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CENTRAL DISTRICT OF CALIF.  
BY \_\_\_\_\_

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11 Nike, Inc.,

12 Plaintiff,

13 v.

14 Hindi Media Inc., Quality Kicks, Inc.,  
15 Jarallah Hindi, Jamil Hindi, and Does 1 -  
16 10, inclusive,

17 Defendants.

Case No. 08CV03-00192 ABC

COMPLAINT FOR TRADEMARK  
18 INFRINGEMENT, TRADEMARK (JWA)  
19 DILUTION AND UNFAIR  
COMPETITION

20 DEMAND FOR JURY TRIAL

21 Plaintiff Nike, Inc. ("Nike") alleges as follows:

22 **JURISDICTION AND VENUE**

23 1. This Court has original subject matter jurisdiction over the claims in this  
24 action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051, et seq., 28  
25 U.S.C. § 1338(a) and 28 U.S.C. § 1331. This Court has jurisdiction over the claims  
26 in this action that arise under the law of the State of California pursuant to 28 U.S.C.  
27 § 1367(a), because the state law claims are so related to the federal claims that they  
28 form part of the same case or controversy and derive from a common nucleus of  
operative facts.

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2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b). The Defendants offered and sold products that are the subject of this litigation in the Central District of California. The claims alleged in this action arose in the Central District of California.

**INTRODUCTION**

3. This action has been filed by Nike to combat the willful sale of unlicensed and counterfeit products (“Infringing Product”), specifically including its core product of sports shoes, bearing Nike’s exclusive trademarks. Defendants in this action are sellers of counterfeit Nike branded shoes through Internet sites, including but not necessarily limited to www.styleskingdom.com, www.cleanfashion.com, qualitystyles.com, qualitykicks.com, primetimefashion.com and stylesmarket.com (the “Websites”). Through such active manufacturing, purchasing, distributing, offering of sale and selling such unlicensed and counterfeit footwear, Nike is irreparably damaged through consumer confusion, dilution and tarnishment of its valuable trademarks.

4. Nike seeks a permanent injunction, damages, costs and attorney’s fees as authorized by the Lanham Act and California law.

**THE PARTIES**

5. Nike is a corporation duly organized and existing under the laws of the State of Oregon having its principal place of business in Beaverton, Oregon. Nike is qualified to do business in the State of California and both directly and through its wholly owned affiliated companies is engaged in a variety of businesses in the City and County of Los Angeles.

6. Nike is informed and believes that the defendant Hindi Media Inc. (“Hindi Media”) is a corporation organized and existing under the laws of the State of Florida with its principal place of business in the city of Wilton Manors and the State of Florida. Nike is further informed and believes, and upon that basis alleges,

1 that Hindi Media does business under the names styleskingdom.com,  
2 cleanfashion.com, qualitystyles.com, qualitykicks.com, primetimefashion.com and  
3 stylesmarket.com. Hindi Media through its online identity, does business in this  
4 judicial district through offers and sales of the Infringing Product in the City and  
5 County of Los Angeles, among other places.

6 7. Nike is informed and believes that the defendant Quality Kicks, Inc.  
7 (“Quality Kicks”) is a corporation organized and existing under the laws of the State  
8 of Florida with its principal place of business in the city of Ft. Lauderdale and the  
9 State of Florida. Nike is further informed and believes, and upon that basis alleges,  
10 that Quality Kicks does business under the names styleskingdom.com,  
11 cleanfashion.com, qualitystyles.com, qualitykicks.com, primetimefashion.com and  
12 stylesmarket.com. Quality Kicks through its online identity, does business in this  
13 judicial district through offers and sales of the Infringing Product in the City and  
14 County of Los Angeles, among other places.

15 8. Defendant Jarallah Hindi (“Hindi”) is an individual resident of the city  
16 of Wilton Manors, State of Florida. Hindi transacts business as  
17 www.styleskingdom.com, cleanfashion.com, qualitystyles.com, qualitykicks.com,  
18 primetimefashion.com and stylesmarket.com by selling, offering for sale, importing,  
19 advertising and distributing the Infringing Product in this judicial district.

20 9. Defendant Jamil Hindi (“Jamil”) is an individual resident of the city of  
21 Wilton Manors, State of Florida. Jamil transacts business as  
22 www.styleskingdom.com, cleanfashion.com, qualitystyles.com, qualitykicks.com,  
23 primetimefashion.com and stylesmarket.com by selling, offering for sale, importing,  
24 advertising and distributing the Infringing Product in this judicial district.

