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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF ARIZONA**

13 Aaron Coleman, d/b/a Immaculate Tattoo,
14 an individual,

No. CV10-503

15
16 Plaintiff,

17 vs.

18 Famous Stars & Straps, Inc., a California
19 corporation,

20 Defendant.

21 **COMPLAINT FOR**
22 **COPYRIGHT INFRINGEMENT**

23 **I. JURISDICTION AND VENUE**

24 1. This Court has original and exclusive jurisdiction of this action under 28
25 U.S.C. § 1338(a) because the action arises under the Copyright Act, 17 U.S.C. § 101 *et*
26 *seq.*

2. Venue in this Court is proper pursuant to 28 U.S.C. § 1391 since Defendant
or its agents are subject to personal jurisdiction in this jurisdiction.

3. Defendant is subject to personal jurisdiction in this forum because it has
regularly engaged in business in Arizona by selling goods in Arizona, both the infringing
item and many other items.

II. PARTIES

4. Plaintiff, Aaron Coleman, is an individual who resides in Maricopa County,

1 Arizona.

2 5. Plaintiff is the copyright registrant for original artwork entitled
3 “Switchblade and Skull,” United States Copyright Registration number VA0001692880.
4 A copy of the registration is attached as “Exhibit 1” hereto.

5 6. Defendant Famous Stars & Straps, Inc. is a California corporation.
6 Defendant is owned by the musician Travis Barker, who is a drummer for the well-
7 known band Blink-182. Defendant produces and sells a line of clothing, particular T-
8 shirts, jackets, sweatshirts, etc., that are popular with teenagers and young adults.
9 Famous Stars and Straps’ products are available online from Defendant’s website, in
10 Defendant’s retail stores. Defendant also distributes its products for resale through other
11 retail stores, not owned by Defendant, in Arizona, throughout the United States and
12 internationally.

13 **III. INFRINGEMENT**

14 7. Aaron Coleman is a well-known tattoo artist who has owned and operated
15 the business Immaculate Tattoo in Mesa, Arizona for the past decade.

16 8. As part of his artistic endeavors, Aaron Coleman creates original drawings
17 and paintings, which he markets.

18 9. In 2004, Aaron Coleman, created an original “Switchblade and Skull”
19 drawing, which is the subject of United States Copyright Registration number
20 VA0001692880 and this litigation. A copy of the drawing is attached as “Exhibit 2”
21 hereto.

22 10. In February 2007, Tattoo Magazine, an international publication, featured
23 an article about Aaron Coleman’s business and his art. The magazine featured a copy of
24 the “Switchblade and Skull” drawing.

25 11. In either 2008 or 2009, Famous Stars & Straps, Inc. began marketing
26 products under the name “El Nabajas,” all bearing unauthorized reproductions of Mr.

1 Coleman’s registered, copyrighted “Switchblade and Skull” drawing. Copies of the
2 infringing products are attached as “Exhibit 3” hereto.

3 12. Upon information and belief, Defendant also distributed the products
4 bearing infringing images to other business throughout the United States and
5 internationally for resale. Specifically, Defendant sold infringing products via the
6 internet to Arizona, and also sold the infringing products to other retailers in Arizona for
7 sale to Arizona residents.

8 13. On November 20, 2009, Plaintiff sent a “cease and desist” letter to
9 Defendant and offered to negotiate a reasonable license royalty for use of Plaintiff’s
10 copyrighted image.

11 14. Defendant did not respond to the November 20, 2009 letter. However,
12 upon information and belief, Defendant has since removed all infringing products from
13 items for sale on its website at <http://www.famoussas.com>.

14 15. On February 23, 2010, Plaintiff sent a second “cease and desist” letter to
15 Defendant again offered to negotiate a reasonable license royalty. Upon information and
16 belief, an agent of Defendant telephoned Plaintiff’s counsel to say it was not responsible
17 for any infringement and stated an attorney for Defendant would contact Plaintiff’s
18 counsel. Defendant has otherwise not responded to the second cease and desist letter, nor
19 has any attorney for Defendant contacted Plaintiff’s counsel.

20 16. Upon information and belief, Defendant’s products bearing infringing
21 images continue to be for sale on the internet and in retail stores. A Google search on
22 February 23, 2010, produced links to numerous retailers that still offer the product with
23 infringing images for sale.

24 **COUNT ONE – COPYRIGHT INFRINGEMENT**

25 17. Plaintiff repleads and realleges each and every allegation of paragraphs 1
26 through 16 inclusive, as if specifically pleaded herein.

1 **IV. RELIEF**

2 WHEREFORE, Plaintiff seeks:

3 A. judgment be entered against Defendant in favor of Plaintiff for such
4 damages as Plaintiff has sustained as a consequence of Defendant's infringement of
5 Plaintiff's copyright presently estimated to be \$100,000.00;

6 B. an order be entered compelling Defendant to account for all gains, profits
7 and advantages derived by its infringement of Plaintiff's copyright or such damages as to
8 the court shall appear proper within the provisions of the copyright statutes;

9 C. an injunction be issued preventing and restraining infringement of
10 Plaintiff's copyright by ordering Defendant not to publish, reproduce, display or
11 distribute in any way Plaintiff's copyrighted image;

12 D. an order pursuant to 17 U.S.C. § 503 impounding of all materials used by
13 Defendants in the violation of Plaintiff's exclusive copyright rights;

14 E. an award of reasonable fees and costs;

15 F. such other relief as the Court deems just.

16 **V. JURY TRIAL**

17 Pursuant to Rule 38, Fed. R. Civ. P., Plaintiff hereby gives notice of its demand
18 for jury trial on all issues for which a jury trial is permitted.

19 RESPECTFULLY SUBMITTED this 4th day of March, 2010

20 CAMPBELL & MAHONEY, CHARTERED

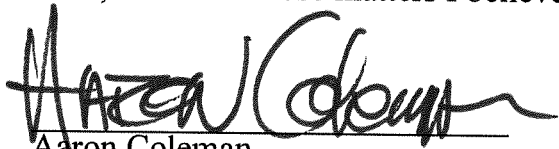
21 By: s/ Brendan N. Mahoney

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VERIFICATION

I, Aaron Coleman, the Plaintiff in this action, declare under penalty of perjury that I have read the Complaint and attached Exhibits in this matter and know of the contents thereof, and the same are true to my knowledge, except those matters therein that are stated to be alleged upon information and belief, and as to those matters I believe them to be true.


Aaron Coleman