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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**



15 **ROBERT J. LANG, NOBORU MIYAJIMA,**
16 **MANUEL SIRGO, NICOLA BANDONI,**
17 **TOSHIKAZU KAWASAKI, AND JASON KU**

18 **PLAINTIFFS,**

19 **v.**

20 **SARAH MORRIS,**

21 **DEFENDANT.**

Case No. C11-01366-EMC

**FIRST AMENDED COMPLAINT FOR
DAMAGES AND INJUNCTIVE RELIEF FOR
COPYRIGHT INFRINGEMENT**

DEMAND FOR JURY TRIAL

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1 **COMPLAINT**

2 Robert Lang, Noboru Miyajima, Manuel Sirgo, Nicola Bandoni, Toshikazu
3 Kawasaki, and Jason Ku ("Plaintiffs") allege the following.

4 **I. NATURE OF THE ACTION**

5 1. This is an action by six artists to recover damages and enjoin
6 infringement of their copyrighted artworks by Sarah Morris, an internationally known
7 painter and film maker.

8 **II. PARTIES**

9 2. Plaintiff Robert J. Lang ("Lang") is, and has been at all times relevant to
10 this lawsuit, an individual residing in Alamo, California.

11 3. Plaintiff Noboru Miyajima ("Miyajima") is an individual residing in
12 Japan.

13 4. Plaintiff Manuel Sirgo ("Sirgo") is an individual residing in Spain.

14 5. Plaintiff Nicola Bandoni ("Bandoni") is an individual residing in Italy.

15 6. Plaintiff Toshikazu Kawasaki ("Kawasaki") is an individual residing in
16 Japan.

17 7. Plaintiff Jason Ku ("Ku") is an individual residing in Massachusetts.

18 8. Defendant Sarah Morris ("Morris" or "Defendant") is an individual
19 residing in New York.

20 **III. JURISDICTION AND VENUE**

21 9. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and
22 1338(a) because this case arises under the Copyright Laws of the United States, 17
23 U.S.C. § 101 et seq. ("Copyright Act"). Venue is proper in this district pursuant to 28
24 U.S.C. §§ 1391(b) and 1400(a) because this is a judicial district in which a substantial
25 part of the events giving rise to the claims occurred, and/or this is a judicial district in
26 which Defendant may be found. Defendant may be found in this district in that this



1 Court has personal jurisdiction over her. *See Brackett v. Hilton Hotels Corp.*, 619
2 F.Supp. 2d 810, 816 (N.D. Cal. 2008) (interpreting Section 1400(a) to mean that venue
3 “is proper in any judicial district in which the defendant would be amenable to personal
4 jurisdiction if the district were a separate state”).

5 10. This Court has supplemental jurisdiction over the claims by Miyajima,
6 Sirgo, Bandoni, Kawasaki, and Ku because these claims are so related to Lang’s claims
7 that they form part of the same case or controversy.

8 **IV. INTRADISTRICT ASSIGNMENT**

9 11. Pursuant to Civil L.R. 3-2(c) and 3-2(d), Oakland is an appropriate
10 division for this action because a substantial part of the events or omissions which give
11 rise to the claims of Robert Lang occurred in Contra Costa County. Lang lives and
12 works in the city of Alamo, which lies in Contra Costa County.

13 **V. PLAINTIFFS’ RIGHT TO COPYRIGHT PROTECTION**

14 12. On the date of first publication of works relevant hereto, each Plaintiff
15 was a national or domiciliary of the United States or a country with which the United
16 States has a copyright treaty.

17 13. Each of Plaintiffs’ works relevant hereto was first published in the United
18 States or in a country that is party to the Universal Copyright Convention.

19 **VI. BACKGROUND**

20 14. The worldwide popularity of origami, the ancient art of paper folding, has
21 increased dramatically in the past several decades. The application of mathematical
22 formulas has made it possible to design and create lifelike, three-dimensional figures
23 from a single sheet of paper. Modern origami is a unique sculptural art with millions of
24 enthusiasts (also known as “folders” or “origami artists”) who use the internet to share
25 images and communicate about their interests. In addition, there are local and
26 international folding groups, as well as conferences, publications, competitions, and art



1 exhibits featuring origami.

2 15. Plaintiffs are among a small number of artists who are capable of
3 designing highly complex origami models. Plaintiffs have created and published crease
4 patterns for some of their models.

5 16. The lines of a crease pattern represent the folds needed to create a three-
6 dimensional origami model from a sheet of paper, but the intricacy of these geometric
7 diagrams gives crease patterns their own aesthetic appeal. Crease patterns thus lend
8 themselves to derivative works, such as colorized versions.

9 17. Since the mid-1990s, Sarah Morris has been internationally recognized as
10 a painter and film maker. In 2007, Morris debuted her "Origami series," which consists
11 of approximately 37 paintings. Morris transferred crease patterns to canvas and applied
12 household gloss paint to the spaces between the lines. Morris has represented in
13 interviews and promotional materials that the paintings in the Origami series are based
14 on "found origami designs" or "traditional" patterns.

15 18. Twenty-four of Morris's paintings are strikingly similar to copyrighted
16 artworks belonging to Plaintiffs ("Plaintiffs' Works") because Morris has unlawfully
17 copied Plaintiffs' Works for commercial use. Attached as **Exhibit A** and incorporated
18 herein by this reference is a chart showing each Plaintiff's artwork and the
19 corresponding Infringing Work.

20 19. Plaintiffs are not aware that the term is part of the work's title. The
21 infringing paintings by Morris (collectively "the Infringing Works") are referred to by
22 Plaintiffs and, on information and belief, are named: "Angel," "Bat," "Calypte Anna,"
23 "Cat," "Cat" (outline)¹, "Dragon," "Falcon," "Grasshopper," "Grasshopper" (outline),
24

25 ¹ Where the word "outline" appears in parentheses, Plaintiffs have used
26 this term only to distinguish the painting style. Plaintiffs are not aware that the
term is part of the work's title.



1 "June Beetle," "Kawasaki Cube," "Mommoth" (outline), "Parrot," "Pegasus," "Pegasus"
2 (outline), "Praying Mantis," "Rabbit," "Rhino Beetle," "Rockhopper," "Swan," "Swan"
3 (outline), "Tarantula," "Weasel" (outline), and "Wolf."

4 20. Each of Plaintiffs' Works is the subject of a valid Certificate of Copyright
5 Registration from the Register of Copyrights or is the subject of an application under
6 which registration is pending. Attached as **Exhibit B** and incorporated herein by this
7 reference is a list of Plaintiffs' Works and the corresponding copyright information,
8 including the dates of registration or application for registration where pending.

9 21. The paintings in the Origami series have been exhibited individually and
10 in various combinations in the United States and all over the world, including New
11 York, Miami, London, Berlin, Tokyo, Frankfurt, and Abu Dhabi. Images of the
12 paintings have also been published in exhibition promotional materials, auction
13 catalogs, and magazine articles, both in print and on the internet. Images of many of
14 the paintings are available on the internet by searching for the terms "sarah morris
15 origami" on Google or Yahoo and selecting "Images." The paintings also appear in
16 online photo sharing programs such as Flickr.com.

17 22. On information and belief, Morris is responsible for the creation of
18 additional works that are derivative of the Infringing Works, including, but not limited
19 to, a magazine cover and handmade rug derived from "Angel," and signed original
20 prints of "Rockhopper."

21 23. Morris actively promotes herself and her work nationally and
22 internationally. On information and belief, Morris has sold or offered for sale the
23 Infringing Works throughout the United States and internationally. Morris has
24 promoted the Origami series extensively, through interviews and articles that are
25 readily accessible on the internet, in videos, and in print. Morris has exhibited the
26 Infringing Works in cities around the world.



1 origami. Lang's origami models have appeared in print and on television and have been
2 placed on display in public venues and galleries.

3 32. Lang is the author of the book *Origami Design Secrets: Mathematical*
4 *Secrets for an Ancient Art*, published on or about October 23, 2003, by A K Peters Ltd.
5 The book's copyright was registered on December 1, 2003, which is within three
6 months after first publication of the work. A copy of the Certificate of Registration of
7 Copyright is attached as **Exhibit C** and incorporated herein by this reference.

8 33. The artworks published in *Origami Design Secrets* that are relevant to
9 this lawsuit are:

- 10 • "Grasshopper" (Figure 5.29 at page 113);
- 11 • "Hummingbird" (Figure 4.15 at page 66);
- 12 • "KNL Dragon" (Figure 6.12 at page 138);
- 13 • "Pegasus" (Figure 8.27 at page 246);
- 14 • "Praying Mantis" (Figure 8.49 at page 260);
- 15 • "Rabbit" (Figure 13.11 at page 530); and
- 16 • "Tarantula" (Figure 9.23(a) at page 300).

17 34. Lang has maintained a website at www.langorigami.com at all times
18 relevant to this lawsuit. Since 2004, the following notice has appeared on Lang's
19 website: "This site (excluding linked websites) is controlled by Robert J. Lang from
20 within the state of California, USA. By accessing this website, you agree that all matters
21 relating to access to, or use of, this website shall be governed by the laws and courts of
22 the state of California." Since 2004, the website has also notified users that "Dr. Lang
23 resides in Alamo, California."