25 10. Nike is informed and believes, and upon that basis alleges, that  
26 defendants John Does 1-10 are entities or individuals who are residents in this  
27 judicial district and are subject to the jurisdiction of this Court. Nike is informed and  
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1 believes, and upon that basis alleges, that Does 1-10 are entities or individuals who  
2 are manufacturing, distributing, importing, displaying, advertising, promoting,  
3 selling and/or offering for sale, merchandise in this judicial district which infringes  
4 the Nike Trademarks. The identities of the various Does are unknown to Nike at this  
5 time. Upon information and belief, said fictitiously named defendants are liable to  
6 Nike on the basis of the same allegations made herein against Does. Nike will seek  
7 leave to amend this Complaint to insert the true names and capacities when the same  
8 are ascertained. Hindi Media, Quality Kicks, Hindi, Jamil and Does 1-10 are  
9 collectively referred to herein as "Defendants".

### 10 FACTUAL BACKGROUND

11 11. Nike is engaged in the manufacture, design and sale of footwear,  
12 apparel, and related accessories. Products manufactured and sold by Nike bear the  
13 NIKE trademark, or an arbitrary and distinctive trademark which has come to be  
14 known as the Swoosh Design trademark, or a composite trademark consisting of the  
15 word NIKE and the Swoosh Design. Nike uses these trademarks on shoes and  
16 apparel as trademarks of Nike's high quality products. Nike sells in excess of  
17 \$4,500,000,000 a year in merchandise bearing its distinctive trademarks.

18 12. All products described above are sold with one or more of the Nike  
19 trademarks alleged in paragraph 8. Nike adopted and used the NIKE and Swoosh  
20 Design trademarks in 1971. Nike registered the NIKE trademark in block letters on  
21 May 8, 1984, Registration No. 1,277,066 in Class 25 for apparel. Nike registered the  
22 Swoosh Design on July 3, 1984, Registration No. 1,284,385 for apparel in Class 25.  
23 Nike registered the composite mark of Nike and the Swoosh Design trademark on  
24 May 10, 1983, for apparel in Class 25. And, more recently, Nike has registered the  
25 NIKE AIR trademark, Registration No. 1,591,006, for apparel in Class 25.

26 13. Additionally, Nike obtained registrations for word marks incorporating  
27 the word "air", including AIR JORDAN, AIR MAX and AIR TRAINER. These are  
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1 some, but by no means all, of Nike's federal trademark registrations. Each of The  
2 Nike Trademarks have been registered with the United States Patent and Trademark  
3 Office pursuant to the Lanham Act (15 U.S.C. § 1051). A list of Nike's federal  
4 trademark registrations are attached hereto as Exhibit "A". (The trademarks  
5 identified in Exhibit "A" are collectively referred to herein as the "Nike  
6 Trademarks.") All of the Nike Trademarks are current and in full force and effect.  
7 Many of the marks have become incontestable pursuant to 15 U.S.C. § 1065.  
8 Additionally, all of the Nike Trademarks qualify as famous marks pursuant to 15  
9 U.S.C. § 1125.

10 14. The Nike Trademarks are distinctive when applied to the high quality  
11 apparel, footwear and related merchandise signify to the purchaser that the products  
12 come from Nike and are manufactured to the highest quality standard. Whether Nike  
13 manufactures the products itself, or licenses others to do it, Nike has insured that  
14 products bearing its trademarks are manufactured to such standard. Nike's products  
15 have been widely accepted by the public and are enormously popular, as  
16 demonstrated by billions of dollars in sales each year.

17 15. This enormous popularity is not without cost, as evidenced by the  
18 increasing number of counterfeiters in the United States and around the world.  
19 Indeed, it is a modern irony that companies measure success by the extent of their  
20 counterfeiting problem.

### 21 **DEFENDANTS' UNLAWFUL CONDUCT**

22 16. Defendants are involved in the manufacture, purchase, distribution,  
23 offering for sale and/or sale of counterfeit and/or infringing footwear bearing the  
24 Nike Trademarks to the general public. Defendants do so using the Websites.

25 17. Defendants' willfulness is blatant, as they were made aware of such  
26 infringements of the Nike Trademarks having been sent a cease and desist letter  
27 demanding that infringement discontinue. Despite assurances that the infringing  
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1 activity would discontinue Defendants continued to engage in other infringing sales  
2 at new website addresses.

3 18. Nike is informed and believes and based thereon alleges that Defendants  
4 processes purchases of counterfeit and infringing footwear incorporating likenesses  
5 of one or more of the Nike Trademarks.

6 **FIRST CLAIM FOR RELIEF**

7 **(Trademark Infringement)**

8 19. Nike hereby repeats and alleges the allegations set forth in paragraphs 1  
9 through 18 above, as if set forth fully herein.

