

1 KING, HOLMES, PATERNO & BERLINER LLP
2 HOWARD E. KING, ESQ., STATE BAR NO. 077012
3 SETH MILLER, ESQ., STATE BAR NO. 175130
4 MILLER@KHPBLAW.COM
5 1900 AVENUE OF THE STARS, 25TH FLOOR
6 LOS ANGELES, CALIFORNIA 90067-4506
7 TELEPHONE: (310) 282-8989
8 FACSIMILE: (310) 282-8903

9 JEFFREY R. COHEN, ESQ. (PRO HAC VICE)
10 MILLEN, WHITE, ZELANO & BRANIGAN
11 2200 CLARENDON BOULEVARD, SUITE 1400
12 ARLINGTON, VIRGINIA 22201
13 TELEPHONE: (703) 243-6333
14 FACSIMILE: (703) 243-6410

15 Attorneys for Plaintiff ELVH, INC.

16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 ELVH, INC., a California corporation,
19 Plaintiff,
20 vs.
21 NIKE, INC.,
22 Defendant.

23 **CV 09-04219 CAS**
24 **COMPLAINT FOR COPYRIGHT**
25 **INFRINGEMENT,**
26 **CONSTRUCTIVE TRUST, AND**
27 **FOR AN ACCOUNTING**
28 **DEMAND FOR JURY TRIAL**

FILED
2009 JUN 12 PM 2:51
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

29 **COMPLAINT**

30 ELVH, Inc. (hereinafter "Plaintiff"), by and through its undersigned counsel,
31 for its Complaint against Nike, Inc. (hereinafter "Defendant") states the following
32 allegations made on belief that the same are likely to be proven after further
33 investigation and discovery.

34 **JURISDICTION AND VENUE**

35 1. Jurisdiction of the Court is invoked under 28 USC §1338(a) as an
36 action arising under Acts of Congress relating to copyrights and trademarks,
37 namely, the Copyright Act of 1976, 17 USC §101 et seq. This Court has pendent
38 jurisdiction over claims arising under state law pursuant to 28 USC §1338(b) and
39 28 §USC 1367(a).

1 2. Venue is proper in this district pursuant to 28 USC § 1391(b) and (c),
2 as Defendant is a corporation subject to personal jurisdiction in this district and is
3 therefore deemed to reside here for purposes of venue.

4 **FACTS**

5 3. Plaintiff, ELVH, Inc., is a corporation organized and doing business
6 under the laws of the state of California.

7 4. Defendant, Nike, Inc., is a corporation organized under the laws of
8 Oregon but doing business throughout the entire United States.

9 5. Defendant sells and distributes athletic footwear and apparel
10 throughout the entire United States.

11 6. Plaintiff is the owner of three copyright registrations: VAu505308,
12 VAu544060, and VAu558125, true and correct copies of which are attached hereto
13 as Exhibits A-C, respectively (collectively referred to as "Copyrighted Works").

14 7. On January 1, 2009, Plaintiff entered into a license agreement in which
15 it granted the exclusive rights to incorporate the Copyrighted Works onto footwear.

16 **FIRST CLAIM FOR RELIEF**

17 **(COPYRIGHT INFRINGEMENT)**

18 8. Plaintiff repeats and realleges paragraphs 1-7 as though fully set forth
19 herein.

20 9. Plaintiff is the owner and proprietor of all right, title and interest in the
21 Copyrighted Works.

22 10. The Copyrighted Works are comprised of wholly original material and
23 have been deemed copyrightable subject matter under the copyright laws of the
24 United States.

25 11. With full knowledge of Plaintiff's rights therein, Defendant has
26 infringed and continues to infringe Plaintiff's Copyrighted Works by copying the
27 works onto footwear and then selling such infringing footwear throughout the
28 United States. Such copying was done without the consent, approval or license of

1 Plaintiff.

2 12. Defendant's acts identified above violate Plaintiff's exclusive rights
3 under §106 of the Copyright Act of 1976, 17 USC §106, and constitute
4 infringements of its Copyrighted Works. Defendant's past and continuing copying,
5 distribution and sale of its infringing footwear constitutes a willful and deliberate
6 infringement of Plaintiff's rights and is causing irreparable harm and damage to
7 Plaintiff and its licensee.

