
Exhibit B – Part 2 of 2

The United States of America



**CERTIFICATE OF REGISTRATION
PRINCIPAL REGISTER**

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

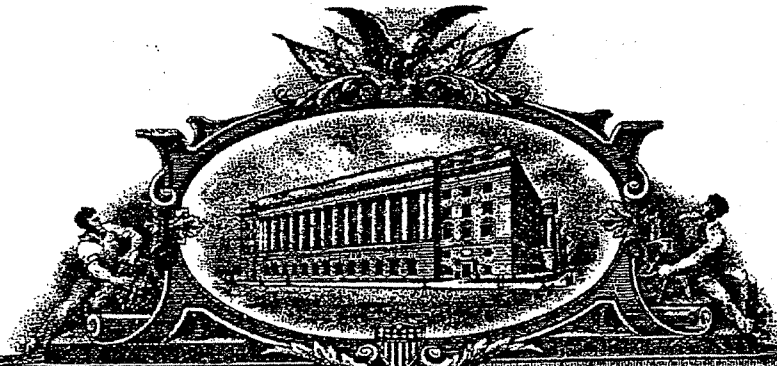
A copy of the Mark and pertinent data from the application are part of this certificate.

To avoid CANCELLATION of the registration, the owner of the registration must submit a declaration of continued use or excusable non-use between the fifth and sixth years after the registration date. (See next page for more information.) Assuming such a declaration is properly filed, the registration will remain in force for ten (10) years, unless terminated by an order of the Commissioner for Trademarks or a federal court. (See next page for information on maintenance requirements for successive ten-year periods.)



Jon W. I. Dudas

Director of the United States Patent and Trademark Office



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

February 27, 2001

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,463,548 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.**

**REGISTERED FOR A TERM OF 20 YEARS FROM *November 03, 1987*
SECTION 8 & 15**

SAID RECORDS SHOW TITLE TO BE IN:

DECORATETODAY.COM, INC.

A DE CORP



**By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS**

H. Phillips
H. PHILLIPS
Certifying Officer

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,022,925

United States Patent and Trademark Office

Registered Dec. 17, 1996

SERVICE MARK
PRINCIPAL REGISTER



COLOR TILE, INC. (DELAWARE CORPORATION)
515 HOUSTON STREET
FORT WORTH, TX 76102

FOR: RETAIL MAIL ORDER SERVICES IN
THE FIELD OF WALL AND WINDOW COVERINGS,
IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 5-0-1986; IN COMMERCE
5-0-1986.

OWNER OF U.S. REG. NO. 1,463,548.

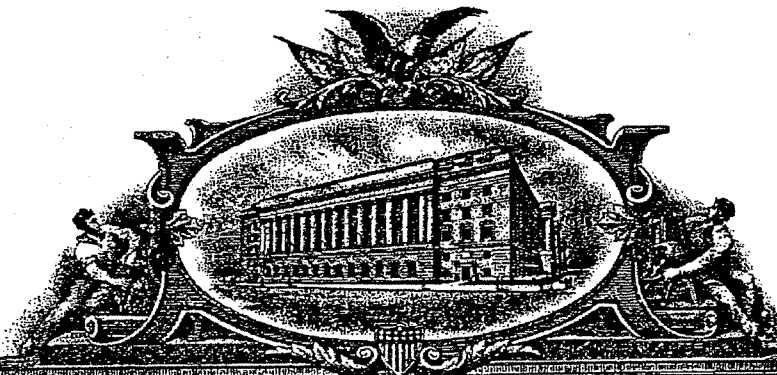
NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BLIND & WALLPAPER FACTORY",
APART FROM THE MARK AS SHOWN.

THE LINING SHOWN IN THE DRAWING IS
A FEATURE OF THE MARK AND NOT INTENDED
TO INDICATE COLOR.

SER. NO. 74-636,528, FILED 2-21-1995.

MICHELLE MOONEY RITCHY, EXAMINING
ATTORNEY

TR 372951



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

February 27, 2001

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,022,925 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 17, 1996*

SAID RECORDS SHOW TITLE TO BE IN:

DECORATETODAY.COM, INC.

A DE CORP



**By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS**

H. Phillips
H. PHILLIPS
Certifying Officer

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,470,542

Registered July 17, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

DECORATETODAY

DECORATETODAY.COM, INC. (DELAWARE CORPORATION)
909 NORTH SHELDON ROAD
PLYMOUTH, MI 48170 BY CHANGE OF NAME
AMERICAN BLIND & WALLPAPER FACTORY,
INC. (DELAWARE CORPORATION) PLYMOUTH, MI 48170

FOR: RETAIL STORE SERVICES AND ON-LINE
RETAIL MAIL ORDER SERVICES IN THE FIELD

OF WALL AND WINDOW COVERINGS AND
HOME DECORATING PRODUCTS, IN CLASS 35
(U.S. CLS. 100, 101 AND 102).

FIRST USE 4-0-2000; IN COMMERCE 4-0-2000.

SN 75-841,054, FILED 11-4-1999.

KAREN M. STRYZ, EXAMINING ATTORNEY

The United States of America



CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

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The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.



Nicholas P. Lodici

Acting Director of the United States Patent and Trademark Office

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,923,867

Registered Feb. 1, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

AMERICAN BLINDS, WALLPAPER & MORE

AMERICAN BLIND & WALLPAPER FACTORY,
INC. (DELAWARE CORPORATION)
909 NORTH SHELDON ROAD
PLYMOUTH, MI 48170

FOR: MAIL ORDER CATALOG SERVICES AND
ONLINE ORDERING SERVICES FEATURING
BLINDS, DRAPERIES, WALL AND WINDOW COV-
ERINGS, AND HOME FURNISHINGS, IN CLASS 35
(U.S. CLS. 100, 101 AND 102).

FIRST USE 5-0-2003; IN COMMERCE 5-0-2003.

OWNER OF U.S. REG. NOS. 1,463,548 AND
2,022,925.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BLINDS, WALLPAPER", APART
FROM THE MARK AS SHOWN.

SEC. 2(F).

SN 76-486,968, FILED 1-31-2003.

JAMES A. RAUEN, EXAMINING ATTORNEY

The United States of America



CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are part of this certificate.

To avoid CANCELLATION of the registration, the owner of the registration must submit a declaration of continued use or excusable non-use between the fifth and sixth years after the registration date. (See next page for more information.) Assuming such a declaration is properly filed, the registration will remain in force for ten (10) years, unless terminated by an order of the Commissioner for Trademarks or a federal court. (See next page for information on maintenance requirements for successive ten-year periods.)



Jon W. Dudas

Director of the United States Patent and Trademark Office

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,991,126

United States Patent and Trademark Office

Registered Sep. 6, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

AMERICAN BLIND AND WALLPAPER FACTORY

AMERICAN BLIND AND WALLPAPER FAC-
TORY, INC. (DELAWARE CORPORATION)
909 NORTH SHELDON ROAD
PLYMOUTH, MI 41870

OWNER OF U.S. REG. NOS. 1,463,548 AND
2,022,925.

