

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

GOOD SPORTS, INC.

Plaintiff,

CASE NO.:

vs.

DATE: February 27, 2008

CAFEPRESS.COM, INC.

and

JOHN DOE(s)

Defendants

COMPLAINT WITH INJUNCTIVE RELIEF
AND ORDER OF SEIZURE SOUGHT

Plaintiff GOOD SPORTS, INC. (hereinafter, "Plaintiff" or "GOOD SPORTS"), by and through its undersigned counsel, for its Complaint against defendants CAFEPRESS.COM INC. and JOHN DOE(s) (hereinafter, "Defendants" or "CAFEPRESS") states the following. Allegations are made on belief and are premised on the belief that the same are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

THE PARTIES

1. Plaintiff GOOD SPORTS is a corporation which is organized and doing business under the laws of the State of Connecticut, with its principal place of business located at 349 Progress Drive, Manchester, Connecticut.

2. Defendant CAFEPRESS.COM, Inc., upon information and belief, is a Delaware corporation, with an office located at 1850 Gateway Drive Suite 300, San Mateo, California. Defendant CAFEPRESS.COM, upon information and belief, operates an internet business that produces and sells products bearing various artwork designs, including unauthorized copies of the copyrighted artwork of the plaintiff.

3. Defendant(s) JOHN DOE(s), upon information and belief, own the website www.skullshock.com, which is operated on their behalf by defendant CAFEPRESS.COM.

4. The defendants individually and collective have profited and continue to profit from the infringement of the plaintiff's copyrighted artwork.

BACKGROUND

5. Plaintiff owns all right, title and interest to several hundred Federal Registered Copyrights including but not limited to; VAu 568-588 “Skull and Crossbones” (collectively “Copyrighted Artwork”).

6. Plaintiff manufactures, distributes and sells a variety of apparel items, including but not limited to a shirts, embroidered patches, jackets, bandannas and other items containing the aforementioned Copyrighted Artwork.

7. Upon information and belief, Defendants operate an online storefront and website over the internet which offers for sale, produces and distributes a variety of apparel products and other items bearing unauthorized copies of the plaintiff’s copyrighted artwork.

NATURE OF ACTION

8. This is an action for copyright infringement under the Copyright Act of 1976, 17 U.S.C. §101 et seq., and the Lanham Act, 15 U.S.C. §1051 et seq., based on the defendant’s misappropriation, copying and creation of derivative works based upon the Copyrighted Artwork .

9. This is an action for unfair trade practices under the Connecticut Unfair Trade Practices Act , Conn. Gen. Stat. § 45-110 et seq. , and unfair competition under the common law of the

State of Connecticut, and is based on the Defendant's adoption and use of the plaintiff's established rights in their Copyrighted Artwork.

JURISDICTION AND VENUE

10. This Court has jurisdiction over this action pursuant to 28 U.S.C. 1338(a) (acts of Congress relating to copyrights and trademarks) namely, the Copyright Act of 1976, 17 U.S.C. §101 et seq., 28 U.S.C. 1338(b) (pendent unfair competition claims) and 28 U.S.C. § 1332(a) (diversity of citizenship).

11. Venue is proper in this district pursuant to 28 U.S.C. §1400(a) and 1391(b) and (c), as the Defendants are businesses subject to personal jurisdiction and is therefore deemed to reside here for purposes of venue.

FACTS COMMON TO ALL COUNTS

12. Plaintiff GOOD SPORTS authored in 1999 and has owned continuously since that time artwork titled "Skull and Crossbones" as illustrated in Exhibit I which is attached hereto. GOOD SPORTS has published "Skull and Crossbones" in varying derivations using a variety of color schemes however the pre-dominate color scheme associated with the work has been white bones crossed beneath a skeleton skull.

13. The Skull and Crossbones artwork is copyrightable subject matter under the laws of the United States. Plaintiff GOOD SPORTS owns Federal Copyright Registration # VAu-568-588 dated October 30, 2002 for “Skull and Crossbones” for which a copy for the Federal Registration is attached as Exhibit I hereto.

