

JUDGE SWEET

13 CIV 746

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FOCUS PRODUCTS GROUP  
INTERNATIONAL, LLC, ZAHNER  
DESIGN GROUP, LTD., AND  
HOOKLESS SYSTEMS OF NORTH  
AMERICA, INC.

Plaintiffs,

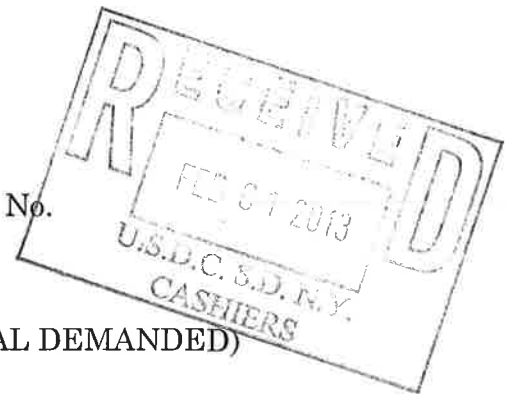
v.

ALLURE HOME CREATIONS CO.,  
INC., AND ALLURE HOSPITALITY  
CREATIONS

Defendants.

Civil Action No.

(JURY TRIAL DEMANDED)



**COMPLAINT**

Plaintiffs Focus Products Group International, LLC (“Focus”), Zahner Design Group, Ltd. (“ZDG”), and Hookless Systems of North America, Inc. (“HSNA”) (collectively, “Plaintiffs”) by their attorneys, hereby complain of Defendants Allure Home Creation Co., Inc. and Allure Hospitality Creations LLC, (collectively, “Defendants”) as follows:

**JURISDICTION AND VENUE**

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §101 *et seq.*; trademark infringement and unfair competition under Section 43 of the Lanham Act, 15 U.S.C. §1125; and for unfair competition under the law of the State of New York. This Court has jurisdiction over the federal claims of this action

pursuant to 28 U.S.C. §1331, 28 U.S.C. §1338, and 15 U.S.C. § 1121, and has jurisdiction over the state claims under 28 U.S.C. §1338(b) and further pursuant to its supplemental jurisdiction under 28 U.S.C. §1367. The state claims asserted herein are so related to the federal claims as to form part of the same case or controversy.

2. This action arises from Defendants' use, sale, offer for sale, and/or importing of products, and conduct of activities, that infringe Plaintiffs' patent and registered trademarks.

3. This Court has personal jurisdiction over Defendants in that Defendants have engaged in acts constituting doing business in the State of New York, including in this judicial district and have intentionally directed their tortious activities toward the State of New York, including this judicial district. Defendants have committed acts of intellectual property infringement in New York, including this judicial district, and have delivered the accused products into the stream of commerce with the expectation that they will be purchased by consumers in the State of New York, including this judicial district. Defendants have sold products, including products that are the subject of this Complaint, to consumers in the State of New York, including this judicial district.

4. Venue is proper in this Court, pursuant to 28 U.S.C. §§ 1391(b) - (d) and 28 U.S.C. §1400(b), in that Defendants are corporations subject to

personal jurisdiction within this judicial district and have committed acts of patent and trademark infringement in this judicial district.

### **THE PARTIES**

5. Plaintiff Zahner Design Group, Ltd. is a corporation organized and existing under the laws of the State of New York having a principal place of business at 145 West 78th Street New York, NY 10024. ZDG is the owner of the patent and registered trademarks that are the subject of this Complaint.

6. Plaintiff Hookless Systems of North America, Inc. is a corporation organized and existing under the laws of the State of New York having a principal place of business at 179 Christopher Street New York, NY 10014. HSNA is the exclusive licensee of ZDG's intellectual property that is the subject of this Complaint.

7. Plaintiff Focus Products Group International, LLC is a corporation organized and existing under the laws of the State of Illinois having a principal place of business at 300 Knightsbridge Parkway, Suite 500, Lincolnshire, IL 60069. Focus is the exclusive licensee of HSNA's intellectual property for shower curtains.

8. Defendant Allure Home Creation Co., Inc. is a corporation organized and existing under the laws of the State of New Jersey having a principal place of business at 85 Fulton Street Boonton, New Jersey 07005.

Upon information and belief, Allure Home Creation Co., Inc. distributes home and hospitality accessories, including shower curtains, for sale in the United States.

9. Defendant Allure Hospitality Creations LLC, is a corporation organized and existing under the laws of the State of New Jersey having a principal place of business at 85 Fulton Street Boonton, New Jersey 07005. Upon information and belief, Allure Hospitality Creations LLC distributes home and hospitality accessories, including shower curtains, for sale in the United States.