FOR: MAIL ORDER CATALOG SERVICES AND
ONLINE ORDERING SERVICES FEATURING
BLINDS, DRAPERIES, WALL AND WINDOW COV-
ERINGS, AND HOME FURNISHINGS, IN CLASS 35
(U.S. CLS. 100, 101 AND 102).

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE BLIND AND WALLPAPER FAC-
TORY, APART FROM THE MARK AS SHOWN.

SEC. 2(F).

FIRST USE 5-0-1986; IN COMMERCE 5-0-1986.

SER. NO. 76-562,033, FILED 11-26-2003.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

HOWARD SMIGA, EXAMINING ATTORNEY

Int. Cl.: 20

Prior U.S. Cl.: 32

United States Patent and Trademark Office

Reg. No. 1,463,548

Registered Nov. 3, 1987

**TRADEMARK
PRINCIPAL REGISTER**

**AMERICAN
BLIND FACTORY**

AMERICAN BLIND FACTORY, INC. (MICHIGAN CORPORATION)
SUITE 750
3000 TOWN CENTER
SOUTHFIELD, MI 48075

FOR: WINDOW BLINDS, IN CLASS 20 (U.S. CL. 32).
FIRST USE 4-10-1986; IN COMMERCE 4-10-1986.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BLIND FACTORY", APART FROM THE MARK AS SHOWN.

THE LINING IN THE DRAWING DOES NOT REPRESENT COLOR.

SER. NO. 651,046, FILED 3-23-1987.

JACQUELINE W. ABRAMS, EXAMINING ATTORNEY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN BLIND & WALLPAPER
FACTORY, INC., a Delaware
corporation,

99-73972

GERALD ROSEN

Plaintiff,

vs.

HONORABLE _____

AMERICAN BLINDS FACTORY, INC.
d/b/a AMERICAN BLINDS AND DECORATING
CENTERS, a Florida corporation,

CIVIL ACTION NO. _____

Defendant.

ERNIE L. BROOKS (P 22875)
GEORGE R. MOSHER (P 18015)
MARIA FRANEK ANGILERI (P 45243)
BROOKS & KUSHMAN P.C.
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075
(248) 358-4400

SUSAN J. GREENSPON
KOVITZ, SHIFRIN & WAITZMAN
750 Lake Cook Road, Suite 350
Buffalo Grove, Illinois 60089
(847) 537-0500

Attorneys for Plaintiffs

FILED
99 AUG 10 P4:10
U.S. DIST. COURT (E.D.M.I.)
EAST DIST. MICH.
DETROIT

COMPLAINT AND JURY DEMAND



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ABWF 000135

Plaintiff, American Blind & Wallpaper Factory, Inc., by its attorneys, alleges for its Complaint against defendant, American Blinds Factory, Inc. doing business as American Blinds and Decorating Centers, as follows:

I. THE PARTIES AND JURISDICTION

1. Plaintiff, American Blind & Wallpaper Factory, Inc. (hereinafter referred to as "American"), is a Delaware corporation having its principal place of business at 909 N. Sheldon Road, Plymouth, Michigan 48170.

2. Upon information and belief, defendant, American Blinds Factory, Inc. (hereinafter referred to as "Defendant"), a Florida corporation, is the owner of and does business as American Blinds and Decorating Centers at 6500 14th Street W., Bradenton, Florida 34207.

3. This Court has subject matter jurisdiction over the claims herein pursuant to 15 U.S.C. §§ 1121 and 1125 and 28 U.S.C. §§ 1331 and 1338 in that this case arises under the trademark laws of the United States.

4. This Court has supplemental jurisdiction over the Michigan state law claims pleaded herein pursuant to 28 U.S.C. § 1367 because those claims are so related to claims in the action within such original jurisdiction that they form the same case or controversy.



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**II. AMERICAN'S EXCLUSIVE RIGHTS TO USE "AMERICAN BLIND"
IN CONNECTION WITH THE SALE OF WINDOW
TREATMENTS AND WALLPAPER PRODUCTS**

A. American's Activities

5. American is in the business of selling special order window treatments and wallpaper at discounted prices to the general public via mail order and its web site on the Internet.

6. In April 1986, American adopted and began using the mark "AMERICAN BLIND FACTORY" in connection with the sale and advertising of special order window treatments. In 1988, American expanded its mail order business and began selling special order wallpaper together with window treatments. At that time, American adopted and began using the mark "AMERICAN BLIND & WALLPAPER FACTORY."

7. American has continuously and exclusively used the marks "AMERICAN BLIND FACTORY" and "AMERICAN BLIND & WALLPAPER FACTORY" on a national basis in connection with the sale and advertising of its products.

8. Since its incorporation in April 1986, American has continuously been referred to, identified, and known by its customers and the public as "AMERICAN BLIND."

9. Pursuant to federal law, American registered its mark "AMERICAN BLIND FACTORY" in the United States Patent and Trademark Office. Registration No. 1,463,548 has become incontestible and is valid and subsisting, uncancelled and unrevoked. A copy of U.S. Registration No. 1,463,548 is attached as Ex. A.



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10. Pursuant to federal law, American registered its mark "AMERICAN BLIND & WALLPAPER FACTORY" in the United States Patent and Trademark Office. A copy of U.S. Registration No. 2,022,925 is attached as Ex. B.

11. Over the years, American has expended great effort and expense in promoting its products and has prominently featured the tradenames and trademarks "AMERICAN BLIND FACTORY" and/or "AMERICAN BLIND & WALLPAPER FACTORY" in its advertising.

12. American's magazine advertisements reach tens of millions of people every month.

13. Moreover, American's magazine advertisements are published monthly in well known publications, including, for example, *Better Homes and Gardens*®, *Good Housekeeping*®, *Southern Living*®, *Country Living*® and *Home*®. For example, *Better Homes and Gardens*® alone is viewed by over 34 million people each month. Necessarily, these people are exposed to American's ads.

14. In order to provide efficient and quality service, American currently has over 500 employees who are available to take customer orders 7 days a week, 15-18 hours a day.

15. American's sales operators receive thousands of telephone calls every day from customers who wish to place orders or request product information. This response has been generated primarily by American's tremendous advertising activity, including its ads in national magazine publications.



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16. American's sales of special order window treatments and wallpaper has steadily increased from 1986 to the present.

17. This tremendous financial success is due in large part to American's loyal customers -- nearly 75% of its sales are generated by repeat and referral business.

18. American also offers its customers the ability to purchase products on-line at its web site "AMERICANBLINDS.COM."

19. Currently, in excess of tens of thousands of people visit American's "AMERICANBLINDS.COM" web site monthly.

20. American's sales of special order window treatments and wallpaper via the Internet are significant and amount to millions of dollars.

21. Because of American's constant exposure to a larger national market and electronic commerce market via the Internet, American has established recognition for the name "AMERICAN BLIND" and its tradenames and trademarks "AMERICAN BLIND FACTORY" and "AMERICAN BLIND & WALLPAPER FACTORY" for its retail mail order service in the field of wall and window coverings.

22. As a result of American's continuous use and extensive promotion of the tradenames and trademarks "AMERICAN BLIND FACTORY" and/or "AMERICAN BLIND



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& WALLPAPER FACTORY," these names and marks and the name "AMERICAN BLIND" have become distinctive of American and its goods and services.

