

1 ALLAN B. GELBARD, ESQ.  
2 THE LAW OFFICES OF ALLAN B. GELBARD  
3 15760 Ventura Boulevard, Suite 801  
4 Encino, CA 91436  
5 Tel:(818)386-9200 - Fax:(818)386-9289  
6 E-Mail: XXXXesq@aol.com  
7 CA Bar # 184971

8 Attorney for Plaintiff  
9 The Stockroom, Inc.

FILED

2013 FEB 19 PM 3:36  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

THE STOCKROOM, INC., a California  
corporation,

Plaintiff,

v.

VIOLETRCOM, a business entity of  
unknown form; THE VIOLET WAND  
STORE, a business entity of unknown  
form; VIOLETWANDS.COM, a  
business entity of unknown form; and  
DOES 1-10, INCLUSIVE,

Defendants

CV 13-01194-CBM

CASE NO:

COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF:

UNFAIR COMPETITION  
(15 U.S.C. §1125)

TRADEMARK INFRINGEMENT  
(15 U.S.C. §1115, 1116, 1117)

TRADEMARK INFRINGEMENT  
(CA B&P CODE § 14200 *ET SEQ*)

TRADEMARK INFRINGEMENT  
(TX B&C CODE § 16.102)

TRADE LIBEL

DEFAMATION

DILUTION

UNFAIR BUSINESS PRACTICES  
(CA B&P § 17200)

ACCOUNTING

INJUNCTIVE RELIEF

DEMAND FOR JURY TRIAL

ALLAN B. GELBARD, ESQ.  
15760 Ventura Boulevard, Suite 801 Encino, CA 91436  
Tel: (818) 386-9200 - Fax: (818) 386-9289

1 Plaintiff The Stockroom, Inc., a California corporation, by and through their  
2 attorney Allan B. Gelbard, Esq., file their Complaint against defendants Violertcom, a  
3 business entity of unknown form; The Violet Wand Store, a business entity of  
4 unknown form; Violetwands.com, a business entity of unknown form; and Does 1-10,  
5 Inclusive, and allege as follows:

6  
7 **JURISDICTION**  
8

9 1. This action arises under 15 U.S.C. § 1051, *et seq* (the Lanham Trademark  
10 Act of 1946). Therefore, this Court has original jurisdiction pursuant to 28 U.S.C. §§  
11 1331 and 1338 as well as supplemental jurisdiction over the additional state and  
12 federal causes of action pursuant to 28 U.S.C. § 1367(a).

13  
14 **VENUE**  
15

16 2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b).

17  
18 **PARTIES**  
19

20 3. Plaintiff The Stockroom, Inc. (“Stockroom” or “Plaintiff”), is a California  
21 corporation having its principal place of business at 2807 W. Sunset Blvd., Los  
22 Angeles, California.

23  
24 4. Plaintiff is informed and believes and thereupon alleges that defendant  
25 VIOLETRCOM (hereinafter “VRC”), is a business entity of unknown form, with its  
26 domicile and principal place of business in Houston, Texas. VRC does business in  
27 California and throughout the United States via one or more active Internet websites  
28 including but not limited to www.violetwands.com. Plaintiff presently believes that

1 VRC is a sole proprietorship and an alter ego of one or more of the DOE defendants  
2 identified herein.

3  
4 5. Plaintiff is informed and believes and thereupon alleges that defendant  
5 THE VIOLET WAND STORE (hereinafter "TVWS"), is a business entity of  
6 unknown form, with its domicile and principal place of business in Houston, Texas.  
7 TVWS does business in California and throughout the United States via one or more  
8 active Internet websites including but not limited to www.violetwands.com. Plaintiff  
9 presently believes that TVWS is a sole proprietorship, and an alter ego of VRC and/or  
10 one or more of the DOE defendants identified herein.

