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15 Attorneys for Plaintiff ELVH, INC.

FILED  
2009 JUN 25 PM 2:53  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

16 UNITED STATES DISTRICT COURT  
17 CENTRAL DISTRICT OF CALIFORNIA

18 ELVH, INC., a California corporation,  
19 Plaintiff,

20 vs.

21 NIKE, INC.; THE FINISH LINE, INC.,  
22 Defendants.

CASE NO. CV09-04219 CAS (FFMx)

**FIRST AMENDED COMPLAINT  
FOR COPYRIGHT  
INFRINGEMENT,  
CONSTRUCTIVE TRUST, AND  
FOR AN ACCOUNTING**

**DEMAND FOR JURY TRIAL**

23 **COMPLAINT**

24 ELVH, Inc. (hereinafter "Plaintiff"), by and through its undersigned counsel,  
25 for its Complaint against Nike, Inc. and The Finish Line, Inc. (hereinafter  
26 "Defendants") states the following allegations made on belief that the same are  
27 likely to be proven after further investigation and discovery.

28 **JURISDICTION AND VENUE**

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

1 2. Venue is proper in the Central District of California pursuant to 28  
2 USC § 1391(b) and (c) as Defendants are corporations subject to personal  
3 jurisdiction in this District and are therefore deemed to reside here for purposes of  
4 venue.

5 **FACTS**

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

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

10 5. Defendant The Finish Line, Inc. ("TFL") is a corporation organized  
11 under the laws of Indiana but doing business throughout the entire United States.

12 6. Defendants sell and distribute athletic footwear and apparel throughout  
13 the entire United States.

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

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

19 **FIRST CLAIM FOR RELIEF**

20 **(COPYRIGHT INFRINGEMENT)**

21 9. Plaintiff repeats and realleges paragraphs 1-8 as though fully set forth  
22 herein.

23 10. Plaintiff is the owner and proprietor of all right, title and interest in the  
24 Copyrighted Works.

25 11. The Copyrighted Works are comprised of wholly original material and  
26 have been deemed copyrightable subject matter under the copyright laws of the  
27 United States.

28 ///

1 12. With full knowledge of Plaintiff's rights therein, Nike has infringed and  
2 continues to infringe Plaintiff's Copyrighted Works by copying the Works onto  
3 footwear and then distributing and selling such infringing footwear throughout the  
4 United States, including through TFL's Finish Line retail stores. True and correct  
5 copies of photographs of the infringing footwear are attached hereto as **Exhibit D**.  
6 TFL has infringed and continues to infringe Plaintiff's Copyrighted Works by  
7 distributing and selling such infringing footwear throughout the United States. Such  
8 copying, distribution, and sale by Defendants was done without the consent,  
9 approval or license of Plaintiff.

10 13. Defendants' acts identified above violate Plaintiff's exclusive rights  
11 under §106 of the Copyright Act of 1976, 17 USC §106, and constitute  
12 infringements of its Copyrighted Works. Defendants' past and continuing copying,  
13 distribution and sale of its infringing footwear constitutes a willful and deliberate  
14 infringement of Plaintiff's rights and is causing irreparable harm and damage to  
15 Plaintiff and its licensee.

16 **SECOND CLAIM FOR RELIEF**

17 **(CONSTRUCTIVE TRUST)**

18 14. Plaintiff incorporates by reference as if set forth in full herein the  
19 allegations of Paragraph 1 through 13 of this Complaint.

20 15. By virtue of their wrongful conduct, Defendants illegally received  
21 money and profits that rightfully belonged to Plaintiff.

22 16. Defendants are therefore involuntary trustees, holding the gross receipts  
23 from their product sales and revenues to the extent attributable to the Copyrighted  
24 Works and therefore attributable to the infringement of Plaintiff's copyright therein.  
25 Defendants hold such moneys and funds on behalf of and subject to a first and prior  
26 lien against all others and in favor of Plaintiff. On information and belief,  
27 Defendants hold this illegally received money and profits in the form of bank  
28 accounts, real property, and personal property that can be located and traced.

