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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case No.: CV 15-08132

COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF FOR  
COPYRIGHT INFRINGEMENT  
DEMAND FOR JURY TRIAL  
(F.R.C.P. Rule 38)

CHRIS MARTIN, an individual  
Plaintiff,  
vs.  
RALPH LAUREN CORPORATION;  
MACY'S INC., and DOES 1-10,  
Inclusive,  
Defendants

JURISDICTION AND VENUE

1. The present action arises under the Copyright Act, Title 17, Section 101, et seq., of the United States Code.

2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1338

(a) and (b).

3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions

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giving rise to the claims occurred.

**PARTIES**

4. Plaintiff Chris Martin is an individual living in Long Beach, CA, with his principal place of business at 7125 E. Mezzanine Way, Long Beach, CA 90808.

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6. Plaintiff is informed and believes and thereon alleges that Defendant RALPH LAUREN CORPORATION is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 9 Polito Avenue, Lyndhurst, NJ 07071, and is doing business in and with the state of California.

7. Plaintiff is informed and believes and thereon alleges that Defendant MACY'S, INC. ("MACY'S") is a corporation organized and existing under the laws of the state of Delaware, with its principal place of business located at 7 West Seventh Street Cincinnati, Ohio 45202, and is doing business in and with the state of California.

8. Plaintiff is informed and believes, and on that basis alleges, that various persons and entities, whose names are presently unknown to Plaintiff, participated in and are liable for the wrongful acts set forth herein. Plaintiff will seek leave of Court to amend the Complaint to add such persons and entities as Defendants and to allege the exact nature of their wrongful conduct when such information has been ascertained.

9. Plaintiff is informed and believes, and on that basis allege, that in connection with the acts set forth herein, each of the Defendants acted willfully, intentionally, and knowingly, both for himself, herself, or itself, and in concert with each other defendant, and as an agent for each other defendant, and was at all times acting within the course and scope of such agency, with the consent, authorization and/or

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1 ratification of each other defendant, and in furtherance of a common scheme to  
2 infringe the copyrights, and other valuable rights of Plaintiff.

3 **FACTS COMMONS TO CAUSES OF ACTION**

4 10. Plaintiff is engaged in the business of, *inter alia*, designing and selling apparel  
5 with original graphics, such as t-shirts to the public. Plaintiff also designs and  
6 licenses his graphics to other clothing companies, such as Levi's, Lucky Brands,

7 and Vans.

8 11. Plaintiff owns the five original two-dimensional designs used listed below and  
9 collectively referred to as the "Martin Designs":



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Wall of Death



Thunderbird



Dirty Devil



Design E



Triton

12. Each of the Designs was widely distributed and were visible on Plaintiff's

website located at [www.LastMatchStudios.Com](http://www.LastMatchStudios.Com).

13. Plaintiff is informed and believes and thereon alleges that following its

distribution of the Martin Designs, Ralph Lauren, Macy's and DOE Defendants,

and each of them distributed and/or sold fabric and/or garments featuring designs

which are substantially similar to the Martin Designs (hereinafter "Subject Product

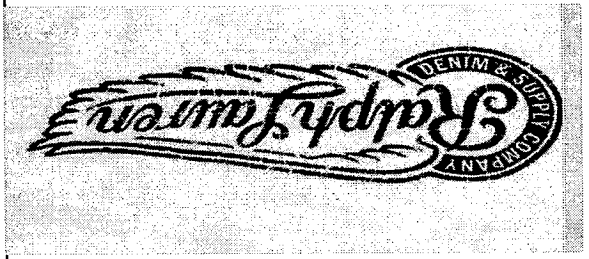
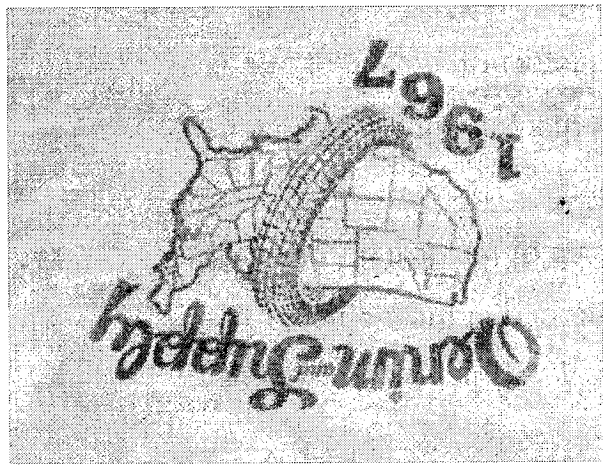
A") without Plaintiff's authorization. Below is a comparison of the Martin

Designs and the Infringing Designs.

