

1
2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

4 JANE COE
5 JOHN MOE,

6 Plaintiffs,

7 v.

8 CHALK-IT-UP ARTS, INC
9 A Delaware Corporation,

10 SHAKEY PUDDING ARTS, LTD
11 a British corporation,

12 Defendants.
13 _____

) Case No.

) **COMPLAINT FOR DECLARATORY**
) **JUDGMENT OF COPYRIGHT**
) **NONINFRINGEMENT AND**
) **INJUNCTIVE RELIEF**

) **JURY TRIAL DEMANDED**

14 Jane Coe
15 John Moe
16 123 Moecoe Road P.O. Box 12
17 Hurley, CA 80449
18 858-123-4567
19 *Plaintiffs Pro Se*

20 Plaintiffs Jane Coe and John Moe allege and aver as follows:

21
22 **PARTIES**

- 23
24 1. Plaintiffs Jane Coe and her husband, John Moe, are California citizens who run an
25 unincorporated business out of their home under the name of Tempting Collectibles. Jane
26 and John make and sell collectibles, fabric and hand-made fabric crafts, such as aprons,
27 blankets, pot holders, and placemats.

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1 2. Shakey Pudding Arts Ltd is a British corporation with principal place of business at 6
2 Downing Street, London. Upon information and belief, this defendant is the owner of
3 certain copyright and trademark rights concerning the artist Erte.

4 3. Chalk-It-Up Fine Arts, Inc., is a Delaware corporation with its principle place of business
5 at 22 Old Hat Road, #1, Greenwich, CT 06830-6200. Upon information and belief, this
6 defendant is an agent and representative for Shakey Pudding Arts, Ltd, and in that
7 capacity, issued the Notice Of Claimed Infringement against the Plaintiffs.

8
9 **JURISDICTION AND VENUE**

10
11 4. This Court has subject matter jurisdiction over plaintiffs' Copyright Act claims under 28
12 U.S.C. §§ 1331, 1332, and 2201. This Court has personal jurisdiction over Defendants
13 under the test established in *Calder v. Jones*, 465 US 783 (1984), applying Cal. Code Civ.
14 Proc § 410.10. Venue is proper in this District under 28 U.S.C. § 1391(b).

15 5. This Court also has jurisdiction under the Digital Millennium Copyright Act ("DMCA")
16 under 17 U.S.C. § 512 (g)(3)(D) which provides that "jurisdiction of Federal District
17 Court for the judicial district in which the address (of the Plaintiffs) is located."

18
19 **GENERAL ALLEGATIONS**

20
21 Plaintiffs' Business

22 6. Jane and John run a home-based business under the name Tempting Temptations. The
23 business was named after a family cat, Tabitha. Jane and John sell collectibles and fabric
24 and also make and sell hand-made collectible fabric crafts, such as aprons, blankets, pot
25 holders, and placemats.

26 7. Jane and John sell these items through their website, www.TemptingCollectibles.com,
27 and through eBay auctions using the eBay selling ID of Tempting Collectibles.

28
29 **COMPLAINT**

- 1 8. eBay is a popular Internet auction site accessible at <http://www.ebay.com/>. The eBay site
2 allows users to post items for sale, on which other users may place bids. When the time
3 allotted for the auction is complete, the site informs the highest bidder that he or she has
4 “won” the auction, and informs the seller of the identity and contact information of the
5 highest bidder. eBay also allows sellers to list items for sale in their “eBay Store” which
6 is almost identical to the standard auction. After the buyer and seller complete their
7 transaction, the eBay site offers both parties the opportunity to leave “feedback” on the
8 quality of the goods and the speed and smoothness of the transaction.
- 9 9. Since they began selling items on eBay in 1998, Jane and John have sold over 11,000
10 items through the site. eBay sales have become the primary source of financial support for
11 Plaintiffs. Plaintiffs sell high-quality manufactured goods, and nearly 60% of their sales
12 have been to repeat customers. Out of the over 4,460 individuals who have purchased
13 items from Plaintiffs and left feedback, 99.9% have indicated satisfaction with the
14 transaction.
- 15 10. Jane and John sell many fabrics pre-printed with cartoon characters and logos. These
16 fabrics are sold at retail fabric and craft stores to consumers. Jane and John do not
17 themselves print any cartoon characters or logos on the fabrics they sell.
- 18 11. On information and belief, the fabric Jane and John purchase has been manufactured
19 under the authorization of the owner of copyright and trademark rights in the characters
20 or logos.
- 21 12. Tempting Collectibles auction listings on eBay consistently inform prospective buyers
22 that the hand-crafted items for sale is not a product of the copyright or trademark holder.
23 For example, a recent auction of an apron made from licensed fabric imprinted with
24 images of characters from the Peanuts comic strip bore the notice, “This is not a licensed
25 Peanuts product. It is, however, hand-crafted with care from licensed Peanuts fabrics.
26 Tempting Collectibles is not affiliated with Peanuts.”