11  
12 6. Plaintiff is informed and believes and thereupon alleges that defendant  
13 VIOLETWANDS.COM (hereinafter "VWC"), is a business entity of unknown form,  
14 with its domicile and principal place of business in Houston, Texas. VWC does  
15 business in California and throughout the United States via one or more active Internet  
16 websites including but not limited to www.violetwands.com. Plaintiff presently  
17 believes that VWC is a sole proprietorship, and an alter ego of VRC, TVWS and/or  
18 one or more of the DOE defendants identified herein.

19  
20 7. Plaintiff is informed and believes and thereupon alleges that Defendants  
21 DOE 1-10, Inclusive are the true legal names of additional individuals and/or entities  
22 who's actions are at issue herein. Plaintiff does not know the true name or capacity of  
23 the Defendants sued herein as DOES 1-10 and therefore sues said Defendants by such  
24 fictitious names. Plaintiff is informed and believes and thereon alleges, that DOES 1-  
25 10 are responsible in some manner for the occurrences herein alleged, and that  
26 Plaintiff's damages as hereinafter alleged were proximately caused by the acts of such  
27 Defendants, and each of them.

1           8.     Plaintiff is informed and believes and thereupon alleges that at all times  
2 herein relevant, Defendants and each of them, were the agents, servants and  
3 employees of their Co-Defendants and were acting and conspiring both individually  
4 and within the scope of such agency, service and employment while performing the  
5 acts complained of herein.

6  
7           9.     Plaintiff is informed and believes and thereupon alleges that DOES 1-10  
8 personally authorised, controlled and/or assisted defendants VRC, TVWS, and VWC  
9 in their unlawful activities alleged herein.

10  
11           10.    Plaintiff is informed and believes and thereupon alleges that at all times  
12 relevant hereto:

- 13                   A)     That one or more of the DOE defendants dominated, influenced  
14 and controlled VRC, TVWS, and VWC.
- 15                   B)     That VRC, TVWS, and VWC are, and at all times relevant hereto  
16 were, mere shells and naked frameworks which one or more of the  
17 DOE defendants, used as conduits for his/her/their personal  
18 business, property and affairs.
- 19                   C)     That there is such a unity of interest and ownership between one or  
20 more of the DOE defendants (on the one hand) and VRC, TVWS,  
21 and/or VWC (on the other hand) that the separateness of VRC,  
22 TVWS, and VWC as entities either never existed or has ceased.
- 23                   D)     That adherence to the fiction of the separate entity existence of  
24 VRC, TVWS, and/or VWC would, under the circumstances,  
25 sanction a fraud and promote injustice.
- 26                   E)     That VRC, TVWS, and VWC are the alter egos of one or more of  
27 the DOE Defendants, and that each is personally liable for the  
28 obligations of as described below.

**GENERAL ALLEGATIONS**

11. Plaintiff is in the business of selling adult oriented goods and services via the Internet, mail order, and through various brick-and-mortar storefronts. Plaintiff's business, including its on-line store "The Stockroom" (and the related URLs and websites, www.thestockroom.com, and www.stockroom.com (the "Stockroom URLs")) is one of the oldest, largest and most respected on-line providers of sex-positive BDSM products, clothing, adult novelties, instructional books and audio/visual productions and is widely known and respected in the trade.

12. Plaintiff is the holder of exclusive rights under federally registered and incontestable trademarks (the "Stockroom Trademarks") pertaining to its business name including but not limited to: "Stockroom.com®" Reg # 2935888, "Stockroom®" Reg # 2964720, and "The Stockroom®" Reg # 3410814;

13. Plaintiff is also the holder of exclusive rights under federally registered trademarks (some being incontestable) for more than thirty (30) additional proprietary product lines in a variety of international classes. Two of these proprietary product lines are registered for protection under the "Neon Wand®" and "KinkLab®" federally registered trademarks in International Class 10.

14. One of Stockroom's best selling proprietary devices (along with its related accessories) is the Neon Wand®, a hand-held electric discharge device featuring a solid state circuit that allows for varying intensity. Neon Wand® has been federally registered International Class 10 (Reg # 4,192,931) for electric skin and genital stimulators.



