

Given Copyright Form

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FILED
2008 OCT 21 PM 1:36
CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIF.

Attorneys for Plaintiff, HEARST HOLDINGS, INC.,
KING FEATURES SYNDICATE DIVISION, and
FLEISCHER STUDIOS, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV08-06932 FMC (JCx)

HEARST HOLDINGS, INC., KING
FEATURES SYNDICATE DIVISION, a
Delaware corporation and FLEISCHER
STUDIOS, INC., a California corporation,

CASE NO.:

COMPLAINT FOR:

Plaintiffs,

(1) COPYRIGHT INFRINGEMENT
(17 U.S.C. §101 ET SEQ.);

vs.

(2) VIOLATION OF LANHAM ACT
(15 U.S.C. §1051 ET SEQ.);

ROGER LALWANI aka RAJU T.
LALWANI dba SHIVAM
INTERNATIONAL, INC., an individual;
SHIVAM INTERNATIONAL, INC., a
California corporation dba VISUSA, a
business entity, form unknown; HASSEN
HASSANZADEH dba FASHION AND
BODY JEWELRY, an individual;
FASHION AND BODY JEWELRY, a
business entity, form unknown; SOO YONG
JUNG dba GRACE JEWELRY, an
individual; GRACE JEWELRY, a business
entity, form unknown; TUNG GOR aka
RANDY LEE dba ALLEGRO
ACCESSORIES, an individual; ALLEGRO
ACCESSORIES, a business entity, form
unknown; NANCY FELS dba STINKIE4, an
individual; STINKIE4, a business entity,
form unknown; JULIE TATE dba
BELAJEWELZ, an individual;
BELAJEWELZ, a business entity, form

(3) UNFAIR COMPETITION
(CAL. BUS. & PROF. CODE §17200
ET SEQ.)

DEMAND FOR JURY TRIAL

1/5

✓

1 unknown; SUNG SOO LEE dba T ISLAND,)
 2 an individual; T ISLAND, a business entity,)
 3 form unknown;)
 4 and DOES 1 through 10, inclusive,)
 5 Defendants.)

6 Plaintiffs, HEARST HOLDINGS, INC., KING FEATURES SYNDICATE DIVISION, a
 7 Delaware corporation and FLEISHER STUDIOS, INC., a California corporation, complain and
 8 allege as follows:

9 **JURISDICTION**

10 1. These claims arise under the Copyright Act of 1976, 17 USC §101 *et seq.* (the
 11 “Copyright Act”), the Lanham Trademark Act of 1946, 15 USC §1051 *et seq.* (the “Lanham
 12 Act”), and state statutory and common-law of unfair competition. This Court has subject matter
 13 jurisdiction pursuant to 15 USC §1121, 17 USC §101 *et seq.*, 28 USC §§1331, 1338, and the law
 14 of supplemental jurisdiction (28 USC §1367).

15 **VENUE**

16 2. Venue is vested in this Court pursuant to 28 USC §§1391(b), 1392(a), 1400(a),
 17 and in that the asserted claims arose within this district and in the state of California, and in that
 18 these Defendants, or their agents, conduct business, reside or may be found within this district
 19 and in the state of California.

20 **PARTIES**

21 3. Plaintiff The Hearst Corporation, King Features Syndicate Division, (“King
 22 Features”) is a corporation duly organized and existed under the laws of the state of Delaware,
 23 having its principal place of business in New York, New York.

24 4. Plaintiff Fleischer Studios, Inc. (“Fleischer”) is a corporation duly organized and
 25 existing under the laws of the state of California, having its principal place of business in the
 26 County of Los Angeles. Fleischer is principally owned by the heirs of Max Fleischer. Max
 27 Fleischer, a principal of a previous Fleischer Studios, Inc., was the creator of famous cartoon
 28 characters, including the well-known fictional character “BETTY BOOP.”

5. Plaintiffs are informed and believe, and thereupon allege, that at all times relevant

1 hereto:

2 5.1) Defendant Does 1-3, inclusive, are the manufacturers, importers, and/or primary
3 distributors of all of the “infringing Betty Boop merchandise” described in paragraph twenty-one
4 hereinbelow;

5 5.2) Defendant Shivam International, Inc., a California corporation dba Visusa with a
6 principal place of business at 315 N. Naomi Street, Burbank, California, 91505, in Los Angeles
7 County;

8 5.3) Defendant Roger Lalwani aka Raju T. Lalwani, is an individual residing in the
9 State of California and this District, and along with Defendant Doe 4, inclusive, are and were
10 officers, directors, owners, agents or partners of Shivam International, Inc., who is doing
11 business under the name Visusa, at 315 N. Naomi Street, Burbank, California, 91505, in Los
12 Angeles County;

13 5.4) Defendant Fashion and Body Jewelry, a business entity, form unknown, with a
14 principal place of business at 10 Thunder Run, #24H, Irvine, California, 92614, in Orange
15 County;

16 5.5) Defendant Hassen Hassanzadeh, is an individual residing in the State of
17 California, and along with Defendant Doe 5, inclusive, are and were officers, directors, owners,
18 agents or partners of Fashion and Body Jewelry, who is doing business under the name Fashion
19 and Body Jewelry, at 10 Thunder Run, #24H, Irvine, California, 92614, in Orange County;

20 5.6) Defendant Grace Jewelry, a business entity, form unknown, with a principal place
21 of business at 1440 S. Anaheim Blvd., G 18-20, Anaheim, California, 92805, in Orange County;

22 5.7) Defendant Soo Yong Jung, is an individual residing in the State of California, and
23 along with Defendant Doe 6, inclusive, are and were officers, directors, owners, agents or
24 partners of Grace Jewelry, who is doing business under the name Grace Jewelry, at 1440 S.
25 Anaheim Blvd., G 18-20, Anaheim, California, 92805, in Orange County;