1 17. Plaintiff is entitled to the remedy of a constructive trust in view of  
2 Defendants' wrongful infringement of Plaintiff's Copyrighted Works.

3 **THIRD CLAIM FOR RELIEF**  
4 **(FOR AN ACCOUNTING)**

5 18. Plaintiff incorporates by reference as if set forth in full herein the  
6 allegations of Paragraph 1 through 13 of this Complaint.

7 19. Under 17 U.S.C. Section 504, Plaintiff may recover any and all profits  
8 of Defendants that are attributable to its acts of infringement.

9 20. A balance is due from Defendants to Plaintiff for misappropriation of  
10 profits and gross receipts arising from or attributable to Defendants' copying,  
11 exploitation, and use of the Copyrighted Works on footwear and consequent  
12 violation and infringement of Plaintiff's copyright in the Copyrighted Works.

13 21. The exact amount of money due from Defendants is unknown to  
14 Plaintiff and can only be ascertained through an accounting. Plaintiff seeks an order  
15 from this Court directing Defendants to provide Plaintiff with an accounting and  
16 payment of the amount due as a result of the accounting, plus interest.

17 WHEREFORE, Plaintiff requests that the Court grant it the following relief  
18 against Defendants Nike and TFL, jointly and severally:

- 19 A. That Defendants be permanently enjoined from infringing the  
20 Copyrighted Works;
- 21 B. That the Court order the impoundment and destruction of all footwear  
22 containing copies of the Copyrighted Works;
- 23 C. That Defendants be required to pay to Plaintiff such actual damages as  
24 they have sustained as a result of Defendants' copyright infringement  
25 pursuant to 17 USC §504(b);
- 26 D. That Defendants be required to account for and disgorge to Plaintiff all  
27 gains, profits and advantages derived by its copyright infringement  
28 pursuant to 17 USC §504(b);

- 1 E. That Defendants be required to pay Plaintiff statutory damages
- 2 pursuant to 17 USC §504(b);
- 3 F. That Defendants be required to pay Plaintiff an increase in the award of
- 4 statutory damages due to Defendants' willful infringement pursuant to
- 5 17 USC §504(c)(2);
- 6 G. That the Court declares, adjudges, and decrees that Defendants have
- 7 been and are involuntary and constructive trustees, holding the gross
- 8 receipts from the aforesaid exploitation of the Copyrighted Works on
- 9 footwear to the extent attributable to the Copyrighted Works or
- 10 Defendants' misuse of the protectible interests of Plaintiff in the
- 11 Copyrighted Works, and that Defendants hold all such monies and
- 12 funds on behalf of and subject to a first and prior lien against all others
- 13 and in favor of Plaintiff;
- 14 H. That Defendants be required to account for and pay over to Plaintiff all
- 15 gains and profits derived by Defendants from or attributable to their
- 16 distribution, sale, or other exploitation of the Copyrighted Works on
- 17 footwear or any other uses of all or part of the Copyrighted Works
- 18 made or authorized by Defendants;
- 19 I. That Defendants be ordered to pay to Plaintiff the costs of this action
- 20 along with reasonable attorney fees pursuant to 17 USC § 505; and,
- 21 J. That Plaintiff is granted such further relief as the Court deems just.

22  
23 DATED: June 24, 2009

Respectfully submitted,  
KING, HOLMES, PATERNO & BERLINER, LLP

24  
25  
26 By:   
27 SETH MILLER  
Attorneys for Plaintiff ELVH, INC.

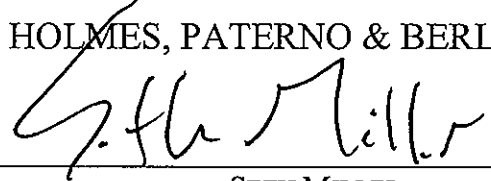
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**DEMAND FOR JURY TRIAL**

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

DATED: June 24, 2009

Respectfully submitted,  
KING, HOLMES, PATERNO & BERLINER, LLP

By:   
\_\_\_\_\_  
SETH MILLER  
Attorneys for Plaintiff ELVH, INC.