B. Defendant's Activities

23. Upon information and belief, American and Defendant are competitors in the window blinds and draperies business.

24. Upon information and belief, subsequent to American's use of "AMERICAN BLIND FACTORY" and "AMERICAN BLIND & WALLPAPER FACTORY" as above alleged, with actual or constructive knowledge of American's use and registrations of "AMERICAN BLIND FACTORY" and "AMERICAN BLIND & WALLPAPER FACTORY," Defendant began using, and continues to use, "AMERICAN BLINDS AND DECORATING CENTERS" as its d/b/a, tradename and trademark, and "AMERICAN BLINDS FACTORY, INC." as its corporate name, for window blinds and draperies and in connection with Defendant's web site "<http://www.americanblinds.net>" in unfair competition with American in the State of Michigan and in this District.

25. Defendant's unauthorized use of "AMERICAN BLINDS" as part of its d/b/a, tradename, and trademark "AMERICAN BLINDS AND DECORATING CENTER," and its corporate name "AMERICAN BLINDS FACTORY, INC.," in connection with blinds and draperies, and on its web site located at "<http://www.americanblinds.net>," is likely to cause and is causing actual confusion; mistake and deception in the marketplace.



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26. Defendant is deriving a benefit solely from American's well-established name "AMERICAN BLIND," its tradenames, trademarks, reputation, advertising and promoting efforts and expenditures.

27. In a letter of June 23, 1999, American's counsel requested Defendant to stop use of "AMERICAN BLINDS" and "AMERICAN BLINDS FACTORY" as part of its tradename and trademark in connection with the sale of window blinds and draperies and in connection with its web site on the Internet. (Ex. C.)

28. Defendant's violation of American's rights and otherwise unfair competitive practices as above alleged have been willful and deliberate.

29. American has sustained injury caused by Defendant's acts, including irreparable injury.

30. Defendant's unlawful acts will continue unless enjoined by the Court.



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III. COUNT I -- TRADEMARK INFRINGEMENT - 15 U.S.C. § 1114

31. The allegations of paragraphs 1 through 30 are incorporated herein by reference.

32. Defendant's use of "AMERICAN BLINDS" as part of its d/b/a, tradename, and trademark "AMERICAN BLINDS AND DECORATING CENTERS," and its corporate name "AMERICAN BLINDS FACTORY, INC.," in connection with the sale of window blinds and draperies and in connection with Defendant's web site at "http://www.americanblinds.net," is likely to cause, has caused, and is causing confusion, mistake or deception in the marketplace between American and Defendant.

33. Defendant's use of "AMERICAN BLINDS" as part of its d/b/a, tradename, and trademark "AMERICAN BLINDS AND DECORATING CENTERS," and its corporate name "AMERICAN BLINDS FACTORY, INC.," in connection with the sale of window blinds and draperies and in connection with Defendant's web site at "http://americanblinds.net," creates the likelihood that the public will believe that Defendant and its window blind and drapery products and web site are affiliated with, sponsored by or approved by American -- which they are not.

34. Defendant's conduct is likely to cause, has caused, and is causing actual confusion, mistake or deception as to the true source, sponsorship and origin of Defendant's goods and services and web site, thereby harming American's reputation, and diverting American's sales and goodwill to Defendant.

35. Defendant, by the acts complained of herein, has infringed American's trademark rights in violation of Section 32 of the Lanham Act, 15 U.S.C. § 1114.

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36. Defendant's infringing acts have been, and are being committed, with the purpose and intent of appropriating and trading upon American's goodwill and reputation symbolized by American's distinctive name "AMERICAN BLIND" and its tradenames and trademarks "AMERICAN BLIND FACTORY" and "AMERICAN BLIND & WALLPAPER FACTORY."

37. Defendant's actions are material and willful.

38. American has notified Defendant of the infringing acts and demanded that Defendant discontinue all infringing uses of "AMERICAN BLINDS," as shown by Ex. C, attached hereto.

39. By reason of Defendant's activities, American has suffered actual damage and irreparable injury in this District and elsewhere.

40. American has no adequate remedy at law.

41. Unless Defendant is enjoined from continuing the wrongful acts, the irreparable damage to American will continue.



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IV. COUNT II -- LANHAM ACT 43(a) - UNFAIR COMPETITION

42. The allegations of paragraphs 1 through 41 are incorporated herein by reference.

43. By its unauthorized use of "AMERICAN BLINDS" and "AMERICAN BLINDS FACTORY," Defendant has used in commerce in connection with its goods or services and in connection with its web site, a false designation of origin, false or misleading description of fact, and false or misleading representation of fact, which is likely to cause, has caused, and is causing actual confusion, mistake, and deception that Defendant and its goods or services, commercial activities and web site are affiliated with, sponsored by, or approved by American, which they are not.

44. Defendant's conduct is likely to cause, has caused, and is causing actual confusion, deception and mistake as to the true source, sponsorship and origin of Defendant's goods or services and web site, thereby harming American's reputation and diverting American's goodwill to Defendant, all in violation of 15 U.S.C. § 1125(a).

45. Upon information and belief, Defendant's infringing acts have been and are being committed with the purpose and intent of appropriating and trading upon American's goodwill and reputation symbolized by American's distinctive name "AMERICAN BLIND" and its tradenames and trademarks "AMERICAN BLIND FACTORY" and "AMERICAN BLIND & WALLPAPER FACTORY."

46. Defendant's actions constitute an intent to palm-off or benefit from the name and reputation of American and American's goods and services.

47. Defendant's actions are material and willful.



48. American has been injured in its business by Defendant's unfair competitive conduct, and such injury is irreparable.

49. American has no adequate remedy at law. Unless Defendant is enjoined from continuing the wrongful acts, the irreparable damage to American will continue.



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V. COUNT III -- COMMON LAW TRADEMARK INFRINGEMENT

50. The allegations of paragraphs 1 through 49 are incorporated herein by reference.

51. Defendant's unauthorized use of "AMERICAN BLINDS" and "AMERICAN BLINDS FACTORY" is likely to cause confusion, to cause mistake, and constitutes trademark infringement under the common law of Michigan.

52. American has been injured in its business by Defendant's infringement.



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VI. COUNT IV -- COMMON LAW UNFAIR COMPETITION

53. The allegations of paragraphs 1 through 52 are incorporated herein by reference.

54. Defendant's unauthorized use of "AMERICAN BLINDS" and "AMERICAN BLINDS FACTORY" is likely to cause confusion, to cause mistake, and constitutes unfair competition under the common law of Michigan.

