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 FACSIMILE: (703) 243-6410

9 Attorneys for Plaintiff ELVH, INC.

10 UNITED STATES DISTRICT COURT  
 11 CENTRAL DISTRICT OF CALIFORNIA

12 ELVH, INC., a California corporation,  
 13 Plaintiff,  
 14 vs.  
 15 NIKE, INC.,  
 16 Defendant.

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**CV 09-04219 CAS (FFM)**  
**COMPLAINT FOR COPYRIGHT INFRINGEMENT, CONSTRUCTIVE TRUST, AND FOR AN ACCOUNTING**  
**DEMAND FOR JURY TRIAL**

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

18 **COMPLAINT**

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

23 **JURISDICTION AND VENUE**

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



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;

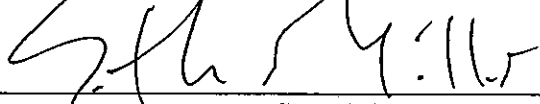
5 H. That Defendant be required to account for and pay over to Plaintiff all  
6 gains and profits derived by Defendant from or attributable to its  
7 distribution, sale, or other exploitation of the Copyrighted Works on  
8 footwear or any other uses of all or part of the Copyrighted Works  
9 made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

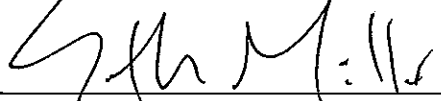
19

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  
28 Attorneys for Plaintiff ELVH, INC.

**EXHIBIT "A"**

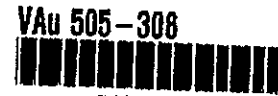
# CERTIFICATE OF REGISTRATION

JRM VA For a Work of the Visual Arts  
Document hosted at JDSUPRA  
http://www.jdsupra.com/post/document.asp?docId=22934668\_9ad8-121cc16e486



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*



EFFECTIVE DATE OF REGISTRATION  
**FEB 20 2001**  
Month Day Year

OFFICIAL SEAL

REGISTER OF COPYRIGHTS

United States of America

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

1  
11875711

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 ▼

2

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

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 save the space for dates of birth and death blank.

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

**a 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

FEB 20 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

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http://www.jdsupra.com/post/documentViewer.aspx?fid=6c7db92492954668-9ad8-121cc1064861

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. ▼

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. ▼

See instructions  
before completing  
this space.

**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**

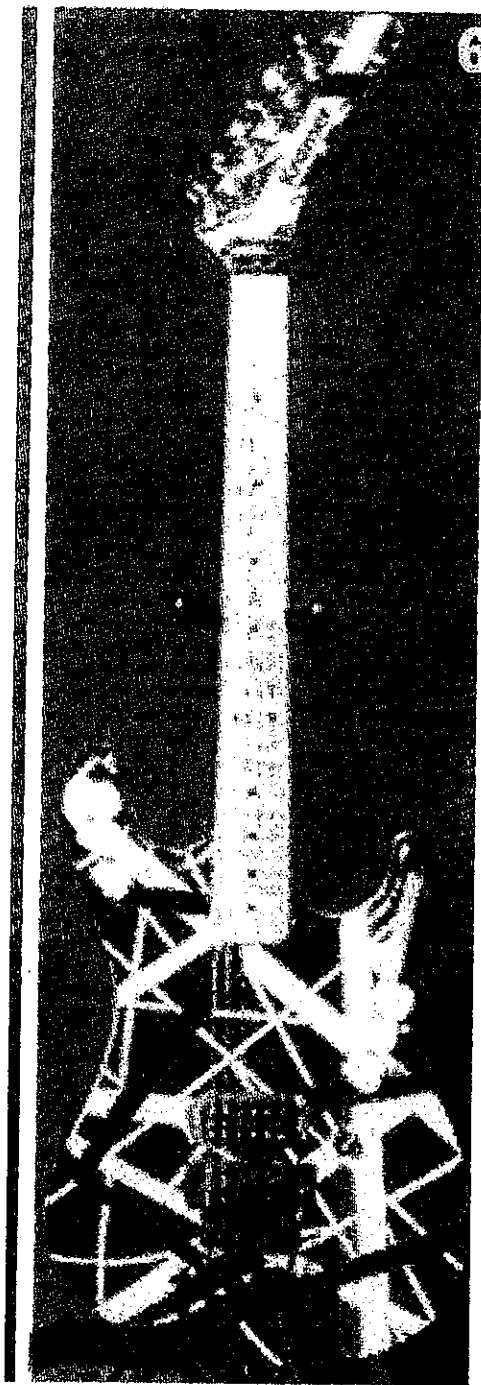
1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