8 **SECOND CLAIM FOR RELIEF**

9 **(CONSTRUCTIVE TRUST)**

10 13. Plaintiff incorporates by reference as if set forth in full herein the
11 allegations of Paragraph 1 through 12 of this Complaint.

12 14. By virtue of its wrongful conduct, Defendant illegally received money
13 and profits that rightfully belonged to Plaintiff.

14 15. Defendant is therefore an involuntary trustee, holding the gross receipts
15 from its product sales and revenues to the extent attributable to the Copyrighted
16 Works and therefore attributable to the infringement of Plaintiff's copyright therein.
17 Defendant holds such moneys and funds on behalf of and subject to a first and prior
18 lien against all others and in favor of Plaintiff. On information and belief,
19 Defendant holds this illegally received money and profits in the form of bank
20 accounts, real property, and personal property that can be located and traced.

21 16. Plaintiff is entitled to the remedy of a constructive trust in view of
22 Defendant's wrongful infringement of Plaintiff's Copyrighted Works.

23 **THIRD CLAIM FOR RELIEF**

24 **(FOR AN ACCOUNTING)**

25 17. Plaintiff incorporates by reference as if set forth in full herein the
26 allegations of Paragraph 1 through 12 of this Complaint.

27 18. Under 17 U.S.C. Section 504, Plaintiff may recover any and all profits
28 of Defendant that are attributable to its acts of infringement.

1 19. A balance is due from Defendant to Plaintiff for misappropriation of
2 profits and gross receipts arising from or attributable to Defendant's copying,
3 exploitation, and use of the Copyrighted Works on footwear and consequent
4 violation and infringement of Plaintiff's copyright in the Copyrighted Works.

5 20. The exact amount of money due from Defendant is unknown to
6 Plaintiff and can only be ascertained through an accounting. Plaintiff seeks an order
7 from this Court directing Defendant to provide Plaintiff with an accounting and
8 payment of the amount due as a result of the accounting, plus interest.

9 WHEREFORE, Plaintiff requests that the Court grant it the following relief:

- 10 A. That Defendant be permanently enjoined from infringing the
11 Copyrighted Works;
- 12 B. That the Court order the impoundment and destruction of all footwear
13 containing copies of the Copyrighted Works;
- 14 C. That Defendant be required to pay to Plaintiff such actual damages as
15 they have sustained as a result of Defendant's copyright infringement
16 pursuant to 17 USC §504(b);
- 17 D. That Defendant be required to account for and disgorge to Plaintiff all
18 gains, profits and advantages derived by its copyright infringement
19 pursuant to 17 USC §504(b);
- 20 E. That Defendant be required to pay Plaintiff statutory damages pursuant
21 to 17 USC §504(b);
- 22 F. That Defendant be required to pay Plaintiff an increase in the award of
23 statutory damages due to Defendant's willful infringement pursuant to
24 17 USC §504(c)(2);
- 25 G. That the Court declares, adjudges, and decrees that Defendant has been
26 and is an involuntary and constructive trustee, holding the gross
27 receipts from the aforesaid exploitation of the Copyrighted Works on
28 footwear to the extent attributable to the Copyrighted Works or

1 Defendant's misuse of the protectible interests of Plaintiff in the
2 Copyrighted Works, and that Defendant holds all such monies and
3 funds on behalf of and subject to a first and prior lien against all others
4 and in favor of Plaintiff;

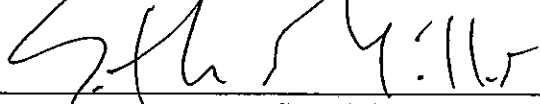
5 H. That Defendant be required to account for and pay over to Plaintiff all
6 gains and profits derived by Defendant from or attributable to its
7 distribution, sale, or other exploitation of the Copyrighted Works on
8 footwear or any other uses of all or part of the Copyrighted Works
9 made or authorized by Defendant;

10 I. That Defendant be ordered to pay to Plaintiff the costs of this action
11 along with reasonable attorney fees pursuant to 17 USC §505;

12 J. That Plaintiff is granted such further relief as the Court deems just.

13

14 DATED: June 12, 2009 Respectfully submitted,
15 KING, HOLMES, PATERNO & BERLINER, LLP

16
17 By: 
18 SETH MILLER
Attorneys for Plaintiff ELVH, INC.