1           15. The Neon Wand® electrode accessories (“Electrodes”) include  
2 proprietary sealed glass and metal tubes containing inert gasses (creating a luminous  
3 visual effect) which transfer the electrical charge from the device to the body and are  
4 designed in numerous shapes which create different sensations.

5  
6           16. Additionally, Stockroom holds several federally registered trademarks for  
7 KinkLab®. (See Registrations 3,148,523, 3,295,583, and 3,852,887.) While the  
8 KinkLab® mark was initially constrained to clothing related goods, Plaintiff has  
9 expanded the use into various fetish related lines including “instruments used for adult  
10 stimulation in sexual fetish practices....”

11  
12           17. Plaintiff has made and continues to make substantial investments of time,  
13 effort and expense in the production, manufacturing, marketing and branding of its  
14 business and products.

15  
16           18. Plaintiff is an integral participant in designing, creating and maintaining  
17 the look and quality of its goods and services.

18  
19           19. Plaintiff has not authorized Defendants to employ its trademarks or  
20 deceptively similar marks, nor have Defendants obtained licenses to do so from any  
21 legitimate third party.

22  
23           20. Defendants operate one or more active Internet websites, including but  
24 not limited to The Violet Wand Store located at [www.violetwands.com](http://www.violetwands.com), which  
25 employs a shopping cart and credit card processing system which allows for the actual  
26 purchase of Defendants’ goods and their shipment into the State of California.  
27 Plaintiff is informed and believes and thereupon alleges that Defendants have done  
28 substantial business with California residents.

1           21. Defendants are in the business of, among other things, distributing goods  
2 and services that directly compete with Plaintiff's business. Specifically, Defendants  
3 sell numerous electrical skin and genital stimulators and the accessories therefor.  
4 Defendants' electro-stimulator devices, generically referred to as Violet Wands,  
5 employ non-solid state circuitry, and are more fragile and costly than Plaintiff's  
6 competing devices. Defendants' electrodes are - in large part - functionally  
7 interchangeable with Plaintiff's Electrodes, and vice-versa.

8  
9           22. In addition to their own lines of electro-stimulators, defendants purport to  
10 sell "KinkeLab Neon Wand" stimulators as well as a second electro-stimulator device  
11 defendants identify as a "Neon Wand - Kengoh." Both of these devices are offered for  
12 sale into California through Defendants' interactive website for prices significantly  
13 less than the wholesale price for Plaintiff's authentic Neon Wand device.

14  
15           23. Plaintiff is informed and believes, and thereupon alleges, that Defendants  
16 have employed Plaintiff's trademarks in a manner calculated to create initial point  
17 confusion as to the availability of Plaintiff's goods at prices below the actual available  
18 price in order to damage (and/or cheapen) Plaintiff's brand, to dissuade customers  
19 from purchasing Plaintiff's goods, and to thereby attempt to sell their own competing  
20 goods.

21  
22           24. Defendants have employed Plaintiff's registered trademarks and  
23 confusingly similar versions thereof (e.g., "Kinkelab") as metadata in their website(s),  
24 and thereafter engaged in search engine optimization ("SEO") in order to generate  
25 internet traffic from and/or draw prospective customers for Plaintiff's goods to  
26 Defendants' website(s). Defendants then list both what they claim to be Plaintiff's  
27 goods, and/or third party goods under Plaintiff's trademarks, at prices below that at  
28 which they are actually able to and/or intend to honor, in an effort to sell alternative

1 goods (commonly referred to as “bait and switch”).

2  
3 25. Additionally, Defendants have published, and continue to publish,  
4 untruthful and disparaging statements pertaining to Plaintiff’s goods.

5  
6 **FIRST CAUSE OF ACTION**  
7 **UNFAIR COMPETITION - 15 U.S.C. §1125**  
8

9 26. Plaintiff re-alleges all facts included or inferred in Paragraphs 1-25  
10 inclusive, above.

11  
12 27. Plaintiff’s “Neon Wand®” and “Kinklab®” marks are inherently  
13 distinctive.