**EXHIBIT "A"**

CERTIFICATE OF REGISTRATION

DRM VA a Work of the Visual Arts UNITED STATES COPYRIGHT OFFICE



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

REGISTER OF COPYRIGHTS United States of America

OFFICIAL SEAL

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

TITLE OF THIS WORK

FRANKENSTEIN

PREVIOUS OR ALTERNATIVE TITLES

NATURE OF THIS WORK See instructions

Artistic Graphic Design Applied to Guitar Body

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

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

NAME OF AUTHOR

a EDWARD VAN HALEN

DATES OF BIRTH AND DEATH

Year Born 1955 Year Died

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

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? Pseudonymous? Yes No Yes No

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

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

NAME OF AUTHOR

b

DATES OF BIRTH AND DEATH

Year Born Year Died

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

No

Author's Nationality or Domicile Name of Country

OR Citizen of Domiciled in

Was This Author's Contribution to the Work

Anonymous? Pseudonymous? Yes No Yes No

NATURE OF AUTHORSHIP Check appropriate box(es). See instructions

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

3

Year in Which Creation of This Work Was Completed

1979-1997

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

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

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

1 11875711



EXAMINED E

Checked by *Michelle Cooke* Hosted at JDSUPRA  
http://www.jdsupra.com/documents/viewer.aspx?fid=e02b950-1f21-4da6-998e-9c27160f58cc

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 Cooke*

Certificate will be mailed in window envelope to this address:

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

**YOU MUST**

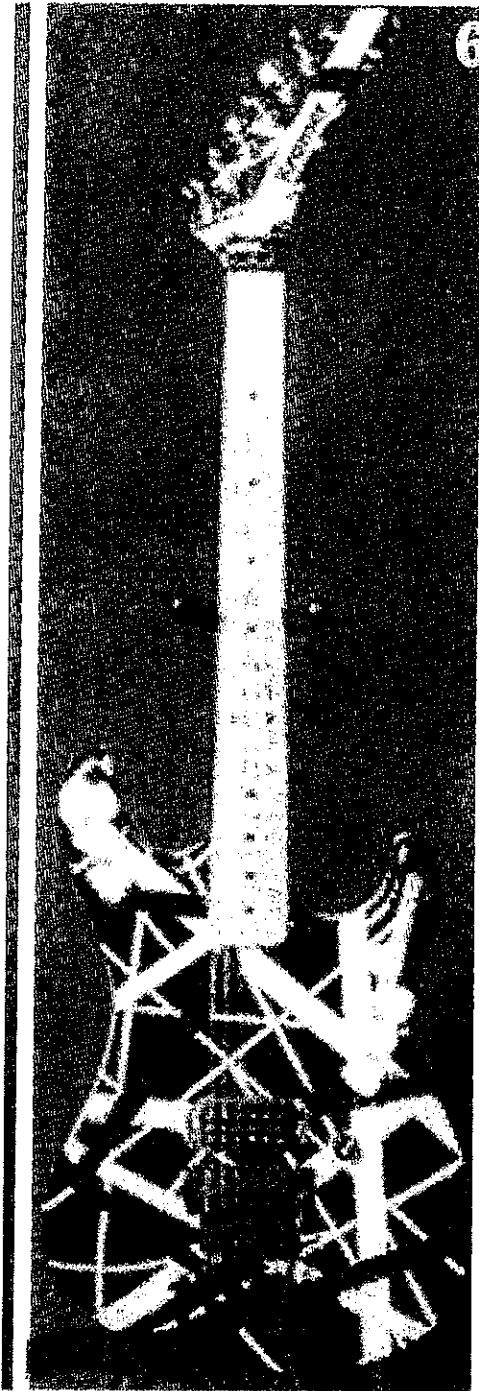
- Complete all necessary spaces
- Sign your application in space 8

