio IP owns all rights, title, and interest to the Rocawear® names, brands,
25 trademarks, intellectual property, and related names worldwide.

26 6. Plaintiff True Religion Apparel, Inc. is a company organized and
27 existing under the laws of the State of Delaware, and does business through its
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1 wholly owned subsidiary Guru Denim, Inc., a California corporation, with its
2 corporate office at 2263 East Vernon Avenue, Vernon, California 90058.

3 7. Upon information and belief, JR Off Price Clothing, Inc. ("JR Off
4 Price") is a California corporation with a principal place of business at 1375 East 6th
5 Street in the city of Los Angeles, California.

6 8. Upon information and belief, Julius Young Hosiery, Inc. ("Julius
7 Young") is a corporation organized and existing under the laws of the state of New
8 Jersey with an office and principal place of business at 38 Blanchard Street in the
9 city of Newark, New Jersey.

10 9. Plaintiffs are unaware of the names and true capacities of Defendants,
11 whether individual, corporate and/or partnership entities, named herein as DOES 1
12 through 10, inclusive, and therefore sues them by their fictitious names. Plaintiffs
13 will seek leave to amend this complaint when their true names and capacities are
14 ascertained. Plaintiffs are informed and believes and based thereon alleges that said
15 Defendants and DOES 1 through 10, inclusive, are in some manner responsible for
16 the wrongs alleged herein, and that at all times referenced each was the agent and
17 servant of the other Defendants and was acting within the course and scope of said
18 agency and employment.

19 10. Plaintiffs are informed and believe, and based thereon allege, that at all
20 relevant times herein, Defendants and DOES 1 through 10, inclusive, knew or
21 reasonably should have known of the acts and behavior alleged herein and the
22 damages caused thereby, and by their inaction ratified and encouraged such acts and
23 behavior. Plaintiffs further allege that Defendants and DOES 1 through 10,
24 inclusive, have a non-delegable duty to prevent or cause such acts and the behavior
25 described herein, which duty Defendants and DOES 1 though 10, inclusive, failed
26 and/or refused to perform.

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NATURE OF ACTION

11. Plaintiffs seek injunctive relief, damages and a declaratory judgment based upon Defendants' unfair competition with Plaintiffs arising from Defendants' willful infringement and dilution of Plaintiffs' respective trademarks. Defendants' willful infringement has impacted both upon Plaintiffs' rights directly as well as Plaintiffs' ability to maintain consumer satisfaction. In this regard, it is noteworthy that most, if not all, of the infringing items below were presented in a confusingly deceptive manner, they are of obvious inferior quality when compared to the authentic products of Plaintiffs' respective trademarks, and they are priced in such a way that the implication to the buying public is that these items are indeed genuine.

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

A. Evisu's Family of Trademarks, Logos, and Designs

12. Evisu is the worldwide owner of the trademarks Evisu® and various composite trademarks comprising the Evisu mark and assorted design components (hereinafter, collectively, the "Evisu Trademarks" or "Evisu Marks").

13. Plaintiff Evisu has the exclusive right to use, enforce and benefit from the Evisu Trademark, including but not limited to U.S. Registration No. 75,842,256 for the Evisu Mark for clothing, namely jeans, jackets, shirts, t-shirts, sweatshirts, knitted sweatshirts, sweatpants, and shoes.

14. Evisu has been designing, manufacturing, distributing and selling apparel since 1991.

15. Since its inception in Osaka, Japan, Evisu has emerged as a global power in men's, women's and children's fashion with worldwide sales and distribution.

16. Evisu-branded products and their packaging all prominently bear the trademark Evisu.

17. Each of the Evisu Marks has been continually used in commerce since its respective date of first issue.

1 18. Because of Evisu's extensive use of the Evisu Marks, Evisu has built
2 up significant goodwill therein. The success of Evisu's marketing efforts as
3 evidenced by, among other things, the Evisu® products and the unsolicited media
4 attention that the Evisu brand has received.

