

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	<b>REPORT ON THE                  FILING OR DETERMINATION OF AN                  ACTION REGARDING A PATENT OR                  TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Nevada on the following  Patents or  Trademarks:

DOCKET NO. 2:08-CV-01160-ECR	DATE FILED 9/2/2008	U.S. DISTRICT COURT Nevada
PLAINTIFF Minka Lighting, Inc.		DEFENDANT Northern Central Distributing, Inc., et al. (See Complaint for all Parties)
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See Complaint		
2 D535,052		
3 D532,547 <sup>3</sup>		
4 D531,348		
5 D529,224		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Filing	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See Complaint		
2 D530,848		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK /s/ Lance S. Wilson	(BY) DEPUTY CLERK /s/ Aaron S. Blazeovich	DATE 9/3/2008
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

1 50. Minka offers for sale and sells lighting fixtures under the "TREVILLE"  
2 trademark that incorporate the design claimed in the '348 Patent throughout the United States,  
3 including in this District.

4 51. Minka has not licensed any of its rights in the '348 Patent to Defendants.

5 52. On information and belief, Defendants have been and still are manufacturing,  
6 importing, using, distributing, offering to sell and/or selling lighting fixtures that infringe the  
7 claim of the '348 Patent throughout the United States, including in this District.

8 53. On information and belief, Defendants, without license from Minka, have  
9 applied and are applying the patented design of the '348 Patent or a colorable imitation thereof  
10 to certain lighting fixtures for the purpose of sale.

11 54. On information and belief, Defendants, without license from Minka, have sold  
12 and offered for sale and are selling and/or offering for sale lighting fixtures to which the  
13 patented design of the '348 Patent or a colorable imitation thereof has been applied, including  
14 without limitation, lighting fixtures containing chandelier arms sold under the trademark  
15 "WHISPERING PINE" for the purpose of sale. A photograph of a representative lighting  
16 fixture manufactured, imported, distributed, offered for sale and/or sold by Defendants is  
17 attached as Plaintiff's Exhibit 6 and incorporated by reference herein.

18 55. On information and belief, the activities of Defendants have been for the  
19 purpose of infringing, either directly or indirectly, the claim of the '348 Patent.

20 56. On information and belief, Defendants have been and still are literally infringing  
21 the '348 Patent by manufacturing, importing, distributing, using, offering to sell and/or selling  
22 lighting fixtures within the scope of the claim of the '348 Patent.

23 57. On information and belief, Defendants have been and still are infringing the '348  
24 Patent under the Doctrine of Equivalents by manufacturing, importing, distributing, using,  
25 offering to sell and/or selling lighting fixtures that are equivalent to the design within the scope  
26 of the claim of the '348 Patent.

27 58. On information and belief, the actions of Defendants were done with actual or  
28 constructive knowledge of the '348 Patent.

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1 59. The infringing acts of Defendants have been the actual and proximate cause of  
2 damage to Minka. Minka has sustained damages and will continue to sustain damages as a  
3 result of Defendants' infringement of the '348 Patent.

4 60. Minka has no adequate remedy at law. Defendants will continue to infringe the  
5 '348 Patent unless the Court enjoins Defendants' infringing acts.

6 **COUNT IV**  
7 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D529,224**

8 61. Minka repeats and realleges the allegations of Paragraphs 1 through 60 as if  
9 fully set forth herein.

10 62. Minka is the sole owner of U.S. Design Patent No. D529,224 entitled "Portion  
11 of Chandelier" (the "'224 Patent"), which issued on September 26, 2006. A true and correct  
12 copy of the '224 Patent is attached as Plaintiff's Exhibit 7 and incorporated by reference herein.

13 63. Minka has complied with all obligations imposed by U.S. patent laws relating to  
14 the '224 Patent and is entitled to enforce all rights, title and interest in the '224 Patent.

15 64. Minka offers for sale and sells lighting fixtures under the "TREVILLE"  
16 trademark that incorporate the design claimed in the '224 Patent throughout the United States,  
17 including in this District.

18 65. Minka has not licensed any of its rights in the '224 Patent to the Defendants.

19 66. On information and belief, Defendants have been and still are manufacturing,  
20 importing, using, distributing, offering to sell and/or selling lighting fixtures that infringe the  
21 claim of the '224 Patent throughout the United States, including in this District.

22 67. On information and belief, Defendants, without license from Minka, have  
23 applied and are applying the patented design of the '224 Patent or a colorable imitation thereof  
24 to certain lighting fixtures for the purpose of sale.

25 68. On information and belief, Defendants, without license from Minka, have sold  
26 and offered for sale and are selling and/or offering for sale lighting fixtures to which the  
27 patented design of the '224 Patent or a colorable imitation thereof has been applied, including  
28 without limitation, lighting fixtures sold under the trademark "WHISPERING PINE" for the

1 purpose of sale. A photograph of a representative lighting fixture manufactured, imported,  
2 distributed, offered for sale and/or sold by Defendants is attached as Plaintiff's Exhibit 6 and  
3 incorporated by reference herein.

4 69. On information and belief, the activities of Defendants have been for the  
5 purpose of infringing, either directly or indirectly, the claim of the '224 Patent.

6 70. On information and belief, Defendants have been and still are literally infringing  
7 the '224 Patent by manufacturing, importing, distributing, using, offering to sell and/or selling  
8 lighting fixtures within the scope of the claim of the '224 Patent.

9 71. On information and belief, Defendants have been and still are infringing the '224  
10 Patent under the Doctrine of Equivalents by manufacturing, importing, distributing, using,  
11 offering to sell and/or selling lighting fixtures that are equivalent to the design within the scope  
12 of the claim of the '224 Patent.

13 72. On information and belief, the actions of Defendants were done with actual or  
14 constructive knowledge of the '224 Patent.

15 73. The infringing acts of Defendants have been the actual and proximate cause of  
16 damage to Minka. Minka has sustained damages and will continue to sustain damages as a  
17 result of Defendants' infringement of the '224 Patent.

18 74. Minka has no adequate remedy at law. Defendants will continue to infringe the  
19 '224 Patent unless the Court enjoins Defendants' infringing acts.

20 **COUNT V**  
21 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D530,848**

22 75. Minka repeats and realleges the allegations of Paragraphs 1 through 74 as if  
23 fully set forth herein.

24 76. Minka is the sole owner of U.S. Design Patent No. D530,848 entitled "Portion  
25 of Chandelier Stem" (the "'848 Patent"), which issued on October 24, 2006. A true and correct  
26 copy of the '848 Patent is attached as Plaintiff's Exhibit 8 and incorporated by reference herein.

27 77. Minka has complied with all obligations imposed by U.S. patent laws relating to  
28 the '848 Patent and is entitled to enforce all rights, title and interest in the '848 Patent.

1 78. Minka offers for sale and sells lighting fixtures under the "TREVILLE"  
2 trademark that incorporate the design claimed in the '848 Patent throughout the United States,  
3 including in this District.

4 79. Minka has not licensed any of its rights in the '848 Patent to the Defendants.

5 80. On information and belief, Defendants have been and still are manufacturing,  
6 importing, using, distributing, offering to sell and/or selling lighting fixtures that infringe the  
7 claim of the '848 Patent throughout the United States, including in this District.