10 20. Nike's claim arises under Sections 32 and 43 of the Lanham Act, 15  
11 U.S.C. §§ 1114 and 1125, for infringement of registered and unregistered marks.

12 21. Nike owns the exclusive trademark rights to those trademarks listed on  
13 Exhibit "A". All of the trademark registrations are in full force and effect. In many  
14 instances the trademarks have become incontestable pursuant to 15 U.S.C. § 1065.

15 22. All advertising and products, including apparel, footwear, watches,  
16 jewelry and related merchandise, which have been sold by Nike, or under its  
17 authority, have been manufactured and distributed in conformity with the provisions  
18 of the United States trademark law.

19 23. Notwithstanding Nike's well known and prior common law and  
20 statutory rights in the Nike Trademarks, Defendants have, with actual and  
21 constructive notice of Nike's federal registration rights, and long after Nike  
22 established its rights in the Nike Trademarks, adopted and used the Nike Trademarks  
23 in conjunction with the manufacture, purchase, distribution, offer of sale and sale of  
24 footwear in the State of California and in interstate commerce.

25 24. Defendants have caused to be imported, distributed, offered for sale and  
26 sold footwear bearing one or more of the Nike Trademarks without the authorization  
27 of Nike. Defendants' manufacture, purchase, distribution, offer for sale and sale of  
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1 footwear and related merchandise bearing the Nike Trademarks in California, and in  
2 interstate commerce has and is likely to cause confusion, deception and mistake or to  
3 deceive as to the source and origin of the footwear and related merchandise in that  
4 the buying public will conclude that the products sold by Defendants are authorized,  
5 sponsored, approved or associated with Nike.

6 25. Such confusion, deception and mistake has occurred as a direct result of  
7 Defendants' display, advertising and promotion, both in-store and otherwise, of the  
8 infringing footwear and other merchandise.

9 26. Upon information and belief, Defendants' activities have also caused  
10 actual confusion with consumers as to the source and origin of such footwear and  
11 other merchandise.

12 27. Defendants' infringing activities will cause irreparable injury to Nike if  
13 Defendants are not restrained by the Court from further violation of Nike's rights, as  
14 Nike has no adequate remedy at law.

15 28. Nike has suffered damages as a result of the aforesaid acts. Defendants  
16 have profited from its unlawful activities. Unless Defendants' conduct is enjoined,  
17 Nike and its goodwill and reputation will continue to suffer irreparable injury which  
18 cannot be adequately calculated or compensated solely by money damages.  
19 Accordingly, Nike seeks preliminary and permanent injunctive relief pursuant to 15  
20 U.S.C. § 1116.

21 29. Defendants' use in commerce of The Nike Trademarks in the sale of  
22 footwear and related merchandise is an infringement of Nike's registered trademarks  
23 in violation of 15 U.S.C. §§ 1114(1) and 1125.

24 30. Defendants committed the acts alleged herein intentionally,  
25 fraudulently, maliciously, willfully, wantonly and oppressively with the intent to  
26 injure Nike and its business. Accordingly, Nike is entitled to a judgment of three  
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1 times its damages and Defendants' profits, together with reasonable attorneys' fees  
2 pursuant to 15 U.S.C. § 1117(a).

3 31. In order to determine the full extent of such damages, including such  
4 profits, Nike will require an accounting from each Defendant of all monies generated  
5 from the manufacture, importation, distribution and/or sale of the infringing footwear  
6 as alleged herein.

7 32. The unlicensed footwear bearing the Nike Trademarks, which was sold,  
8 distributed and offered for sale by Defendants constitutes counterfeit products  
9 pursuant to 15 U.S.C. § 1116(d).

10 **SECOND CLAIM FOR RELIEF**

11 **(Lanham Act - Unfair Competition)**

12 33. Nike hereby repeats and realleges the allegations set forth in paragraphs  
13 1 through 32 above, as if set forth fully herein.

14 34. Nike's claim arises under section 43(a) of the Lanham Act, 15 U.S.C. §  
15 1125(a) and (d) for false designation of origin and false descriptions and  
16 representations in interstate commerce.

17 35. As a direct result of Nike's longstanding use, sales, advertising and  
18 marketing, the Nike Trademarks have acquired secondary and distinctive meaning  
19 among the public who have come to identify the Nike Trademarks with Nike and its  
20 products.

21 36. The unauthorized and counterfeit footwear and related merchandise  
22 which has been manufactured, purchased, distributed, offered for sale and sold by  
23 Defendants, duplicates and appropriates the Nike Trademarks in order to delude and  
24 confuse the public into believing that such footwear and related merchandise are  
25 authorized, sponsored, approved or associated with Nike.