14. The “Skull and Crossbones” work (hereafter referred to as the “GOODS SPORTS ARTWORK”) is the legally owned work of GOOD SPORTS. The design depicted in the GOOD SPORTS ARTWORK and all the exclusive copyrights including derivative works thereof are entitled to copyright protection.

15. Plaintiff GOOD SPORTS has manufactured and sold numerous embroidered patches, decals, tee-shirt and other items incorporating individual designs from the GOOD SPORTS ARTWORK beginning in 2000. GOOD SPORTS has expended substantial resources in designing, promoting, manufacturing and selling products bearing the GOOD SPORTS ARTWORK. Plaintiff GOOD SPORTS has built a valuable business and demand for its distinctively-styled, quality tee-shirts, decals, embroidered patches and other items bearing the GOOD SPORTS ARTWORK. GOOD SPORTS has become identified in the minds of the public as the provider of products bearing the designs from the GOOD SPORTS ARTWORK.

15. At some date, at least as early as September 2008, upon information and belief, Defendants caused to be offered for sale, manufactured, and sold to the public items bearing the GOOD

SPORTS ARTWORK . Such CAFEPRESS products are not only substantially similar, but strikingly similar to the design of the GOOD SPORTS ARTWORK.

16. A picture of the SkullShock product no. 104691417 “Value T-Shirt Rebel Flag” which infringes GOOD SPORTS’ copyright in “Skull and Crossbones” is attached hereto as Exhibit II and is representative of the defendants’ infringement. Defendants have copied the GOOD SPORTS ARTWORK and created unauthorized derivative works from artwork which are substantially similar to the Good Sports designs and offered its product in the same color combinations as the aforementioned GOOD SPORTS’ work.

17. Defendants have offered for sale, manufactured and sold at least fifty-one different items bearing the GOOD SPORTS ARTWORK. An itemized list of the defendants’ part numbers is attached as Exhibit III.

18. A picture of the SkullShock product no. 124230435 “Value T-Shirt Rebel Pride” which infringes GOOD SPORTS’ copyright in “Skull and Crossbones” is attached hereto as Exhibit IV and is representative of the defendants’ infringement. Defendants have copied the GOOD SPORTS ARTWORK and created unauthorized derivative works from the artwork which are substantially similar to the Good Sports designs and offered its product in the same color combinations as the aforementioned GOOD SPORTS’ work.

19. Defendants have offered for sale, manufactured and sold at least sixty different items bearing the GOOD SPORTS ARTWORK. An itemized list of the defendants part numbers is attached as Exhibit V.

COUNT ONE

COPYRIGHT INFRINGEMENT

20. Paragraphs 1 through 19 are incorporated herein as though set forth in their entirety.

21. Defendants unlawfully and willfully copied all or part of the GOOD SPORTS ARTWORK in violation of GOOD SPORTS' copyright in both design and color combinations.

22. With full knowledge of Plaintiff's rights herein, Defendants have infringed and continue to infringe GOOD SPORTS' copyrights by making or having made goods bearing an unauthorized copy of the GOOD SPORTS ARTWORK and then selling and distributing products containing said artwork throughout the United States. Such copying was done by Defendants without the consent, approval or license of GOOD SPORTS. Defendants' products contain wholesale copies of GOOD SPORTS' works, all in violation of its copyrights.

23. The Defendants' products in appearance and color are not only substantially similar, but are strikingly similar to each design of the GOOD SPORTS ARTWORK exuding the same "look and feel" as GOOD SPORTS' copyright.

24. Defendants' product dilute the market and serve to destroy the distinctiveness of GOOD SPORTS' copyrighted works.

25. GOOD SPORTS has lost substantial revenue from Defendants unlawful and willful copying of the GOOD SPORTS ARTWORK and therefore the value of GOOD SPORTS' copyrighted material has been diminished.

