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Sciences

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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WESTERN DIVISION

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ACADEMY OF MOTION PICTURE
ARTS AND SCIENCES, a California
16 nonprofit corporation,

CASE NO. 2:16-cv-1061

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Plaintiff,

COMPLAINT FOR TRADEMARK
INFRINGEMENT, FALSE
ADVERTISING, AND TRADEMARK
DILUTION,

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vs.

DEMAND FOR JURY TRIAL

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LASH FARY d/b/a DISTINCTIVE
ASSETS and DISTINCTIVE ASSETS
20 LLC,

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Defendants.

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1 Plaintiff Academy of Motion Picture Arts and Sciences complains of
2 defendants and alleges as follows:

3 Jurisdiction and Venue

4 1. This action arises under the trademark laws of the United States,
5 Title 15, United States Code, as well as the unfair competition and dilution laws of
6 the same, the State of California, and the common law. This Court has federal
7 question jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) and 15 U.S.C. § 1121.
8 This Court has pendent jurisdiction over the state law claims alleged herein. Venue
9 lies in this district under 28 U.S.C. § 1391(b).

10 Nature of Action

11 2. Plaintiff Academy of Motion Picture Arts and Sciences (the
12 “Academy”) is a non-profit organization dedicated to fostering and encouraging
13 excellence in motion picture filmmaking. As part of its mission, the Academy
14 annually presents the Academy Awards of Merit, popularly known as the “Oscars,”
15 or “Academy Awards,” to honor outstanding achievements in the film industry. The
16 Academy owns trademark registrations for OSCAR, OSCARS, ACADEMY
17 AWARD, and ACADEMY AWARDS and carefully ensures that they are only used
18 in a manner consistent with the highest standards of achievement.

19 3. Upon information and belief, Defendant Lash Fary is the founder,
20 owner, and sole proprietor of Distinctive Assets and the founder of Defendant
21 Distinctive Assets LLC (collectively, “Distinctive Assets”). Distinctive Assets
22 purports to be a “niche” marketing business that specializes in “celebrity placement”
23 by promoting the products of third parties through high-profile “gift bags” to
24 celebrities who attend or are nominated for awards shows, such as the Academy
25 Awards.

26 4. The Academy has no affiliation, connection, or association with
27 Distinctive Assets’ “gift bags” or their contents, and certainly does not sponsor,
28 endorse, or approve of Distinctive Assets, its services, or the products it promotes.

1 Yet Distinctive Assets uses the Academy’s trademarks to raise the profile of its “gift
2 bags” and falsely create the impression of association, affiliation, connection,
3 sponsorship, and/or endorsement. For example, Distinctive Assets has referred to its
4 gift bags as the “Everyone Wins At The Oscars®! Nominee Gift Bags,” and
5 “Everyone Wins Nominee Gift Bags in Honor of the Oscars®” (collectively the
6 “Infringing Bags”). (See Distinctive Assets’ Twitter posts of February 23, 2015
7 and February 5, 2016, true and correct copies of which are attached as Exhibit A).

8 5. Unsurprisingly, third parties have expressed confusion about the
9 Academy’s association, affiliation, connection, sponsorship or endorsement of the
10 Infringing Bags. Indeed, the recent wave of media stories concerning the Infringing
11 Bags suggest that Distinctive Assets issued a press release to a multitude of media
12 outlets that left readers with the definite impression of a connection between the
13 Infringing Bags and the Oscars. For example, *The Telegraph* newspaper reported on
14 its website that “[t]he Oscars doesn’t have a separate category for comedy, but if it
15 did, *its own goodie bag* would be an outright winner.” (See “Breast lifts, vibrators
16 and weight-loss aids: The Oscar’s sexist \$200,000 goodie bag shames women,”
17 posted on Telegraph.co.uk, a true and correct copy of which is attached as Exhibit
18 B.) Similarly, *Glamour* magazine reported on its website that “[t]he 2016 Oscars
19 might be the Academy of Motion Picture Arts and Sciences’ swankiest ceremony to
20 date if this year’s gift bag has anything to say about it.” (“You Won’t Believe How
21 Much the 2016 Oscar Swag Bags Are Worth!” posted on Glamour.com, a true and
22 correct copy of which is attached as Exhibit C). These mistaken impressions are
23 then passed on to readers and viewers of the reporting media, exponentially
24 expanding the confusion Distinctive Assets sows among Oscar nominees, sponsors,
25 viewers, and the public at large. Distinctive Assets’ confusing promotion of the
26 Infringing Bags unmistakably infringes and is likely to dilute the Academy’s
27 trademarks.

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1 6. Distinctive Assets’ infringement and dilution is willful. Its use of
2 registered trademark “®” symbols in connection with the Academy’s trademarks
3 reflects its awareness of the Academy’s trademark rights. Moreover, Distinctive
4 Assets knows that the Academy objects to the use of the Academy’s trademarks to
5 promote Distinctive Assets’ Infringing Bags. Last year, the Academy repeatedly
6 wrote to Distinctive Assets explaining the harm these gift bag promotions cause.
7 Eventually, through its lawyer, Distinctive Assets agreed to stop creating false
8 impressions that is associated with the Oscar ceremony or the Academy. But it has
9 not done so. In flagrant disregard for its representations that it would clean up its
10 act, Distinctive Assets is now at it again.

11 7. Distinctive Assets’ current unlawful promotion of its “gift bags”
12 includes false statements concerning its association with award shows. On a page
13 of its website with the header “AWARD SHOWS AND CELEBRITY
14 PLACEMENTS,” Distinctive Assets proclaims:

15 Our *exclusive involvement with many major award shows* provides
16 valuable access to an often elusive celebrity market. *At each of our*
17 *events*, Distinctive Assets selects vendors and provides them with the
18 opportunity to present their products/services to celebrities in a Gift
19 Basket or through representation in our interactive Gift Lounge. Our
20 résumé of events, press procurement and reputation among celebrities
21 and producers are unrivaled in the industry.

22 (“Award Shows & Celebrity Placement” page on DistinctiveAssets.com, a
23 true and correct copy of which is attached as Exhibit D). Distinctive Assets
24 then represents: “Our Gift Lounges are held ON SITE at the award show or
25 event and provides [sic] an opportunity for our clients to represent their line
26 and personally interact with celebrities (and press).” (*Id.*) These statements
27 are false regarding the Academy Awards. Distinctive Assets does not have
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1 any involvement with the Oscars—“exclusive” or otherwise—and it has no
2 presence on the premises of the Oscar ceremony.

3 8. The Academy regrets having to bring this suit to compel Distinctive
4 Assets to stop its false, confusing, misleading, infringing, and diluting actions.
5 However, Distinctive Assets’ persistent unlawful behavior and disregard of its own
6 agreement to stop its false associations leaves the Academy no choice.

7 Parties

8 9. Plaintiff Academy of Motion Picture Arts and Sciences is a non-
9 profit corporation organized and existing under the laws of the State of California,
10 with its principal place of business in Los Angeles, California.

11 10. Upon information and belief, Lash Fary is an individual d/b/a
12 Distinctive Assets, and Distinctive Assets LLC is a company, and both have their
13 principle places of business at 913 South Mansfield Avenue, Los Angeles,
14 California 90036.

15 Factual Background

16 **The Academy’s Decades of Goodwill In Its Trademarks**

17 11. The Academy was founded in 1927 as a non-profit organization
18 designed to benefit the then-fledgling film industry in the United States. Shortly
19 after its founding, the Academy decided to create an award to celebrate the highest
20 standards in motion picture filmmaking as a method of advancing the industry; the
21 presentation of this award would become known as the “Academy Awards” or
22 “Oscars.”

23 12. The Academy presented the first Oscars in 1929. The ceremony
24 proved so popular that it was broadcast live, via radio, the following year.
25 Continued demand for the Oscar awards ceremony resulted in annual live
26 broadcasts, eventually switching from radio to television in 1953. The Academy’s
27 first color television broadcast occurred in 1966, and the first international
28 broadcast, outside of Canada, took place in 1969. In 2015, the Academy Awards

1 were televised live in more than 225 countries and territories worldwide. As part of
2 protecting the extraordinary goodwill that the Academy has earned over the years,
3 the Academy established standards for both the awards it makes and the awards
4 ceremony itself.

5 13. As recognition of the Academy's work grew, the Academy began to
6 provide additional services to benefit both the film industry and the public. To
7 better promote and protect those services, the Academy filed for a number of
8 trademark registrations. First, the Academy obtained registration of the OSCAR®
9 word mark with the Patent and Trademark Office on the Principal Register in 1975,
10 pursuant to Certificate of Registration No. 1,096,990. A few years later, in 1978,
11 the Academy applied for registration of the ACADEMY AWARDS® word mark,
12 which it obtained pursuant to Certificate of Registration No. 1,103,859. (See
13 Exhibit E, consisting of a true and correct copy of these registrations).

14 14. The Academy's early registrations primarily covered the Academy's
15 annual telecast, but by 1979, the Academy was also creating booklets, press kits,
16 chronologies, and other consumer media. As a result, the Academy obtained a
17 registration for OSCAR® pursuant to Certificate of Registration No. 1,118,751, in
18 connection with these new products and services. Over time, the scope of
19 Academy's works continued to grow, spurred on by both the Academy's investment
20 and new technologies, such as home video, and its unique caps, shirts, sweatshirts,
21 and jackets commemorating the Oscar ceremonies. To cover these additional uses,
22 the Academy applied for and obtained new registrations for OSCAR®, OSCARS®,
23 ACADEMY AWARD®, and ACADEMY AWARDS® during the 1980s, 1990s,
24 and early 2000s. These additional registrations include: OSCAR®, registered
25 pursuant to Certificate of Registration Nos. 1,996,585, and 2,021,582; OSCARS®,
26 registered pursuant to Certificate of Registration No. 1,528,890; ACADEMY
27 AWARDS®, registered pursuant to Certificate of Registration Nos. 1,880,473 and
28 1,956,313; and ACADEMY AWARD® is registered pursuant to Certificate of

1 Registration No. 2,245,965. All of these registrations are in the principal register.
2 (See Exhibit F, consisting of a true and correct copy of these registrations).

3 Collectively, these trademarks are referred to herein as the “Academy’s Marks.”

4 15. Meanwhile, the popularity of the Oscars has increased. In 2015, 36.6
5 million viewers watched the telecast of the awards ceremony, and advertisers paid a
6 higher premium for 30-second commercials during that ceremony than they did for
7 the Super Bowl. (See “The Oscars Beat The Super Bowl In Advertising Premium,”
8 posted Forbes.com on February 20, 2015, a true and correct copy of which is
9 attached as Exhibit G). The terms “Oscar” and “Academy Awards” in connection
10 with the Academy’s uses of those terms, are now both entries in the Oxford English
11 Dictionary and the Encyclopedia Britannica—and the Academy is recognized in
12 both publications. Consistent with the general fame of the Academy’s Marks, in
13 ruling for the Academy on one of its trademarks, the Ninth Circuit Court of Appeals
14 held that “the Oscar . . . mark should be given the strongest possible protection
15 against infringement.” *See Academy of Motion Picture Arts and Sciences. v.*
16 *Creative House Promotions, Inc.*, 944 F.2d 1446, 1455 (9th Cir. 1991).

17 16. The Academy’s work also goes beyond the celebratory evening of
18 the Oscars ceremony. To advance the arts and sciences of motion pictures, to foster
19 educational activities between the public and the industry, and to encourage an
20 appreciation of the motion picture as an art form and a vocation, the Academy
21 engages in many other activities. Among them, it established an Academy
22 scholarship fund for film students, founded a fellowship program to aid aspiring
23 screenwriters, and created the National Film Information Service to ensure that
24 historians, students, and the public have access to the Academy’s vast library of
25 historic primary source documents and materials. Since 2012, the Academy has
26 been working to build a museum devoted to motion pictures, which will curate and
27 present work from Oscar winners, nominees, and film makers from around the
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1 globe. The Academy continues to strive to do more, and better, and more quickly,
2 in addressing the ongoing concerns of the film making community.

3 **Distinctive Assets’ Unlawful Promotion Of Its “Gift Bags” In 2015**

4 17. In the weeks leading up to the 2015 Oscars, Distinctive Assets began
5 promoting its 2015 gift bags using the Academy’s OSCARS trademark to draw
6 attention to itself and the products it was promoting by falsely creating an
7 association with the Academy’s Oscars ceremony.

8 18. On information and belief, in February 2015, Distinctive Assets
9 released press statements advertising its infringing gift bags as “Everyone Wins At
10 the Oscars®! Nominee Gift Bags.” As a result of Distinctive Assets’ efforts, press
11 outlets credited Distinctive Assets’ gift bags as being associated with the Academy
12 even though they are not. For example, *Vanity Fair* posted a story to its website that
13 stated “the Academy Awards have figured out a way to help wash the bitter taste of
14 defeat right out of the mouths of those who don’t get to take home a little gold man
15 to sit on their mantel: The gift bag[.]” (*See* “Oscar Gift Bags: Take A Peek Inside
16 This Year’s \$168,000 Bounty” *VanityFair.com*, February 11, 2015, a true and
17 correct copy of which is attached as Exhibit H). Similarly, CBS affiliate Kiss FM
18 reported that, because of the gift bags, “nominees will not be leaving the ceremony
19 empty handed.” (“Oscar Gift Bag Is Filled With \$125,000 Worth of Goodies,”
20 *CBSLocal.com*, February 19, 2015, a true and correct copy of which is attached as
21 Exhibit I).

