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U.S. DISTRICT COURT

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SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
Including Professional Corporations
30 Rockefeller Plaza, 24th Floor
New York, New York 10112
Telephone: 212-332-3800
Facsimile: 212-332-3888

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FLUFF, INC., a California Corporation,

Plaintiff,

v.

WORLD ACCORDING TO JESS LLC, a
New Jersey Limited Liability Corporation;
JESSICA ALPERT-GOLDMAN and DOES 1
through 5, inclusive,

Defendants.

Case No. 08-309 (FSH)

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

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

THE PARTIES

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

2. Defendant World According to Jess, Inc. is a New Jersey limited liability
corporation with its principal place of business at, upon information and belief, 153 Highland
Avenue, Bergenfield, New Jersey 07621.

3. Defendant Jessica Alpert-Goldman is an individual doing business at, upon information and belief, 153 Highland Avenue, Bergenfield, New Jersey 07621.

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

FIRST CLAIM FOR COPYRIGHT INFRINGEMENT

(Against All Defendants)

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

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

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

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

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

10. Defendants are producing and selling the infringing products that incorporate plaintiff's original designs through the website, www.worldaccordingtojess.com, an online distributor of accessories, including dog carriers. A copy of one of defendants' dog carriers that displays the plaintiff's copyrighted design is attached as Exhibit "C" and made a part hereof. A comparison of plaintiff's copyrighted design and defendants' infringing product is attached as Exhibit "D" and made a part hereof.

11. The unauthorized and infringing use by defendants of plaintiff's copyrighted design, unless enjoined, will cause irreparable harm, damage, and injury to plaintiff in that the sale of copies of plaintiff's original design will severely diminish the value of

plaintiff's original design by diluting the market and destroying the distinctiveness of the design and its identity as being plaintiff's exclusive property.

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

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

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

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

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

WHEREFORE, plaintiff requests that:

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

(a) infringing the aforementioned copyrights;

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

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

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

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

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

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

Dated: New York, New York
January 15, 2008

SHEPPARD, MULLIN, RICHTER
& HAMPTON LLP

By: 

Charles LeGrand (CL 5320)

Sean Kirby (SK 9511)

Attorneys for Plaintiff Fluff, Inc.

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New York, New York 10112

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2008 JAN 16 A 9 21

Exhibit A



Exhibit B

CONTINUATION SHEET FOR APPLICATION FORMS

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

VA 1-285-252



PA | PAU | SE | SEG | SEU | SR | SRU | TX | TXU | **VA** | PAU

EFFECTIVE DATE OF REGISTRATION

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

CONTINUATION SHEET RECEIVED

SEP 29 2004

Page 23 of 3 pages

- 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.

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 ▼

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



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 (626) 799-9159 Fax (626) 799-9158 Email
Year of Creation	3	2004
If work has been published, Date and Nation of Publication	4	a Date <u>January</u> <u>1st</u> <u>2004</u> (Month day and year all required) Month Day Year b Nation <u>USA</u>
Type of Authorship in This Work Check all that this author created	5	<input type="checkbox"/> 3 Dimensional sculpture <input type="checkbox"/> Photograph <input type="checkbox"/> Map <input checked="" type="checkbox"/> 2-Dimensional artwork <input checked="" type="checkbox"/> Jewelry design <input type="checkbox"/> Text <input type="checkbox"/> Technical drawing
Signature Registration cannot be completed without a signature	6	I certify that the statements made by me in this application are correct to the best of my knowledge Check one <input checked="" type="checkbox"/> Author <input type="checkbox"/> Authorized agent x <u>Claudette Barjoud</u>
OPTIONAL Name and Address of Person to Contact for Rights and Permissions Phone fax and email	7	<input type="checkbox"/> Check here if same as #2 above <u>Claudette Barjoud</u> <u>1617 Fair Oaks Ave, South Pasadena, CA 91030</u> Phone (626) 403-1943 Fax (626) 799-9159 Email <u>Claudette@fluffshop.com</u>

8

Certificate will be mailed in window envelope to this address

Name ▼	<u>Claudette Barjoud</u>
Number/Street/Apt ▼	<u>1617 Fair Oaks Ave.</u>
City/State/ZIP ▼	<u>5 Pasadena, CA 91030</u>

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 2 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 ELEMENTS IN THE SAME PACKAGE
 1 Application form
 2 Nonrefundable fee in check or money order payable to Register of Copyrights
 3 Deposit Material
MAIL TO
 Library of Congress Copyright Office
 101 Independence Avenue S E
 Washington D C 20559-8000

D
 Post this subject to change
 For removal from this list contact the Copyright Office
 Office website at www.copyright.gov
 Call: 1-877-909-8272
 TDD: 202-707-9339

Exhibit C



Exhibit D



ORIGINAL



ACCORDING TO JESS



ORIGINAL
in silhouette



ACCORDING TO JESS
w/ modifications