8 81. On information and belief, Defendants, without license from Minka, have  
9 applied and are applying the patented design of the '848 Patent or a colorable imitation thereof  
10 to certain lighting fixtures for the purpose of sale.

11 82. On information and belief, Defendants, without license from Minka, have sold  
12 and offered for sale and are selling and/or offering for sale lighting fixtures to which the  
13 patented design of the '848 Patent or a colorable imitation thereof has been applied, including  
14 without limitation, lighting fixtures sold under the trademark "WHISPERING PINE" for the  
15 purpose of sale. A photograph of a representative lighting fixture manufactured, imported,  
16 distributed, offered for sale and/or sold by Defendants is attached as Plaintiff's Exhibit 6 and  
17 incorporated by reference herein.

18 83. On information and belief, the activities of Defendants have been for the  
19 purpose of infringing, either directly or indirectly, the claim of the '848 Patent.

20 84. On information and belief, Defendants have been and still are literally infringing  
21 the '848 Patent by manufacturing, importing, distributing, using, offering to sell and/or selling  
22 lighting fixtures within the scope of the claim of the '848 Patent.

23 85. On information and belief, Defendants have been and still are infringing the '848  
24 Patent under the Doctrine of Equivalents by manufacturing, importing, distributing, using,  
25 offering to sell and/or selling lighting fixtures that are equivalent to the design within the scope  
26 of the claim of the '848 Patent.

27 86. On information and belief, the actions of Defendants were done with actual or  
28 constructive knowledge of the '848 Patent.

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1 87. The infringing acts of Defendants have been the actual and proximate cause of  
2 damage to Minka. Minka has sustained damages and will continue to sustain damages as a  
3 result of Defendants' infringement of the '848 Patent.

4 88. Minka has no adequate remedy at law. Defendants will continue to infringe the  
5 '848 Patent unless the Court enjoins Defendants' infringing acts.

6 **COUNT VI**  
7 **INFRINGEMENT OF TREVILLE 5360 SCULPTURE COPYRIGHT**

8 89. Minka repeats and realleges the allegations contained in Paragraphs 1 through  
9 88 as if fully set forth herein.

10 90. Minka is the author of an original three-dimensional sculptural work entitled  
11 Treville 5360 Sculpture ("Treville 5360 Copyrighted Work").

12 91. Minka owns all copyright rights in the Treville 5360 Copyrighted Work.

13 92. Minka registered its copyright in the Treville 5360 Copyrighted Work with the  
14 United States Copyright Office as follows:

15 U.S. Registration No.	Title	Registration Date
16 VA 1-352-556	Treville 5360 Sculpture	March 16, 2006

17 93. A true and correct copy of the Certificate of Registration is attached as  
18 Plaintiff's Exhibit 9 and incorporated by reference herein.

19 94. Minka is the sole and lawful owner of all rights, title, and interest in and to the  
20 copyright in the Treville 5360 Copyrighted Work and the related Registration.

21 95. The copyright in the Treville 5360 Copyrighted Work is presently valid and  
22 subsisting and has been valid and subsisting at all times since its inception.

23 96. Minka has never authorized the Defendants to copy, reproduce, create derivative  
24 works based on, distribute unauthorized copies of, or publicly display the Treville 5360  
25 Copyrighted Work.

26 97. On information and belief, commencing on a date unknown and continuing to  
27 the present, Defendants, willfully and without authority, have reproduced and/or caused the  
28 reproduction of Minka's Treville 5360 Copyrighted Work; and/or have caused another to

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1 manufacture for them unauthorized copies of Minka's Treville 5360 Copyrighted Work; and/or  
2 have created or caused to be created derivative works based on Minka's Treville 5360  
3 Copyrighted Work; and/or have advertised, distributed, offered for sale and/or publicly  
4 displayed such unauthorized copies throughout the United States, including in this District, in  
5 violation of the Copyright Act of 1976, as amended (17 U.S.C. § 101 et seq).

6 98. On information and belief, Defendants have infringed for profit Minka's  
7 copyright by copying (or inducing another to copy) Minka's Treville 5360 Copyrighted Work;  
8 by selling and distributing (or inducing another to sell and distribute) said unauthorized copies;  
9 by publicly displaying (or inducing another to publicly display) said unauthorized copies; by  
10 creating (or inducing another to create) derivative works based on Minka's Treville 5360  
11 Copyrighted Work; and/or by otherwise exploiting their infringing works, knowing that the  
12 infringing works are copied from and strikingly or substantially similar to Minka's Treville  
13 5360 Copyrighted Work, including without limitation, Defendants' images shown in Plaintiff's  
14 Exhibit 2.

15 99. On information and belief, Defendants had access to Minka's Treville 5360  
16 Copyrighted Work prior to the time that Defendants created their infringing works.

17 100. On information and belief, Defendants' acts were done with actual or  
18 constructive knowledge of Minka's copyright and constitute willful and malicious infringement  
19 of those rights.

20 101. Defendants are liable to Minka for all such damages (whether actual, statutory  
21 or otherwise), additional profits, fees and costs as Minka is entitled to recover pursuant to §§  
22 504 and 505 of the Copyright Act of 1976, as amended.

23 102. The foregoing acts of Defendants have caused Minka irreparable harm. Unless  
24 enjoined, Defendants' acts as alleged herein will continue to cause Minka irreparable harm, loss  
25 and injury.  
26  
27  
28

**COUNT VII**  
**INFRINGEMENT OF TREVILLE 1370 KEYHOLE COPYRIGHT**

103. Minka repeats and realleges the allegations contained in Paragraphs 1 through 102 as if fully set forth herein.

104. Minka is the author of an original three-dimensional sculptural work entitled Treville 1370 Keyhole ("Treville 1370 Copyrighted Work").

105. Minka owns all copyright rights in the Treville 1370 Copyrighted Work.

106. Minka registered its copyright in the Treville 1370 Copyrighted Work with the United States Copyright Office as follows:

U.S. Registration No.	Title	Registration Date
VA 1-395-136	Treville 1370 Keyhole	June 27, 2006

107. A true and correct copy of the Certificate of Registration is attached as Plaintiff's Exhibit 10 and incorporated by reference herein.

108. Minka is the sole and lawful owner of all rights, title, and interest in and to the copyright in the Treville 1370 Copyrighted Work and the related Registration.

109. The copyright in the Treville 1370 Copyrighted Work is presently valid and subsisting and has been valid and subsisting at all times since its inception.

110. Minka has never authorized the Defendants to copy, reproduce, create derivative works based on, distribute unauthorized copies of, or publicly display the Treville 1370 Copyrighted Work.

111. On information and belief, commencing on a date unknown and continuing to the present, Defendants, willfully and without authority, have reproduced and/or caused the reproduction of Minka's Treville 1370 Copyrighted Work; and/or have caused another to manufacture for them unauthorized copies of Minka's Treville 1370 Copyrighted Work; and/or have created or caused to be created derivative works based on Minka's Treville 1370 Copyrighted Work; and/or have advertised, distributed, offered for sale and/or publicly displayed such unauthorized copies throughout the United States, including in this District, in violation of the Copyright Act of 1976, as amended (17 U.S.C. § 101 et seq).