24 35. Lang's artworks "Cooper's Hawk" and "Eupatorus gracilicornis" were
25 published on Lang's website at all times relevant to this lawsuit. A copy of the
26 Certificate of Registration of Copyright for "coopers_hawk_cp" (a.k.a. "Cooper's



1 Hawk”) is attached as **Exhibit D** and incorporated herein by this reference. A copy of
2 the Certificate of Registration of Copyright for “Eupatorus gracilicornis CP” is attached
3 as **Exhibit E** and incorporated herein by this reference.

4 36. *The New Yorker* magazine published an article about Lang titled *The*
5 *Origami Lab: Why a physicist dropped everything for paper folding,*” in its February
6 2007 issue (hereinafter “the Lang article”). The first sentence of the Lang article
7 identifies Lang as a Californian. The Lang article also states: “Lang and his wife and
8 their teen-age son live about twenty miles east of Oakland,” and goes on to describe
9 Lang’s work studio, located at his home. A printout of the Lang article, retrieved from
10 the website of *The New Yorker* on March 3, 2011, is attached as **Exhibit F** and
11 incorporated herein by this reference.

12 37. An interview with Morris was published in the September 2007 issue of
13 *Res* magazine. A copy of the article retrieved March 3, 2011 from internet address
14 <http://www.resartworld.com/files/resvolume1.zip> is attached as **Exhibit G** and
15 incorporated herein by this reference. The article attributed the following statement to
16 Morris: “There was a very intriguing article in [T]he New Yorker magazine a couple of
17 months ago about how origami is used now for scientific solutions to do with a [sic]
18 heart valves, for instance.” On information and belief, Morris was referring to the Lang
19 article attached as **Exhibit F**.

20 38. Morris referred directly to the Lang article in an interview published on
21 the internet:

22 *Sarah:* Did you see the article in The New Yorker that came out right
23 when I did my show with Friedrich Petzel Gallery, which was
24 all with origami pieces? It’s about a physicist named Robert
25 Lang who uses origami for heart valves and different
26 scientific solutions because it’s such an easy form that gives
rise to these complex things and that you can actually fold it
in a way that opens in a sterile way. Did you read that?

Daniel: No. But I’d like to read it.

Sarah: I’ll have to send it to you. It was February 2007. It’s really



1 fascinating. . . .

2 A printout of the interview retrieved on March 3, 2011 from internet address
3 www.theadamandevprojects.com/project/a-diagram-of-a-headache is attached as
4 **Exhibit H** and incorporated herein by this reference.

5 39. Morris's paintings that infringe Lang's copyrights are dated 2007 or
6 2008. On information and belief, Morris created most or all of those artworks after she
7 read the Lang article. Morris targeted willful acts of copyright infringement at Lang
8 with knowledge that Lang lived and worked in California and that the impact would be
9 felt in California.

10 40. Lang learned of Morris's infringement of his artworks on April 2, 2009,
11 when he was contacted by another origami artist who had recognized crease patterns
12 created by Lang and other Plaintiffs upon viewing Morris's work. After seeing examples
13 of infringement of his work on the internet, Lang took action that same day, sending
14 the first of three emails to galleries associated with Morris in an attempt to reach her.
15 Lang informed the galleries that he wished to communicate with Morris because he had
16 become aware that she had used his copyrighted artworks without authorization,
17 colorized them, and represented them as her own for commercial purposes. Each of
18 these emails included Lang's California mailing address. A copy of these emails is
19 attached as **Exhibit I** and incorporated herein by this reference.

20 41. On June 23, 2009, Morris responded to Lang in a letter attached to an
21 email. Morris admitted she had access to Lang's artworks at the time she created the
22 Infringing Works; she wrote: "I referred to some of your instructions as inspiration for
23 my paintings. . . ." A true and correct copy of Morris's letter is attached as **Exhibit J**
24 and incorporated herein by this reference.

25 42. On information and belief, Morris has visited California in a professional
26 capacity on multiple occasions. Morris was a featured guest for an event on November



1 30, 2009, at the Southern California Institute of Architecture in Los Angeles.

2 43. On information and belief, Morris's painting "Calypte Anna" is located in
3 Los Angeles at Adam Biesk Inc., which is marketing the painting for sale. "*Calypte*
4 *anna*" is the scientific name for the most common species of hummingbird in southern
5 California.

6 44. Morris's "Calypte Anna" is a painted version of Lang's "Hummingbird"
7 crease pattern. On information and belief, Morris accessed this artwork from Lang's
8 California-based website.

9 **FACTS SPECIFIC TO NOBORU MIYAJIMA**

10 45. Miyajima is a professional origami artist and instructor. He has published
11 origami models and crease patterns in *Origami Tanteidan Magazine* and *Origami*
12 *Tanteidan Convention Book*.

13 46. Since 2002, Miyajima has maintained a website at
14 <http://www.h5.dion.ne.jp/~origami/e/>.

15 47. The following artworks of Miyajima were published on Miyajima's
16 website at all times relevant to this lawsuit:

- 17 • "Bat,"
- 18 • "Cat,"
- 19 • "Mammoth,"
- 20 • "Penguin,"
- 21 • "Swan,"
- 22 • "Weasel," and
- 23 • "Wolf."

24 48. A copy of the Certificate of Registration of Copyright for each artwork is
25 attached as **Exhibits K - Q** and incorporated herein by this reference.

26 49. Miyajima learned of Morris's infringement of his artworks no earlier than



1 August 4, 2009.

2 **FACTS SPECIFIC TO MANUEL SIRGO**

3 50. Manuel Sirgo, also known as Manuel Sirgo Alvarez, is an origami artist
4 living in Spain. He is the president of the Spanish paperfolding association, *Asociacion*
5 *Espanola de Papiroflexia*. Sirgo is the author of several origami books and is well
6 known in the origami world.

7 51. Sirgo's artwork "Macaw" appears on page 27 of his book, *Origami*
8 *Menagerie: 21 Challenging Models*, published in the United States in 2008 by Dover
9 Publications, Inc. Copyright registration for this artwork is pending; a copy of the
10 application is attached as **Exhibit R** and incorporated herein by this reference.

11 52. Sirgo learned of Morris's infringement of his artwork no earlier than
12 October 12, 2009.

13 **FACTS SPECIFIC TO NICOLA BANDONI**

14 53. Bandoni is an origami artist living in Italy.

15 54. Bandoni's artwork "Cyclommatus metallifer" was published on the
16 internet at all times relevant to this lawsuit.

17 55. A copy of the Certificate of Registration of Copyright for "Cyclommatus
18 metallifer" is attached as **Exhibit S** and incorporated herein by this reference.

19 56. Bandoni learned of Morris's infringement of his artwork no earlier than
20 December 4, 2009.

21 **FACTS SPECIFIC TO TOSHIKAZU KAWASAKI**

22 57. Kawasaki is an origami artist living in Japan.

23 58. Kawasaki is the author of the artwork "Kawasaki Cube #1," appearing at
24 page 30 of a book by Kunihiko Kasahara and Toshie Takahama, *Origami for the*
25 *Connoisseur*, published in the United States in 1987 by Japan Publications, Inc.

26 59. A copy of the Certificate of Registration of Copyright for "Kawasaki Cube



1 #1” is attached as **Exhibit T** and incorporated herein by this reference.

2 60. Kawasaki learned of Morris’s infringement of his artwork no earlier than
3 October 22, 2009.

4 **FACTS SPECIFIC TO JASON KU**

5 61. Ku is an origami artist living in Massachusetts.

6 62. Ku’s artwork “Harpy” was published on the internet at all times relevant
7 to this lawsuit.

8 63. A copy of the Certificate of Registration of Copyright is attached as
9 **Exhibit U** and incorporated herein by this reference.

10 64. Ku learned of Morris’s infringement of his artwork no earlier than
11 December 13, 2010.

