

CONFORM COPY

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
2 A Limited Liability Partnership  
3 Including Professional Corporations  
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12 Attorneys for Plaintiff FLUFF, INC.

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA

15 FLUFF, INC., a California  
16 Corporation,,

17 Plaintiff,

18 v.

19 MADELINE BETH DESIGNS, a  
20 California Corporation; MADELINE  
21 BETH and DOES 1 through 5,  
22 inclusive,

23 Defendants.

Case No.

CV08-00249 (TLK)

COMPLAINT FOR COPYRIGHT  
INFRINGEMENT

2008 JAN 15 PM 3:38  
CLERK OF COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

FILED

1 Plaintiff Fluff, Inc., by its attorneys, Sheppard Mullin, Richter &  
2 Hampton LLP, for its complaint, alleges as follows:

3  
4 THE PARTIES

5 1. Plaintiff Fluff, Inc. is a California corporation with its principal  
6 place of business at 1617 Fair Oaks Avenue, South Pasadena, California 91030.  
7 Plaintiff is the owner of the copyright sued on herein by transfer from its original  
8 owner, Claudette Barjoud, who is one of the owners of Fluff, Inc.

9  
10 2. Defendant Madeline Beth Designs is a California corporation  
11 with its principal place of business at 454 South Robertson Boulevard, Los  
12 Angeles, California 90048.

13  
14 3. Defendant Madeline Beth is an individual doing business at 454  
15 South Robertson Boulevard, Los Angeles, California 90048.

16  
17 4. This action is brought under the United States Copyright Act of  
18 1976, as amended, 17 U.S.C. §§ 101, et seq. This court has jurisdiction pursuant to  
19 Section 1338(a) of the Judicial Code (28 U.S.C. § 1338(a)). Venue is conferred by  
20 Section 1400(a) of the Judicial Code (28 U.S.C. § 1400(a)).

21  
22 **FIRST CLAIM FOR COPYRIGHT INFRINGEMENT**  
23 **(Against All Defendants)**

24 5. Plaintiff is in the business of creating original designs for use  
25 on a large number of products including but not limited to cards, clothing, and  
26 accessories. Products incorporating plaintiff's original designs are marketed  
27 throughout the United States, its territories and possessions.  
28

1           6. Plaintiff is the creator and owner of an original visual work of  
2 art entitled "Mimi Loves Pierre". A copy of plaintiff's "Mimi Loves Pierre" design  
3 is attached as Exhibit "A" and made a part hereof. Plaintiff complied in all aspects  
4 with the Copyright Act's registration and deposit requirements and plaintiff's  
5 copyright application and designs were registered by the Copyright Office of the  
6 United States as Copyright Registration No. VA 1-285-252. A copy of the  
7 plaintiff's Certificate of Registration is attached as Exhibit "B" and made a part  
8 hereof.

9  
10           7. Plaintiff has been and still is the exclusive owner of the entire  
11 right, title and interest in and to the "Mimi Loves Pierre" design and in and to the  
12 copyright thereon and the registration thereof.

13  
14           8. Plaintiff has expended large sums of money in the creation and  
15 promotion of its original design as well as numerous other new and original  
16 designs, inclusive of those depicted in plaintiff's aforementioned copyrighted  
17 work. Plaintiff also expends large sums of money to produce high quality  
18 reproductions of its original designs or licenses for reproduction high quality  
19 reproductions of its designs. Plaintiff also maintains strict quality control  
20 standards to insure that products that incorporate its designs maintain a high  
21 quality of excellence in trade. Plaintiff has expended large sums of money in  
22 advertising and promoting its designs and in building up public recognition and  
23 demand therefor. Over the years, plaintiff has built up a valuable business and  
24 enviable reputation by reason of the distinct styling, good taste and quality designs  
25 that are widely identified in the minds of the purchasing public with plaintiff.