22 19. Distinctive Assets also engaged in a social media campaign using the
23 phrase “Everyone Wins At The Oscars®,” followed by links to the individual
24 products carried in the infringing gift bags, as shown here:
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The Academy’s Efforts to Stop Distinctive Assets’ Unlawful Promotion Of Its Infringing Bags

20. Deeply concerned about the confusion Distinctive Assets was spreading, the Academy’s legal counsel wrote Distinctive Assets on or about February 17, 2015, to inform it that it “is critical that no one be confused into believing that your gift bags are associated with or have any connection with the Academy.” To avoid litigation, the Academy requested that Distinctive Assets confirm in writing that:

- All of Distinctive Assets’ future communications concerning the gift bags will clearly communicate that the Academy does not award, sponsor,

1 endorse, or provide these gift bags and that any reporting about the gift
2 bags must include that disclaimer.

- 3 - Mentions of Distinctive Assets' 2015 gift bags for OSCAR® nominees
4 will contain the disclaimer that these gift bags have no affiliation with the
5 OSCARS® or the Academy. The disclaimer should be at least the size of
6 the smallest font used elsewhere in the main text of the page or image.
- 7 - Distinctive Assets will not make any association, explicitly or implied, that
8 its gift bags are associated with the OSCARS®, the ACADEMY
9 AWARDS®, or The Academy in any advertising, marketing, or promotion
10 going forward.

11 (*See* Feb. 17, 2015 Letter, a true and correct copy of which is attached as Exhibit J.)

12 21. Distinctive Assets did not respond to the February 17, 2015 letter. It
13 continued to blatantly infringe. The week *after* receiving the Academy's letter,
14 Distinctive Assets posted on Facebook about its gift bags using the hashtag
15 "#OscarGiftBag"—a phrase that deliberately and falsely associates Distinctive
16 Assets' gift bag with the Oscars. On or about February 27, 2015, the Academy
17 again contacted Distinctive Assets, explaining that the Academy would pursue legal
18 relief if it did not receive a response. (*See* Feb. 27, 2015 letter, a true and correct
19 copy of which is attached as Exhibit K.)

20 22. On or about March 6, 2015, Distinctive Assets finally responded
21 through a letter from counsel. The letter represented that Distinctive Assets "will not
22 purposefully make an association between its gift bags and AMPAS going
23 forward[.]" and specified that "it will no longer use the tagline 'Everyone Wins At
24 the Oscars®.'" (*See* March 6, 2015 Letter, a true and correct copy of which is
25 attached as Exhibit L.)

26 23. Concerned that Distinctive Assets might have the misimpression that
27 simply eliminating the Academy's trademarks from the gift bag taglines would be
28 sufficient, the Academy wrote back on or about March 23, 2015. That letter

1 explained that eliminating that particular tagline was a necessary, but not sufficient
2 step, to ending Distinctive Assets' trademark infringement. The Academy made
3 clear that Distinctive Assets was not permitted either to imply a relationship with the
4 Academy or to use any of the Academy's trademarks, not just the OSCARS mark, in
5 future advertising for Distinctive Assets' gift bags. (See March 23, 2015 Letter, a
6 true and correct copy of which is attached as Exhibit M.)

7 24. On or about March 25, 2015 Distinctive Assets replied and stated
8 that it "expressly agree[d] not to purposefully make an association between its gift
9 bags and [the Academy] going forward," and further acknowledged that "not
10 making an association with [the Academy] includes not using [the Academy's] other
11 intellectual property in taglines" for gift bags. (See March 25, 2015 Letter, a true
12 and correct copy of which is attached as Exhibit N.)

13 **Distinctive Assets' Persistent Unlawful Promotion Of Its Infringing Bags In**
14 **2016**

15 25. The parties' 2015 correspondence leaves no doubt that as of 2016
16 Distinctive Assets was fully aware of the Academy's trademark rights, the
17 Academy's position about Distinctive Assets' unlawful use, and Distinctive Assets'
18 own commitment not to create an association between its bags and the Academy or
19 the Oscars. But with the 2016 Academy Awards weeks away, Distinctive Assets
20 again chose to promote its products and services using the Academy's trademarks to
21 create confusion about its (lack of) relationship with the Oscars and the Academy.

22 26. This year, Distinctive Assets opted for the tagline "Everyone Wins
23 Nominee Gift Bags in Honor of the Oscars®." Its continued use of the same
24 trademark in its tagline blatantly violates Distinctive Assets' agreement "not to
25 purposefully make an association between its gift bags" and the Academy, and it is
26 likely to cause confusion as to the Academy's non-association with Distinctive
27 Assets and its gift bags.

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1 27. But Distinctive Assets’ new tagline is hardly the only means it is
2 now using to advance the false idea that it is connected to the Academy and the
3 Oscars. On or about February 5, 2016, Distinctive Assets used the Academy’s
4 OSCARS trademark on its social media Twitter account to describe its gift bag and
5 posted a link to an article about the bags titled “Inside the Absurd \$200K Oscar Gift
6 Bag: Vapes, a Trip To Israel, and a Vampire Breast Lift.”



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16 Neither Distinctive Assets’ post nor the article itself contained any disclaimer
17 clarifying that Distinctive Assets has no connection to the Oscars or the Academy.
18 To the contrary, the article refers to Distinctive Assets, as “the company in charge of
19 putting together the luxurious gift bags for nominees.” (See “Inside the Absurd
20 \$200K Oscar Gift Bag” posted to DailyBeast.com on February 5, 2016, a true and
21 correct copy of which is attached as Exhibit O).

22 28. A wave of media reports on “Oscar gift bags” quickly followed
23 Distinctive Assets’ announcement. For example, TMZ.com reported that “all the
24 Oscar nominees get a stupid amount of swag *in the official gift bag*.” (“Oscar Gift
25 Bag” TMZ.com, February 5, 2016, a true and correct copy of which is attached as
26 Exhibit P). Similarly, *The New York Post* posted an article referring to “the gift
27 bags *at the Academy awards*,” with no mention of Distinctive Assets or clarification
28 that the Academy does not give away gift bags at the Academy Awards. (See

1 “Gwyneth Paltrow Obviously Loves the \$250 Oscars Toilet Paper,” NYPost.com,
2 February 8, 2016, a true and correct copy of which is attached as Exhibit Q). The
3 BBC’s Newsbeat website reported that “[a]s well as a gold statuette . . . all this
4 year’s Oscar winners will leave with a goodie bag worth more than £130,000.”
5 (“Oscars 2016: A look inside the £150,000 goodie bag,” BBC.co.uk, a true and
6 correct copy of which is attached as Exhibit R). As with the other reports, the BBC
7 did not clarify that the Academy does not give out “goodie bags.” And multiple
8 news outlets, including CNBC, Fox News, *The Washington Post*, *The Toronto Star*,
9 *The National Post*, *Forbes*, *The New York Daily News*, and *Hollywood Reporter*
10 have all used the exact phrase “Oscar Swag Bag” to describe Distinctive Assets’
11 infringing gift bag—strongly suggesting that Distinctive Assets has used or
12 encouraged use of this term in further violation of its agreement not to use the
13 Academy’s trademarks to describe its bags.

14 29. The media coverage reveals that Distinctive Assets appears to be
15 taking no steps to stop wrongfully implying a relationship with the Academy. An
16 article posted to *Self*’s website on February 10, 2016, describes Distinctive Assets as
17 “the company in charge of the swag bags,” with no explanation that it was not
18 retained by, does not work for, and has no connection with, the Academy. (*See*
19 “Peek Inside This Year’s \$200,000 Oscars Gift Bags” posted to Self.com, February
20 10, 2016, a true and correct copy of which is attached as Exhibit S). As a result, a
21 reader is left with the false impression that the Academy retained Distinctive Assets
22 for the purpose of providing gift bags to Oscar Nominees.

23 30. Distinctive Assets further reinforces the false impression that it has a
24 connection with the Oscars through false advertising. Distinctive Assets’ website
25 states that it has “exclusive involvement with many major award shows,” even
26 though it has *no* involvement with the Oscars. *See* Ex. D. It also touts that its “Gift
27 Lounges are held ON SITE at the award show or event and provides an opportunity
28 for our clients to represent their line and personally interact with celebrities (and

1 press).” *Id.* But Distinctive Assets has no “gift lounge” on the grounds of the Oscar
2 ceremony.

3 31. Distinctive Assets’ continued use of the Academy’s trademarks not
4 only infringes the Academy’s trademarks, but it is also likely to dilute the
5 distinctiveness of the Academy’s famous trademarks and tarnish their goodwill.
6 Press about the 2016 gift bags has focused on both the less-than-wholesome nature
7 of some of the products contained in the bags, which purportedly include a \$250
8 marijuana vaporizer, a \$1,900 “vampire breast lift,” skin treatments by Park Avenue
9 plastic surgeons valued at more than \$5,500, a \$250 sex toy, and \$275 Swiss-made
10 toilet paper, and the unseemliness of giving such high value gifts, including trips
11 costing tens of thousands of dollars, to an elite group of celebrities. *See, e.g.* Exs. B,
12 O, and P. For example, Forbes.com ran an article entitled “The \$200,000 Oscars
13 Gift Bag: The Business of Vibrators, Breast Lifts, and More Absurd Swag.” (a true
14 and correct copy of which is attached as Exhibit T.) The article unequivocally
15 associates the Academy with the “absurd” contents of the bag and does nothing to
16 dispel the association.

17 32. Distinctive Assets’ wrongful conduct has harmed the Academy,
18 including by causing it to spend significant resources responding to inquiries and
19 comments relating to its lack of affiliation with Distinctive Assets and its gift bags
20 and trying to correct the misimpressions Distinctive Assets has created. Some of the
21 harm Distinctive Assets has caused cannot be quantified, including harm to the
22 goodwill of the Academy’s trademarks and the Academy’s reputation.

23 FIRST CLAIM FOR RELIEF

24 (Trademark Infringement -- 15 U.S.C. § 1114(1), 15 U.S.C. § 1125(a))

25 33. The Academy incorporates herein by reference each and every
26 allegation contained in paragraphs 1 through 32, above, as though set forth herein.

27 34. The Academy has long used its OSCAR®, OSCARS®, ACADEMY
28 AWARD®, and ACADEMY AWARDS® word marks in interstate commerce in

1 connection with the advertising and promotion of the annual Academy Awards®
2 ceremony and to recognize motion pictures honored by the Academy for excellence.
3 The Academy's Marks are registered on the principle register.

4 35. In connection with its promotion of its services and others' goods
5 and services, Distinctive Assets has used and is using in commerce reproductions,
6 copies, facsimiles, and depictions of the Academy's Marks in a manner likely to
7 cause confusion or mistake or to deceive. Distinctive Assets' actions have at all
8 times been without the Academy's consent.

9 36. Distinctive Assets' acts violate 15 U.S.C. § 1114(1) and 15 U.S.C.
10 § 1125(a).

11 37. Distinctive Assets has been unjustly enriched as a direct and
12 proximate result of its harmful conduct, which has also harmed the Academy,
13 including by causing it to spend significant resources responding to inquiries and
14 comments relating to its lack of affiliation with Distinctive Assets and its gift bags
15 and trying to correct the misimpressions Distinctive Assets has created. Pursuant to
16 15 U.S.C. § 1117(a), the Academy is entitled to, and should be awarded defendants'
17 profits and any damages sustained by the Academy, and the costs of this action.

18 38. Because defendants have willfully used the Academy's Marks in a
19 manner calculated to promote the sale or distribution of its goods and services, and
20 because this is an exceptional case, the Academy is entitled to recover three times
21 defendants' profits and the Academy's damages, and reasonable attorney's fees
22 pursuant to 15 U.S.C. § 1117.

23 39. Distinctive Assets' acts have damaged, and will irreparably damage,
24 the Academy. The Academy has no adequate remedy at law for all of these wrongs
25 and injuries. The damage to the Academy includes harm to its goodwill and
26 reputation in the marketplace that money damages cannot compensate. The
27 Academy is, therefore, entitled to a preliminary and permanent injunction
28 restraining and enjoining Distinctive Assets and its agents, servants, and employees,

1 and all persons acting thereunder, in concert therewith or on their behalf, from using
2 the Academy's Marks, or any mark including those Marks, in connection with the
3 sale, offering for sale, distribution or advertising of goods or services, or in any
4 manner likely to cause confusion or mistake or to deceive the trade or public as to
5 the source or origin of defendants' products.

