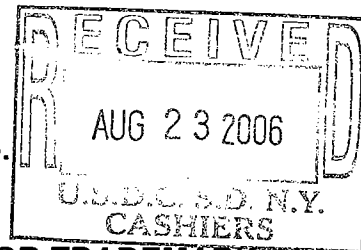


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
SOHK SPORTSWEAR, INC.,

Civil Action No.

Plaintiff,

COMPLAINT FOR TRADEMARK
INFRINGEMENT

-against-

MULTINATIONAL TRADING CO., INC.
and TARGET CORPORATION,

Defendants. :

(Jury Trial Demanded)

-----X

COMPLAINT

Plaintiff SOHK Sportswear, Inc. (hereinafter "Plaintiff" and/or "SOHK"), by its attorneys, as and for its Complaint against Defendants Multinational Trading Co., Inc. (hereinafter "MTC") and Target Corporation (hereinafter "Target") (MTC and Target are sometimes collectively referred to as "Defendants"), alleges on knowledge as to Plaintiff and otherwise on information and belief as follows:

1. This is an action for trademark infringement, false designation of origin and false representation under the Lanham Act, 15 U.S.C. §§ 1051 et seq., and for related claims under New York State law.

JURISDICTION AND VENUE

2. Plaintiff SOHK Sportswear, Inc. is a New York Corporation with a principal office and place of business at 106-11 Northern Boulevard in Corona, New York.
2. Upon information and belief, Defendant Multinational Trading Company, Inc. is a Virginia corporation, having an office and place of business at 4100 Caroline Avenue in Portsmouth, Virginia.
3. Upon information and belief, Defendant Target Corporation is a Minnesota corporation with its headquarters located at 1000 Nicollet Mall in Minneapolis,

Minnesota.

4. Upon information and belief, Target sells many different products, including the apparel at issue herein, in the over 1,400 stores that it operates throughout the United States, including New York, and on its Website. Upon information and belief, Target operates a retail store in this judicial district.
5. This Court has subject matter jurisdiction in this action pursuant to 28 U.S.C. §§1331, 1338 and 1367.
6. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391.
7. The Defendants have conducted, and continue to conduct business, in this judicial district through the solicitation of business, and the advertising and sale of the clothing bearing the infringing trademarks at issue herein.

BACKGROUND

8. Plaintiff is a designer, licensor, and retailer of sportswear.
9. Since 1993, Plaintiff has advertised, offered for sale and sold apparel and accessories under the trademarks SCHOOL OF HARD KNOCKS and HARD KNOCKS.
10. Plaintiff sells such products to better department stores and speciality stores located in New York City and throughout the United States.
11. Plaintiff's SCHOOL OF HARD KNOCKS and HARD KNOCKS trademarks have appeared in magazines, catalogs, circulars, mailings and by other means of advertising. A small sample of such use is attached hereto as Exhibit A.
12. Plaintiff is the owner of all right, title and interest in and to the trademarks SCHOOL OF HARD KNOCKS and HARD KNOCKS for use in a wide variety of apparel including T-shirts, sweatshirts, sweatsuits, shirts, jackets, jeans, hats,

skirts, shorts, tank tops and bandannas.

13. Plaintiff's SCHOOL OF HARD KNOCKS trademark has been registered in the United States Patent and Trademark Office in accordance with the provisions of the Lanham Act, and Plaintiff is the owner of Registration No. 1,975,106 for the mark SCHOOL OF HARD KNOCKS in International Class 25 for use on clothing, namely sweatshirts, sweatsuits, shirts, T-shirts, jackets, jeans, hats, skirts, shorts, tank tops and bandannas. Plaintiff's SCHOOL OF HARD KNOCKS trademark registration is now an incontestable trademark. A copy of Plaintiff's incontestable federal trademark registration is attached hereto as Exhibit B.
14. Plaintiff's HARD KNOCKS trademark has also been registered in the United States Patent and Trademark Office in accordance with the provisions of the Lanham Act, and Plaintiff is the owner of Registration No. 2,559,285 for the mark HARD KNOCKS in International Class 25 for use on clothing, namely sweatshirts, sweatsuits, shirts, T-shirts, jackets, jeans, hats, skirts, shorts, tank tops and bandannas. A copy of Plaintiff's federal trademark registration is attached hereto as Exhibit C.
15. Plaintiff's federal registrations constitute *prima facie* evidence of Plaintiff's ownership of the marks SCHOOL OF HARD KNOCKS and HARD KNOCKS for clothing, including T-shirts, and of Plaintiff's exclusive right to use SCHOOL OF HARD KNOCKS and HARD KNCOKS in association with the sale of such goods.
16. Over the last decade, Plaintiff and its licensees have invested a considerable amount of money, time and effort promoting and advertising the SCHOOL OF HARD KNOCK and HARD KNOCKS trademarks. As a result of such promotion, Plaintiff has achieved substantial commercial success and its SCHOOL OF HARD KNOCKS and HARD KNOCKS trademarks have become well and

favorable known to the public and to the trade.

