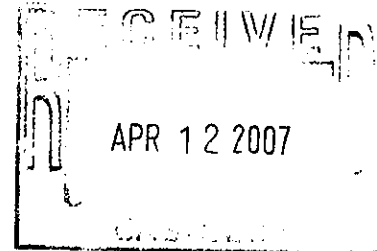


FILE COPY

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Attorneys for Plaintiff
DIANE VON FURSTENBERG STUDIO, LP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIANE VON FURSTENBERG STUDIO, LP, a
Delaware limited partnership,

Plaintiff,

v.

FOREVER 21, INC., a Delaware corporation;
FOREVER 21 RETAIL, INC., a California
corporation; FOREVER 21 LOGISTICS, LLC, a
Delaware limited liability company; FOREVER
21 CAPITAL HOLDINGS, LLC, a Delaware
limited liability company; FOREVER 21
INVESTMENTS, LLC, a Delaware limited
liability company; FOREVER 21
INTERNATIONAL HOLDINGS, INC., a
Delaware corporation.

Defendants.

Civil Action No. 07 CV 2413 (VM)

**FIRST AMENDED COMPLAINT FOR
COPYRIGHT INFRINGEMENT,
UNFAIR COMPETITION AND FALSE
DESIGNATION OF ORIGIN,
UNLAWFUL DECEPTIVE ACTS AND
PRACTICES,
DEMAND FOR JURY TRIAL**

FIRST AMENDED COMPLAINT

Plaintiff Diane von Furstenberg Studio, LP (“DVF”) alleges the following for its First Amended Complaint (“Complaint”) against Defendants forever 21, Inc., forever 21 Retail, Inc., forever 21 Logistics, LLC, forever 21 Capital Holdings, LLC, forever 21 Investments, LLC, and forever 21 International Holdings, Inc. (collectively “Defendants”) on personal knowledge as to DVF’s own activities and on information and belief as to the activities of Defendants:

THE PARTIES

1. Plaintiff Diane von Furstenberg Studio, LP is a limited partnership, organized and existing under the laws of Delaware, with offices at 440 W. 14th St., New York, New York 10014.

2. Upon information and belief, Defendant forever 21, Inc. is a Delaware corporation, with its principal place of business and executive offices at 2001 S. Alameda Street, Los Angeles, California 90058. forever 21, Inc. is doing business throughout the State of New York through its retail stores and website, with multiple retail store locations in this District.

3. Upon information and belief, Defendant forever 21 Retail, Inc. is a California corporation, with its principal place of business and executive offices at 2001 S. Alameda Street, Los Angeles, California 90058. forever 21 Retail, Inc. is doing business throughout the State of New York through its retail stores and website at <forever21.com>, with multiple retail store locations in this District.

4. Upon information and belief, Defendant forever 21 Logistics, LLC is a Delaware limited liability company, with its principal place of business and executive offices at 9 East Lookerman Street, Dover, Delaware 19901. forever 21 Logistics, LLC is doing business throughout the State of New York and in this District.

5. Upon information and belief, Defendant forever 21 Capital Holdings, LLC is a California limited liability company with its principal place of business at 2001 S. Alameda Street, Los Angeles, California 90058. Upon information and belief, forever 21 Capital Holdings, LLC is doing business throughout the State of New York and in this District.

6. Upon information and belief, Defendant forever 21 Investments, LLC is a Delaware limited liability company with its principal place of business at 2001 S. Alameda Street, Los Angeles, California 90058. Upon information and belief, forever 21 Investments, LLC is doing business throughout the State of New York and in this District.

7. Upon information and belief, Defendant forever 21 International Holdings, Inc. is a Delaware corporation with its principal place of business at 2001 S. Alameda Street, Los Angeles, California 90058. Upon information and belief, forever 21 International Holdings, Inc. is doing business throughout the State of New York and in this District.

8. forever 21, Inc., forever 21 Retail, Inc., forever 21 Logistics, LLC, forever 21 Capital Holdings, LLC, forever 21 Investments, LLC, and forever 21 International Holdings, Inc. are collectively referred to as “forever 21” or “Defendants.”

JURISDICTION AND VENUE

9. This is an action for: (a) copyright infringement in violation of the Copyright Law, 17 U.S.C. §§501, *et. seq.*; (b) unfair competition and false designation of origin in violation of 15 U.S.C. §1125(a); (c) unlawful and deceptive acts and practices in violation of N.Y. Gen. Bus. Law §349; and (d) unfair competition under New York state law, all of which activities have occurred in this District and elsewhere in interstate commerce.

10. Subject matter jurisdiction for the claim of copyright infringement and unfair competition and false designation of origin is proper in this Court pursuant to 28 U.S.C. §§1331, 1332, 1338(a), and 17 U.S.C. §501, 15 U.S.C. §1125(a). Supplemental jurisdiction for the claims of unlawful deceptive acts and practices and unfair competition is proper in this Court pursuant to 28 U.S.C. §1367 because these claims form part of the same case or controversy as the claim for copyright infringement.

11. This Court has personal jurisdiction over the Defendants in that Defendants do business throughout the State of New York including this District.

12. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(a) in that Defendants are transacting business within this District. Further, venue is appropriate since a substantial portion of the acts complained of herein were committed by Defendants within this District.