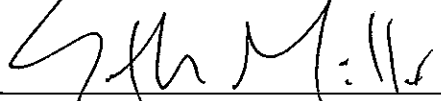
19

20 **DEMAND FOR JURY TRIAL**

21 Plaintiff demands a trial by jury on all issues so triable.

22

23 DATED: June 12, 2009 Respectfully submitted,
24 KING, HOLMES, PATERNO & BERLINER, LLP

25
26 By: 
27 SETH MILLER
Attorneys for Plaintiff ELVH, INC.

28

EXHIBIT "A"

CERTIFICATE OF REGISTRATION



OFFICIAL SEAL

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

JRM VA
For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE



EFFECTIVE DATE OF REGISTRATION

Month FEB Day 20 Year 2001

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK ▼

FRANKENSTEIN

NATURE OF THIS WORK ▼ See instructions
**Artistic Graphic Design
Applied to Guitar Body**

PREVIOUS OR ALTERNATIVE TITLES ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

NAME OF AUTHOR ▼

a EDWARD VAN HALEN

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼
1955

Was this contribution to the work a "work made for hire"?
 Yes
 No

Author's Nationality or Domicile
Name of Country

OR { Citizen of ► **U.S.A.**
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 Check appropriate box(es). See instructions

- 3-Dimensional sculpture
- 2-Dimensional artwork
- Reproduction of work of art
- Map
- Photograph
- Jewelry design
- Technical drawing
- Text
- Architectural work

NAME OF AUTHOR ▼

b

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

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 Check appropriate box(es). See instructions

- 3-Dimensional sculpture
- 2-Dimensional artwork
- Reproduction of work of art
- Map
- Photograph
- Jewelry design
- Technical drawing
- Text
- Architectural work

3

Year in Which Creation of This Work Was Completed

1979-1997 Year

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published. Month ► Day ► Year ► Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

**EDWARD VAN HALEN
c/o Page & Associates
3500 W. Olive Avenue, Suite 300
Burbank, CA 91505**

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

SEP 10 2001

ONE DEPOSIT RECEIVED

SEP 10 2001

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

DO NOT WRITE HERE OFFICE USE ONLY

MORE ON BACK ► • Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
• See detailed instructions. • Sign the form at line 8.

DO NOT WRITE HERE
Page 1 of 2 pages

EXAMINED BY

Muller/Jane

FORM VA

CHECKED BY

CORRESPONDENCE
Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼

- a. This is the first published edition of a work previously registered in unpublished form.
- b. This is the first application submitted by this author as copyright claimant.
- c. This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼ Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. **Preexisting Material** Identify any preexisting work or works that this work is based on or incorporates. ▼

See instructions
before completing
this space.

b. **Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

MICHELLE A. COOKE, ESQ.
NEFF LAW GROUP LLP
21515 HAWTHORNE BLVD., SUITE 650
TORRANCE, CA 90503

Area code and daytime telephone number ▶ (310) 540-6760

Fax number ▶ (310) 540-0305

Email ▶ michelle@nefflaw.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

- check only one ▶
- author
 - other copyright claimant
 - owner of exclusive right(s)
 - authorized agent of **EDWARD VAN HALEN**

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

MICHELLE A. COOKE

Date ▶ 9/4/01

Handwritten signature (X) ▼

Michelle A. Cooke

Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼
MICHELLE A. COOKE, ESQ.
Number/Street/Apt ▼
NEFF LAW GROUP LLP/21515 Hawthorne Blvd., #650
City/State/ZIP ▼
TORRANCE, CA 90503

YOU MUST

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL ELEMENTS IN THE SAME PACKAGE

