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BY: _____
CLERK U.S. DISTRICT COURT
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 DC Comics,
11 Plaintiff,
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13 v.
14 Mark Towle, an individual and doing
15 business as Gotham Garage, and Does 1 -
16 10, inclusive,
Defendants.

Case No. **CV 11-03934 RSWL (OR)**
COMPLAINT FOR COPYRIGHT
INFRINGEMENT; TRADEMARK
INFRINGEMENT; UNFAIR
COMPETITION; TRADEMARK
DILUTION; DECLARATORY
RELIEF
DEMAND FOR A JURY TRIAL

17 Plaintiff DC Comics for its Complaint alleges as follows:

18 **ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

19 **A. Introduction**

20 1. Plaintiff files this action to combat the willful manufacture, promotion,
21 display, distribution, offer for sale and sale of unlicensed and counterfeit products
22 bearing DC Comics' copyrights and trademarks. Defendants are the owners,
23 operators, and managers of a business producing custom cars related to various
24 television shows, movies and other fanciful and copyrighted works. Defendants'
25 business is actively producing, selling, offering for sale, renting, and distributing
26 unlicensed and counterfeit replica vehicles, and kits comprised of assorted parts and
27 accessories, which incorporate unauthorized reproduction of fanciful vehicles
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copyrighted and trademarked by DC Comics from its world famous BATMAN property, including, but not necessarily limited to the various BATMOBILE vehicles and all of their BATMAN related indicia and components (collectively “Infringing Product”).

2. Plaintiff seeks a permanent injunction, damages, costs, and attorneys’ fees as authorized by the Copyright Act, Lanham Act and California common law.

B. Jurisdiction and Venue

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1338(a) as DC Comics’ causes of action arises under The Copyright Act, 17 U.S.C. § 101 and the Federal Trademark Act (“The Lanham Act of 1946”), 15 U.S.C. § 1051 et seq. Further, this Court has jurisdiction over DC Comics’ California state statutory and common law claims pursuant to 28 U.S.C. § 1367.

4. Venue is proper within the Central District of California pursuant to 28 U.S.C. §§ 1391(b) and 1400(a).

C. Plaintiffs

5. DC Comics is a New York General Partnership consisting of E.C. Publications, Inc. and Warner Communications Inc. having its principal place of business in New York, New York.

6. DC Comics is engaged in the business of publishing comic magazines and is among the most well-known and successful publishers of comic magazines in the world. It has created and published highly successful and well-known characters including but not limited to BATMAN, SUPERMAN, WONDER WOMAN and THE FLASH.

7. A significant aspect of DC Comics’ business is the merchandising and licensing of distinctive trademarks and copyrights associated with its highly successful and well-known character BATMAN. BATMAN first appeared in the May 1939 issue of “Detective Comics.” BATMAN was instantly popular and has

1 since become one of the most successful and world-famous comic book super
2 heroes. Numerous related characters and other original and fanciful elements have
3 since appeared in the BATMAN serials, including but not limited to BATMAN,
4 ROBIN, THE RIDDLER, TWO FACE, CATWOMAN, THE PENGUIN, THE
5 JOKER, the BAT Emblem, and the fictional city GOTHAM CITY (collectively
6 referred to herein as the "Batman Characters"). Also, one of the most famous
7 identifiable elements associated with the Batman Characters is a high-tech
8 extraordinary automobile identified as the BATMOBILE vehicle, which has
9 undergone many transformations over the years and includes various versions in
10 design and style (hereinafter referred to as "Batmobile Vehicles").