6 SECOND CLAIM FOR RELIEF

7 (California Common Law Trademark Infringement)

8 40. The Academy repeats and incorporates by reference each and every
9 allegation of paragraphs 1 through 39 above, as though fully set forth herein.

10 41. The Academy commenced use of the Academy's Marks before any
11 and all use of confusingly similar marks by Distinctive Assets.

12 42. Distinctive Assets is using and has used the Academy's Marks in
13 commerce in connection with its promotion of its services and others' goods and
14 services without the Academy's consent.

15 43. There is a likelihood of confusion in the minds of the public that
16 Distinctive Assets is affiliated with the Academy.

17 44. Distinctive Assets has been unjustly enriched as a direct and
18 proximate result of this harmful conduct, and the Academy has suffered, and will
19 continue to suffer, harm as it is caused to spend resources responding to inquiries
20 and comments relating to its lack of affiliation with Distinctive Assets and its gift
21 bags. Accordingly, the Academy is entitled to receive damages, including, but not
22 limited to restitution, actual, and exemplary damages.

23 45. Distinctive Assets' repeated, intentional use of the Academy's Marks
24 is malicious, particularly in light of Distinctive Assets' express representations to
25 the Academy that it would cease using the Academy's Marks. Accordingly,
26 pursuant to California Civil Code § 3294(a), the Academy is entitled to punitive
27 damages.

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1 46. Distinctive Assets’ repeated, intentional use of the Academy’s Marks
2 is also fraudulent in light of its express representations to the Academy that it would
3 cease using the Academy’s Marks. Accordingly, pursuant to California Civil Code
4 § 3294(a), the Academy is entitled to punitive damages.

5 47. Distinctive Assets’ acts have damaged, and will irreparably damage,
6 the Academy. The Academy has no adequate remedy at law for all of these wrongs
7 and injuries. The damage to the Academy includes harm to its goodwill and
8 reputation in the marketplace that money damages cannot compensate. The
9 Academy is, therefore, entitled to a preliminary and permanent injunction
10 restraining and enjoining defendants and their agents, servants, and employees, and
11 all persons acting thereunder, in concert therewith or on their behalf, from using the
12 Academy’s Marks, or any mark including those Marks, in connection with the sale,
13 offering for sale, distribution or advertising of goods or services, or in any manner
14 likely to cause confusion or mistake or to deceive the trade or public as to the source
15 or origin of defendants’ products.

16 THIRD CLAIM FOR RELIEF

17 (False Advertising – 15 U.S.C. § § 1125(a)(1)(B))

18 48. The Academy incorporates by reference each and every allegation
19 contained in paragraphs 1 through 47 above, as though set forth herein.

20 49. Distinctive Assets has made false and misleading representations of
21 fact in a commercial advertisement about its infringing gift bags, including, but not
22 limited, to representations that Distinctive Assets has an exclusive relationship with
23 the Academy, that it is in charge of gift bags for the Academy, and that it will be
24 giving away the infringing gift bags “on site” at the Academy Awards annual
25 telecast.

26 50. Distinctive Assets’ misrepresentations are material in that they are
27 likely to influence decisions regarding media coverage of the Academy Awards
28 annual telecast, as well as decisions regarding whether a company will retain

1 Distinctive Assets for advertising purposes, whether a company will decide to
2 become a sponsor of the Oscars, whether a person will serve as a presenter at the
3 Oscars, and whether a person will view the Oscars.

4 51. Distinctive Assets has made misrepresentations on its website and on
5 social media accounts, and thus in connection with interstate commerce.

6 52. The Academy is likely to be directly harmed by Distinctive Assets'
7 false and misleading statements due to a lessening of goodwill associated with the
8 Academy, and Distinctive Assets has been unjustly enriched as a direct and
9 proximate result of its harmful conduct. Pursuant to 15 U.S.C. § 1117(a), the
10 Academy is entitled to, and should be awarded defendants' profits, and any
11 damages sustained by the Academy, and the costs of this action.

12 53. Because defendants have willfully made false representations in a
13 manner calculated to promote the sale or distribution of its goods and services, and
14 because this is an exceptional case, the Academy is entitled to recover three times
15 defendants' profits and the Academy's damages, and reasonable attorney's fees
16 pursuant to 15 U.S.C. § 1117.

17 54. Distinctive Assets' acts have damaged, and will irreparably damage,
18 the Academy. The Academy has no adequate remedy at law for all of these wrongs
19 and injuries. The damage to the Academy includes harm to its goodwill and
20 reputation in the marketplace that money damages cannot compensate. The
21 Academy is, therefore, entitled to a preliminary and permanent injunction
22 restraining and enjoining Distinctive Assets and its agents, servants, and employees,
23 and all persons acting thereunder, in concert therewith or on their behalf, from
24 making additional false and misleading statements in commerce.

25 FOURTH CLAIM FOR RELIEF

26 (False Advertising California Business and Professions Code § 17500 *et seq.*)

27 55. The Academy repeats and incorporates by reference each and every
28 allegation of paragraphs 1 through 54 above, as though fully set forth herein.

1 56. Distinctive Assets intended to sell its advertising services to the
2 public, as demonstrated through its media contacts, website, press releases, and
3 statements.

4 57. Distinctive Assets disseminated information that was untrue and
5 misleading.

6 58. Distinctive Assets knew, or should have known, that these statements
7 were false, as Distinctive Assets does not have an exclusive relationship with the
8 Academy or the Oscars, or indeed, any connection at all, and does not provide gift
9 bags on the premises of the Oscars ceremony during the event.

10 59. Distinctive Assets' false statements were calculated to affect the sale
11 of Distinctive Assets' services, which depend upon exploiting the Academy's
12 goodwill for publicity

13 60. As a direct and proximate result of Distinctive Assets' false
14 statements, Distinctive Assets has obtained unlawful profits, or has otherwise been
15 unjustly enriched. Accordingly, the Academy is entitled to receive damages,
16 including, but not limited to restitution and disgorgement of Distinctive Assets'
17 profits.

18 61. Distinctive Assets' acts complained of herein have damaged, and
19 will irreparably damage, the Academy. The Academy has no adequate remedy at
20 law for all of these wrongs and injuries. The damage to the Academy includes harm
21 to its goodwill and reputation in the marketplace that money damages cannot
22 compensate. The Academy is, therefore, entitled to a preliminary and permanent
23 injunction restraining and enjoining defendants and their agents, servants, and
24 employees, and all persons acting thereunder, in concert therewith or on their behalf,
25 from making additional false and misleading statements in commerce.

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1 FIFTH CLAIM FOR RELIEF

2 (Trademark Dilution -- 15 U.S.C. § 1125(c) and Cal. Bus. & Prof. Code § 14247)

3 62. The Academy repeats and incorporates by reference each and every
4 allegation of paragraphs 1 through 61 above, as though fully set forth at length.

5 63. The Academy's Marks are famous and distinctive. The Academy's
6 annual awards ceremony, known to the public as the "Oscars" or the "Academy
7 Awards," has occurred annually since 1929. The Academy's Marks are registered
8 on the Principal Trademark Register. The marks are so well recognized that they
9 have their own definitions in the Oxford English Dictionary and entries in the
10 Encyclopedia Britannica. Recognition and viewership of the Academy's awards
11 ceremony is so widespread that publications have compared it to the Super Bowl.

12 64. Distinctive Assets' use in commerce of the Academy's Marks in
13 connection with their services and commercial activities is likely to dilute the
14 distinctive quality of the Academy's Marks in violation of Section 43(c) of the
15 Lanham Act, 15 U.S.C. § 1125(c) and Cal. Bus. & Prof. Code § 14247.

16 65. Distinctive Assets has offered and is offering for sale and selling
17 advertising services through use of the Academy's Marks in connection with the
18 distribution of unseemly "gift bags" and products scorned in the press, including
19 products that facilitate the consumption of illegal drugs, sex toys, and outlandishly
20 priced toilet paper.

21 66. Distinctive Assets' use in commerce of the Academy's Marks in the
22 service of promoting these goods is likely to tarnish the goodwill associated with the
23 Academy's Marks in violation of Section 43(c) of the Lanham Act, 15 U.S.C.
24 § 1125(c).

25 67. Distinctive Assets has been unjustly enriched as a direct and
26 proximate result of this harmful conduct, and the Academy has suffered, and will
27 continue to suffer, harm as it is caused to spend resources responding to inquiries
28 and comments relating to Distinctive Assets' gift bags. Accordingly, the Academy

1 is entitled to receive damages, including, but not limited to restitution, actual, and
2 exemplary damages, and the costs of this action.

3 68. Because defendants willfully intended to trade on the reputation of
4 the Academy, and because this is an exceptional case, the Academy is entitled to
5 recover defendants' profits and reasonable attorney's fees pursuant to 15 U.S.C.
6 § 1117(a).

7 69. Distinctive Assets' acts have damaged, and will continue to damage,
8 the Academy irreparably. The Academy has no adequate remedy at law for all of
9 these wrongs and injuries. The damage to the Academy includes harm to the value
10 and goodwill associated with its mark that money cannot compensate. The
11 Academy is, therefore, entitled to a preliminary and permanent injunction
12 restraining and enjoining defendants and their agents, servants and employees, and
13 all persons acting thereunder, in concert therewith or on their behalf, from their
14 commercial use in commerce of the Academy's Marks, or any colorable imitations
15 thereof, in any manner likely to dilute the Academy's Marks.

16 PRAYER FOR RELIEF

17 WHEREFORE, the Academy demands judgment:

18 1. That, pursuant to 15 U.S.C. §§ 1114, 1116, and 1125, and applicable
19 California and common law, defendants, as well as all persons acting under the
20 direction, control, permission, or authority of defendants, or any of them, and all
21 persons acting in concert therewith, be enjoined during the pendency of this action,
22 and permanently thereafter, from using, displaying, marketing, distributing,
23 advertising, transferring or selling any services using the Academy's trademarks or
24 otherwise creating a false association with the Academy or the Oscars.

25 2. That, pursuant to 15 U.S.C. § 1117(a), the Academy is entitled to, and
26 should be awarded any damages it sustained, defendant's profits, and the costs of
27 this action.

28

1 3. That, because defendants’ conduct has been willful and this is an
2 exceptional case, the Academy recover three times the defendants’ profits and the
3 Academy’s damages, and reasonable attorneys’ fees pursuant to 15 U.S.C. §§ 1114,
4 1117, and 1125(a) and (c) and applicable California and common law.

5 4. That, because the defendants’ conduct has been malicious, or in the
6 alternative fraudulent, or both, the Academy recover punitive damages California
7 Civil Code § 3294(a); and

8 5. That the Academy have such other and further relief as the Court
9 deems just and proper.

10 DATED: February 16, 2016

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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By /s/ Margret M. Caruso
Margret M. Caruso
Attorneys for Plaintiff
The Academy of Motion Picture Arts and
Sciences

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DEMAND FOR JURY TRIAL

Plaintiff Academy of Motion Picture Arts and Sciences hereby demands trial by jury pursuant to Fed. R. Civ. Proc. § 38(b).

DATED: February 16, 2016

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By /s/ Margret M. Caruso

Margret M. Caruso
Attorneys for Plaintiff
The Academy of Motion Picture Arts and
Sciences

EXHIBIT A

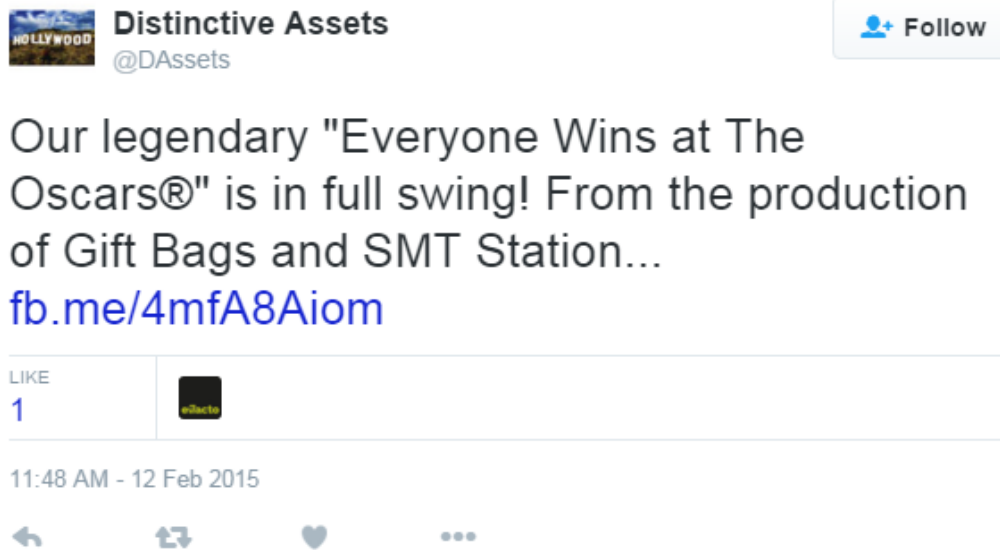


Image of: <https://twitter.com/DAssets/status/565960535163011072>



Image of: <https://twitter.com/DAssets/status/695735797090119681>

EXHIBIT B



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🏠 > Lifestyle > Women > Life

Breast lifts, vibrators and weight-loss aids: The Oscars' sexist \$200,000 goodie bag shames women



The Oscars 2016 has a \$200k gift bag

By **Daisy Buchanan**

9 FEBRUARY 2016 • 1:04PM

I think I wanted to win an Oscar even before I knew what they were. As an egotistic toddler, it was easy to imagine myself on a podium, in a pink dress, clutching something shiny.