FACTUAL BACKGROUND

DVF'S PRODUCTS AND SALE OF ITS COPYRIGHTED DESIGNS

13. Ms. Diane von Furstenberg has been a fixture in the American fashion world since arriving in New York in 1972 with her signature jersey dresses. By 1976, Ms. von Furstenberg had sold more than five million of her iconic wrap dresses, and came to symbolize female power and freedom to an entire generation.

14. In 1997, Ms. von Furstenberg established Diane von Furstenberg Studio LP to sell her signature line of dresses and other women's apparel. Currently, DVF is a leader in the design, development, manufacture, advertising, marketing, distribution, licensing, and sale of designer dresses and other women's apparel, accessories, jewelry, cosmetics, luggage, and other luxury goods (collectively, "DVF Products").

15. DVF is the owner of numerous trademark registrations for its marks as well as numerous U.S. copyright registrations for its original print and fabric designs.

16. DVF Products have become favorably known throughout the World for their distinctive style, high-quality materials, and superior designs. Genuine DVF Products are easily identified by the mark DIANE VON FURSTENBERG and other marks and by their distinctive fabric designs, many of which have been registered with the U.S. Copyright Office.

17. As a result of the high-quality and superb design of DVF Products, these products have achieved an outstanding reputation among consumers, especially fashion-conscious women. DVF's trademarks and copyrights have become well and favorably known in the industry and to the public as the exclusive source of DVF Products and have come to symbolize the goodwill built up in DVF Products.

18. DVF Products are sold in high-end department stores, such as Barneys, Neiman Marcus and Saks Fifth Avenue, as well as through DVF's website at <dvf.com>.

19. DVF's marketing efforts, combined with its attention to quality, design and construction, have resulted in hundreds of millions of dollars of sales of DVF Products.

20. DVF and DVF Products have been the subject of much unsolicited, laudatory press coverage in various media, including editorial coverage in the world's leading fashion and lifestyle magazines.

21. At certain times during the year, DVF releases collections of new dress and clothing designs. These collections are shown for the first time at DVF's fashion shows during the New York Fall and Spring fashion weeks and other times during the year, and then released to consumers during the coming months. These new collections are greeted with widespread media coverage and consumers recognize DVF's original dress and clothing print designs in the collections as emanating from DVF.

22. One such dress design exclusively owned by DVF is known as "Cerisier." A photograph of DVF's Cerisier dress is attached hereto as Exhibit A. DVF began showing and selling its Cerisier dress in October 2006 as part of DVF's Holiday Collection. The Cerisier dress design consists of two print designs exclusively owned by DVF: the "Small Dentelle" and the "Flower Lace Border" designs. The Small Dentelle design is the subject of U.S. Copyright

Registration No. VA-1-395-624 registered on March 19, 2007. A true and accurate copy of the Certificate of Registration for the Small Dentelle design is attached hereto as Exhibit B. DVF's Dentelle Design is also featured on other DVF's dresses and clothing. The Flower Lace Border is the subject of U.S. Copyright Registration No. VA-1-395-623 registered on March 19, 2007. A true and accurate copy of the Certificate of Registration for the Flower Lace Border is attached hereto as Exhibit C.

23. Another such dress design exclusively owned by DVF is known as "Aubrey." A photograph of DVF's Aubrey dress is attached hereto as Exhibit D. DVF first showed its Aubrey dress in September 2005 at its Spring 2006 fashion show, and began selling Aubrey dresses in Winter 2006. The Aubrey dress design bears a print design exclusively owned by DVF called "Mimosa." The Mimosa design is the subject of U.S. Copyright Registration No. VA-1-395-625 registered on March 19, 2007. A true and correct copy of the Certificate of Registration for the Mimosa design is attached hereto as Exhibit E. DVF's Mimosa design is also featured on other DVF dresses and clothing.

24. Another such clothing design exclusively owned by DVF is a blouse known as "Edith." A photograph of DVF's Edith top is attached hereto as Exhibit F. DVF first showed its Edith blouse in September 2006 as part of its Spring 2007 fashion show, and began selling Edith blouses in Winter 2007. The Edith blouse design bears a print design exclusively owned by DVF called "Scattered Stones." The Scattered Stones design collection is the subject of U.S. Copyright Registration No. Vau-711-001 registered on September 11, 2006. A true and correct copy of the Certificate of Registration for the Scattered Stones design collection is attached hereto as Exhibit G. DVF's Scattered Stones design is also featured on other DVF dresses

including DVF's "Parr" and "Edison" dresses. A photograph of DVF's Parr and Edison dresses are attached as Exhibit H.

25. The registrations of the Small Dentelle design, the Flower Lace Border, the Mimosa design and Scattered Stones design collection create a legal presumption in favor of DVF with respect to the ownership of and validity of the copyrights in these works (hereinafter, the Small Dentelle design, the Flower Lace Border, the Mimosa design, and Scattered Stones designs may be referred to separately or collectively as the "DVF Copyrights").

DEFENDANTS' INFRINGING CONDUCT

26. Without authorization or license from DVF, forever 21 has produced and is marketing, advertising distributing, offering for sale and selling dresses nearly identical to DVF's Cerisier, Aubrey, Parr and Edison dresses and Edith blouse that bear print designs identical to the DVF Copyrights (the "Infringing Products") in its retail stores and through its website at <forever21.com>.