26 37. Defendants, by misappropriating and using the likenesses of the Nike  
27 Trademarks in connection with the sale of such products, are misrepresenting and  
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1 will continue to misrepresent and falsely describe to the general public the origin and  
2 sponsorship of their products. Defendants have caused such products to enter into  
3 interstate commerce willfully, with full knowledge of the falsity of the designation of  
4 their origin and description and representation in an effort to mislead the purchasing  
5 public into believing that their products are authorized or emanate from Nike.

6 38. Such confusion, deception and mistake has occurred as a direct result of  
7 Defendants' display, advertising and promotion, both in-store and otherwise, of the  
8 infringing footwear and other merchandise.

9 39. Defendants' use in commerce of the Nike Trademarks in the sale of  
10 footwear and related merchandise is an infringement of Nike's registered trademarks  
11 in violation of 15 U.S.C. § 1125.

12 40. Defendants have profited from their unlawful activities. Unless  
13 Defendants' conduct is enjoined, Nike and its goodwill and reputation will continue  
14 to suffer irreparable injury which cannot be adequately calculated or compensated  
15 solely by money damages. Accordingly, Nike seeks preliminary and permanent  
16 injunctive relief pursuant to 15 U.S.C. § 1116.

17 41. Nike has suffered monetary damages as a result of Defendants' acts. In  
18 order to determine the full extent of such damages, including such profits as may be  
19 recoverable; Nike will require an accounting from Defendants of all monies  
20 generated from the manufacture, importation, distribution and/or sale of the  
21 infringing footwear as alleged herein.

22 42. Accordingly, Nike is entitled to a judgment of three times its damages  
23 and Defendants' profits, together with reasonable attorneys' fees pursuant to 15  
24 U.S.C. § 1117(a).

**THIRD CLAIM FOR RELIEF**

**(Lanham Act - Dilution of Famous Mark)**

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3 43. Nike hereby repeats and realleges the allegations set forth in paragraphs  
4 1 through 42 above, as if set forth fully herein.

5 44. Nike's claim arises under Section 43 of the Lanham Act, 15 U.S.C. §  
6 1125(c).

7 45. As a result of Nike's continuous promotion of its products in  
8 conjunction with the Nike Trademarks, the Nike Trademarks have become  
9 recognized as distinctive and famous trademarks.

10 46. Defendants' use in commerce of the Nike Trademarks began after the  
11 Nike Trademarks had become famous and has caused dilution of the distinctive  
12 quality of the marks. Such conduct has caused injury to Nike pursuant to 15 U.S.C.  
13 § 1125(c).

14 47. Such dilution has occurred as a direct result of Defendants' display,  
15 advertising and promotion, both in-store and otherwise, of the infringing footwear  
16 and other merchandise.

17 48. Defendants willfully intended to trade on Nike's reputation and/or to  
18 cause dilution of the famous trademarks. Accordingly, Nike is entitled to recover its  
19 damages, as well as Defendants' profits received as a result of the infringement,  
20 pursuant to 15 U.S.C. § 1117(a).

21 49. Unless Defendants' conduct is enjoined, Nike and its goodwill and  
22 reputation will suffer irreparable injury which cannot be adequately calculated or  
23 compensated solely by money damages. Accordingly, Nike seeks permanent  
24 injunctive relief pursuant to 15 U.S.C. § 1116 and 15 U.S.C. § 1125(c) (1).

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**FOURTH CLAIM FOR RELIEF**

**(For Unfair Competition – California Law)**

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3 50. Nike hereby repeats and realleges the allegations set forth in paragraphs  
4 1 through 49 above, as if set forth fully herein.

5 51. The Nike Trademarks have acquired secondary meaning indicative of  
6 origin, relationship, sponsorship and/or association with Nike. The purchasing  
7 public is likely to attribute to Nike the use by Defendants of the Nike Trademarks or  
8 any of them, as a source of origin, authorization and/or sponsorship for Defendants'  
9 goods and therefore to purchase such goods based upon that erroneous belief.