27 eBay’s VeRO Program

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29 COMPLAINT

1 13. In order to attempt to prevent the sale of goods that infringe copyright and trademark
2 rights through its site, eBay has established the Verified Rights Owner Program
3 (“VeRO”). The VeRO program was initiated by eBay to bring it into compliance with the
4 take-down provisions of the DMCA. The name “Verified Rights Owner” is a misnomer
5 as eBay does not require the alleged “Rights Owner” to actually prove they hold any real
6 rights under trademark, patent or copyright laws. eBay also keeps score of the take-
7 downs, assigning black-marks against the seller’s record, and frequently suspending
8 repeat offenders. Included in the eBay email notifying the Plaintiffs of the terminated
9 auctions, is the warning:

10 *“IMPORTANT NOTICE: Repeated violations of this or other eBay policies may result in*
11 *the suspension of your account.”*

12 (see **Exhibit #1**)

13 14. Under the DMCA, in order to halt an ongoing auction, the rights owner must file a Notice
14 of Claimed Infringement (“NOCI”) representing, under penalty of perjury, that they have
15 a good faith belief that the items offered in that auction are infringing. After receipt of
16 these representations, eBay summarily halts the auction without further investigation.
17 eBay is not required to investigate the validity of the claims under the DMCA. eBay
18 instructs sellers whose auctions have been halted due to a complaint from a rights-holder
19 to contact the rights-holder to resolve the dispute. eBay will reinstate the halted auction
20 and remove the black-mark only if the rights-holder retracts the NOCI or if the seller files
21 a Counter Notice (“CN”) as defined in the DMCA and the rights owner allows the CN to
22 expire. The DMCA Counter Notice, once filed, sets jurisdiction in the Federal Court
23 District of the party filing the Counter Notice (see under 17 U.S.C. § 512 (g)(3)(D)).

24 15. The threat of suspension from eBay impacts the eBay auction business of the Plaintiffs as
25 a suspension would shut-down the at-home business the Plaintiffs have built. The fabric
26 in question cannot be re-listed as another takedown would result in immediate
27 suspension. (see **Exhibit #1 and #5**). If another fabric was questioned by a VeRO
28 member, a permanent suspension could happen. eBay has long accepted take-downs from

1 anyone who has a computer and a complaint, whether valid or not. Because eBay has
2 adopted a head-in-the-sand attitude, the Plaintiffs must vigorously defend against every
3 take-down to protect their business.

4 16. After extended communications between the Plaintiffs and the Defendant, in which the
5 Defendant openly admitted the Plaintiffs were not infringing, the Defendant flatly refused
6 to retract the NOCI. The Plaintiffs have no recourse but to sue to protect their business
7 and the reputation of their business.

8 17. The Plaintiffs are not disputing that the Defendant holds valid copyrights for Erte graphic
9 designs.

10 Acts of Defendant Chalk-It-Up Fine Arts

11 18. Jane and John initiated auction number 6221832561 on or about October __, 20 __, and
12 auction number 6203338371 (date unknown) in 2005. Auctions 6221832651 and
13 620338371 (the “Auctions”) were for yardage of fabric with images of Betty Boop posed
14 in elegant gowns on a black background. Included in the images of Betty Boop is the
15 word “ELEGANCE”.

16 19. The fabric was manufactured by Shamash & Sons. Upon information and belief, their
17 corporate offices are located at _____, New York, NY 1_____.

18 20. Upon information and belief, the Betty Boop character is copyrighted and is a trademark
19 of King Features and Fleischer Studios.

20 21. Upon information and belief, this fabric was manufactured under a valid license from
21 King Features and Fleischer Studios to Shamash & Sons.