27. forever 21 has copied DVF's exact scale and colorways for each design in the DVF Copyrights. True and accurate copies of photographs of the Infringing Products are attached hereto as Exhibit I.

28. Upon information and belief, the conduct of forever 21 was willfully done with knowledge of, and/or reckless disregard for, DVF's rights in the DVF Copyrights for the purpose of damaging DVF's business. forever 21 is profiting from the unauthorized production, distribution, offer to sell and sale of products bearing the DVF Copyrights.

FIRST CLAIM FOR RELIEF **(Copyright Infringement Under 17 U.S.C. §§501, et. seq.)**

29. DVF repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

30. DVF is the owner of the DVF Copyrights.

31. DVF has never authorized, licensed or otherwise permitted Defendants to manufacture, distribute or sell copies of the DVF Copyrights.

32. DVF has built up valuable goodwill in the distinctive appearance of DVF Copyrights.

33. As a direct and proximate result of Defendants' use of the DVF Copyrights, DVF has suffered damages to its valuable DVF Copyrights, and other damages in an amount to be proved at trial.

34. DVF does not have an adequate remedy at law, and will continue to be damaged by Defendants' copyright infringement unless this Court enjoins Defendants from such infringing practices.

35. Defendants have realized unjust profits, gains and advantages as a proximate result of their infringement.

SECOND CLAIM OF RELIEF
UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN
(15 U.S.C. § 1125(a))

36. DVF repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

37. The Infringing Products are nearly identical to the genuine DVF Products which bear the DVF Copyrights and, as such, Defendants' sale of the Infringing Products is likely to cause confusion to the general purchasing public.

38. By producing and selling exact replicas of these DVF Products bearing the DVF Copyrights, Defendants misrepresent and falsely describe to the general public the origin and

source of the Infringing Products and create a likelihood of confusion by ultimate purchasers as to both the source and sponsorship of such merchandise.

39. Defendants' unlawful, unauthorized and unlicensed manufacturing, advertising, distributing, offering for sale and/or selling of the Infringing Products creates express and implied misrepresentations that the Infringing Products were created, authorized or approved by DVF, all to Defendants' profit and DVF's great damage and injury.

40. DVF has no adequate remedy at law. If Defendants' activities are not enjoined, DVF will continue to suffer irreparable harm and injury to its goodwill and reputation.

THIRD CLAIM OF RELIEF
UNLAWFUL DECEPTIVE ACTS AND PRACTICES
(New York General Business Law § 349)

41. DVF repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

42. Defendants, without DVF's authorization or consent, and having knowledge of DVF's well-known and prior rights in the DVF Copyrights have manufactured, advertised, distributed, offered for sale and/or sold the Infringing Products to the consuming public in direct competition with DVF Products.

43. Defendants' use of copies or simulations of the DVF Copyrights is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Infringing Products, and is likely to deceive the public into believing the Infringing Products being sold by Defendants originate from, are associated with, or are otherwise authorized by DVF.

44. Defendants' deceptive acts and practices involve public sales activities of a recurring nature.

45. DVF has no adequate remedy at law and, if Defendants' activities are not enjoined, DVF will continue to suffer irreparable harm and injury to its goodwill and reputation.

FOURTH CLAIM OF RELIEF
UNFAIR COMPETITION UNDER NEW YORK STATE LAW

46. DVF repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

47. DVF has built up valuable goodwill in the DVF Copyrights.

48. Defendants' use of the DVF Copyrights is likely to and does permit Defendants to palm off the Infringing Products as those of DVF, all to the detriment of DVF and the unjust enrichment of Defendants.

49. Defendants, upon information and belief, with full knowledge of the fame of DVF and the DVF Copyrights, intended to and did trade on the goodwill associated with the DVF Copyrights and has misled and will continue to mislead the public into assuming a connection between DVF and Defendants by advertising, selling and/or distributing the Infringing Products.

50. Defendants' unauthorized use of the DVF Copyrights has caused and is likely to continue to cause DVF damage by tarnishing the valuable reputations and images associated with DVF and its genuine goods. Defendants have further palmed off their goods as DVF

Products by misrepresentations to the consuming public, members of whom are likely to and do believe the Infringing Products emanate from or are otherwise associated with DVF.

51. The acts of Defendants mislead and deceive the public as to the source of Defendants' goods, permit and accomplish the palming off of Defendants' goods as those of DVF and falsely suggest a connection with DVF, and therefore constitute acts of unfair competition with DVF in violation of the laws of the State of New York.