55. American has been injured in its business by such unfair competitive conduct of Defendant.



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VII. PRAYER FOR RELIEF

WHEREFORE, American requests entry of a judgment providing relief as follows:

A. Defendant and its officers, agents, servants, representatives, employees, successors, attorneys, and all persons or entities in active concert or privity with them who receive actual notice of this Court's judgment, be preliminarily and permanently enjoined and restrained:

(i) from using, attempting to use, or causing to be used, including but not limited to, registering, attempting to register, or causing to be registered, either directly or through agents, servants, representatives, successors, assigns or other individuals or entities (collectively "other entities"), "AMERICAN BLIND," "AMERICAN BLINDS," or "AMERICAN BLINDS FACTORY," or any variations thereof, or any other mark or domain name confusingly similar thereto, likely to cause injury to American's business reputation, in connection with any commercial activity on the Internet or in any other medium;

(ii) from using in any manner "AMERICAN BLIND," "AMERICAN BLINDS," or "AMERICAN BLINDS FACTORY," or any variations thereof, or any other mark or domain name confusingly similar thereto, in connection with the advertising and sale of blinds and draperies in such a manner that is likely to create the erroneous belief that said goods or services are authorized by, sponsored by, licensed by or are in some way associated with American;

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(iii) from listing, printing, posting, indexing, linking, storing, or otherwise associating, either directly or through other entities, "AMERICAN BLIND," "AMERICAN BLINDS," or "AMERICAN BLINDS FACTORY," or any variations thereof, or any other mark or domain name confusingly similar thereto, likely to cause injury to American's business reputation, in connection with any commercial activity in any form including, but not limited to, visible, invisible, encrypted, searchable, or non-searchable forms, within web sites, pages, home pages, Internet sites, Internet pages, databases, programs, or any other storage means, either temporary or permanent, on the Internet or any other medium;

(iv) from disseminating, using or distributing any web site pages, advertising or Internet code words or titles, or any other promotional materials whose appearance so resembles the web site pages or marks used by American, so as to create a likelihood of confusion, mistake or deception;

(v) from using "AMERICAN BLIND," "AMERICAN BLINDS," or "AMERICAN BLINDS FACTORY," or any variations thereof, or any other mark confusingly similar thereto, or likely to cause injury to American's business reputation, as a domain name or in any other medium; and

(vi) from otherwise engaging in acts or conduct which would cause consumers to erroneously believe that Defendant's web site, goods or services are somehow sponsored by, authorized by, licensed by or in any other way associated with American.



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B. The Court order an accounting to determine Defendant's or its affiliates' profits derived by Defendant from their use of "AMERICAN BLINDS" and "AMERICAN BLINDS FACTORY" for all damages sustained by American by reason of said acts of willful infringement and unfair competition complained of herein, and that such profits be paid over to American, increased as the Court finds to be just under the circumstances of this case.

C. The Court order Defendant to pay to American treble the amount of all damages suffered by American as a result of Defendant's willful act of trademark infringement and unfair competition.

D. The Court find that this is an "exceptional case" and award American reasonable attorney fees, in addition to its costs in this action, and pre-judgment and post-judgment interest pursuant to 15 U.S.C. § 1117.

E. The Court order Defendant to file in this Court and serve on American's counsel, Maria Franek Angileri, within thirty (30) days after the entry and service on Defendant of an injunction, a written report under oath setting forth in detail the manner and form in which Defendant has complied with the terms of the injunction with respect to all counts entered by this Court.

F. That American have such other and further relief as the Court shall deem just and equitable.



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VIII. JURY DEMAND

American demands a trial by jury for all issues so triable in this matter.

Respectfully submitted,

By: *Maria J Angileri*

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Dated: August 10, 1999

-and-

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A

ABWF 000152

Prior U.S. Cl. 32

United States Patent and Trademark Office

Reg. No. 1,463,548

Registered Nov. 3, 1987

**TRADEMARK
PRINCIPAL REGISTER**

**COMP. AFFIDAVIT
SECTION 8 & 15
10 AUG 1993**

**AMERICAN
BLIND FACTORY**

AMERICAN BLIND FACTORY, INC. (MICHIGAN CORPORATION)
SUITE 750
3000 TOWN CENTER
SOUTHFIELD, MI 48075

FOR: WINDOW BLINDS, IN CLASS 20 (U.S. CL. 32).
FIRST USE 4-10-1984; IN COMMERCE 4-10-1984.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BLIND FACTORY", APART FROM THE MARK AS SHOWN.
THE LINING IN THE DRAWING DOES NOT REPRESENT COLOR.

SER. NO. 651,044, FILED 3-23-1987.

JACQUELINE W. ABRAMS, EXAMINING ATTORNEY

ABWF 000153

B

ABWF 000154

Prior U.S. C. 100 and 101

United States Patent and Trademark Office

Reg. No. 2,022,921

Registered Dec. 17, 1994

**SERVICE MARK
PRINCIPAL REGISTER**



**COLOR TILE, INC. (DELAWARE CORPORATION)
515 HOUSTON STREET
PORT WORTH, TX 76102**

**FOR: RETAIL MAIL ORDER SERVICES IN
THE FIELD OF WALL AND WINDOW COVERINGS,
IN CLASS 42 (U.S. CLS. 100 AND 101).**

**FIRST USE 5-0-1986; IN COMMERCE
5-0-1986.**

OWNER OF U.S. REG. NO. 1,463,548.

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BLIND & WALLPAPER FACTORY",
APART FROM THE MARK AS SHOWN.**

**THE LINING SHOWN IN THE DRAWING IS
A FEATURE OF THE MARK AND NOT INTENDED
TO INDICATE COLOR.**

SER. NO. 74-636,528, FILED 2-21-1995.

**MICHELLE MOONEY RITCHY, EXAMINING
ATTORNEY**

TOTAL P. 03

ABWF 000155

C

Law Offices
Hovitz Shifrin & Waitzman
A PROFESSIONAL CORPORATION

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SENIOR COUNSELLOR
ROBERT J. LEVY

Reply To: Buffalo Grove

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
FEDERAL EXPRESS

June 23, 1999

American Blinds Factory, Inc.
Attn: Michael T. Starr, President
6500 B 14th Street West
Bradenton, FL 34207

Re: American Blind and Wallpaper Factory, Inc.

Please be advised that we represent American Blind and Wallpaper Factory, Inc. ("ABWF"). In connection therewith, it has come to our attention that you own and operate a company, "American Blinds Factory, Inc." doing business as "American Blinds & Decorating Centers" and that you are operating a web site under the URL "WWW.AMERICANBLINDS.NET".

As you may or may not be aware, "American Blind Factory" and "American Blind and Wallpaper Factory" are both registered trademarks with the United States Trademark Office owned by ABWF. In addition, ABWF has been using its corporate name in the home decorating business for over half a century and is extremely well known nationwide since ABWF has over four million customers coast-to-coast. ABWF has also had a strong Internet presence since 1997 and owns and operates its web site under the URL "WWW.AMERICANBLINDS.COM". Therefore, your use of the name "American Blinds" for the sale of blinds is not only a violation of both trademark and trade name law but also rises to the level of copyright infringement. In addition, your similar name to ABWF and similar URL on the Internet creates an extreme likelihood of confusion in the market place with the average consumer. You are therefore hereby instructed to immediately cease and desist any and all use of the names "American Blinds Factory, Inc." and "American Blinds & Decorating Centers"; and to immediately cease and desist any and all use of the URL "WWW.AMERICANBLINDS.NET".

K:\ETA\15JGV\AMERICAN\cease&desisttr2.wpd

ABWF 000157

Kovitz Shifrin ^{Law Office} Waitzman
A PROFESSIONAL CORPORATION

American Blinds, Inc.