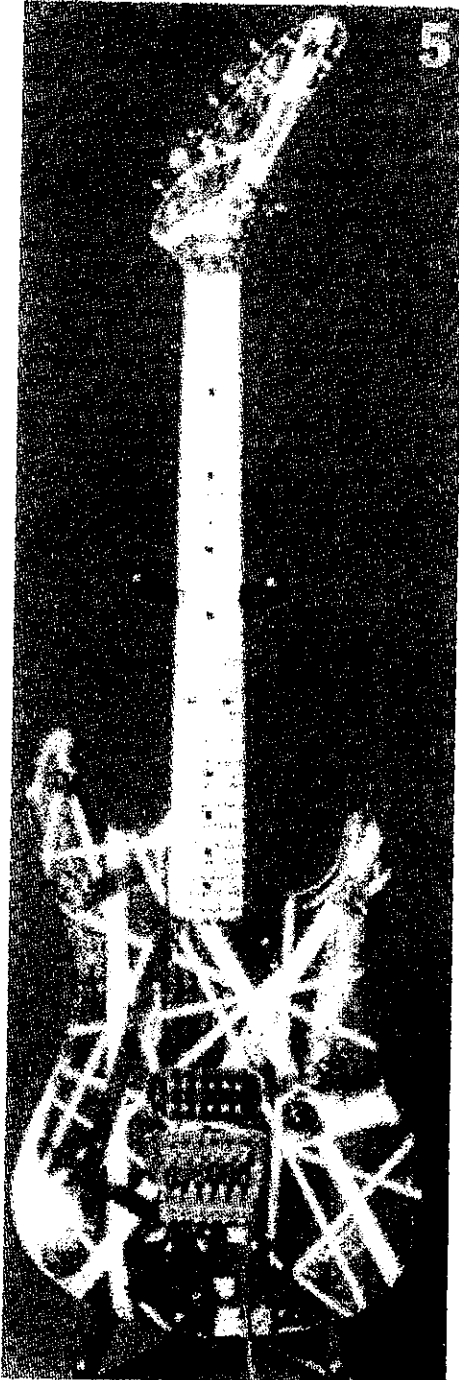
1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO

Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

As of July 1, 1999,
the filing fee for
Form VA is \$30.