52. Defendants' acts have and will continue to cause DVF irreparable harm unless enjoined by this Court. DVF has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, DVF prays for the following relief against Defendants:

1. That Defendants, their officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under them be permanently enjoined from directly or indirectly infringing the DVF Copyrights in any manner, including, but not limited to, reproducing, adapting, and/or displaying the DVF Copyrights by distributing, importing, exporting, advertising, selling, and/or offering for sale, or causing others to do so, any product, including without limitation clothing, bearing a design substantially similar to the DVF Copyrights;

2. That Defendants be required to effectuate the recall, removal, and return from commercial distribution and/or public display of:

(a) Any product bearing a design substantially similar to the DVF Copyrights distributed, imported, exported, advertised, sold, and/or offered for sale by Defendants, their officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under them; and

(b) Any promotional and/or advertising materials, packaging, or other items bearing designs substantially similar to the DVF Copyrights used or displayed by Defendants, their officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under them; and

(c) Any pattern, or other item used by Defendants, their officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under them, to manufacture any product, promotional and/or advertising materials, packaging, or other item bearing designs substantially similar to the DVF Copyrights;

3. That Defendants be required to deliver up for destruction all of the items called for by Paragraph 2 of this Prayer for Relief, above, as well as any remaining products, advertising, packaging, patterns, or other items bearing designs substantially similar to the DVF Copyrights, that are in Defendants' custody or control;

4. That Defendants, within thirty (30) days after service of judgment with notice of entry thereof upon it, be required to file with the Court and serve upon Plaintiff a written report under oath setting forth the details of how Defendants have complied with Paragraphs 1 through 3 of this Prayer for Relief, above;

5. For an award of actual damages sustained by Plaintiff;

6. For an award of Defendants' profits attributable to their copyright infringement;

7. If elected by Plaintiff, for the maximum statutory damages as permitted under the Copyright Act;

8. For such other amounts as may be proper under 17 U.S.C. § 504;

9. For an award of costs and attorneys' fees pursuant to 17 U.S.C. § 505;
10. For prejudgment interest as permitted by law;
11. For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all triable issues raised by this Complaint.

Respectfully submitted,

DATED: April 11, 2007

GREENBERG TRAURIG, LLP

By



Harley I. Lewin (HL 1819)
Scott Gelin (SG 9599)
200 Park Avenue
New York, New York 10166
Tel: (212) 801-9200
Fax: (212) 801-6400

*Attorneys for Plaintiff
Diane von Furstenberg Studio LP*

Exhibit A

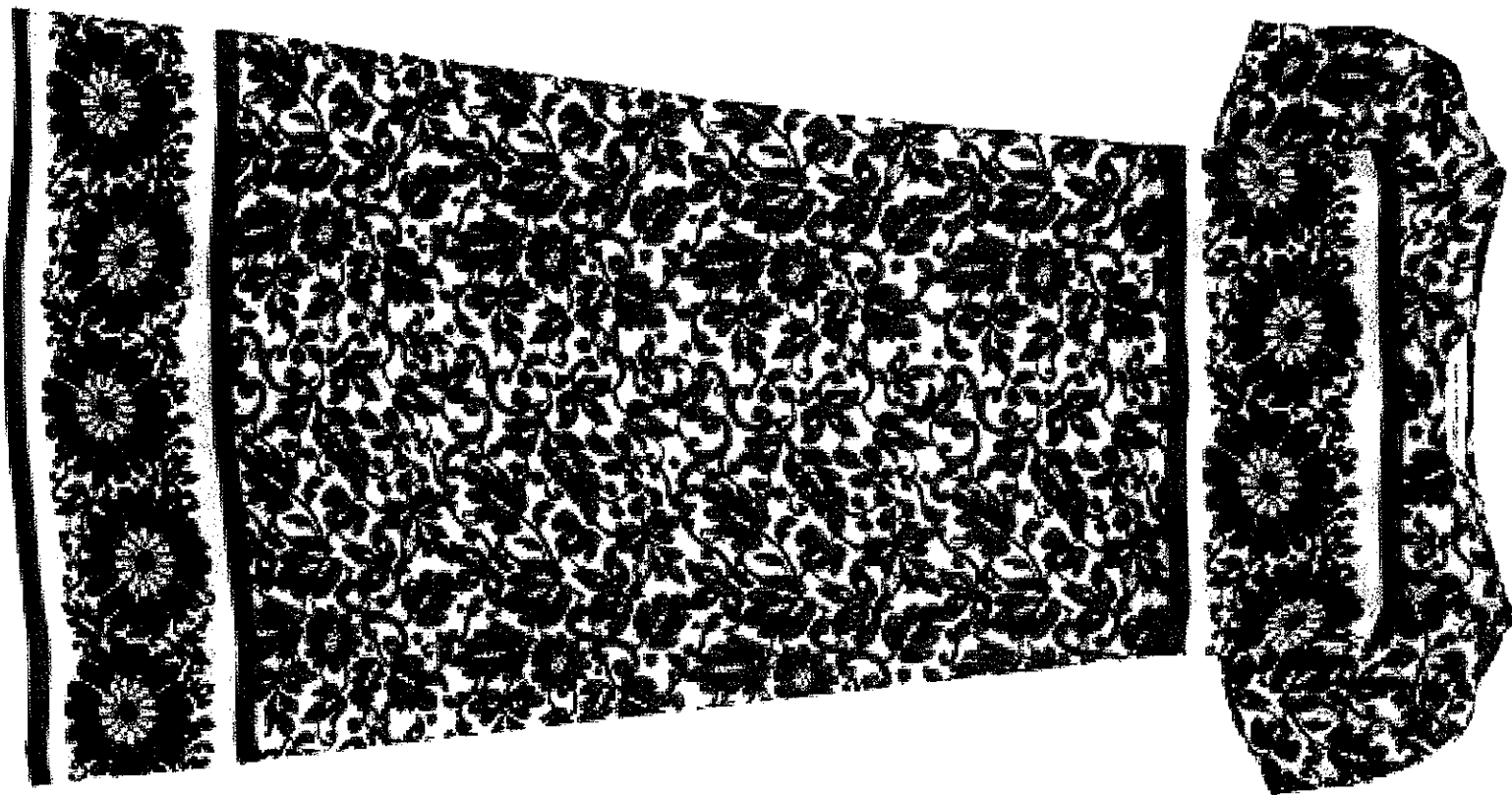
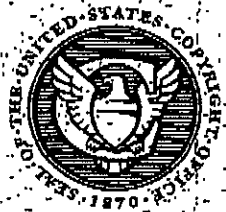


Exhibit B

Certificate of Registration



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.