17. Upon information and belief, Defendant MTC imports and sells apparel on a wholesale basis.
18. Upon information and belief, MTC recently caused to be imported various items of clothing including T-shirts that bear the Plaintiff's registered trademark SCHOOL OF HARD KNOCKS.
19. Upon information and belief, MTC sold such products to Target and/or other retailers.
20. Upon information and belief, Target has sold and continues to sell such products at its many retail locations and through its Website.
21. Upon information and belief, Target identifies and advertises the subject products as a "BOY'S HARD KNOCKS TEE." A printout from Target's Website displaying one of the shirts at issue is attached hereto as Exhibit D.
22. Upon discovering Target's advertising and sale of the subject T-shirts, on August 4, 2006 Plaintiff's counsel sent both MTC and Target a cease and desist letter demanding that they stop selling the subject T-shirts on or before August 14, 2006.
23. Despite receiving notice of Plaintiff's claim, neither MTC nor Target has stopped selling the subject T-shirts.

COUNT I

TRADEMARK INFIRNGEMENT UNDER §1114(a) of the LANHAM ACT

24. This cause of action arises under 15 U.S.C. §1114 for infringement of a registered trademark.

25. Plaintiff repeats and realleges the allegations of paragraphs 1 through 23 hereof as if fully set forth herein.
26. Defendants advertising and sale of clothing in association with the trademarks SCHOOL OF HARD KNOCKS and HARD KNOCKS is likely to cause confusion, or to cause mistake, or to deceive, purchasers and the trade.
27. The activities of the Defendants complained of herein constitute infringement of Plaintiff's federally registered trademarks.
28. Defendants are not and never have been authorized or licensed by Plaintiff, nor have they ever received permission from Plaintiff to offer clothing products in association with the SCHOOL OF HARD KNOCKS or HARD KNOCKS trademarks.
29. By reason of the Defendants' acts as described herein, Plaintiff has been damaged, and unless Defendants are restrained from further acts of infringement, the damage to Plaintiff which is irreparable will increase.
30. Unless Defendants' acts are stopped forthwith, the damages to Defendants will exceed \$500,000.
31. Plaintiff has no adequate remedy at law.

COUNT II

TRADEMARK INFRINGEMENT UNDER §1125 (a) of the LANHAM ACT

32. This Count arises under Section 43(a) of the Trademark Act of 1946, as amended, 15 U.S.C. §1125(a).
33. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 31 of this Complaint as if fully set forth herein.
34. As a result of its long and continuous use and attendant promotion and advertising activities, Plaintiff's SCHOOL OF HARD KNOCKS and HARD KNOCKS trademarks have acquired secondary meaning and special significance

- as indicating, identifying or denominating Plaintiff and its clothing products.
35. As alleged herein, the unauthorized sale, use, advertising, and promotion of clothing associated with Plaintiff's SCHOOL OF HARD KNOCKS and HARD KNOCKS trademarks is likely to cause confusion, or to cause mistake, or to deceive, purchasers.
 36. In this regard, Defendants activities constitute false designation of origin, and false descriptions and representations in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §43(a) as amended, 15 U.S.C. §1125(a).
 37. By reason of the acts of Defendants as described herein, Plaintiff has been damaged and, unless Defendants are restrained from further acts of infringement, the damage to Plaintiff which is irreparable will certainly increase.
 38. Unless Defendants' acts are stopped forthwith, the damages to Defendants will exceed \$500,000.
 39. Plaintiff has no adequate remedy at law.

COUNT III

VIOLATION OF NEW YORK GENERAL BUSINESS LAW

40. This cause of action arises under Section 368-l of the General Business Law of the State of New York.
41. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 39 of this Complaint.
42. Defendants unauthorized use of the SCHOOL OF HARD KNOCKS and HARD KNOCKS trademarks as described herein is likely to injure and has injured Plaintiff's business reputation, and is likely to dilute and has diluted the distinctive quality of Plaintiff's trademarks.