26. GOOD SPORTS sale of its own works and derivative works is prejudiced by Defendants copyright infringement.

27. Defendants' acts as aforesaid violate GOOD SPORTS' exclusive rights under §106 of the Copyright Act of 1976, 17 U.S.C. §106, and constitute infringement of his copyrights. Defendants past and continuing copying, distribution and sale of the products constitutes a willful and deliberate infringement of GOOD SPORTS' copyrights and is causing irreparable harm and damage to Plaintiff.

COUNT TWO

UNFAIR COMPETITION

28. Plaintiff, GOOD SPORTS, repeats and re-alleges paragraphs 1 through 27 and each paragraph is incorporated herein as though set forth in their entirety.

29 This action for unfair competition is a substantial and related claim to Defendant's infringement of GOOD SPORTS' copyrights and pursuant to § 1338(b) of Title 28 of the United States Code, the court has and should assume pendent jurisdiction of this claim.

30. Defendants, in the unlawful and willful copying of the GOOD SPORTS ARTWORK and placing the designs of the GOOD SPORTS ARTWORK on the Defendants' products, creates a likelihood of confusion among the public that the original source of the defendants' products is GOOD SPORTS and have contributed to the dilution of the distinctive quality of GOOD SPORTS' work and products in the marketplace.

31. Defendants, by their unauthorized appropriation and use of GOOD SPORTS' copyrighted works, have and are engaging in acts of unfair competition, unlawful appropriation, unjust enrichment, wrongful deception of the purchasing public, and unlawful trading on GOOD SPORTS' good will and the public's acceptance of GOOD SPORTS' copyrighted works, all to GOOD SPORTS' irreparable damage.

32. Defendants' conduct resulting in unfair competition will continue unless enjoined by this court.

COUNT THREE

TRADE DRESS

33. Plaintiff repeats and re-alleges paragraphs 1 through 32 as though fully set forth herein in their entirety.

34. When designing and manufacturing its tee-shirts, embroidered patches, decals, jackets and other items GOOD SPORTS through the design of its GOOD SPORTS ARTWORK has adopted a particular dress, design and combination of features to produce a particular visual appearance for the purpose of presenting its goods to the public.

35. Defendants have attempted to imitate GOOD SPORTS' particular design, dress and combination of features, as they pertain to the graphics on the products it sells, in such a way as to mislead the public.

36. The multiplicity of similarities between each and every design in the GOOD SPORTS ARTWORK and those produced and manufactured by Defendants evidence a conscious intent by Defendants to copy and/or imitate GOOD SPORTS.

37. Defendants use of color and combination of colors when copying and/or imitating the GOOD SPORTS ARTWORK evidences a conscious intent of Defendant to imitate and copy GOOD SPORTS.

38. Defendants actions are intended and/or operate to confuse the public.

39. GOOD SPORTS' sale of its own works, derivative works, and expanding the use of its copyrighted artwork on expansion products is prejudiced by Defendants imitation and copying of the GOOD SPORTS ARTWORK, all to GOOD SPORTS' irreparable damage.

///

WHEREFORE, Plaintiff requests that the Court grant them the following relief:

A. Defendants be enjoined during the pendency of this action and permanently thereafter from appropriating and using GOOD SPORTS' copyrighted works;

B. Defendants be enjoined during the pendency of this action and permanently thereafter from selling its infringing products to the public;

C. That the Court order the impoundment and destruction of all products containing materials constituting infringement of the GOOD SPORTS ARTWORK and any other GOOD SPORTS' copyrighted works found in the possession of the Defendants;

D. That Defendants be required to pay to Plaintiff such actual damages as they have sustained as a result of Defendants copyright infringement pursuant to 17 U.S.C. §504(b);

E. That Defendants be required to account for and disgorge to Plaintiff all gains, profits, and advantages derived by its copyright infringement pursuant to 17 U.S.C. 504(b);

F. That Defendants be required to pay Plaintiff statutory damages pursuant to 17 U.S.C. §504(c);

G. That Defendants be required to pay Plaintiff an award of statutory damages due to Defendants' willful infringement pursuant to 17 U.S.C. §504(c)(2);