22 22. On December __, 20 __, Defendant Chalk-It-Up Fine Arts (CVFA) transmitted to eBay a
23 Notice of Claimed Infringement (“NOCI”) which stated under penalty of perjury that this
24 Defendant had a good faith belief that the sale of the fabric via the Store Auction
25 infringed its intellectual property rights.

26 23. When they received this notice, eBay halted the Store Auctions.

27 24. When eBay halted the Store Auction, Plaintiffs received notice of CVFA’s complaint
28 from eBay via email. (see **Exhibit #1**)

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1 25. Because of CVFA's complaint, Plaintiffs suffered a loss of revenue from the Store
2 Auction. The action by CVFA is potentially ruinous as another takedown could result in
3 the loss of the entire eBay auction business for the Plaintiffs whose sole revenue is their
4 at-home business.

5 26. Defendant claims one image of Betty Boop on the fabric is infringing. Specifically, that
6 the gown Betty Boop is wearing is copied from the Erte graphic design, Ebony And
7 White (as well as Symphony In Black), registered through Erte at 95, page 171. Also, the
8 use of the word ELEGANCE on the fabric was claimed by CVFA to be infringing. CVFA
9 also claimed the Betty Boop "Princess" fabric uses the Erte graphic design "Starstruck",
10 registered through page 127. This figure appears on Betty Boop fabric often referred to as
11 "Lush Life". The "Starstruck" character also appears on the "Elegance" fabric". (see
12 **Exhibit #2**)

13 27. After several emails, CVFA referred all correspondence to Shakey Pudding Arts, Ltd,
14 with the admonition :

15 *"We represent Shakey Pudding Arts Ltd. the owners of the Erte trademark and copyright.*
16 *They will respond to your email."*

17 Acts of Defendant Shakey Pudding Arts, Ltd

18 28. Defendant Shakey Pudding Arts, Ltd ("Shakey Pudding Arts"), openly agreed that the
19 Plaintiffs were not responsible for the manufacture of the fabric or the design thereon.
20 Shakey Pudding Arts referred to Plaintiffs and other purchasers of the fabric as having
21 "innocently bought fabric which makes (alleged) unauthorized use of Etre designs." (see
22 **Exhibit #3**)

23 29. Plaintiffs repeatedly offered to no longer offer the fabrics for sale if Shakey Pudding Arts
24 would simply have eBay withdraw the black-mark. (see **Exhibit #4**)

25 30. Despite pleas from Plaintiffs, Shakey Pudding Arts refused to take action to remove the
26 black-marks against the Plaintiffs, thereby placing the continuing business of Tempting
27 Collectibles in potential future jeopardy. (see **Exhibit #3**)

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1 31. On _____, 20__, Shakey Pudding Arts informed Plaintiffs that if they had a
2 “complaint and wish to take legal action you must do so.” while also providing a contact
3 address in the UK. (see **Exhibit #3**)

4 32. On Monday, _____, 20__, Plaintiffs emailed a Counter Notice to eBay and then
5 emailed CVFA a copy of same since CVFA was the VeRO member of record.

6 33. On _____, 20__, Shakey Pudding Arts ordered agent CVFA to remove any
7 future listings by Plaintiffs and beginning communications with his attorney, _____.

8
9 *“I am sorry to see that Jane has taken this action. Please have E Bay remove the item
10 again if that is possible as Jane may not have received my recent e mail which details the
11 violation of copyright. If it is not possible please pass all correspondence to Joel Lever
12 and I will do likewise.”*

13 (see **Exhibit #5**)

14 In this same email, copied to the Plaintiffs, Ray Perman also states to the Plaintiffs:

15 *“You will note my comments above. If you have subsequently received my email and have
16 withdrawn the counterclaim then there is no problem. If you have chosen to ignore my
17 comments and continue to offer the fabric then we shall be forced to pursue the matter. In
18 such event we reserve the right to have legitimate licensees join us in the action.”*

19 (see **Exhibit #5**)

20 34. On _____, 20__, Sevearts instructed Plaintiffs that all future
21 correspondence must be directed to his lawyers, saying:

22 *“We have received the Counter Notice from E Bay. This states that the vendor claims the
23 listings were removed in error which of course is not the case. The letter also obliges us
24 to file an action in the federal court within 10 days which we will now do.*

25 *The matter is now in the hands of our lawyers Dewey Cheatem and Howe. You will no
26 doubt hear from them shortly and all future correspondence must be directed to them.”*

27 (see **Exhibit #5**)

28 **COUNT ONE:**

29 **DECLARATORY JUDGMENT – COPYRIGHT**

(17 U.S.C. 101 et seq.)

