

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION

Case No. \_\_\_\_\_

HOLLANDER HOME FASHIONS,  
LLC,

Plaintiff,

vs.

LA-Z-BOY, INC.,

Defendant.

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**COMPLAINT**

Plaintiff, Hollander Home Fashions, LLC ("Hollander"), by and through its undersigned counsel, hereby files its Complaint against Defendant, La-Z-Boy, Inc. ("Defendant"), and alleges as follows:

**NATURE OF THE SUIT**

This is an action in which, *inter alia*, Hollander seeks pecuniary and injunctive relief from the various acts of Defendant arising under the Trademark Laws of the United States, 15 U.S.C. §§ 1051 *et seq.* and the Federal common law, and an order instructing the United States Patent and Trademark Office to deny registration of Defendant's Application Serial No. 85/119,481, pursuant to Section 37 of the Lanham Act, 15 U.S.C. § 1119 *et seq.*. Defendant's illegal acts have irreparably harmed the goodwill and reputation of Hollander, and have caused Hollander significant damage.

**PARTIES**

1. Plaintiff, Hollander Home Fashions, LLC, is a Delaware limited liability company with offices at 6560 West Rogers Circle, Boca Raton, FL 33487-2746.

2. Upon information and belief, Defendant, La-Z-Boy Inc., is a Michigan corporation with offices throughout the state of Michigan and southern district of Florida, including, 3661 North Federal Highway, Ft. Lauderdale, FL 33308.

### **JURISDICTION AND VENUE**

3. This Court has original jurisdiction over this dispute pursuant to 15 U.S.C. § 1121, 28 U.S.C. § 1331, and 28 U.S.C. § 1338(a), as this action arises under the Trademark Laws of the United States.

4. This Court also has diversity jurisdiction arising under 28 U.S.C. § 1332(a), because Hollander and the Defendant have complete diversity of citizenship, and the amount in controversy exceeds, exclusive of interests and costs, the sum of Seventy Five Thousand Dollars (\$75,000.00).

5. The claims alleged in this Complaint arise in the state of Florida and elsewhere.

6. Venue is proper in this judicial district under 28 U.S.C. § 1391.

### **BACKGROUND**

#### **Plaintiff's Registered Trademark Rights**

7. Hollander is a supplier of bedding including pillows, comforters, blankets, throws, featherbeds, fiberbeds, and mattress pads. For over 57 years, Hollander has built a business that is now the largest supplier of bed pillows in North America.

8. Hollander prides itself on the quality of its products and its commitment to excellence, and expends considerable sums in marketing and advertising to cultivate the extensive goodwill that it has developed with its customers both nationally and internationally.

9. Hollander uses the trademark LIVE COMFORTABLY to refer to its products and prominently displays this trademark in its advertising and on its website.

10. Hollander owns a number of registered trademarks in the United States, including registrations for the marks LIVE COMFORTABLY and UNE VIE DOUILLETTE (the French translation of "live comfortably") (collectively the "Hollander Marks"). The Hollander Marks are distinctive of the products offered by Hollander. These registered marks include the following:

Reg. No.	Trademark	Registered	First Used	Goods/Services
2,751,427	LIVE COMFORTABLY	August 12, 2003	June 2002	Pillows, Fabric Valances, in Class 20 (U.S. Cls. 2, 13, 22, 25, 32, and 50); Comforters, Bed Sheets, Pillow Cases, Bed Ruffles, Pillow Shams, Duvet Covers, Table Rounds and Window Treatments, namely, Window Curtains, Window Scarves, Fabric Curtain Tiebacks and Textile Window Covering Panels, Dust Ruffles, Mattress Pads, Bed Blankets, Mattress Toppers, Mattress Covers, and Featherbeds, in Class 24 (U.S. Cls. 42 and 50).
2,851,928	UNE VIE DOUILLETTE	June 8, 2004	July 2003	Comforters, Bed Sheets, Pillow Cases, Bed Ruffles, Pillow Shams, Duvet Covers, Table Rounds and Window Treatments namely Window Curtains, Window Scarves, Fabric Curtain Tiebacks and Textile Window Covering Panels, Dust Ruffles, Mattress Pads, Bed Blankets, Fabric Valances, Mattress Covers, in Class 24 (U.S. Cls. 42 and 50).