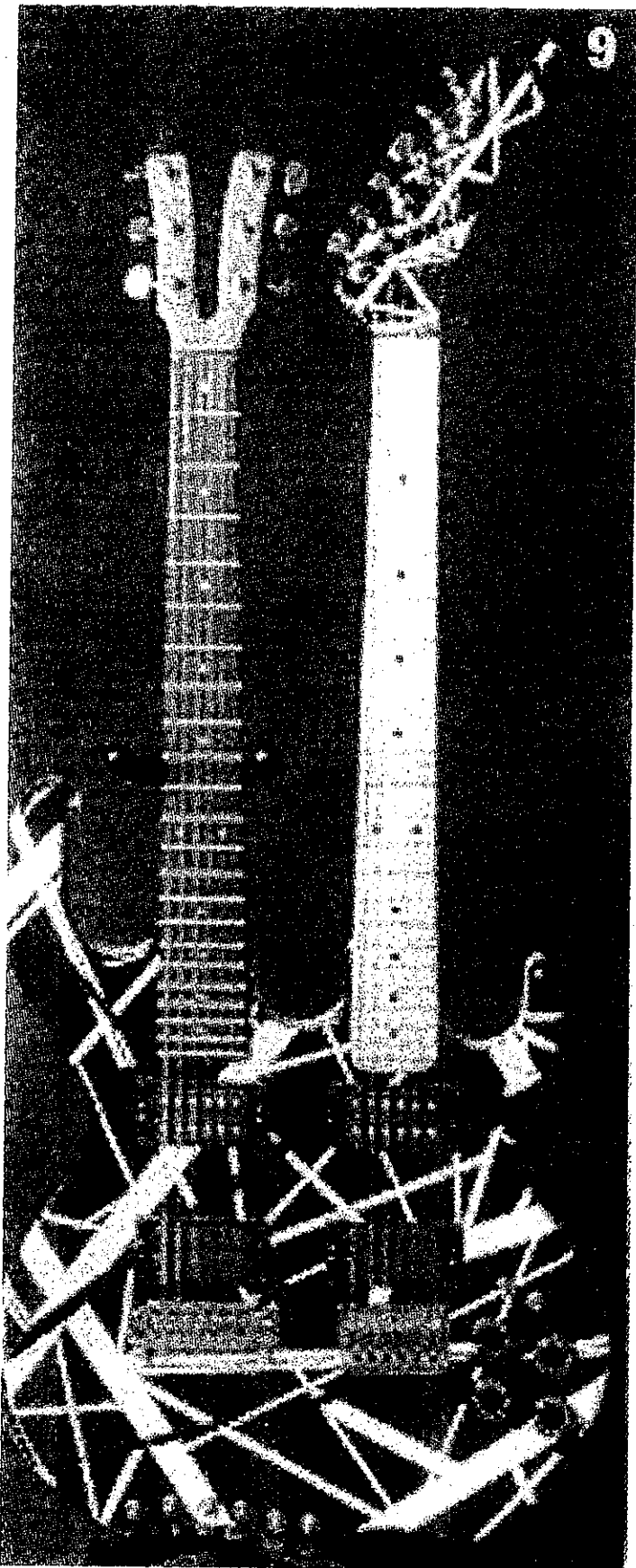






EXHIBIT "B"

CERTIFICATE OF REGISTRATION

FORM VA

For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

REG **VAU 544-060**
#1600541000

EFFECTIVE DATE OF REGISTRATION
JUN 19 2002
Month Day Year



OFFICIAL SEAL

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

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1 TITLE OF THIS WORK ▼ **FRANKY** NATURE OF THIS WORK ▼ See instructions
Artistic Graphic Design

PREVIOUS OR ALTERNATIVE TITLES ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

2 NAME OF AUTHOR ▼ **a EDWARD VAN HALEN** DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼
1955

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

Was this contribution to the work a "work made for hire"? Yes No
Author's Nationality or Domicile Name of Country
OR Citizen of **U.S.A.**
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 Check appropriate box(es). See instructions
 3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

NAME OF AUTHOR ▼ **b** DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

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 Check appropriate box(es). See instructions
 3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

3 a Year in Which Creation of This Work Was Completed **1979** b Date and Nation of First Publication of This Particular Work
This information must be given in all cases. Complete this information ONLY if this work has been published. Month Day Year

4 COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. **EDWARD VAN HALEN**
c/o Page & Associates
3500 W. Olive Ave., Suite 300
Burbank, CA 91505

APPLICATION RECEIVED
JUN 19 2002
ONE DEPOSIT RECEIVED
JUN 19 2002
TWO DEPOSITS RECEIVED
FUNDS RECEIVED

MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
• See detailed instructions. • Sign the form at line 5.

DO NOT WRITE HERE
Page 1 of _____ pages

EXAMINED BY MS FORM VA

CHECKED BY _____

CORRESPONDENCE Yes

FOR COPYRIGHT OFFICE USE ONLY

*Coloring not copyrightable. 37 CFR 202.1.

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼

- a. This is the first published edition of a work previously registered in unpublished form.
- b. This is the first application submitted by this author as copyright claimant.
- c. This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼ Year of Registration ▼

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Artistic graphic designs entitled Original Frank and Frankenstein

a 6 See instructions before completing this space.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

New adaptation of design and new color scheme *

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼ Account Number ▼

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

Michelle A. Cooke, Esq.
Neff Law Group LLP
21515 Hawthorne Blvd., Suite 650
Torrance, CA 90503

a
b

Area code and daytime telephone number ▶ 310 540-6760

Fax number ▶ (310) 540-0305

Email ▶ michelle@nefflaw.com

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one ▶

- author
- other copyright claimant
- owner of exclusive right(s)
- authorized agent of EDWARD VAN HALEN

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Michelle A. Cooke

Date ▶ 6/18/02

Handwritten signature (X) ▼

Michelle A. Cooke

Certificate will be mailed in window envelope to this address:

Name ▼
Michelle A. Cooke, Esq.