26 5.8) Defendant Allegro Accessories, is a business entity, form unknown, with a
27 principal place of business at 210 E. Olympic Blvd., #108, Los Angeles, California, 90015, in
28 Los Angeles County;

1 5.9) Defendant Tung Gor aka Randy Lee, an individual residing in the State of
2 California, and along with Defendant Doe 7, inclusive, are and were officers, directors, owners,
3 agents or partners of Allegro Accessories, who is doing business under the name Allegro
4 Accessories, at 210 E. Olympic Blvd., #108, Los Angeles, California, 90015, in Los Angeles
5 County;

6 5.10) Defendant Stinkie4, is a business entity, form unknown, with a principal place of
7 business at 1134 Federal Way, Toms River, New Jersey, 08253, in Ocean County;

8 5.11) Defendant Nancy Fels, an individual residing in the State of New Jersey, and
9 along with Defendant Doe 8, inclusive, are and were officers, directors, owners, agents or
10 partners of Stinkie4, who is doing business under the name Stinkie4, at 1134 Federal Way, Toms
11 River, New Jersey, 08253, in Ocean County;

12 5.12) Defendant Belajewelz, a business entity, form unknown, with a principal place of
13 business at 1607 Sadlers Wells Ct., Herndon, Virginia, 20170, in Fairfax County;

14 5.13) Defendant Julie Tate, an individual residing in the State of Virginia, and along
15 with Defendant Doe 9, inclusive, are and were officers, directors, owners, agents or partners of
16 Belajewelz, who is doing business under the name Belajewelz, at 1607 Sadlers Wells Ct.,
17 Herndon, Virginia, 20170, in Fairfax County;

18 5.14) Defendant T Island, a business entity, form unknown, with a principal place of
19 business at 6655 Hollywood Blvd., Los Angeles, California, 90028, in Los Angeles County;

20 5.15) Defendant Sung Soo Lee, an individual residing in the State of California, and
21 along with Defendant Doe 10, inclusive, are and were officers, directors, owners, agents or
22 partners of T Island, who is doing business under the name T Island, at 6655 Hollywood Blvd.,
23 Los Angeles, California, 90028, in Los Angeles County;

24 Plaintiff is informed and believes that Defendant Does 4-10, inclusive,
25 participated in, aided, abetted, and ratified the infringing acts complained of below;

26 6.2) Each of the Defendants referred to hereinabove is and was carrying out the
27 activities complained of herein in this District;

28 6.3) Persons and entities as yet unidentified (the "Doe Defendants") are and were

1 assisting, aiding and abetting the named Defendants in carrying out the activities complained of
 2 herein, as manufacturers, printers, agents, employees, wholesalers, retailers, distributors, buyers,
 3 sellers, and/or co-conspirators.

4 GENERAL ALLEGATIONS

5
 6 7. Max Fleischer created the character BETTY BOOP. Depicted in a series of
 7 popular cartoons that were theatrically released through the 1930's and in drawings, cartoon
 8 strips, and otherwise, BETTY BOOP was the first distinctly feminine animated star and became
 9 famous for her unique appearance, quirky and coquettish cheerfulness, innocent sensuality, and
 10 "Boop Oop A Doop" personality.

11 8. A recognizable variation of the image of BETTY BOOP first appeared in the
 12 Fleischer Studios' Talkartoon "Dizzy Dishes" in 1930. In 1931 the character was first named
 13 "Betty," and first appeared in a form virtually identical to the one wrongfully used by the
 14 Defendants herein in the Fleischer Studios' Talkartoon "Silly Scandals" and a group of drawings
 15 entitled "Betty, Cartoon Character." The character was first identified as "BETTY BOOP" in the
 16 Fleischer Studios' Talkartoon entitled "Minding the Baby" in 1931, and the name BETTY
 17 BOOP" was used above or in the title of a number of Talkartoons thereafter. Subtle variations in
 18 the appearance of the character were subsequently made in 1931 and 1932, with the character
 19 first appearing in its final form in the Fleischer Studios' Talkartoon "Betty Boop for President"
 20 and the booklet of drawings entitled "Betty Boop and Her Gang."

21 9. Copyright registrations were obtained for all of the above-described works as
 22 follows:

Title	Original Registration No., Date and Registrant	Renewal Registration No., Date and Registrant
"Dizzy Dishes"	MP:1792 08/09/1930 Paramount Publix Corp. ("Paramount")	R:198400 08/30/1957 U.M. & M. TV Corp. ("UM&M")
"Silly Scandals"	MP:2564 05/23/1931 Paramount	R:219234 08/01/1958 UM&M

1	“Betty, Cartoon Character”	AA:73229 07/01/1931 Fleischer Studios	R241400 06/25/1959 Max Fleischer
2			
3	“Minding the Baby”	MP:2813 09/26/1931 Paramount	R:227468 12/30/1958 UM&M
4			
5	“Betty Boop For President”	MP:3629 11/02/1932 Paramount	R:246323 11/10/1959 UM&M
6			
7	“Betty Boop and Her Gang”	AA:111104 12/19/1932 Fleischer Studios (attached hereto as Exhibit 1)	R:247925 12/28/1959 Max Fleischer (attached hereto as Exhibit 2)
8			

9 10. Fleischer owns the copyrights in “Betty, Cartoon Character” and “Betty Boop and
10 Her Gang,” (“The Book”) and owns all legal and/or beneficial title to all copyright and trademark
11 rights in and to the character BETTY BOOP as she is depicted in the above-described works and
12 all other works produced by Fleischer Studios and registered for copyright by Paramount and its
13 successors and assigns. The cartoon characters, the artwork, distinctive phrases and other
14 creative elements contained in the Book are individually and collectively protected under the
15 copyright laws of the United States, including the Copyright Act. (Said characters, artwork,
16 trademarks, service marks, distinctive phrases and other creative elements incorporated or
17 associated with the Book will hereinafter collectively be referred to as the “the Betty Boop
18 Properties.”)