11. Each of these marks has become well known in the industry and has established substantial goodwill through its use in connection with the goods associated with Hollander. Thus, even independent of Hollander's federal trademark registrations, Hollander possesses extensive common law trademark rights in the Hollander Marks.

12. The registrations for Hollander Marks are in full force and effect, and have become incontestable pursuant to 15 U.S.C. § 1065.

**Defendant's Wrongful Conduct**

13. Defendant uses the trademark LIVE LIFE COMFORTABLY in connection with its marketing and sales of an array of furniture including sofas, chairs, recliners, loveseats, sectionals, lift chairs, and sleepers.

14. Defendant displays the LIVE LIFE COMFORTABLY mark on the pages of its website, [www.la-z-boy.com](http://www.la-z-boy.com).

15. Defendant displays the LIVE LIFE COMFORTABLY mark in its print advertising

16. Defendant displays the LIVE LIFE COMFORTABLY mark in its television advertising.

17. Defendant uses the LIVE LIFE COMFORTABLY mark in connection with marketing and sales of its sleepers, which may be depicted with associated bedding such as pillows, pillow cases, blankets, sheets, and comforters as in Exhibit A.

18. Defendant has began marketing and/or licensing La-Z-Boy branded bedding products, and has used and/or authorized the use of the LIVE LIFE COMFORTABLY mark in connection with these products, including, but not limited: pillows, pillow shams, pillow cases, bed sheets, and comforters, as exemplified in Exhibits B and C.

19. Defendant has neither requested nor received permission of Hollander to use the Hollander Marks in any manner.

20. Defendant has no association, affiliation, sponsorship, or any other connection to Hollander.

21. Defendant has acted deliberately in an ongoing attempt to cause substantial and irreparable damage to Hollander's business and to confuse consumers as to the source or sponsor of the products and owner of the Hollander Marks.

**FIRST CLAIM FOR RELIEF**

**Trademark Infringement In Violation Of 15 U.S.C. § 1114(1)**

22. Hollander reasserts the allegations contained in Paragraphs 1 through 21 as if fully set forth herein.

23. Defendant's unauthorized use of the Hollander Marks, particularly in connection with bedding products, is likely to continue to cause confusion, and/or to cause mistake, and/or to deceive, in violation of Section 32(1) of the Lanham Act (15 U.S.C. § 1114(1)).

24. The aforesaid acts of Defendant were committed willfully, knowingly, maliciously, and in conscious disregard of its legal obligations to Hollander.

25. The aforesaid conduct of Defendant has caused, and unless restrained by this Court will continue to cause, immediate, great, and irreparable harm to Hollander's property and business.

26. Hollander has no adequate remedy at law.

**SECOND CLAIM FOR RELIEF**

**False Designation Of Origin And Unfair Competition In Violation Of 15 U.S.C. § 1125(a)**

27. Hollander reasserts the allegations contained in Paragraphs 1 through 21 as if fully set forth herein.

28. Defendant's unauthorized use of the Hollander Marks, particularly in connection with bedding products, are likely to continue to cause confusion, and/or mistake, or to deceive as to origin, sponsorship, or approval of Defendant's goods, services, or commercial activities, in violation of Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)).

29. The aforesaid acts of Defendant were committed willfully, knowingly, maliciously, and in conscious disregard of Hollander's rights.

30. The aforesaid conduct of Defendant has caused, and unless restrained by this Court will continue to cause, immediate and irreparable injury to Hollander's property and business.

31. The aforesaid conduct of Defendant has caused Hollander to sustain monetary damage, loss, and injury in an amount to be determined at the time of trial.

32. Hollander has no adequate remedy at law.

**THIRD CLAIM FOR RELIEF**  
**Dilution In Violation Of 15 U.S.C. § 1125(c)**

33. Hollander reasserts the allegations contained in Paragraphs 1 through 21 as if fully set forth herein.

34. Hollander's LIVE COMFORTABLY mark is famous and was so before Defendant began its use of the mark LIVE LIFE COMFORTABLY.