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**FIRST CLAIM FOR RELIEF
(BY ROBERT J. LANG FOR COPYRIGHT INFRINGEMENT)**

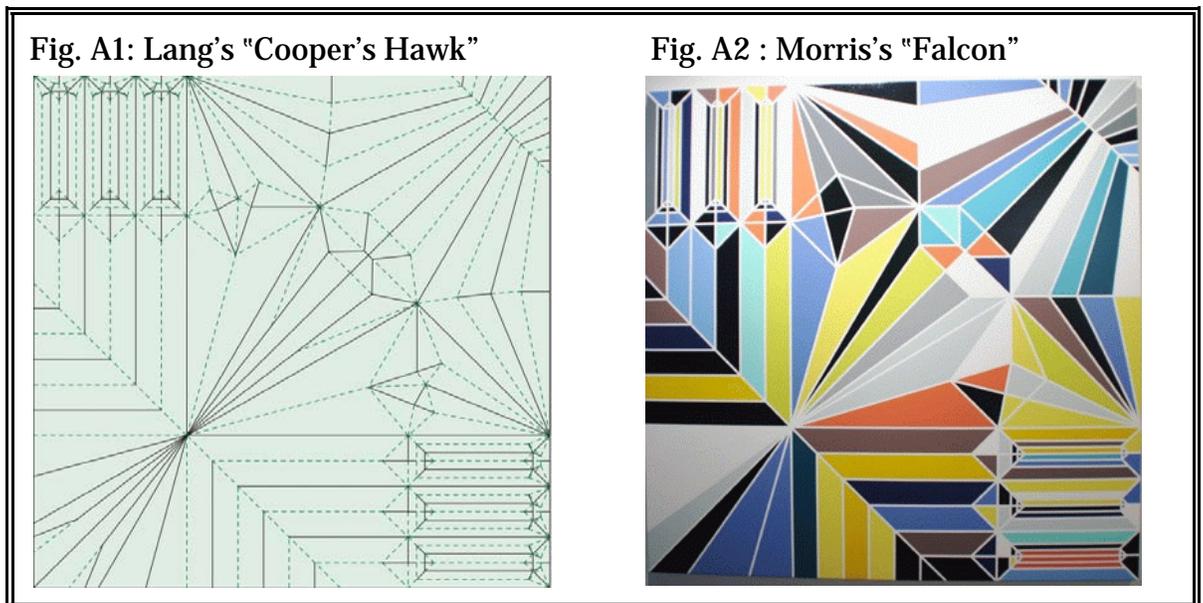
65. Lang re-alleges and incorporates by reference paragraphs 1 through 44 as though fully set forth herein.

66. At all times relevant hereto, Lang has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Cooper's Hawk."

67. Morris's painting "Falcon" (at Fig. A2, below) is substantially similar to Lang's artwork "Cooper's Hawk" (at Fig. A1, below).

68. Morris willfully and without permission copied Lang's artwork or its constituent elements.

69. Lang is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



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**SECOND CLAIM FOR RELIEF
(BY ROBERT J. LANG FOR COPYRIGHT INFRINGEMENT)**

70. Lang re-alleges and incorporates by reference paragraphs 1 through 44, and paragraphs 65 through 69, as though fully set forth herein.

71. At all times relevant hereto, Lang has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Eupatorus gracilicornis."

72. Morris's painting "Rhino Beetle" (at Fig. B2, below) is substantially similar to Lang's artwork "Eupatorus gracilicornis" (at Fig. B1, below).

73. Morris willfully and without permission copied Lang's artwork or its constituent elements.

74. Lang is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



Fig. B1: Lang's "Eupatorus gracilicornis"
(Rhinoceros Beetle)

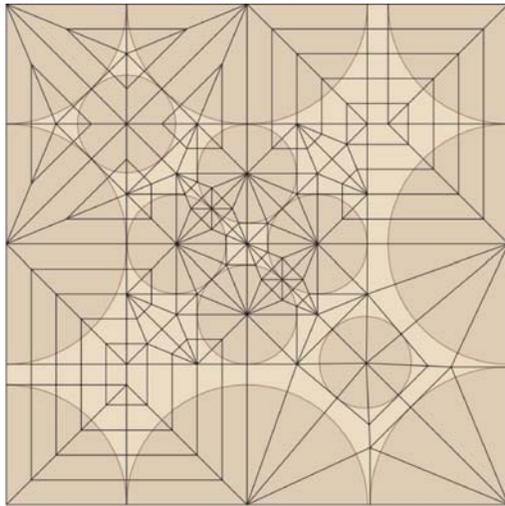
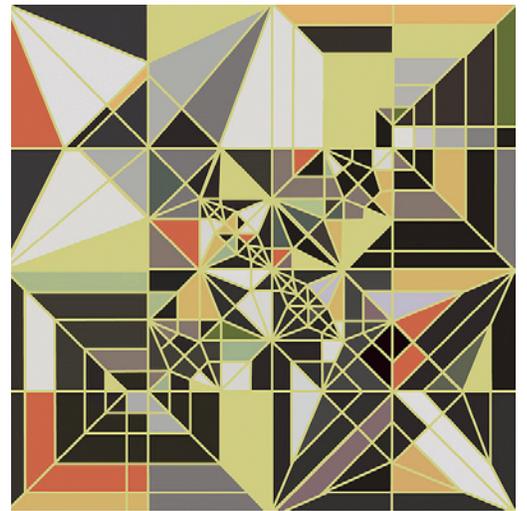


Fig. B2: Morris's "Rhino Beetle"



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**THIRD CLAIM FOR RELIEF
(BY ROBERT J. LANG FOR COPYRIGHT INFRINGEMENT)**

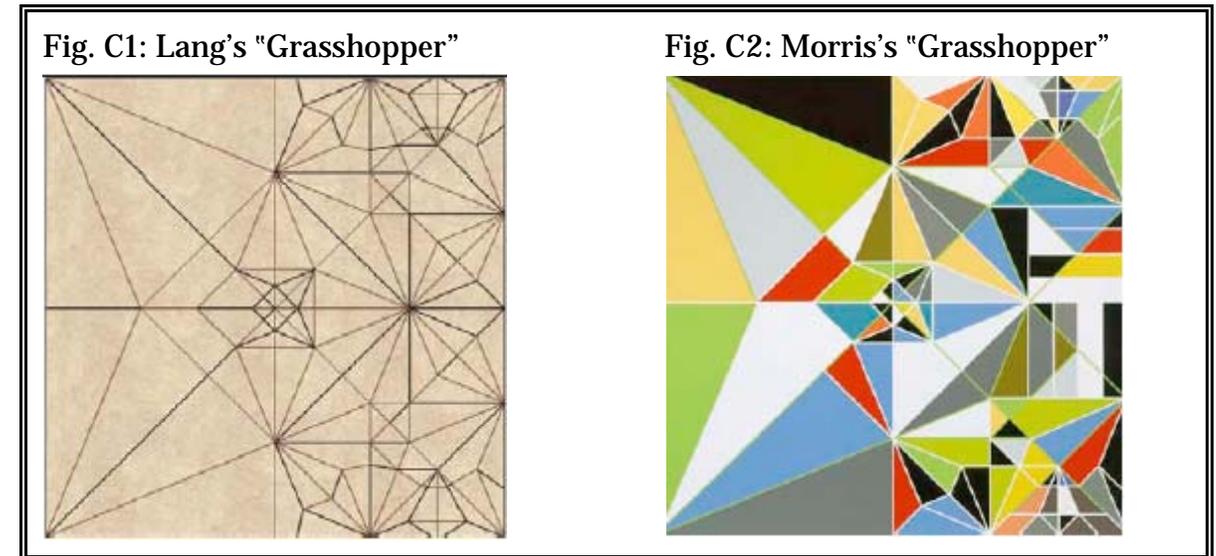
75. Lang re-alleges and incorporates by reference paragraphs 1 through 44, and paragraphs 65 through 74, as though fully set forth herein.

76. At all times relevant hereto, Lang has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Grasshopper."

77. Two of Morris's paintings titled "Grasshopper" (at Figs. C2 and C3, below) are substantially similar to Lang's artwork "Grasshopper" (at Fig. C1, below).

78. Morris willfully and without permission copied Lang's artwork or its constituent elements.

79. Lang is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial. Alternatively, pursuant to 17 U.S.C. § 504, Lang has and reserves the right to elect statutory damages. Lang is furthermore entitled to attorney's fees and costs pursuant to 17 U.S.C. § 505.



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Fig. C1: Lang's "Grasshopper"

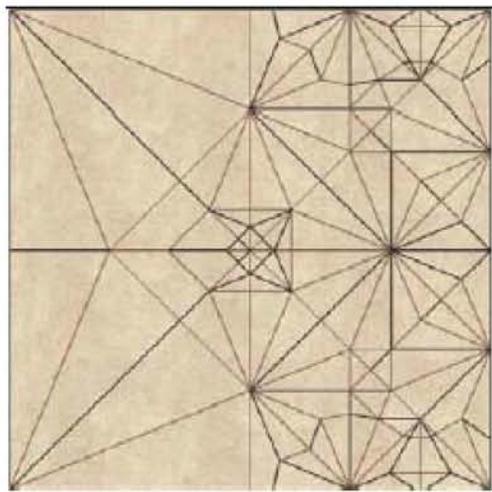
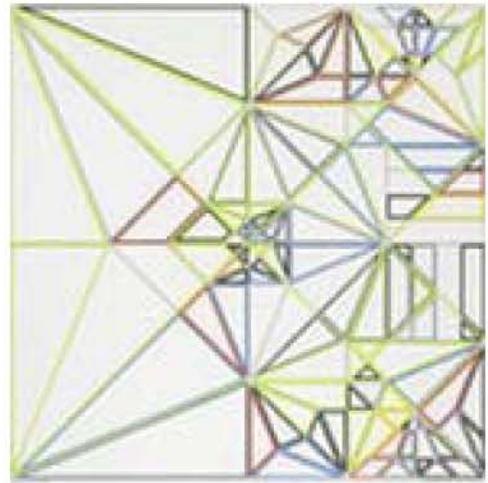


Fig. C3: Morris's "Grasshopper" (outline)



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**FOURTH CLAIM FOR RELIEF
(BY ROBERT J. LANG FOR COPYRIGHT INFRINGEMENT)**