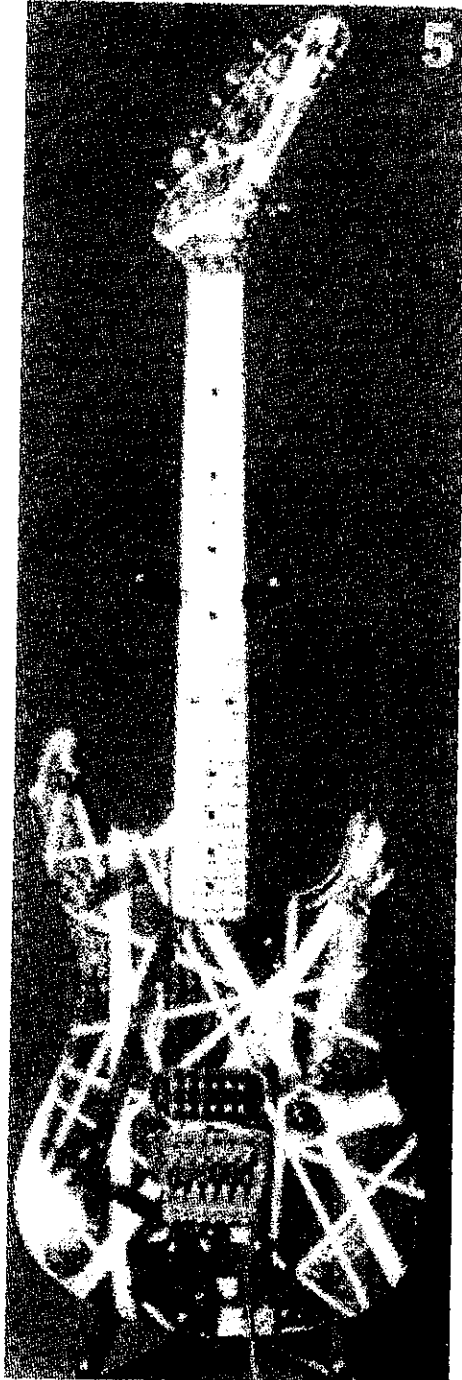
**MAIL TO**

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