19 11. After their theatrical run, the above-described BETTY BOOP cartoons were
20 released in syndication throughout the United States beginning in the 1950’s. They have
21 regularly appeared on television for decades. BETTY BOOP also has appeared as a guest star in
22 motion pictures, on television specials, in television advertisements, and in an extensive range of
23 licensed merchandise that has been widely distributed for decades. She has endured as one of the
24 best-known and most beloved animated characters in the United States for over 75 years.

25 12. King Features is engaged in the business of producing and distributing cartoon
26 features and characters in the merchandising business and providing entertainment services
27 throughout the United States and the world.

28 13. On July 31, 1986, Fleischer entered into an agreement with King Features, which

1 agreement remains in force at this time, granting King Features the sole and exclusive right to
2 reproduce, distribute and/or license the Betty Boop Properties for the purpose of generating,
3 negotiating, licensing, and promoting business opportunities in the merchandising business of the
4 Betty Boop Properties in the United States and throughout the world. At all times relevant
5 hereto, King Features is still the holder of the right to reproduce, distribute and/or license the
6 Betty Boop Properties.

7 14. The design, configuration and distinctive features of the Betty Boop Properties are
8 wholly original with Fleischer and constitute copyrightable subject matter under the Copyright
9 Act.

10 15. King Features has been engaged in the business of commercially exploiting the
11 Betty Boop Properties throughout the United States, and has entered into and maintains
12 numerous merchandise and publishing licenses which result in the manufacture and sale of
13 different products featuring the Betty Boop Properties, including toys, apparel, accessories,
14 stationery, greeting cards, mugs, gift wrap, party goods, collectibles, jewelry, watches, and
15 numerous other products. These products are manufactured under strict quality control and style
16 approval.

17 16. The products licensed to King Features by Fleischer have become and are well
18 known to the American public, and products bearing the Betty Boop Properties have generated
19 wide consumer appeal. The characters and likenesses sold under the copyrights and trademarks
20 described above have generated gross sales of goods and services in the millions of dollars.

21 17. As a result of the above-described actions, the name BETTY BOOP and images
22 of BETTY BOOP possess a valuable goodwill and are well known to the public as identifying
23 products and services which are authorized by Fleischer and its exclusive licensing agent.
24 Fleischer possess common law trademark rights in the name and image of BETTY BOOP for this
25 reason. Further, the U.S. Patent & Trademark Office has granted four federal trademark
26 registrations for the name BETTY BOOP for a wide array of merchandise as follows:
27
28

Registered Mark	Registration No.	Registration Date
BETTY BOOP	2430642	02/27/2001
BETTY BOOP	2378474	08/22/2000
BETTY BOOP	2374258	08/08/2000
BETTY BOOP	2392715	07/18/2000

18. Pursuant to King Features' licensing agreements, the authorized licensees have manufactured merchandise featuring the Betty Boop Properties to which proper copyright notices have been affixed in every case, have secured King Features' approval on such products and have distributed hundreds of thousands of such products to retail consumers. None of the Defendants named herein have been granted any licensing rights, or other permission, by Plaintiffs with respect to the Book or the Betty Boop Properties.

FIRST CLAIM OF RELIEF

(Copyright Infringement)

19. Plaintiffs hereby reallege and incorporate herein by this reference the allegations of paragraphs 1 through 18, inclusive, as set forth above.

20. This claim arises under the Copyright Act of 1976, 17 USC §101 *et seq.*

21. Plaintiffs are informed and believe and on that basis allege that each of the Defendants has infringed and threatens to further infringe upon one or more of the Plaintiffs' copyrighted Betty Boop Properties by offering for sale and selling, marketing, promoting, displaying, copying, preparing derivative works, and distributing, in this judicial district, in the state of California and elsewhere, certain items and merchandise, including but not limited to novelty items, T-shirts, head bands, other wearing apparel, key chains, magnets, hand bags, jewelry, etc. which incorporate representations, simulations and unauthorized copies of the copyrighted Book, its characters, artwork and other distinctive elements (collectively referred to herein as the "Infringing Betty Boop Merchandise"), all without the consent of the Plaintiffs or any of their authorized licensees.

1 22. The advertising and display, for sale or otherwise, of the Infringing Betty Boop
2 Merchandise by Defendants constitutes unauthorized public display of Plaintiffs' copyrighted
3 Betty Boop Properties in violation of Plaintiffs' exclusive rights pursuant to 17 USC §106(5).
4 The marketing of the Infringing Betty Boop Merchandise by the Defendants constitutes an
5 unauthorized distribution of copies of Plaintiffs' copyrighted Betty Boop Properties in violation
6 of Plaintiffs' exclusive rights pursuant to 17 USC §106(3). The copying of the Betty Boop
7 Properties constitutes an unauthorized reproduction in violation of Plaintiffs' exclusive rights
8 pursuant to 17 USC §106(1). The creation of derivative work from the Betty Boop Properties
9 constitutes an unauthorized preparation of derivative work based upon the copyrighted work in
10 violation of Plaintiffs' exclusive rights pursuant to 17 USC §106(2).

11 23. Plaintiffs are informed and believe and on that basis allege that the Defendants'
12 infringement of Plaintiffs' copyrighted Betty Boop Properties has been and continues to be
13 carried out with the Defendants' full knowledge that such elements are protected by copyright. In
14 doing the acts complained of herein, the Defendants have willfully and intentionally infringed
15 Plaintiffs' copyrights in the Book and the Betty Boop Properties.

16 24. Plaintiffs have suffered and continue to suffer irreparable harm and injury as a
17 result of the aforesaid infringing acts of the Defendants and Plaintiffs are without an adequate
18 remedy at law, in that damages are extremely difficult to ascertain and, unless injunctive relief is
19 granted as prayed for herein, Plaintiffs will be required to pursue a multiplicity of actions.

