UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

HOFFMAN POLLAND & FURMAN PLLC Ronald D. Coleman (RC-3875) 220 East 42nd Street—Suite 435 New York, NY 10017 (212) 338-0700

Attorneys for Plaintiff David Micheal Jaslow

DAVID MICHEAL JASLOW,

Plaintiff,

- vs. -

VALPAK DIRECT MARKETING SYSTEMS, INC., a division of COX TARGET MEDIA, INC., MENUPIX, LLC, Idearc INC., HELENE FELDEN, doing business as RIVERFRONT REALTY CORP., BAGELS ON THE HUDSON, INC., DANIEL CARDENAS doing business as FLECHA LIMOUSINE SERVICE, and JOHN DOES 1-5,

Defendants.

CIVIL ACTION NO. 2:07-cv-3585

AMENDED COMPLAINT AND JURY DEMAND

Plaintiff, David Micheal Jaslow, by and through his undersigned counsel, for his complaint against defendants Valpak Direct Marketing Systems, Inc., a Division Of Cox Target Media, Inc., Menupix, LLC, Idearc Media Corp., Helene Felden, doing

business as Riverfront Realty Corp., Bagels On The Hudson, Inc., Daniel Cardenas, doing business as Flecha Limousine Service, and John Does 1-5, states as follows:

Jurisdiction and Venue

- 1. This is an action for copyright infringement arising under the Copyright Act of 1976, as amended, 17 U.S.C.A. §§101 et seq.
- 2. This Court has jurisdiction of the action by virtue of 28 U.S.C.A. §§1331 and 1338.
- 3. Venue is proper under 28 U.S.C.A. §§1391(b) and 1400(a) because the claims arose within this district and each of the defendants reside and are found within this district.

Parties

- 4. Plaintiff David Micheal Jaslow is a commercial photographer doing business at 600 Palisade Avenue, Union City, New Jersey.
- Defendant Valpak Direct Marketing Systems, Inc. is a division of Cox
 Target Media, Inc.
- 6. Defendant Menupix, LLC is a California limited liability company doing business in Los Angeles, California.
- 7. Defendant Idearc Media Corp., originally named in the original complaint herein as IDEARCH Inc., is a Delaware corporation doing business at 611 River Drive #4, Elmwood Park, New Jersey ("Idearc"). Idearc publishes the Verizon Yellow Pages.

- http://www.jdsupra.com/post/documentViewer.aspx?fid=71ad3f5f-e622-4606-aa6f-78f3483560fa
- 8. Defendant Helene Felden is an individual residing at 187 Fairview Avenue, Englewood Cliffs, New Jersey and is the principal and chief operating officer of Riverfront Realty Corp., which upon information is not an actual corporation ("Riverfront"). Riverfront is a real estate brokerage doing business at 7000 Boulevard East, Guttenberg, New Jersey.
- 9. Defendant Bagels on the Hudson, Inc. is a New Jersey Corporation doing business at 802 Washington Street, Hoboken, New Jersey.
- 10. Defendant Daniel Cardenas is an individual residing, upon information and belief, in the State of New Jersey, and does business as Flecha Limousine Service at 703 30th Street, Union City, New Jersey.

Count One: Copyright Infringement

- 11. Mr. Jaslow realleges and incorporates herein by reference each of the allegations in the foregoing paragraphs of the Complaint.
- Attached to the Complaint as Exhibits A through C, and incorporated 12. herein by reference, are copies of photographs, sets of photographs or other works which contains material wholly original with Mr. Jaslow and which are copyrightable under the Copyright Act.
- Mr. Jaslow has registered the copyright of each photograph in full compliance with the Copyright Act. A copy of the Certificate of Registration for each is attached as included in each of the above-referenced exhibits.

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- 14. At all times relevant herein, Mr. Jaslow has been and still is the owner of the exclusive rights to reproduce and distribute, and to authorize the reproduction and distribution of the photographs set out in Exhibits A through C (the "works").
- 15. Upon information and belief, since at least 2004, the various defendants have, alone or in combination, acquired or published certain of Mr. Jaslow's photographs via purchases from him or businesses with which he is affiliated of limited quantities of printed promotional materials which did not include copyright licenses.
- 16. Upon information and belief, since at least 2004, defendants have duplicated those photographs, and have utilized those photographs in advertising including, but not limited to, Internet websites, telephone books, menus, promotional magazines, postcards and fliers.
- 17. Mr. Jaslow has never authorized defendants to copy or duplicate any of his photographs or to offer for sale or sell any copies of any of his photographs.
- 18. Defendants' acts, as alleged herein, are infringements of Mr. Jaslow's copyrights.
- 19. Defendants have committed all of the aforesaid acts of infringement deliberately and willfully.
- 20. Defendants have continued to infringe Mr. Jaslow's copyrights, and unless permanently enjoined by order of this Court, will continue to infringe Mr. Jaslow's copyrights, causing Mr. Jaslow irreparable harm.