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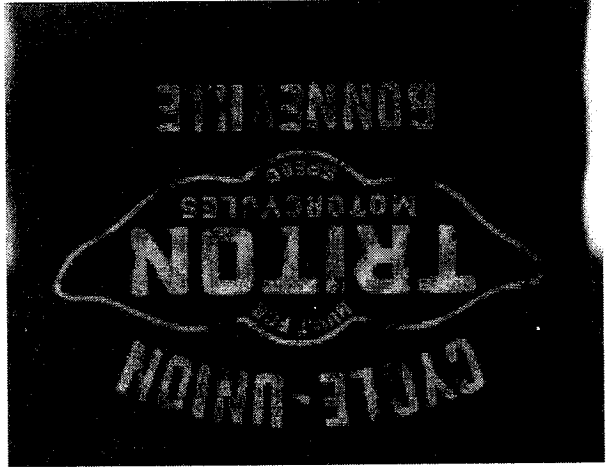
14. The above comparison makes apparent that the elements, composition, colors, arrangement, layout, and appearance of the designs at issue are substantially similar.

15. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of Plaintiff's rights, and/or in blatant disregard for Plaintiff's rights.



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15. It is apparent from comparing the shirts that the designers at Ralph Lauren shamelessly copied the Martin Designs in preparing the Infringing Designs.

FIRST CLAIM FOR RELIEF

For Copyright Infringement Against All Defendants

16. Plaintiff re-allege and incorporate by reference, as though set forth in full, paragraphs 1 through 15 above as though fully set forth herein.

17. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Martin Designs.

18. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s) has an ongoing business relationship with Defendant retailers, and each of them, and supplied garments to said retailers, which garments infringed the Martin Design in that said garments featured unauthorized print design(s) that were identical or substantially similar to the Martin Design, or were an illegal derivation or modification thereof.

19. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, infringed Plaintiff's copyrights by creating, making, and/or developing directly infringing and/or derivative works from the Martin Designs and by producing, distributing and/or selling garments which infringe the Martin

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1 Designs through a nationwide network of retail stores, catalogues, and through on-

2 line websites.

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4 20. By reason of the foregoing, Plaintiff has sustained, and will continue to sustain,  
5 substantial and irreparable injuries, loss and damage to its copyright.

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7 21. Due to Defendants' acts of copyright infringement as alleged herein,

8 Defendants, and each of them, have obtained direct and indirect profits they would

9 not otherwise have realized but for their infringement of the Martin Designs. As

10 such, Plaintiff is entitled to disgorgement of Defendants' profits directly and

11 indirectly attributable to Defendants' infringement of the Martin Designs in an

12 amount to be established at trial.

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14 WHEREFORE, Plaintiff Chris Martin prays for judgment against

15 Defendants as follows:

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17 1. That Defendants be required to pay Plaintiff such damages as Plaintiff

18 has sustained or will sustain by reason of Defendant's conduct, and to account for

19 all gains, profits and advantages derived by Defendant from such conduct.

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21 2. That all items which infringe Plaintiff's copyright be impounded

22 surrendered up and forfeited to Plaintiff for destruction or other disposition.

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24 3. That Defendants and Defendants' agents, servants, and employees,

25 and each of them, and all persons acting in concert and participation with them, be

enjoined and restrained during the pendency of this action and permanently

thereafter from infringing any and all of the copyrights in his designs by, among

other things, acquiring, copying, manufacturing, distributing, and selling clothing

that infringe Plaintiff's design; and

4. That Defendants be required to pay to Plaintiff its costs incurred in

connection with the prosecution of this action; and

5. For such other and further relief as the Court deems appropriate.

DATED: October 15, 2015 LAW OFFICES OF LARRY ZERNER

By: /s/ Larry Zerner

Larry Zerner

Attorney for Plaintiff

Chris Martin

DEMAND FOR TRIAL BY JURY

Plaintiff Chris Martin pursuant to Rule 38 of the Federal Rules of Civil

Procedure hereby demands trial by jury of all issues so triable in the present action.

DATED: October 15, 2015 LAW OFFICES OF LARRY ZERNER

By: /s/ Larry Zerner

Larry Zerner

Attorney for Plaintiff

Chris Martin

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