Marybeth Peters
 Register of Copyrights, United States of America

Form VA
 For a Work of the Visual Arts

VA 1-395-623



EFFECTIVE DATE OF REGISTRATION
MAR 19 2007

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

Title of This Work **NATURE OF THIS WORK** See instructions
 Flower Lace Band Fabric/Items of Clothing

Previous or Alternative Titles

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collected, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date Or Page

2

NAME OF AUTHOR **DATES OF BIRTH AND DEATH**
 a Diane von Furstenberg Studio LP Year Born Year Died

Was this contribution to the work a "work made for hire"? Yes No

Author's Nationality or Domicile
 Name of Country: U.S.A.
 OR Citizen of Domiciled in

Was This Author's Contribution to the Work
 Anonymous? Yes No
 Pseudonymous? Yes No

NOTE

Under the law, the author of a "work made for hire" is generally the employer, not the employee. (see instructions). For any part of this work that was made for hire, check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

Nature of Authorship Check appropriate box(es). See instructions.

3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

Name of Author **Dates of Birth and Death**
 b Year Born Year Died

Was this contribution to the work a "work made for hire"? Yes No

Author's Nationality or Domicile
 Name of Country
 OR Citizen of Domiciled in

Was This Author's Contribution to the Work
 Anonymous? Yes No
 Pseudonymous? Yes No

Nature of Authorship Check appropriate box(es). See instructions.

3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

3

Year in Which Creation of This Work Was Completed 2006 **Date and Nature of First Publication of This Particular Work**
 a Year This information must be given in all cases. b Month April Day 27 Year 2006
 U.S.A. Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Diane von Furstenberg Studio LP

Transfer: If the claimant(s) listed here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED
 MAR 19 2007
 ONE DEPOSIT RECEIVED
 MAR 19 2007
 TWO DEPOSITS RECEIVED
 FUNDS RECEIVED

*Amended by G.O. from phone call to Abigail Klem on March 21, 2007.

EXAMINED BY SPW FORM VA

CHECKED BY _____

CORRESPONDENCE Yes

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

- Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)
a. This is the first published edition of a work previously registered in unpublished form.
b. This is the first application submitted by this author as copyright claimant.
c. This is a changed version of the work, as shown by space 6 on this application.
If your answer is "Yes," give: Previous Registration Number Year of Registration

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

- a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.
b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

6 a b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

- Name Account Number
CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip

7 a b

Abigail Klem, Director of Licensing and Business Development
Diane von Furstenberg Studio L.P., 440 West 14th Street, New York, NY 10014

Area code and daytime telephone number (212) 741-6607 Fax number (212) 741-8273

Email

CERTIFICATION I, the undersigned, hereby certify that I am the

- check only one:
- author
- other copyright claimant
- owner of exclusive rights
- authorized agent of Diane von Furstenberg Studio LP

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Paula Sutter Date March 16, 2007

Handwritten signature (s)

[Handwritten signature]

X

Certificate will be mailed in window envelope to this address:

Name Abigail Klem
Name/Address/Apt Diane von Furstenberg Studio 440 West 14th Street
City/State/ZIP New York, NY 10014

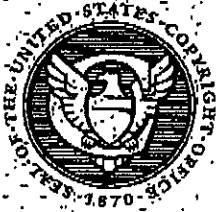
- Complete all necessary options
Sign your application in space 8
1. Application form
2. Non-refundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material
Library of Congress Copyright Office
101 Independence Avenue SE
Washington, DC 20540-6000

9

*17 USC §204(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or if any written statement filed in connection with the application, shall be fined not more than \$2,000.

Exhibit C

Certificate of Registration



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.

Marybeth Peters
Register of Copyrights, United States of America

Form VA
For a Work of the Visual Arts

VA 1-395-624

EFFECTIVE DATE OF REGISTRATION
MAR 19 2007

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

Title of This Work ▼ Small Dentelle

NATURE OF THIS WORK ▼ See instructions
Fabric/Item of Clothing

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Page ▼

2

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer's name for other person for whom the work was prepared as "Author of that part, and leave the space for dates of birth and death.

NAME OF AUTHOR ▼ Diane von Furstenberg Studio LP

DATES OF BIRTH AND DEATH
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes No

Author's Nationality or Domestic Name of Country U.S.A.
OR **Citizen of** U.S.A.
OR **Decided in**

Was This Author's Contribution to the Work
Anonymous? Yes No
Pseudonymous? Yes No

Nature of Authorship Check appropriate box(es). See instructions.
 3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

Name of Author ▼

Dates of Birth and Death
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes No

Author's Nationality or Domestic Name of Country
OR **Citizen of**
OR **Decided in**

Was This Author's Contribution to the Work
Anonymous? Yes No
Pseudonymous? Yes No

Nature of Authorship Check appropriate box(es). See instructions.
 3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

3

Year in Which Creation of This Work Was Completed 2006

Date and Month of First Publication of This Particular Work APRIL 27, 2006

Country in Which Work Was First Published U.S.A.