1           9.     Without the consent of plaintiff and in complete disregard of  
2 plaintiff's rights, defendants have infringed and continue to infringe plaintiff's  
3 aforementioned copyrights within this judicial district and elsewhere throughout  
4 the United States by producing and offering for sale purses that incorporate a copy  
5 of plaintiff's original, copyrighted design.

6  
7           10.    Defendants are producing and selling the infringing products  
8 that incorporate plaintiff's original designs through Madeline Beth Designs, a  
9 wholesale distributor of consumer products, in products including pill cases,  
10 lipstick cases, credit car cases and compacts referred to as "Kitty & Poodle  
11 Accessories." A copy of one of defendant Madeline Beth Designs' compacts that  
12 displays the plaintiff's copyrighted design is attached as Exhibit "C" and made a  
13 part hereof.

14  
15           11.    The unauthorized and infringing use by defendants of plaintiff's  
16 copyrighted design, unless enjoined, will cause irreparable harm, damage, and  
17 injury to plaintiff in that the sale of copies of plaintiff's original design will  
18 severely diminish the value of plaintiff's original design by diluting the market and  
19 destroying the distinctiveness of the design and its identity as being plaintiff's  
20 exclusive property.

21  
22           12.    Plaintiff will also be irreparably damaged and injured by the  
23 unauthorized and infringing use by defendants of its copyrighted work on products  
24 originating from another source, the production, offering for sale and selling of  
25 such unauthorized works causing confusion and mistake not only on the  
26 purchasing public but also by dealers who handle products incorporating plaintiff's  
27 designs and who, in many instances, have purchased plaintiff's designs or products  
28

1 incorporating plaintiff's designs because of their quality and unique and distinctive  
2 character.

3  
4 13. Plaintiff has notified defendants that they have infringed  
5 plaintiff's original copyrighted design. Plaintiff has been informed and believes  
6 and thereon alleges that defendants continue to infringe its original copyrighted  
7 design.

8  
9 14. Defendants have been engaging in unfair trade practices and  
10 unfair, competition against plaintiff to plaintiff's irreparable damage, which cannot  
11 be adequately calculated or compensated in money damages.

12  
13 15. Plaintiff has put defendants upon notice of their infringing  
14 activity and, despite repeated notice, defendants have failed to cooperate with  
15 plaintiff.

16  
17 16. There is a substantial likelihood that plaintiff will succeed on  
18 the merits of this action.

1 WHEREFORE, plaintiff requests that:

2  
3 1. Defendants and their agents, employees, successors and  
4 assigns, respectively, and all those holding with, through, or under defendants, or  
5 acting on defendants' behalf, be preliminarily enjoined and thereafter, from

6  
7 (a) infringing the aforementioned copyrights;

8  
9 (b) manufacturing, producing, copying, offering to sell, selling  
10 products that incorporate plaintiff's copyrighted design either in whole or in part.

11  
12 2. Defendants, their agents, employees, successors and assigns  
13 respectively, and all holding with, through or under them, acting in their behalf, be  
14 ordered to deliver on oath, to be impounded during the pendency of this action, all  
15 handbags and purses, as well as other products, that infringe the aforementioned  
16 copyright.

17  
18 3. Defendants, their agents, employees, successors and assigns  
19 respectively, and all holding with, through or under them, acting in their behalf, be  
20 ordered to deliver up on oath for destruction all infringing copies as well as all  
21 plates, molds and other means for making such infringing copies.

22  
23 4. Defendants be ordered to pay to plaintiff all damages suffered  
24 by plaintiff due to defendants unlawful acts, as well as all profits which defendants  
25 have made from such acts, and that such damages include plaintiff's costs and  
26 disbursements, including attorneys' fees.

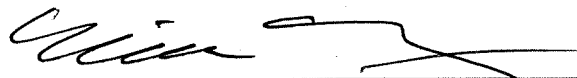
1           5. Defendants be ordered to pay punitive damages in an amount  
2 that will deter defendants from engaging in such despicable and illegal conduct in  
3 the future.