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1           120. Minka registered its copyright in the Treville Sculpture A Copyrighted Work  
2 with the United States Copyright Office as follows:

3           U.S. Registration No.	Title	Registration Date
4           VA 1-349-444	Treville Sculpture A	November 9, 2005

5           121. A true and correct copy of the Certificate of Registration is attached as  
6 Plaintiff's Exhibit 12 and incorporated by reference herein.

7           122. Minka is the sole and lawful owner of all rights, title, and interest in and to the  
8 copyright in the Treville Sculpture A Copyrighted Work and the related Registration.

9           123. The copyright in the Treville Sculpture A Copyrighted Work is presently valid  
10 and subsisting and has been valid and subsisting at all times since its inception.

11           124. Minka has never authorized the Defendants to copy, reproduce, create derivative  
12 works based on, distribute unauthorized copies of, or publicly display the Treville Sculpture A  
13 Copyrighted Work.

14           125. On information and belief, commencing on a date unknown and continuing to  
15 the present, Defendants, willfully and without authority, have reproduced and/or caused the  
16 reproduction of Minka's Treville Sculpture A Copyrighted Work; and/or have caused another  
17 to manufacture for them unauthorized copies of Minka's Treville Sculpture A Copyrighted  
18 Work; and/or have created or caused to be created derivative works based on Minka's Treville  
19 Sculpture A Copyrighted Work; and/or have advertised, distributed, offered for sale and/or  
20 publicly displayed such unauthorized copies throughout the United States, including in this  
21 District, in violation of the Copyright Act of 1976, as amended (17 U.S.C. § 101 et seq).

22           126. On information and belief, Defendants have infringed for profit Minka's  
23 copyright by copying (or inducing another to copy) Minka's Treville Sculpture A Copyrighted  
24 Work; by selling and distributing (or inducing another to sell and distribute) said unauthorized  
25 copies; by publicly displaying (or inducing another to publicly display) said unauthorized  
26 copies; by creating (or inducing another to create) derivative works based on Minka's Treville  
27 Sculpture A Copyrighted Work; and/or by otherwise exploiting their infringing works,  
28 knowing that the infringing works are copied from and strikingly or substantially similar to

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1 Minka's Treville Sculpture A Copyrighted Work, including without limitation, Defendants'  
2 images shown in Plaintiff's Exhibit 6.

3 127. On information and belief, Defendants had access to Minka's Treville Sculpture  
4 A Copyrighted Work prior to the time that Defendants created their infringing works.

5 128. On information and belief, Defendants' acts were done with actual or  
6 constructive knowledge of Minka's copyright and constitute willful and malicious infringement  
7 of those rights.

8 129. Defendants are liable to Minka for all such damages (whether actual, statutory  
9 or otherwise), additional profits, fees and costs as Minka is entitled to recover pursuant to §§  
10 504 and 505 of the Copyright Act of 1976, as amended.

11 130. The foregoing acts of Defendants have caused Minka irreparable harm. Unless  
12 enjoined, Defendants' acts as alleged herein will continue to cause Minka irreparable harm, loss  
13 and injury.

14 **COUNT IX**  
15 **INFRINGEMENT OF TREVILLE 1376 COMPONENT COPYRIGHT**

16 131. Minka repeats and realleges the allegations contained in Paragraphs 1 through  
17 130 as if fully set forth herein.

18 132. Minka is the author of an original three-dimensional sculptural work entitled  
19 Treville 1376 Component ("Treville 1376 Copyrighted Work").

20 133. Minka owns all of the copyright rights in the Treville 1376 Copyrighted Work.

21 134. Minka registered its copyright in the Treville 1376 Copyrighted Work with the  
22 United States Copyright Office as follows:

23 U.S. Registration No.	Title	Registration Date
24 VA 1-379-112	Treville 1376 Component	August 22, 2006

25 135. A true and correct copy of the Certificate of Registration is attached as  
26 Plaintiff's Exhibit 13 and incorporated by reference herein.

27 136. Minka is the sole and lawful owner of all rights, title, and interest in and to the  
28 copyright in the Treville 1376 Copyrighted Work and the related Registration.



1 137. The copyright in the Treville 1376 Copyrighted Work is presently valid and  
2 subsisting and has been valid and subsisting at all times since its inception.

3 138. Minka has never authorized the Defendants to copy, reproduce, create derivative  
4 works based on, distribute unauthorized copies of, or publicly display the Treville 1376  
5 Copyrighted Work.

6 139. On information and belief, commencing on a date unknown and continuing to  
7 the present, Defendants, willfully and without authority, have reproduced and/or caused the  
8 reproduction of Minka's Treville 1376 Copyrighted Work; and/or have caused another to  
9 manufacture for them unauthorized copies of Minka's Treville 1376 Copyrighted Work; and/or  
10 have created or caused to be created derivative works based on Minka's Treville 1376  
11 Copyrighted Work; and/or have advertised, distributed, offered for sale and/or publicly  
12 displayed such unauthorized copies throughout the United States, including in this District, in  
13 violation of the Copyright Act of 1976, as amended (17 U.S.C. § 101 et seq).

14 140. On information and belief, Defendants have infringed for profit Minka's  
15 copyright by copying (or inducing another to copy) Minka's Treville 1376 Copyrighted Work;  
16 by selling and distributing (or inducing another to sell and distribute) said unauthorized copies;  
17 by publicly displaying (or inducing another to publicly display) said unauthorized copies; by  
18 creating (or inducing another to create) derivative works based on Minka's Treville 1376  
19 Copyrighted Work; and/or by otherwise exploiting their infringing works, knowing that the  
20 infringing works are copied from and strikingly or substantially similar to Minka's Treville  
21 1376 Copyrighted Work, including without limitation, Defendants' images shown in Plaintiff's  
22 Exhibit 4.

23 141. On information and belief, Defendants had access to Minka's Treville 1376  
24 Sculpture Copyrighted Work prior to the time that Defendants created their infringing works.

25 142. On information and belief, Defendants' acts were done with actual or  
26 constructive knowledge of Minka's copyright and constitute willful and malicious infringement  
27 of those rights.  
28

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1 143. Defendants are liable to Minka for all such damages (whether actual, statutory  
2 or otherwise), additional profits, fees and costs as Minka is entitled to recover pursuant to §§  
3 504 and 505 of the Copyright Act of 1976, as amended.

4 144. The foregoing acts of Defendants have caused Minka irreparable harm. Unless  
5 enjoined, Defendants' acts as alleged herein will continue to cause Minka irreparable harm, loss  
6 and injury.

7 **COUNT X**  
8 **INFRINGEMENT OF TREVILLE COMPONENT**  
9 **COPYRIGHT**

10 145. Minka repeats and realleges the allegations contained in Paragraphs 1 through  
11 144 as if fully set forth herein.

12 146. Minka is the author of an original three-dimensional sculptural work entitled  
13 Treville Component ("Treville Component Copyrighted Work").

14 147. Minka owns all of the copyright rights in the Treville Component Copyrighted  
15 Work.

16 148. Minka registered its copyright in the Treville Component Copyrighted Work  
17 with the United States Copyright Office as follows:

U.S. Registration No.	Title	Registration Date
VA 1-348-229	Treville Component	November 9, 2005

18  
19 149. A true and correct copy of the Certificate of Registration is attached as  
20 Plaintiff's Exhibit 14 and incorporated by reference herein.