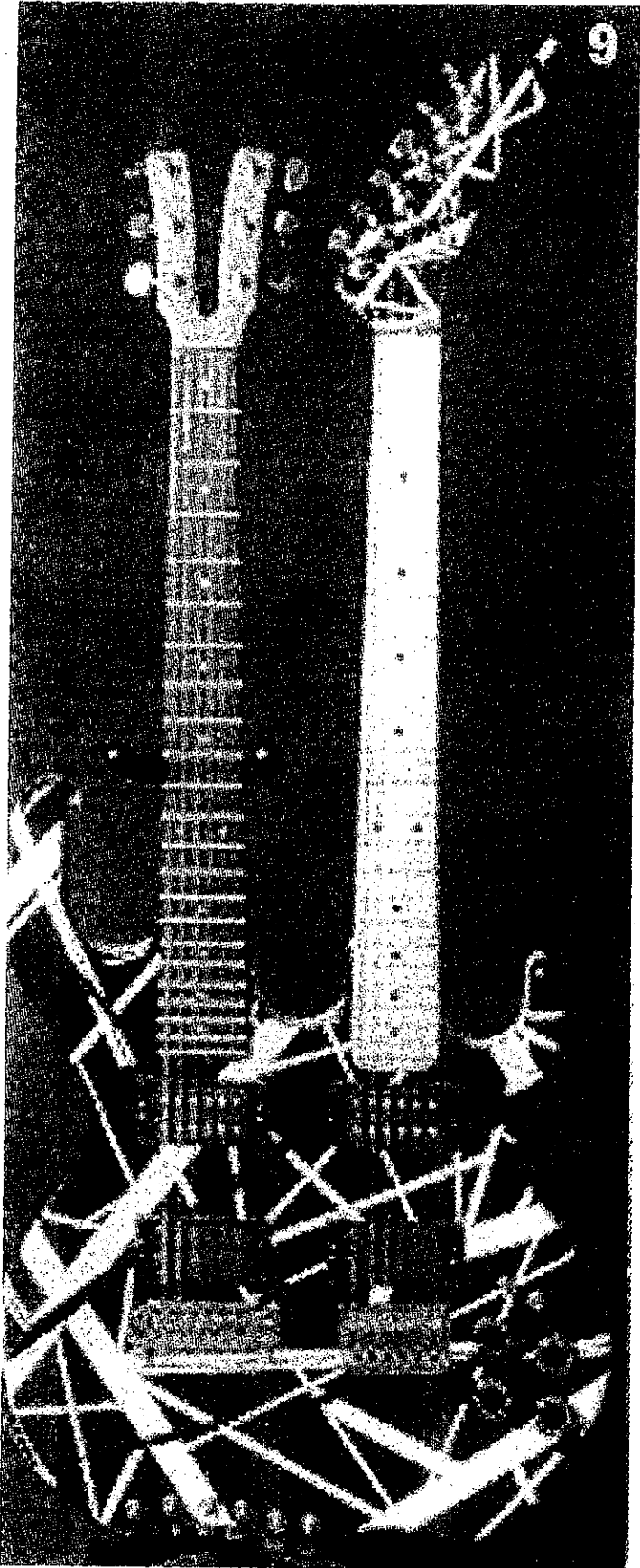
As of July 1, 1999,  
the filing fee for  
Form VA is \$30.