### **FACTS**

#### **PLAINTIFFS' PATENT AND TRADEMARKS**

10. David Zahner of ZDG is the inventor of new technology and designs, including new inventions relating to shower curtains.

11. Plaintiffs' unique and innovative shower curtains are well known throughout the United States and foreign countries as a result of the popular products that Plaintiffs have designed, introduced, and commercialized in interstate and international commerce.

12. On October 2, 2012, United States Design Patent No. D 668,091 S entitled "Shower Curtain" was duly and lawfully issued to ZDG for Mr. Zahner's inventions by the United States Patent and Trademark Office

(hereafter “the ‘091 patent”). A copy of the ‘091 patent is attached as Exhibit 1 hereto.

13. Plaintiff ZDG is also the owner of United States Trademark Registration No. 2,381,995 and Trademark Registration No. 4,127,283 to the mark HOOKLESS® for shower curtains. A copy of those trademark registrations are attached as Exhibit 2 hereto.

14. Plaintiff ZDG is also the owner of United States Trademark Registration No. 3,907,400 and Trademark Registration No. 2,948,547 to the mark FLEX-ON® for curtains and shower curtains. A copy of those trademark registrations are attached as Exhibit 3 hereto.

15. Plaintiff ZDG’s aforementioned intellectual property has been exclusively licensed to HSNA, who has exclusively licensed that intellectual property to Focus for use on shower curtains.

16. Plaintiffs have used their trademarks on a wide variety of curtains sold in interstate commerce, and have generated millions of dollars in revenue from the sale of goods under their trademarks.

17. Plaintiffs invested significant time, funds, and effort into their products.

18. As a result of Plaintiffs’ efforts and promotional, advertising, and marketing activities, Plaintiffs’ product designs and trademarks have become widely known throughout the United States and worldwide.

19. Plaintiffs' intellectual property including their trademarks, and their associated goodwill, directed to their shower curtains are all valuable assets of Plaintiffs.

**DEFENDANTS' INFRINGEMENT OF  
PLAINTIFFS' PATENT AND TRADEMARKS**

20. During the term of the Plaintiffs' patent, Defendants have manufactured, offered for sale, sold, used, and/or imported products embodying the patented design of the '091 patent, and engaged in activities infringing the same.

21. Defendants products that infringe Plaintiffs' patent include, but are not limited to, Defendants' "Hook-It" shower curtains and "Hook-On" shower curtains.

22. Samples of Defendants' infringing products are attached as Exhibit 4 hereto.

23. In addition to their acts of patent infringement, Defendants use the marks "Hook-It" and "Hook-On" on their products, as further infringement of Plaintiffs' HOOKLESS® and FLEX-ON® trademarks. Defendants do so to further confuse and mislead consumers into believing that their goods originate from, are sponsored by, or are affiliated with Plaintiffs.

24. In addition, Defendants further falsely and fraudulently mark their infringing “Hook-It” and “Hook-On” trademarks with a ®, the federal symbol for registered trademarks, in violation of law.

25. Defendants are aware that that their marks are not registered.

26. Defendants falsely so mark the registered trademark symbol on their goods to yet further deceive the public and to mislead consumers into believing that the “Hook-It” and “Hook-On” marks are Plaintiffs’ registered trademarks.

27. Defendants’ bad faith activities have caused and will continue to cause a likelihood of deception and confusion in the marketplace among consumers, and extensive damage to Plaintiffs and their business, goodwill and reputation.

28. Defendants have illegally profited from their infringement of Plaintiffs’ patented design and trademarks.

29. Defendants’ acts have been without license or authority of Plaintiffs.

#### **WILLFUL INFRINGEMENT**

30. Defendants’ activities have been deliberate and willful.

31. Defendants are aware of Plaintiffs’ designs, and have deliberately chosen to use, sell, and offer for sale, products intended to copy or imitate those designs.

32. Defendants are also aware of the HOOKLESS® and FLEX-ON® trademarks, and have deliberately chosen to sell products with highly similar marks intended to cause confusion with Plaintiffs' marks.

33. Defendants are also aware that a federal registration has not been issued for their marks, but have deliberately chosen to sell products falsely labeled with the registered trademark symbol, to defraud and mislead consumers and to cause confusion with Plaintiffs' marks.

34. Defendants' actions have caused and are causing irreparable damage to Plaintiffs.

35. Plaintiffs have been damaged by Defendants' bad faith activities and will continue to be damaged unless Defendants are restrained and enjoined by this Court.

36. Plaintiffs have no adequate remedy at law.

37. Plaintiffs have been damaged by Defendant's illegal actions in an amount to be determined by a jury and this Court, including recovery and relief for Plaintiffs' lost sales, lost profits, and damage to their reputation and good will, and/or a disgorgement of Defendants' revenues and profits.