COMPLAINT

1 35. Plaintiffs repeat and re-allege paragraphs 1 through 34 as if fully set forth in this
2 Paragraph.

3 36. There is a real and actual controversy between Plaintiffs and Defendants regarding
4 whether Plaintiffs' actions constitute copyright infringement. Defendants have placed the
5 at-home eBay auction business of the Plaintiffs in jeopardy and have threatened Plaintiffs
6 with legal action.

7 37. Plaintiffs seek a declaratory judgment and injunctive relief pursuant to 28 U.S.C. § 2201
8 – that selling fabric containing the above mentioned images of Betty Boop is not an
9 infringement of copyright as the images are fair use and therefore protected use by
10 Shamash & Sons and the Plaintiffs and others.

11 Fair Use

12 38. Fair use, a defense to an otherwise valid claim of copyright infringement, is codified in
13 Section 107 of the Copyright Act of 1976, 17 U.S. C. §107.

14 39. Section 107 sets out four nonexclusive factors to be considering in determining whether
15 a use is “fair”:

16 A. The purpose and character of the use, including whether such use is of a commercial
17 nature or is for nonprofit educational purposes;

18 B. The nature of the copyrighted work;

19 C. The amount and substantiality of the portion used in relation to the copyrighted work
20 as a whole;

21 D. The effect of the use upon the potential market for or value of the copyrighted work.

22 40. The Erte image of Ebony And White, also Symphony In Black (see **Exhibit #6A**), is of a
23 sophisticated woman posed, wearing a fur and a large fan-shaped hat, with a postured
24 greyhound at the end of a taut leash. The Betty Boop image transforms that image in to
25 the unsophisticated Betty, posed, in fur but without the pretentious hat, with her dog
26 Pudgy sitting at the end of a limp leash. (see **Exhibit #6B**)

27 41. The Erte image of Starstruck is that of a woman on a pedestal, wearing a dark gown and
28 necklace and surrounded by stars, with a radiance generating out from her (see **Exhibit**

29 COMPLAINT

1 #6A). The Betty Boop transforms the image by brightening the focus: putting her into a
2 bright white dress, no necklace or pedestal, making the stars shiny while Betty is modest.
3 (see Exhibit #6B)

4 42. The nature of the work, is complimentary to the original while expressing an alternative
5 interpretation. The Betty Boop parody is positive and in all likelihood would result in a
6 positive effect for Erte graphic designs.

7 43. Erte graphic designs is an entirely different market and clientele than Betty Boop. There
8 is no likelihood of confusion upon the part of consumers concerning the differing
9 products. Patrons who purchase Erte sculptures and posters are very unlikely to purchase
10 Betty Boop fabrics.

11 44. All four factors of “fair use” are met and satisfied by the Betty Boop fabric designs.

12 Parody and Satire

13 45. In addition, the Betty Boop figure dressed in Erte gowns is a parody and satire.

14 46. Parodies and satires have been expressly permitted as fair use of copyrights. Fair use, a
15 defense to an otherwise valid claim of copyright infringement, is codified in Section 107
16 of the Copyright Act of 1976, 17 U.S. C. §107

17 47. In *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569 (1994), the Supreme Court held that
18 the commercial character of a parody does not create a presumption against fair use.

19 A. First factor focuses on “whether the new work merely supercedes the objects of the
20 original creation . . . or instead adds something new, with a further purpose or
21 different character, altering the first with new expression, meaning, or message; it
22 asks, in other words, whether and to what extent the new work is ‘transformative.’”
23 510 U.S. at 579 (quoting Pierre N. Leval, *Toward a Fair Use Standard* 103 HARV. L.
24 REV. 1105, 1111 (1990)).

25 1) Transformative uses are more likely to be fair: “Although such
26 transformative use is not absolutely necessary for a finding of fair use,
27 the goal of copyright, to promote science and the arts, is generally
28 furthered by the creation of transformative works. Such works thus lie at

1 the heart of the fair use doctrine’s guarantee of breathing space within
2 the confines of copyright, and the more transformative the new work, the
3 less will be the significance of other factors, like commercialism, that
4 may weigh against a finding of fair use.” 510 U.S. at 579 (citations
5 omitted).

6 2) Parody “has an obvious claim to transformative value” and may claim
7 fair use. 510 U.S. at 579.