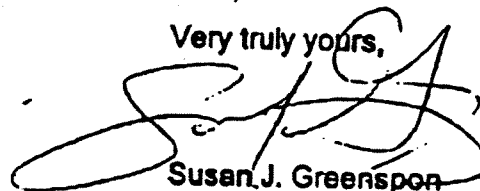
June 23, 1999

Page 2

Please also note that this demand applies to any advertisements, yellow page or other telephone directory listings or any other printed medium in which you have used the "American Blinds" name for the sale of blinds and other window treatments. In connection therewith, please send in care of the undersigned a full and complete list of any such advertisements, directory listings or other printed materials you have used under the "American Blinds" name.

My client is also hereby demanding an immediate transfer of your URL "WWW.AMERICANBLINDS.NET" in lieu of seeking further legal action against your business and you individually. In the event that this is not an acceptable solution to you, we will be forced to advise our client to take all legal and equitable action as is necessary and proper. Please contact the undersigned within the next 24 hours at 847-537-0500, Ext. 1235 with regard as to how you wish to proceed with this matter.

Very truly yours,



Susan J. Greenspon

SJG/ept

cc: Steven B. Katzman

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9 Attorneys for Plaintiff
AMERICAN BLIND AND WALLPAPER
10 FACTORY, INC.

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
13 SOUTHERN DIVISION
14

15 AMERICAN BLIND AND WALLPAPER
FACTORY, INC., a Delaware
16 corporation,

17 Plaintiff,

18 v.

19 ALL AMERICAN MOBILE MINI-
BLIND SYSTEMS, INC., a
20 California corporation, and
DOES 1 through 10, inclusive,

21 Defendants.
22
23

CASE NO. 01-71 DUC (ANP)
COMPLAINT FOR

- (1) FEDERAL TRADEMARK CYBERPIRACY (15 U.S.C. § 1125(d));
- (2) FEDERAL TRADEMARK INFRINGEMENT (15 U.S.C. § 1114(1)(a));
- (3) FEDERAL TRADEMARK INFRINGEMENT, FALSE DESIGNATION OF ORIGIN, AND UNFAIR COMPETITION (15 U.S.C. § 1125(a));
- (4) FEDERAL TRADEMARK DILUTION (15 U.S.C. § 1125(c));
- (5) STATE TRADEMARK INFRINGEMENT (California common law);
- (6) STATE TRADEMARK DILUTION (California common law); and
- (7) UNFAIR COMPETITION AND FALSE AND MISLEADING ADVERTISING

FILED
JAN 17 3 10 PM '01

24 LIVED/RETURNED
25
26 JAN 16 2001
27 CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION AT SANTA ANA

1 UNDER CALIFORNIA LAW (Cal.
2 Bus. & Prof. Code §§ 17200
3 and 17500 and California
4 common law)

5 DEMAND FOR JURY TRIAL

6 Plaintiff American Blind and Wallpaper Factory, Inc.
7 ("American Blind"), by and through its counsel Freeborn & Peters
8 and Latham & Watkins, complaining of defendants All American
9 Mobile Mini-Blind Systems, Inc. ("All American") and Does 1-10,
10 inclusive (collectively, "Defendants"), states as follows:

11 NATURE OF CASE

12 1. This case arises from Defendants' "cyberpiracy,"
13 infringement, and dilution of American Blind's registered
14 service mark and trademark. Exploiting the notoriety and
15 success of American Blind, Defendants registered, used, and
16 continue to use an Internet domain name, namely,
17 allamericanblind.com, to offer services related to blinds and
18 indirectly to sell blinds through their web site. This domain
19 name includes American Blind's name, "American Blind" and is
20 confusingly similar to American Blind's registered service mark
21 and trademark. These acts constitute "cyberpiracy" under
22 Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d); trademark
23 infringement under the Lanham Act, 15 U.S.C. §§ 1114(1) and
24 1125(a), and California common law; dilution of American Blind's
25 "famous" marks in violation Section 43(c) of the Lanham Act, 15
26 U.S.C. § 1125(c), and California common law; and unfair
27 competition and false and misleading advertising under
28 California Business & Professions Code §§ 17200 and 17500.
Defendants have also realized and continue to realize profits

1 and other benefits rightfully belonging to American Blind.
2 Accordingly, American Blind seeks an award of damages as well as
3 attorneys' fees and expenses for Defendants' willful and wanton
4 conduct. Moreover, Defendants have indicated that they intend
5 to continue their course of conduct wrongfully to pirate,
6 infringe upon, and dilute American Blind's proprietary rights in
7 its registered marks. Unless enjoined, Defendants will cause
8 further irreparable injury, leaving American Blind with no
9 adequate remedy at law.

10 PARTIES

11 2. American Blind is a Delaware corporation with its
12 principal place of business at 909 North Sheldon Road, Plymouth,
13 Michigan.

14 3. Upon information and belief, All American is, or
15 was, a California corporation with a principal place of business
16 located at 23052 Alicia Parkway, PMB H202, Mission Viejo,
17 California.

18 4. American Blind lacks the true names and
19 capacities of the defendants sued herein as Does 1 through 10,
20 inclusive, and therefore sues these defendants by such
21 fictitious names. American Blind will seek leave to amend this
22 Complaint to allege their true names and capacities when they
23 have been ascertained. American Blind is informed and believes
24 and thereon alleges that defendants Does 1 through 10,
25 inclusive, are individuals or entities doing business in the
26 Central District of California. American Blind is further
27 informed and believes and thereon alleges that each of the
28 defendants designated herein as a Doe is responsible in some

1 manner for the events and happenings herein alleged, as well as
2 for the damages alleged.

3 5. American Blind is informed and believes and
4 thereon alleges that each defendant was the agent or employee of
5 each of the remaining defendants, and in doing the acts
6 hereinafter alleged, was acting in the course and scope of such
7 agency.

8 JURISDICTION AND VENUE

9 6. This is an action arising under the Lanham Act,
10 15 U.S.C. §§ 1114(1)(a), 1125(a), 1125(c), and 1125(d), the
11 California Business and Professions Code §§ 17200 and 17500, and
12 the laws of trademark infringement, dilution, and unfair
13 competition under the common law of the State of California.
14 This Court has jurisdiction under 15 U.S.C. § 1121, 28 U.S.C. §§
15 1331, 1338(a) and (b), and 1367.

16 7. Venue is proper in this district under 28 U.S.C.
17 §§ 1391(b) and (c) and 1400(a), in that the Defendants may be
18 found in this district and the activities giving rise to the
19 claims alleged herein occurred in this district.

20 STATEMENT OF FACTS

21 8. American Blind hereby restates and incorporates
22 by reference paragraphs 1 through 5 above, as though fully set
23 forth herein.

24 9. Since 1986, American Blind has been using its
25 corporate name and marks in the home decorating business.
26 American Blind offers a variety of products for sale, including
27 blinds and other window coverings.

28 10. American Blind is recognized and well known in

1 the home decorating industry and to consumers as "American
2 Blind."