11 8. Since their introductions, the Batman Characters and the Batmobile
12 Vehicles have been featured in many formats, other than comic books, including
13 movie serials, newspaper comic strips, radio shows, animated television series, live
14 action television series, animated motion pictures, live action motion picture and
15 theatrical presentations, among others. Specifically, the Batman Characters and the
16 Batmobile Vehicles were the subject of a successful live-action television series
17 entitled *Batman* starring Adam West as BATMAN which was initially broadcast in
18 1966 and ran for three seasons with a total of 120 episodes and featured many
19 associated characters popularized in the original comic books. The series has since
20 been repeated in syndication throughout the United States and abroad. One version
21 of the Batmobile Vehicles appeared in the 1966 television series (the "1966
22 Batmobile"). These appearances have expanded the popularity of the Batman
23 Characters and Batmobile Vehicles beyond the comic book medium and market.

24 9. The Batman Characters and the Batmobile Vehicles have also been
25 featured in the 1989 motion picture entitled *BATMAN* (the "1989 Film"), the 1992
26 motion picture entitled *BATMAN RETURNS* (the "1992 Film"), the 1995 motion
27 picture entitled *BATMAN FOREVER* (the "1995 Film"), the 1997 motion picture
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1 entitled *BATMAN AND ROBIN* (the “1997 Film”), the 2005 motion picture entitled
2 *BATMAN BEGINS* (the “2005 Film”), and the most recent motion picture entitled
3 *THE DARK KNIGHT* in 2008 (the “2008 Film”).

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5 10. The 1989 Film generated over \$251 million dollars in domestic box
6 office receipts – nearly \$500 million when adjusted for inflation. The 1992 Film
7 generated over \$162 million dollars in domestic box office receipts. The 1995 Film
8 generated over \$184 million dollars in domestic box office receipts. The 1997 Film
9 generated over \$107 million dollars in box office receipts. The 2005 Film generated
10 over \$205 million dollars in box office receipts. And the 2008 Film generated over
11 \$533 million dollars in domestic box office receipts. The *BATMAN* motion pictures
12 have resulted in domestic gross box office receipts in over a billion dollars, not to
13 mention additional revenues from syndication rights and home video distribution.
14 The *BATMAN* motion pictures have proven to be among the most successful
15 licensing and merchandising ventures of all time, with gross retail sales of associated
16 licensed merchandise exceeding \$1,000,000,000.

17 11. United States revenue from products using original elements from the
18 Batman literary works, TV series, and motion pictures, including the Batman
19 Characters and the Batmobile Vehicles (specifically the 1966 Batmobile), is
20 substantial. The appearance and other features of original elements from the Batman
21 literary works, TV series, and motion pictures, including the Batman Characters and
22 the Batmobile Vehicles (specifically the 1966 Batmobile), are inherently distinctive
23 and serve to identify DC Comics and its licensees as the source of products bearing
24 these original elements. The design, configuration and distinctive features of the
25 Batman literary works, TV series, and motion pictures, including the Batman
26 Characters, the Batmobile Vehicles, and the 1966 Batmobile, and other DC Comics’
27 copyrighted works, and of works related thereto (hereinafter individually and
28 collectively referred to as the “DC Comics Copyrighted Designs”) are wholly

1 original with DC Comics and, as fixed in various tangible media, including, without
2 limitation, merchandise, are copyrightable subject matter under the United States
3 Copyright Act, 17 U.S.C., §§ 101, et seq. DC Comics is the owner of the DC
4 Comics Copyrighted Designs and, as featured on or in connection with various
5 merchandise, these designs constitute copyrightable subject matter under the
6 Copyright Act of 1976, 17 U.S.C. §§ 101, et seq.

7 12. DC Comics has complied in all respects with the laws governing
8 copyright and has secured the exclusive rights and privileges in and to the copyrights
9 to the DC Comics Copyrighted Designs, and DC Comics owns one or more
10 certificates of registration for works in which each of the DC Comics Copyrighted
11 Designs appear. A representative list of relevant copyright registrations for the DC
12 Comics Copyrighted Designs is attached hereto as Exhibit "A."