ADVERTISING

As I got older my fantasies got more elaborate - I'd be turning down offers of Chanel couture to wear dazzling dresses from breakout designers. I'd be the first woman to win for starring in the movie, writing the screenplay, directing *and* singing the soundtrack (a feat that not even Barbara Streisand managed).

I'd thank my fans for believing in me, persuade Harry Winston to gift me an enormous diamond necklace and clean up in the gifting suite.

Aged 30, I haven't matured that much. I have the same low tolerance for vegetables, the same urge to scream in the middle of Sainsbury's and the same belief in the enduring hilariousness of bums, farts and poo.

"It's for people so rich and privileged that their very wealth has turned them mad."

But I've grown up enough to know that I definitely don't want to win an Oscar any more.

In 2016, a major global movie awards ceremony with no actors of colour on the nominees list seems as anachronistic as

staging the do in total silence, with black and white captions and a man on the piano at the side of the stage. How can the Oscars truly recognise excellence if they're celebrating such a peculiarly privileged industry?

Well, the answer might just lie in the bottom of the special nominee goodie bag.

With a value of \$250,000 (£173,000), you'd think it would be a selection of carefully curated objects, designed to celebrate some of the most talented people on the planet.

But the contents read like Mr Burns' Christmas list. It's for people so rich and privileged that their very wealth has turned them mad.

Tonight on Kourtney & Kim Take Miami!!! #VampireFacial #kkkm

A photo posted by Kim Kardashian West (@kimkardashian) on Mar 10, 2013 at 6:14pm PDT

For instance, what potential Oscar-winner doesn't want to be rewarded for their work with a gift of 'the most soothing and absorbent [toilet] tissue paper in the world' (\$275 for six rolls)?

Women have a particularly passive aggressive range of presents to enjoy – reminders that even the most successful are still struggling in a man's world. That no matter how much Emma Watson speaks up about equality, or how angry Jennifer Lawrence gets about nude photos being shared without her consent, the industry will conspire to make them neurotic, anxious and image-fixated.

Step forward the gift every girl just longs for: the \$1,900 (£1,300) 'vampire breast lift'.

"It reminds female nominees that every natural function of their body is shameful and must be stopped in its tracks."

Yes, those lucky Hollywood ladies can have their own blood injected back into their breasts to enhance their appearance, making them 'rounder' without the need for implants. (Less Best Supporting Actress, and more best supported).

And once your body meets the industry's idea of perfection? Make sure you use it like the sex object you obviously are. To this end, the gift bag includes the Nuelle Fiera Arouser for her, which offers users the chance to:

'Wear for a few minutes before sex, and wear it when you feel warmed up and in the mood! The unique combination of gentle suction and stimulation increases the sensations of tingling and fullness that accompany sexual arousal'.

To be honest, I don't quite understand why anyone would want to get it on when experiencing "fullness and tingling" - it sounds like the start of a UTI.





The 2016 Oscars goodie bag includes a Nuelle Fiera AROUSER CREDIT: JOSH MILLER/CNET

The list goes on. There are *three* different kinds of personal training sessions, including one with a ‘wellness expert’ who has a TV show called *My Diet Is Better than Your Diet!*

Nominees also get \$19.98 worth of Hydroxycut weight-loss Gummies. According to Walgreens, they contain Robusta Coffee Extract, which screams ‘laxative’ (and explains the bog roll).

Finally, to remind female nominees that every natural function of their body is shameful and must be stopped in its tracks, we have the Dandi anti-perspirant patch, a plaster that goes under your arms and claims discretion as its USP.

"The goodie bags are a stark reminder that the Oscars has never been less relevant."


The Oscars doesn't have a separate category for comedy, but if it did, its own goodie bag would be an outright winner.

At a time when even Barbie is trying to do her bit in the fight for diversity and positive body image; when Beyoncé just made the whole world stop and think about baby hair and afros; and when campaigners are fighting to address the rise mental health crises and eating disorders among young women – the contents of this gift bag seem like relics.

The goodie bags are a stark reminder that the Oscars has never been less relevant.

Even [Swedish schools manage to hand out copies of Chimamanda Ngozie Adichie's feminist book](#) to pupils. Why is it that the multi-million dollar red carpet fest that is the Oscars can only do sexist and irrelevant tat?



 **The Telegraph**
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EDITOR'S CHOICE

1

Taylor Swift's reaction to Kanye West's sexism is just embarrassing

12 Feb 2016, 3:33pm

2

Gender pay gap league tables are a triumph - and not just for women

12 Feb 2016, 1:51pm

3

Denmark is opening its first female-led mosque

12 Feb 2016, 1:08pm

4

Look away now if you don't want your favourite rom-coms ruined...Happy Valentine's Day!

12 Feb 2016, 12:11pm

5

The stinky truth about your beautiful Valentine's Day roses

12 Feb 2016, 11:31am

Women latest



What it was like meeting the sister we never knew existed

13 Feb 2016, 7:00am



As a GP, watching my wife suffer from postpartum psychosis was unbearable

13 Feb 2016, 12:00am



Helen Baxendale: 'The new series of Cold Feet wasn't right for me'

12 Feb 2016, 10:00pm



Is sex necessary for a lasting marriage?

12 Feb 2016. 5:02pm



Taylor Swift's reaction to Kanye West's sexism is just embarrassing

12 Feb 2016, 3:33pm



Gender pay gap league tables are a triumph - and not just for women

12 Feb 2016, 1:51pm



Denmark is opening its first female-led mosque

12 Feb 2016, 1:08pm



Look away now if you don't want your favourite rom-coms ruined...Happy Valentine's Day!

12 Feb 2016, 12:11pm



The stinky truth about your beautiful Valentine's Day roses



Cringey emails from political parties: The Valentine's gift women don't want in their inbox

12 Feb 2016, 8:00am



Online dating with a disability: 'People don't think I'm able to have sex'

12 Feb 2016, 7:30am



'I reunited with my teenage love – 26 years later'

12 Feb 2016. 6:00am





Lessons in love from First Dates' Fred

11 Feb 2016, 6:49pm



What it's like having dyslexia in the workplace - and how you can help

11 Feb 2016, 3:53pm



Why haven't the police been investigating abuse with open minds all along?

11 Feb 2016, 2:09pm



David Cameron just blocked compulsory sex education - and the women in his Cabinet are furious



Sabine Schmitz – Everything you need to know about Top Gear's only female presenter

11 Feb 2016, 1:25pm



Adam Johnson's girlfriend Stacey Flounders joins a depressing queue of women standing by their men

11 Feb 2016, 11:39am



Meet the woman who defends America's most hated criminals (including the Boston bomber)

11 Feb 2016, 11:07am

Currency: **EUR** English

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'Dead Girls Can't Say No' T-shirt slammed for promoting rape culture

11 Feb 2016, 10:04am

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EXHIBIT C

You Won't Believe How Much the 2016 Oscar Swag Bags Are Worth!

The [2016 Oscars](#) might be the Academy of Motion Picture Arts and Sciences' swankiest ceremony to date if this year's gift bag has anything to say about it.



That's because the 2016 Oscars swag rings in at a very cool \$232,000—yes, you read that right—and this loot is seriously lustworthy. Gifts include a no-expense-spared \$55,000 trip to Israel and \$45,000 Audi car rentals, as well as personalized M&M's (valued at \$300) and ultra-posh toilet paper (one role from Joseph's Toiletries will set you back \$275). Vampire breast lifts, in which blood from the arm is transferred to a patient's breasts, ringing in at \$1,900 are also on deck because, well, celebrities.

A vaporizer, vibrator (sex toys for the win) and personal trainer sessions also made the cut, among other luxe items.

This year's gift bag is over \$60,000 more than the offerings in 2015, which featured luxury sex toys, a holiday in Tuscany, and designer bicycles. Swag on, Oscars, swag on.

ADVERTISING

More from Glamour.com:

Photos: Getty Images

EXHIBIT D



CLIENT LOGIN



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Award Shows | Corporate & Personal Gifting | Marketing & Public Relations | Event Production

AWARD SHOWS & CELEBRITY PLACEMENT

Our exclusive involvement with many major award shows provides valuable access to an often elusive celebrity market. At each of our events, Distinctive Assets selects vendors and provides them with the opportunity to present their products/services to celebrities in a Gift Basket or through representation in our interactive Gift Lounge. Our résumé of events, press procurement and reputation among celebrities and producers are unrivaled in the industry.

We enjoy a reputation in our industry for introducing fabulous, useful, unique and cutting-edge products to our high-profile clientele. Stars remark on both quality and quantity as well as on the thoughtfulness that goes into our gift ensembles.

Our Gift Lounges are held ON SITE at the award show or event and provides an opportunity for our clients to represent their line and personally interact with celebrities (and press).

If you are interested in learning more about having your product/service included in an upcoming event, please complete and SUBMIT the following form:

Contact Form

Company Name: *

Contact Name: *

Phone Number: *

Email: *

Website: *

Additional Information:

SUBMIT

CELEBRATING ANOTHER DECADE OF FABULOUS GIFTS

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EXHIBIT E



Nº 1096990

THE UNITED STATES OF AMERICA

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

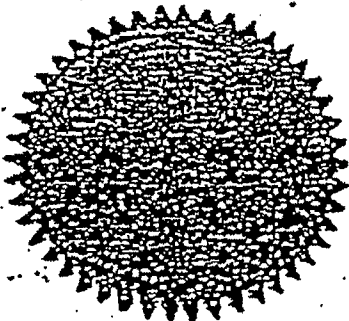
And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.



In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this eighteenth day of July, 1978.

Donald W. Banner

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. CL: 41

Frior U.S. CL: 107

United States Patent and Trademark Office

Reg. No. 1,096,990
Registered July 18, 1978

SERVICE MARK

Principal Register.

OSCAR

Academy of Motion Picture Arts and Sciences (California corporation)
Los Angeles, Calif.

For: ENTERTAINMENT AND EDUCATIONAL SERVICE—NAMELY, TELECASTS IN CONNECTION WITH THE RECOGNITION OF DISTINGUISHED ACHIEVEMENT IN THE MOTION PICTURE INDUSTRY; LIBRARY AND REFERENCE SERVICES; THEATRICAL EXHIBITIONS OF MOTION PICTURES—in CLASS 41 (U.S. CL. 107).
First use Apr. 2, 1974; in commerce Apr. 2, 1974.

Ser. No. 47,087, filed Mar. 19, 1975.

GARY KRUGMAN, Examiner



Int. Cl.: 16, 41

Prior U.S. Cl.: 38, 107

United States Patent and Trademark Office

Reg. No. 1,103,859
Registered Oct. 10, 1978

**TRADEMARK
SERVICE MARK**

Principal Register

ACADEMY AWARDS

Academy of Motion Picture Arts and Sciences (California
corporation)
8949 Wilshire Blvd.
Beverly Hills, Calif. 90211

For: BOOKS, PAMPHLETS, BROCHURES AND
PRESS KITS ISSUED FROM TIME TO TIME, in
CLASS 16 (U.S. CL. 38).

First use August 1928; in commerce August 1928.

For: EDUCATIONAL AND ENTERTAINMENT
SERVICES RENDERED THROUGH THE MEDIUM

OF AN ANNUAL LIVE, TELEVISION PROGRAM
DEALING WITH MOTION PICTURES, in CLASS 41
(U.S. CL. 107).

First use May 16, 1929; in commerce Mar. 19, 1953.

Owner of Reg. No. 1,048,964.

Ser. No. 128,830, filed June 1, 1977.

HANNAH M. FISHER, Examiner

EXHIBIT F



Nº 1118751

THE UNITED STATES OF AMERICA

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

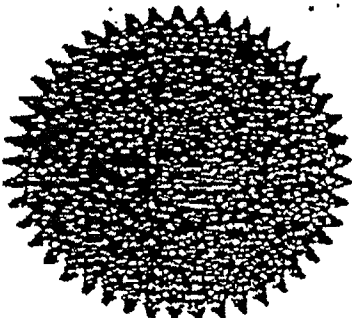
And these having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.



In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this twenty-second day of May, 1979.

Donald W. Benjamin

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. CL: 16

Prior U.S. CL: 38

United States Patent and Trademark Office

Reg. No. 1,118,751

Registered May 22, 1979

TRADEMARK

Principal Register

OSCAR

Academy of Motion Picture Arts and Sciences (California corporation)
Los Angeles, Calif.