3 11. American Blind is the owner of and has the
4 exclusive rights to use the following marks registered with the
5 United States Patent and Trademark Office:

6	<u>Mark</u>	<u>Reg. Number</u>	<u>Reg. Date</u>
7	AMERICAN BLIND & WALLPAPER	2022925	12/17/96
8	FACTORY		
9	AMERICAN BLIND FACTORY	1463548	11/03/87

10
11 (True and accurate copies of these registrations are attached
12 hereto as Exhibit A.) The foregoing marks are hereinafter
13 collectively referred to as the "American Blind Marks."

14 12. American Blind has been in the home decorating
15 business for over a half century and has over four million
16 customers coast-to-coast. As a result of long and continuous
17 use by American Blind in connection with the sale of blinds and
18 extensive marketing, advertising, and sales by American Blind
19 throughout the United States, the American Blind Marks have
20 become "famous" and distinctive.

21 13. Since 1997, American Blind has extensively
22 utilized the Internet as a marketing channel for its home
23 decorating business, including the sale of blinds and other
24 window coverings.

25 14. American Blind owns and actively uses the
26 Internet domain names AMERICANBLIND.COM, AMERICANBLINDS.COM and
27 ALLAMERICANBLINDS.COM.

28 15. On information and belief, Defendants registered

1 the Internet domain name ALLAMERICANBLIND.COM (the "Domain
2 Name") on or about June 12, 1997.

3 16. On information and belief, Defendants have
4 indirectly sold and offered to sell blinds through their dealers
5 and advertised such blinds and other services related to blinds,
6 and continue indirectly to sell, offer to sell, and advertise
7 blinds and services related to blinds through their web site
8 located at *www.allamericanblind.com*.

9 17. On October 1, 1999, American Blind, through its
10 former attorneys, Kovitz Shifrin & Waitzman, sent a letter to
11 All American advising All American that its use of the Domain
12 Name in connection with blinds and related services through All
13 American's web site infringed upon American Blind's proprietary
14 rights and demanding that All American (a) cease all use of the
15 Domain Name, and (b) transfer the Domain Name to American Blind
16 in lieu of American Blind seeking further legal action against
17 All American. (A true and accurate copy of such letter is
18 attached hereto as Exhibit B.) American Blind has subsequently
19 sent additional letters to All American repeating these demands,
20 but All American has indicated its intention not to comply with
21 these demands.

22 FIRST CLAIM FOR RELIEF

23 (Federal Trademark Cyberpiracy - 15 U.S.C. § 1125(d))

24 (Against All Defendants)

25 18. American Blind hereby restates and incorporates
26 by reference paragraphs 1 through 17 above, as though fully set
27 forth herein.

28 19. The American Blind Marks were famous and

1 distinctive at the time of Defendants' registration of the
2 Domain Name.

3 20. Defendants have had and continue to have a bad
4 faith intent to profit from the American Blind Marks by
5 diverting and confusing customers who attempt to locate and
6 access American Blind's goods and services through the Internet.

7 21. Defendants have registered and used and continue
8 to use the Domain Name, which is substantially similar to, and
9 dilutes, the American Blind Marks.

10 22. Defendants' acts constitute "cyberpiracy" of the
11 American Blind Marks in violation of the Lanham Act, 15 U.S.C. §
12 1125(d).

13 23. The aforesaid conduct of Defendants is
14 intentional, malicious, and wanton in that Defendants registered
15 and used and continue to use the Domain Name (i) with full
16 knowledge that American Blind owns and has the exclusive right
17 to use the American Blind Marks, (ii) with the intention of
18 profiting from the American Blind Marks, (iii) with the
19 intention of eliminating competition from American Blind, and
20 (iv) after repeated notices from American Blind to cease their
21 cyberpiracy activities.

22 24. As a result of Defendants' aforesaid conduct,
23 American Blind has suffered, and will continue to suffer, unless
24 said conduct is enjoined by this Court, a substantial loss of
25 revenues and irreparable harm.

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SECOND CLAIM FOR RELIEF

(Federal Trademark Infringement - 15 U.S.C. § 1114(1)(a))

(Against All Defendants)

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25. American Blind hereby restates and incorporates by reference paragraphs 1 through 24 above, as though fully set forth herein.

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26. By virtue of American Blind's aforesaid extensive use, advertising, and promotion of the American Blind Marks, the public has come to associate use of the terms "American Blind" with American Blind and the services rendered by them, and American Blind has acquired extensive goodwill and a high-quality reputation which is symbolized and represented by the American Blind Marks.

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27. Defendants' use of the web site located at *www.allamericanblind.com* in connection with services related to blinds has caused and is likely to continue to cause confusion, mistake, or deception as to the origin of Defendants' goods and services, to mislead purchasers and potential purchasers of American Blind services and products, and to mislead purchasers and potential purchasers of the parties' services into believing that Defendants' services originate from, are affiliated with, or are sponsored by American Blind.

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28. The aforesaid acts of Defendants constitute infringement of American Blind's federally registered marks.

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29. The aforesaid conduct of Defendants is intentional, malicious, and wanton in that Defendants infringed and continue to infringe the American Blind Marks (i) with full knowledge that American Blind owns and has the exclusive right

1 to use the American Blind Marks, (ii) with the intention of
2 causing a likelihood of confusion and mistake and to deceive,
3 (iii) with the intention of eliminating competition from
4 American Blind, and (iv) after repeated notices from American
5 Blind to cease their infringing activities.

6 30. On information and belief, the aforesaid acts of
7 infringement by Defendants have caused monetary damage, loss,
8 and injury to American Blind in an amount to be determined at
9 trial.

10 31. The aforesaid acts of infringement by Defendants,
11 unless enjoined by this Court, will cause irreparable damage,
12 loss, and injury to American Blind, for which American Blind has
13 no adequate remedy of law.

14 THIRD CLAIM FOR RELIEF

15 (Federal Trademark Infringement, False Designation of Origin,
16 and Unfair Competition - 15 U.S.C. § 1125(a))

17 (Against All Defendants)

18 32. American Blind hereby restates and incorporates
19 by reference paragraphs 1 through 31 above, as though fully set
20 forth herein.

21 33. Defendants have, without authorization from
22 American Blind, used the Domain Name to offer services related
23 to blinds and indirectly to sell blinds through Defendants' web
24 site.

25 34. Defendants' use of the Domain Name to offer
26 services related to blinds and indirectly to sell blinds through
27 Defendants' web site has caused and is likely to cause
28 confusion, mistake, and deception to consumers as to the

1 affiliation, connection, or association of Defendants with
2 American Blind, and as to the origin, sponsorship, or approval
3 of Defendants' goods and services by American Blind.

4 35. Defendants' unauthorized acts constitute direct
5 infringements of American Blind's rights in the American Blind
6 Marks in violation of the Lanham Act, 15 U.S.C. § 1125(a).

7 36. The aforesaid conduct of Defendants is
8 intentional, malicious, and wanton in that Defendants infringed
9 and continue to infringe the American Blind Marks (i) with full
10 knowledge that American Blind owns and has the exclusive right
11 to use the American Blind Marks, (ii) with the intention of
12 causing a likelihood of confusion and mistake and to deceive,
13 (iii) with the intention of eliminating competition from
14 American Blind, and (iv) after repeated notices from American
15 Blind to cease their infringing activities.