4  
5           6. Plaintiff be granted such other and further relief as the equities  
6 of the case may require and as this court may deem just and proper under the  
7 circumstances.

8  
9 Dated: January 15, 2008

10 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

11  
12 By

  
\_\_\_\_\_  
ERICA S. ALTERWITZ

13  
14 Attorneys for Plaintiff  
15 FLUFF, INC.  
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# **EXHIBIT A**





# **EXHIBIT B**

# CONTINUATION SHEET FOR APPLICATION FORMS

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

**Form VA / CON**  
UNITED STATES COPYRIGHT OFFICE

VA 1-285-252



PA PAU SE SEG SEU SR SRU TX TXU VA VAU

EFFECTIVE DATE OF REGISTRATION

9-29-04  
(Month) (Day) (Year)

CONTINUATION SHEET RECEIVED

SEP 29 2004

Page 2 of 3 pages

DO NOT WRITE ABOVE THIS LINE FOR COPYRIGHT OFFICE USE ONLY

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

- **TITLE** (Give the title as given under the heading "Title of this Work" in Space 1 of the basic form.)

**A**  
Identification  
of  
Application

**FLUFF ACCESSORIES**

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

FLUFF, INC  
2600 MISSION STREET, STE 202, SAN MARINO, CA 91108

**NAME OF AUTHOR** ▼

**DATES OF BIRTH AND DEATH**  
Year Born ▼ Year Died ▼

**B**  
Continuation  
of Space 2

Was this contribution to the work a work made for hire?

- ☐ Yes  
☐ No

**AUTHOR'S NATIONALITY OR DOMICILE**  
Name of Country

OR { Citizen of ►  
Domiciled in ►

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

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

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

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

**NAME OF AUTHOR** ▼

**DATES OF BIRTH AND DEATH**  
Year Born ▼ Year Died ▼

**e**

Was this contribution to the work a work made for hire?

- ☐ Yes  
☐ No

**AUTHOR'S NATIONALITY OR DOMICILE**  
Name of Country

OR { Citizen of ►  
Domiciled in ►

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

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

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

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

**NAME OF AUTHOR** ▼

**DATES OF BIRTH AND DEATH**  
Year Born ▼ Year Died ▼

**f**

Was this contribution to the work a work made for hire?

- ☐ Yes  
☐ No

**AUTHOR'S NATIONALITY OR DOMICILE**  
Name of Country

OR { Citizen of ►  
Domiciled in ►

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

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

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

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

Use the reverse side of this sheet if you need more space for continuation of Spaces 1, 4, or 6 of the basic form or for the continuation of Spaces 1, 4, or 6 of the basic form or for the continuation of Spaces 1, 4, or 6 of the basic form.



## 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

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

REGISTRATION NUMBER

VA 1-285-252



Effective Date of Registration

9-29-04

Application Received

SEP 29 2004

Deposit Received

SEP 29 2004

Two

Fee Received

Examined By

CK

Correspondence

TYPE OR PRINT IN BLACK INK. DO NOT WRITE ABOVE THIS LINE

Title of This Work

1

FLUFF ACCESSORIES

Alternative title or title of larger work in which this work was published

Name and Address of Author and Owner of the Copyright

2

FLUFF, INC  
2600 MISSION Street, Ste 202  
San Marino, CA 91108

Nationality or domicile  
Phone fax and email

Phone  
Email

(626) 799-9159

Fax (626) 799-9158

Year of Creation

3

2004

If work has been published,  
Date and Nation of Publication

4

a Date JANUARY 1st 2004 (Month day and year all required)

b Nation USA

Type of Authorship  
in This Work

5

☐ 3 Dimensional sculpture  
☒ 2-Dimensional artwork

☐ Photograph

☐ Map

☐ Jewelry design

☐ Text

☐ Technical drawing

Check all that this author created

Signature

6

I certify that the statements made by me in this application are correct to the best of my knowledge. Check one

☒ Author ☐ Authorized agent

x *Claudette Barjoud*

Registration cannot be completed without a signature

Name and Address of Person to Contact for Rights and Permissions  
Phone fax and email