For: BOOKS AND SUPPLEMENTS THERETO, PAMPHLETS, BROCHURES, DEALING WITH THE MOTION PICTURE INDUSTRY AND PERSONALITIES; PRESS KITS CONTAINING DETAILED INFORMATION AS TO BROADCASTS AND PRESENTATIONS OF AWARDS, INCLUDING CHRONOLOGICAL LIST OF EVENTS, PROGRAM FORMAT,

PERSONALITIES INVOLVED, MOTION PICTURES INVOLVED AND OTHER ELEMENTS COMPRISING THE BROADCASTING OF MOTION PICTURE AWARDS, in CLASS 16 (U.S. CL. 38).

First use Oct. 4, 1974; in commerce Oct. 4, 1974.

Ser. No. 41,474, filed Jan. 10, 1975.

JOHN C. DEMOS, Supervisory Examiner
D. E. SHALLANT, Examiner

NOTICE

This Registration will be canceled by the Commissioner of Patents and Trademarks at the end of six years following the date of registration, unless within one year next preceding the expiration of such six years, the registrant files in the Patent and Trademark Office an affidavit showing that said mark is still in use or showing that its nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark. A fee of \$10.00 for each class must accompany the affidavit.

FORM 12-64171-1

The United States of America



CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, as amended, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for TEN years unless sooner terminated as provided by law.



In Testimony whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this twenty-seventh day of August 1996.

Bence Lehman

Commissioner of Patents and Trademarks

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 1,996,585

Registered Aug. 27, 1996

**TRADEMARK
PRINCIPAL REGISTER**

OSCAR

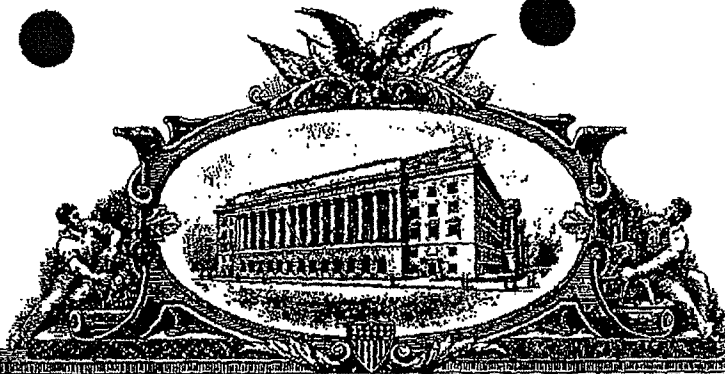
ACADEMY OF MOTION PICTURE ARTS AND
SCIENCES (CALIFORNIA CORPORATION)
8949 WILSHIRE BOULEVARD
BEVERLY HILLS, CA 90211

FIRST USE 3-0-1989; IN COMMERCE
4-0-1989.

SER. NO. 74-650,030, FILED 3-22-1995.

FOR: SWEATSHIRTS; JACKETS; T-SHIRTS;
AND, CAPS, IN CLASS 25 (U.S. CLS. 22 AND
39).

K. MARGARET LE, EXAMINING ATTORNEY



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

April 28, 1997

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,021,582 IS CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 10, 1996*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

H. Phillips
H. PHILLIPS
Certifying Officer

Int. Cl.: 9

Prior U.S. Cl.: 21

Reg. No. 2,021,582

United States Patent and Trademark Office

Registered Dec. 10, 1996

**TRADEMARK
PRINCIPAL REGISTER**

OSCAR

ACADEMY OF MOTION PICTURE ARTS AND
SCIENCES (CALIFORNIA CORPORATION)
8949 WILSHIRE BOULEVARD
BEVERLY HILLS, CA 90211

FIRST USE 2-1-1992; IN COMMERCE
2-1-1992.

OWNER OF U.S. REG. NOS. 1,096,699 AND
1,528,890.

FOR: PRERECORDED VIDEOTAPES FEATURING ENTERTAINMENT RELATING TO MOTION PICTURES AND AWARD CEREMONIES, IN CLASS 9 (U.S. CL. 21).

SER. NO. 74-489,503, FILED 2-14-1994.

K. MARGARET LE, EXAMINING ATTORNEY



Nº 1528890

THE UNITED STATES OF AMERICA

CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

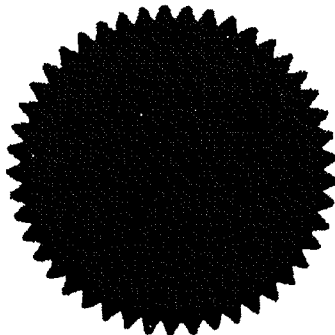
And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for Twenty Years unless sooner terminated as provided by law.



In Testimony Whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this seventh day of March, 1989.

A handwritten signature in cursive script, reading "Ronald J. Higgins".

Commissioner of Patents and Trademarks

Int. Cl.: 41

Prior U.S. Cl.: 107

United States Patent and Trademark Office

Reg. No. 1,528,890

Registered Mar. 7, 1989

**SERVICE MARK
PRINCIPAL REGISTER**

OSCARS

**ACADEMY OF MOTION PICTURE ARTS AND
SCIENCES (CALIFORNIA CORPORATION)
8949 WILSHIRE BOULEVARD
BEVERLY HILLS, CA 902111972**

**FOR: ENTERTAINMENT SERVICES,
NAMELY, TELECASTS IN CONNECTION
WITH THE RECOGNITION OF DISTIN-
GUISHED ACHIEVEMENT IN THE MOTION
PICTURE INDUSTRY, IN CLASS 41 (U.S. CL.
107).**

**FIRST USE 3-30-1987; IN COMMERCE
3-30-1987.**

**OWNER OF U.S. REG. NOS. 1,096,990 AND
1,118,751.**

SER. NO. 741,826, FILED 7-25-1988.

**MARY KAY MCDONALD, EXAMINING AT-
TORNEY**



Int. Cl.: 9

Prior U.S. Cl.: 21

Reg. No. 1,880,473

United States Patent and Trademark Office Registered Feb. 28, 1995

**TRADEMARK
PRINCIPAL REGISTER**

ACADEMY AWARDS

ACADEMY OF MOTION PICTURE ARTS AND
SCIENCES (CALIFORNIA CORPORATION)
8949 WILSHIRE BOULEVARD
BEVERLY HILLS, CA 90211

FIRST USE 2-1-1992; IN COMMERCE
2-1-1992.

OWNER OF U.S. REG. NO. 1,103,859.

SER. NO. 74-494,848, FILED 2-28-1994.

FOR: PRE-RECORDED VIDEO TAPES FEATURING ENTERTAINMENT RELATING TO MOTION PICTURES, IN CLASS 9 (U.S. CL. 21).

ELEANOR MELTZER, EXAMINING ATTORNEY

The United States of America



CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, as amended, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for TEN years unless sooner terminated as provided by law.

In Testimony whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this thirteenth day of February 1996.



Bruce Lehman

Commissioner of Patents and Trademarks

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 2,245,965

United States Patent and Trademark Office

Registered May 18, 1999

**SERVICE MARK
PRINCIPAL REGISTER**

ACADEMY AWARD

ACADEMY OF MOTION PICTURE ARTS AND
SCIENCES (CALIFORNIA CORPORATION)
8949 WILSHIRE BOULEVARD
BEVERLY HILLS, CA 902111972

FOR: ENTERTAINMENT SERVICES,
NAMELY, AN ANNUAL AWARD PROGRAM
FOR PRESENTATION OF AWARDS IN REC-
OGNITION OF DISTINGUISHED ACHIEVE-
MENT IN THE MOTION PICTURE INDUSTRY;
EDUCATIONAL SERVICES, NAMELY, PRO-
VIDING INCENTIVES TO PERSONS TO DEM-
ONSTRATE EXCELLENCE IN THE FIELD OF
MOTION PICTURES THROUGH THE ISSU-

ANCE OF AWARDS, IN CLASS 41 (U.S. CLS.
100, 101 AND 107).

FIRST USE 5-16-1929; IN COMMERCE
5-19-1953.

OWNER OF U.S. REG. NOS. 1,103,859, 1,956,313
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "AWARD", APART FROM THE
MARK AS SHOWN.

SEC. 2(F).

SER. NO. 75-450,797, FILED 3-16-1998.

JAMES GRIFFIN, EXAMINING ATTORNEY

EXHIBIT G

The Oscars Beat The Super Bowl In Advertising Premium - Forbes



The Super Bowl attracts the largest television audience in the U.S. and charges the most money for a 30 second commercial. But advertisers pay a bigger premium for the Oscars.

This year, the average rate for a 30 second commercial on NBC during the New England Patriots 28-24 victory over the Seattle Seahawks was \$4.5 million, with a record record 114.4 million people watching the nail-biter. That works out to 25.4 viewers-per-advertising dollar.

For this Sunday's Oscars, ABC is charging an average rate of \$1.95 million, and there will likely be at least 43 million folks who tune in (last year's Oscars had 43.7 million viewers, the biggest audience of any Academy Awards since 2000)—22.6 viewers-per-advertising dollar.

Thus advertisers will pay in the neighborhood of a 12% premium for the Oscars over the Super Bowl.

The premium was less last year, when the Super Bowl generated 26.7 viewers-per-advertising dollar versus 24.8 for the Oscars—a 7.7% advantage for the Academy Awards. Reason: The average cost of a 30 second commercial for the Super Bowl rose 7.1% year-over-year compared with an 11% increase in the cost for a comparable commercial during the Oscars.

The Oscars Beat The Super Bowl In Advertising Premium - Forbes

Why pay more per television viewer for the Oscars? This article in USA Today says that 31.1% of viewers who watched last year's Oscars said they were more likely to buy the brand after seeing its Oscar show compared with 6.9% of viewers of the Super Bowl. Or maybe it is because the Oscars have a larger female audience than the Super Bowl (come on guys, we know who *really* controls the spending in our homes!)?

Either way, I'll be watching (with my wife) and rooting for American Sniper (Best Picture).

Recommended by Forbes

EXHIBIT H

HOLLYWOOD

Oscars Gift Bags: Take A Peek Inside This Year's \$168,000 Bounty

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Kanye West's "The Life of Pablo" Perfectly Reflects His Evolution as an Artist



Watch Taylor Swift's Brother Throw Kanye West's Sneakers Into the Garbage



So Amal Clooney Wore Your Dress. Now What?



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THE NEW PRO LOOK
OF CONTOUR

GIFTING SWEET FEBRUARY 22, 2015 11:32 AM

Oscars Gift Bags: Take A Peek Inside This Year's \$168,000 Bounty



Tim Boyle/Getty Images

They're real and they're fabulous.

BY MELISSA LOCKER

osing is never fun.

L While most Oscar nominees claim that just to be nominated for the award is an honor, losing can be a hard pill to swallow. Luckily, the Academy Awards have figured out a way to help wash the bitter taste of defeat right out of the mouths of those who don't get to take home a little gold man to sit on their mantel: The gift bag, this year valued at \$168,000.

The gift bags were put together by a company called **Distinctive Assets**, who assembled 21 gift bags, for the host as well as the losing nominees for best actor, best actress, best supporting actor, best supporting actress, and best director. (Play our **Oscars Bingo** during this year's ceremony.) This year's bag is the most valuable collection of swag ever assembled at an Oscars gifting suite, with the gifts ranging in price from \$5 to \$20,000.

The bags include an impressive array of incredible perks (free **Silvercar** Audi rentals for a year), slightly odd services (a \$20,000 astrology reading), and treats that will probably never cross an A-list star's lips (an \$800 custom candy and dessert buffet).

Other gifts include a \$12,500 glamping vacation from Terravelo Tours, a train trip on the Rocky Mountaineer, a nine-night Italian vacation package valued at \$11,500, \$4,000 worth of liposuction, a \$1,200 Matrone bicycle, non-invasive L.E.D. light therapy, and \$25,000 of custom furniture perfect for giving their Malibu pad a special look.

Since the gift bags are intended as consolation prizes, that means the stars who receive them won't have an Oscar to play wingman. To help the stars improve their luck, this year's bags include more than a little aphrodisiacal power, including a laser vibrator (\$250), something called an "orgasm booster" created by the same doctor who invented the Vampire Facelift (valued at \$5,000), as well as a sampling of "the world's only luxury condom".

While the gift bags are impressive, don't be too jealous: Under the U.S. tax code, **swag is taxable as income** and celebs can expect to receive an IRS Form 1099 in the mail, even if they skip the gifting suite or donate the goodies to charity. The stars they are just like us, at least according to the I.R. S.