21 150. Minka is the sole and lawful owner of all rights, title, and interest in and to the  
22 copyright in the Treville Component Copyrighted Work and the related Registration.

23 151. The copyright in the Treville Component Copyrighted Work is presently valid  
24 and subsisting and has been valid and subsisting at all times since its inception.

25 152. Minka has never authorized the Defendants to copy, reproduce, create derivative  
26 works based on, distribute unauthorized copies of, or publicly display the Treville Component  
27 Copyrighted Work.  
28

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1           153. On information and belief, commencing on a date unknown and continuing to  
2 the present, Defendants, willfully and without authority, have reproduced and/or caused the  
3 reproduction of Minka's Treville Component Copyrighted Work; and/or have caused another to  
4 manufacture for them unauthorized copies of Minka's Treville Component Copyrighted Work;  
5 and/or have created or caused to be created derivative works based on Minka's Treville  
6 Component Copyrighted Work; and/or have advertised, distributed, offered for sale and/or  
7 publicly displayed such unauthorized copies throughout the United States, including in this  
8 District, in violation of the Copyright Act of 1976, as amended (17 U.S.C. § 101 et seq).

9           154. On information and belief, Defendants have infringed for profit Minka's  
10 copyright by copying (or inducing another to copy) Minka's Treville Component Copyrighted  
11 Work; by selling and distributing (or inducing another to sell and distribute) said unauthorized  
12 copies; by publicly displaying (or inducing another to publicly display) said unauthorized  
13 copies; by creating (or inducing another to create) derivative works based on Minka's Treville  
14 Component Copyrighted Work; and/or by otherwise exploiting their infringing works, knowing  
15 that the infringing works are copied from and strikingly or substantially similar to Minka's  
16 Treville Component Copyrighted Work, including without limitation, Defendants' images  
17 shown in Plaintiff's Exhibit 6.

18           155. On information and belief, Defendants had access to Minka's Treville  
19 Component Copyrighted Work prior to the time that Defendants created their infringing works.

20           156. On information and belief, Defendants' acts were done with actual or  
21 constructive knowledge of Minka's copyright and constitute willful and malicious infringement  
22 of those rights.

23           157. Defendants are liable to Minka for all such damages (whether actual, statutory  
24 or otherwise), additional profits, fees and costs as Minka is entitled to recover pursuant to §§  
25 504 and 505 of the Copyright Act of 1976, as amended.

26           158. The foregoing acts of Defendants have caused Minka irreparable harm. Unless  
27 enjoined, Defendants' acts as alleged herein will continue to cause Minka irreparable harm, loss  
28 and injury.

**COUNT XI  
INFRINGEMENT OF TREVILLE 1376 SCULPTURE  
COPYRIGHT**

159. Minka repeats and realleges the allegations contained in Paragraphs 1 through 158 as if fully set forth herein.

160. Minka is the author of an original three-dimensional sculptural work entitled Treville 1376 Sculpture ("Treville 1376 Sculpture Copyrighted Work").

161. Minka owns all of the copyright rights in the Treville 1376 Sculpture Copyrighted Work.

162. Minka registered its copyright in the Treville 1376 Sculpture Copyrighted Work with the United States Copyright Office as follows:

U.S. Registration No.	Title	Registration Date
VA 1-379-111	Treville 1376 Sculpture	August 22, 2006

163. A true and correct copy of the Certificate of Registration is attached as Plaintiff's Exhibit 15 and incorporated by reference herein.

164. Minka is the sole and lawful owner of all rights, title, and interest in and to the copyright in the Treville 1376 Sculpture Copyrighted Work and the related Registration.

165. The copyright in the Treville 1376 Sculpture Copyrighted Work is presently valid and subsisting and has been valid and subsisting at all times since its inception.

166. Minka has never authorized the Defendants to copy, reproduce, create derivative works based on, distribute unauthorized copies of, or publicly display the Treville 1376 Sculpture Copyrighted Work.

167. On information and belief, commencing on a date unknown and continuing to the present, Defendants, willfully and without authority, have reproduced and/or caused the reproduction of Minka's Treville 1376 Sculpture Copyrighted Work; and/or have caused another to manufacture for them unauthorized copies of Minka's Treville 1376 Sculpture Copyrighted Work; and/or have created or caused to be created derivative works based on Minka's Treville 1376 Sculpture Copyrighted Work; and/or have advertised, distributed, offered for sale and/or publicly displayed such unauthorized copies throughout the United

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1 States, including in this District, in violation of the Copyright Act of 1976, as amended (17  
2 U.S.C. § 101 et seq).

3 168. On information and belief, Defendants have infringed for profit Minka's  
4 copyright by copying (or inducing another to copy) Minka's Treville 1376 Sculpture  
5 Copyrighted Work; by selling and distributing (or inducing another to sell and distribute) said  
6 unauthorized copies; by publicly displaying (or inducing another to publicly display) said  
7 unauthorized copies; by creating (or inducing another to create) derivative works based on  
8 Minka's Treville 1376 Sculpture Copyrighted Work; and/or by otherwise exploiting their  
9 infringing works, knowing that the infringing works are copied from and strikingly or  
10 substantially similar to Minka's Treville 1376 Sculpture Copyrighted Work, including without  
11 limitation, Defendants' images shown in Plaintiff's Exhibit 6.

12 169. On information and belief, Defendants had access to Minka's Treville 1376  
13 Sculpture Copyrighted Work prior to the time that Defendants created their infringing works.

14 170. On information and belief, Defendants' acts were done with actual or  
15 constructive knowledge of Minka's copyright and constitute willful and malicious infringement  
16 of those rights.

17 171. Defendants are liable to Minka for all such damages (whether actual, statutory  
18 or otherwise), additional profits, fees and costs as Minka is entitled to recover pursuant to §§  
19 504 and 505 of the Copyright Act of 1976, as amended.

20 172. The foregoing acts of Defendants have caused Minka irreparable harm. Unless  
21 enjoined, Defendants' acts as alleged herein will continue to cause Minka irreparable harm, loss  
22 and injury.

23 **COUNT XII**  
24 **INFRINGEMENT OF TREVILLE MEDALLION COPYRIGHT**

25 173. Minka repeats and realleges the allegations contained in Paragraphs 1 through  
26 172 as if fully set forth herein.

27 174. Minka is the author of an original three-dimensional sculptural work entitled  
28 Treville Medallion ("Treville Medallion Copyrighted Work").

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1 175. Minka owns all of the copyright rights in the Treville Medallion Copyrighted  
2 Work.

3 176. Minka registered its copyright in the Treville 1376 Medallion Copyrighted  
4 Work with the United States Copyright Office as follows:

5 U.S. Registration No.	Title	Registration Date
6 VA 1-348-228	Treville Medallion	November 9, 2005

7 177. A true and correct copy of the Certificate of Registration is attached as  
8 Plaintiff's Exhibit 16 and incorporated by reference herein.

9 178. Minka is the sole and lawful owner of all rights, title, and interest in and to the  
10 copyright in the Treville Medallion Copyrighted Work and the related Registration.