13 13. Products featuring the DC Comics Copyrighted Designs manufactured,
14 sold and distributed by DC Comics or under its authority have been manufactured,
15 sold and distributed in conformity with the provisions of the copyright laws. DC
16 Comics and those acting under its authority have complied with their obligations
17 under the copyright laws and DC Comics has at all times been and still is the sole
18 proprietor or otherwise authorized to enforce all right, title and interest in and to the
19 copyrights in each of the DC Comics Copyrighted Designs.

20 14. DC Comics owns all right, title and interest in and to and holds
21 exclusive right to develop, manufacture, market and sell product bearing the
22 trademarks, trade names, service marks, artwork, characters and other distinctive
23 elements for and incorporating the DC Copyrighted Designs.

24 15. DC Comics is the owner of world famous registered marks which serve
25 to distinguish DC Comics' products. Each year DC Comics spends millions of
26 dollars to develop and maintain the considerable good will it enjoys in its trademarks
27 and in its reputation for high quality. A representative list of relevant trademark
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registrations for BATMAN, BATMOBILE and related properties is attached hereto as Exhibit "B" (collectively the "DC Comics Trademarks"). (The DC Comics Copyrights Designs and the DC Comics Trademarks are collectively referred to as the "DC Comics Properties.")

16. The DC Comics Trademarks are all valid, extant and in full force and effect. The DC Comics Trademarks are all exclusively owned by DC Comics. DC Comics has continuously used each of the DC Comics Trademarks from the registration date, or earlier, until the present and at all times relevant to the claim alleged in this Complaint.

17. DC Comics has granted and transferred to its related companies, Warner Bros. Consumer Products Inc., Warner Bros. Home Entertainment and WB Studio Enterprises Inc., subsidiaries of Warner Bros. Entertainment Inc., the right to supervise in the United States the merchandising and licensing of the copyrighted elements, trademarks, trade names and service marks incorporated in or associated with the DC Comics Properties. Currently, Plaintiffs have numerous active license agreements in the United States. These agreements provide for the authorized use of the DC Comics Properties on products and in connection with services, including replica full size operating vehicles, toy vehicles, watches, key chains and other personal accessories, among others.

18. As a result of advertising and sales, together with longstanding consumer acceptance, the DC Comics Trademarks identify DC Comics' products and authorized sales of these products. The DC Comics Trademarks have each acquired secondary meaning in the minds of consumers throughout the United States and the world.

19. The revenue from products sold in the United States which use DC Comics Properties is substantial.

1 **D. Defendants**

2 20. Defendant Mark Towle (“Towle”) is an individual who does business as
3 Gotham Garage. DC Comics is informed and believes and upon that basis alleges
4 that Towle is a resident of the City of Corona, County of Riverside, State of
5 California, and that his principal place of business is in the City of Temecula, County
6 of Orange, State of California. Towle also does business through the website located
7 at the domain name gothamgarage.net, is subject to the jurisdiction of this Court and
8 is manufacturing, promoting, distributing, advertising and selling merchandise that
9 infringes the DC Comics Properties within this judicial district.

10 21. Upon information and belief, Does 1 – 10 are either entities or
11 individuals who are residents of or present in this judicial district, and are subject to
12 the jurisdiction of this Court. Upon information and belief, Does 1 – 10 are
13 principals or supervisory employees of the named defendants, suppliers of the named
14 defendants or other entities or individuals who are manufacturing, distributing,
15 selling and/or offering for sale merchandise in this judicial district which infringes
16 some or all of the DC Comics Properties. The identities of the various Does are
17 unknown to DC Comics at this time. The Complaint will be amended to include the
18 names of such individuals when identified. Towle and Does 1 – 10 are collectively
19 referred to herein as “Defendants.”

20 **COUNT I**

21 **COPYRIGHT INFRINGEMENT**

22 22. DC Comics brings the following claim of copyright infringement
23 against the Defendants and incorporates by reference allegations 1 through 21 above.