**COUNT I**  
**PATENT INFRINGEMENT:**  
**(35 U.S.C. §101 et seq.)**

38. Plaintiffs repeat and re-allege each and every allegation contained in the preceding paragraphs as if fully set forth herein.



39. This claim arises under 35 U.S.C. §101 *et seq.*

40. This Court has jurisdiction over this claim pursuant to 28 U.S.C. § 1331.

41. Defendants' acts constitute infringement of the '091 patent, under 35 U.S.C. §271.

42. Upon information and belief, Defendants' acts of infringement were and are willful and deliberate.

43. Defendants have profited from their infringing activities.

44. As a result of Defendants' conduct, Plaintiffs have been substantially harmed, and have suffered actual damages, including lost profits, and have been forced to retain legal counsel and pay costs of court to bring this action.

**COUNT II**  
**LANHAM ACT TRADEMARK INFRINGEMENT**  
**AND UNFAIR COMPETITION:**  
**(15 U.S.C. §1125(a))**

45. Plaintiffs repeat and re-allege each and every allegation contained in the preceding paragraphs, as if fully set forth herein.

46. This claim arises under the Lanham Act, 15 U.S.C. § 1051 *et seq.*

47. This Court has jurisdiction over this claim pursuant to 28 U.S.C. § 1331.

48. Defendants are intentionally using trademarks, such as Hook-It and Hook-On, which are confusingly similar to Plaintiffs' trademarks

HOOKLESS® and FLEX-ON® directed to shower curtain products in a manner that has caused and is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with Plaintiffs, or as to the origin, sponsorship, or approval of Defendants' goods by Plaintiffs.

49. Defendants' "Hook-On" mark, for example, is a combination of Plaintiffs' HOOKLESS® and FLEX-ON® marks, designed and intended to mislead consumers.

50. Defendants also mark their "Hook-It" and "Hook-On" marks with the ® symbol as a false designation that that they are federally registered trademarks, when they are not.

51. Defendants' false marking of their infringing marks misleads, and is intended to mislead, consumers into believing that the marks being used by Defendants are Plaintiffs' registered marks.

52. Defendants' activities, in selling and offering for sale products with marks which are confusingly similar to Plaintiffs' trademarks, and which are falsely marked as registered, constitute unfair competition, false designation of origin, and false description and representations, and false advertising, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

53. Defendants' acts of infringement were and are willful and deliberate.

54. Defendants have profited from their illegal and bad faith activities.

55. Plaintiffs have suffered, and continue to suffer, substantial damages as a result of Defendants' bad faith activities, in an amount to be determined by the jury and this Court.

**COUNT III**  
**UNFAIR COMPETITION UNDER NEW YORK LAW**

56. Plaintiffs repeat and re-allege each and every allegation contained in the preceding paragraphs, as if fully set forth herein.

57. This claim arises under the common law of the State of New York.

58. This Court has jurisdiction over this claim pursuant to 28 U.S.C. § 1367.

59. Plaintiffs have created their designs, and promoted their products, through extensive time, labor, skill and money.

60. Defendants have misappropriated the results of that labor and skill and those expenditures of Plaintiffs.

61. Defendants have used designs that are confusingly similar to Plaintiffs', for identical or highly similar goods, in competition with Plaintiffs,

gaining an unfair advantage, because Defendants bore little or no burden of expense of development and promotion of those goods.

62. By knowingly using confusingly similar product trademarks for identical or highly similar goods, to compete against Plaintiffs' goods, Defendants have also misappropriated a commercial advantage belonging to Plaintiffs.

63. Defendants have also engaged in bad faith misappropriation of the labors of Plaintiffs which is likely to cause confusion, and to deceive purchasers as to the origin of the goods.

64. Defendants have also falsely marked their products with false designations that they are federally registered trademarks.

65. Defendants' actions have caused significant commercial damage to Plaintiffs.

66. Defendants' conduct is illegal and actionable under the common law of unfair competition of the State of New York.

67. Plaintiffs have been injured by Defendants' illegal actions and are entitled to the remedies provided under New York law.

**COUNT IV**  
**FALSE MARKING**

68. Plaintiffs repeat and re-allege each and every allegation contained in the preceding paragraphs, as if fully set forth herein.

69. This claim arises under the false marking statute, 35 U.S.C. §292.

70. This Court has jurisdiction over this claim pursuant to 28 U.S.C. § 1331.

71. Without the consent of the patentee, Defendants have marked upon, affixed to, and used in connection with products made, used, offered for sale, and sold by Defendants within the United States, an imitation of the mark of the patentee, with a false registration symbol.

72. Defendants have done so with the intent of imitating the mark of the patentee, and of deceiving the public and inducing them to believe that Defendants' products were made, offered for sale, sold, or imported into the United States by or with the consent of the patentee.