14  
15 28. Plaintiff’s “Neon Wand®” and “Kinklab®” marks have acquired  
16 secondary meanings through Plaintiff’s long term use of the marks, their efforts to  
17 promote the sales of their branded products and their efforts to generate and protect  
18 the goodwill of their brands. As a result of Plaintiff’s efforts, a significant portion of  
19 the market has come to exclusively associate the “Neon Wand®” and “Kinklab®”  
20 marks with Plaintiff and their goods and services.

21  
22 29. Plaintiff is informed and believes, and thereupon alleges, that at all times  
23 relevant hereto, Defendants were actually aware of the famous nature of Plaintiff’s  
24 marks, and that Defendants, themselves, associated the “Neon Wand®” and  
25 “Kinklab®” marks with Plaintiff’s goods.

26  
27 30. Plaintiff is the holder of a federally registered trademarks for “Neon  
28 Wand®” and “Kinklab®” in International Class 10.



1           31. Plaintiff includes the “Neon Wand®” and “Kinklab®” marks on its  
2 goods, websites, promotional products, and product packaging in order to identify its  
3 goods and services and distinguish same from the goods and services of others.

4  
5           32. Defendants’ use of the Neon Wand, Kinklab and deceptively similar  
6 “Kinkelab” marks is employed in the sale of goods and services for which Plaintiff has  
7 exclusive Trademark rights.

8  
9           33. Plaintiff has, at all times relevant hereto, taken care to enforce its marks  
10 and to prevent third parties from infringing thereon.

11  
12           34. Plaintiff has, at all times relevant hereto, exercised significant control  
13 over the quality of its goods and services in order to maintain the value, brand loyalty,  
14 and good will related to Plaintiff’s “Neon Wand®” and “Kinklab®” branded goods.

15  
16           35. Defendants’ unlawful sale of competitive but inferior goods through use  
17 of the deceptively similar “Kinkelab” (sic) and “Neon Wand” marks constitutes an  
18 intentional and unlawful use of Plaintiff’s names, marks and trademark. Said misuse  
19 constitutes a false designation of origin, and is likely to cause confusion, to cause  
20 mistake, and to deceive the public as to the origin of these goods.

21  
22           36. Defendants unlawfully employed Plaintiff’s Kinklab® and Neon Wand®  
23 marks as metadata in its website(s), which it thereafter exploited through various  
24 methods (including but not limited to SEO) in order to damage Plaintiff’s brands and  
25 goodwill, and to unfairly compete with Plaintiff.

26  
27           37. Defendants’ unlawful infringement of Plaintiff’s trademark was made in  
28 connection with Defendants’ sale of goods in direct competition with Plaintiff.

38. Plaintiff is informed and believes, and thereupon alleges that said misuse has actually caused numerous customers of Plaintiff, members of the trade, and end users, to suffer confusion, mistake, and/or to be deceived as to the origin and authenticity of these goods and/or services.

40. As Defendants' conduct was an intentional infringement of Plaintiff's federally registered trademark, undertaken to unfairly compete with Plaintiff's business, Plaintiff is entitled to an award of statutory penalties including treble damages, attorney's fees and costs of suit.

## TRADEMARK INFRINGEMENT - 15 U.S.C. §§ 1115, 1116, 1117

42. Defendants’ misuse of Plaintiff’s “Neon Wand®” and “Kinklab®” marks, as asserted above, constitutes willful trademark infringement.

43. As a result of Defendants' wrongful conduct, Plaintiff has suffered damages including but not limited to loss of earnings and goodwill, in an amount to be proven at trial, but in no case less than one million dollars (\$1,000,000.00).

1           44. As Defendants' conduct was an intentional infringement of Plaintiff's  
2 federally registered trademark, undertaken to unfairly compete with Plaintiff's  
3 business, Plaintiff is entitled to an award of statutory penalties including treble  
4 damages, attorney's fees and costs of suit.

5  
6                                   **THIRD CAUSE OF ACTION**

7                   **TRADEMARK INFRINGEMENT - CA B&P CODE § 14200 ET SEQ**

8  
9           45. Plaintiff re-alleges all facts included or inferred in Paragraphs 1-44,  
10 inclusive, above.