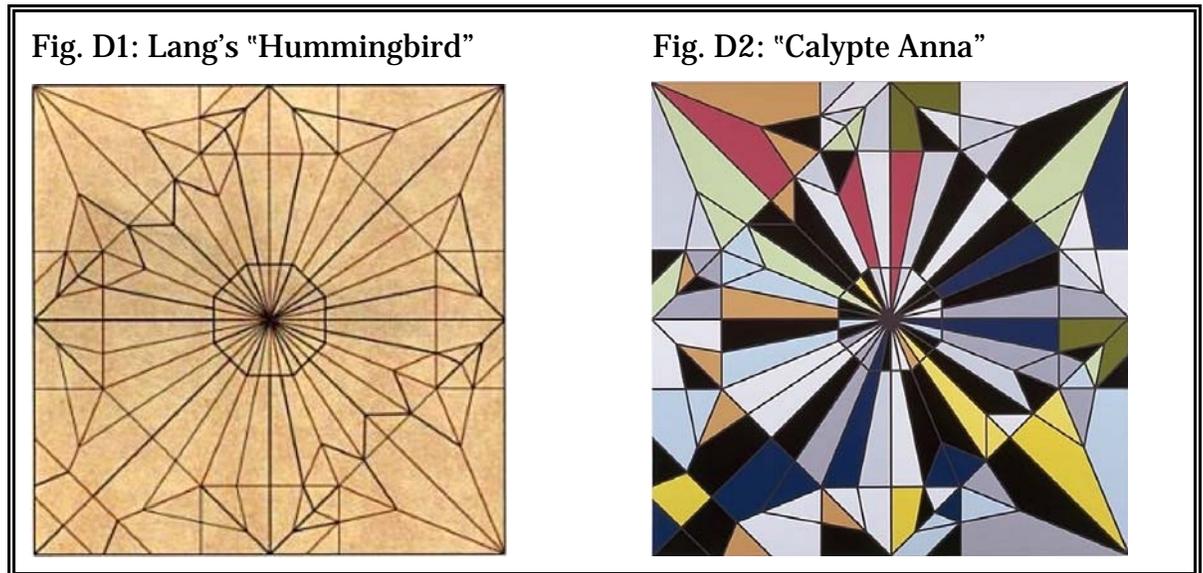
80. Lang re-alleges and incorporates by reference paragraphs 1 through 44, and paragraphs 65 through 79, as though fully set forth herein.

81. At all times relevant hereto, Lang has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Hummingbird."

82. Morris's painting "Calypte Anna" (at Fig. D2, below) is substantially similar to Lang's artwork "Hummingbird" (at Fig. D1, below).

83. Morris willfully and without permission copied Lang's artwork or its constituent elements.

84. Lang is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial. Alternatively, pursuant to 17 U.S.C. § 504, Lang has and reserves the right to elect statutory damages. Lang is furthermore entitled to attorney's fees and costs pursuant to 17 U.S.C. § 505.



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**FIFTH CLAIM FOR RELIEF
(BY ROBERT J. LANG FOR COPYRIGHT INFRINGEMENT)**

85. Lang re-alleges and incorporates by reference paragraphs 1 through 44, and paragraphs 65 through 84, as though fully set forth herein.

86. At all times relevant hereto, Lang has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "KNL Dragon."

87. Morris's painting "Dragon" (at Fig. E2, below) is substantially similar to Lang's artwork "KNL Dragon" (at Fig. E1, below).

88. Morris willfully and without permission copied Lang's artwork or its constituent elements.

89. Lang is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial. Alternatively, pursuant to 17 U.S.C. § 504, Lang has and reserves the right to elect statutory damages. Lang is furthermore entitled to attorney's fees and costs pursuant to 17 U.S.C. § 505.



Fig. E1: Lang's "KNL Dragon"

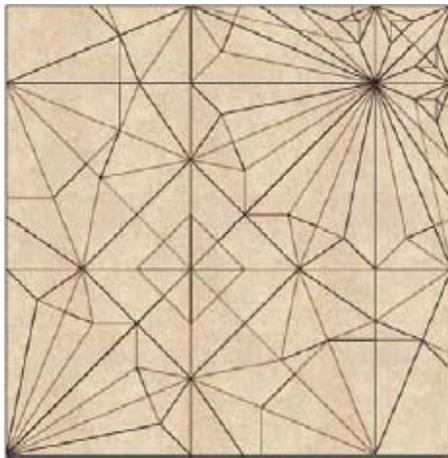


Fig. E2: Morris's "Dragon"



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**SIXTH CLAIM FOR RELIEF
(BY ROBERT J. LANG FOR COPYRIGHT INFRINGEMENT)**

90. Lang re-alleges and incorporates by reference paragraphs 1 through 44, and paragraphs 65 through 89, as though fully set forth herein.

91. At all times relevant hereto, Lang has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Pegasus."

92. Two of Morris's paintings titled "Pegasus" (at Figs. F2 and F3, below) are substantially similar to Lang's artwork "Pegasus" (at Fig. F1, below).

93. Morris willfully and without permission copied Lang's artwork or its constituent elements.

94. Lang is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial. Alternatively, pursuant to 17 U.S.C. § 504, Lang has and reserves the right to elect statutory damages. Lang is furthermore entitled to attorney's fees and costs pursuant to 17 U.S.C. § 505.



Fig. F1: Lang's "Pegasus"

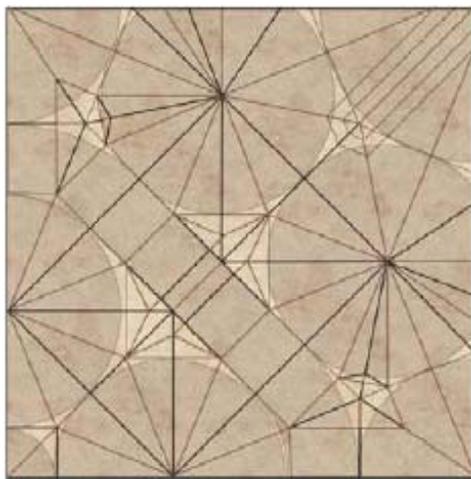
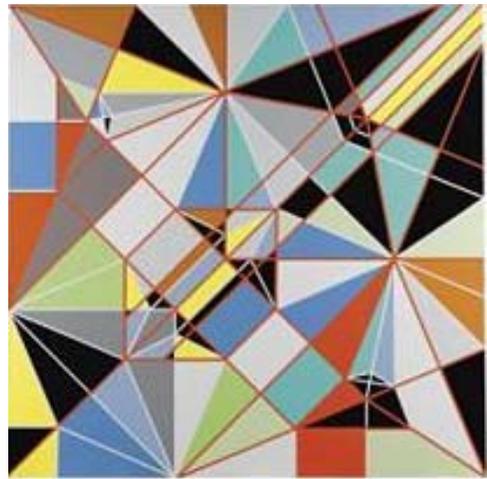


Fig. F2: Morris's "Pegasus"



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Fig. F1: Lang's Pegasus

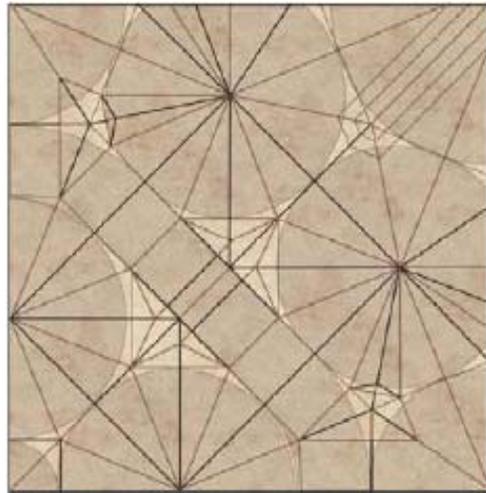
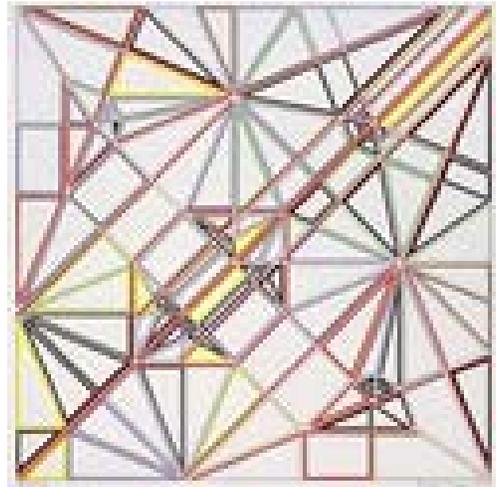


Fig. F3: Morris's "Pegasus" (outline)



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**SEVENTH CLAIM FOR RELIEF
(BY ROBERT J. LANG FOR COPYRIGHT INFRINGEMENT)**

95. Lang re-alleges and incorporates by reference paragraphs 1 through 44, and paragraphs 65 through 94, as though fully set forth herein.

96. At all times relevant hereto, Lang has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Praying Mantis."

97. Morris's painting "Praying Mantis" (at Fig. G2, below) is substantially similar to Lang's artwork "Praying Mantis" (at Fig. G1, below).