20 25. Plaintiffs have sustained damage as a result of the Defendants' wrongful acts as
21 hereinabove alleged. Plaintiffs are presently unable to ascertain the full extent of the money
22 damages they have suffered by reason of said infringing acts, and reserve the right to seek leave
23 to amend this Complaint when such damages have been determined, but on information and
24 belief such damages exceed \$100,000.

25 26. Plaintiffs are informed and believe and on that basis allege that the Defendants
26 have obtained gains, profits, and advantages as a result of their infringing acts as hereinabove
27 alleged. Plaintiffs are presently unable to ascertain the full extent of the gains, profits and
28 advantages said Defendants have obtained by reason of their infringing acts, but reserve the right

1 to seek leave to amend this Complaint when such profits have been determined, but on
2 information and belief such gains, profits and advantages exceed \$100,000. In order to determine
3 the full extent of such damages, including such profits of the Defendants as may be recoverable
4 under 17 USC §504, Plaintiffs will require an accounting from each Defendant of all monies
5 generated from their infringing acts. In the alternative, Plaintiffs may elect to recover for each of
6 its copyrighted works infringed statutory damages pursuant to 17 USC §504(c).

7
8 **SECOND CLAIM FOR RELIEF**

9 (Violation Of Lanham Trademark Act of 1946)

10 27. Plaintiffs hereby reallege and incorporate herein by this reference the allegations
11 of paragraphs 1 through 26, inclusive, as set forth above.

12 28. This claim arises under the Lanham Trademark Act of 1946, 15 USC §1051 *et*
13 *seq.*, particularly under 15 USC §1125(a and c).

14 29. Plaintiffs own all right, title and interest in and to, and hold the exclusive rights to
15 market and sell merchandise featuring the Betty Boop Properties, and all elements thereof.

16 30. Plaintiffs and their licensees, prior to the acts of Defendants complained of herein,
17 have continuously marketed, promoted, displayed, offered or sale and sold in this judicial district,
18 in the state of California and elsewhere various products having the distinctive features of the
19 Betty Boop Properties. Due to the extensive public exposure of the copyrighted characters of
20 *Betty Boop and Her Gang* through television, advertising, publicity in electronic and print media,
21 and the high profile exploitation, sale and distribution of authorized merchandise, the distinctive
22 features of the characters of *Betty Boop and Her Gang*, and the Betty Boop Properties, have
23 become widely recognized to the purchasing public as designating high quality products
24 associated with the Plaintiffs or their licensees. As such, they have developed a secondary and
25 distinctive meaning among the public. By virtue of the extensive advertising, media exposure,
26 sales and public acceptance of the characters of *Betty Boop and Her Gang*, the distinctive
27 features of the characters of the Book have come to symbolize the goodwill of Plaintiffs and their
28 licensees.

1 31. Without permission, authority or license from Plaintiffs or their licensees, the
2 Defendants have been marketing, promoting, displaying, offering for sale, distributing and selling
3 in this district, the state of California and elsewhere merchandise bearing the likeness of one or
4 more of the characters of the Book and the Betty Boop Properties and/or the designation "Betty
5 Boop." This Infringing Betty Boop Merchandise is intended to deceive and is likely to deceive
6 the public into believing they are purchasing genuine and authorized *Betty Boop and Her Gang*
7 products. The Defendants' Infringing Betty Boop Merchandise is not Plaintiffs' merchandise and
8 does not originate from or have the approval of any person or entity which has the right to
9 reproduce Plaintiffs' copyrighted characters or use any of Plaintiffs' trademarks.

10 32. The Defendants' conduct as hereinabove alleged has confused, and is likely to
11 confuse, the public and constitutes a false designation of origin and a false description or
12 representation.

13 33. The Infringing Betty Boop Merchandise which is being marketed, promoted,
14 displayed, offered for sale and sold and distributed by these Defendants is of inferior quality and
15 workmanship as compared to the analogous legitimate products being manufactured and
16 distributed by Plaintiffs and their authorized licensees. The marketing, promotion, display,
17 offering for sale and sale and distribution of such merchandise by Defendants damages and
18 dilutes the goodwill and reputation of Plaintiffs and also interferes with and reduces sales of
19 legitimate merchandise by Plaintiffs' authorized licensees.

20 34. Plaintiffs have suffered and continue to suffer irreparable harm and injury as a
21 result of the aforesaid infringing acts of the Defendants, and Plaintiffs are without an adequate
22 remedy at law, in that damages are extremely difficult to ascertain and, unless injunctive relief is
23 granted as prayed for herein, Plaintiffs will be required to pursue a multiplicity of actions.

24 35. Plaintiffs have sustained damage as a result of the Defendants' wrongful acts as
25 hereinabove alleged. Plaintiffs are presently unable to ascertain the full extent of the money
26 damages they have suffered by reason of said acts of unfair competition, and reserve the right to
27 seek leave to amend this Complaint when such damages have been determined, but on
28 information and belief such damages exceed in the aggregate \$100,000.

1 36. Plaintiffs are informed and believe and on that basis allege that the Defendants
2 have obtained gains, profits, and advantages as a result of their acts of unfair competition as
3 hereinabove alleged. Plaintiffs are presently unable to ascertain the full extent of the gains,
4 profits and advantages said Defendants have obtained by reason of their aforesaid wrongful acts,
5 but reserve the right to seek leave to amend this Complaint when such profits have been
6 determined, but on information and belief such gains, profits and advantages exceed in the
7 aggregate \$100,000. In order to determine the full extent of such damages, including such profits
8 of the Defendants as may be recoverable under 15 USC §1117(a), Plaintiffs will require an
9 accounting from each Defendant of all monies generated from their infringing acts. In the
10 alternative, Plaintiffs may elect to recover for each of its infringed works statutory damages
11 pursuant to 17 USC §1117(b and c).