11 179. The copyright in the Treville Medallion Copyrighted Work is presently valid  
12 and subsisting and has been valid and subsisting at all times since its inception.

13 180. Minka has never authorized the Defendants to copy, reproduce, create derivative  
14 works based on, distribute unauthorized copies of, or publicly display the Treville Medallion  
15 Copyrighted Work.

16 181. On information and belief, commencing on a date unknown and continuing to  
17 the present, Defendants, willfully and without authority, have reproduced and/or caused the  
18 reproduction of Minka's Treville Medallion Copyrighted Work; and/or have caused another to  
19 manufacture for them unauthorized copies of Minka's Treville Medallion Copyrighted Work;  
20 and/or have created or caused to be created derivative works based on Minka's Treville  
21 Medallion Copyrighted Work; and/or have advertised, distributed, offered for sale and/or  
22 publicly displayed such unauthorized copies throughout the United States, including in this  
23 District, in violation of the Copyright Act of 1976, as amended (17 U.S.C. § 101 et seq).

24 182. On information and belief, Defendants have infringed for profit Minka's  
25 copyright by copying (or inducing another to copy) Minka's Treville Medallion Copyrighted  
26 Work; by selling and distributing (or inducing another to sell and distribute) said unauthorized  
27 copies; by publicly displaying (or inducing another to publicly display) said unauthorized  
28 copies; by creating (or inducing another to create) derivative works based on Minka's Treville

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1 Medallion Copyrighted Work; and/or by otherwise exploiting their infringing works, knowing  
2 that the infringing works are copied from and strikingly or substantially similar to Minka's  
3 Treville Medallion Copyrighted Work, including without limitation, Defendants' images shown  
4 in Plaintiff's Exhibit 17.

5 183. On information and belief, Defendants had access to Minka's Treville Medallion  
6 Copyrighted Work prior to the time that Defendants created their infringing works.

7 184. On information and belief, Defendants' acts were done with actual or  
8 constructive knowledge of Minka's copyright and constitute willful and malicious infringement  
9 of those rights.

10 185. Defendants are liable to Minka for all such damages (whether actual, statutory  
11 or otherwise), additional profits, fees and costs as Minka is entitled to recover pursuant to §§  
12 504 and 505 of the Copyright Act of 1976, as amended.

13 186. The foregoing acts of Defendants have caused Minka irreparable harm. Unless  
14 enjoined, Defendants' acts as alleged herein will continue to cause Minka irreparable harm, loss  
15 and injury.

16 **COUNT XIII**  
17 **INFRINGEMENT OF NOUVEAU 5463 SCULPTURE**  
18 **COPYRIGHT**

19 187. Minka repeats and realleges the allegations contained in Paragraphs 1 through  
20 186 as if fully set forth herein.

21 188. Minka is the author of an original three-dimensional sculptural work entitled  
22 Nouveau 5463 Sculpture ("Nouveau 5463 Sculpture Copyrighted Work").

23 189. Minka owns all of the copyright rights in the Nouveau 5463 Sculpture  
24 Copyrighted Work.

25 190. Minka registered its copyright in the Nouveau 5463 Sculpture Copyrighted  
26 Work with the United States Copyright Office as follows:

U.S. Registration No.	Title	Registration Date
VA 1-387-654	Nouveau 5463 Sculpture	June 26, 2006

1 191. A true and correct copy of the Certificate of Registration is attached as  
2 Plaintiff's Exhibit 18 and incorporated by reference herein.

3 192. Minka is the sole and lawful owner of all rights, title, and interest in and to the  
4 copyright in the Nouveau 5463 Sculpture Copyrighted Work and the related Registration.

5 193. The copyright in the Nouveau 5463 Sculpture Copyrighted Work is presently  
6 valid and subsisting and has been valid and subsisting at all times since its inception.

7 194. Minka has never authorized the Defendants to copy, reproduce, create derivative  
8 works based on, distribute unauthorized copies of, or publicly display the Nouveau 5463  
9 Sculpture Copyrighted Work.

10 195. On information and belief, commencing on a date unknown and continuing to  
11 the present, Defendants, willfully and without authority, have reproduced and/or caused the  
12 reproduction of Minka's Nouveau 5463 Sculpture Copyrighted Work; and/or have caused  
13 another to manufacture for them unauthorized copies of Minka's Nouveau 5463 Sculpture  
14 Copyrighted Work; and/or have created or caused to be created derivative works based on  
15 Minka's Nouveau 5463 Sculpture Copyrighted Work; and/or have advertised, distributed,  
16 offered for sale and/or publicly displayed such unauthorized copies throughout the United  
17 States, including in this District, in violation of the Copyright Act of 1976, as amended (17  
18 U.S.C. § 101 et seq).

19 196. On information and belief, Defendants have infringed for profit Minka's  
20 copyright by copying (or inducing another to copy) Minka's Nouveau 5463 Sculpture  
21 Copyrighted Work; by selling and distributing (or inducing another to sell and distribute) said  
22 unauthorized copies; by publicly displaying (or inducing another to publicly display) said  
23 unauthorized copies; by creating (or inducing another to create) derivative works based on  
24 Nouveau 5463 Sculpture Copyrighted Work; and/or by otherwise exploiting their infringing  
25 works, knowing that the infringing works are copied from and strikingly or substantially  
26 similar to Minka's Nouveau 5463 Sculpture Copyrighted Work, including without limitation,  
27 Defendants' images shown in Plaintiff's Exhibit 19.  
28

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1 197. On information and belief, Defendants had access to Nouveau 5463 Sculpture  
2 Copyrighted Work prior to the time that Defendants created their infringing works.

3 198. On information and belief, Defendants' acts were done with actual or  
4 constructive knowledge of Minka's copyright and constitute willful and malicious infringement  
5 of those rights.

6 199. Defendants are liable to Minka for all such damages (whether actual, statutory  
7 or otherwise), additional profits, fees and costs as Minka is entitled to recover pursuant to §§  
8 504 and 505 of the Copyright Act of 1976, as amended.

9 200. The foregoing acts of Defendants have caused Minka irreparable harm. Unless  
10 enjoined, Defendants' acts as alleged herein will continue to cause Minka irreparable harm, loss  
11 and injury.

12 **COUNT XIV**  
13 **INFRINGEMENT OF NOUVEAU 465 SCULPTURE**  
14 **COPYRIGHT**

15 201. Minka repeats and realleges the allegations contained in Paragraphs 1 through  
16 200 as if fully set forth herein.

17 202. Minka is the author of an original three-dimensional sculptural work entitled  
18 Nouveau 465 Sculpture ("Nouveau 465 Sculpture Copyrighted Work").

19 203. Minka owns all of the copyright rights in the Nouveau 465 Sculpture  
20 Copyrighted Work.

21 204. Minka registered its copyright in the Nouveau 465 Sculpture Copyrighted Work  
22 with the United States Copyright Office as follows:

U.S. Registration No.	Title	Registration Date
VA 1-354-794	Nouveau 465 Sculpture	June 26, 2006

24 205. A true and correct copy of the Certificate of Registration is attached as  
25 Plaintiff's Exhibit 20 and incorporated by reference herein.