8 3) Court defines parody, for purposes of copyright law, as “the use of some
9 elements of a prior author’s composition to create a new one that, at least
10 in part, comments on the author’s works. . . . Parody needs to mimic an
11 original to make its point, and so has some claim to use the creation of
12 its victim’s (or collective victims’) imagination, whereas satire can stand
13 on its own two feet and so requires justification for the very act of
14 borrowing.” 510 U.S. at 580-81 (citations omitted).

15 a) Work “loosely” targeting an original may still qualify as a parody.
16 510 U.S. at 580 n.14. See 510 U.S. at 597 (“The parody must
17 target the original, and not just its general style, the genre of art to
18 which it belongs, or society as a whole (although if it targets the
19 original, it may target those features as well)”) (Kennedy, J.,
20 concurring).

21 B. Fact that a work is sold—and hence is “commercial”—does not make it
22 presumptively unfair under the first factor, as “[n]o man but a blockhead ever wrote,
23 except for money.” 510 U.S. at 584 (quoting 3 BOSWELL’S LIFE OF JOHNSON 19 (G.
24 Hill ed. 1934)).

25 C. No one factor primary: “All [four factors] are to be explored, and the results weighed
26 together, in light of the purposes of copyright.” 510 U.S. at 578.

27 D. While (Plaintiffs) bears the burden of proof with respect to fair use, as it is an
28 affirmative defense, with respect to the fourth factor, when “the second use is

1 transformative, market substitution is at least less certain, and market harm may not
2 be so readily inferred. Indeed, as to parody pure and simple, it is more likely that the
3 new work will not affect the market for the original work in a way cognizable under
4 this factor, that is, by acting as a substitute for it This is so because the parody
5 and the original usually serve different market functions.” 510 U.S. at 591. Court
6 notes that “there is no protectible derivative market for criticism.” 510 U.S. at 592.

7 E. Fourth factor concerns likely effect on market for original and for derivative works, so
8 evidence as to both markets pertinent. 510 U.S. at 592-94.

9 48. There is no exclusive right granted to the use of the word “ELEGANCE” as claimed by
10 Defendant. There are five Betty Boop figures depicted on the “Elegance” fabric. The
11 parody and satirical use of the word “Elegance” refers to all five figures, which are in fact
12 “elegant” as described.

13 Betty Boop Is Herself A Parody and Satire

14 49. Betty Boop herself is a parody and satire. She was patterned after Helen Kane as a
15 parody and satire of the 1930’s movie stars and entertainers. In fact, Helen Kane sued
16 Paramount Pictures and Betty Boop in 1932, Kane claiming the Boop character infringed
17 and Kane’s identity as the “boop-opp-a-doop” girl. The Court ruled that both Kane and
18 Betty Boop were patterned after Clara Bow, the “it” girl and ruled against Kane.

19 50. The Betty Boop cartoon character has a long and varied history of parody and satire.
20 Images of Betty Boop often portray her as recognizable characters, in famous poses, or
21 doing a readily recognizable function. The parodies and satires appear in a wide variety of
22 media, including but not limited to posters, postcards, dolls, mugs, air fresheners,
23 magnets, banks, figurines, tins, tapestry, fabrics, etc. (Rosie The Riveter, Sheena The
24 Jungle Queen, Statue of Liberty, Marilyn Monroe, Red Hat Society, Biker Betty, etc.)

25 51. Betty Boop and nursery rhymes are one example of her parodies and satires. Attached are
26 examples of Betty Boop and The Three Little Kittens, Betty Boop as Mother Goose,
27 Boop Be Nimble and Little Miss Boop. (see **Exhibit #7A**)

1 52. Betty Boop has appeared as a G.I. Betty doll, playing baseball, as a movie star poster,
2 doing a parody and satire of the Zodiac as Gemini, and Born 2 Boop bumper sticker. (see
3 **Exhibit #7B**).