PHOTOS: 2015 Oscars Best Dressed

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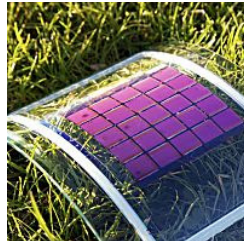
When a top MIT Biologist Tackles Aging

Fast Company



The Most Revealing Red Carpet Looks of All Time

TVGuide.com



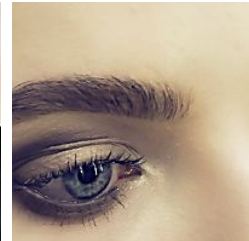
New Solar Tech Throws Power Companies A

Comparisons.org



George Clooney's Home Is Beyond Stunning

Lonny Magazine



Why is WunderBrow the best eyebrow product to

Wunderbrow on Health&Style



Brolin on Streisand: 'My Wife Is Delicious and

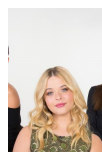
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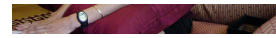




Will Smith Says "I Think We May Have Gone Too Far" in Parenting Willow and Jaden



The Cast of Pretty Little Liars Take The Make Out Quiz



Angelina Jolie Adds Three More Large Tattoos to Her Body

The Kardashians Reportedly Had an Issue With This People vs. O.J. Simpson Scene

Beyoncé, Jay Z, and Blue Ivy Spent Super Bowl Weekend in an Airbnb

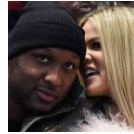
Kate Winslet Refuses to Boycott the Oscars Because Leonardo DiCaprio Will Be There

AROUND THE WEB

POWERED BY ZERGNET



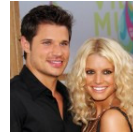
Hugh Jackman Gushes Over His Wife Of 20 Years



Khloe & Lamar Seemed To Be Enjoying Each Other At Kanye's Show



'Downton Abbey' Star's Fiance Dead at 34



Jessica Simpson Drops a Bombshell on Lachey Marriage

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EXHIBIT I

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Oscars Gift Bag Is Filled With \$125,000 Worth Of Goodies

February 19, 2015 8:17 AM By U-Turn Laverne

Filed Under: Audi A4, Canadian Rockies train ride, Enigma Life founder Olessia Kantor, gift bag, gift bags, Olessia Kantor, oscar, oscar nominees, Oscars, swag bag, Tuscany, Variety Magazine



HOLLYWOOD, CA - FEBRUARY 18: Golden Oscar statues are painted during preparation of 87th Annual Academy Awards at Dolby Theater February 18, 2015 in Hollywood, California. (Photo by Kevork Djansezian/Getty Images)
HOLLYWOOD, CA - FEBRUARY 18: Golden Oscar statues are painted during preparation of 87th Annual Academy Awards at Dolby Theater February 18, 2015 in Hollywood, California. (Photo by Kevork Djansezian/Getty Images)

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Win or lose at Sunday's Oscars, nominees will not be leaving the ceremony empty handed.

According to Variety Magazine all nominees in this Oscar's acting and director categories will receive gift bags valued at more than \$125,000.

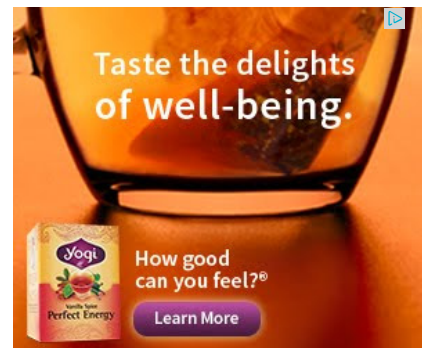
Here are just a few of the luxurious gifts that the nominees will receive: a luxury train ride through the Canadian Rockies valued at \$14,500; a three-night stay at a resort in Tuscany, valued at \$1,500; one year of Audi A4 car rentals worth \$20,000; as well as custom jewelry and candy.


There is one very unique gift in this year's Oscar gift bag, it is a \$20,000 gift certificate for a personal visit with Enigma Life founder Olessia Kantor.

The gift bag designer says Kantor will discuss horoscopes with each nominee, analyze dreams and teach them mind control techniques...I wonder if she can predict if they will win an Oscar next year?

U-Turn Laverne

More from U-Turn Laverne



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EXHIBIT J

quinn emanuel trial lawyers | silicon valley

555 Twin Dolphin Drive, 5th Floor, Redwood Shores, California 94065-2139 | TEL (650) 801-5000 | FAX (650) 801-5100

WRITER'S DIRECT DIAL NO.
(650) 801-5101

WRITER'S INTERNET ADDRESS
margretcaruso@quinnemanuel.com

February 17, 2015

VIA E-MAIL AND FEDEX

Lash Fary, Founder
Distinctive Assets
913 S. Mansfield Avenue
Los Angeles, CA 90036
info@distinctiveassets.com

Re: Unauthorized Use of the Academy's Intellectual Property

Dear Mr. Fary:

We are counsel to the Academy of Motion Picture Arts and Sciences (the "Academy"). The Academy has recently learned that press outlets have credited your gift bags this year as being associated with the Academy. This is not correct. The Academy has no affiliation with these gift bags. Yet the advertising for your program presents the appearance of co-branding by the Academy. Your website furthers this misimpression of association with the Academy by linking to press articles that refer to your gift bags as "Oscar Nominee Gift Bags," "Oscar Giveaway," and "Oscar Swag Bags." (<http://www.distinctiveassets.com/press.html>)

It is critical that no one be confused into believing that your gift bags are associated with or have any connection with the Academy. First, actions likely to cause such confusion violate the Academy's trademark rights.¹ Second, this is an activity that the IRS appears to monitor closely.

¹ The Academy has obtained a trademark registration for its "OSCARS®" word mark pursuant to Certificate of Registration No. 1,528,890; the Academy has also obtained trademark registrations for its "OSCAR®" word mark pursuant to Certificate of Registration Nos. 1,096,990, 1,118,751, 1,996,585, 2,021,582, and 1,118,751. The Academy has obtained trademark registration for the "©Oscar®" statuette design pursuant to Certificate of Registration Nos. 1,028,635, 1,895,980, 1,960,182, and 1,028,635. The Academy has also copyrighted the "©Oscar®" statuette pursuant to Certificate of Registration No. G 38512 and Certificate of Registration of a Claim to Renewal of Copyright No. R 443432.


The Academy wants a clear record that, as it does not give these gifts, it bears no tax liability for them.

Accordingly, the Academy has no choice but to ask that Distinctive Assets take the following steps regarding the advertising, promotion, and distribution for its gift bags:

- (1) Provide copies of all press releases Distinctive Assets has issued or communications between Distinctive Assets and press outlets regarding its 2015 gift bags for OSCAR® nominees;
- (2) Confirming in writing that all of your future communications concerning the gift bags will clearly communicate that the Academy does not award, sponsor, endorse, or provide these gift bags and that any reporting about the gift bags must include that disclaimer.
- (3) Confirm in writing that mentions of Distinctive Assets' 2015 gift bags for OSCAR® nominees contain the disclaimer that these gift bags have no affiliation with the OSCARS® or the Academy. The disclaimer should be at least the size of the smallest font used elsewhere in the main text of the page or image;
- (4) Confirm in writing that you will not make any association, explicitly or implied, that your gift bags are associated with the OSCARS®, the ACADEMY AWARDS®, or The Academy in any advertising, marketing, or promotion going forward.

Please confirm that these steps have been accomplished by February 20, 2015. If we do not hear from you by then, the Academy reserves its rights to pursue its legal and equitable remedies.

Very truly yours,



Margret M. Caruso

cc: Scott Miller, Esq., The Academy of Motion Picture Arts and Sciences
Tamar Buchakjian, Esq., The Academy of Motion Picture Arts and Sciences

EXHIBIT K

quinn emanuel trial lawyers | los angeles

865 South Figueroa Street, 10th Floor, Los Angeles, California 90017-2543 | TEL (213) 443-3000 FAX (213) 443-3100

WRITER'S DIRECT DIAL NO.
(650) 801-5101

WRITER'S INTERNET ADDRESS
margretcaruso@quinnemanuel.com

February 27, 2015

VIA EMAIL AND FEDEX

Lash Fary, Founder
Distinctive Assets
913 S. Mansfeld Avenue
Los Angeles, CA 90036
lash@distinctiveassets.com
info@distinctiveassets.com

Re: Unauthorized Use of the Academy's Intellectual Property

Dear Mr. Fary:

As you know, we are counsel to the Academy of Motion Picture Arts and Sciences (the "Academy"). We are writing to Distinctive Assets for the second time this month regarding the rampant infringement of the Academy's federally registered "OSCAR®" and "ACADEMY AWARD®" trademarks.¹

The infringement by Distinctive Assets continues unabated. Not only are have press outlets credited your gift bags as associated with the Academy, but Distinctive Asset's own Facebook posts and Twitter feed have used the OSCAR® and OSCARS® trademarks to directly advertise these gift bags (images enclosed). As you already know, the Academy has no affiliation with your products, and this misrepresentation must stop.

¹ As I previously informed you, the "OSCARS®" and "OSCAR®" trademarks are federally protected. The Academy has obtained a trademark registration for its "OSCARS®" word mark pursuant to Certificate of Registration No. 1,528,890; the Academy has also obtained trademark registrations for its "OSCAR®" word mark pursuant to Certificate of Registration Nos. 1,096,990, 1,118,751, 1,996,585, 2,021,582, and 1,118,751. The Academy has obtained trademark registration for the "©Oscar®" statuette design pursuant to Certificate of Registration Nos. 1,028,635, 1,895,980, 1,960,182, and 1,028,635. The Academy has also copyrighted the "©Oscar®" statuette pursuant to Certificate of Registration No. G 38512 and Certificate of Registration of a Claim to Renewal of Copyright No. R 443432.

The Academy's trademark rights are violated by any actions likely to cause confusion. Distinctive Asset's use of the "OSCAR®" and "OSCARS®" marks, or any marks substantially or confusingly similar thereto, suggests an endorsement by the Academy of the products offered by Distinctive Assets. This suggestion of endorsement violates the laws pertaining to trademarks, specifically Section 43 of the Lanham Act, 15 U.S.C. § 1125(a).

Further, we have reason to believe the IRS monitors the distribution of these gift bags. The Academy must therefore clearly establish that, as it does not give these gifts, it bears no tax liability for them.

Accordingly, the Academy now insists that Distinctive Assets take the following steps regarding the advertising, promotion, and distribution of its gift bags:

- (1) Provide copies of all press releases Distinctive Assets has issued, or communications between Distinctive Assets and press outlets regarding its 2015 gift bags for OSCAR® nominees;
- (2) Confirm, in writing, that all of your future communications concerning the gift bags will clearly explain that the Academy does not award, sponsor, endorse, or provide these gift bags and that any reporting about the gift bags must include that disclaimer;
- (3) Confirm, in writing, that any and all future mentions of Distinctive Assets' gift bags for OSCAR® nominees contain the disclaimer that these gift bags have no affiliation with the OSCARS® or the Academy. The disclaimer should be at least the size of the smallest font used elsewhere in the main text of the page or image;
- (4) Remove all unauthorized uses of the Academy's intellectual property from your webpage and social media accounts, inclusive of www.distinctiveassets.com, www.facebook.com/DistinctiveAssets, and <https://twitter.com/dassets>;
- (5) Confirm, in writing, that you will not make any association, explicitly or implied, that there is a connection between your gift bags and the OSCARS®, the ACADEMY AWARDS®, or the Academy, in any advertising, marketing, or promotion going forward, including, but way of example, referring to your products as "Everyone Wins At The Oscars®."

Please be advised that if we do not receive the information requested by the close of business on March 13, 2015, the Academy will have no choice but to pursue its legal options.

We await your prompt response.

Very truly yours,

A handwritten signature in blue ink that reads "Margret M. Caruso". The signature is written in a cursive style with a large, looping initial "M".

Margret M. Caruso

cc: Scott Miller, Esq., The Academy of Motion Picture Arts and Sciences
Tamar Buchakjian, Esq., The Academy of Motion Picture Arts and Sciences

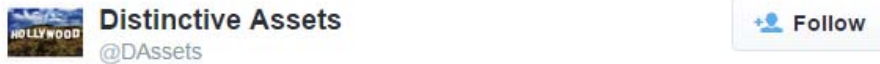
Sample Images of Distinctive Asset's Infringing Twitter Messages:



For the non-winning nominees leaving Los Angeles, the 2015 "Everyone Wins At The Oscars®" Gift Bag includes Heat...
fb.me/22VyS7PEb



11:41 AM - 23 Feb 2015



The 2015 "Everyone Wins At The Oscars®" Gift Bag includes New York Times Bestseller, "An Invisible Thread," by...
fb.me/3RWJG4JTf



9:09 AM - 23 Feb 2015



You know you've made it when
[@ActuallyNPH](#) references your \$160k
[#Oscars](#) gift bag DURING the telecast! Who else can say that?