35. With knowledge of the fame of the LIVE COMFORTABLY mark, Defendant adopted and used the mark LIVE LIFE COMFORTABLY with the intention of luring unsuspecting customers of Hollander to Defendant.

36. Defendant's actions lessen the capacity of Hollander's famous LIVE COMFORTABLY mark to identify and distinguish Hollander's services, thereby diluting the LIVE COMFORTABLY mark.

37. Defendant willfully intended to trade on Hollander's reputation and to cause dilution of Hollander's famous LIVE COMFORTABLY mark as evidenced by Defendant's adoption, use and continued use of the mark LIVE LIFE COMFORTABLY after having been apprised of Hollander's rights.

38. Defendant's acts, as alleged above, constitute dilution of Hollander's famous LIVE COMFORTABLY mark in violation of Section 43(c) of the Lanham Act (15 U.S.C. § 1125(c)).

39. The aforesaid conduct of Defendant has caused, and unless enjoined by this Court will continue to cause, immediate and irreparable injury to Hollander's famous LIVE COMFORTABLY mark, Hollander's good name and reputation, and Hollander's goodwill in a manner that cannot be calculated or compensated for by money damages alone.

40. The aforesaid acts of Defendant were committed willfully, knowingly, maliciously and in conscious disregard of Hollander's rights.

41. Hollander has no adequate remedy at law.

**FOURTH CLAIM FOR RELIEF**  
**Common-Law Unfair Competition**

42. Hollander reasserts the allegations contained in Paragraphs 1 through 21 as if fully set forth herein.

43. The aforesaid acts of Defendant constitute unfair competition and unfair business practices contrary to the common law of the United States.

44. The unfair competition and unfair business practices of Defendant have been continuous, deliberate, malicious, willful, and done in conscious disregard of Hollander's rights.

45. The aforesaid acts of Defendant were committed willfully, knowingly, maliciously, and in conscious disregard of Hollander's rights.

46. The aforesaid conduct of Defendant has caused, and unless restrained by this Court will continue to cause, immediate and irreparable injury to Hollander's property and business.

47. The aforesaid infringement by Defendant has caused Hollander to sustain monetary damage, loss, and injury in an amount to be determined at the time of trial.

Hollander has no adequate remedy at law.

**FIFTH CLAIM FOR RELIEF**

**Opposition of Trademark Application**

48. Hollander reasserts the allegations contained in Paragraphs 1 through 21 as if fully set forth herein.

49. Hollander has filed an opposition against the registration of Defendant's Application Serial No. 85/119,481 with the United States Patent and Trademark Office.

50. This Court has the authority to determine the right to registration, order the cancellation of registrations, in whole or in part, restore canceled registrations, and otherwise rectify registrations of any party to this action pursuant to Section 37 of the Lanham Act, 15 U.S.C. § 1119 *et seq.*

51. Defendant filed an application for trademark registration of the mark "LIVE LIFE COMFORTABLY" as reflected in trademark application Serial No. 85/119,481, filed August 31, 2010.

52. Defendant's use of the mark "LIVE LIFE COMFORTABLY" is confusingly and deceptively similar to the previously used and registered Hollander Marks.

53. The products provided by Hollander under its Hollander Marks are highly similar to, if not the same as, and directly competitive with the services listed in Defendant's application for registration of the mark "LIVE LIFE COMFORTABLY."

54. The use and registration by Defendant of the mark "LIVE LIFE COMFORTABLY" is likely to cause confusion or to cause mistake or deception in the trade, and among purchasers and potential purchasers, with the previously used and registered Hollander Marks, resulting in damage to Hollander.



55. Registration of the mark shown in Application Serial No. 85/119,481 will result in damage to Hollander under the provisions of Sections 2(a) and 2(d) of the U.S. Trademark Act, 15 U.S.C. § 1052, pursuant to the allegations stated above.