10 52. Nike is informed and believes, and upon that basis alleges, that  
11 Defendants have intentionally appropriated the Nike trademarks with the intent of  
12 causing confusion, mistake and deception as to the source of their goods and with the  
13 intent to palm off such goods as those of Nike and, as such, Defendants have  
14 committed trademark infringement, misleading advertising and unfair competition,  
15 all in violation of the California Unfair Business Practices Act, Cal. Bus. & Prof.  
16 Code, § 17200, *et seq.*

17 53. Defendants' appropriation, adoption and use of one or more of the Nike  
18 Trademarks, including the sale and offering for sale of infringing shoes bearing or  
19 using one or more of the Nike Trademarks in connection with the provision of goods  
20 is likely to cause confusion between Defendants' infringing product and the goods  
21 authorized and licensed by the Nike, thus constituting a violation of the California  
22 Unfair Business Practices Act, Cal. Bus. & Prof. Code, § 17200, *et seq.*

23 54. Nike is informed and believes, and upon that basis alleges, that these  
24 deceptive, unfair and fraudulent practices have been undertaken with knowledge by  
25 Defendants of their wrongfulness. Nike is informed and believes, and upon that  
26 basis alleges, that Defendants' use of Nike's trademarks is for the willful and  
27 calculated purpose of misappropriating Plaintiff's goodwill and business reputation,  
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1 at Nike's expense and at no expense to Defendants. By taking one or more of the  
2 Nike Trademarks, Nike has been deprived of an opportunity to conduct business  
3 using its trademarks and deprived of the right to control the use of its trademarks and  
4 Defendants have been unjustly enriched.

5 55. Nike has no adequate remedy at law and has suffered and is continuing  
6 to suffer irreparable harm and damage as a result of Defendants' acts in an amount  
7 thus far not determined but within the jurisdiction of this Court.

8 56. Nike is informed and believes, and upon that basis alleges, that unless  
9 enjoined by the Court, the confusion and deception alleged herein and the likelihood  
10 thereof will continue with irreparable harm and damage to Nike.

11 57. Nike is informed and believes, and upon that basis alleges, that  
12 Defendants have unlawfully and wrongfully derived and will continue to derive  
13 income, gains, profits and advantages as a result of their wrongful acts of unfair  
14 competition, in amounts thus far not determined but within the jurisdiction of this  
15 Court. Nike is informed and believes, and upon that basis alleges, that it has lost and  
16 will continue to lose profits and goodwill as a result of Defendants' conduct.

17 58. By reason of the foregoing acts of unfair competition, Nike is entitled to  
18 restitution from Defendants of all income, gains, profits and advantages resulting  
19 from their wrongful conduct in amounts to be determined according to proof at trial.

20 59. In order to determine the full extent of such damages, including such  
21 profits as may be recoverable; Nike will require an accounting from Defendants of  
22 all monies generated from the manufacture, importation, distribution and/or sale of  
23 the infringing product.

24 60. Nike is informed and believes, and upon that basis alleges, that  
25 Defendants committed the acts alleged herein intentionally, fraudulently,  
26 maliciously, willfully, wantonly and oppressively, with intent to injure Nike in its  
27 business and with conscious disregard for Nike's rights, thereby justifying awards of  
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1 punitive and exemplary damages in amounts sufficient to punish and to set an  
2 example for others.

3 **SIXTH CLAIM FOR RELIEF**

4 **(Dilution under California Law)**

5 61. Nike hereby repeats and realleges the allegations set forth in paragraphs  
6 1 through 60 above, as if set forth fully herein.

7 62. Nike is informed and believes, and upon that basis alleges, that  
8 Defendants' acts have caused a likelihood of injury to Nike's goodwill and business  
9 reputation, impaired the effectiveness of Nike's trademarks and diluted its distinctive  
10 trade names and trademarks.

11 63. Nike is informed and believes, and upon that basis alleges, that  
12 Defendants' acts violate the trademark laws of the State of California and,  
13 specifically, California Business and Professions Code, § 14330.

14 64. Nike has no adequate remedy at law and Defendants' conduct, if not  
15 enjoined, will continue to cause irreparable damage to Nike's rights in their  
16 trademarks, trade name, reputation and goodwill.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Nike demands entry of a judgment against Defendants as  
19 follows:

20 1) Permanent injunctive relief restraining Defendants, their officers, agents,  
21 servants, employees and attorneys, and all those in active concert or  
22 participation with them, from:

23 a) further infringing the Nike Trademarks by manufacturing, producing,  
24 distributing, circulating, selling, marketing, offering for sale,  
25 advertising, promoting, displaying or otherwise disposing of any  
26 products not authorized by Nike, including, but not limited to footwear  
27 and related merchandise, bearing any simulation, reproduction,  
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1 counterfeit, copy or colorable imitation of any of the Nike Trademarks  
2 ("Unauthorized Products");