5 19. Plaintiff's products are distributed throughout the United States and in
6 numerous foreign countries.

7 20. Evisu was founded and, is still owned, by Hidehiko Yamane. The
8 initial production line of Evisu denim produced fourteen pairs of jeans a day, all
9 hand-painted with the sea-gull logo by Mr. Yamane. Evisu jeans captured the
10 imagination of the detail-obsessed, Japanese fashion crowd, spurring a revival of
11 interest in vintage denim which has now spread around the world. In the early
12 nineties Mr. Yamane introduced a tailoring line, followed by a fishing range and a
13 golf range. In 1999 he introduced a ladies fashion line called Evisu Donna to
14 complete the development of Evisu as a full-fashion range going far beyond a jeans
15 brand. Evisu now has 25 shops in Japan. In 1994, Mr. Yamane and Peter Caplowe
16 formed a partnership to develop Evisu outside Japan that now spans the globe,
17 selling in 400 of the world's best boutiques and department stores.

18 21. Evisu has distinguished itself as a leader in the high-end denim market
19 for its unique manufacturing process. All Evisu jeans are made of vintage selvedge
20 denim, produced on old style shuttle looms rather than modern projectile looms and
21 indigo dyed by rare loop dyeing machines. Evisu denim has a minimum of 16 dips
22 and some styles have 30 dips, giving the denim a deep blue color. Evisu also uses
23 original production techniques at every stage of creating a denim item, such as chain
24 stitching the hem, giving the thick stitch line visible around the hem when the jean
25 is turned up. When possible, Evisu uses Union Special machines, which were the
26 "Rolls Royce" of sewing machines in the U.S. in the fifties. Finally, many of
27 Evisu's styles have hand-painted logos.

28 22. The Evisu collection of apparel comprises of men's, women's, and

1 children's clothing, namely jeans, jackets, shirts, t-shirts, sweatshirts, knitted
2 sweatshirts, sweatpants, and shoes.

3 **B. Rocawear's Family of Trademarks, Logos, and Designs**

4 23. Studio IP Holdings LLC is the worldwide owner of the trademarks
5 Rocawear and various composite trademarks comprising the Rocawear mark and
6 assorted design components (hereinafter, collectively, the "Rocawear Marks").
7 Rocawear Marks include, but are not limited to U.S. Registration Nos. 3007571,
8 2633943, and 2781618.

9 24. Since its inception in 1999, the Rocawear line has emerged as a global
10 force in men's, women's and children's fashion with worldwide sales and
11 distribution.

12 25. Rocawear-branded products, and their packaging all prominently bear
13 the trademark Rocawear.

14 26. Each of the Rocawear Marks has been continually used in commerce
15 since its respective date of first issue.

16 27. Because of Plaintiff's extensive use of the Rocawear Marks, the
17 Rocawear line has built up significant goodwill therein. The success of Plaintiff's
18 marketing efforts is evidenced by, among other things, the Rocawear® products and
19 the unsolicited media attention that the Rocawear line has received.

20 28. Plaintiff's products are distributed throughout the United States and in
21 numerous foreign countries.

22 29. The Rocawear apparel line is the brainchild of multi-platinum rap star
23 Shawn "Jay-Z" Carter ("Jay-Z") and his partner and record executive Damon Dash,
24 who are leading forces in nearly every aspect of urban entertainment.

25 30. The Rocawear line was introduced in 1999 to consumers across the
26 United States during Jay-Z's history making "Hard Knock Life" tour, where all the
27 artists, including rappers Method Man, DMX, Redman, Memphis Bleek, Beanie
28 Sigel and DJ Clue wore Rocawear clothing to promote the line.

1 31. Millions of fans were exposed to the fashionable urbanite Rocawear
2 apparel line as the tour traveled to over 40 U.S. cities making Rocawear the number
3 one selling young men's sportswear brand in its first year of business.