24 23. Defendants have manufactured, distributed, sold, offered for sale, or
25 rented unauthorized reproduction automobiles bearing and/or depicting copyrighted
26 properties of DC Comics.
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24. Defendants have never been authorized by DC Comics to distribute the DC Comics Copyrighted Designs, nor has DC Comics ever authorized, licensed, or in any manner allowed the Defendants the right to manufacture, distribute, sell, offer for sale, or rent any merchandise including, but not limited to, automobiles or related merchandise which bear and/or depict any of the DC Comics Copyrighted Designs.

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25. Defendants have manufactured, distributed, sold, offered for sale, or rented unauthorized or counterfeit automobiles and other merchandise which incorporate the DC Comics Copyrighted Designs, in direct violation of DC Comics' copyrights.

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26. Defendants have manufactured, distributed, sold, offered for sale, or rented counterfeit or unauthorized automobiles or other merchandise bearing and/or depicting the DC Comics Copyrighted Designs. Defendants committed their acts with actual as well as constructive knowledge of DC Comics' exclusive rights, and their actions have contributed to the infringing, copying, duplication, sale, offer for sale, or rental of counterfeit copies of DC Comics Copyrighted Designs. Each act by the Defendants that infringes one of the DC Comics' copyrights is the basis for a separate claim against the Defendants under the Copyright Act.

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27. Upon information and belief, Defendants' acts as alleged are willful infringements of and have irreparably harmed DC Comics' copyrights and exclusive rights and threaten further infringements and further irreparable harm to DC Comics' copyrights and exclusive rights. Further harm and injury to DC Comics is imminent, and DC Comics is without an adequate remedy at law with respect to such harm and injury. Unless Defendants' acts are enjoined and the illicit counterfeiters of the DC Comics Copyrighted Designs are stopped, it is highly probable that the Defendants, or others under Defendants' direction, will manufacture, distribute, sell, offer for sale, or rent additional counterfeit automobiles or other merchandise which bear DC Comics' copyrighted properties causing further irreparable injury to DC Comics.

1 28. Defendants have obtained gains, profit, and advantages as a result of
2 their wrongful acts noted above.

3 29. DC Comics is entitled, at its option, to statutory damages as provided by
4 17.U.S.C. § 504 in lieu of actual damages and the Defendants' profits.

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6 **COUNT II**

7 **TRADEMARK INFRINGEMENT AND TRADEMARK COUNTERFEITING**

8 30. DC Comics brings the following claim of trademark infringement
9 against the Defendants and incorporates by reference paragraphs 1-29 above.

10 31. DC Comics owns the exclusive rights to those trademarks indexed on
11 Exhibit "B." All of the trademark registrations are in full force and effect and are
12 owned by DC Comics. Many of the trademarks are incontestable pursuant to 15
13 U.S.C. § 1065.

14 32. DC Comics, or those under its authority, manufacture and distribute all
15 of its advertising and products in conformity with the provisions of the U.S.
16 trademark laws.

17 33. Notwithstanding DC Comics' or its licensors' well-known and prior
18 common law and statutory rights in the trademarks, Defendants have, with actual and
19 constructive notice of DC Comics' federal registration rights and long after DC
20 Comics established its rights, adopted and used the trademarks in conjunction with
21 the sale of automobiles and related merchandise in the State of California and
22 interstate commerce.

23 34. Defendants have manufactured, distributed, sold, offered for sale, or
24 rented automobiles and related merchandise bearing the DC Comics Trademarks
25 without DC Comics' authorization. Defendants' distribution, sale, offer for sale, or
26 rental of automobiles and related merchandise bearing the DC Comics Trademarks in
27 California and in interstate commerce has and will cause likelihood of confusion,
28 deception, and mistake in that the buying public will conclude that the products sold

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by the Defendants are authorized, sponsored, approved, or associated with DC Comics.

35. Said acts of infringement will cause irreparable injury to DC Comics if the Defendants are not restrained by the Court from further violation of DC Comics' rights as DC Comics has no adequate remedy at law.