Number/Street/Apt ▼
Neff Law Group LLP/ 21515 Hawthorne Blvd. #650

City/State/ZIP ▼
Torrance, CA 90503

YOU MUST

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL 3 ELEMENTS IN THE SAME PACKAGE

1. Application form
 2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
 3. Deposit material
- As of July 1, 1999, the filing fee for Form VA is \$30.

MAIL TO

Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

9

*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.
June 1999—100,000
WEB REV: June 1999

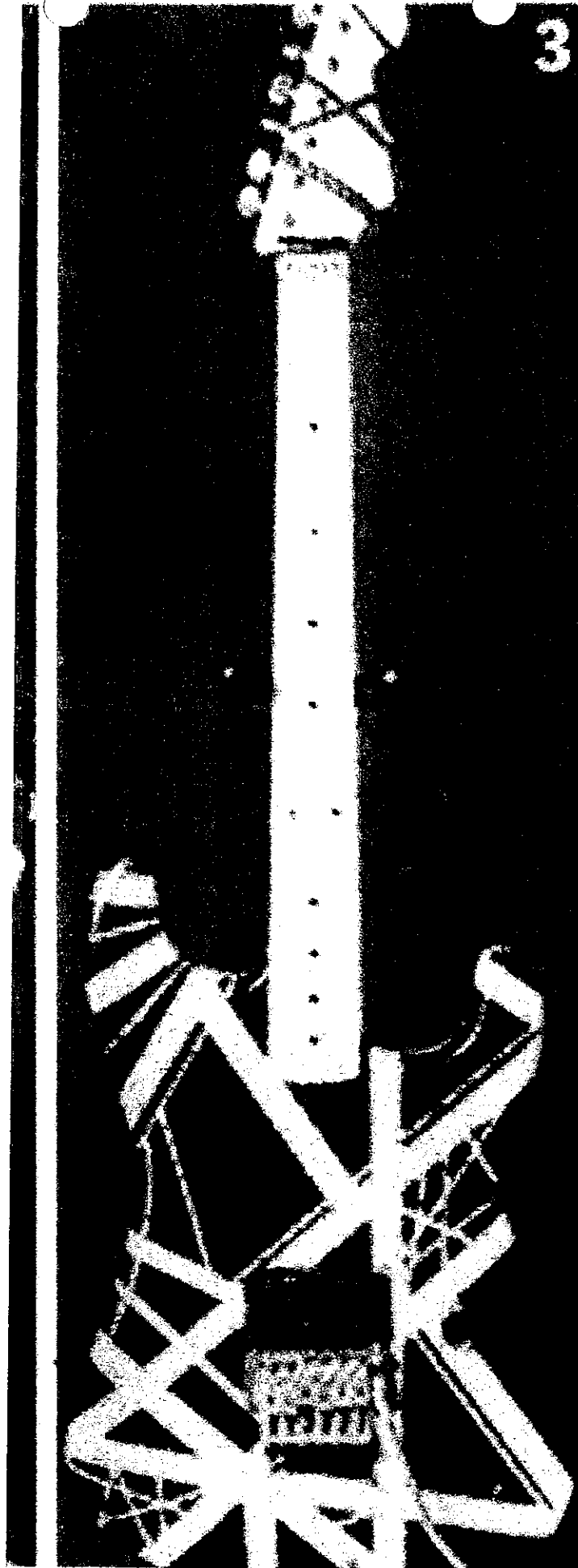


EXHIBIT "C"

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.

FORM VA
For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

REC **VAU 558 - 125**
[Barcode]

Marybeth Peters

REGISTER OF COPYRIGHTS
United States of America

EFFECTIVE DATE OF REGISTRATION
8-7-02
Month Day Year

OFFICIAL SEAL

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

Title of This Work ▼

NATURE OF THIS WORK ▼ See Instructions

ORIGINAL FRANK

Artistic Graphic Design

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

a EDWARD VAN HALEN

Year Born ▼ Year Died ▼
1955

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

Author's Nationality or Domicile Name of Country

Was This Author's Contribution to the Work

Yes
 No

OR { Citizen of **U.S.A.**
Domiciled in _____

Anonymous? Yes No
Pseudonymous? Yes No
If the answer to either of these questions is "Yes," see detailed instructions