26 206. Minka is the sole and lawful owner of all rights, title, and interest in and to the  
27 copyright in the Nouveau 465 Sculpture Copyrighted Work and the related Registration.  
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1           207. The copyright in the Nouveau 465 Sculpture Copyrighted Work is presently  
2 valid and subsisting and has been valid and subsisting at all times since its inception.

3           208. Minka has never authorized the Defendants to copy, reproduce, create derivative  
4 works based on, distribute unauthorized copies of, or publicly display the Nouveau 465  
5 Sculpture Copyrighted Work.

6           209. On information and belief, commencing on a date unknown and continuing to  
7 the present, Defendants, willfully and without authority, have reproduced and/or caused the  
8 reproduction of Minka's Nouveau 465 Sculpture Copyrighted Work; and/or have caused  
9 another to manufacture for them unauthorized copies of Minka's Nouveau 465 Sculpture  
10 Copyrighted Work; and/or have created or caused to be created derivative works based on  
11 Minka's Nouveau 465 Sculpture Copyrighted Work; and/or have advertised, distributed,  
12 offered for sale and/or publicly displayed such unauthorized copies throughout the United  
13 States, including in this District, in violation of the Copyright Act of 1976, as amended (17  
14 U.S.C. § 101 et seq).

15           210. On information and belief, Defendants have infringed for profit Minka's  
16 copyright by copying (or inducing another to copy) Minka's Nouveau 465 Sculpture  
17 Copyrighted Work; by selling and distributing (or inducing another to sell and distribute) said  
18 unauthorized copies; by publicly displaying (or inducing another to publicly display) said  
19 unauthorized copies; by creating (or inducing another to create) derivative works based on  
20 Nouveau 465 Sculpture Copyrighted Work; and/or by otherwise exploiting their infringing  
21 works, knowing that the infringing works are copied from and strikingly or substantially  
22 similar to Minka's Nouveau 465 Sculpture Copyrighted Work, including without limitation,  
23 Defendants' images shown in Plaintiff's Exhibit 21.

24           211. On information and belief, Defendants had access to Nouveau 465 Sculpture  
25 Copyrighted Work prior to the time that Defendants created their infringing works.

26           212. On information and belief, Defendants' acts were done with actual or  
27 constructive knowledge of Minka's copyright and constitute willful and malicious infringement  
28 of those rights.

1 PLAINTIFF'S ORIGINAL COMPLAINT

2 JURY DEMANDED

3 Plaintiff Minka Lighting, Inc. files its Original Complaint against Defendants and for  
4 cause alleges as follows:

5 **The Parties**

6 1. Plaintiff Minka Lighting, Inc. ("Minka") is a corporation organized under the  
7 laws of the State of California with its principal place of business at 1151 West Bradford Court,  
8 Corona, California 92882.

9 2. On information and belief, Defendant Northern Central Distributing, Inc. d/b/a  
10 Central Distributing d/b/a Yosemite Home Décor ("Northern Central") is a corporation  
11 organized under the laws of the State of California with its principal place of business at 4250  
12 West Shaw Avenue, Fresno, California 93722. Defendant Northern Central may be served  
13 with process by serving its registered agent Carol Bridges at 1959 N. McKelvey, Clovis,  
14 California 93619.

15 3. On information and belief, Defendant Yosemite Lighting, LLC ("Yosemite") is  
16 a corporation organized under the laws of the State of Nevada with its principal place of  
17 business at 9817 Masterpiece Drive, Las Vegas, Nevada 89148. Defendant Yosemite may be  
18 served with process by serving its registered agent Tami Bogenschutz at its principal place of  
19 business at 9817 Masterpiccc Drive, Las Vegas, Nevada 89148.

20 4. On information and belief, Defendant Farseed Assemi ("Assemi") is a natural  
21 person and resident citizen of the State of California, and is an officer and/or owner of  
22 Defendant Northern Central, with primary operation and management of Northern Central.

23 5. On information and belief, Defendant Assemi has the right and ability to  
24 supervise the activities of Defendant Northern Central, and has a direct financial interest in  
25 Northern Central. Defendant Assemi may be served with process at his principal place of  
26 business at 4250 West Shaw Avenue, Fresno, California 93722.

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1 213. Defendants are liable to Minka for all such damages (whether actual, statutory  
2 or otherwise), additional profits, fees and costs as Minka is entitled to recover pursuant to §§  
3 504 and 505 of the Copyright Act of 1976, as amended.

4 214. The foregoing acts of Defendants have caused Minka irreparable harm. Unless  
5 enjoined, Defendants' acts as alleged herein will continue to cause Minka irreparable harm, loss  
6 and injury.

7 **COUNT XV**  
8 **COMMON-LAW UNFAIR COMPETITION**

9 215. Minka repeats and realleges the allegations contained in Paragraphs 1 though  
10 214 as if fully set forth herein.

11 216. On information and belief, by adopting, copying, and selling Minka's Treville  
12 lighting fixture designs, Defendants appropriated Minka's investment in design and marketing  
13 at little or no cost to Defendants.

14 217. On information and belief, by adopting, copying, and selling Minka's Treville  
15 light fixtures designs, Defendants are attempting to divert or are diverting sales from Minka to  
16 Defendants.

17 218. The foregoing acts of Defendants constitute unfair competition, palming off  
18 and/or misappropriation of Minka's rights under the common law of the State of Nevada in that  
19 such acts are likely to deceive consumers into believing that Minka has a relationship with  
20 Defendants' light fixtures that it manufactures or has caused to manufacture, when it does not.

21 219. On information and belief, Defendants' unfair competition has caused and is  
22 causing injury to Minka.

23 220. Unless enjoined, the continuing advertising, offering for sale, and promotion of  
24 Defendants' light fixtures will continue to constitute acts of unfair competition, palming off,  
25 and misappropriation by Defendants against Minka, thereby causing Minka irreparable harm.  
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**COUNT XVI**  
**COMMON-LAW FRAUD**

221. Minka repeats and realleges the allegations contained in Paragraphs 1 through 220 as if fully set forth herein.

222. On information and belief, Defendants falsely represented to Minka that they wanted to be an authorized distributor of Minka's products and distribute Minka's products to the consuming public in accordance with the terms and behavior of an authorized distributor of Minka.

223. On information and belief, Defendants knew the representation was false (or the representation was reckless and made without knowledge of the truth) when made.

224. On information and belief, Defendants ordered a de minimis amount of Minka's "TREVILLE" family of light fixtures at a wholesale price to later use the products as templates for Defendants to make their own competing products to sell to the consuming public.

225. Defendants intended to induce Minka to make Defendants an authorized distributor for Minka by falsely representing to Minka that Defendants wanted to be an authorized distributor of Minka.

226. Minka justifiably relied on Defendants' knowingly false representation and made Defendants an authorized distributor of Minka products.

227. As a result of Defendants' false representation and consequently fraudulent behavior, Minka has suffered substantial damages and will continue to suffer actual and consequential damage in an amount that exceeds this Court's minimum jurisdictional limit.

228. Defendants' acts constitute fraud under the common law of the State of Nevada.

229. In doing the acts alleged herein, Defendants acted intentionally, maliciously, with oppression, malice, and fraud, and Minka is entitled to punitive damages.