4

See instructions before completing this space.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼
Diane von Furstenberg Studio LP

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED
MAR 19 2007

ONE DEPOSIT RECEIVED
MAR 19 2007

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

*Amended by C.O. from phone call to Abigail Klem on March 21, 2007.

EXAMINED BY SPW FORM VA

CHECKED BY

CORRESPONDENCE Yes

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

- Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)
a. This is the first published edition of a work previously registered in unpublished form.
b. This is the first application submitted by this author as copyright claimant.
c. This is a changed version of the work, as shown by space 6 on this application.
If your answer is "Yes," give: Previous Registration Number Year of Registration

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.
a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

6 a b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name Account Number

7 a b

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/Zip

Abigail Klem, Director of Licensing and Business Development
Diane von Furstenberg Studio L.P., 440 West 14th Street, New York, NY 10014

Area code and daytime telephone number (212) 741-6607 Fax number (212) 741-8273
Email

CERTIFICATION I, the undersigned, hereby certify that I am the

- check only one:
- author
- other copyright claimant
- owner of exclusive right(s)
- authorized agent of Diane von Furstenberg Studio LP
Name of author or other copyright claimant, or owner of exclusive right(s)

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Paula Sutter Date March 16, 2007

Handwritten signature (X) [Signature]

Certificate will be mailed in window envelope to this address:

Name Abigail Klem
Number/Street/Apt. Diane von Furstenberg Studio 440 West 14th Street
City/State/Zip New York, NY 10014

9
- Complete all necessary spaces
- Sign your application in space 8
1. Application form
2. Nonreturnable first fee in check or money order payable to Register of Copyrights
3. Deposit material
Library of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20540-8000

*17 U.S.C. §508(b): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Exhibit D



Exhibit E

Certificate of Registration



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.

Marybeth Peters
 Register of Copyrights, United States of America

Form VA
 For a Work of the Visual Arts
 UNITED STATES COPYRIGHT OFFICE

VA-1-395-625



DATE OF REGISTRATION
3/19/07

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

Title of This Work **▼**
Mimosa

NATURE OF THIS WORK **▼** See instructions
Fabric/Items of Clothing

Previous or Alternative Title **▼**

Publication as a Contribution If this work was published in a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work **▼**

If published in a periodical or serial, give: Volume **▼** Number **▼** Issue Date **▼** On Page **▼**

2

NOTE
 Under the law, the "author" of a work made for hire is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

a

NAME OF AUTHOR **▼**
Diane von Furstenberg Studio LP

DATES OF BIRTH AND DEATH
 Year Born **▼** Year Died **▼**

Was this contribution to the work a "work made for hire"?
 Yes No

Author's Nationality or domicile:
 Name of Country USA
 OR Citizens of USA
 Domiciled in _____

Was This Author's Contribution to the Work:
 Anonymous? Yes No
 Pseudonymous? Yes No

Nature of Authorship Check appropriate boxes. See instructions
 3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

b

Name of Author **▼**
 Date of Birth and Death
 Year Born **▼** Year Died **▼**

Was this contribution to the work a "work made for hire"?
 Yes No

Author's Nationality or domicile:
 Name of Country _____
 OR Citizens of _____
 Domiciled in _____

Was This Author's Contribution to the Work:
 Anonymous? Yes No
 Pseudonymous? Yes No

Nature of Authorship Check appropriate boxes. See instructions
 3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

3

Year in Which Creative of This Work Was Completed 2005

Date and Month of First Publication of This Particular Work:
 Complete this information ONLY if this work has been published. Month September Day 11 Year 2005
 Country USA

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. **▼**
Diane von Furstenberg Studio LP

Transfer: If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. **▼**

APPLICATION RECEIVED
MAR 19 2007

ONE DEPOSIT RECEIVED
MAR 19 2007

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MOORE ON BACK Complete all applicable spaces (numbers 5-9) on the reverse side of this page. See detailed instructions. Sign the form at line 8.

DO NOT WRITE HERE
 Page 1 of 2 pages

*Amended by C.O. from phone call to Abigail Klem on March 21, 2007.

EXAMINED BY SPW FORM VA

CHECKED BY

CORRESPONDENCE

Yes

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)

a. This is the first published edition of a work previously registered in unpublished form.

b. This is the first application submitted by this author as copyright claimant.

c. This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number

Year of Registration

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Parenting Material Identify any preexisting work or works that this work is based on or incorporates.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

a
See instructions before completing this space.

b

6

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Account Number

a

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip

Abigail Klem, Director of Licensing and Business Development
Diane von Furstenberg Studio L.P., 440 West 14th Street, New York, NY 10014

b

Area code and daytime telephone number (212) 741-6607

Fax number (212) 741-8273

Email

CERTIFICATION I, the undersigned, hereby certify that I am the

check only one

- author
- other copyright claimant
- owner of exclusive right(s)
- authorized agent of Diane von Furstenberg Studio LP

Name of author or other copyright claimant, if owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Paula Sutter

Date March 16, 2007

Handwritten signature (X)

X

Certificate will be mailed in window envelope to this address:

Name

Abigail Klem

Number/Street/Apt

Diane von Furstenberg Studio 440 West 14th Street

City/State/ZIP

New York, NY 10014

Complete all necessary labels
Sign your application in space 9

- 1. Application form
- 2. Non-refundable filing fee in check or money order payable to Register of Copyrights
- 3. Deposit envelope

Library of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20540-4000

9

*17 USC (2002): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written material filed in connection with the application, shall be fined not more than \$2,500.