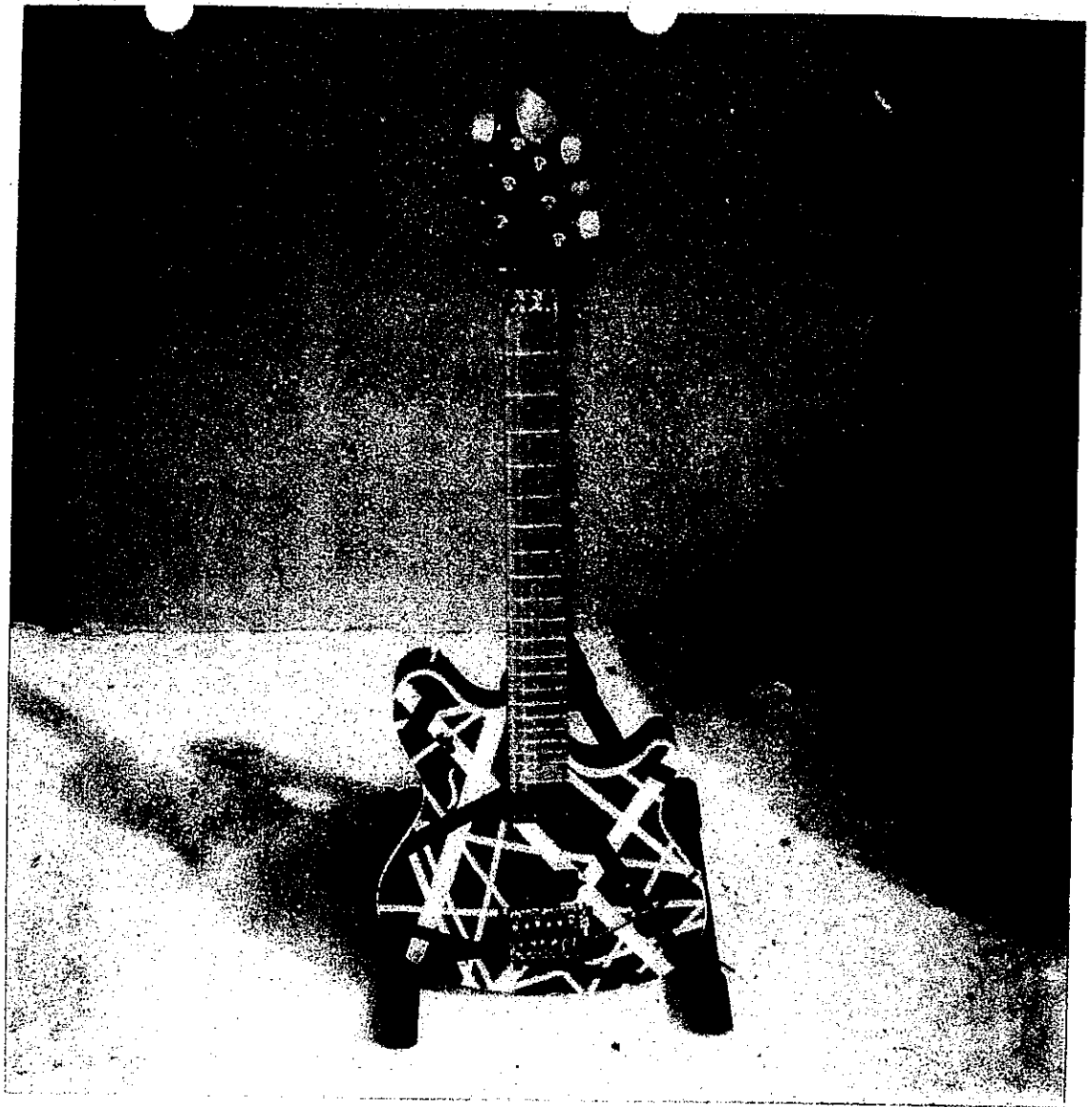














**EXHIBIT "B"**

**CERTIFICATE OF REGISTRATION**

Document hosted at **JDSUPRA**  
<http://www.jdsupra.com/post/documentViewer.aspx?fid=41db6d4-8393-4668-838-121cc16e4861>

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

REG **VAU 544-060**  
  
\*7000541000

EFFECTIVE DATE OF REGISTRATION  
*June 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**

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

**b** NAME OF AUTHOR ▼ 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** a Year in Which Creation of This Work Was Completed **1979** b Date and Nation of First Publication of This Particular Work  
 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