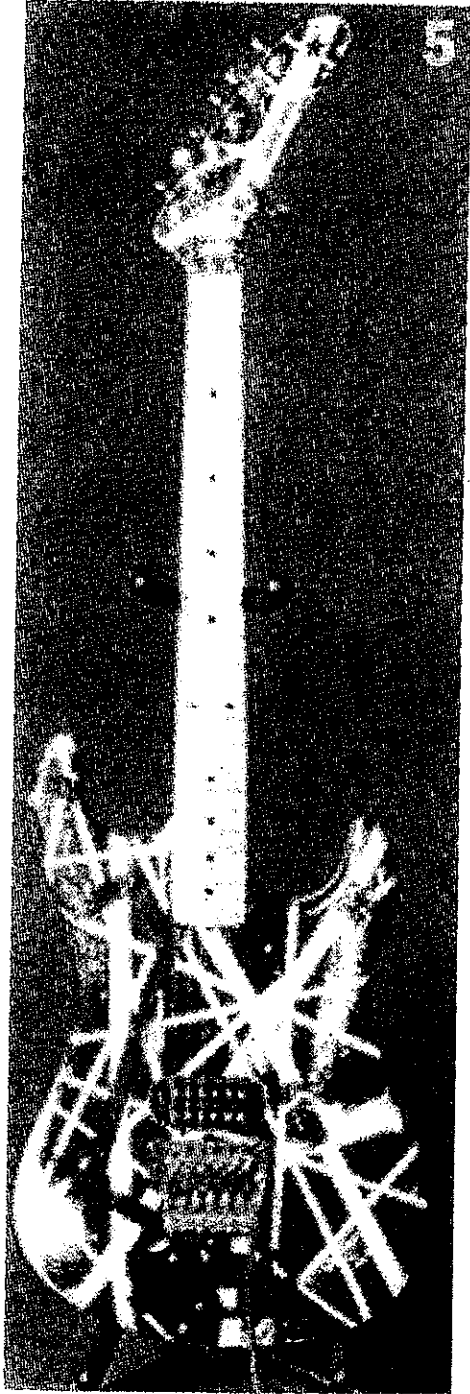
**SEND ALL 3 ELEMENTS IN THE SAME PACKAGE**

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

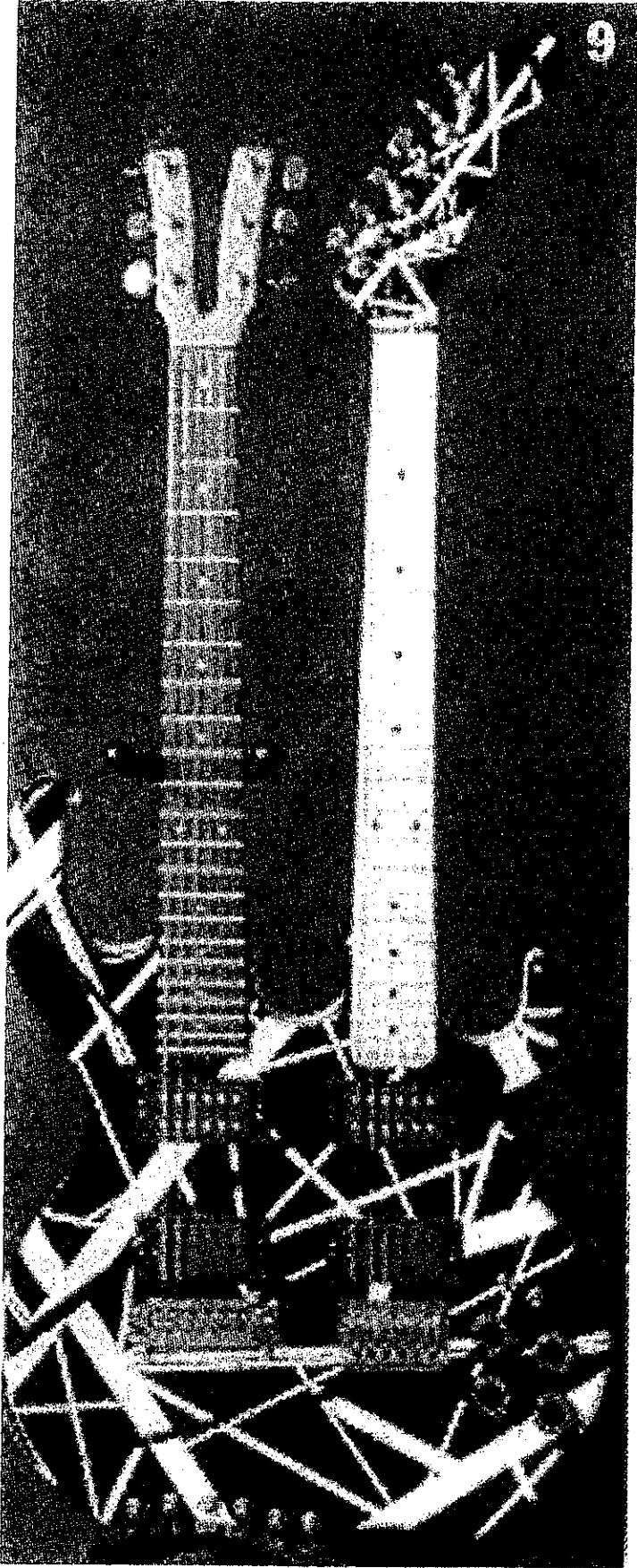
**MAIL TO**  
Library of Congress  
Copyright Office  
101 Independence Avenue, S.E.  
Washington, D.C. 20559-6000