12 **THIRD CLAIM FOR RELIEF**

13 (Unfair Competition)

14 37. Plaintiffs hereby reallege and incorporate herein by this reference the allegations
15 of paragraphs 1 through 36, inclusive, as set forth above.

16 38. This claim arises under the common law and statutory law of this State relating to
17 trademark infringement and unfair competition.

18 39. The Infringing Betty Boop Merchandise distributed and sold by the Defendants is
19 calculated to and is likely to confuse, deceive and mislead purchasers into believing that such
20 merchandise originates with or is authorized by Plaintiffs or by Plaintiffs' authorized licensees.

21 40. Plaintiffs are informed and believe and on that basis allege that the Defendants,
22 with full knowledge of the notoriety and popularity of *Betty Boop and Her Gang* characters,
23 intended to and have traded on the goodwill associated with said copyrights and trademarks in
24 order to arrogate to themselves the economic benefit of the goodwill associated with the Betty
25 Boop Properties and distinctive elements created by Plaintiffs, [in violation of Business and
26 Professions Code §17200 *et. seq.*]

27 41. The Defendants' acts as alleged above constitute unfair competition, palming off,
28 unjust enrichment, dilution and misappropriation of Plaintiffs' rights and will, unless enjoined by

1 this Court, result in the destruction and/or diversion of Plaintiffs' goodwill in *Betty Boop and*
2 *Her Gang* (including the valuable property rights therein) and in the unjust enrichment of the
3 Defendants.

4 42. By reason of the aforesaid, the continued passing off by the Defendants of
5 Infringing Betty Boop Merchandise as if such merchandise originated with or was authorized by
6 Plaintiffs has caused, and unless enjoined will continue to cause, serious and irreparable injury to
7 Plaintiffs.

8 43. Plaintiffs are informed and believe and on that basis allege that the Defendants
9 have committed the acts alleged herein intentionally, fraudulently, maliciously, willfully,
10 wantonly and oppressively, with the express intent to injure Plaintiffs in their business.

11 44. Plaintiffs have suffered and continue to suffer irreparable harm and injury as a
12 result of the aforesaid infringing acts of the Defendants, and Plaintiffs are without an adequate
13 remedy at law, in that damages are extremely difficult to ascertain and, unless injunctive relief is
14 granted as prayed for herein, Plaintiffs will be required to pursue a multiplicity of actions.

15 45. Plaintiffs have sustained damage as a result of the Defendants' wrongful acts as
16 hereinabove alleged. Plaintiffs are presently unable to ascertain the full extent of the money
17 damages they have suffered by reason of said acts of unfair competition, and reserve the right to
18 seek leave to amend this Complaint when such damages have been determined, but on
19 information and belief such damages exceed in the aggregate \$100,000.

20 46. Plaintiffs are informed and believe and on that basis allege that the Defendants
21 have obtained gains, profits, and advantages as a result of their acts of unfair competition as
22 hereinabove alleged. Plaintiffs are presently unable to ascertain the full extent of the gains,
23 profits and advantages said Defendants have obtained by reason of their aforesaid wrongful acts,
24 but reserve the right to seek leave to amend this Complaint when such profits have been
25 determined, but on information and belief such gains, profits and advantages exceed in the
26 aggregate \$100,000.

PRAYER FOR RELIEF

1
2 WHEREFORE, plaintiffs demand judgment against Defendants, and each of them, as
3 follows:

4 1. Permanently enjoining and restraining Defendants, their respective officers,
5 agents, servants, employees and attorneys, and all those in active concert or participation with
6 them, from:

7 1.1) Further violating any of the exclusive rights of Plaintiffs in the copyrighted *Betty*
8 *Boop and Her Gang*, including its artwork, characters and/or other distinctive elements, and
9 including the importation, reproduction, preparation, display, marketing, promoting, copying,
10 offering for sale, sale or distribution of any and all of Defendants' Infringing Betty Boop
11 Merchandise;

12 1.2) Further infringing upon Plaintiffs' rights under copyright by importing,
13 manufacturing, producing, distributing, circulating, selling, marketing, offering for sale,
14 advertising, promoting, displaying or otherwise disposing of any products not authorized by
15 Plaintiffs bearing any simulation, reproduction, counterfeit, copy or colorable imitation of
16 Plaintiffs' copyrighted *Betty Boop and Her Gang*, including its artwork, characters and/or other
17 distinctive elements;

18 1.3) Manufacturing, distributing, advertising, promoting, marketing, holding out for
19 sale and/or selling any merchandise bearing or using Plaintiffs' trademark "Betty Boop" and/or
20 "Betty Boop and Her Gang", or any colorable imitation thereof;

21 1.4) Directly or indirectly applying or using on merchandise or using in connection
22 with the manufacture, sale, distribution, marketing or promoting thereof Plaintiffs' trademark
23 "Betty Boop and Her Gang" or its copyrighted *Betty Boop and Her Gang*, including artwork,
24 characters, other distinctive elements, or any marks, emblems, logos, decals or terms which in
25 any way imitate or simulate Plaintiffs' trademark or the copyrighted elements thereof;

26 1.5) Using any simulation, reproduction, counterfeit, copy or colorable imitation of
27 Plaintiffs' copyrights in connection with the promotion, advertisement, display, promotion,
28 marketing, sale, offering for sale, manufacture, production, circulation or distribution of any

1 Infringing Betty Boop Merchandise in such fashion as to relate or connect, or tend to relate or
2 connect, such products in any way to Plaintiffs, or to any goods sold, manufactured, sponsored or
3 approved by, or connected with Plaintiffs;