56. The foregoing facts justify denying registration of Defendant's Application Serial No. 85/119,481, pursuant to Section 37 of the Lanham Act, 15 U.S.C. § 1119 *et seq.*

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, Hollander Hollander Home Fashions, LLC, respectfully requests this court to enter judgment against Defendant, La-Z-Boy, Inc., as follows:

A. A preliminary and permanent injunction enjoining Defendant and its officers, agents, servants, employees, attorneys, and all other persons in active concert or participation with any of them, from:

a. Using, reproducing, advertising, or promoting any of the Hollander Marks in connection with the offer or sale of any goods or services, the use of any domain name, the rendering of any service or any commercial activity;

b. Using, reproducing, advertising, or promoting any trademark, URL, or copyright that is confusingly similar to, or a colorable imitation of, any of the Hollander Marks;

c. Using, reproducing, advertising, or promoting any trademark, or name that may be calculated to represent or that has the effect of representing that the products or services of Defendant or any other person are sponsored by, authorized by, or in some way associated with Hollander;

d. Using, reproducing, advertising, or promoting in connection with any product or service the name, trademark, or copyright, or any name, trademark, copyright, or URL confusingly similar therewith;

e. Injuring the commercial reputation, renown, and goodwill of Hollander or any of the Hollander Marks;

f. Using or reproducing any word, term, name, symbol, or device, or any combination thereof, which confuses or falsely represents or misleads, is calculated to confuse, falsely represent, or mislead, or which has the effect of confusing, falsely presenting, or misleading, that the activities of Defendant or another are in some way connected with Hollander or are sponsored, approved, or licensed by Hollander; and

g. Otherwise unfairly competing with Hollander.

B. An order barring Defendant from applying to register, registering or maintaining any URL that contains the Hollander Marks or confusingly similar marks or combinations.

C. An accounting to determine Defendant's profits in connection with sales of products or services identified by any of the Hollander Marks, or use by Defendant of any mark, badge, copyright, or designation likely to be confused with the foregoing and an award to Hollander of such profits;

D. An award of compensatory damages arising out of Defendant's infringement and trebled as provided by 15 U.S.C. § 1117;

E. A monetary award to Hollander in the amount of the actual damages sustained by it resulting from Defendant unfairly competing with Hollander;

F. An award to Hollander of exemplary and/or punitive damages;

G. An order instructing the United States Patent and Trademark Office to deny registration of Defendant's Application Serial No. 85/119,481, pursuant to Section 37 of the Lanham Act, 15 U.S.C. § 1119 *et seq.*

H. An award by the Court to Hollander of its reasonable attorney fees and the costs of this action;

I. Prejudgment and postjudgment interest on the above monetary awards; and

J. Such other and further relief as this Court deems equitable and just.

**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38(b), Hollander hereby demands a trial by jury on all issues so triable.

Dated: May 19, 2011

Respectfully submitted,

By: s/G. Joseph Curley

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*Counsel for Plaintiff, Hollander  
Home Fashions, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on Monday, May 23, 2011, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record and pro se parties identified below in the manner specified, either via transmission of Notices of Electronic filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: s/G. Joseph Curley  
G. Joseph Curley

WPB 1120491.1

JS 44 (Rev. 3/99)

**CIVIL COVER SHEET**

The 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, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

<p><b>I. (a) PLAINTIFFS</b></p> <p>HOLLANDER HOME FASHIONS, LLC</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff <u>Palm Beach</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p><b>(c)</b> Attorneys (Firm Name, Address, and Telephone Number)</p> <p>GUNSTER 777 South Flagler Drive, Ste. 500 East West Palm Beach, FL 33401-6194 Tel: 561 655 1980 Fax: 561 655 5677</p>	<p><b>DEFENDANTS</b></p> <p>LA-Z-BOY INCORPORATED</p> <p>County of Residence of First Listed Defendant <u>n/a</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p><b>NOTE:</b> IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED</p> <p>Attorneys (if known)</p> <p>HARNES, DICKEY &amp; PIERCE, P.L.C. 5445 Corporate Drive, Ste 200 Troy, MI 48098 Tel: 248 641 1600 Fax: 248 641 0270</p>
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<p><b>II. BASIS OF JURISDICTION</b> (Place an "x" in one box only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "x" in one box for plaintiff and one box for defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated <i>or</i> Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> 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 <i>and</i> 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
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IV. NATURE OF SUIT (Place an "x" in one box only)					
<p><b>CONTRACT</b></p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p>	<p><b>TORTS</b></p> <p><b>PERSONAL INJURY</b></p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel &amp; Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p>	<p><b>PERSONAL INJURY</b></p> <p><input type="checkbox"/> 362 Personal Injury—Med. Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury—Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p><b>PERSONAL PROPERTY</b></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><b>FORFEITURE/PENALTY</b></p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food &amp; Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. &amp; Truck</p> <p><input type="checkbox"/> 650 Airline Regs</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p><b>LABOR</b></p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting &amp; Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p>	<p><b>BANKRUPTCY</b></p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><b>PROPERTY RIGHTS</b></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input checked="" type="checkbox"/> 840 Trademark</p> <p><b>SOCIAL SECURITY</b></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><b>FEDERAL TAX SUITS</b></p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p><b>OTHER STATUTES</b></p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p>