4 32. Entertainers such as Snoop Dog, the late Aaliyah, Trick Daddy,
5 Ginuwine, Capone & Noreaga, Scarface, and athletes, such as Allen Iverson, David
6 Reid, Jesse Armstead, Marco Antonio Barrera, Zab Judah, Antonio Freeman and
7 Speedy Claxton can all be seen wearing Rocawear clothing.

8 33. Rocawear apparel has been featured in various major network shows,
9 such as Saturday Night Live, Moesha, Soul Food, Frasier, Steve Harvey, The
10 Parkers, BET's 106 & Park and in movies, such as "Training Day" with Denzel
11 Washington and Ethan Hawke.

12 34. Furthermore, the Rocawear apparel line has been praised and
13 recognized in numerous articles appearing in both trade publications and
14 publications directed to the general public, including Vibe, New York Magazine,
15 XXL, Black Enterprise, Source, Hamptons Magazine, Entertainment Weekly, Blaze,
16 Slam, DNR, Sportswear International and in daily newspapers, such as The New
17 York Daily Times and The New York Post.

18 35. The Rocawear collection of apparel is comprised of tee shirts, jeans,
19 sweat suits, sweaters, jackets, outerwear, footwear and leather apparel with over 120
20 styles produced each season. Rocawear's urban collegiate apparel is coveted by
21 young men and women around the world.

22 36. Rocawear clothing is sold in department stores and boutiques
23 throughout the United States, including Macy's, Belk's, Dayton Hudson, Bourdin's,
24 Fines, Up Against the Wall, Rags, Demo and The Buckle and is sold through
25 distributors in Canada, throughout Europe, Central America and in Japan.

26 37. In its first 18 months since its introduction, the Rocawear apparel line
27 generated sales at retail of over Eighty Million Dollars (\$80,000,000).

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1 38. The Rocawear Marks have come to identify, in the United States and
2 throughout the world, a line of hip, urban, cutting edge clothing.

3 39. In March of 2007, Plaintiff Studio IP Holdings LLC acquired full
4 ownership and the entire interest to all of the Rocawear Marks.

5 **C. True Religion's Family of Trademarks, Logos and Designs**

6 40. True Religion is the worldwide owner of the trademarks True Religion
7 Brand Jeans® and various composite trademarks comprising the True Religion
8 mark and assorted design components (hereinafter, collectively, the "True Religion
9 Trademarks" or "True Religion Marks").

10 41. Plaintiff True Religion has the exclusive right to use, enforce and
11 benefit from the True Religion Trademarks, including but not limited to U.S.
12 Registration Nos. 2917187 and 2761793 for the True Religion Brand Jeans Mark
13 for clothing, namely men's, women's, and children's pants, slacks, jeans, shorts,
14 overalls, shirts, t-shirts, blouses, vests, skirts, jackets, coats, sweaters, sweatshirts,
15 sweatpants, and hats.

16 42. True Religion has been designing, manufacturing, distributing and
17 selling apparel since December 2002.

18 43. Since its inception almost three years ago, True Religion has emerged
19 as a global power in men's, women's and children's fashion with worldwide sales
20 and distribution.

21 44. True Religion-branded products and their packaging all prominently
22 bear the trademark True Religion.

23 45. Each of the True Religion Marks has been continually used in
24 commerce since its respective date of first issue.

25 46. Because of True Religion's extensive use of the True Religion Marks,
26 True Religion has built up significant goodwill therein. The success of True
27 Religion's marketing efforts as evidenced by, among other things, the True
28 Religion® products and the unsolicited media attention that the True Religion brand

1 has received.

2 47. Plaintiffs' products are distributed throughout the United States and in
3 numerous foreign countries.

4 48. True Religion Brand Jeans was the creation of husband and wife
5 designers Jeffrey and Kym Lubell, who combined his love of classic rock and her
6 love of hip-hop and R&B to produce a trendsetting line of denim apparel.