73. Defendants' acts are in violation of the false marking statute, 35 U.S.C. 292.

74. Plaintiffs' have suffered a competitive injury as a result of Defendants' violation, including, significant commercial damage, and are entitled to the remedies provided under federal law.

**COUNT V**  
**FRAUD**

75. Plaintiffs repeat and re-allege each and every allegation contained in the preceding paragraphs, as if fully set forth herein.

76. Defendants have falsely labeled their products with the federal registration symbol knowing that their marks have not been issued as federal trademark registrations.

77. Defendants' acts are deliberate, and are intended to deceive or mislead the public.

78. Defendants' acts are intended to mislead the public as to the registration status of their marks, and to further confuse and mislead consumers into believing that they are Plaintiffs' federally registered trademarks.

79. Defendants' false and misleading use of the federal registered trademark symbol is illegal and constitutes fraud under federal and New York law.

80. Plaintiffs have been injured, and are being injured, by Defendants' illegal actions and are entitled to the remedies provided by law.

#### **DAMAGES**

81. Plaintiffs are being irreparably harmed by Defendants' infringing activities, and have no adequate remedy at law.

82. Plaintiffs have been extensively damaged by Defendants' intellectual property infringement in an amount to be determined by a jury and this Court.

83. Plaintiffs seek damages as a result of Defendants' infringement which include, but are not limited to: Plaintiffs' lost sales, lost profits and damage to their reputation and good will; and/or disgorgement of Defendants' revenues and profits; from Defendants' sales of infringing products, associated parts thereof, and from convoyed sales.

84. Plaintiffs request that this honorable Court assess enhanced damages against Defendants in the fullest amount permissible by law, including, but not limited to, treble damages under federal law and punitive damages under New York law, in view of the willful, egregious, malicious, and extensive nature of Defendants' bad faith activities complained of herein, and in view of the numerous violations, the willful nature of the violations, and the significant damage to Plaintiffs, as set forth above.

#### **JURY TRIAL DEMAND**

85. Pursuant to Rule 38, Fed. R. Civ. P. Plaintiffs hereby demand a trial by jury on all issues set forth herein that are properly triable to a jury.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that the Court, upon final hearing of this matter, grant the following relief against Defendants:

- A. That Defendants be adjudged to have engaged in patent infringement of Plaintiffs' rights under United States Design Patent D 668,091 S ("the '091 patent"), under 35 U.S.C. §101 *et*

*seq.*;

- B. That Defendants be adjudged to have engaged in federal unfair competition and trademark infringement under Section 43 of the Lanham Act, 15 U.S.C. §1125 and unfair competition and trademark infringement under the common law and statutory law of the State of New York.
- C. That the '091 patent, is duly and legally issued by the U.S. Patent Office, and is valid and enforceable;
- D. That each of Defendants, its officers, agents, servants, employees, representatives, distributors and all persons in concert or participation with Defendants be enjoined pursuant to 35 U.S.C. §283 from engaging in any activities which infringe Plaintiffs' rights in the patent under 35 U.S.C. §271;
- E. That each of Defendants, its officers, agents, servants, employees, representatives, distributors, and all persons in concert or participation with them be enjoined pursuant to 35 U.S.C. §283 from making, using, importing, exporting, offering for sale and selling any products and activities which directly infringe the patent under 35 U.S.C. §271;
- F. That each of Defendants, its officers, agents, servants, employees, representatives, distributors, and all persons in



concert or participation with Defendants be preliminarily and permanently enjoined from offering for sale, selling or marketing merchandise that tends in any way to deceive, mislead or confuse the public into believing that Defendants' merchandise in any way originates with, is sanctioned by, or is affiliated with Plaintiffs;

G. That each of Defendants, its officers, agents, servants, employees, representatives, distributors, and all persons in concert or participation with Defendants be preliminarily and permanently enjoined from otherwise competing unfairly with Plaintiffs;

H. That each of Defendants, its officers, agents, servants, employees, representatives, distributors, and all persons in concert or participation with Defendants be preliminarily and permanently enjoined from engaging in further acts of misrepresentation regarding Plaintiffs and Plaintiffs' products;

I. That each of Defendants, its officers, agents, servants, employees, representatives, distributors, and all persons in concert or participation with Defendants be preliminarily and permanently enjoined from engaging in further deceptive and unfair business practices with respect to Plaintiffs;