Nature of Authorship Check appropriate box(es). See instructions

3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

Name of Author ▼

Dates of Birth and Death
Year Born ▼ Year Died ▼

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

Author's Nationality or Domicile Name of Country

Was This Author's Contribution to the Work

Yes
 No

OR { Citizen of _____
Domiciled in _____

Anonymous? Yes No
Pseudonymous? Yes No
If the answer to either of these questions is "Yes," see detailed instructions

Nature of Authorship Check appropriate box(es). See instructions

3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

3

Year in Which Creation of This Work Was Completed
1978

This information must be given in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published. Month _____ Day _____ Year _____

Nation

4

See instructions before completing this space.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼ **EDWARD VAN HALEN**

**c/o Page & Associates
3500 W. Olive Ave., Suite 300
Burbank, CA 91505**

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

DO NOT WRITE HERE OFFICE USE ONLY
APPLICATION RECEIVED
AUG 07 2002
ONE DEPOSIT RECEIVED
AUG 07 2002
TWO DEPOSITS RECEIVED
FUNDS RECEIVED

MORE ON BACK ▶

• Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
• See detailed instructions. • Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of _____ pages

EXAMINED BY [Signature] FORM VA

CHECKED BY [Signature]

CORRESPONDENCE
Yes

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼

- a. This is the first published edition of a work previously registered in unpublished form.
- b. This is the first application submitted by this author as copyright claimant.
- c. This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼ Year of Registration ▼

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

6

a. See instructions before completing this space.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼ Account Number ▼

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

Michelle A. Cooke, Esq.
Neff Law Group LLP
21515 Hawthorne Blvd., Suite 650
Torrance, CA 90503

a
b

Area code and daytime telephone number (310) 540-6760

Fax number (310) 540-0305

Email michelle@nefflaw.com

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one ▶ {

- author
- other copyright claimant
- owner of exclusive right(s)
- authorized agent of EDWARD VAN HALEN

Name of author or other copyright claimant, or owner of exclusive right(s) A

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Michelle A. Cooke

Date 8/6/02

Handwritten signature (X) ▼

X [Handwritten Signature]

Certificate will be mailed in window envelope to this address:

| | |
|---------------------|--|
| Name ▼ | Michelle A. Cooke, Esq. |
| Number/Street/Apt ▼ | Neff Law Group LLP/ 21515 Hawthorne Blvd. #650 |
| City/State/ZIP ▼ | Torrance, CA 90503 |

YOU MUST

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL 3 ELEMENTS IN THE SAME PACKAGE

1. Application form
2. Nonrefundable filing 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. 20558-6000

9

*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.



**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 Christina A. Snyder and the assigned discovery Magistrate Judge is Frederick F. Mumm.

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

CV09 - 4219 CAS (FFMx)

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

ELVH, INC., a California corporation,

CASE NUMBER

CV09-04219 CAS (FFM)

PLAINTIFF(S)

v.

NIKE, INC.,

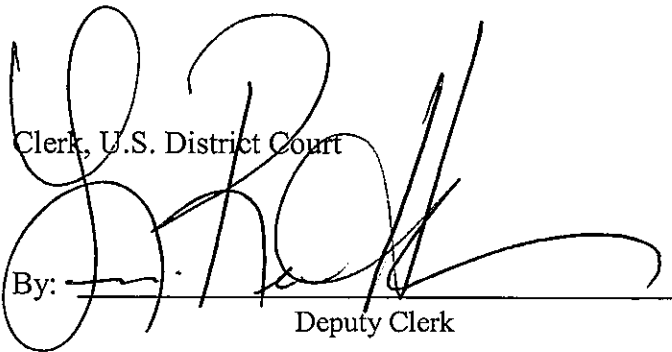
SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S): NIKE, 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, Seth Miller, Esq., whose address is King, Holmes, Paterno & Berliner, LLP, 1900 Avenue of the Stars, 25th Floor, LA, CA 90067. 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
By: 
Deputy Clerk

Dated: JUN 12 2009

(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)].