7 49. True Religion has distinguished itself as a leader in the high-end denim
8 market for men, women and kids by its fashion-forward seams, remarkable
9 embroidery and hand-sanded vintage washes.

10 50. The True Religion line was introduced in 2002 to consumers around
11 the world. Celebrities and entertainers such as Kate Beckinsale, David Beckham,
12 Sarah Chalke, Courtney Cox, Faith Evans, Jennifer Garner, Heather Graham, Kate
13 Hudson, Angelina Jolie, Heidi Klum, Nick Lachey, Jennifer Lopez, Madonna, Chad
14 Michael Murray, Gwyneth Paltrow, Jessica Simpson, Jada Pinkett Smith, Gwen
15 Stefani, Justin Timberlake, Usher, Bruce Willis, and the Cast of Desperate
16 Housewives are among the many enthusiasts of True Religion Brand Jeans.

17 51. The True Religion apparel line has been praised and recognized in
18 numerous articles appearing in both trade publications and publications directed to
19 the general public. Publications such as Elle, Bazaar, InStyle, New York Times,
20 Los Angeles Magazine, GQ, Lucky, Men's Health, People, Rolling Stone, Teen
21 People, Teen Vogue, US Weekly, and Vogue have all recently featured True
22 Religion Brand Jeans Apparel.

23 52. The True Religion collection of apparel comprises of men's, women's,
24 and children's pants, slacks, jeans, shorts, overalls, shirts, t-shirts, blouses, vests,
25 skirts, jackets, coats, sweaters, sweatshirts, sweatpants, and hats.

26 **D. Defendants' Infringing Use of Plaintiff's Respective Trademarks**

27 53. This lawsuit concerns infringement upon Plaintiffs' trademarks by each
28 of the Defendants. Each Defendant, with one product or more, violated Plaintiffs'

rights in and to one or more of its trademarks.

54. Upon information and belief, Defendants are selling, distributing, advertising and/or promoting clothing bearing a reproduction of Plaintiff's respective trademarks.

55. On August 23, 2007, Plaintiffs' investigators from Intellectual Property Enforcement Company, Inc. ("IPEC") assisted the Los Angeles Sheriff's Department in serving a search warrant at a freight forwarding warehouse identified as General Air Freight/General Ocean Freight located at 13515 Figueroa Street in the city of Los Angeles, California.

56. IPEC investigators handled the inventory and seized an enormous amount of counterfeit merchandise including items bearing the Evisu, Rocawear, and True Religion trademarks. The following is a list of the counterfeit property identified and seized:

Trademark Holder	Item Description	Number of Items
Evisu	Jeans	2,064
Evisu	Jeans	4,320
Rocawear	Jeans	4,464
True Religion	Jeans	408

If authentic, the merchandise would have an estimated retail value of over \$1 million.

57. The cosignees of the containers bearing the counterfeit merchandise were identified as Defendants JR Off Price and Julius Young.

58. Upon information and belief, Defendants' use of Plaintiffs' Marks through, inter alia, the creation and/or sale of inferior quality clothing bearing Plaintiffs' respective trademarks were willful, having been adopted with knowledge of Plaintiffs' prior rights in and to the Plaintiffs' Marks, with the intent to trade on and benefit from the goodwill established in Plaintiffs' respective trademarks by Plaintiffs.

FIRST CLAIM FOR RELIEF

(Trademark Infringement Under the Lanham Act)

59. Plaintiffs incorporate herein by reference the averments of the preceding paragraphs as though fully set forth herein.

60. Plaintiffs' Marks are nationally recognized, including within the Central District of California, as being affixed to goods and merchandise of the highest quality and coming from Plaintiffs.

61. The registrations embodying Plaintiffs' respective trademarks are in full force and effect and Plaintiffs have authorized responsible manufacturers and vendors to sell merchandise with these marks.