H. That Defendants be ordered to pay to Plaintiff the costs of this action along with reasonable attorney fees;

J. That Plaintiff be granted such further relief as the Court deems just.

Respectfully submitted,

/s/ mario g ceste

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Law Offices of Mario G. Ceste
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Wallingford, Connecticut 06492
203-678-6418
801-761-3314 (Fax)
Email: mgcpls@usa.net

INDEX OF EXHIBITS

- I. Good Sports “Skull and Crossbones ” Copyright Reg. No. VAu568-588
- II. Defendants’ Product No. 104691417 “Value T-Shirt Rebel Flag”
- III. Listing of Infringing “REBEL FLAG” Products
- IV. Defendants’ Product No. 124230435 “Value T-Shirt Rebel Pride”
- V. Listing of Infringing “REBEL PRIDE” Products

Exhibit I

Good Sports Copyright Reg. No VAu 568-588



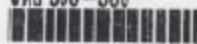
CERTIFICATE OF REGISTRATION		SHORT FORM VA 	
 <p>OFFICIAL SEAL</p>		<p>This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.</p> <p style="text-align: center;"><i>Marybeth Peters</i> REGISTER OF COPYRIGHTS United States of America</p>	
		<p>Register</p> <p style="text-align: center;">VAu 568-588 </p> <p>Effective Date of Registration 10-28-02</p> <p>Application Received OCT 28 2002</p> <p>Deposit Received One OCT 28 2002 Two</p> <p>Fee Received</p>	
<p>Examined By: <i>CLY</i></p> <p>Correspondence: <input type="checkbox"/></p>			
<p>TYPE OR PRINT IN BLACK INK. DO NOT WRITE ABOVE THIS LINE.</p>			
<p>Title of This Work:</p> <p>Alternative title or title of larger work in which this work was published</p>	1	Skull and Crossbones	
<p>Name and Address of Author and Owner of the Copyright:</p> <p>Nationality or domicile: Phone, fax, and email:</p>	2	<p>Good Sports, Inc. 349 Progress Dr. P.O. Box 840 Manchester, CT 06040 USA</p> <p>Phone (860) 647-0880 Fax (860) 647-0101</p>	
<p>Year of Creation:</p>	3	1999	
<p>If work has been published, Date and Nation of Publication:</p>	4	<p>a. Date _____ Month _____ Day _____ Year _____ (Month, day, and year all required)</p> <p>b. Nation N/A</p>	
<p>Type of Authorship in This Work: Check all that this author created.</p>	5	<input type="checkbox"/> 3-Dimensional sculpture <input type="checkbox"/> Photograph <input type="checkbox"/> Map <input checked="" type="checkbox"/> 2-Dimensional artwork <input type="checkbox"/> Jewelry design <input type="checkbox"/> Text <input type="checkbox"/> Technical drawing	
<p>Signature:</p> <p>Registration cannot be completed without a signature.</p>	6	<p>I certify that the statements made by me in this application are correct to the best of my knowledge.* Check one:</p> <input type="checkbox"/> Author <input checked="" type="checkbox"/> Authorized agent X _____ <i>Marybeth Peters</i> _____	
<p>Name and Address of Person to Contact for Rights and Permissions: Phone, fax, and email:</p>	7	<input type="checkbox"/> Check here if same as #2 above. Jerome Berkowitz 349 Progress Dr. Manchester, CT 06040 Phone (860) 647-0880 Fax (860) 647-0101 Email _____	
<p>3 Certificate will be mailed in window envelope to this address:</p>	<p>Name <input type="checkbox"/> Jerome Berkowitz</p> <p>Address <input type="checkbox"/> 349 Progress Dr.</p> <p>City/State/ZIP <input type="checkbox"/> Manchester, CT 06040</p>		<p>9 Deposit Account # _____</p> <p>Name _____</p>
<p><small>* If U.S.C. § 106(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by Section 406 or in any written statement filed in connection with the application, shall be fined not more than \$1,500.</small></p> <p><small>June 1999 - 10,000</small></p> <p><small>U.S. GOVERNMENT PRINTING OFFICE: 1999-454-875-34</small></p>			



EXHIBIT II

Skull, Gothic and Biker T-Shirts and Gifts

Skull Shock

Special Coupon Savings | View Cart | Satisfaction Guarantee | Home | BOOKMARK |

SkullShock.com > Wilder Side > Rebel Flag > Skull and Rebel Flags > Rebel Flags and Skull Value T-shirt

If you want to get a closer look, click the "View Larger Image" link below the product.