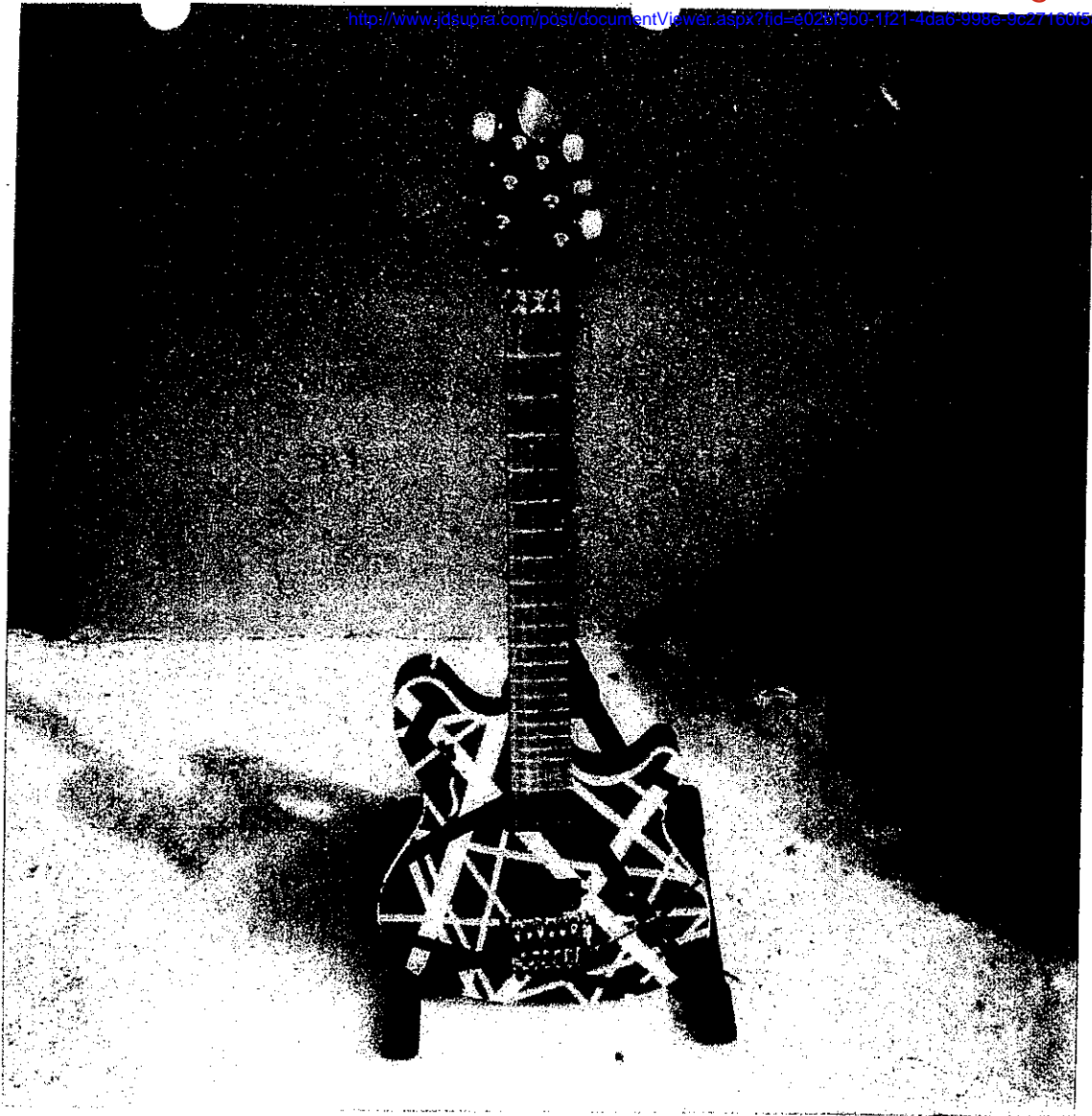
As of July 1, 1999,  
the filing fee for  
Form VA is \$30.