7

☐ Check here if same as #2 above  
Claudette Barjoud  
1617 Fair Oaks Ave

Phone (626) 403-1943

Fax (626) 799-9159

Email Claudette@fluffshop.com

OPTIONAL

8

Certificate will be mailed in window envelope to this address

Name V

Claudette Barjoud

Number/Street/Apt V

1617 Fair Oaks Ave.

City/State/ZIP V

5 Pasadena, CA 91030

Complete this space only if you currently hold a Deposit Account in the Copyright Office

9

Deposit Account #

Name

DO NOT WRITE HERE

Page 1 of 3 pages

CONTINUATION OF (Check which) ☒ Space 1 ☐ Space 4 ☐ Space 6**"FLUFF ACCESSORIES" Includes****C**  
Continuation  
of other  
Spaces

Mimi Loves Pierre Journal	Mimi Loves Pierre Address Book
Mimi Loves Pierre Note Pads	Mimi Loves Pierre Boxed Note Cards
Mimi Loves Pierre Hat Boxes	Mimi Loves Pierre Train Case
Mimi Loves Pierre Makeup Bag	Mimi Loves Pierre ID Case
Mimi Loves Pierre Clutch	Mimi Loves Pierre Square Pillow
Mimi Loves Pierre Round Pillow	Mimi Loves Pierre Small Tote
Mimi Loves Pierre Large Tote	Mimi Loves Pierre Pajamas
Mimi Loves Pierre Bowler	Mimi Loves Pierre CD
Mimi Loves Pierre Skinny Clutch	Mimi Loves Pierre Tootsie Tote

Fiona Makeup Bag	Fiona Wallet	Fiona Pajamas
Fiona Card Case	Fiona Coin Purse	Fiona CD Case
Fiona Square Pillow	Fiona Round Pillow	Fiona Mini Train Case
Fiona Small Tote	Fiona Large Tote	Fiona Hat Boxes
Fiona Journal	Fiona Address Book	Fiona Bowler
Fiona Note Pads	Fiona Boxed Notes	

Fashion Dollies Journal	Fashion Dollies Address Book
Fashion Dollies Note Pads	Fashion Dollies Boxed Cards
Fashion Dollies Hat Boxes	Fashion Dollies Pajamas
Fashion Dollies Train Case	Fashion Dollies Makeup Bag
Fashion Dollies Clutch	Fashion Dollies Coin Purse
Fashion Dollies Small Tote	Fashion Dollies Large Tote

Nina Makeup Bag	Nina Card Case
Nina Clutch	Nina Pillow
Nina Small Tote	Nina Large Tote
Nina Journal	Nina Address Book
Nina Note Pads	Nina Boxed Note Cards

Large Bumble Tote	Bumble Case	Nigel Pajamas
Bee Girl Journal	Small Bumble Tote	

Large Fro Tote	Small Fro Tote
Fro Makeup Case	Fro Girl Journal
Fro Girl Address Book	Fro Hat Boxes

Mimi Loves Pierre Lingerie Collection  
Nigel Lingerie Collection  
Fro Girl Lingerie Collection

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address

Name ☐ **CLAUDETTE BARJOU**

Number/Street/Apt ☐ **1617 Fair Oaks Ave.**

City/State/ZIP ☐ **South Pasadena, CA 91030**

**YOU MUST**

Complete all necessary spaces  
Sign your application

**SEND ALL SELECTIONS  
IN THE SAME PACKAGE**

- 1 Application form
- 2 Non-refundable fee in check or money order payable to Registrar of Copyrights
- 3 Deposit Material

**MAIL TO**

Library of Congress Copyright Office  
101 Independence Avenue S.E.  
Washington D.C. 20540-8002

**D**

Form not subject  
to change.  
For current fees  
check the Copyright  
Office website or  
new copyright fee  
with the Copyright  
Office or call  
(202) 707-9000

# EXHIBIT C