Rebel Flags and Skull Value T-shirt

\$16.99


Size: [Size Chart](#)
Large

Qty: [Add to Cart](#)

Availability: In Stock.
Product Number: 104691417

[Tell a friend about this product!](#)

Product Information
Fit: **Standard**

 Not too tight, not too loose.
Fabric Thickness: Thin Thick
Get back to basics with the Value T-Shirt. Enjoy a great look and fit at a reasonable price. The Value T is made of cool, midweight 100% cotton and is perfect for casual summer days.

- Midweight 100% cotton
- Standard fit

Browse more products:

[Rebel Flags and Skull Zip Hoodie](#) | [Rebel Flags and Skull Zip Hoodie \(dark\)](#) | [Rebel Flags and Skull \(dark\)](#)


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BROWSE DESIGNS

- Home
- Skull Shock Designs
- Boetz Ink
- trev87 Skulls
- Devious Designs
- Graveled Gifts
- Kick Ass Family Skulls
- Kombat Biker Crosses
- LA Ink T-shirts and Gifts
- Link Artworks
- Miami Ink T-shirts & Gifts
- Tribal World Crests
- Wilder Side

FEATURED DESIGN



STORE INFORMATION

- Amazon Skull Shock
- Gothic Posters
- Harley Posters
- Shipping & Returns
- Satisfaction Guarantee
- Customer Service

EXHIBIT III

104891417 Value T Shirt
104891404 Fitted T Shirt
104891408 Organix T Shirt
104891409 White T Shirt
104891407 Ringer T Shirt
104891405 Light T Shirt
104891406 Sleeveless Men's T Shirt
104891411 Baseball T Shirt
104891410 Yellow T Shirt
104891414 Long Sleeve T Shirt
104891413 Sweatshirt
104891412 Hooded Sweatshirt
104891403 Boxer Shorts
104891401 Women's Long Sleeve T Shirt
104891399 Women's Cap Sleeve T-Shirt
104891398 Jr Jersey T-Shirt
124191307 Women's Plus Size Scoop Neck
124191308 Women's Plus Size V Neck T Shirt
124191309 Women's V Neck T Shirt
104891397 Jr spaghetti tank
104891396 Jr Ringer T Shirt
104891395 Women's Light T Shirt
104891394 Women's T Shirt
104891393 Women's Tank Top
104891392 Jr Hoodie
104891391 Jr Raglan
104891389 Classic Tong
124191292 Infant Bodysuit
284087481 Kids Dark T Shirt
124191293 Infant/Toddler T Shirt
124191296 Kids Light T Shirt
124191297 Kids Sweatshirt
124191286 BBQ Apron
124191287 Bib
124191288 Cap
124191289 Dog T Shirt
124191291 Greeting Cards
124191294 Journal
124191295 Ornament
124191299 Messenger Bag
124191306 Tote
124191300 Mousepad
124191302 Throw pillow
124191298 Large Mug
289331539 Ceramic Travel Mug
124191301 Mug
124191303 Stein
124191304 Teddy Bear
124191290 Framed Tile
124191305 Keepsake Box
124191310 Calendar Print

Exhibit IIV


Skull, Gothic and Biker T-Shirts and Gifts

Skull Shock

Special Coupon Savings | View Cart | Satisfaction Guarantee | Home |

[SkullShock.com](#) > [Wicker Side](#) > [Rebel Side](#) > [Rebel Pride Skull Banners](#) > Rebel Pride Skull Value T-shirt

If you want to get a closer look, click the "View Larger Image" link below the product.