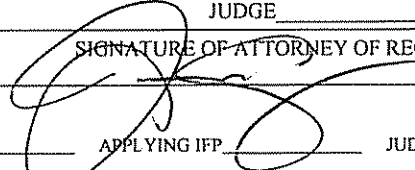
**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

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

**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 infringement under 15 U.S.C. § 1114(1) and 15 U.S.C. § 1125(a)

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23    DEMAND \$ \_\_\_\_\_    CHECK YES only if demanded in complaint: JURY DEMAND:  Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions) None    JUDGE \_\_\_\_\_    DOCKET NUMBER \_\_\_\_\_

DATE May 23, 2011    SIGNATURE OF ATTORNEY OF RECORD  s/ G. Joseph Curley

FOR OFFICE USE ONLY    RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_

AO 440 (Rev. 12/09) Summons in a Civil Action

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UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

HOLLANDER HOME FASHIONS, LLC,

Plaintiff,

v.

LA-Z-BOY INCORPORATED,

Defendant.

CASE NUMBER:

**SUMMONS IN A CIVIL ACTION**

TO: LA-Z-BOY INCORPORATED  
C T CORPORATION SYSTEM  
1200 SOUTH PINE ISLAND ROAD  
PLANTATION, FL 33324

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

G. Joseph Curley, Esq.  
GUNSTER  
77 South Flagler Drive, Ste. 500 East  
West Palm Beach, FL 33401-6194

If you fail to respond, 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.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1))**

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_ a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

other *(specify)* \_\_\_\_\_

<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____ <div style="text-align: center; margin-left: 150px;"><i>Date</i></div>	_____ <div style="text-align: center;"><i>Signature of Server</i></div>	
	_____ <div style="text-align: center;"><i>Address of Server</i></div>	