4 53. Betty Boop has parodied motion pictures such as The Wizard Of OZ, King Kong,
5 Dancin' In The Rain, Frankenstein, Cinderella, Gone With The Wind, Casablanca, to
6 name a few. (see **Exhibit #7C**)

7 54. Famous people and things have also been parodied. Marylyn Monroe is a favorite where
8 she was standing over the air grate in "*Some Like It Hot*". Boop is shown as a cut-out that
9 stands 5 feet 6 inches tall, a Betty Boop doll called "Marylyn", a tapestry and a postcard
10 of the air grate scene. The air grate scene appears frequently of fabrics. The Statue of
11 Liberty, Rosie the Riviter, and the Spice Girls are others. (see **Exhibit #7D**)

12 55. Some parodies involve Betty Boop as Santa, the painting "*The Birth Of Venus*" by
13 Sandro Botticelli, a parody of the Coppertone Suntan Lotion ad, and Betty Boop
14 promoting *Boopsi-Cola*. (see **Exhibit #7E**)

15 56. The parodies and satires are not limited to one location or just Hollywood. The "Outside
16 The Castle" has Betty Boop and friends outside Buckingham Palace in London. The
17 "troupe de mille eglantine" is a spoof of the Toulouse-Lautrec artwork of the Moulin
18 Rouge. A number of the fabrics released have Las Vegas themes. One fabric is called
19 "Tryin' Hawaiian". (see **Exhibit #7F**)

20 57. The Betty Boop fabrics express a wide number of themes. Over 40 different Betty Boop
21 fabrics have been released in the last five years. Among these are varying themes:
22 exercising, in the big city, motoring about, cowgirl, motorcycles, bingo, wearing red hats,
23 etc.

24 58. The ELEGANCE fabric was just an extension of this pattern of parodies and satires. The
25 word "elegance" is a generic term denoting sophistication. A generic term cannot be
26 copyrighted.

27 Claims By Shakey Pudding Arts

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29 COMPLAINT

1 59. In an email to CVFA, dated July 21, 2003, from Shakey Pudding Arts to CVFA, ____
2 _____ states:

3 *“This is a serious matter not only for ourselves but also for some of our licensees who*
4 *have exclusive rights for Erte products that can be easily produced from this fabric.”*

5 60. Erte licensees market high-end prints, posters, and sculptures of Erte designs. There is no
6 conceivable product that can be manufactured from the Betty Boop fabrics that could
7 reasonably be sold to someone seeking an Erte item. This statement is simply a smoke-
8 screen attempt to justify unwarranted interference in the lawful sale of an item.

9 **CONCLUSION**

10 WHEREFORE, Plaintiffs Jane Coe and John Moe request that this Court enter judgment
11 as follows:

- 12 1. A declaratory judgment, holding that:
 - 13 a) Selling the Betty Boop fabrics as described above is not an infringement of
14 copyright;
 - 15 b) Displaying photographs of the fabrics as described above in connection
16 with their sale is not an infringement of copyright rights.
- 17 2. An order restraining Defendants, their agents, servants, employees, successors,
18 and assigns, and all others in concert and privity with them, from bringing any
19 lawsuit or threat against Plaintiffs or any other person or entity for copyright
20 infringement in connection with the manufacturing, marketing, and sale of the
21 Betty Boop fabrics as described above;
- 22 3. An order restraining Defendants, their agents, servants, employees, successors,
23 and assigns, and all others in concert and privity with them, from representing to
24 any third party that the manufacturing, marketing, and sale of the Betty Boop
25 fabrics as described above constitutes copyright;
- 26 4. An order restraining Defendants, their agents, servants, employees, successors,
27 and assigns, and all others in concert and privity with them, from interfering with
28

29 COMPLAINT

1 eBay auctions, or other internet auctions, that offer for sale the Betty Boop fabrics
2 as described above, as being infringing of their intellectual property rights;

3 5. Such other and further relief as the Court shall find just and proper.
4

5
6 Respectively submitted _____, 201_

7
8 By _____

9
10 _____
11 Jane Coe
12 John Moe
13 123 Moecoe Road P.O. Box 12
14 Hurley, CA 80449
15 858-123-4567

16 *Plaintiffs Pro Se*

17
18 **Certificate of Service**

19 I HEREBY CERTIFY that on this ___^h Day of _____, 201_, a true and correct
20 copy of the Complaint for Declaratory Judgment for Copyright Noninfringement And
21 Injunctive Relief was mailed, with all attachments, postage prepaid, Priority Mail with
22 delivery confirmation to:

23 _____ Corporation
24 _____ Avenue
25 New York, NY _____

26 Joel Lever
27 Dewey, Cheatem & Howe, LLP
28 _____
29 White Plains, NY _____
Phone ___ - ___ - _____

COMPLAINT

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John Moe

COMPLAINT