FAVORITES
4



6:04 PM - 22 Feb 2015


Sample Images of Distinctive Asset's Infringing Facebook Posts:

 **Distinctive Assets**
February 23 at 1:09pm · 🌐

Big Cat Rescue are reaching out to the non-winning nominees with a private tour of their facility, and merchandise... #OscarGiftBag



Like · Comment · Share

 **Distinctive Assets**
February 23 at 11:41am · 🌐

For the non-winning nominees leaving Los Angeles, the 2015 "Everyone Wins At The Oscars®" Gift Bag includes Heat Holders, the warmest thermal socks, designed to trap warm air close to your skin to keep you warmer for longer. The diverse range of luxuriously soft products including blanket / oversized throw, jumper, hat, gloves, thermal underwear, tights and leggings.



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00108.00734/6546043.1

EXHIBIT L

RECEIVED

MAR 09 2015

Vanessa A. Ignacio
Partner

65 Livingston Avenue
Roseland, NJ 07068
T 973 422 6426
F 973 422 6427
vignacio@lowenstein.com

March 6, 2015

Via E-mail (margretcaruso@quinnemanuel.com)

Margret M. Caruso
Quinn Emanuel
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017-2543
(650) 801-5101

Re: Use of the Academy's Intellectual Property

Dear Ms. Caruso:

We represent Distinctive Assets and are in receipt of your letter dated February 27, 2015.

The claims of "rampant infringement" that "continues unabated" made in your letter by Distinctive Assets are unfounded in view of the significant and continued efforts by our client to make clear that its gift bags are not affiliated with the Academy of Motion Picture Arts and Sciences ("AMPAS"). For example, Distinctive Assets' press release for the 2015 gifts bags includes the following disclaimer language: "The Gift Bag and swag mentioned above have no affiliation with AMPAS® or the Academy Awards®; the "Everyone Wins" Gift Bag is an independent production of Distinctive Assets." This disclaimer is differentiated from the text in the rest of the press release by appearing in bold and in a box. A copy of the 2015 press release is attached as Exhibit A.

Our client informs us that when talking to the press that it consistently references that Distinctive Assets is an independent promotion company and that it requests that press outlets make it clear that Distinctive Assets is not affiliated with AMPAS in its coverage. For example, an article from USA Today dated February 18, 2015, states "The privately assembled bags are not officially endorsed by the Academy of Motion Picture Arts and Sciences, organizer of the Academy Awards." A copy of the USA Today article is attached Exhibit B. Our client also notes that the majority of the press outlets include such language as part of the story, but Distinctive Assets cannot control the final edit of press coverage.

Our client believes that its activities already comply with the law and your demands. However, in the interest of resolving this matter, Distinctive Assets includes a copy of the 2015 press

Margaret M. Caruso
Page 2

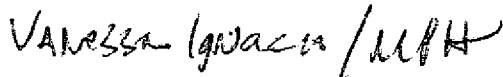
March 6, 2015

release attached as Exhibit A; will continue to clearly explain in its future communications and to the press that AMPAS is not involved with the gift bags; will continue to include a disclaimer; and will not purposefully make an association between its gift bags and AMPAS going forward. Specifically, our client informs us that it will no longer use the tagline "Everyone Wins At the Oscars®."

With regard to item 4 in your letter, our client will continue its efforts to respect AMPAS' intellectual property on its webpage and social media accounts. However, our client believes that removal of all allegedly unauthorized uses in social media is unduly burdensome and unwarranted. Social media use is primarily temporary in nature, which negates any potential confusion. Moreover, a hashtag such as "#Oscar" is a common identifier used to refer to the award ceremony throughout social media, not only by AMPAS, but by countless media outlets, marketers and fans. Accordingly, use of a hashtag like "#Oscar" by our client falls squarely into permissible trademark fair use and does not constitute infringement.

We believe this response resolves this matter.

Very truly yours,



Vanessa A. Ignacio

VAI:lms

Enclosures

15535/4
3/5/15 35127965.1

EXHIBIT A



EVERYONE WINS WITH DISTINCTIVE ASSETS' ANNUAL OSCAR® NOMINEE GIFT BAGS

It's the invitation all entertainers hope for and the red carpet they all want to walk. It's Hollywood's Biggest Night ... the Oscars®. While only a select few will take home the coveted golden statue, no one will walk away empty handed thanks to Distinctive Assets' annual homage to the acclaimed nominees in the Best Actor/Actress, Best Supporting Actor/Actress and Best Director categories.

This year's nominee gift bag is once again an eclectic fusion of fun, fabulous and functional items meant to titillate and indulge those who may have everything but still relish the simple joy of a gift. The 2015 *Everyone Wins at the Oscars Nominee Gift Bag* is valued at an all-time high of over \$160,000 (a Distinctive Assets record)!

Even if Reese Witherspoon, Julianne Moore, Ethan Hawke and Bradley Cooper don't bring home Oscar gold, they will wake up to a bevy of consolation gifts ranging from beauty and grooming products to artwork, fitness packages, gourmet edibles and trips.

This year's gift bonanza is all about looking good and feeling great! Nominees will be ready to hit any red carpet with confidence thanks to **Dove** and **Dove Men+Care Dry Spray Antiperspirants**, which go on instantly dry and offer 48-hour odor and wetness protection along with the brand's signature ¼ moisturizers. Looking good will be even easier with the help of **OZ Naturals** (Amazon.com's #1 selling anti-aging skincare line), **MAAZ** Luxury Hair Care and **Wellness 360's** founder **Dr. Jane Cases**. And no matter how an Oscar nominee might like to relax, we have them covered with **LG TONE INFINIM** wireless headsets as well as dual-chamber **Haze Vaporizers**. Thanks to **Halo Natural Pet Food** (in partnership with **Freekibble.com**), Oscar nominees will also be able to give back by having a 10,000 meal donation made in their name to an animal shelter or rescue of their choice. Last year, animal-loving nominees Julia Roberts, Meryl Streep, Barkhad Abdi and June Squibb all took advantage of this generous offer from Halo.

The lucky nominees will also receive the following fabulous gifts: **TerraVelo Tours** deluxe glamping adventures, **Rocky Mountaineer** luxury rail journeys, **Silvercar** app-based all-Audi car rentals for a year, monochromatic designer bikes from **Martone Cycling**, **Ibiza Soul** flip flops, **Hydroxycut** Drops + Gummies + Lean Protein Shakes + Lean Protein Bars, **Purely Inspired** Protein Shakes, limited edition Swiss-made **Slow Watches**, **Jan Lewis Designs** trio of bangle bracelets, **Narrative Clip** wearable automatic camera + app, **PolarLoop** 24/7 activity tracker, **Steamist** Total Sense Home Spa System, **Dosha Pops** herbal tea based lollipops, acupuncture sessions with **Heather Lounsbury**, personal training sessions with celebrity trainer **Alexis Seletzky**, **Rouge Maple** gourmet fine foods, **Caffeinated Club** naturally flavored club soda, **International Star Registry**, **Slimware** portion-control plates, **Linwoods Health Foods**, **Coral Actives** acne treatment, **DermaWand**, personalized **Nostalgia Baskets**, **Pop Dental** sonic toothbrushes, **Posh Pretzels**, **Adri & Sara** Italian scarves, **Sashka Co.** glass bead bracelets, **XO Mints**, **California Good Clothing** eco-friendly t-shirts, **Candy Vixen**, **Coal & Canary** candles, **TAGS** (fashion's home on the Sunset Strip) gift certificate, **Rejuvel** facial repair cream, **Marini Ferlazzo** Greeting Cards, **Flickable** luxe lip gloss, **JNL Clothing** urban streetwear, **Memobottle** reusable bottles, **Mezcal ei Silencio**, **ZuZu Kim** glamorous bow ties, **NapAnywhere** head support pillows, **Live Love Pop** wildly delicious healthy popcorn, **Naked Undies** lifestyle wear, **StickerWallet**, gourmet gluten-free cookies from **Esther Easter's Treats**, **crush DLX** limited-edition cassette and music download, **Backroad Vines** Cabernet Sauvignon Napa Valley, **La Baleine** Natural Mediterranean Sea Salts (+ VIP salt preserve tour package, family portrait session from **Lifestyle Photography**, **Heat Holders** Original Socks, **Phantom Glass** iPhone screen protectors, **Hazel Lane**

DistinctiveAssets

destination subscription boxes, **Enigma Life** dream analysis and mind control package, **Max Martin** luxury handcrafted shoes, **Ambrosia Apples**, **Dunkin' Donuts** Original Blend Coffee, **The Getty's** exhibition catalogue for J. M. W. Turner: Painting Set *Free*, signed-and-numbered paintings from artist **Gunner Fox**, **Starlettos** heel protectors, **Big Cat Rescue**, **The Afterglow** Pulsewave Vibrator, **Couples Love Shot** by Dr. Charles Runels, **Reset Yourself: the Complete Lifestyle Makeover**, original acrylics by **Ron Kennedy Roecker**, NY Times Bestseller *An Invisible Thread*, **Naked** Luxury Condoms, *The Kindness Diaries*, **DIAMYNT** by **MyntSmile**, **Show Me the Movie: The Movie Version of Charades**, **The Tie Thing** invisible neck tie restraint, **Lat & Lo** customized sterling silver necklaces, **Golden Door** spa retreat and Tinted Lip Treatment, **EF+Facto** luxury home furniture, signed copies of Emmy-winner Tony Hale's first illustrated children's book *Archibald's Next Big Thing*, and a nine-night Italian vacation package at luxury hotels **Grand Hotel Excelsior Vittoria** (Sorrento), **Villa Armena** (Tuscany) and **Grand Hotel Tremezzo** (Lake Como).

"To be part of the film industry's biggest night on any level is thrilling," says Distinctive Assets' founder Lash Fary. "We always look forward to introducing standout entertainers to an array of companies with fabulous gifts to share . . . but it's particularly fun to be able to do so when you know it will truly brighten someone's day."

The Gift Bag and swag mentioned above have no affiliation with AMPAS® or the Academy Awards®; the "Everyone Wins" Gift Bag is an independent production of Distinctive Assets.

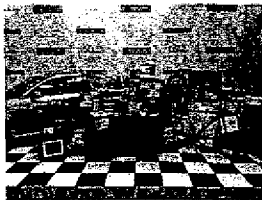
EXHIBIT B

Oscar swag bags: \$167,000 — and racy



Bruce Horowitz, USATODAY

10:19 p.m. EST February 18, 2015



(Photo: None)

You can't help but wonder if Oscar nominees Meryl Streep or Robert Duvall or Reese Witherspoon really need — or even want — one of these.

Want them or not, the annual "Oscar" nominee gift bags — stuffed with more than 80 gifts this go-round — have special bragging rights this year: They're worth a record \$167,000-plus each. That's \$17,000 more than the previous record of \$150,000 set back in 2005.

Or so says Lash Fary, founder of Distinctive Assets, the company that for years has been putting celebrity gift bags together for or around major awards shows ranging from the Grammys to Tonys to the Oscars — which

airs Sunday night on ABC.

The Oscar nominee gift bags are hand-delivered the day after the Oscar broadcast as a sort of "consolation" prize to the 21 *losing* nominees for best actor, actress, supporting actor, supporting actress and director. And the host, too.

The privately assembled bags are not officially endorsed by the Academy of Motion Picture Arts and Sciences, organizer of the Academy Awards,

To call some of contents of this year's gift bag wacky — if not racy — might be an understatement. Among them:

- **Laser vibrator.** The Afterglow Pulsewave Vibrator bills itself as the world's only adult toy that utilizes a low-level laser to enhance arousal. Value: \$250
- **Orgasm booster.** "The Couple's Love Shot," as it's called, is available to each of two "lovers" who can receive orgasm boosters including the O-Shot (Orgasm Shot), created by the same doctor who invented the Vampire Facelift to reduce wrinkles. Value: \$5,000
- **Pricey condoms.** Naked Luxury Condoms, dubbed "the world's only luxury condom" and "the most pleasurable condom in the world." Value: \$56 for two 6-packs.

~~Why so many racy products in the mix? "It's connected to the idea that the beautiful Hollywood celebrities get 'it' much more than ordinary folks."~~

explains luxury marketing expert Pam Danziger, But truth be told, she says, "the beautiful people in Hollywood must have all the same sex problems that everyone else does."

But there are some pretty hefty gifts in the bag, too:

- **Holiday in Tuscany.** With the Italian Luxury Hotel Package, nominees will receive three complimentary nights in a suite at the five-star Grand Hotel Tremezzo. Value: \$11,500.
- **Chi-Chi car rental.** A year's worth of Silvercar rentals, the all-Audi airport car rental service that promises no lines, free GPS, free Sirius radio and free Wi-Fi every time. Value: \$20,000
- **Whiz-bang bicycle.** Martone Cycling, known for its fashion and design-driven bikes, will hand out certificates for free designer bikes with automatic transmission and its signature red bike chains. Value: \$1,200

To those critics who say it's time to stop pandering to the rich and famous, well, Fary says, get real.

"We aren't doing this as a charitable initiative," he says, in a phone interview. "We do it because it makes sense for many brands to align their products with the stars." That, he says, is because many folks love to purchase products that they see the stars using themselves — or visit places where the stars hang out. "Brands benefit by associating with celebrities."