62. Defendants' unauthorized use of Plaintiffs' respective trademarks on inferior quality merchandise in interstate commerce and advertising relating to same constitutes false designation of origin and a false representation that the goods and serves are manufactured, offered, sponsored, authorized, licensed by or otherwise connected with Plaintiffs or come from the same source as Plaintiffs' respective goods and are of the same quality as that assured by Plaintiffs' respective trademarks.

63. Defendants' use of Plaintiffs' respective trademarks is without Plaintiffs' permission or authority and in total disregard of Plaintiffs' rights to control its trademarks.

64. Defendants' activities are likely to lead to and result in confusion, mistake or deception, and are likely to cause the public to believe that Plaintiffs have produced, sponsored, authorized, licensed or is otherwise connected or affiliated with Defendants' commercial and business activities, all to the detriment of Plaintiffs.

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1 65. Upon information and belief, Defendants' acts are deliberate and
2 intended to confuse the public as to the source of Defendants' goods or services and
3 to injure Plaintiffs and reap the benefit of Plaintiffs' goodwill associated with
4 Plaintiffs' respective trademarks.

5 66. Defendants' acts violate the Lanham Act.

6 67. As a direct and proximate result of Defendants' willful and unlawful
7 conduct, Plaintiffs have been injured and will continue to suffer injury to its
8 business and reputation unless Defendants are restrained by this Court from
9 infringing Plaintiffs' respective trademarks.

10 68. Plaintiffs have no adequate remedy at law.

11 69. In light of the foregoing, Plaintiffs are entitled to injunctive relief
12 prohibiting Defendants from using Plaintiffs' respective trademarks for any
13 purpose, and to recover from Defendants all damages, including attorneys' fees, that
14 Plaintiffs have sustained and will sustain as a result of such infringing acts, and all
15 gains, profits and advantages obtained by Defendants as a result thereof, in an
16 amount not yet known, as well as the costs of this action pursuant to 15 U.S.C. §
17 1117(a), attorneys' fees and treble damages pursuant to 15 U.S.C. § 1117(b), and/or
18 statutory damages pursuant to 15 U.S.C. § 1117(c).

19 **SECOND CLAIM FOR RELIEF**

20 **(Dilution of Plaintiffs' Marks in Violation of the Lanham Act)**

21 70. Plaintiffs incorporate herein by reference the averments of the
22 preceding paragraphs as though fully set forth herein.

23 71. Plaintiffs' respective trademarks are "famous" within the meaning of
24 Lanham Act.

25 72. Defendants' acts described above have diluted and continue to dilute
26 Plaintiffs' unique and distinctive trademarks. These acts violate the Lanham Act,
27 have injured and, unless immediately restrained, will continue to injure Plaintiffs,
28 causing damage to Plaintiffs in an amount to be determined at trial, as well as

1 irreparable injury to Plaintiffs' goodwill and reputation associated with the value of
2 Plaintiffs' respective trademarks.

3 73. Upon information and belief, Defendants' unlawful actions began long
4 after Plaintiffs' Marks became famous.

5 74. Upon information and belief, Defendants acted knowingly, deliberately
6 and willfully with the intent to trade on Plaintiffs' reputation and to dilute Plaintiffs'
7 Marks. Defendants' conduct is willful, wanton and egregious.

8 75. Plaintiffs have no adequate remedy at law to compensate it fully for the
9 damages that have been caused and which will continue to be caused by
10 Defendants' unlawful acts, unless they are enjoined by this Court.

11 76. In light of the foregoing, Plaintiffs are entitled to injunctive relief
12 prohibiting Defendants from using Plaintiffs' respective trademarks, and to recover
13 all damages, including attorneys' fees, that Plaintiffs have sustained and will
14 sustain, and all gains, profits and advantages obtained by Defendants as a result of
15 their infringing acts alleged above in an amount not yet known, and the costs of this
16 action.