11  
12           46. Plaintiff's "Neon Wand®" and "Kinklab®" marks are famous and/or  
13 distinctive marks.

14  
15           47. Defendants' misuse of Plaintiff's marks began after the marks had  
16 become famous and is likely to cause dilution of Plaintiff's marks.

17  
18           48. Defendants sell their goods into California through an interactive website  
19 and through telephone orders.

20  
21           49. As a result of Defendants' wrongful conduct, Plaintiff has suffered  
22 damages including but not limited to loss of earnings and goodwill, in an amount to be  
23 proven at trial, but in no case less than one million dollars (\$1,000,000.00).

24  
25           50. As Defendants' conduct was an intentional infringement of Plaintiff's  
26 federally registered trademark, undertaken to unfairly compete with Plaintiff's  
27 business, Plaintiff is entitled to treble actual damages, injunctive relief, and the  
28 seizure of all infringing goods sent into California.

**FORTH CAUSE OF ACTION**

**TRADEMARK INFRINGEMENT - TX B&C CODE § 16.102**

51. Plaintiff re-alleges all facts included or inferred in Paragraphs 1-50, inclusive, above.

52. Plaintiff is informed and believes, and thereupon alleges that Defendants have their principal place of business in Houston, Texas.

53. While Defendants operate a interactive website and sell goods and services into the State of California, they are also subject to Texas state Business and Commerce Code § 16.102 which Defendants have violated based on their activities as alleged above.

54. Plaintiff is entitled to treble actual damages, injunctive relief, and the seizure and subsequent destruction of all infringing goods located in Texas.

**FIFTH CAUSE OF ACTION**

**TRADE LIBEL**

55. Plaintiff re-alleges all facts included or inferred in Paragraphs 1-54 inclusive, above.

56. Defendants have knowingly published to third parties, without justification or privilege, the following statements pertaining to Plaintiff's business and its Neon Wand® product line:

A) "[P]roduct support is very minimal..."

- 1 B) “Avoid the Neon Wand chinese (sic) devices at Kinklab.com as it  
2 has very weak output and does not work with any violet wand  
3 accessories.”  
4
- 5 C) “Neon Wand ... will not work with violet wand accessories and will  
6 not do violet want techniques.”  
7
- 8 D) “Neon Wand ... can not accept violet wand accessories such as  
9 body contact cables, lightbulb adaptors or other electrodes, and it  
10 can't do all violet wand bdsm techniques.”  
11
- 12 E) Neon Wand “[e]lectrodes are more fragile than violet wand  
13 electrodes...”  
14

15 57. The above statements are false and Defendants knew they were false  
16 when they were published.  
17

18 58. Defendants’ statements disparaged Plaintiff’s goods in that the public and  
19 persons and entities which did business with Plaintiffs were led to believe that their  
20 customer service and the quality of their goods were inferior.  
21

22 59. As a proximate result of Defendants’ publication of the false statements,  
23 prospective customers have been deterred from buying Plaintiff’s goods and from  
24 otherwise dealing with Plaintiff. Further, the actual pecuniary value of Plaintiff’s  
25 stock, trademarks and goodwill have been damaged in an amount not presently  
26 ascertained, but which will be proven at trial.  
27  
28

**SIXTH CAUSE OF ACTION**

**DEFAMATION**

60. Plaintiff re-alleges all facts included or inferred in Paragraphs 1-59, inclusive, above.

61. Defendants' statements are of and concerning Plaintiff's business practices and are defamatory per se.

62. As a proximate result of Defendants' publication of the false statements, prospective customers have been deterred from buying Plaintiff's goods and from otherwise dealing with Plaintiff. Further, the actual pecuniary value of Plaintiff's stock, trademarks and goodwill have been damaged in an amount not presently ascertained, but which will be proven at trial.

**SEVENTH CAUSE OF ACTION**

**DILUTION**

63. Plaintiff re-alleges all facts included or inferred in Paragraphs 1-62 inclusive, above.

64. As a result of Defendants' actions, as alleged above, Plaintiff's Neon Wand® and KinkLab® trademarks and Plaintiff's goodwill and the value of Plaintiff's business have suffered dilution in value in an amount not presently ascertained, but which shall be proven at trial.