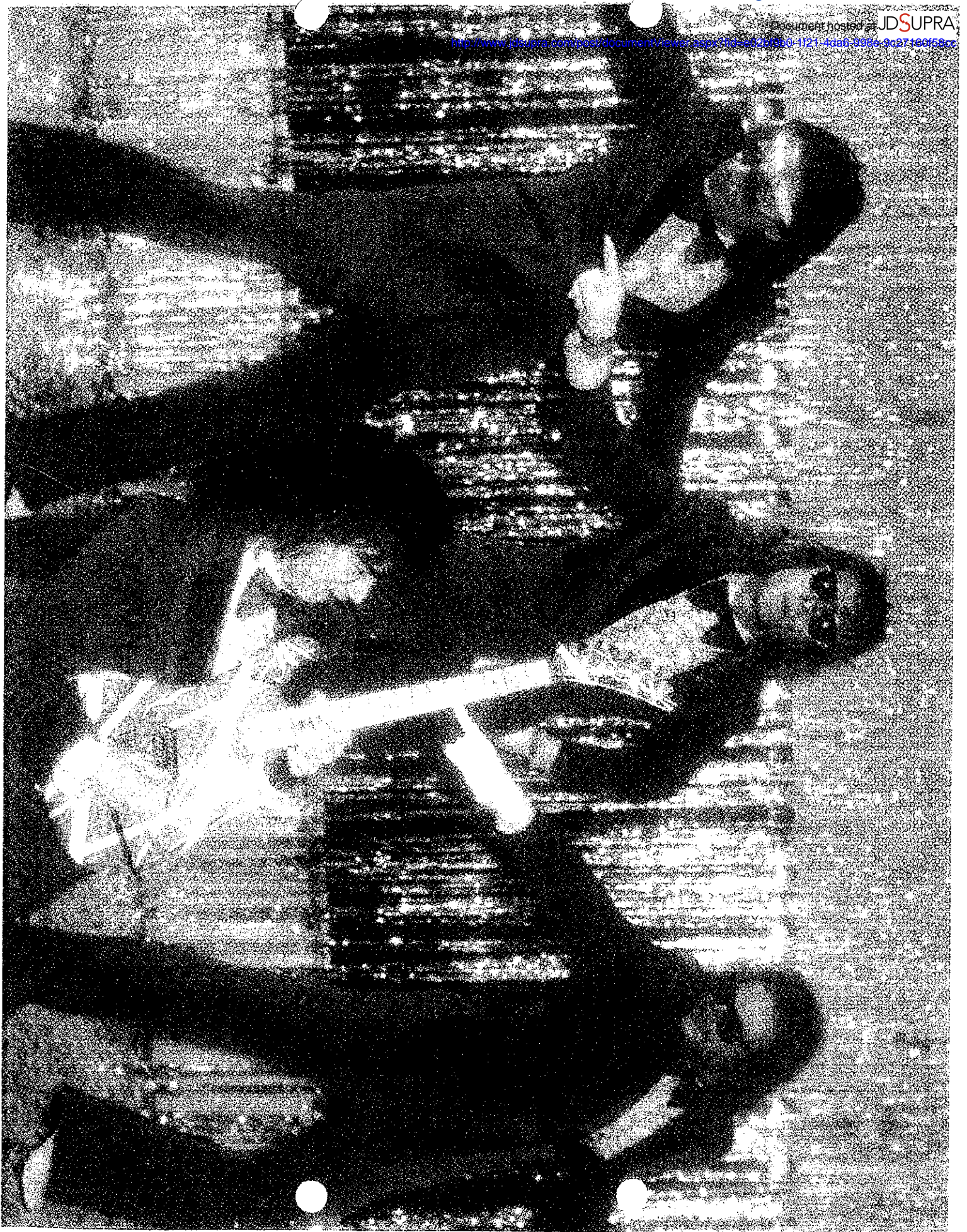








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**EXHIBIT "B"**



# CERTIFICATE OF REGISTRATION

FORM VA Document hosted by JDSUPRA



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.

http://www.jdsupra.com/post/doc... from a Work of the Visual Arts -1f21-4da6-998e-9c27160f58cc

REGISTRATION NUMBER: VAu 544-060

*Marybeth Peters*

EFFECTIVE DATE OF REGISTRATION: JUN 19 2002

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

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

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 leave 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

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  
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

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 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 8.

DO NOT WRITE HERE  
Page 1 of \_\_\_\_\_ pages

EXAMINED BY MS  
 CHECKED BY \_\_\_\_\_  
 CORRESPONDENCE  
 Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

\*Coloring not copyrightable. 37 CFR 202.1.

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