1) At to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

# EXHIBIT A

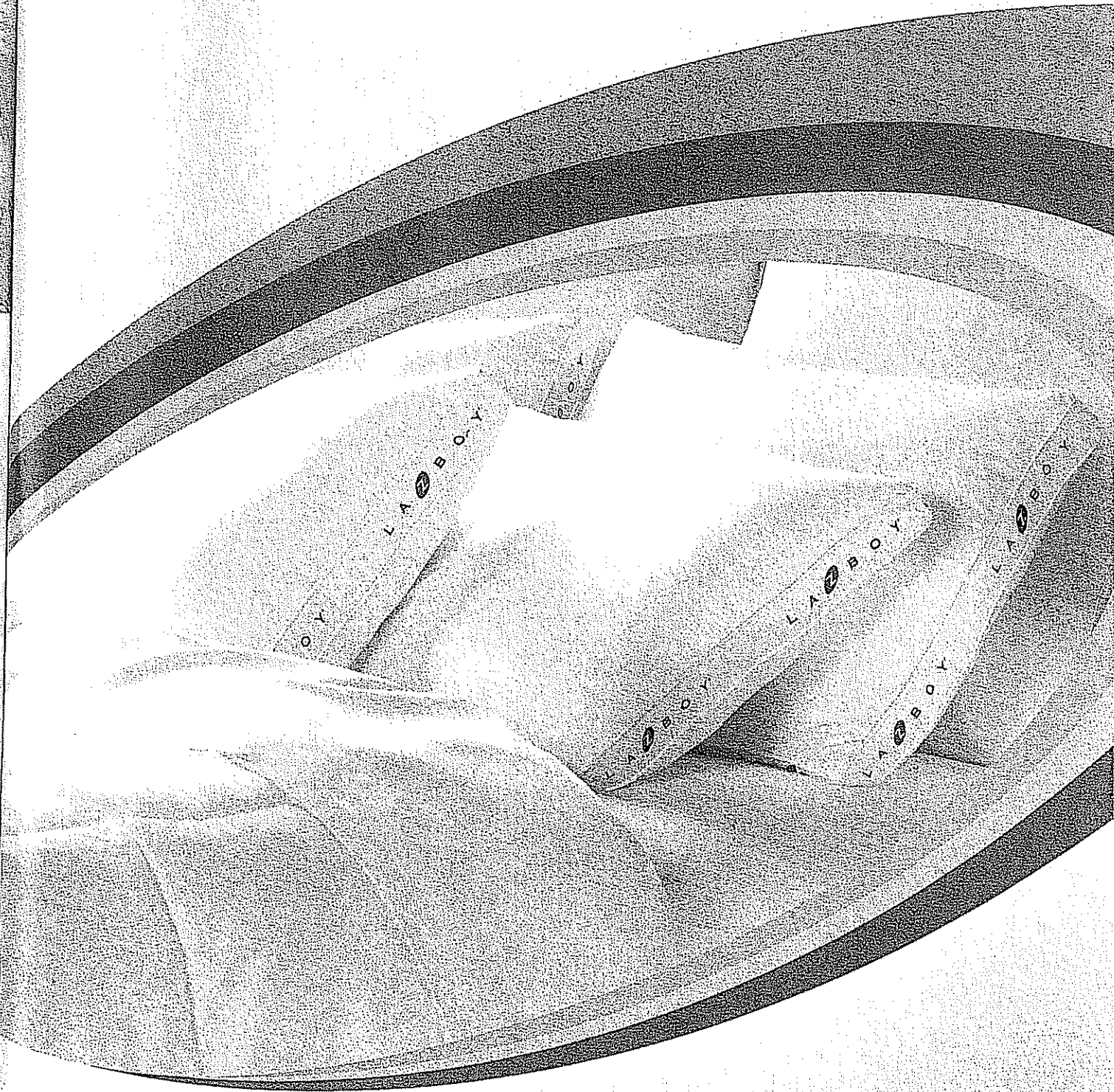




# **EXHIBIT B**

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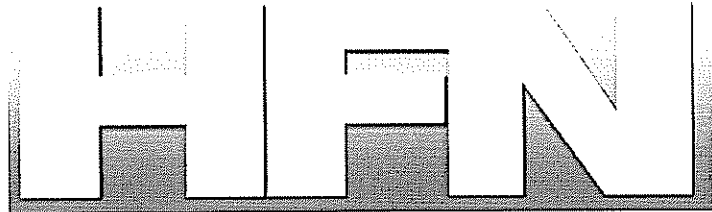


# EXHIBIT C

**macef**  
milano

**Macef Autumn 2011**  
8-11 September  
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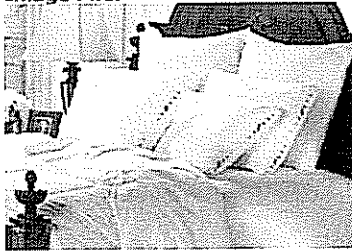
**Louisville Bedding** (</content/louisville-bedding-0>)

Submitted by Michael Gambardella on Mon, 03/07/2011 - 5:52pm

**Description:**

Louisville Bedding is bringing its La-Z-Boy licensed line of basic bedding to the U.S. market. [loubed.com](http://loubed.com)

**Image File:**



**channels**

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- [Floor Coverings & Rugs \(/product-channels/2235\)](/product-channels/2235)
- [Furniture \(/product-channels/2236\)](/product-channels/2236)
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- [Mattresses & Bedding \(/product-channels/2221\)](/product-channels/2221)
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