- 3 b) using any simulation, reproduction, counterfeit, copy or colorable  
4 imitation of any of the Nike Trademarks in connection with the  
5 promotion, advertisement, display, sale, offer for sale, manufacture,  
6 production, circulation or distribution of Unauthorized Products in such  
7 fashion as to relate or connect, or tend to relate or connect, such  
8 products in any way to Nike, or to any goods sold, manufactured,  
9 sponsored or approved by, or connected with Nike;
- 10 c) making any statement or representation whatsoever, or using any false  
11 designation of origin or false description, or performing any act, which  
12 can or is likely to lead the trade or public, or individual members  
13 thereof, to believe that any products manufactured, distributed or sold  
14 by Defendants are in any manner associated or connected with Nike, or  
15 are sold, manufactured, licensed, sponsored, approved or authorized by  
16 Nike;
- 17 d) engaging in any other activity constituting unfair competition with Nike,  
18 or constituting an infringement of any of Nike's trademarks or of Nike's  
19 rights in, or to use or to exploit, said trademarks, or constituting any  
20 dilution of any of Nike's names, reputations, or good will;
- 21 e) effecting assignments or transfers, forming new entities or association  
22 or utilizing any other device for the purpose of circumventing or  
23 otherwise avoiding the prohibitions set forth in Subparagraphs (a)  
24 through (d);
- 25 f) secreting, destroying, altering, removing or otherwise dealing with the  
26 Unauthorized Products or any books or records which may contain any  
27 information relating to the importing, manufacturing, producing,  
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- 1 distributing, circulating, selling, marketing, offering for sale,  
2 advertising, promoting or displaying of all unauthorized products which  
3 infringe any of Nike's trademarks; and
- 4 g) aiding, abetting, contributing to or otherwise assisting anyone from  
5 infringing upon Nike's trademarks.
- 6 2) Directing that Defendants deliver for destruction all Unauthorized Products,  
7 including footwear, and labels, signs, prints, packages, cyes, wrappers,  
8 receptacles and advertisements relating thereto in their possession or under  
9 their control bearing any of The Nike Trademarks or any simulation,  
10 reproduction, counterfeit, copy or colorable imitations thereof, and all plates,  
11 molds, heat transfers, screens, matrices and other means of making the same.
- 12 3) Directing such other relief as the Court may deem appropriate to prevent the  
13 trade and public from gaining the erroneous impression that any products  
14 manufactured, sold or otherwise circulated or promoted by Defendants are  
15 authorized by Nike, or related in any way to Nike's products.
- 16 4) That Nike be awarded from Defendants, as a result of Defendants' sale of  
17 Unauthorized Products bearing the Nike Trademarks, three times Nike's  
18 damages there from and three times of each of Defendants' profits there from,  
19 after an accounting, or, in the alternative statutory damages, should Nike opt  
20 for such relief, consisting of One Hundred Thousand Dollars (\$100,000.00)  
21 for each of The Nike Trademarks infringed upon by each of the Defendants,  
22 and to the extent this Court concludes such infringement was willful, One  
23 Million Dollars (\$1,000,000), for each of The Nike Trademarks infringed  
24 upon by each of the Defendants, pursuant to 15 U.S.C. § 1114 and § 1117.
- 25 5) That Nike be awarded from Defendants three times Nike's damages there from  
26 and three times Defendants' profits there from, after an accounting, pursuant  
27 to 15 U.S.C. § 1125(a) and § 1117.
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- 6) That Nike be awarded its reasonable attorney's fees and investigative fees pursuant to 15 U.S.C. § 1117.
- 7) That Nike be awarded punitive damages for Defendants' willful acts of unfair competition under California law.
- 8) That Nike be awarded its costs in bringing this action.
- 9) That Nike have such other and further relief that this Court deems just.

Dated: January 11, 2008

J. Andrew Coombs, A Professional Corp.



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By: J. Andrew Coombs  
Annie S. Wang  
Attorneys for Plaintiff Nike, Inc.



DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Nike Inc. hereby demands  
a trial by jury of all issues so triable.

DATED: January 11, 2008

J. Andrew Coombs, A Professional Corp.



By: ~~J. Andrew Coombs~~  
Annie S. Wang  
Attorneys for Plaintiff Nike, Inc.