36. DC Comics has suffered damages as a result of the Defendants' acts.

37. Defendants' use in commerce of the DC Comics Trademarks in conjunction with the manufacture and sale of automobiles and related merchandise is an infringement of DC Comics' registered trademarks in violation of 15 U.S.C. § 1114(1).

38. Defendants committed the acts alleged herein intentionally, fraudulently, maliciously, willfully, wantonly, and oppressively with the intent to injure DC Comics and its businesses.

39. The unlicensed automobiles bearing the DC Comics Trademarks that the Defendants sold, distributed, offered for sale, or rented constitutes a counterfeit product pursuant to 15 U.S.C. § 1116(d).

COUNT III

UNFAIR COMPETITION UNDER THE LANHAM ACT

40. DC Comics brings the following claim of unfair competition against Defendants and incorporates by reference the allegations set forth in paragraphs 1-39 above.

41. As a direct result of DC Comics' longstanding use, sales, advertising, and marketing, the DC Comics Properties have acquired a secondary and distinctive meaning among the public who have come to identify the DC Comics Properties with DC Comics and its products.

42. The unauthorized and counterfeit automobiles and related merchandise that the Defendants have sold and distributed have exactly duplicated and

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appropriated the DC Comics Properties and confused the public into believing that DC Comics approved, authorized, or sponsored the automobiles and related merchandise sold, offered for sale, or distributed by the Defendants.

43. Defendants, by misappropriating and using the DC Comics Properties in connection with the manufacture, distribution, promotion, offer for sale and sale of automobiles and related merchandise, are misrepresenting and will continue to misrepresent and falsely describe to the general public the origin and sponsorship of their products. Defendants have caused such products to enter into interstate commerce willfully with full knowledge of the falsity of the designation of their origin and description and representation in an effort to mislead the purchasing public into believing that their products are authorized or emanate from DC Comics.

44. These acts constitute a violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

45. The Defendants have obtained gains, profits, and advantages as a result of their unlawful acts.

46. DC Comics has suffered monetary damages as a result of the Defendants' acts.

COUNT IV

UNFAIR COMPETITION UNDER CALIFORNIA'S COMMON LAW

47. DC Comics brings the following claim of unfair competition against Defendants and incorporates by reference the allegations set forth in paragraphs 1-46 above.

48. DC Comics has expended significant sums of money in advertising and marketing products featuring the DC Comics Properties and in creating a consumer demand for such products in California and elsewhere in the United States. Consequently, these products have become widely known and accepted.

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49. Defendants have distributed and sold unauthorized and counterfeit automobiles and related merchandise bearing exact copies of the DC Comics Properties in California, thereby passing them off as products authorized or distributed by DC Comics.

50. Defendants have knowingly and willfully appropriated the DC Comics Properties in an effort to create the impression that the Defendants' counterfeit products are sanctioned by DC Comics and to misappropriate all of the goodwill associated with the DC Comics Properties.

51. Defendants' acts constitute unfair competition and will, unless enjoined by this Court, result in the destruction or dilution of the goodwill in the DC Comics Trademarks and of DC Comics' valuable trademark rights to the unjust enrichment of the Defendants.

52. The unauthorized products that are sold by the Defendants are calculated and likely to deceive and mislead the purchasers who buy them in the belief that they originate with or are authorized by DC Comics.

53. The continued passing off by the Defendants of such unauthorized products as if such product originated from DC Comics has caused and, unless restrained, will continue to cause serious and irreparable injury to DC Comics.

54. DC Comics has no adequate remedy at law and suffers irreparable harm as a result of the Defendants' acts.

55. DC Comics has suffered damages as a result of the Defendants' acts.

56. Defendants committed the alleged acts intentionally, fraudulently, maliciously, willfully, wantonly, and oppressively with the intent to injure DC Comics and its business.

