

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Anthony M. Keats (Bar No. 123672)
akeats@kmwlaw.com
David K. Caplan (Bar No. 181174)
dcaplan@kmwlaw.com
Konrad K. Gatien (Bar No. 221770)
kgatien@kmwlaw.com
KEATS McFARLAND & WILSON LLP
9720 Wilshire Boulevard
Penthouse Suite
Beverly Hills, California 90212
Telephone: (310) 248-3830
Facsimile: (310) 860-0363

Attorneys for Plaintiff
GIVENCHY, S.A.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

GIVENCHY S.A., a *société anonyme*
duly organized and existing under the
laws of France,

Plaintiff,

v.

BCBG MAX AZRIA GROUP, INC., a
California corporation,

Defendant.

Case No.: CV 10-08394 GHK (SHx)

**RESPONSE TO NOTICE TO
COUNSEL RE: COPYRIGHT,
PATENT, AND TRADEMARK
REPORTING REQUIREMENTS
CORRECTING CIVIL COVER SHEET
CASE DESIGNATION**

1 PLEASE TAKE NOTICE that the Civil Cover Sheet submitted concurrently
2 with the Summons and Complaint and initiating documents in this case on November
3 4, 2010, contained an error and is corrected by the Civil Cover Sheet attached hereto
4 as **Exhibit 1**. Specifically, the Civil Cover Sheet submitted on November 4, 2010,
5 erroneously indicated in Section VII that the subject lawsuit is a “Trademark” case,
6 when in fact it is a trade dress case. Accordingly, plaintiff has designated this as an
7 “Other Statutory Actions” suit. Such designation eliminates the reporting requirement
8 pursuant to 15 U.S.C. § 1116.

9 Respectfully submitted,

10 KEATS MCFARLAND & WILSON, LLP

11
12 Dated: November 10, 2010

13 By: _____ /s/
14 Konrad K. Gatien
15 Attorneys for Plaintiff,
16 GIVENCHY S.A.

1
2
3
4
5
6
7

PROOF OF SERVICE
Givenchy S.A. v. BCBG Max Azria Group, Inc.
U.S. District Court, Central District of California
Case No. CV 10-08394 GHK (SHx)

8
9
10
11
12
13
14

I, the undersigned, say: I am and was at all times herein mentioned a resident of the County of Los Angeles, over the age of eighteen (18) years and not a party to the within action or proceeding. My business address is 9720 Wilshire Boulevard, Penthouse Suite, Beverly Hills, California 90212, and I am employed in the office of Keats McFarland & Wilson LLP, by a member of the Bar of this Court, at whose direction the service mentioned herein below was made.

15
16
17
18
19
20
21
22
23

I am readily familiar with the normal business practices of my employer for the collection and processing of correspondence and other materials for mailing with the United States Postal Service. In the ordinary course of business, any materials designated for mailing with the United States Postal Service and placed by me for collection in the office of my employer is deposited that same day with the United States Postal Service, postage thereon fully prepaid.

24
25
26
27
28

On November 10, 2010, I served a copy of the foregoing document entitled:

**RESPONSE TO NOTICE TO COUNSEL RE: COPYRIGHT, PATENT, AND
TRADEMARK REPORTING REQUIREMENTS CORRECTING CIVIL
COVER SHEET CASE DESIGNATION**

upon counsel and/or interested parties named below by placing a true and correct copy thereof in an envelope, addressed as follows, and by the method stated:

BY FIRST CLASS MAIL:

BCBG Max Azria Group, Inc.
c/o CT Corporation System
818 W. 7th Street
Los Angeles, California 90017

Defendant

BY MAIL: I sealed said envelope and, following the ordinary business practices of my employer, placed said sealed envelope in the office of my employer at 9720 Wilshire Boulevard, Penthouse Suite, Beverly Hills, California, for collection and mailing with the United States Postal Service on the same date. I am aware that on motion of the party served, service is presumed invalid if postal meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 10, 2010, at Beverly Hills, California.

/s/Darrell V. Orme Mann
Darrell V. Orme Mann