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

Yes  No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼  
 a.  This is the first published edition of a work previously registered in unpublished form.  
 b.  This is the first application submitted by this author as copyright claimant.  
 c.  This is a changed version of the work, as shown by space 6 on this application.  
 If your answer is "Yes," give: Previous Registration Number ▼ Year of Registration ▼

5

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

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

Artistic graphic designs entitled Original Frank and Frankenstein

a  
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 ▼

a

**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 \_\_\_\_\_


Name of author or other copyright claimant, or owner of exclusive right(s) ▼  
**EDWARD VAN HALEN**

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) 

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**

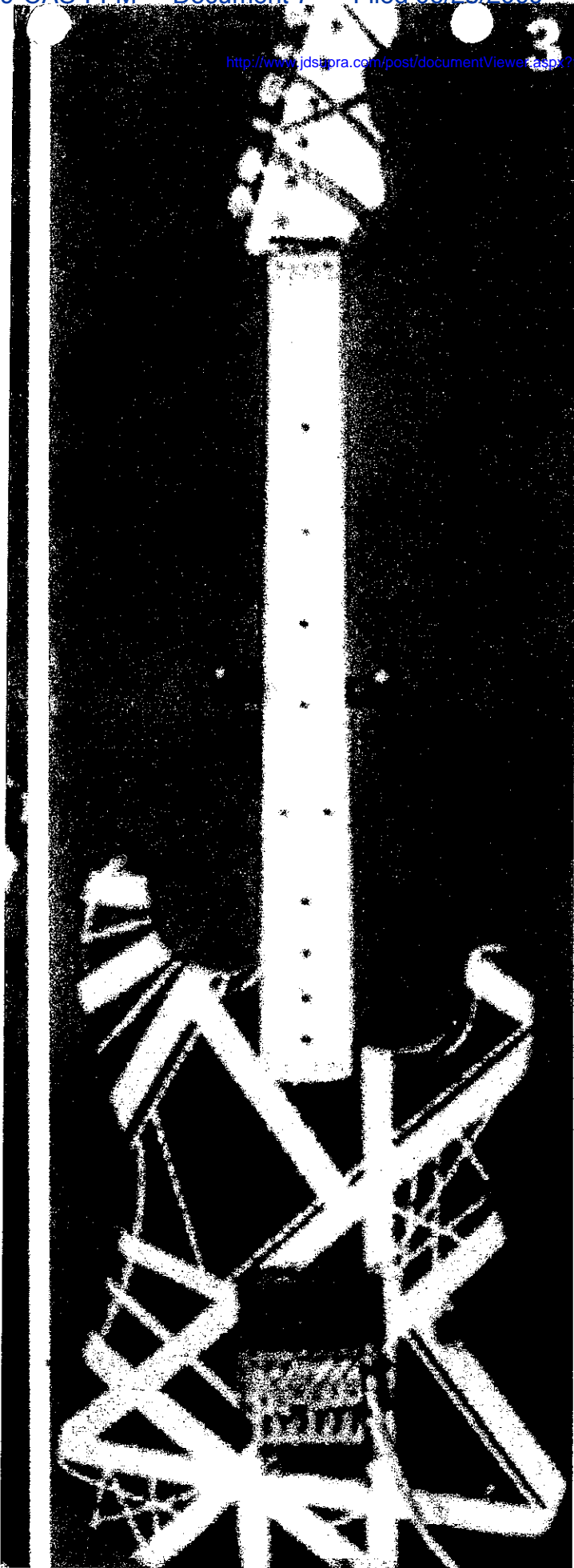
- Complete all necessary spaces
- Sign your application in space 8