17 **THIRD CLAIM FOR RELIEF**

18 **(Common Law Unfair Competition)**

19 77. Plaintiffs incorporate herein by reference the averments of the
20 preceding paragraphs as though fully set forth herein.

21 78. Plaintiffs own and enjoy common law trademark rights in California
22 and throughout the United States.

23 79. Defendants' unlawful acts in appropriating rights in Plaintiffs' common
24 law trademarks were intended to capitalize on Plaintiffs' goodwill for Defendants'
25 own pecuniary gain. Plaintiffs have expended substantial time, resources and effort
26 to obtain an excellent reputation for itself and its family of Marks. As a result of
27 Plaintiffs' efforts, Defendants are now unjustly enriched and are benefitting from
28 property rights that rightfully belong to Plaintiffs.

1 80. Defendants' unauthorized use of Plaintiffs' True Religion, Evisu, and
2 Rocawear Marks have caused and is likely to cause confusion as to the source of
3 Defendants' clothing, all to the detriment of Plaintiffs.

4 81. Defendants' acts are willful, deliberate, and intended to confuse the
5 public and to injure Plaintiffs.

6 82. Defendants' acts constitute unfair competition under California
7 common law.

8 83. Plaintiffs have been irreparably harmed and will continue to be
9 irreparably harmed as a result of Defendants' unlawful acts unless Defendants are
10 permanently enjoined from their unlawful conduct.

11 84. The conduct herein complained of was extreme, outrageous, fraudulent,
12 and was inflicted on Plaintiffs in reckless disregard of Plaintiffs' rights. Said
13 conduct was despicable and harmful to Plaintiffs and as such supports an award of
14 exemplary and punitive damages in an amount sufficient to punish and make an
15 example of the Defendants and to deter them from similar such conduct in the
16 future.

17 85. Plaintiffs have no adequate remedy at law.

18 86. In light of the foregoing, Plaintiffs are entitled to injunctive relief
19 prohibiting Defendants from using Plaintiffs' Marks, and to recover all damages,
20 including attorneys' fees, that Plaintiffs have sustained and will sustain and all
21 gains, profits and advantages obtained by Defendants as a result of their infringing
22 acts alleged above in an amount not yet known, and the costs of this action.

23 **FOURTH CLAIM FOR RELIEF**

24 **(Violation of California's Anti-Dilution Statute,**

25 **California Business and Professions Code Section 14330)**

26 87. Plaintiffs incorporate herein by reference the averments of the
27 preceding paragraphs as though fully set forth herein.

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1 88. Plaintiffs' respective trademarks are distinctive marks in the State of
2 California by virtue of their substantial inherent and acquired distinctiveness,
3 extensive use in the State of California and the extensive advertising and wide
4 spread publicity of the marks in the State of California.

5 89. As a result of Plaintiffs' respective trademarks' substantial inherent and
6 acquired distinctiveness, extensive use in the State of California, and the extensive
7 advertising and publicity of the marks in the State of California, Plaintiffs'
8 respective trademarks have become strong and are widely renown.

9 90. The actions of Defendants complained of herein are likely to injure the
10 business reputation and dilute the distinctive quality of Plaintiffs' respective
11 trademarks which are famous.

12 91. The foregoing acts of Defendants constitute dilution and injury to
13 business reputation in violation of Section 14330 of the California Business and
14 Professions Code.

15 92. The conduct herein complained of was extreme, outrageous, fraudulent,
16 and was inflicted on Plaintiffs in reckless disregard of Plaintiffs' rights. Said
17 conduct was despicable and harmful to Plaintiffs and as such supports an award of
18 exemplary and punitive damages in an amount sufficient to punish and make an
19 example of the Defendants and to deter them from similar such conduct in the
20 future.