PRAYER FOR RELIEF

WHEREFORE, DC Comics demands entry of a judgment against the defendant as follows:

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2 1. Permanent injunctive relief restraining the Defendants, their officers,
3 agents, servants, employees, attorneys, and all those in active concert or participation
4 with them from:

5 a. Further infringing the DC Comics Properties by manufacturing,
6 producing, distributing, circulating, selling, marketing, offering for sale, renting,
7 advertising, promoting, displaying, or otherwise disposing of any products not
8 authorized by DC Comics, including, but not limited to, automobiles and related
9 merchandise bearing any simulation, reproduction, counterfeit, copy, or colorable
10 imitation of any of the DC Comics Properties (“Unauthorized Products”);

11 b. Using any simulation, reproduction, counterfeit, copy, or
12 colorable imitation of any of the DC Comics Properties in the promotion,
13 advertisement, display, sale, offer for sale, rental, manufacture, production,
14 circulation, or distribution of Unauthorized Products in such fashion as to relate or
15 connect, or tend to relate or connect, such products in any way to DC Comics or to
16 any goods sold, manufactured, sponsored, or approved by or connected with DC
17 Comics;

18 c. Making any statement or representation whatsoever, or using any
19 false designation of origin or false description, or performing any act that can or is
20 likely to lead the trade or public, or individual members thereof, to believe that any
21 products manufactured, distributed, or sold by the Defendants are in any manner
22 associated or connected with DC Comics, or are sold, manufactured, licensed,
23 sponsored, approved, or authorized by DC Comics;

24 d. Engaging in any other activity constituting unfair competition
25 with or an infringement of any of the DC Comics Properties or of DC Comics’ rights
26 in, or to use or to exploit its Properties, or constituting any dilution of DC Comics’
27 name, reputation, or goodwill;

1 e. Effecting assignments or transfers, forming new entities or
2 associations or using any other device for the purpose of circumventing or otherwise
3 avoiding the prohibitions set forth in Subparagraphs a. through d.;

4 f. Secreting, destroying, altering, removing, or otherwise dealing
5 with the Unauthorized Products or any books or records that may contain any
6 information relating to the importing, manufacturing, producing, distributing,
7 circulating, selling, marketing, offering for sale, renting, advertising, promoting, or
8 displaying of all unauthorized products that infringe any of the DC Comics
9 Properties; and

10 g. From aiding, abetting, contributing to, or otherwise assisting
11 anyone from infringing upon any of the DC Comics Properties.

12 2. Directing that the Defendants deliver for destruction all Unauthorized
13 Products, including automobiles, labels, signs, prints, packages, dyes, wrappers,
14 receptacles, and advertisements, in their possession or under their control bearing
15 any of the DC Comics Properties or any simulation, reproduction, counterfeit, copy,
16 or colorable imitation thereof, and all plates, molds, heat transfers, screens, matrices,
17 and other means of making the same.

18 3. Directing that the Defendants report to this Court within thirty (30) days
19 after a Permanent Injunction is entered to show its compliance with paragraphs 1 and
20 2 above.

21 4. Directing such other relief as the Court may deem appropriate to
22 prevent the trade and public from gaining the erroneous impression that DC Comics
23 authorized or is related in any way to any products manufactured, sold, rented, or
24 otherwise circulated or promoted by the Defendants.

25 5. Awarding to DC Comics from the Defendants, as a result of the
26 Defendants' sale of Unauthorized Products bearing the DC Comics Trademarks,
27 three times DC Comics' damages and three times the Defendants' profits, after an
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accounting, or statutory damages, should DC Comics opt for such relief, consisting of \$200,000.00 for each of the DC Comics Trademarks infringed upon by the Defendants, and to the extent this Court concludes such infringement was willful, \$2,000,000.00 for the DC Comics Trademarks infringed upon by the Defendants pursuant to 15 U.S.C. § 1114 and § 1117.