4 1.6) Making any statement or representation whatsoever, or using any false designation
5 of origin or false description, or performing any act, which can or is likely to lead the trade or
6 public, or individual members thereof, to believe that any products manufactured, distributed or
7 sold by Defendants are in any manner associated or connected with Plaintiffs or are sold,
8 manufactured, licensed, sponsored, approved or authorized by Plaintiffs;

9 1.7) Engaging in any other activity constituting unfair competition with Plaintiffs or its
10 licensees, or constituting an infringement of any of Plaintiffs' copyrights or of Plaintiffs' rights
11 in, or rights to use or to exploit, said copyrights, or constituting any dilution of Plaintiffs' names,
12 reputation or goodwill;

13 1.8) Engaging in any acts or activities directly or indirectly calculated to trade upon or
14 injure the reputation or the goodwill of Plaintiffs or their licensees or in any manner to compete
15 unfairly with Plaintiffs or their licensees by appropriating the distinctive features of the
16 copyrighted *Betty Boop and Her Gang*, including artwork, characters and/or other distinctive
17 elements;

18 1.9) Effecting assignments or transfers, forming new entities or associations or
19 utilizing any other device for the purpose of circumventing or otherwise avoiding the
20 prohibitions set forth in subparagraphs 1.1 through 1.8 hereinabove; and

21 1.10) Secreting, destroying, altering, removing or otherwise dealing with Infringing
22 Betty Boop Merchandise or any books or records which contain any information relating to the
23 importation, manufacture, production, distribution, circulation, sale, marketing, offering for sale,
24 advertising, promoting or displaying of by Defendants any Infringing Betty Boop Merchandise.

25 2. Directing that Defendants deliver for impoundment:

26 2.1) All Infringing Betty Boop Merchandise, including T-shirts, sweatshirts, labels,
27 boxes, signs, novelty items, prints, packages, dyes, wrappers, receptacles, advertisements and any
28 other such goods or merchandise in Defendants' possession, custody or control bearing any

1 counterfeit, copy or substantially similar designations or representations of the characters,
2 likenesses, logos, artwork, trademarks or copyrights associated with *Betty Boop and Her Gang*;
3 and

4 2.2) All plates, molds, matrices, heat transfers, printing, embroidering, silk-screening
5 or other apparatus or equipment utilized in making said Infringing Betty Boop Merchandise and
6 all other means of making any counterfeits or infringing marks, copies of or substantially
7 indistinguishable designations or representations associated with any of the items set forth in
8 subparagraph 2.1 hereinabove.

9 3. Directing such other relief as the Court may deem appropriate to prevent the trade
10 and public from deriving any erroneous impression that any products manufactured, sold or
11 otherwise circulated or promoted by Defendants are authorized by Plaintiffs or related in any way
12 to Plaintiffs' products.

13 4. Ordering an accounting of and entering judgment against each Defendant for:

14 4.1) All profits received by any of the Defendants from the sale of Infringing Betty
15 Boop Merchandise, as provided by 15 USC §§1114, 1117(a) and 17 USC § 504(b);

16 4.2) All damages suffered by Plaintiffs or their licensees as a result of any of
17 Defendants' copyright infringements, as provided by 15 USC §§1114, 1117(a) and 17 USC
18 §504(b);

19 4.3) In the alternative, at the election of Plaintiffs, statutory damages separately against
20 each Defendant, in an amount up to \$150,000 per copyright, as a result of copyright infringement
21 for each copyrighted work infringed by such Defendant, as provided for in 17 USC §504(c)(1 and
22 2);

23 4.4) In the alternative, at the election of Plaintiffs, statutory damages separately against
24 each Defendant in an amount up to \$1,000,000 as a result of trademark infringement per
25 counterfeit mark per type of goods or services sold, offered for sale or distributed by such
26 Defendant, as provided for in 15 USC §1117(c);

27 4.5) In the alternative, all profits received by any of the Defendants and all damages
28 sustained by Plaintiffs or its licensees on account of Defendants' trademark infringement and

1 unfair competition; and furthermore, that such profits and damages as found herein be trebled, as
2 provided by 15 USC §1117(b).

3 5. Awarding Plaintiffs punitive damages of not less than \$100,000.

4 6. Awarding Plaintiffs their costs in this action, including reasonable attorneys' and
5 investigative fees, in an amount not less than \$75,000, as provided in 15 USC §1117(a and b)
6 and 17 USC §505.

7 7. Directing that the Court retains jurisdiction of this action for the purpose of
8 enabling Plaintiffs to apply to the Court at any time for such further orders and directions as may
9 be necessary or appropriate for the interpretation or execution of any order entered in this action,
10 for the modification of any such order, for the enforcement or compliance therewith and for the
11 punishment of any violations thereof.

12 8. Awarding to Plaintiffs such other and further relief as the Court may deem just
13 and proper.

14
15 DATED: October 9, 2008

16 AMY B. LAWRENCE, ESQ.
17 LAWRENCE & ASSOCIATES

18
19 By: 

Amy B. Lawrence
Attorneys for Plaintiff
HEARST HOLDINGS, INC., KING
FEATURES SYNDICATE DIVISION
and FLEISHER STUDIOS, INC.

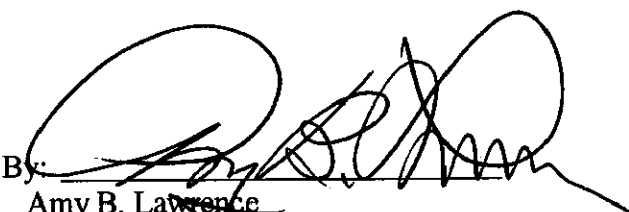
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DEMAND FOR JURY TRIAL

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

DATED: October 9, 2008

AMY B. LAWRENCE, ESQ.
LAWRENCE & ASSOCIATES

By: 

Amy B. Lawrence
Attorneys for Plaintiff
HEARST HOLDINGS, INC., KING
FEATURES SYNDICATE
DIVISION and FLEISHER
STUDIOS, INC.