21 93. By reason of the foregoing, Plaintiffs are being damaged by
22 Defendants' unauthorized and illegal use of Plaintiffs' respective trademarks in the
23 manner set forth above and will continue to be damaged unless Defendants are
24 immediately enjoined under Section 14330 of the California Business and
25 Professions Code from using Plaintiffs' respective trademarks.

26 94. Plaintiffs will be irreparably injured by the continued acts of
27 Defendants, unless such acts are enjoined.

28 95. Plaintiffs have no adequate remedy at law.

FIFTH CLAIM FOR RELIEF

(Unjust Enrichment)

96. Plaintiffs incorporate herein by reference the averments of the preceding paragraphs as though fully set forth herein.

97. The acts complained of above constitute unjust enrichment of Defendants at Plaintiffs' expense, in violation of the common law of the State of California.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Court enter judgment in its favor and against Defendants as follows:

A. Granting temporary, preliminary and permanent injunctive relief restraining Defendants, their agents, servants, employees, officers, associates, attorneys, and all persons acting by, through, or in concert with any of them, from: (1) using Plaintiffs' respective trademarks or committing any other act which falsely represents or which has the effect of falsely representing that the goods and services of Defendants are licensed by, authorized by, offered by, produced by, sponsored by, or in any other way associated with Plaintiffs; (2) otherwise infringing Plaintiffs' registered and common law family of marks; (3) otherwise diluting Plaintiffs' family of marks; and (4) unfairly competing with Plaintiffs.

B. Awarding actual damages suffered by Plaintiffs as a result of Defendants' acts;

C. Ordering an accounting by Defendants of all gains, profits and advantages derived from their wrongful acts;

D. Ordering Defendants to disgorge their profits (as to the California unfair competition claim).

E. Awarding Plaintiffs all of Defendants' profits and all damages sustained by Plaintiffs as a result of Defendants' wrongful acts, and such other compensatory damages as the Court determines to be fair and appropriate pursuant

U.S.C. § 1117(b);

G. Awarding applicable interest, costs, disbursements and attorneys' fees, pursuant to 15 U.S.C. § 1117(b);

H. Awarding Plaintiff statutory damages pursuant to 15 U.S.C. §1117(c);

I. Awarding Plaintiffs punitive damages in connection with its claims under California State law; and

J. Awarding Plaintiffs such other and further relief as the Court deems just and proper.

DATED: January 18, 2008

By:

Brent H. Blakely

Cindy Chan

Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a trial by jury as to all claims in this litigation.

DATED: January 18, 2008

By:

Brent H. Blakely

Cindy Chan

Attorney for Plaintiffs

**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 Audrey B. Collins and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

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

CV08- 303 ABC (JCx)

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.

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

COPY

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
 Bestford USA Inc dba Evisu;
 Studio IP Holdings LLC dba Rocawear;
 Guru Denim, Inc dba True Religion Brand Jeans

DEFENDANTS
 J.R. Off Price Clothing, Inc.;
 Julius Young Hosiery Inc.

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

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

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
 BLAKELY LAW GROUP
 915 North Citrus Avenue
 Hollywood, California 90038
 Telephone: (323) 464-7400

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:** \$ 150,000.00 +

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.)
 The LANHAM Act - 15 USC 1114 and 1125

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

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	<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"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<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"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<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"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<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"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<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"/> 340 Marine	BANKRUPTCY	<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"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	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"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<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"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<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"/> 445 American with Disabilities - Employment	<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"/> 446 American with Disabilities - Other	<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"/> 440 Other Civil Rights		<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: _____

CV08-00303

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.

Bestford USA Inc dba Evisu - New York
 Studio IP Holdings LLC dba Rocawear - Delaware
 Guru Denim, Inc dba True Religion Brand Jeans - Los Angeles

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.

JR Off Price Clothing, Inc. - Los Angeles
 Julius Young Hosiery Inc. - New Jersey

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.

All claims arose in Los Angeles County.

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

Date 1/16/08

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))