6. Awarding to DC Comics from the Defendants, as a result of the Defendants' sale of Unauthorized Products bearing the DC Comics Trademarks, three times DC Comics' damages and three times Defendants' profits, after an accounting, pursuant to 15 U.S.C. § 1125(a) and § 1117.

7. That DC Comics be awarded from each Defendant found to be in violation of the DC Comics Copyrighted Designs, the Defendants' profits, or at DC Comics' election, an award of statutory damages pursuant to 17 U.S.C. § 504, of no less than Seven Hundred and Fifty Dollars (\$750.00) nor more than Thirty Thousand Dollars (\$30,000.00) per copyrighted property infringed upon by each Defendant, at the Court's discretion, or should this Court find that such infringement was willful, that this Court, pursuant to its discretion, award statutory damages of up to One Hundred and Fifty Thousand Dollars (\$150,000.00) for each copyrighted property infringed upon by each such Defendant.

8. Awarding to DC Comics its reasonable attorneys' fees and investigative fees pursuant to 15 U.S.C. § 1117 and 17 U.S.C. § 105.

9. Awarding to DC Comics its costs in bringing this action.

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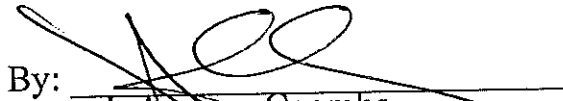
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10. Awarding punitive damages to DC Comics for the Defendants' willful acts of unfair competition under California's common law.

11. Awarding other such relief to DC Comics as this Court deems just.

Dated: May 6, 2011

J. Andrew Coombs, A Professional Corp.

By: 

J. Andrew Coombs
Nicole D. Drey
Attorneys for Plaintiff DC Comics

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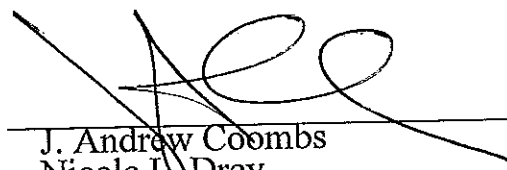
DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff DC Comics hereby demands a trial by jury of all issues so triable.

DATED: May 6, 2011

J. Andrew Coombs, A Professional Corp.

By:



J. Andrew Coombs
Nicole D. Drey
Attorneys for Plaintiff DC Comics

EXHIBIT A**DC COMICS' COPYRIGHTED DESIGNS**

Copyright Registration	Title of Work (Character)	Type of Work
Txu 1-080-661	DC Comics Anti-Piracy Guide Batman Robin Superman Wonderwoman Supergirl Justice League	Style Guide
VAu 1-059-478	DC Comics Anti-Piracy Style Guide	Style Guide
TXu 513-455	Batman Returns Style Guide	Style Guide
TX 3-316-665	DC Comics Batman Style Guide	Style Guide
RE-628-242	Batman No. 170, Mar. 1965	Periodicals
TX 5-593-461	Batman	Monthly Publication
RE-628-244	Detective Comics No. 337, Mar. 1965	Periodicals
TX-3-402-770	DC Comics presents Batman 3 D	visual arts
TX-4-183-766	Batman: the terror of two-face	nondramatic literary works, computer programs
TX-5-871-232	The DC Comics guide to writing comics	nondramatic literary works, computer programs
TXu-532-372	DC Comics style guide.	visual arts
VA-776-450	DC Comics Super Heros	visual arts
VA-777-441	DC Comics Super Heroes Paint 'n' Marker book	visual arts
VA-777-593	DC Comics Super Heroes: a giant coloring book.	visual arts
VA-795-718	DC Comics super heroes sticker fun.	visual arts
VA-838-902	DC Comics Super Heroes.	visual arts
VA-854-405	DC Comics Super Heroes, gallery of heroes	visual arts
TX-5-060-774	Batman & Demon	nondramatic literary works, computer programs
VA-839-545	Batman & Mr. Freeze: SubZero-chill out	visual arts

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PAu-1-865-982	Batman 3: the final battle	Screenplay
TXu-838-199	Knight Force Batman	Style Guide