Rebel Pride Skull Value T-shirt

\$16.99

Size: [Size Chart](#)

Large


Qty: [Add to Cart](#)

Availability: In Stock
Product Number: 124250435

[Tell a friend about this product!](#)

Rebel Pride Skull on many styles of t-shirts and gifts like mouse pads, clocks, journals, stickers. Rebel Pride T-shirts for men women and children.

Product Information
Fit: **Standard**






Not too tight, not too loose.
Fabric Thickness: **Thin** **Medium** **Thick**

Get back to basics with the Value T-Shirt. Enjoy a great look and fit at a reasonable price. The Value T is made of cool, midweight 100% cotton and is perfect for casual summer days.

- Midweight 100% cotton
- Standard fit

[View Larger](#)

Browse more products:




[Rebel Pride Skull Ceramic Mug](#) | [Rebel Pride Skull Hoodie](#) | [Rebel Pride Skull Jacket](#)

powered by [California & Spokane](#)

BROWSE DESIGNS

- Home
- Skull Shock Designs
- Boots Ink
- Inv07 Skulls
- Devous Designs
- Grondels Gifts
- Kick Ass Family Skulls
- Kombat Biker Crosses
- LA Ink T-shirts and Gifts
- Link Artworks
- Miami Ink T-shirts & Gifts
- Tribal World Crests
- Wicker Side

FEATURED DESIGN



STORE INFORMATION

- Amazon Skull Shock
- Gothic Posters
- Hatley Posters
- Shipping & Returns
- Satisfaction Guarantee
- Customer Service

EXHIBIT V

167112037 Mousepad	124230433 Tile Coaster
124230435 Value T Shirt	124230402 Journal
124230391 Dark T Shirt	124230414 Large Mug
124230436 White T Shirt	289331540 Ceramic Travel Mug
124230415 Light T Shirt	124230422 Mug
124230418 Ringer T Shirt	124230428 Stein
124230383 Baseball Jersey	124230420 Messenge Bag
124230419 Men's Sleeveless Tee	124230434 Tote Bag
124230393 Fitted T Shirt	124230452 Calendar Print
124230397 Green T Shirt	
124230453 Yellow T Shirt	
124230430 Sweatshirt	
124230423 Organic Cotton Tee	
124230416 Long Sleeve Dark Tee	
124230417 Long Sleeve T Shirt	
124230399 Hooded Sweatshirt	
124230396 Golf Shirt	
124230385 Boxer Shorts	
124230390 Classic Tong	
124230403 Jr Jersey T Shirt	
124230404 Jr Hoodie	
124230405 Jr. Raglan	
124230406 Jr Ringer T Shirt	
124230407 Jr Spaghetti Tank	
124230448 Women's T Shirt	
124230449 Women's Tank Top	
124230451 Women's V Neck T Shirt	
124230437 Women's Long Sleeve Dark T Shirt	
124230438 Women's Cap Sleeve T Shirt	
124230439 Women's Dark T Shirt	
124230440 Women's V Neck Dark T Shirt	
124230441 Women's Light T Shirt	
124230442 Women's Long Sleeve T Shirt	
124230443 Women's Plus Size Scoop Neck Dark	
124230444 Women's Plus Size V Neck Dark T	
124230446 Women's Plus Size V Neck T-S	
124230445 Women's Plus Size Scoop Neck T-S	
124230447 Women's Raglan Hoodie	
124230450 Women's Tracksuit	
124230408 Kids Baseball Jersey	
124230409 Kids Dark T Shirt	
124230410 Kids Hoodie	
124230411 Kids Light T Shirt	
124230412 Kids Sweatshirt	
124230400 Infant Bodysuit	
124230401 Infant/Toddler T Shirt	
124230384 Bib	
124230431 Teddy Bear	
124230392 Dog T Shirt	
124230395 Framed Tile	
124230432 Keepsake Box	