**EIGHTH CAUSE OF ACTION**

**UNFAIR COMPETITION - CALIFORNIA B&P CODE § 17200 ET SEQ.**

65. Plaintiff re-alleges all facts included or inferred in Paragraphs 1-64, inclusive, above.

66. Defendants actions, as alleged above, constitute unlawful, unfair and fraudulent business practices and unfair, deceptive, untrue and misleading advertising.

67. Defendants' actions are likely to cause confusion, mistake and deception in the minds of Plaintiff's customers, members of the trade, and the general public as to the origin and/or sponsorship of Defendants' good and/or services.

68. As a result of Defendants' wrongful conduct, Plaintiffs have suffered damages, including but not limited to loss of earnings and goodwill, in an amount to be proven at trial, but in no case less than one million dollars (\$1,000,000.00).

69. As Defendants' unlawful business practices included an intentional infringement of Plaintiff's federally registered trademarks, bait-and-switch sales scheme, and ongoing product disparagement, Plaintiff is entitled to an award of statutory penalties including treble damages, attorneys' fees and costs of suit.

**NINTH CAUSE OF ACTION**

**ACCOUNTING**

70. Plaintiff re-alleges all facts included or inferred in Paragraphs 1-69 inclusive, above.

1           71. Plaintiff is entitled to a complete disgorgement of all revenues earned by  
2 Defendants as a result of their intentional and unlawful infringement of Plaintiff's  
3 unlawful activities as alleged herein.

4  
5                                   **TENTH CAUSE OF ACTION**  
6                                   **INJUNCTIVE RELIEF**

7           72. Plaintiff re-alleges all facts included or inferred in Paragraphs 1-71  
8 inclusive, above.

9  
10          73. Defendants' acts of unfair competition, trademark infringement, unfair  
11 business practices have caused Plaintiff to suffer severe and irreparable harm for  
12 which there is no adequate remedy at law.

13  
14          74. Plaintiff is informed and believes and thereupon alleges that absent an  
15 order from this Court, Defendants will continue their unlawful acts. Said acts will  
16 cause Plaintiff to suffer continuing damages for which there are no adequate remedies  
17 at law.

18  
19          75. Plaintiff is entitled to temporary, preliminary and permanent injunctive  
20 relief to enjoin any further such acts on behalf of Defendants, or any party or entity  
21 acting in consort with them.

22  
23  
24                   **WHEREFORE; PLAINTIFF PRAYS:**

25  
26          76. That the Court issue a Temporary Restraining Order enjoining  
27 Defendants and their respective agents, employees, successors and assigns, and all  
28 other persons acting in concert with them, from:

1           A)   Employing the Neon Wand® and KinkLab® marks, (including but  
2                   not limited to “Kinkelab Neon Wand” and “Neon Wand - Kengoe”)  
3                   and any other deceptively similar mark(s) to sell good in  
4                   International Class 10; and,

5  
6           B)   Erasing, deleting, altering or destroying any documents, electronic  
7                   files or business records that pertain to the purchase, sale, and/or  
8                   distribution of any goods in International Class 10 through use of  
9                   the Neon Wand® and/or KinkLab® trademarks or deceptively  
10                  similar marks.

11  
12           77.   That the issue Preliminary and Permanent injunctive relief in accordance  
13                  with the Order requested in Paragraph 76 above.

14  
15           78.   That Defendants be required to pay to Plaintiff’s actual damages  
16                  proximately resulting from Defendants’ unfair competition, trademark infringement,  
17                  unfair business practices, trade libel and defamation; and,

18  
19           79.   That Defendants account for all gains, profits and advantages derived by  
20                  Defendants by said unfair competition, trademark infringement, unfair business  
21                  practices, trade libel and defamation; and,

22  
23           80.   That Defendants be required to deliver up to be impounded during the  
24                  pendency of this action all goods bearing Plaintiff’s marks to deliver up for  
25                  destruction all infringing copies, equipment and other matter for making such  
26                  infringing copies and/or the advertisement of same.