230. Minka demands a jury trial.

WHEREFORE, Plaintiff Minka prays for a judgment:

A. That Defendants have infringed and are infringing claims in U.S. Design Patent Nos. D535,052; D532,547; D531,348; D529,224; and D530,848 ("the Minka Patents");

1 B. Requiring Defendants to account to Minka for all gains, profits and advantages  
2 derived by Defendants as a result of their infringement of the Minka Patents;

3 C. Awarding damages to Minka adequate to compensate it for Defendants'  
4 infringement of the Minka Patents pursuant to 35 U.S.C. § 284;

5 D. That Defendants willfully and deliberately infringed the Minka Patents;

6 E. That this is an exceptional case pursuant to 35 U.S.C. § 285;

7 F. Awarding treble damages to Minka pursuant to 35 U.S.C. § 284;

8 G. That Defendants, their officers, agents, servants, employees, attorneys and all  
9 persons acting in concert or participation with them who receive actual notice of the Court's  
10 order, be permanently enjoined from:

11 (1) directly or indirectly making or causing to be made, manufacturing, importing,  
12 offering for sale, selling, causing to be sold, using, or in any way distributing any lighting  
13 fixture that infringes the claims of the Minka Patents, and from inducing, aiding, or  
14 contributing to such infringement;

15 (2) committing any acts calculated to cause the public to believe that any of  
16 Defendants' lighting fixtures are Minka's lighting fixtures or are authorized by Minka in whole  
17 or in part, unless true; and

18 (3) attempting, causing, or assisting any of the above-described acts;

19 H. That Defendants have infringed and are infringing Minka's copyrights in the  
20 Treville 5360 Sculpture; Treville 1370 Keyhole; Treville Sculpture A; Treville 1376  
21 Component; Treville Component; Treville 1376 Sculpture; Treville Medallion; Nouveau 5463  
22 Sculpture; and Nouveau 465 Sculpture (collectively the "Minka Copyrighted Works");

23 I. Awarding damages, attorneys' fees and costs to Minka in an amount to be  
24 determined at trial, pursuant to 17 U.S.C. § 504(b) or (c) and § 505 for Defendants'  
25 infringement of Minka's Copyrighted Works;

26 J. That Defendants, their officers, agents, servants, employees, attorneys and all  
27 persons acting in concert or participation with them who receive actual notice of the Court's  
28

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1 order, be permanently enjoined from infringing, in any manner, the Minka Copyrighted Works,  
2 pursuant to 17 U.S.C. § 502;

3 K. That Defendants' acts constitute unfair competition under the common law of  
4 the State of Nevada;

5 L. That Defendants be ordered to pay Minka its actual damages and all profits for  
6 violations of Minka's rights under the common law of the State of Nevada resulting from  
7 Defendants' unfair competition;

8 M. That Defendants' acts constitute fraud under the common law of the State of  
9 Nevada;

10 N. That Defendants be ordered to pay Minka its damages under the common law of  
11 the State of Nevada resulting from Defendants' fraudulent actions;

12 O. That the Court retain jurisdiction of this action for the purpose of enabling  
13 Minka to apply to the Court at any time for such further orders and interpretation or execution  
14 of any order entered in this action; for the modification of any such order; for the enforcement  
15 or compliance therewith; and for the punishment of any violations thereof;

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1 P. Ordering Defendants to pay pre-judgment interest to Minka on all amounts  
2 awarded and post-judgment interest until paid at the maximum lawful rate;

3 Q. Ordering Defendants to pay costs, disbursements, attorneys' fees and expenses  
4 to Minka, as provided by the Patent Act and Copyright Act;

5 R. Awarding Minka punitive damages; and

6 S. Awarding Minka such other relief as the Court deems just and equitable.

7 Respectfully submitted,

8 JOLLEY URGA WIRTH WOODBURY &  
9 STANDISH

10 /s/ William R. Urga

11 William R. Urga  
12 Nevada Bar No. 1195  
13 3800 Howard Hughes Parkway  
14 Wells Fargo Tower, Sixteenth Floor  
15 Las Vegas, Nevada 89169  
16 Telephone: (702) 699-7500  
17 Facsimile: (702) 699-7555

18 BAKER & MCKENZIE LLP  
19 Myall S. Hawkins  
20 Texas Bar No. 09250320  
21 Email: Myall.Hawkins@Bakernet.com  
22 Lisa H. Meyerhoff  
23 Texas Bar No. 14000255  
24 Email: Lisa.Meyerhoff@Bakernet.com  
25 711 Louisiana, Suite 3400  
26 Houston, Texas 77002  
27 Telephone: (713) 427-5000  
28 Facsimile: (713) 427-5099

ATTORNEYS FOR PLAINTIFF  
MINKA LIGHTING, INC.

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1 retailers and distributors conduct a significant part of their business at semi-annual trade shows  
2 conducted at the World Market Center in Las Vegas. On information and belief, Defendants  
3 Northern Central, Assemi, and R. Bogenschutz's acts of patent and copyright infringement and  
4 fraud are occurring in this State, including without limitation, via their display, offer for sale  
5 and/or sale of infringing products in their showroom at the World Market Center in Las Vegas.  
6 Northern Central also offers its products for sale in this State through its interactive Internet  
7 website www.yosemitehomedecor.com, which specifically directs potential customers to its  
8 store in Las Vegas as a place to purchase its products. Based on Defendants Northern Central,  
9 Assemi, and R. Bogenschutz's conduct of business in this State, Defendants Northern Central,  
10 Assemi, and R. Bogenschutz should reasonably anticipate being hailed into court in this State.

11 13. The Court has jurisdiction over Defendants Yosemite and T. Bogenschutz  
12 because Defendants Yosemite and T. Bogenschutz have imported, offered for sale and/or sold  
13 infringing lighting fixtures in this State and have a permanent place of business in this State. In  
14 addition, Defendants have displayed and publicly displayed infringing lighting fixtures in this  
15 State.

16 14. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and 1400(b)  
17 because, inter alia, a substantial part of the events giving rise to Minka's claims occurred in this  
18 District, including without limitation, the display, offering for sale and/or sale of infringing  
19 products and the display and publication of infringing works in this District.

20 **Background: Minka and Defendants**  
21 **Compete in the Lighting Fixture Industry**

22 15. Plaintiff Minka is a leader in the business of designing, manufacturing,  
23 importing, distributing, marketing, offering to sell and/or selling high-quality home products,  
24 including lighting fixtures. Minka has invested substantial time, effort, skill, expense, and  
25 resources into designing and engineering novel lighting fixtures that Minka offers and sells  
26 under the trademarks "TREVILLE" and "NOUVEAU." Minka sells its lighting fixtures via  
27 authorized distributors located throughout the United States, including in this District.

28 //

1 16. On information and belief, Defendants are also in the business of  
2 manufacturing, importing, distributing, marketing, offering to sell and/or selling lighting  
3 fixtures. On information and belief, Defendants directly compete with Minka in the U.S.  
4 lighting fixture industry. On information and belief, Defendants sell their own competing  
5 products, and other competitors' products.

6 17. Until recently, Defendants were authorized distributors of Minka's products.  
7 Thus, Defendants received the benefit of ordering Minka products at wholesale prices directly  
8 from Minka.