98. Morris willfully and without permission copied Lang's artwork or its constituent elements.

99. Lang is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial. Alternatively, pursuant to 17 U.S.C. § 504, Lang has and reserves the right to elect statutory damages. Lang is furthermore entitled to attorney's fees and costs pursuant to 17 U.S.C. § 505.



Fig. G1: Lang's "Praying Mantis"

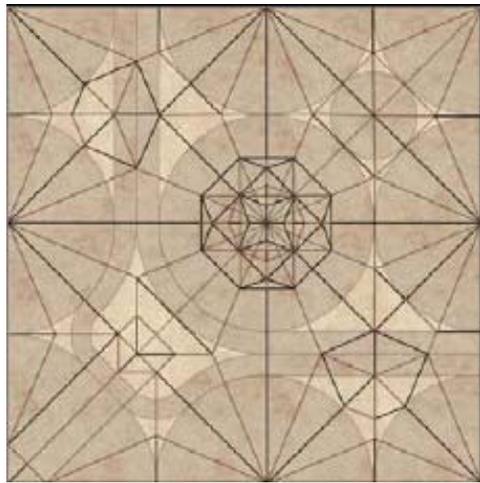


Fig. G2: Morris's "Praying Mantis"



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**EIGHTH CLAIM FOR RELIEF
(BY ROBERT J. LANG FOR COPYRIGHT INFRINGEMENT)**

100. Lang re-alleges and incorporates by reference paragraphs 1 through 44, and paragraphs 65 through 99, as though fully set forth herein.

101. At all times relevant hereto, Lang has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Rabbit."

102. Morris's painting "Rabbit" (at Fig. H2, below) is substantially similar to Lang's artwork "Rabbit" (at Fig. H1, below).

103. Morris willfully and without permission copied Lang's artwork or its constituent elements.

104. Lang is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial. Alternatively, pursuant to 17 U.S.C. § 504, Lang has and reserves the right to elect statutory damages. Lang is furthermore entitled to attorney's fees and costs pursuant to 17 U.S.C. § 505.



Fig. H1: Lang's "Rabbit"

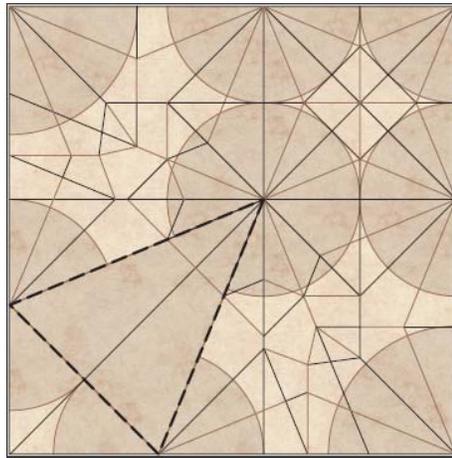
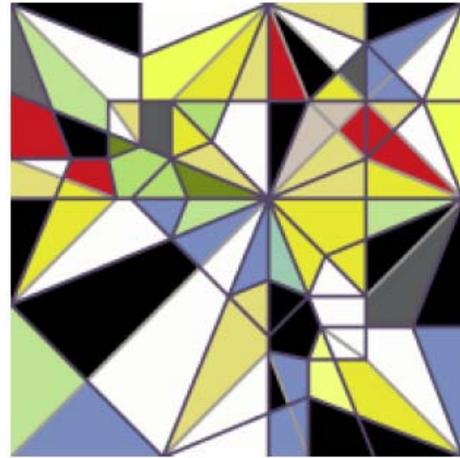


Fig. H2: Morris's "Rabbit"



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**NINTH CLAIM FOR RELIEF
(BY ROBERT J. LANG FOR COPYRIGHT INFRINGEMENT)**

105. Lang re-alleges and incorporates by reference paragraphs 1 through 44, and paragraphs 65 through 104, as though fully set forth herein.

106. At all times relevant hereto, Lang has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Tarantula."

107. Morris's painting "Tarantula" (at Fig. I2, below) is substantially similar to Lang's artwork "Tarantula" (at Fig. I1, below).

108. Morris willfully and without permission copied Lang's artwork or its constituent elements.

109. Lang is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial. Alternatively, pursuant to 17 U.S.C. § 504, Lang has and reserves the right to elect statutory damages. Lang is furthermore entitled to attorney's fees and costs pursuant to 17 U.S.C. § 505.



Fig. I1: Lang's "Tarantula"

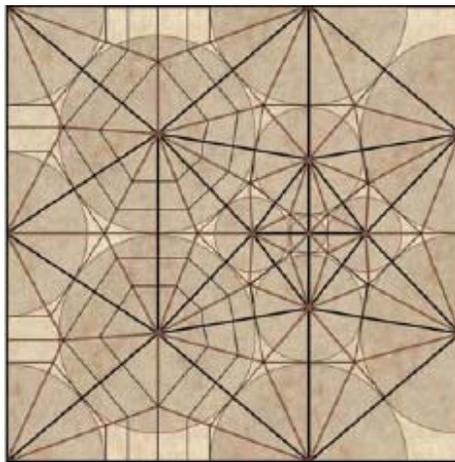
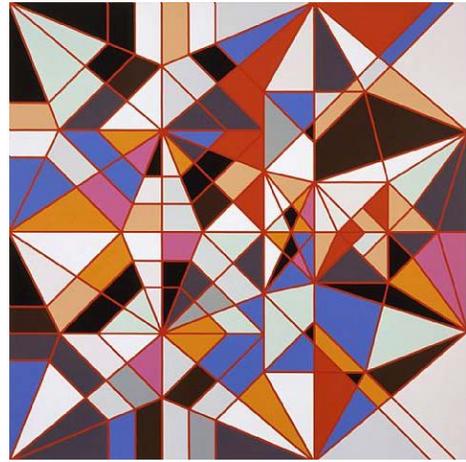


Fig. I2 : Morris's "Tarantula"



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**TENTH CLAIM FOR RELIEF
(BY NOBORU MIYAJIMA FOR COPYRIGHT INFRINGEMENT)**

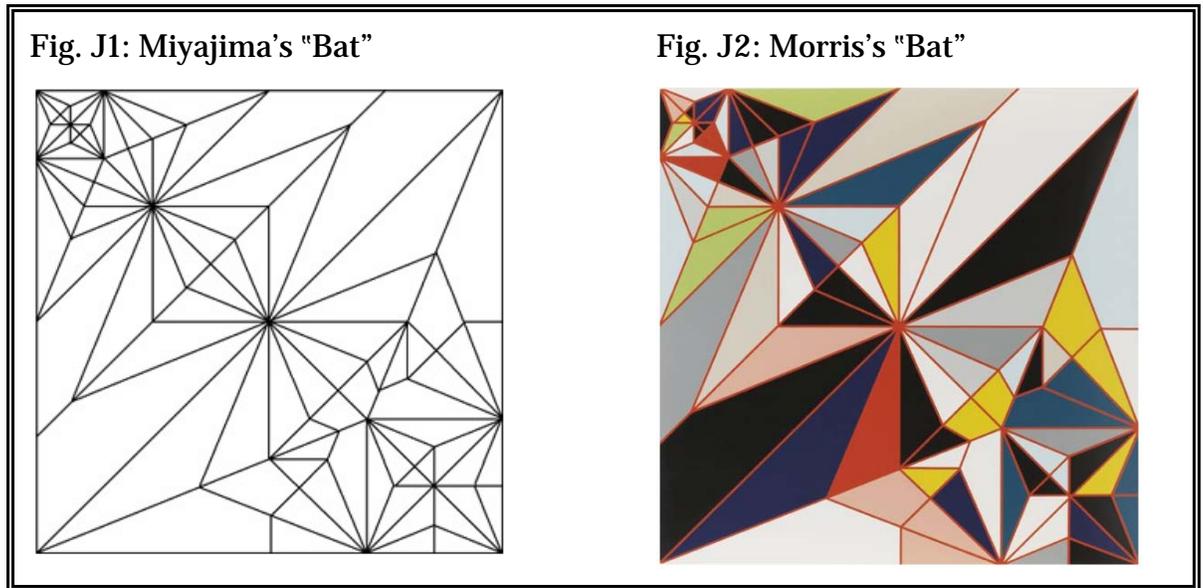
110. Miyajima re-alleges and incorporates by reference paragraphs 1 through 29, and paragraphs 45 through 49, as though fully set forth herein.

111. At all times relevant hereto, Miyajima has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Bat."

112. Morris's painting "Bat" (at Fig. J2, below) is substantially similar to Miyajima's artwork "Bat" (at Fig. J1, below).

113. Morris willfully and without permission copied Miyajima's artwork or its constituent elements.

114. Miyajima is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



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**ELEVENTH CLAIM FOR RELIEF
(BY NOBURU MIYAJIMA FOR COPYRIGHT INFRINGEMENT)**

115. Miyajima re-alleges and incorporates by reference paragraphs 1 through 29, paragraphs 45 through 49, and paragraphs 110 through 114, as though fully set forth herein.

116. At all times relevant hereto, Miyajima has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Cat."

117. Two of Morris's paintings titled "Cat" (at Figs. K2 and K3, below) are substantially similar to Miyajima's artwork "Cat" (at Fig. K1, below).