1 81. For actual, general, special, statutory and/or exemplary damages, as may  
2 be awarded by this Court; and,  
3

4 82. That Defendants pay to Plaintiff reasonable attorney's fees pursuant to 15  
5 U.S.C. § 1117(a), CA B&P §§ 14200 *et seq*, 17200 *et seq*, and TX B&C § 16.102.  
6

7 83. That Defendants pay to Plaintiff the costs of this action; and,  
8


9 84. For such additional and further relief which this Court deems just and  
10 proper.  
11

12  
13 **DEMAND FOR JURY TRIAL**  
14

15 PLAINTIFF hereby respectfully demands a jury trial as provided by Rule 38(a)  
16 of the Federal Rules of Civil Procedure.  
17

18 Dated: this 18<sup>th</sup> day of February, 2013.  
19

20 THE LAW OFFICES OF ALLAN B. GELBARD  
21

22   
23 Allan B. Gelbard, Esq.  
24 Attorney for Plaintiff  
25 The Stockroom, Inc.  
26  
27  
28

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Consuelo B. Marshall and the assigned discovery Magistrate Judge is Sheri Pym.

The case number on all documents filed with the Court should read as follows:

**CV13- 1194 CBM (SPx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

---

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.



UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

THE STOCKROOM, INC., a California  
corporation,

Plaintiff,

vs.

VIOLETRCOM, a business entity of  
unknown form; THE VIOLET WAND  
STORE, a business entity of unknown form;  
VIOLETWANDS.COM, a business entity of  
unknown form; and DOES 1-10,  
INCLUSIVE,

Defendants.

CASE NUMBER

CV 13-01194

(CBM)  
(SP)

SUMMONS

TO THE ABOVE NAMED DEFENDANT(S), You are hereby summoned and required to file with  
this court and serve upon

Allan B. Gelbard, Esq.

Plaintiff's attorney, whose address is:

15760 Ventura Blvd., Suite 801  
Encino, California 91436

Tel: (818)386-9200 - Fax: (818)386-9289 - E-Mail: XXXEsq@aol.com

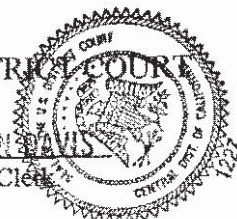
an answer to the Complaint which is herewith served upon you within 21 days after service  
of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default  
will be taken against you for the relief demanded in the complaint.

DATE: Feb 19 2013

CLERK, U.S. DISTRICT COURT

By MARILYN DAVIS  
Deputy Clerk

(Seal of the Court)



SUMMONS



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)  
**THE STOCKROOM, INC.**, a California  
 corporation

**DEFENDANTS**  
**VIOLETRCOM**, a business entity of unknown form; **THE VIOLET WAND**  
**STORE**, a business entity of unknown form; **VIOLETWANDS.COM**, a business  
 entity of unknown form; and **DOES 1-10, INCLUSIVE**

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Allan B. Gelbard, Esq.  
 15760 Ventura Blvd., Suite 801, Encino, CA 91436  
 (818)386-9200

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only**  
 (Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. ORIGIN** (Place an X in one box only.)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☒ No

☒ **MONEY DEMANDED IN COMPLAINT: \$ 1,000,000**

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Trademark, Unfair Competition (15 USC 1115, 1116, 1117, 1125)

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>FORFEITURE / PENALTY</b>	<b>PROPERTY RIGHTS</b>
<input type="checkbox"/> 490 Cable/Sat. TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 510 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 550 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 575 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 590 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 591 Agricultural Act	<b>REAL PROPERTY</b>	<b>IMMIGRATION</b>	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 592 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 593 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 594 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 595 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**FOR OFFICE USE ONLY:** Case Number: CV13-01194

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, CA	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

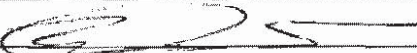
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Houston, TX	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, CA	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR PRO PER):**  **Date** 02/18/2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935PF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended, plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))