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**EXHIBIT A****Nike Registrations  
International Class 25**

<b>Trademark</b>	<b>Registration Number</b>	<b>Registration Date</b>
AIR-SOLE	1,145,812	January 13, 1981
SWOOSH	1,200,529	July 6, 1982
NIKE	1,214,930	November 2, 1982
Nike <sup>®</sup> and Swoosh <sup>®</sup> Design	1,237,469	May 10, 1983
Nike <sup>®</sup>	1,277,066	May 8, 1984
Swoosh <sup>®</sup> Design	1,284,385	July 3, 1984
NIKE AIR w/Swoosh device	1,284,386	July 3, 1984
NIKE AIR	1,307,123	November 27, 1984
Air Jordan <sup>®</sup>	1,370,283	November 12, 1985
Swoosh device on shoe	1,323,342	March 5, 1985
Swoosh device	1,323,343	March 5, 1985
NIKE w/Swoosh device	1,325,938	March 19, 1985
AIR JORDAN	1,370,283	November 12, 1985
AIR MAX	1,508,348	October 11, 1988
AIR TRAINER	1,508,360	October 11, 1988
Jump Man device	1,558,100	September 26, 1989
Nike Air <sup>®</sup>	1,571,066	December 12, 1989
AIR SKYLON	1,665,479	November 19, 1991
AIR SOLO FLIGHT	1,668,590	December 17, 1991
AIR FLIGHT	1,686,515	May 12, 1992
AIR DESCHUTZ	1,735,721	November 24, 1992
Jump Man device	1,742,019	December 22, 1992
AIR TRAINER MAX	1,789,463	August 24, 1993
AIRMAX in oval	2,030,750	January 14, 1997
AIR UPTempo in crest	2,032,582	January 21, 1997
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NIKE with Swoosh device	2,104,329	October 7, 1997
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Nike <sup>®</sup>	2,196,735	October 13, 1998
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1	PHYLITE	2,657,832	December 10, 2002
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4	TRIAX	2,810,679	February 3, 2004
	WAFFLE TRAINER	2,893,674	October 12, 2004
5	THERMA-STAR	2,960,844	June 7, 2005
6	NIKE SHOX	2,970,902	July 19, 2005
	STARTER	2,971,216	July 19, 2005
7	Basketball player outline	2,977,850	July 26, 2005
8	NIKEFREE	3,087,455	May 2, 2006

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J. Andrew Coombs (SBN 123881)  
Annie S. Wang (SBN 243027)  
J. Andrew Coombs, A P. C.  
517 E. Wilson Ave., Suite 202  
Glendale, California 91206  
Telephone: (818) 500-3200  
Facsimile: (818) 500-3201

ORIGINAL

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Nike, Inc.,

Plaintiff(s)

v.

Hindi Media Inc., Quality Kicks, Inc., Jarallah  
Hindi, Jamil Hindi, and Does 1 - 10, inclusive,

Defendant(s)

CASE NUMBER:

CV08-00192 AFG (JWJ)

SUMMONS

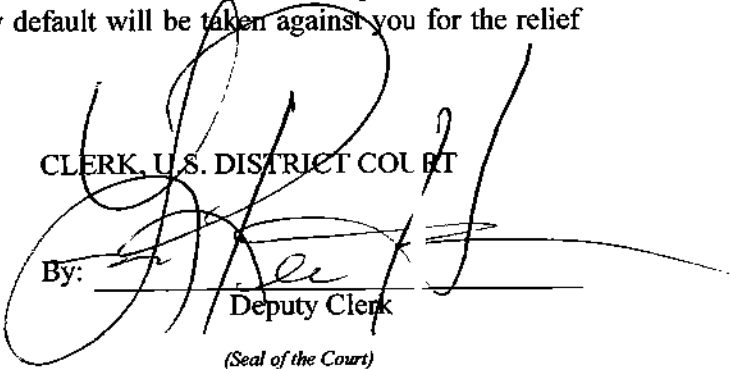
TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney  
J. Andrew Coombs, whose address is:

J. Andrew Coombs, A P. C.  
517 E. Wilson Ave., Suite 202  
Glendale, California 91206

an answer to the  complaint  \_\_\_\_\_ amended complaint  counterclaim  cross-claim  
which is herewith served upon you within 20 days after service of this Summons upon you, exclusive  
of the day of service. If you fail to do so, judgment by default will be taken against you for the relief  
demanded in the complaint.

CLERK, U.S. DISTRICT COURT

By:   
Deputy Clerk

(Seal of the Court)

Date: JAN 11 2008

SUMMONS

**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 Jeffrey W. Johnson.

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

**CV08 - 192 ABC (JWJx)**

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.

CIVIL COVER SHEET

I(a) PLAINTIFFS

Nike, Inc.

DEFENDANTS

Hindi Media Inc., Quality Kicks, Inc., Jarallah Hindi, Jamit Hindi, and Does 1 - 10, inclusive,

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Washington (EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

(c) ATTORNEYS (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)

J. Andrew Coombs (SBN 123881) / Annie S. Wang (SBN 243027)
J. Andrew Coombs, A P. C.
517 E. Wilson Ave., Suite 202, Glendale, California 91206
Telephone: (818) 500-3200 / Facsimile: (818) 500-3201

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

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

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE FOR DEFENDANT)

Table with columns for Plaintiff and Defendant citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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 Judgment

V. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ Check YES only if demanded in complaint: JURY DEMAND: YES NO

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.)