118. Morris willfully and without permission copied Miyajima's artwork or its constituent elements.

119. Miyajima is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



Fig. K1: Miyajima's "Cat"

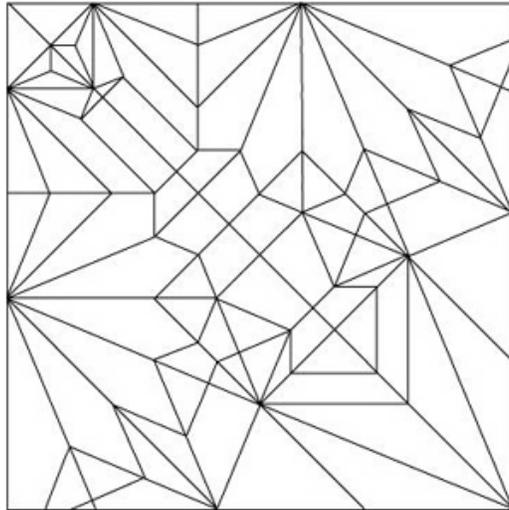
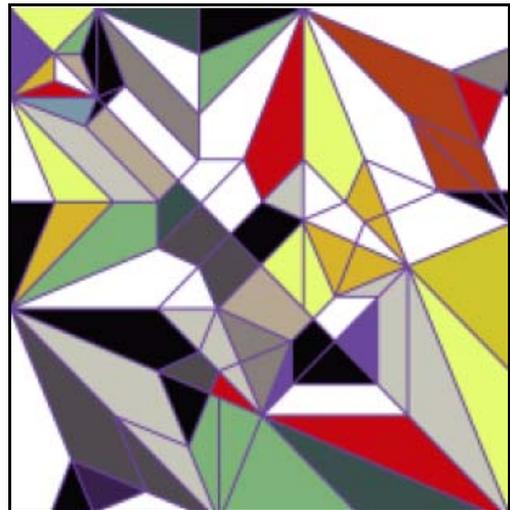


Fig. K2: Morris's "Cat"



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**TWELFTH CLAIM FOR RELIEF
(BY NOBURU MIYAJIMA FOR COPYRIGHT INFRINGEMENT)**

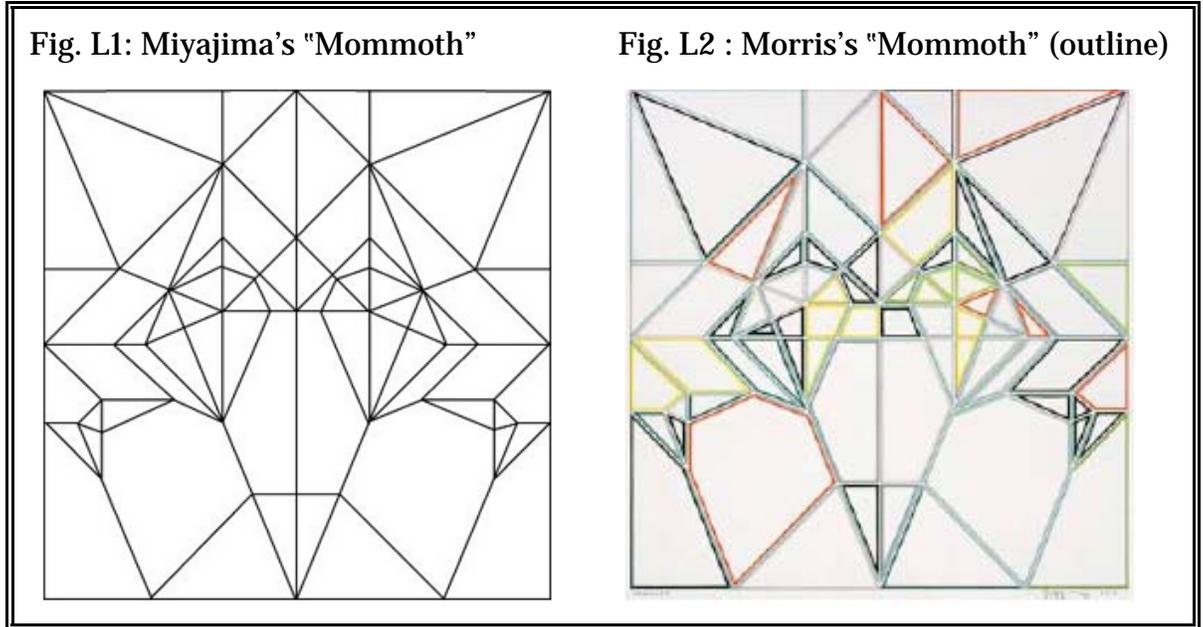
120. Miyajima re-alleges and incorporates by reference paragraphs 1 through 29, paragraphs 45 through 49, and paragraphs 110 through 119, as though fully set forth herein.

121. At all times relevant hereto, Miyajima has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Mommoth."

122. Morris's painting "Mommoth" (at Fig. J2, below) is substantially similar to Miyajima's artwork "Mommoth" (at Fig. J1, below).

123. Morris willfully and without permission copied Miyajima's artwork or its constituent elements.

124. Miyajima is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



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**THIRTEENTH CLAIM FOR RELIEF
(BY NOBURU MIYAJIMA FOR COPYRIGHT INFRINGEMENT)**

125. Miyajima re-alleges and incorporates by reference paragraphs 1 through 29, paragraphs 45 through 49, and paragraphs 110 through 124, as though fully set forth herein.

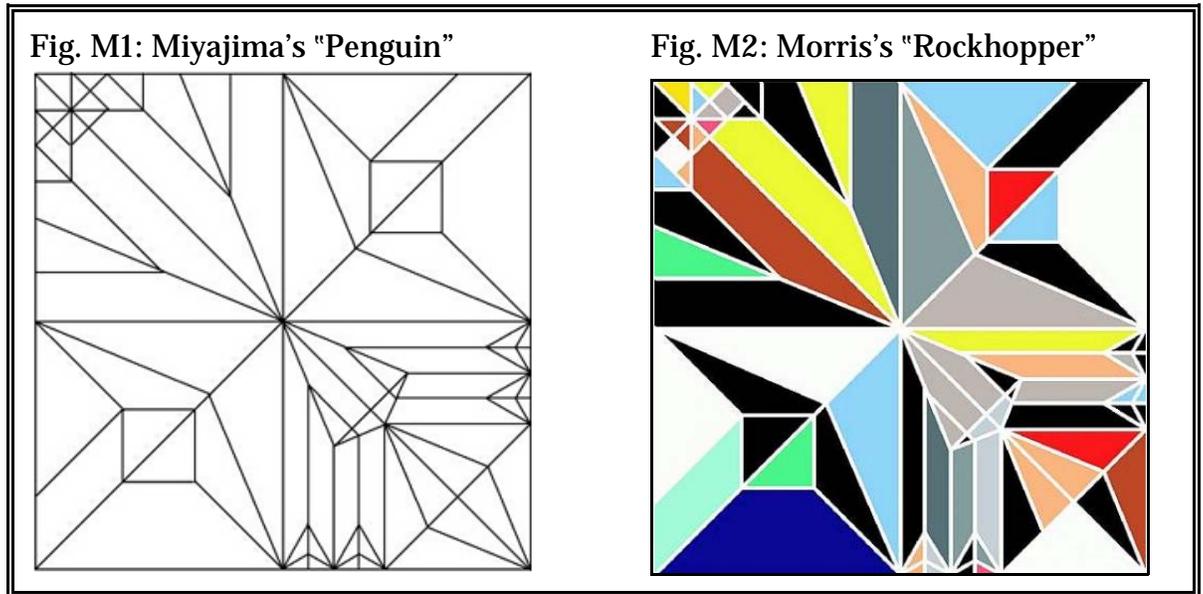
126. At all times relevant hereto, Miyajima has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Penguin."

127. Morris's painting "Rockhopper" (at Fig. M2, below) is substantially similar to Miyajima's artwork "Penguin" (at Fig. M1, below).

128. On information and belief, Morris authorized and signed a limited edition of fifty-five original prints of the painting "Rockhopper."