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Copyright Office
of the United States

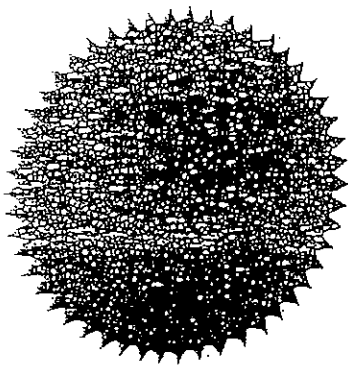
WASHINGTON, D.C.

ADDITIONAL CERTIFICATE OF REGISTRATION
OF A CLAIM TO COPYRIGHT

THIS IS TO CERTIFY THAT THE STATEMENTS SET FORTH IN THE ATTACHED HAVE BEEN MADE A PART OF THE RECORDS OF THE COPYRIGHT OFFICE WITH CLAIM OF COPYRIGHT REGISTERED UNDER NUMBER
AA 111104

IN TESTIMONY WHEREOF THE SEAL OF THIS OFFICE IS AFFIXED HERETO ON

June 25, 1986



REGISTER OF COPYRIGHTS
United States of America
REGISTER OF COPYRIGHTS

APPLICATION FOR COPYRIGHT A7
 FOR BOOK NOW FIRST PUBLISHED AND PRODUCED IN THE UNITED STATES BY OTHER PROCESS THAN TYPE SETTING

REGISTER OF COPYRIGHTS, Washington, D. C. Date _____

Of the BOOK named herein TWO complete copies of the best edition FIRST PUBLISHED on the date stated herein are herewith deposited to secure copyright registration, accompanied by an LPPI-0157 (T) that the book has been printed or produced in the United States as required by the Act of March 4, 1909, as amended July 3, 1923. \$2 (statutory fee for registration and copies) is also included. The copyright is claimed by

- (1) Name of copyright owner Fleischer Studios Inc.
(Write full legal name of copyright owner)
- (2) Address 1400 Broadway New York N.Y.
(Street) (City) (State)
- (3) ~~Name~~ of author or translator _____
- (4) Country of which the author is a citizen U.S.A.
(MUST be stated)
- (5) ~~If~~ an alien author, state where domiciled in the United States _____
- (6) Title of book Betty Boop and Her Gang

COPIES RETURNED JAN - 6 1933

Fleischer studios, inc.*	A7	Recorded DEC 19 1932
Betty Boop and her gang.		Applied for DEC 19 1932
		Added DEC 19 1932
		CIA A 111104
	Fee paid \$ 3.00	

IMPORTANT: Applicants must not write in the blank lines above; to do so will cause delay in Copyright Office.

- (7) Published on the 15 day of December 1932
(State date the day, month, and year when the work was placed on sale, sold, or publicly distributed. Must agree with the date stated in the address on reverse side.)
- (8) Send certificate of registration to Felton Brylawski
1331 G St N.W. Washington D.C.
(Street) (City) (State)
- (9) Name and address of person sending the fee
A. 47925
2-19
(Street) (City) (State) Fill out address on reverse side of the certificate, in lieu of that of the author.

This affidavit is for use for works covered by the amendatory Act of July 1, 1933.

AFFIDAVIT

A7

IMPORTANT. The execution of this affidavit must be subsequent to the publication of the book and MUST be made by an individual (an official of a corporation or firm may act).

State of Washington
Country of Dist. of Columbia } ss:

I, Fulton Brylawski } being duly sworn, depose }
do solemnly affirm }

and say: That I am { ~~(1) the person claiming copyright in~~
(2) the duly authorized agent or representative residing in } the book named
the United States of the claimant of copyright in

(Of the lines numbered (1) and (2) above use the one which applies, and cross out the line not used)

herein; I further depose and say that the book, of which two copies have been deposited, entitled

Batty Boop and Her Gang

has been manufactured in the United States as required by the Act of March 4, 1909, as amended July 1, 1932, by a process other than those enumerated in Section 13 of said Act and that the said book WAS PUBLISHED as the law requires on the 15 day of December, 1932


[Signature]
(Signature of person making affidavit)

Subscribed and { sworn to } before me this 16 day of December, 1932
{ affirmed }

NOTARIAL SEAL
(Copyright law makes use of
notarial seal obligatory.)

[Signature]
(Signature of Notary Public) D.C.

betty boop
 AND HER GANG



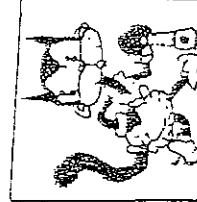




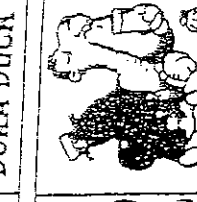
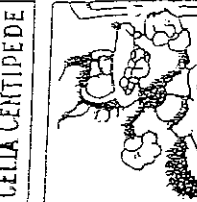


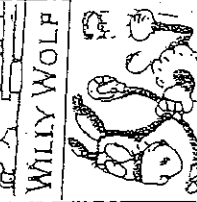



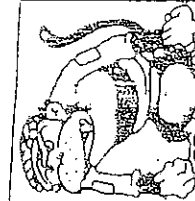



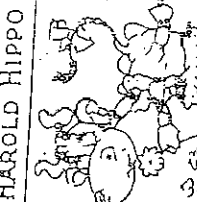
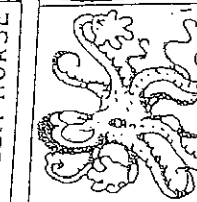
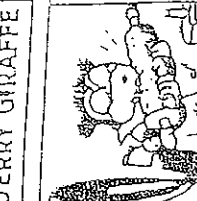
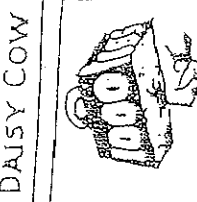