- J. That each of Defendants, its officers, agents, servants, employees, representatives, distributors, and all persons in concert or participation with Defendants be preliminarily and permanently enjoined from engaging in further acts infringing Plaintiffs' rights under New York law;
- K. That each of the Defendants be directed to file with this Court and serve on Plaintiffs within thirty (30) days after service of the injunction, a report in writing, under oath, setting forth in detail the manner and form in which the Defendants have complied with the injunction;
- L. That Defendants be required to pay damages adequate for the injury to Plaintiffs due to Defendants violation of the federal false marking statute, and that Plaintiff be awarded all available remedies thereunder;
- M. That Defendants be required to pay damages to Plaintiffs for Defendants' fraudulent conduct, and be enjoined from fraudulent use of the federal registration symbol, as well as any registration, use, or maintenance of their infringing trademarks;
- N. That Defendants be required to account for and pay over to Plaintiffs any and all revenues and profits derived by them and all damages sustained by Plaintiffs by reason of the acts


complained of in this Complaint, including an assessment of interest on the damages so computed, and that the damages be trebled pursuant Section 35 of the Lanham Act, 15 U.S.C. §1117, as well as 35 U.S.C. §§284 and 289, and all further applicable law;

- O. That Defendants be required to account for and pay over to Plaintiffs such actual damages as Plaintiffs have sustained as a consequence of Defendants' infringement, and that the damages relating to patent infringement be trebled pursuant to 35 U.S.C. §284, and to account for and pay to Plaintiffs all of Defendants' gains, revenues, profits and advantages attributable to or derived by Defendants' infringement.
- P. That each such award of damages be enhanced to the maximum available for each infringement in view of each of Defendants' willful infringement of Plaintiffs' rights;
- Q. That each of the Defendants be required to deliver up for impoundment during the pendency of this action, and for destruction thereafter, all copies of the infringing materials in its possession or under its control and all materials, including molds and master models, used for making same;
- R. That Plaintiffs be awarded punitive or exemplary damages

under New York law because of the egregious, malicious, and tortious conduct of Defendants complained of herein;

- S. That Plaintiffs recover the costs of this action including their expenses and reasonable attorney's fees pursuant to 15 U.S.C. §1117, 35 U.S.C. §285 and all further applicable law, because of the deliberate and willful nature of the infringing activities of Defendants sought to be enjoined hereby, which make this an exceptional case warranting such award;
- T. That Plaintiffs be awarded pre-judgment and post-judgment interest;
- U. That Plaintiffs obtain all further relief permitted under the laws of the United States and the State of New York; and,
- V. That Plaintiffs obtain all such other and further relief as the Court may deem just and equitable.

Dated: January 29, 2013

  
\_\_\_\_\_  
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# **EXHIBIT 1**



US00D668091S

(12) **United States Design Patent**  
**Zahner**

(10) **Patent No.:** **US D668,091 S**  
(45) **Date of Patent:** **\*\* Oct. 2, 2012**

(54) **SHOWER CURTAIN**

(56) **References Cited**

(75) Inventor: **David Zahner**, New York, NY (US)

**U.S. PATENT DOCUMENTS**

(73) Assignee: **Zahner Design Group, Ltd.**, New York, NY (US)

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(\*\*) Term: **14 Years**

(21) Appl. No.: **29/403,909**

(22) Filed: **Oct. 12, 2011**

**Related U.S. Application Data**

(60) Continuation of application No. 11/978,532, filed on Oct. 29, 2007, which is a continuation of application No. 11/209,334, filed on Aug. 23, 2005, now Pat. No. 7,296,609, which is a continuation of application No. 10/320,340, filed on Dec. 16, 2002, now Pat. No. 6,935,402, and a division of application No. 10/062,588, filed on Jul. 5, 2001, now Pat. No. 7,788,733, which is a continuation of application No. 09/738,555, filed on Dec. 15, 2000, now abandoned, which is a continuation of application No. 09/617,402, filed on Jul. 17, 2000, now Pat. No. 6,494,248, said application No. 10/320,340 is a division of application No. 09/916,603, filed on Jul. 27, 2001, now Pat. No. 7,058,988, which is a continuation of application No. 09/738,545, filed on Dec. 15, 2000, now abandoned.

(51) **LOC (9) Cl.** ..... **06-10**

(52) **U.S. Cl.** ..... **D6/580**

(58) **Field of Classification Search** ..... D6/575,  
D6/576, 578, 579, 580, 581; 160/38, 39,  
160/123, 168.1, 168.1 R, 168.1 V, 173, 173 R,  
160/176.1 R, 176.1 V, 178.1 R, 178.2, 331,  
160/349.1; 318/16, 17, 600; 340/854.5;  
84/10; D15/28; D8/367

See application file for complete search history.