129. Morris willfully and without permission copied Miyajima's artwork or its constituent elements.

130. Miyajima is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



**FOURTEENTH CLAIM FOR RELIEF
(BY NOBURU MIYAJIMA FOR COPYRIGHT INFRINGEMENT)**

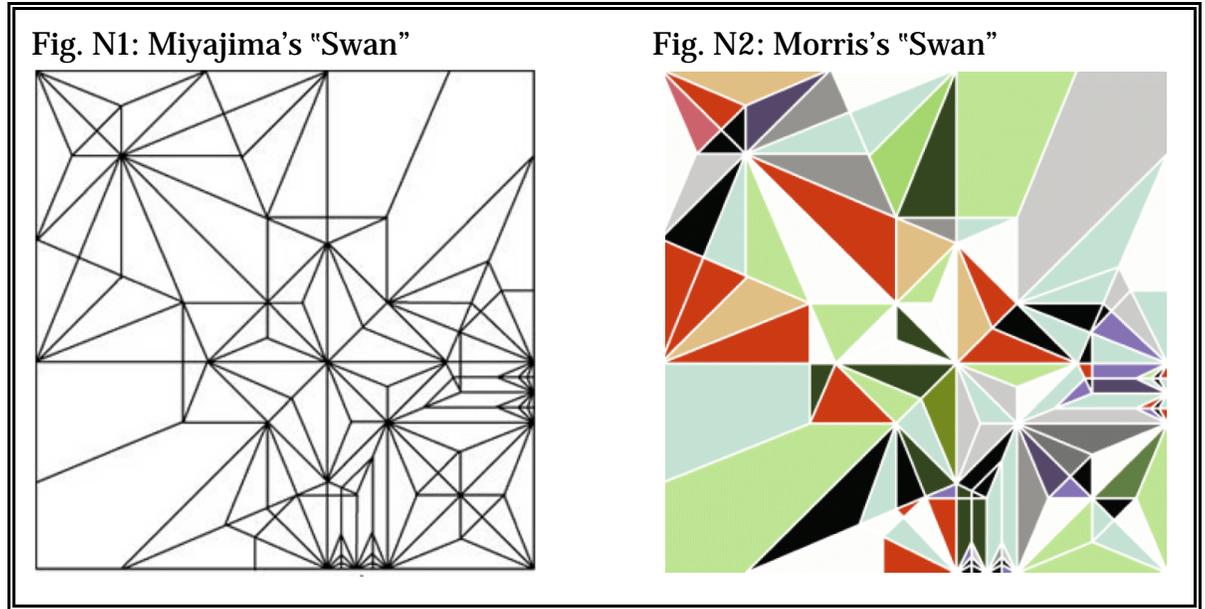
131. Miyajima re-alleges and incorporates by reference paragraphs 1 through 29, paragraphs 45 through 49, and paragraphs 110 through 130, as though fully set forth herein.

132. At all times relevant hereto, Miyajima has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Swan."

133. Two of Morris's paintings titled "Swan" (at Figs. N2 and N3, below) are substantially similar to Miyajima's artwork "Swan" (at Fig. N1, below).

134. Morris willfully and without permission copied Miyajima's artwork or its constituent elements.

135. Miyajima is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



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**FIFTEENTH CLAIM FOR RELIEF
(BY NOBURU MIYAJIMA FOR COPYRIGHT INFRINGEMENT)**

136. Miyajima re-alleges and incorporates by reference paragraphs 1 through 29, paragraphs 45 through 49, and paragraphs 110 through 135 as though fully set forth herein.

137. At all times relevant hereto, Miyajima has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Weasel."

138. Morris's painting "Weasel" (at Fig. O2, below) is substantially similar to Miyajima's artwork "Weasel" (at Fig. O1, below).

139. Morris willfully and without permission copied Miyajima's artwork or its constituent elements.

140. Miyajima is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



Fig. O1: Miyajima's "Weasel"

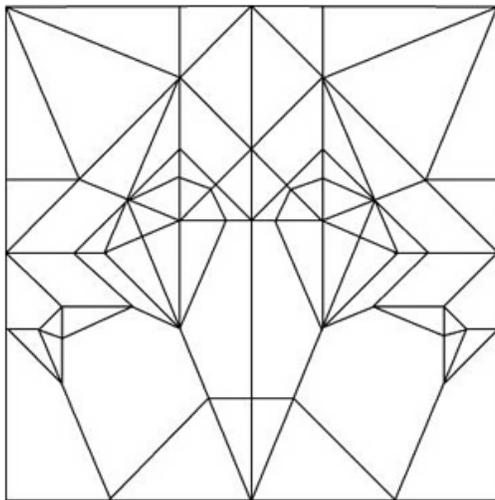
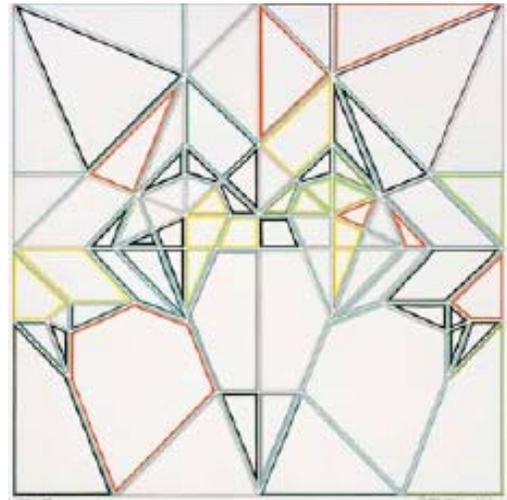


Fig. O2: Morris's "Weasel" (outline)



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**SIXTEENTH CLAIM FOR RELIEF
(BY NOBURU MIYAJIMA FOR COPYRIGHT INFRINGEMENT)**

141. Miyajima re-alleges and incorporates by reference paragraphs 1 through 29, paragraphs 45 through 49, and paragraphs 110 through 140, as though fully set forth herein.

142. At all times relevant hereto, Miyajima has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Wolf."

143. Morris's painting "Wolf" (at Fig. P2, below) is substantially similar to Miyajima's artwork "Wolf" (at Fig. P1, below).

144. Morris willfully and without permission copied Miyajima's artwork or its constituent elements.

145. Miyajima is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



Fig. P1: Miyajima's "Wolf"

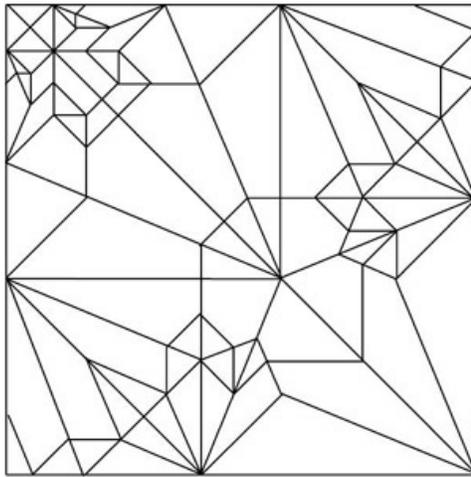
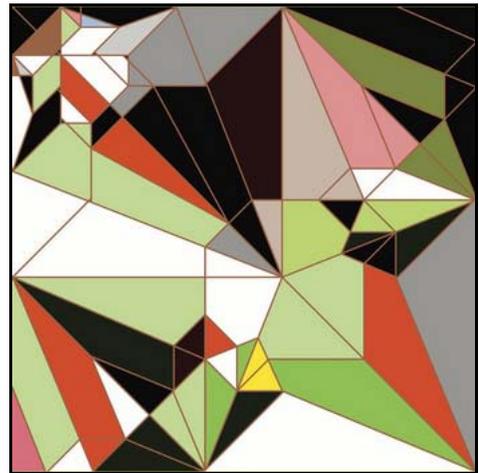


Fig. P2: Morris's "Wolf"



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**SEVENTEENTH CLAIM FOR RELIEF
(BY MANUEL SIRGO FOR COPYRIGHT INFRINGEMENT)**

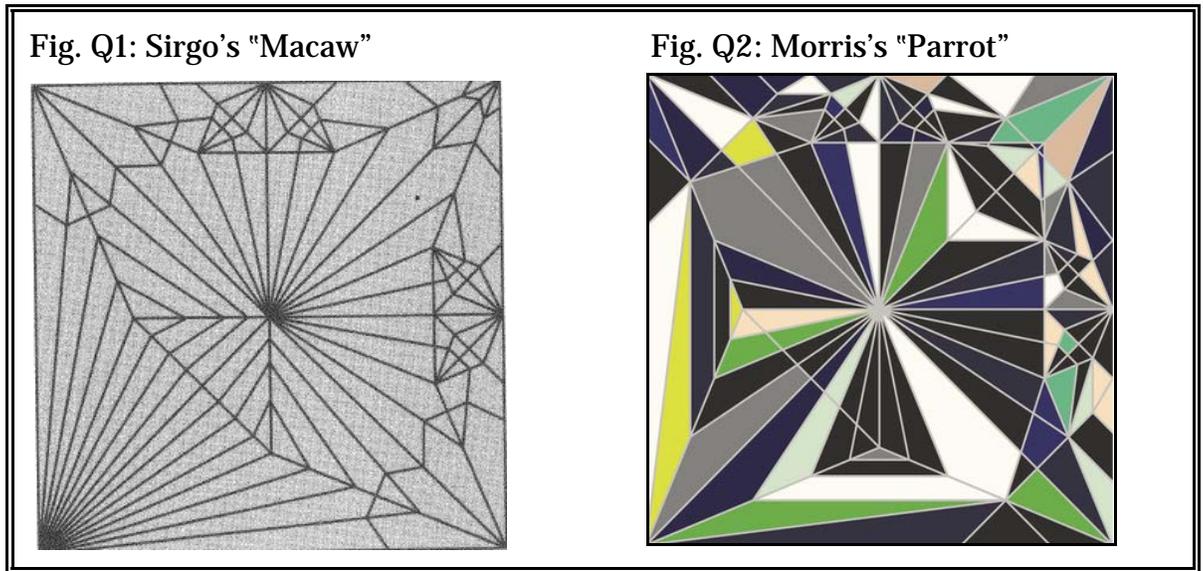
146. Sirgo re-alleges and incorporates by reference paragraphs 1 through 29 and paragraphs 50 through 52 as though fully set forth herein.