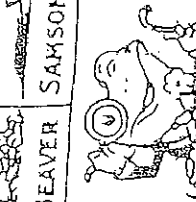
COPYRIGHT 1932
FLEISCHER STUDIOS INC.
 1600 BROADWAY
 NEW YORK CITY



betty boop

By *Miss Fleischer*

		
BOOP	PAUL PELICAN	KITTY KITTEN
		
OR LION	DORA DUCK	CELIA CENTIPEDE
		
KANGAROO	CHARLIE CAMEL	WILLY WOLF
		
MOLLY MULE	BROWNIE BEAR	MOLLY MULE

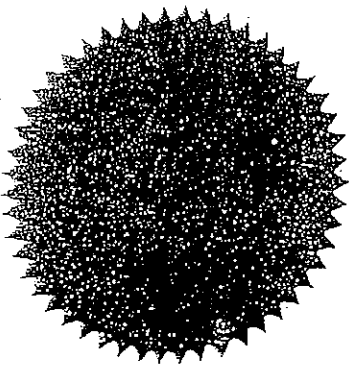
		
KO KO	GUS GORILLA	HAROLD HIPPO
		
HARRY HORSE	JERRY GIRAFFE	DAISY COW
		
OSCAR OCTOPUS	BESSIE BEAVER	SAMSON MOUSE
		
BONY SKELETON	FERDINAND FROG	

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*Copyright Office
of the United States*

WASHINGTON, D.C.

ADDITIONAL CERTIFICATE OF REGISTRATION
OF A CLAIM TO COPYRIGHT



THIS IS TO CERTIFY THAT THE STATE-
MENTS SET FORTH IN THE ATTACHED
HAVE BEEN MADE A PART OF THE
RECORDS OF THE COPYRIGHT OFFICE
WITH CLAIM OF COPYRIGHT REGIS-
TERED UNDER NUMBER
R 247925

IN TESTIMONY WHEREOF,
THE SEAL OF THIS OFFICE IS
AFFIXED HERETO ON

June 25, 1986

REGISTER OF COPYRIGHTS
United States of America
REGISTER OF COPYRIGHTS

REGISTRATION NO.
R 247925
DO NOT WRITE HERE

Application for Registration of a Claim to Renewal Copyright

Instructions: Make sure that all applicable spaces have been completed before you submit the form. The application must be signed in line 3. For further information, see page 4. Pages 1 and 2 should be typewritten or printed with good ink. Pages 3 and 4 should contain exactly the same

information as pages 1 and 2, but may be carbon copies. Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington, D. C. together with the registration fee of \$2. Make your remittance payable to the Register of Copyrights.

I. Renewal Claimant(s), Address(es), and Statement of Claim: Give the full name(s) and mailing address(es) of the renewal claimant. State the statutory category of each renewal claimant. It must be one of the categories described on page 4.

(a) Name Mr. Max Fleischer
Address 666 West End Ave., New York 25, N.Y.
Claiming as The Author
Use the appropriate statement appearing on page 4.

(b) Name
Address
Claiming as

(c) Name
Address
Claiming as

2. (a) Title: Give the full title of the work. (In the case of music give specific instrumentation.)
Betty Boop and Her Gang -- [Cartoon Characters]

(b) Renewable Matter: If the work was a new version of a previous work, renewal may be claimed only in the new matter. If this work was a new version, state in general the new matter, i.e., re-arrangement, editing, illustrational translation, etc., upon which copyright was claimed.

(c) Contribution to Periodical or Other Composite Work: If the work was a contribution, give the title of the periodical or some other work in which it was published.

If a periodical, give: Vol. No. Date

3. Authors of Renewable Matter: Give the names of all authors who contributed copyrightable matter to this version. Give also the names of authors of previous versions.
Max Fleischer

4. Dates of Original Registration: The facts given here must agree with the Copyright Office records of the original registration.

Original registration number: Class AA No. 111104
13,
if registered as published, give date of publication December 19, 1932
(Month, day, and year)

if registered as unpublished, give date of registration
(Month, day, and year)

Original copyright claimant: Fleischer Studios, Inc.
(Name of claimant in original registration) Complete all applicable spaces on next page.

6. Home and address of person or organization to whom correspondence or return, if any, should be sent:

Name _____ Address _____

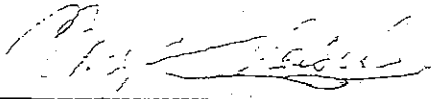
7. Send certificate to:

(Type or print name and address)

Mr. Max Fleischer		
666 West End Ave. Apt. 11-J		
New York 25, N.Y.		
(City)	(Zone)	(State)

1. Certification: (NOTE: Application not acceptable unless signed)

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



 (Signature)

Application Forms

Copies of the following forms will be supplied by the Copyright Office without charge upon request.

- Class A Form A—Published book manufactured in the United States of America.
- Class A or B Form A-B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law).
- Class A or B Form A-B Ad interim—Book or periodical in the English language manufactured and first published outside the United States of America.
- Class B Form B—Periodical manufactured in the United States of America.
- Form BB—Contribution to a periodical manufactured in the United States of America.
- Class C Form C—Lecture or similar production prepared for oral delivery.
- Class D Form D—Dramatic or dramatico-musical composition.
- Class E Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America.
- Class E Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America.
- Class F Form F—Map.
- Class G Form G—Work of art or a model or design for a work of art.
- Class H Form H—Reproduction of a work of art.
- Class I Form I—Drawing or plastic work of a scientific or technical character.
- Class J Form J—Photograph.
- Class K Form K—Print or pictorial illustration.
- Form KK—Print or label used for an article of merchandise.
- Class L or M Form L-M—Motion Picture.
- Form R—Renewal copyright.
- Form U—Notice of use of copyrighted music on mechanical instruments.

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