43. By reason of the foregoing, Defendants' wrongful acts violate New York General Business Law §368-I.
44. Plaintiff has been damaged by the acts of Defendants in an amount as yet unknown.
45. Unless Defendants' acts are stopped forthwith, the damages to Defendants will exceed \$500,000.
46. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff prays for the following relief

A. That the Defendants, their directors, officers, agents, servants, employees, attorneys, representatives, successors and assigns and all persons, firms, companies or corporations in active concert or participation and or affiliation with them be preliminarily and permanently enjoined from: (i) directly or indirectly infringing the trademark rights of Plaintiff in any manner, including generally, but not limited to, selling, publishing, displaying, vending, distributing, promoting and/or advertising any products which infringe Plaintiff's trademark rights; and, using any designation, trademark, logo or design that tends to falsely represent, or is likely to confuse, mislead, or deceive purchasers, customers or members of the public, or members of the trade into believing that unauthorized merchandise distributed, promoted, advertised, sold or offered for sale by Defendants originate from Plaintiff, or that said merchandise has been sponsored, approved or licensed by or associated with Plaintiff or is in some way connected or affiliated with Plaintiff; (ii) otherwise infringing Plaintiff's trademarks; and/or (iii) competing unfairly with Plaintiff in any manner or damaging Plaintiff's respective goodwill, reputation or business;

B. That damages be awarded to Plaintiff in the full amount Plaintiff has sustained as a consequence of Defendants' acts, together with any and all profits of Defendants which are attributable to or arise out of or from such infringements or wrongful acts.

C. That the damages that are awarded be trebled due to the willful nature of Defendants' acts;

D. That Defendants pay to Plaintiff the costs of this action, and Plaintiff's reasonable attorneys fees as the Court may allow; and


E. That Plaintiff be granted such other and further relief as the Court may deem just.

PLAINTIFF DEMANDS A JURY TRIAL

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.
Attorneys for Plaintiff
270 Madison Avenue
New York, New York 10016-0601

By


Richard S. Schurin (RS 0199)
George Gottlieb (GG 5761)

DATED: August 22, 2006

“EXHIBIT A”



VIBE

SPIN

Teen

SCHOOL
TRIP
BLOCKS

SLAM

Time Out
New York

MEDIA HITS

VICE

XXL

THE FACE OF YOUTH CULTURE
mixer
the future

THE SOURCE
THE MAGAZINE OF HIP HOP MUSIC, CULTURE & POLITICS



“EXHIBIT B”



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Typed Drawing

Word Mark SCHOOL OF HARD KNOCKS
Goods and Services IC 025. US 022 039. G & S: clothing, namely sweatshirts, sweatsuits, shirts, T-shirts, jackets, jeans, hats, skirts, shorts, tank tops and bandannas. FIRST USE: 19921000. FIRST USE IN COMMERCE: 19930200
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 74712032
Filing Date August 7, 1995
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition February 27, 1996
Registration Number 1975106
Registration Date May 21, 1996
Owner (REGISTRANT) Von's Inc. CORPORATION NEW YORK 106-11 Northern Boulevard Corona NEW YORK 11368
 (LAST LISTED OWNER) SOHK SPORTSWEAR, INC. CORPORATION BY ASSIGNMENT NEW YORK 520 PERSIMMON POINT GAYETTEVILLE GEORGIA 30214
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record DONNA MIRMAN BROOME
Type of Mark TRADEMARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060802.
Renewal 1ST RENEWAL 20060802
Live/Dead Indicator LIVE

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“EXHIBIT C”



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Typed Drawing

Word Mark	HARD KNOCKS
Goods and Services	IC 025. US 022 039. G & S: CLOTHING, NAMELY, SWEATSHIRTS, T-SHIRTS, JACKETS, JEANS, HATS, SKIRTS, BOXER SHORTS, SHORTS, TANK TOPS AND BANDANAS. FIRST USE: 19930400. FIRST USE IN COMMERCE: 19930400
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	75601499
Filing Date	December 8, 1998
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	January 2, 2001
Registration Number	2559285
Registration Date	April 9, 2002
Owner	(REGISTRANT) SOHK Sportswear, Inc. CORPORATION NEW YORK 106-11 Northern Boulevard Corona NEW YORK 11368
Attorney of Record	Donna L. Mirman
Type of Mark Register	TRADEMARK PRINCIPAL
Live/Dead Indicator	LIVE

“EXHIBIT D”



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Boys' Hard Knocks Tee - Blue

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Availability : Usually ships within 24 hours.

ITEM INFO DESCRIPTION AVAILABLE WITH IT RETURNS & POLICIES

- This cool washed-blue tee is screen-printed in an Ivy-League-style crest that reads "School of Hard Knocks"
- 100% cotton
- Full front print
- Hemmed short sleeves; regular fit
- Machine wash

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