16 37. As a result of Defendants' aforesaid conduct,
17 American Blind has suffered, and will continue to suffer, unless
18 said conduct is enjoined by this Court, a substantial loss of
19 revenues and irreparable harm.

20 FOURTH CLAIM FOR RELIEF

21 (Federal Trademark Dilution - 15 U.S.C. § 1125(c))

22 (Against All Defendants)

23 38. American Blind hereby restates and incorporates
24 by reference paragraphs 1 through 37 above, as though fully set
25 forth herein.

26 39. Defendants' use of the Domain Name to offer
27 services related to blinds and indirectly to sell blinds through
28 its web site causes dilution of the distinctive quality of the

1 "famous" American Blind Marks.

2 40. Defendants' acts constitute dilution of the
3 American Blind Marks in violation of 15 U.S.C. § 1125(c).

4 41. The aforesaid conduct of Defendants is
5 intentional, malicious, and wanton in that Defendants used the
6 Domain Name to offer services related to blinds and indirectly
7 to sell blinds and continue to offer services related to blinds
8 and indirectly to sell blinds through Defendants' web site (i)
9 with full knowledge that American Blind owned and had exclusive
10 rights to use the American Blind Marks, (ii) with the intention
11 of diluting the distinctive quality of the American Blind Marks,
12 (iii) with the intention of eliminating competition from
13 American Blind, and (iv) after repeated notices from American
14 Blind to cease their diluting activities.

15 42. As a result of Defendants' aforesaid conduct,
16 American Blind has suffered, and will continue to suffer, unless
17 said conduct is enjoined by this Court, a substantial loss of
18 revenues and irreparable harm.

19 FIFTH CLAIM FOR RELIEF

20 (State Trademark Infringement - California common law)

21 (Against All Defendants)

22 43. American Blind hereby restates and incorporates
23 by reference paragraphs 1 through 42 above, as though fully set
24 forth herein.

25 44. Defendants have, without authorization from
26 American Blind, used the Domain Name to offer services related
27 to blinds and indirectly to sell blinds through Defendants' web
28 site.

1 45. Defendants' use of the Domain Name to offer
2 services related to blinds and indirectly to sell blinds through
3 Defendants' web site has caused and is likely to cause
4 confusion, mistake, and deception to consumers as to the
5 affiliation, connection, or association of Defendants with
6 American Blind, and as to the origin, sponsorship, or approval
7 of Defendants' goods and services by American Blind.

8 46. Defendants' unauthorized acts constitute direct
9 infringements of American Blind's rights in the American Blind
10 Marks in violation of California common law.

11 47. The aforesaid conduct of Defendants is
12 intentional, malicious, and wanton in that Defendants infringed
13 and continue to infringe the American Blind Marks (i) with full
14 knowledge that American Blind owns and has the exclusive right
15 to use the American Blind Marks, (ii) with the intention of
16 causing a likelihood of confusion and mistake and to deceive,
17 (iii) with the intention of eliminating competition from
18 American Blind, and (iv) after repeated notices from American
19 Blind to cease their infringing activities.

20 48. As a result of Defendants' aforesaid conduct,
21 American Blind has suffered, and will continue to suffer, unless
22 said conduct is enjoined by this Court, a substantial loss of
23 revenues and irreparable harm.

24 SIXTH CLAIM FOR RELIEF

25 (State Trademark Dilution - California common law)

26 (Against All Defendants)

27 49. American Blind hereby restates and incorporates
28 by reference paragraphs 1 through 48 above, as though fully set

1 forth herein.

2 50. Defendants' use of the Domain Name to offer
3 services related to blinds and indirectly to sell blinds through
4 its Web site causes and is likely to cause injury to American
5 Blind's business reputation and dilution of the distinctive
6 quality of the "famous" American Blind Marks.

7 51. Defendants' acts constitute trademark dilution of
8 the American Blind Marks in violation of the California
9 Trademark Act, Cal. Bus. & Prof. Code § 14330.

10 52. The aforesaid conduct of Defendants is
11 intentional, malicious, and wanton in that Defendants used the
12 Domain Name to offer services related to blinds and indirectly
13 to sell blinds and continue to offer services related to blinds
14 and indirectly to sell blinds through Defendants' web site (i)
15 with full knowledge that American Blind owned and had exclusive
16 rights to use the American Blind Marks, (ii) with the intention
17 of causing injury to American Blind's business reputation
18 diluting the distinctive quality of the American Blind Marks,
19 (iii) with the intention of eliminating competition from
20 American Blind, and (iv) after repeated notices from American
21 Blind to cease their diluting activities.

22 53. As a result of Defendants' aforesaid conduct,
23 American Blind has suffered, and will continue to suffer, unless
24 said conduct is enjoined by this Court, a substantial loss of
25 revenues and irreparable harm.

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SEVENTH CLAIM FOR RELIEF

(Unfair Competition and False and Misleading Advertising Under California Law - Cal. Bus. & Prof. Code §§ 17200 and 17500)

(Against All Defendants)

54. American Blind hereby restates and incorporates by reference paragraphs 1 through 53 above, as though fully set forth herein.

55. Defendants' aforesaid illegal activities constitute a violation of the California Unfair Practices Act, Cal. Bus. & Prof. Code §§ 17200 and 17500.

56. The aforesaid conduct of Defendants is intentional, malicious, and wanton in that Defendants infringed and continue to infringe the American Blind Marks (i) with full knowledge that American Blind owns and has the exclusive right to use the American Blind Marks, (ii) with the intention of causing a likelihood of confusion and mistake and to deceive, (iii) with the intention of eliminating competition from American Blind, and (iv) after repeated notices from American Blind to cease their unlawful activities.

57. As a result of Defendants' aforesaid conduct, American Blind has suffered, and will continue to suffer, unless said conduct is enjoined by this Court, a substantial loss of revenues and irreparable harm.

PRAYER FOR RELIEF

WHEREAS, as to all Counts of this Complaint, Defendants will continue their unlawful activities unless enjoined and American Blind's remedy at law is inadequate;

///

1 THEREFORE, as to all Counts of this Complaint,
2 American Blind requests:

3 a. Injunctive relief in the form of prohibiting
4 Defendants and their officers, partners, agents, subcontractors,
5 servants, employees, subsidiaries, and related companies or
6 entities, and all other acting in concert or participating with
7 them, from directly or indirectly selling, offering for sale,
8 distributing, or advertising blinds or other goods or services
9 related to blinds by use of the Domain Name or any other
10 Internet domain name which is likely to cause confusion, to
11 cause mistake, or to cause deception with or with respect to
12 American Blind;

13 b. That Defendants and their officers, partners,
14 agents, servants, employees, subsidiaries, and related companies
15 or entities, and all others acting in concert or participating
16 with them, be permanently enjoined from:

17 (1) further use of the Domain Name or any
18 Internet domain name confusingly similar
19 thereto; and

20 (2) engaging in any other act constituting
21 unfair competition or deceptive practices
22 with American Blind or constituting an
23 infringement of American Blind's rights in
24 and to the American Blind Marks;

25 c. That Defendants be ordered to assign and transfer
26 the Domain Name to American Blind;

27 d. That Defendants be required to reimburse American
28 Blind for all actual damages and lost sales suffered by American

1 Blind by reason of Defendants' conduct, as well as any profits
2 of Defendants that are attributable to Defendants' cyberpiracy,
3 dilution, and infringement not taken into account in computing
4 the actual damages, and that punitive damages be awarded as
5 authorized under the law;

6 e. That Defendants be required to pay all of
7 American Blind's attorneys' fees, expenses, and costs associated
8 with this action pursuant to the Lanham Act, 15 U.S.C. § 1117;
9 and

10 f. That this Court grant such other and further
11 relief as this Court may deem just and equitable.