**SEND ALL 3 ELEMENTS IN THE SAME PACKAGE**

1. Application form
2. Nonrefundable filing fee in check or money As of July 1, 1999, 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”**



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

**FORM VA** Document hosted at JDSUPRA  
 For a Work of the Visual Arts  
 UNITED STATES COPYRIGHT OFFICE  
 REC **VAu 558 - 125**

*Marybeth Peters*  
 REGISTER OF COPYRIGHTS  
 United States of America

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

OFFICIAL SEAL

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

**1**

Title of This Work ▼ **ORIGINAL FRANK** 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 ▼ 1955 Year Died ▼

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

Was this contribution to the work a "work made for hire"?  
 Yes  
 No  
 Author's Nationality or Domicile  
 Name of Country OR Citizen of **U.S.A.**  
 Domiciled in  
 Was This Author's Contribution to the Work  
 Anonymously?  Yes  No  
 Pseudonymously?  Yes  No  
 If the answer to either of these questions is "Yes," see related instructions  
 Nature of Authorship Check appropriate box(es). See instructions  
 3-Dimensional sculpture  Map  Technical drawing  
 2-Dimensional artwork  Photograph  Text  
 Reproduction of work of art  Jewelry design  Architectural work

Name of Author ▼ **b** Dates of Birth and Death  
 Year Born ▼ Year Died ▼  
 Was this contribution to the work a "work made for hire"?  
 Yes  
 No  
 Author's Nationality or Domicile  
 Name of Country OR Citizen of  
 Domiciled in  
 Was This Author's Contribution to the Work  
 Anonymously?  Yes  No  
 Pseudonymously?  Yes  No  
 If the answer to either of these questions is "Yes," see related instructions  
 Nature of Authorship Check appropriate box(es). See instructions  
 3-Dimensional sculpture  Map  Technical drawing  
 2-Dimensional artwork  Photograph  Text  
 Reproduction of work of art  Jewelry design  Architectural work

**3**

Year in Which Creation of This Work Was Completed **a 1978** Date and Nation of First Publication of This Particular Work  
 This information must be given in all cases. Complete this information ONLY if this work has been published. Month Day Year

**4**

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

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  
**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 related instructions. • Sign the form at line 8. **DO NOT WRITE HERE**

EXAMINED BY \_\_\_\_\_

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 If a 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.

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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. ▼

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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

Area code and daytime telephone number (310) 540-6760  
Email michelle@nefflaw.com

Fax number (310) 540-0305

a  
b

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

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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

Certificate will be mailed in window envelopes 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. 20559-6000

Fee not subject to change. For current fee check the Copyright Office website at [www.copyright.gov](http://www.copyright.gov), with the Copyright Office, or call (202) 707-3000.

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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.



**EXHIBIT “D”**