(Continued)

**FOREIGN PATENT DOCUMENTS**

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*Primary Examiner* — Susan Bennett Hattan

*Assistant Examiner* — Barbara B Lohr

(74) *Attorney, Agent, or Firm* — Goldberg Cohen LLP

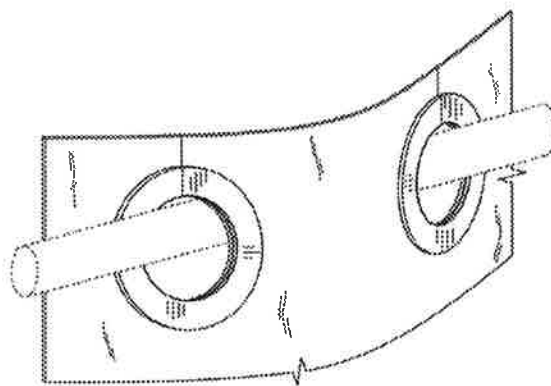
(57) **CLAIM**

I claim the ornamental design for a shower curtain, as shown and described.

**DESCRIPTION**

FIG. 1 is a perspective view of the shower curtain of the present invention (when in use on a shower curtain rod); FIG. 2 is a front view thereof; FIG. 3 is a back view thereof; FIG. 4 is a right side view thereof, with the left side view being a mirror image thereof; FIG. 5 is a top view thereof; FIG. 6 is a bottom view thereof; and, FIG. 7 is a front view of the shower curtain of the present invention (when not in use on a shower curtain rod). The broken lines in the drawing depict environmental subject matter only and form no part of the claimed design.

**1 Claim, 4 Drawing Sheets**



## US D668,091 S

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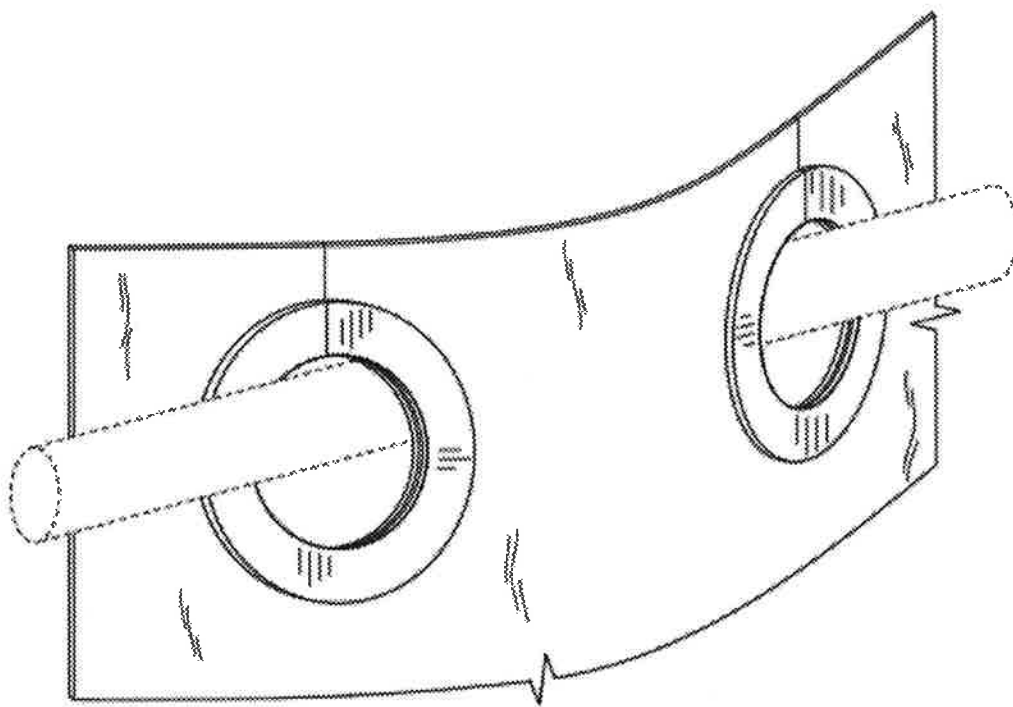
\* cited by examiner