Prayer for Relief

WHEREFORE, Mr. Jaslow prays for judgment as follows:

- 1. That all defendants be permanently enjoined from directly or indirectly:
- (a) duplicating, manufacturing, publishing, printing or copying any copyrighted original work of Mr. Jaslow;
- (b) selling, lending, exchanging, trading, or distributing any unauthorized copy of any copyrighted original work of Mr. Jaslow;
- (c) offering to do any of the acts enjoined in subparagraphs (a) and (b) above; and
- (d) in any manner infringing or contributing to or participating in the infringement by others of any of Mr. Jaslow's copyrights in original works.
- 2. That Defendants be required to deliver to Mr. Jaslow all unauthorized copies of Mr. Jaslow's copyrighted works, in any form as are herein alleged to infringe any of Mr. Jaslow's copyrights. At the time of delivery, Defendants each must provide Mr. Jaslow with a sworn affidavit stating that all unauthorized copies of Mr. Jaslow's copyrighted works, that are in their possession, held for delivery to them or under their control, are being delivered to Mr. Jaslow.

3. Defendants each be required to pay to Mr. Jaslow statutory damages of up to \$30,000 for each of their copyright infringements with respect to each copyright. If the Court finds that any infringement was committed willfully, Mr. Jaslow prays for statutory damages of up to \$150,000 for each copyright for all willful infringements with respect to those works.

- 4. That Mr. Jaslow recover reasonable attorney's fees and costs of the suit incurred herein.
 - 5. That Mr. Jaslow have such other relief as this Court deems just and proper

Dated: March 27, 2008

HOFFMAN POLLAND & FURMAN PLLC

Ronald D. Coleman (RC-3875)

220 East 42nd Street—Suite 435 New York, NY 10017 (212) 338-0700

Attorneys for Plaintiff David Micheal Jaslow http://www.jdsupra.com/post/document Viewer.aspx?fid=71ad3f5f-e622-4606-aa6f-78f3483560 fa

EXHIBIT A

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.

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Register of Copyrights, United States of America

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EXHIBIT B



Office in accordance with title 17, United States Code, attests that registration has been made for 'i' identified below. The inc.

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Register of Copyrights, United States of America

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OR SANDWICHES HEROS, WRAPS

American~ turkey breast, roast beef, ham, American cheese, lettuce & tomato 5.45	OChicken Cutlet - chicken cutlet,
100	beef, tomato

aWe will make any sandwich that you request.

Sicilian Roasted Peppers 99 99 99 99 99

Delivery minimum \$6

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Cold Cut Platters

3-6 foot Heros \$13.95 per foot

feeds 12-15 people Giant Bayel - \$44.95

shape, name, or number We make bagels in any (football, cross, number 6, etc.)

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Fax (201) 798-2255 Tel (201) 798-4777 Hoboken, NJ

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BREAKFAST

Buttered bagel 1.00 Ragel with cream cheese 1.35 Banut butter & jelly 1.50 Queam cheese & lox on a bagel 5.95 Agwhites 2.59 Aggwhites 2.59 With cheese 1.29 O with cheese 2.49 O with cheese 2.49 O bacon, ham or sausage 2.99 Encakes or French toast 3.25 F with bacon, sausage or Taylor ham 3.95 Protein shake or meal supplement shake 4.50	Buttered bagel
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Add a grilled chicken breast for 1.00 extra We will make any salad that you request.

Wrap Hero

Bagel or roll

\$4.95

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BAGELS 50¢ each

Poppyseed Egg Plain

Everything Chocolate Chip Spinach Salt

Blueberry

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SALADS ON A BAGEL

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Photo 2004 David Jastow

SOUPS

Ask for our soup of the day Cup 3.79 Bowl 4.99

HOT FOODS Ask About our of the Day!

SANDWICHES

Choice of one meat and/or cheese

Honey Roasted Turkey	Oven Roasted Turkey	Pepper Mill Turkey5	Roast Beef	Ham	Provolone	Swiss	Cheddar	Mozzarella	Munster	Alpine Lace	American Cheese
Livenwurst	Soppressatta	Genoa Salami	Prosciutto	Mortadella	Cappicola	Pastrami	Corned Beef	Smoked Turkey	Bologna	Salsalito Turkey	Oven Gold Turkey

EXHIBIT C



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.

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