Exhibit F



Exhibit G

Certificate of Registration



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.

Marybeth Peters

Register of Copyrights, United States of America

Form VA
For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

RE **VAU 711-001**

EFFECTIVE DATE OF REGISTRATION
SEP 11 2006
Month: _____ Day: _____ Year: _____

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

Title of This Work ▼ **NATURE OF THIS WORK** ▼ See Instructions

SCATTERED STONES **Fabric/Items of Clothing**

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: **Volume** ▼ **Number** ▼ **Issue Date** ▼ **On Pages** ▼

2

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided; give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

a **NAME OF AUTHOR** ▼ **DATES OF BIRTH AND DEATH**

Diane von Furstenberg Studio LP **Year Born** ▼ **Year Died** ▼

Was this contribution to the work a "work made for hire"? Yes No

Author's Nationality or Domicile
Name of Country: **U.S.A.**
OR Citizen of _____ Domiciled in _____

Was This Author's Contribution to the Work
Anonymous? Yes No
Pseudonymous? Yes No

Nature of Authorship Check appropriate box(es). See Instructions

3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

b **Name of Author** ▼ **Dates of Birth and Death**

Year Born ▼ **Year Died** ▼

Was this contribution to the work a "work made for hire"? Yes No

Author's Nationality or Domicile
Name of Country: _____
OR Citizen of _____ Domiciled in _____

Was This Author's Contribution to the Work
Anonymous? Yes No
Pseudonymous? Yes No

Nature of Authorship Check appropriate box(es). See Instructions

3-Dimensional sculpture Map Technical drawing
 2-Dimensional artwork Photograph Text
 Reproduction of work of art Jewelry design Architectural work

3

a **Year in Which Creation of This Work Was Completed** **2006**

b **Date and Nation of First Publication of This Particular Work**
Month: _____ Day: _____ Year: _____ Nation: _____

4

See instructions before completing this space.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Diane von Furstenberg Studio LP
389 14th Street
New York, New York 10014

Transfer if the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED 9-11-06
ONE DEPOSIT RECEIVED 9-11-06
TWO DEPOSITS RECEIVED
FUNDS RECEIVED

DO NOT WRITE HERE OFFICE USE ONLY

EXAMINED BY M. H. / W. B. FORM VA
 CHECKED BY _____
 CORRESPONDENCE
 Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)

- a. This is the first published edition of a work previously registered in unpublished form.
- b. This is the first application submitted by this author as copyright claimant.
- c. This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number Year of Registration

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

a 6
See instructions before completing this space.

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name Account Number

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/ City/State/Zip

Abigail Klem, Director of Licensing and New Business
Diane von Furstenberg Studio 389 West 12th Street New York, NY 10014

b

Area code and daytime telephone number (212) 741-6607 Fax number (212) 741-8273
Email _____

CERTIFICATION* I, the undersigned, hereby certify that I am the

check only one author
 other copyright claimant
 owner of exclusive right(s)
 authorized agent of Diane von Furstenberg Studio
Name of author or other copyright claimant, or owner of exclusive right(s).

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Paula Sutter Date August 31, 2006

Handwritten signature (X)

X

Certificate will be mailed in window envelope to this address:

Name Abigail Klem
 Number/Street/Apt Diane von Furstenberg Studio 389 West 12th Street
 City/State/ZIP New York, NY 10014

YOU MUST:
 • Complete all necessary spaces.
 • Sign your application in space 8.
SEND ALL ELEMENTS IN THE SAME PACKAGE:
 1. Application form
 2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
 3. Deposit material.
MAIL TO:
 Library of Congress
 Copyright Office
 101 Independence Avenue SE
 Washington, DC 20558-6000