**U.S. Patent**

**Oct. 2, 2012**

**Sheet 1 of 4**

**US D668,091 S**



**FIG. 1**

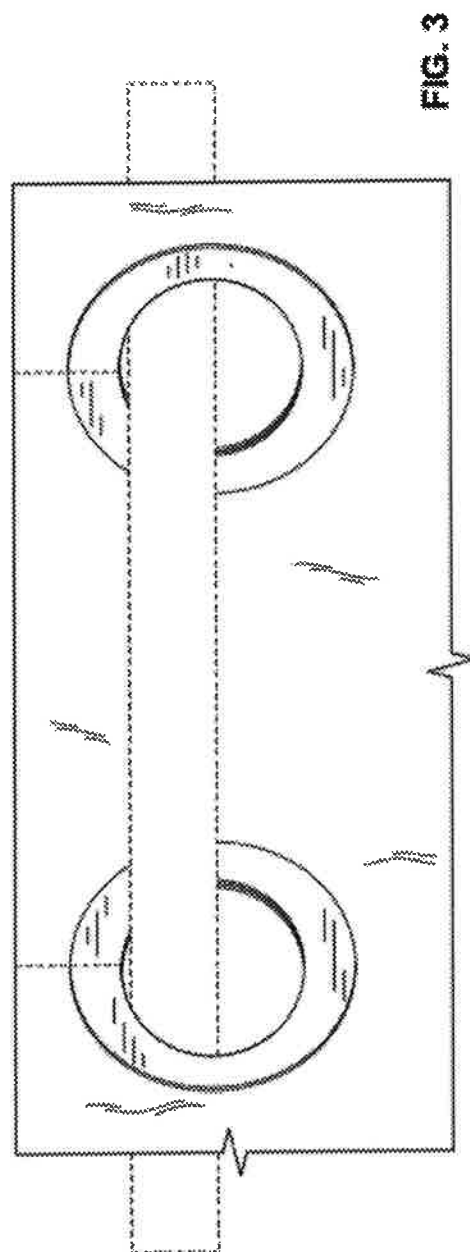
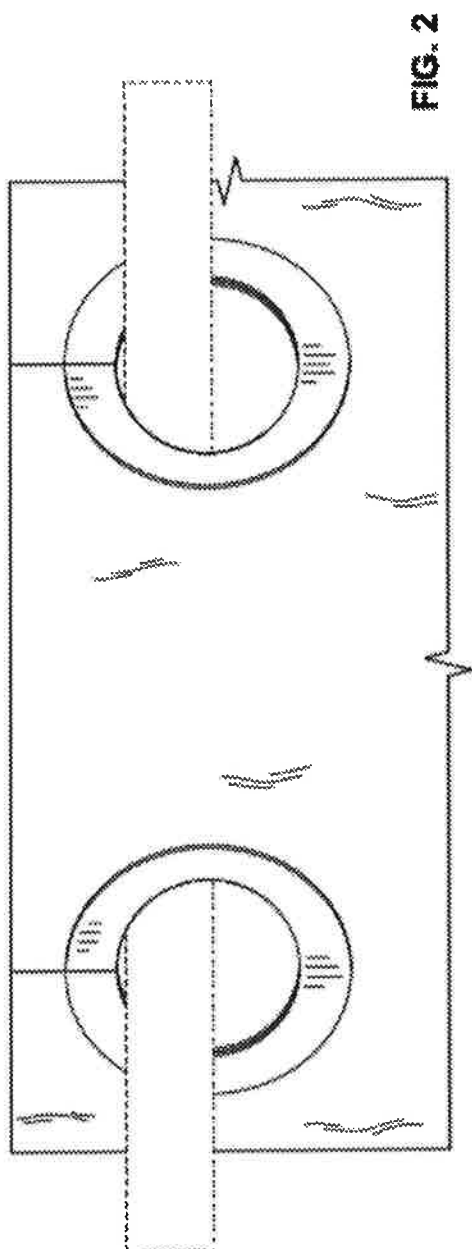


**U.S. Patent**

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**Sheet 2 of 4**

**US D668,091 S**



# **EXHIBIT 2**



# United States Patent and Trademark Office

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### Typed Drawing

<b>Word Mark</b>	HOOKLESS
<b>Goods and Services</b>	IC 024. US 042 050. G & S: SHOWER CURTAINS WHICH HANG FROM INTEGRATED LOOP FASTENERS. FIRST USE: 19971216. FIRST USE IN COMMERCE: 19971216
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75750611
<b>Filing Date</b>	July 14, 1999
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Date Amended to Current Register</b>	May 5, 2000
<b>Registration Number</b>	2381995
<b>International Registration Number</b>	0847355
<b>Registration Date</b>	August 29, 2000
<b>Owner</b>	(REGISTRANT) Zahner Design Group, Ltd. CORPORATION NEW YORK 145 West 78th Street New York NEW YORK 10024
<b>Attorney of Record</b>	AMY J BENJAMIN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	SUPPLEMENTAL
<b>Affidavit Text</b>	SECT 8 (6-YR). SECTION 8(10-YR) 20110118.
<b>Renewal</b>	1ST RENEWAL 20110118
<b>Live/Dead Indicator</b>	LIVE

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# HOOKLESS

<b>Word Mark</b>	HOOKLESS
<b>Goods and Services</b>	IC 024. US 042 050. G & S: Shower curtains. FIRST USE: 19971216. FIRST USE IN COMMERCE: 19971216
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77878605
<b>Filing Date</b>	November 23, 2009
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 7, 2010
<b>Registration Number</b>	4127283
<b>Registration Date</b>	April 17, 2012
<b>Owner</b>	(REGISTRANT) Zahner Design Group, Ltd. CORPORATION NEW YORK 145 West 78th Street New York NEW YORK 10024
<b>Attorney of Record</b>	AMY J BENJAMIN
<b>Prior Registrations</b>	2381995
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL-2(F)
<b>Live/Dead Indicator</b>	LIVE