12
13 Dated: January 14, 2001

Respectfully submitted,

LATHAM & WATKINS

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16 By Michele D. Johnson
17 Michele D. Johnson
18 Attorneys for Plaintiff
19 AMERICAN BLIND AND WALLPAPER
20 FACTORY, INC.
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DEMAND FOR JURY TRIAL

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Plaintiff American Blind and Wallpaper Factory, Inc.
hereby demands a jury trial on all claims herein.

Dated: January 10, 2001

Respectfully submitted,
LATHAM & WATKINS

By Michele Johnson
Michele D. Johnson
Attorneys for Plaintiff
AMERICAN BLIND AND WALLPAPER
FACTORY, INC.

A

ABWF 000194

01/05/01 FRI 16:18 FAX 7034151215

MOORELAND&MOORE

002

Int. Cl.: 20

Prior U.S. Cl.: 32

Reg. No. 1,463,548

United States Patent and Trademark Office Registered Nov. 3, 1987

TRADEMARK
PRINCIPAL REGISTER

**AMERICAN
BLIND FACTORY**

AMERICAN BLIND FACTORY, INC. (MICHIGAN CORPORATION)
SUITE 750
3000 TOWN CENTER
SOUTHFIELD, MI 48075

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BLIND FACTORY". APART FROM THE MARK AS SHOWN.

THE LINING IN THE DRAWING DOES NOT REPRESENT COLOR.

FOR: WINDOW BLINDS, IN CLASS 20 (U.S. CL. 32).

FIRST USE 4-10-1986; IN COMMERCE 4-10-1986.

SER. NO. 651,046, FILED 3-23-1987.

JACQUELINE W. ABRAMS, EXAMINING ATTORNEY

ABWF 000195

B

ABWF 000196

01/05/01 FRI 16:18 FAX 7034151215

MOORELAND&MOORE

003

Int. Cl.: 42

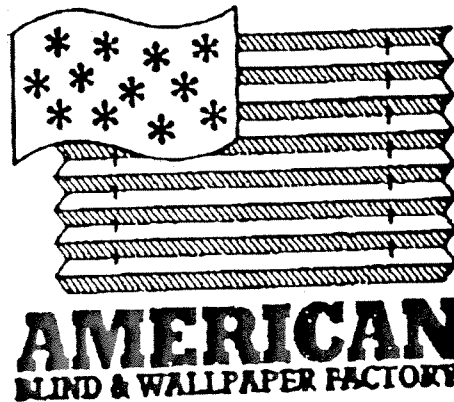
Prior U.S. Cls.: 100 and 101

Reg. No. 2,022,925

United States Patent and Trademark Office

Registered Dec. 17, 1996

SERVICE MARK
PRINCIPAL REGISTER



COLOR TILE, INC. (DELAWARE CORPORATION)
515 HOUSTON STREET
FORT WORTH, TX 76102

FOR: RETAIL MAIL ORDER SERVICES IN
THE FIELD OF WALL AND WINDOW COVERINGS,
IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 5-0-1986; IN COMMERCE
5-0-1985.

OWNER OF U.S. REG. NO. 1,463,548.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BLIND & WALLPAPER FACTORY",
APART FROM THE MARK AS SHOWN.

THE LINING SHOWN IN THE DRAWING IS
A FEATURE OF THE MARK AND NOT INTENDED
TO INDICATE COLOR.

SER. NO. 74-636,528, FILED 2-21-1995.

MICHELLE MOONEY RITCHY, EXAMINING
ATTORNEY

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SENIOR COUNSELLOR
ROBERT J. LEV

Reply To: Buffalo Grove

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED
FEDERAL EXPRESS**

October 1, 1999

All American Mini-Blind Systems, Inc.
Attn: Steven Dale
23052 Alicia Parkway, #H202
Mission Viejo, CA 92692

Re: American Blind and Wallpaper Factory, Inc.

Dear Mr. Dale:

Please be advised that we represent American Blind and Wallpaper Factory, Inc. ("ABWF"). In connection therewith, it has come to our attention that you own and operate a company, "All American Mini-Blind Systems, Inc." and that you are operating a web site under the URL "WWW.ALLAMERICANBLIND.COM".

As you may or may not be aware, "American Blind Factory" and "American Blind and Wallpaper Factory" are both registered trademarks with the United States Trademark Office owned by ABWF. In addition, ABWF has been using its corporate name in the home decorating business for over half a century and is extremely well known nationwide since ABWF has over four million customers coast-to-coast. ABWF has also had a strong Internet presence since 1997 and owns and operates its web site under the URL "WWW.AMERICANBLIND.COM". Therefore, your use of the name "WWW.ALLAMERICANBLIND.COM" as a URL for the sale of blinds is not only a violation of both trademark and trade name law but also rises to the level of copyright infringement. In addition, your similar URL on the Internet creates an extreme likelihood of confusion in the market place with the average consumer. You are therefore hereby instructed to immediately cease and desist any and all use of the URL "WWW.ALLAMERICANBLIND.COM".

K:\ETA\SJGVAMERICAN\case&desist\RR3.wpd

ABWF 000198

Kovitz Shifrin & Waitzman
Law Offices
A PROFESSIONAL CORPORATION

All American Mini-Blind Systems, Inc.

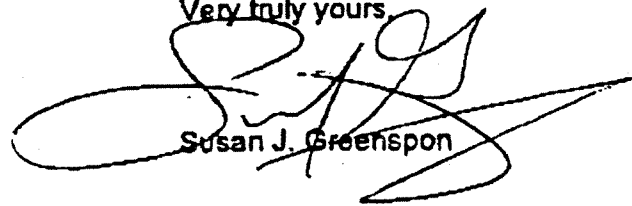
October 1, 1999

Page 2

Please also note that this demand applies to any advertisements, yellow page or other telephone directory listings or any other printed medium in which you have used the URL "WWW.ALLAMERICANBLIND.COM" for the sale of blinds and other window treatments. In connection therewith, please send in care of the undersigned a full and complete list of any such advertisements, directory listings or other printed materials you have used under the "WWW.ALLAMERICANBLIND.COM" URL.

My client is also hereby demanding an immediate transfer of your URL "WWW.ALLAMERICANBLIND.COM" in lieu of seeking further legal action against your business and you individually. In the event that this is not an acceptable solution to you, we will be forced to advise our client to take all legal and equitable action as is necessary and proper. Please contact the undersigned within the next 24 hours at 847-537-0500, Ext. 1235 with regard as to how you wish to proceed with this matter.

Very truly yours,



Susan J. Greenspon

SJG/ept

cc: Steven B. Katzman