147. At all times relevant hereto, Sirgo has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Macaw."

148. Morris's painting "Parrot" (at Fig. Q2, below) is substantially similar to Sirgo's artwork "Macaw" (at Fig. Q1, below).

149. Morris willfully and without permission copied Sirgo's artwork or its constituent elements.

150. Sirgo is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



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**EIGHTEENTH CLAIM FOR RELIEF
(BY NICOLA BANDONI FOR COPYRIGHT INFRINGEMENT)**

151. Bandoni re-alleges and incorporates by reference paragraphs 1 through 29 and paragraphs 53 through 56 as though fully set forth herein.

152. At all times relevant hereto, Bandoni has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Cyclommatus metallifer."

153. Morris's painting "June Beetle" (at Fig. R2, below) is substantially similar to Bandoni's artwork "Cyclommatus metallifer" (at Fig. R1, below).

154. Morris willfully and without permission copied Bandoni's artwork or its constituent elements.

155. Bandoni is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



Fig. R1: Bandoni's "Cyclommatus metallifer" (June Beetle)

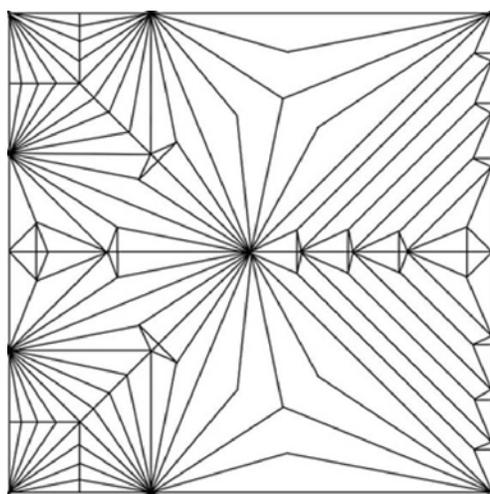


Fig. R2: Morris's "June Beetle"



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**NINETEENTH CLAIM FOR RELIEF
(BY TOSHIKAZU KAWASAKI FOR COPYRIGHT INFRINGEMENT)**

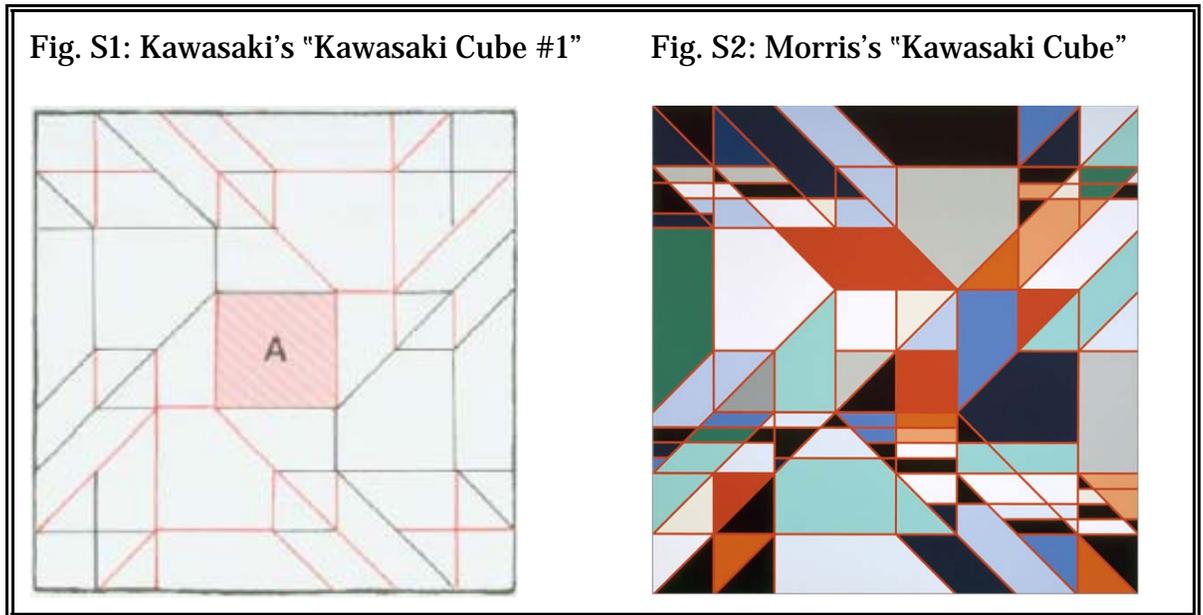
156. Kawasaki re-alleges and incorporates by reference paragraphs 1 through 29 and paragraphs 57 through 60, as though fully set forth herein.

157. At all times relevant hereto, Kawasaki has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Kawasaki Cube #1."

158. Morris's painting "Kawasaki Cube" (at Fig. S2, below) is substantially similar to Kawasaki's artwork "Kawasaki Cube #1" (at Fig. S1, below).

159. Morris willfully and without permission copied Kawasaki's artwork or its constituent elements.

160. Kawasaki is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



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**TWENTIETH CLAIM FOR RELIEF
(BY JASON KU FOR COPYRIGHT INFRINGEMENT)**

161. Ku re-alleges and incorporates by reference paragraphs 1 through 29 and paragraphs 61 through 64 as though fully set forth herein.

162. At all times relevant hereto, Ku has held exclusive rights under the Copyright Act to reproduce, distribute, display, or produce derivative works of his artwork "Harpy"

163. Morris's painting titled "Angel" (at Fig. T2, below) is substantially similar to Ku's artwork "Harpy" (at Fig. T1, below).

164. Morris's "Angel" was featured as the cover of the April 2009 issue of Wallpaper* Magazine (trademarked with an asterisk in the title) (see Fig. T3, below).

165. To memorialize the magazine cover, Wallpaper* Magazine commissioned a handmade rug, which was exhibited in Italy (see Fig. T4, below).

166. Morris willfully and without permission copied Ku's artwork or its constituent elements.

167. Ku is entitled to recover his actual damages and Morris's profits attributable to such infringement, subject to proof at trial.



Fig. T1: Ku's "Harpy"

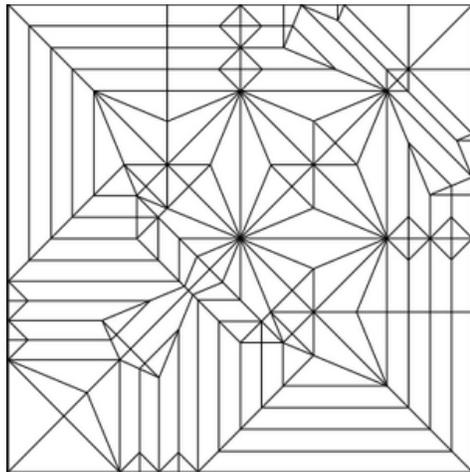


Fig. T2: Morris's "Angel"



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Fig. T3: April 2009 cover of
*Wallpaper** magazine



Fig. T4: Rug on exhibit



VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendant and for the following relief:

1. Compensatory damages and all gains, profits, and advantages derived by Defendant through the acts of infringement, in an amount according to proof;
2. As to Robert J. Lang, alternatively and at Lang's election, statutory damages for Claims 3 through 9, as allowed by law;
3. Exemplary damages;
4. A full accounting for each Infringing Work that includes information about where and when each work was exhibited, published, sold, or licensed, and Morris's net income derived from such activities;
5. Permanent injunctive relief restraining Defendant and all those in concert with her from selling, exhibiting, publishing, licensing, or otherwise profiting from the Infringing Works;

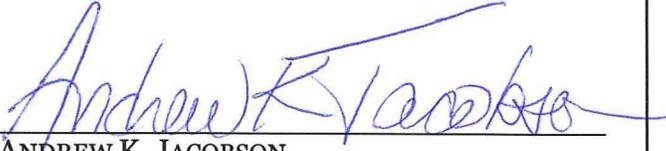


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- 6. Costs of suit, including attorney's fees, to the extent allowed by law;
- 7. Such other relief as the Court may deem proper.

Dated: April 28, 2011

BAY OAK LAW

By: 
 ANDREW K. JACOBSON
 Counsel for Plaintiffs

HAIMS VALENTINO LLP

By: 
 CAROLINE N. VALENTINO
 Counsel for Plaintiffs



JURY TRIAL DEMANDED

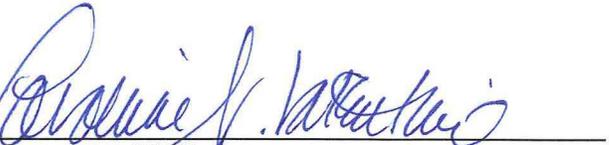
Plaintiffs hereby demand a trial by jury.

Dated: April 28, 2011

BAY OAK LAW

By: 
 ANDREW K. JACOBSON
 Counsel for Plaintiffs

HAIMS VALENTINO LLP

By: 
 CAROLINE N. VALENTINO
 Counsel for Plaintiffs