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# **EXHIBIT 3**




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# FLEX-ON

<b>Word Mark</b>	<b>FLEX-ON</b>
<b>Goods and Services</b>	IC 024. US 042 050. G & S: Integrated, non-removable curtain rings that are used as a component of curtains and shower curtains. FIRST USE: 20030701. FIRST USE IN COMMERCE: 20030701
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Trademark Search Facility Classification Code</b>	NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
<b>Serial Number</b>	85049911
<b>Filing Date</b>	May 27, 2010
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	November 2, 2010
<b>Registration Number</b>	3907400
<b>Registration Date</b>	January 18, 2011
<b>Owner</b>	(REGISTRANT) Zahner Design Group, Ltd. CORPORATION NEW YORK 145 West 78th New York NEW YORK 10024

Attorney of Record      AMY J BENJAMIN  
Prior Registrations      2948547  
Type of Mark      TRADEMARK  
Register      PRINCIPAL  
Live/Dead Indicator      LIVE

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**Typed Drawing**

<b>Word Mark</b>	<b>FLEX-ON</b>
<b>Goods and Services</b>	IC 024. US 042 050. G & S: Shower curtains. FIRST USE: 20030701. FIRST USE IN COMMERCE: 20030701
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76258257
<b>Filing Date</b>	May 17, 2001
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	February 4, 2003
<b>Registration Number</b>	2948547
<b>Registration Date</b>	May 10, 2005
<b>Owner</b>	(REGISTRANT) Zahner Design Group, Ltd. CORPORATION NEW YORK 145 West 78th Street New York NEW YORK 10024
<b>Attorney of Record</b>	AMY J. BENJAMIN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

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# **EXHIBIT 4**

# Shower Curtain

# HOOK IT®

## Fabric Shower Curtain with Fabric Liner Care Instruction

### Product features/dimensions

Easy to install - just twist

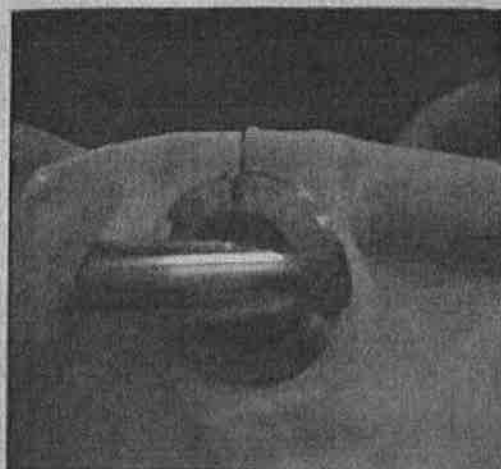
Dimensions 72 in W x 77 in H ( 183 cm W x 196 cm H )

Material : 100% Polyester Exclusive of Rings

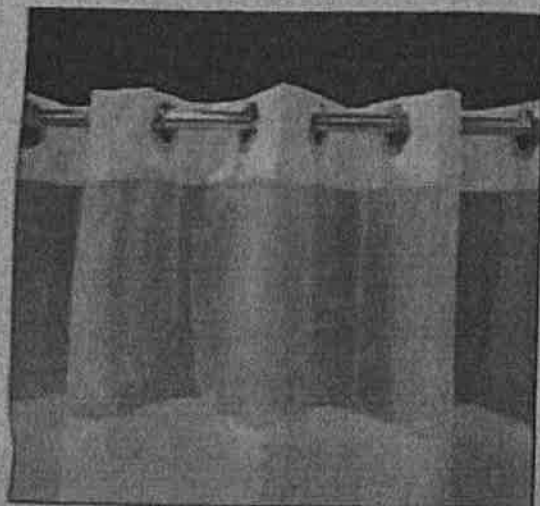
Water repellent



1. Twist open to hang  
Abralo girando para colgarlo



2. Place around rod and release  
Colóquelo alrededor de la varilla y suéltelo



3. Repeat steps 1-2 for the remaining rings  
Repetir los pasos 1-2 para los anillos restantes



4. Lift the snap tab on the curtain and attach liner  
Tiene un forro con corchetes. Levante la parte de la cortina que tiene los corchetes y atácheles con el forro



#### INSTRUCTION

Machine wash separately in warm gentle cycle. Do not bleach.  
Tumble dry low. Do not dry clean.

#### INSTRUCCIONES:

Lavar a máquina por separado con agua tibia en ciclo suave.  
No blanquear. Secar en tumbler bajo. Planchar a temperatura baja.  
No lavar en seco.