Trademark infringement 15 U.S.C. §§ 1051, et seq.

VII. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

Large table with columns: OTHER STATUTES, CONTRACT, REAL PROPERTY, PERSONAL INJURY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE / PENALTY, LABOR, BANKRUPTCY, FEDERAL TAX SUITS. Includes sub-sections like PERSONAL INJURY, REAL PROPERTY, LABOR, and FEDERAL TAX SUITS.

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? YES NO

If yes, list case number(s):

CV-71 (10/01)

CIVIL COVER SHEET

Page 1 of 2

FOR OFFICE USE ONLY: Pro Hac Vice fee: paid not paid
Applying IFP Judge Mag. Judge

COPY

CV-71-1001

**CIVIL COVER SHEET**  
(Reverse Side)

**AFTER COMPLETING THE FRONT SIDE OF FORM JS-44C, COMPLETE THE INFORMATION REQUESTED BELOW.**

**VIII(b). RELATED CASES:** Have any cases been previously filed that are related to the present case?  YES  NO

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. Appear to arise from the same or substantially identical transactions, happenings, or events;  
 B. Involve the same or substantially the same parties or property;  
 C. Involve the same patent, trademark or copyright;  
 D. Call for determination of the same or substantially identical questions of law, or  
 E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

**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 US GOVERNMENT, ITS AGENCIES OR EMPLOYEES IS A NAMED PLAINTIFF.

Oregon

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 US GOVERNMENT, ITS AGENCIES OR EMPLOYEES IS A NAMED DEFENDANT.

Florida

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

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

Date 1-11-08

**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:

<u>NATURE OF SUIT CODE</u>	<u>ABBREVIATION</u>	<u>SUBSTANTIVE STATEMENT OF CAUSE OF ACTION</u>
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))

AO 120 (Rev. 2/99)

TO: <b>Commissioner of Patents and Trademarks</b> Washington, DC 20231	<b>REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK</b>
--	---

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Central on the following  Patents or  Trademarks:

DOCKET NO. <b>CV08-00192</b>	DATE FILED <b>ABC</b>	U.S. DISTRICT COURT Central District of California
PLAINTIFF Nike, Inc.	DEFENDANT Hindi Media Inc., Quality Kicks, Inc., Jarallah Hindi, Jamil Hindi, and Does 1 - 10, inclusive,	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 SEE EXHIBIT A		Nike, Inc.
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input checked="" type="checkbox"/> Amendment <input checked="" type="checkbox"/> Answer <input checked="" type="checkbox"/> Cross Bill <input checked="" type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

COPY



EXHIBIT A

Nike Registrations for Footwear  
International Class 25

Trademark	Registration Number	Registration Date
AIR-SOLE	1,145,812	January 13, 1981
SWOOSH	1,200,529	July 6, 1982
NIKE	1,214,930	November 2, 1982
Nike <sup>®</sup> and Swoosh <sup>®</sup> Design	1,237,469	May 10, 1983
Nike <sup>®</sup>	1,277,066	May 8, 1984
Swoosh <sup>®</sup> Design	1,284,385	July 3, 1984
NIKE AIR w/Swoosh device	1,284,386	July 3, 1984
NIKE AIR	1,307,123	November 27, 1984
Air Jordan <sup>®</sup>	1,370,283	November 12, 1985
Swoosh device on shoe	1,323,342	March 5, 1985
Swoosh device	1,323,343	March 5, 1985
NIKE w/Swoosh device	1,325,938	March 19, 1985
AIR JORDAN	1,370,283	November 12, 1985
AIR MAX	1,508,348	October 11, 1988
AIR TRAINER	1,508,360	October 11, 1988
Jump Man device	1,558,100	September 26, 1989
Nike Air <sup>®</sup>	1,571,066	December 12, 1989
AIR SKYLON	1,665,479	November 19, 1991
AIR SOLO FLIGHT	1,668,590	December 17, 1991
AIR FLIGHT	1,686,515	May 12, 1992
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EXHIBIT A

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3	PRESTO	2,716,140	May 13, 2003
4	TRIAx	2,810,679	February 3, 2004
5	WAFFLE TRAINER	2,893,674	October 12, 2004
6	THERMA-STAR	2,960,844	June 7, 2005
7	NIKE SHOX	2,970,902	July 19, 2005
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