9

*17 USC §506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

Exhibit H

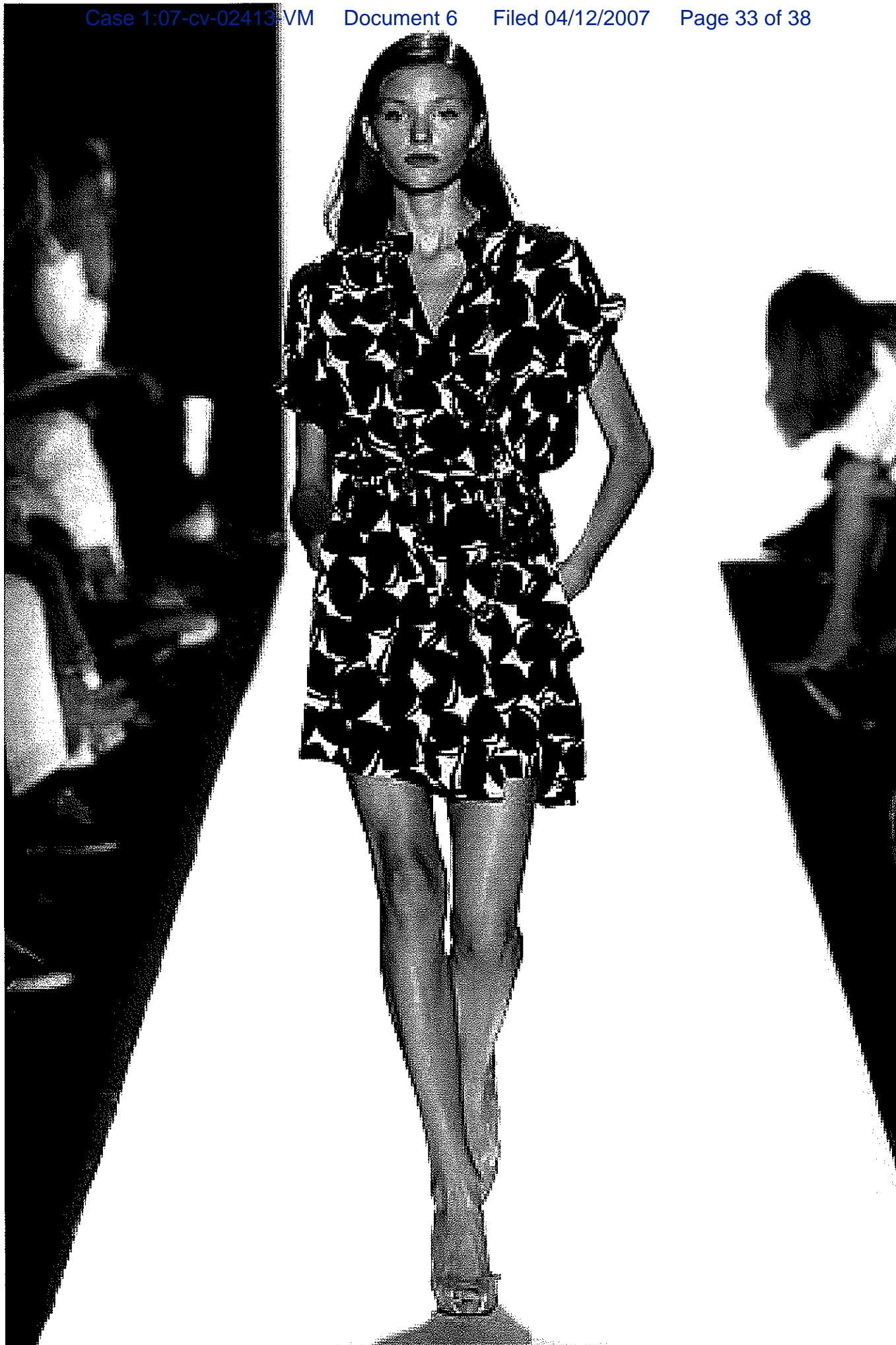




Exhibit I

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Silk Sabrina Dress

List Price: \$32.80

Sophisticated silk dress with cap sleeves and Sabrina neckline. Features smocked top, 33" shoulder to hem length, 100% silk, hand wash cold, Imported
ProductCode: 2035464561

[click swatch to view colors](#)



Color

Size [Size Chart](#)

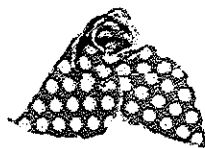
Qty

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complete your look with:



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Sandy Scarf
\$4.80



Strapless Polka Dot Dress
Orig.: \$27.80
Now: \$19.99



Petal to the Metal Necklace
\$5.80

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casual tops dressy tops basics sweaters outerwear pants shorts skirts dresses denim accessories jewelry intimates sale



prev next

Pinecone Dress
List Price: \$24.80

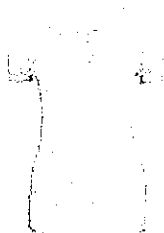
Fun spray print flower dress with raw edged scoop neck and puff sleeves with one button cuff. Adjustable sash ties at waist and two lower front pockets. 100% cotton, machine wash cold, Imported
ProductCode: 2035368585

click swatch to view colors

Color
Size [Size Chart](#)
Qty
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Katherine Top
\$19.80



Shirred Tunic
\$19.80



Sabrina Dress
\$24.80



Details Belt
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[casual tops](#) [dressy tops](#) [basics](#) [sweaters](#) [outerwear](#) [pants](#) [shorts](#) [skirts](#) [dresses](#) [denim](#) [accessories](#) [jewelry](#) [intimates](#) [sale](#)



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[prev](#) [next](#)

Lexi Tunic

\$24.80

Amazing woven tunic with geometric print, ruffled neckline, dual layered cape sleeves with sheer accent, 20" side seam, 100% polyester, hand wash, USA
ProductCode: 2037052809

[click swatch to view colors](#)



Color

Size [Size Chart](#)

Qty

[Add to shopping bag](#)

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complete your look with :



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\$14.80



Leopard Tunic
\$17.80



Silver Thread Tube Top
\$17.80

Wooden Button Studs
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