9 18. On information and belief, Defendants ordered a de minimis amount of the  
10 models within Minka's "TREVILLE" family of light fixtures. Moreover, following their  
11 purchase, Defendants began selling their infringing products and have not since ordered any  
12 additional products from Minka.

13 **COUNT I**  
14 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D535,052**

15 19. Minka repeats and realleges the allegations of Paragraphs 1 through 18 as if  
16 fully set forth herein.

17 20. Minka is the sole owner of U.S. Design Patent No. D535,052 entitled "Light  
18 Globe" (the "'052 Patent"), which issued on January 9, 2007. A true and correct copy of the  
19 '052 Patent is attached as Plaintiff's Exhibit 1 and incorporated by reference herein.

20 21. Minka has complied with all obligations imposed by U.S. patent laws relating to  
21 the '052 Patent and is entitled to enforce all rights, title and interest in the '052 Patent.

22 22. Minka offers for sale and sells lighting fixtures incorporating light globes  
23 embodied in the '052 Patent. Minka offers for sale and/or sells lighting fixtures incorporating  
24 its patented light globes under the trademark "TREVILLE." Minka offers for sale and/or sells  
25 lighting fixtures incorporating its patented "TREVILLE" light globes throughout the United  
26 States, including in this District.

27 23. Minka has not licensed any of its rights in the '052 Patent to the Defendants.

28 //

1           24.    On information and belief, Defendants have been and still are manufacturing,  
2 importing, using, distributing, offering to sell and/or selling lighting fixtures that infringe the  
3 claim of the '052 Patent throughout the United States, including in this District.

4           25.    On information and belief, Defendants, without license from Minka, have  
5 applied and are applying the patented design of the '052 Patent or a colorable imitation thereof  
6 to certain lighting fixtures for the purpose of sale.

7           26.    On information and belief, Defendants, without license from Minka, have sold  
8 and offered for sale and are selling and/or offering for sale lighting fixtures containing light  
9 globes to which the patented design of the '052 Patent or a colorable imitation thereof has been  
10 applied, including without limitation, lighting fixtures containing light globes sold under the  
11 trademark "WHISPERING PINE" for the purpose of sale. A photograph of a representative  
12 lighting fixture containing the infringing light globe manufactured, imported, distributed,  
13 offered for sale and/or sold by Defendants is attached as Plaintiff's Exhibit 2 and incorporated  
14 by reference herein.

15           27.    On information and belief, the activities of Defendants have been for the  
16 purpose of infringing, either directly or indirectly, the claim of the '052 Patent.

17           28.    On information and belief, Defendants have been and still are literally infringing  
18 the '052 Patent by manufacturing, importing, distributing, using, offering to sell and/or selling  
19 lighting fixtures within the scope of the claim of the '052 Patent.

20           29.    On information and belief, Defendants have been and still are infringing the '052  
21 Patent under the Doctrine of Equivalents by manufacturing, importing, distributing, using,  
22 offering to sell and/or selling lighting fixtures that are equivalent to the design within the scope  
23 of the claim of the '052 Patent.

24           30.    On information and belief, the actions of Defendants were done with actual or  
25 constructive knowledge of the '052 Patent.

26           31.    The infringing acts of Defendants have been the actual and proximate cause of  
27 damage to Minka. Minka has sustained damages and will continue to sustain damages as a  
28 result of Defendants' infringement of the '052 Patent.

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1 32. Minka has no adequate remedy at law. Defendants will continue to infringe the  
2 '052 Patent unless the Court enjoins Defendants' infringing acts.

3 **COUNT II**  
4 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D532,547**

5 33. Minka repeats and realleges the allegations of Paragraphs 1 through 32 as if  
6 fully set forth herein.

7 34. Minka is the sole owner of U.S. Design Patent No. D532,547S entitled "Portion  
8 of a Chandelier Stem" (the "'547 Patent"), which issued on November 21, 2006. A true and  
9 correct copy of the '547 Patent is attached as Plaintiff's Exhibit 3 and incorporated by reference  
10 herein.

11 35. Minka has complied with all obligations imposed by U.S. patent laws relating to  
12 the '547 Patent and is entitled to enforce all rights, title and interest in the '547 Patent.

13 36. Minka offers for sale and sells lighting fixtures under the "TREVILLE"  
14 trademark that incorporate the design claimed in the '547 Patent throughout the United States,  
15 including in this District.

16 37. Minka has not licensed any of its rights in the '547 Patent to Defendants.

17 38. On information and belief, Defendants have been and still are manufacturing,  
18 importing, using, distributing, offering to sell and/or selling lighting fixtures that infringe the  
19 claim of the '547 Patent throughout the United States, including in this District.

20 39. On information and belief, Defendants, without license from Minka, have  
21 applied and are applying the patented design of the '547 Patent or a colorable imitation thereof  
22 to certain lighting fixtures for the purpose of sale.

23 40. On information and belief, Defendants, without license from Minka, have sold  
24 and offered for sale and are selling and/or offering for sale lighting fixtures to which the  
25 patented design of the '547 Patent or a colorable imitation thereof has been applied, including  
26 without limitation, lighting fixtures sold under the trademark "WHISPERING PINE" for the  
27 purpose of sale. A photograph of a representative infringing lighting fixture manufactured,  
28

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1 imported, distributed, offered for sale and/or sold by Defendants is attached as Plaintiff's  
2 Exhibit 4 and incorporated by reference herein.

3 41. On information and belief, the activities of Defendants have been for the  
4 purpose of infringing, either directly or indirectly, the claim of the '547 Patent.

5 42. On information and belief, Defendants have been and still are literally infringing  
6 the '547 Patent by manufacturing, importing, distributing, using, offering to sell and/or selling  
7 lighting fixtures within the scope of the claim of the '547 Patent.

8 43. On information and belief, Defendants have been and still are infringing the '547  
9 Patent under the Doctrine of Equivalents by manufacturing, importing, distributing, using,  
10 offering to sell and/or selling lighting fixtures that are equivalent to the design within the scope  
11 of the claim of the '547 Patent.

12 44. On information and belief, the actions of Defendants were done with actual or  
13 constructive knowledge of the '547 Patent.

14 45. The infringing acts of Defendants have been the actual and proximate cause of  
15 damage to Minka. Minka has sustained damages and will continue to sustain damages as a  
16 result of Defendants' infringement of the '547 Patent.

17 46. Minka has no adequate remedy at law. Defendants will continue to infringe the  
18 '547 Patent unless the Court enjoins Defendants' infringing acts.

19 **COUNT III**  
20 **INFRINGEMENT OF U.S. DESIGN PATENT NO. D531,348**

21 47. Minka repeats and realleges the allegations of Paragraphs 1 through 46 as if  
22 fully set forth herein.

23 48. Minka is the sole owner of U.S. Design Patent No. D531,348 entitled  
24 "Chandelier Arm" (the "'348 Patent"), which issued on October 31, 2006. A true and correct  
25 copy of the '348 Patent is attached as Plaintiff's Exhibit 5 and incorporated by reference herein.

26 49. Minka has complied with all obligations imposed by U.S. patent laws relating to  
27 the '348 Patent and is entitled to enforce all rights, title and interest in the '348 Patent.

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