EXHIBIT B**DC COMICS' TRADEMARKS**

Trademark	Trademark Registration No.	Trademark Registration Date
Bat Emblem	1581725	February 2, 1990
Bat Emblem	1581593	February 6, 1990
Bat Emblem	1581659	February 6, 1990
Bat Emblem	2119266	December 9, 1997
Bat Emblem (Batman Begins)	32990197	September 25, 2007
Bat Emblem (Batman Begins)	3110604	June 27, 2006
Bat Emblem (Batman Begins)	3326043	October 30, 2007
Bat Emblem (Batman Begins)	3313612	October 16, 2007
Bat Rep II	1219120	December 7, 1982
Batman	0856045	September 3, 1968
Batman	0858860	October 22, 1968
Batman	0828412	May 9, 1967
Batman	2457655	June 5, 2001
Batman	1652640	July 30, 1991
Batman	0839561	November 28, 1967
Batman	1221720	December 28, 1982
Batman	1587507	March 20, 1990
Batman & Rep.	804709	March 1, 1966
Batman & Robin	2171937	July 7, 1998
Batman & Robin	2404483	November 14, 2000

1			
2	Batman Beyond	2762067	September 9, 2003
3			
4	Batmobile	Serial Number 85143617	n/a
5	Batmobile	Serial Number 85143624	n/a
6	Batmobile	1179342	November 24, 1981
7	Batmobile	1124961	September 11, 1979
8	Gotham City	3353156	December 11, 2007
9	Gotham Knights	3391795	December 18, 2007
10	Gotham Central	3391794	March 4, 2008
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**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 Ronald S. W. Lew and the assigned discovery Magistrate Judge is Oswald Parada.

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

CV11- 3934 RSWL (OPx)

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.

J. Andrew Coombs (SBN 123881)
Nicole L. Drey (SBN 250235)
J. Andrew Coombs, A Prof. Corp.
517 E. Wilson Ave., Suite 202
Glendale, California 91206
Tel.: (818) 500-3200 / Fax: (818) 500-3201

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DC Comics,

PLAINTIFF(S)

v.

Mark Towle, an individual and doing business as
Gotham Garage, and Does 1-10, inclusive,

DEFENDANT(S).

CASE NUMBER

CV11-03934 RSWL (OPX)

SUMMONS

TO: DEFENDANT(S): MARK TOWLE, an individual and doing business as Gotham Garage, and Does
1-10, inclusive

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, J. Andrew Coombs, whose address is J. Andrew Coombs, A P.C., 517 East Wilson Avenue, Suite 202, Glendale, CA 91206. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

MAY - 6 2011

Dated: _____

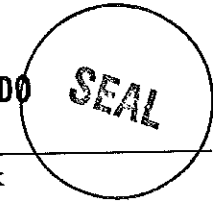
Clerk, U.S. District Court

JULIE PRADO

By: _____

Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) DC Comics	DEFENDANTS Mark Towle, an individual and doing business as Gotham Garage, and Does 1 - 10, inclusive
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Los Angeles	County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) J. Andrew Coombs (SBN 123881) J. Andrew Coombs, A Professional Corporation 517 E. Wilson Ave., Suite 202, Glendale, California 91206 Telephone: (818) 500-3200/(818) 500-3201	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 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.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		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
	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: \$ _____

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.)

Copyright Infringement 17 U.S.C. §§ 101 et seq.

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

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? No Yes

If yes, list case number(s):

CV 11-03934

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

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

VIII(b). RELATED CASES: Have any cases been previously filed 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: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)
 Check here if the U.S. government, its agencies or employees is a named plaintiff.
 New York - DC Comics

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).
 Check here if the U.S. government, its agencies or employees is a named defendant.
 Riverside County

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)
 Note: In land condemnation cases, use the location of the tract of land involved.
 Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date 5-6-11

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 out 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. 1935FF(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))