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. ▼

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

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

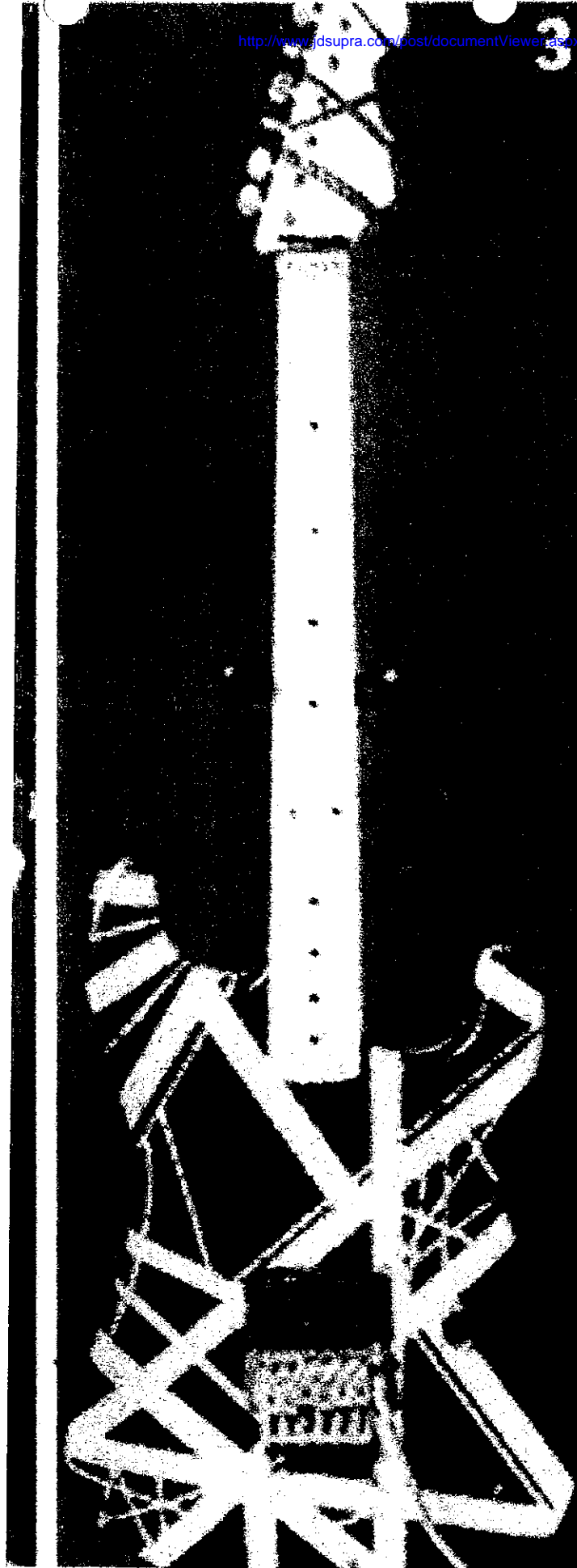
SEND ALL 3 ELEMENTS IN THE SAME PACKAGE

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights As of July 1, 1989, the filing fee for Form VA is \$30.
3. Deposit material

MAIL TO

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

9



**EXHIBIT "C"**

# CERTIFICATE OF REGISTRATION

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http://www.jdsupra.com/post/document/view.aspx?id=67d6d4-8393-4668-9ad8-cc16e4861



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

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

REC **VAU 558 - 125**

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 ▼

**2**

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
- 2-Dimensional artwork
- Reproduction of work of art
- Map
- Photograph
- Jewelry design
- Technical drawing
- Text
- 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  
OR { Citizen of \_\_\_\_\_  
Domiciled in \_\_\_\_\_

Was This Author's Contribution to the Work

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Anonymous?  Yes  No  
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- 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  
**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. ▼

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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

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\*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

PLAINTIFF(S)

CV09-04219 CAS (FFM)

v.

NIKE, INC.,

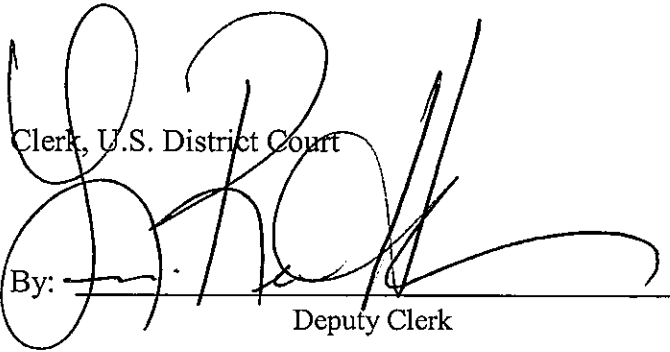
SUMMONS

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)].