Particularly new brands looking for buzz.

The hope of every one of these brands is that the celebrity will actually like the product and be seen publicly using the product, says PR guru Katharine D. Paine. "With a huge amount of luck," Paine says, the brand will end up in a caption on the gossip page of *Vanity Fair*.



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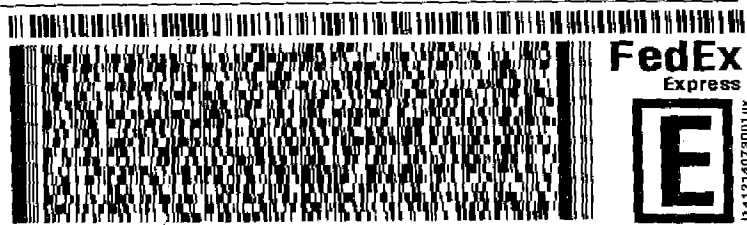
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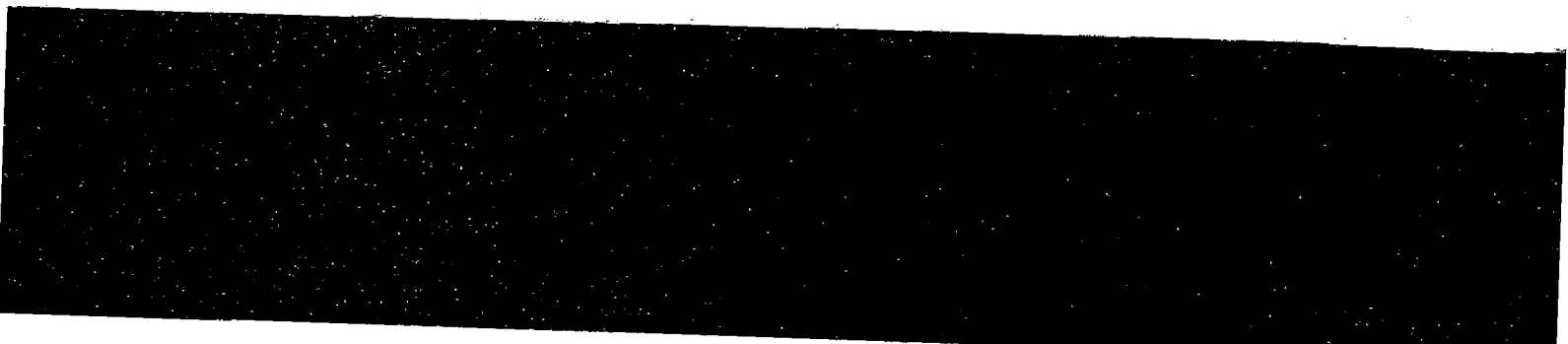
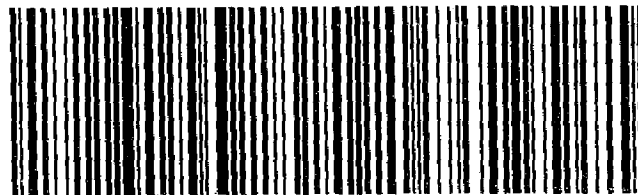


EXHIBIT M

quinn emanuel trial lawyers | los angeles

865 South Figueroa Street, 10th Floor, Los Angeles, California 90017-2543 | TEL (213) 443-3000 FAX (213) 443-3100

WRITER'S DIRECT DIAL NO.
(650) 801-5101

WRITER'S INTERNET ADDRESS
margretcaruso@quinnemanuel.com

March 23, 2015

VIA EMAIL AND FEDEX

Vanessa A. Ignacio, Partner
Lowenstein Sandler LLP
65 Livingston Avenue
Roseland, NJ 07068
vignacio@lowenstein.com

Re: Unauthorized Use of the Academy's Intellectual Property

Dear Ms. Ignacio:

As you know, we are counsel to the Academy of Motion Picture Arts and Sciences (the "Academy"). We are writing in response to your letter of March 6, 2015, sent on behalf of your client Distinctive Assets.

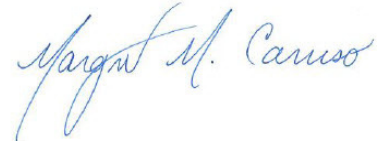
Thank you for agreeing that Distinctive Assets will no longer use the tagline "Everyone Wins At the Oscars®" in any of its business ventures, and for sending us a copy of Distinctive Assets' recent press release. The Academy appreciates that Distinctive Assets will continue to explain in its future communications and to the press that AMPAS is not involved with the gift bags and that it will continue to include a disclaimer. However, to close this matter we need an express agreement that your client will refrain from using **any** of the Academy's intellectual property in its future taglines for its gift bags, including but not limited to: Oscar®, Oscars®, Academy Award®, and Academy Awards®.¹ Using any of the Academy's trademarks in a tagline for Distinctive Asset's products clearly constitutes commercial use and infringes upon the Academy's rights.

In light of the serious concerns reflected in our previous correspondence, please provide us with Distinctive Assets' written confirmation of its agreement by April 2, 2015.

¹ For your reference, in addition to the Oscar® and Oscars® word marks, the Academy has also registered the Academy Award® word mark pursuant to Certificate of Registration No. 2,245,965; and the Academy Awards® word mark pursuant to Certificate of Registration Nos. 1,103,859, 1,880,473, and 1,956,313.

We await your prompt response.

Very truly yours,

A handwritten signature in blue ink that reads "Margret M. Caruso". The signature is written in a cursive, flowing style.

Margret M. Caruso

cc: Scott Miller, Esq., The Academy of Motion Picture Arts and Sciences
Tamar Buchakjian, Esq., The Academy of Motion Picture Arts and Sciences

EXHIBIT N

Lowenstein Sandler_{LLP}

Vanessa A. Ignacio
Partner

65 Livingston Avenue
Roseland, NJ 07068
T 973 422 6426
F 973 422 6427
vignacio@lowenstein.com

March 25, 2015

Via E-mail (margretcaruso@quinnemanuel.com)

Margret M. Caruso
Quinn Emanuel
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017-2543

Re: Use of the Academy's Intellectual Property

Dear Ms. Caruso:

We are in receipt of your letter dated March 23, 2015. We are perplexed why this second letter was needed. As set out in our previous response, Distinctive Assets has already expressly agreed not to purposefully make an association between its gift bags and AMPAS going forward, including, specifically, no longer using the tagline "Everyone Wins At The Oscars®." Our client understands that not making an association with AMPAS includes not using AMPAS's other intellectual property in taglines. This understanding is reinforced by Distinctive Assets's other express assurances made in our previous response to comply with your demands.

As such, we feel this request in the March 23, 2015 letter is duplicative and unnecessary. To the extent, however, that you feel our client's prior assurances are insufficient and further assurances are required, then Distinctive Assets states that it will not use any of the Academy's intellectual property in its future taglines in connection with its gift bags.

With regard to press coverage, Distinctive Assets will continue to refer to itself as an independent promotion company when talking to the press, will continue to request that press outlets include a disclaimer indicating that Distinctive Assets and its gift bags are not affiliated with AMPAS or the OSCARS®, and will request that press outlets report on its taglines without incorporating the Academy's intellectual property. The majority of the press outlets usually comply, but Distinctive Assets cannot control how the press reports on events.

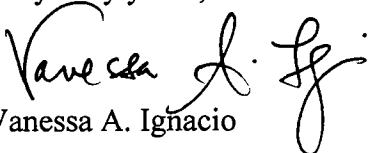
**Lowenstein
Sandler** LLP

Margaret M. Caruso
Page 2

March 25, 2015

Distinctive Assets has made significant efforts to make clear that its gift bags are not affiliated with AMPAS and is continuing these efforts. Our client has responded to your demands and provided materials for your review. Again, we believe this matter is resolved.

Very truly yours,


Vanessa A. Ignacio

VAI:lms

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EXHIBIT O

POLITICS ENTERTAINMENT WORLD U.S. NEWS TECH + HEALTH BEASTSTYLE VIDEO



CEOs Who Made \$1 Salary in 2015
Lawrence Ellison > Oracle Corporation

#1

\$1.00 Salary
In 2015 Reported Salary

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CEOS WHO MAKE \$1 SALARY - PRESENTED BY

WTF 02.05.16 12:43 PM ET



Inside the Absurd \$200K Oscar Gift Bag: Vapes, a Trip to Israel, and a 'Vampire Breast Lift'

Can anyone explain why Hollywood's rich and powerful need \$200,000 worth of extravagant goodies?

"Everyone wins" at this year's Academy Awards, according to Distinctive Assets, the company in charge of putting together the luxurious gift bags for nominees. So while only a handful of stars will receive Oscars this year, each nominee will go home with a record-setting \$200,000 worth of swag.

As the group's press release announces, the bag this year is "once again a blend of fabulous, fun and functional items meant to thrill and pamper those who may have everything money can buy but still savor the simple joy of a gift."

So what will likely Oscar losers like Cate Blanchett, Matt Damon, and Jennifer Lawrence be taking home with them as consolation prizes?



Cardiello (\$1,400)

- A 10-day, first-class trip to Israel (\$55,000)
- A year's worth of unlimited Audi car rentals from Silvercar (\$45,000)
- A 15-day walking tour of Japan (\$45,000)
- 3 private training sessions with "celebrity wellness expert" and star of ABC's *My Diet Is Better Than Yours*, Jay

- 1 **Inside the Absurd \$200K Oscar Gift Bag**
MATT WILSTEIN
- 2 **US Allies Now Fighting CIA-Backed Rebels**
NANCY A. YOUSSEF
- 3 **Brain Games Host James Silva on Season 5**
CURIOUS WORLD
- 4 **Donald Trump Has Muslim Friends?!**
DEAN OBEIDALLAH
- 5 **Can S.C. Forgive Bernie's Gun Record?**
GOLDIE TAYLOR

- Ultherapy—a laser skin-tightening procedure courtesy of 740 Park MD (\$5,530)
- A Lifetime supply of skin creams from Lizora (\$31,200)

- A Fit Club TV “Ultimate Fitness Package” in a private villa (\$6,250)
- A Haze Dual V3 Vaporizer valued at \$249.99 (At least Leonardo DiCaprio will be happy)

And that’s just the tip of the iceberg. The most bizarre item on the list clocks in at \$1,900 and is something we are apparently referring to as a “Vampire Breast Lift.” What is a Vampire Breast Lift, you ask?

Featured by Cosmopolitan, the new secret “must have” in Hollywood is the Vampire Breast Lift procedure which uses blood-derived growth factors to revive rounder cleavage without implants. Women can now also soften implant scars and irregularities (and restore sensation). Using technology used by plastic surgeons for years to help correct post-mastectomy scarring and to heal wounds, the Vampire Breast Lift procedure uses a woman’s own blood to improve appearance. Designed for zero downtime by Charles Runels, MD - the same physician who invented the Vampire Facelift.

Good to know.

Notably, the bags are only given to nominees in the main acting and directing categories, assuring that the sponsored items will only be given to the most famous people at the ceremony. Don’t think for a second that anyone who spent their life savings on a nominated Best Documentary Short is going home with a \$5,000 home spa system.

In this year of #OscarsSoWhite and #FeelTheBern, there is something even more unsavory than usual about this shameless attempt to shower excessive wealth on the excessively wealthy.

When companies feel the need to pay off celebrities who “have everything money can buy,” then really, no one wins.

PROMOTED STORIES



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FOX NEWS ENTERTAINMENT



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EXHIBIT P

Oscars Gift Bag -- \$200k Worth of Vacays, Sex Toys and Toilet Paper!

Oscars Gift Bag

\$200k Worth of

Vacays, Sex Toys & Toilet Paper!

[175](#)

2/5/2016 1:41 PM PST BY TMZ STAFF

Breaking News



Getty/TMZ.com Composite

The **Academy Awards** will be filled with some seriously pampered asses this year -- celebs are getting the most balling toilet paper ... EVER!

Each year all the **Oscar** nominees get a stupid amount of swag in the official gift bag and this year's includes \$200,000 worth of gear like \$6,000 worth of pet food, \$1,900 Vampire breast lift (no surgery, it's a blood thing), and a \$275 luxury toilet paper and moisturizing set. Can you imagine how soft that paper is??

It's also got some traditional crap -- \$55k Israel trip, \$54k Japan trip, and some grossly overpriced skincare items. On the cooler side, for female nominees like **Jennifer Lawrence** and **Kate Winslet** ... there's something called a \$250 female "arouser" which offers "gentle suction and stimulation."

That oughta get the room buzzing.

EXHIBIT Q

LIVING

Gwyneth Paltrow obviously loves the \$275 Oscars toilet paper

By Raquel Laneri

February 8, 2016 | 4:58pm



This pack of toilet paper and skin care treatments costs \$110.

Photo: Joseph's Toiletries

How much do you spend on toilet paper? Ten bucks for a 12-pack of those plush quilted brands? Well, apparently we don't know what we've been missing, because \$275 toilet paper exists, and if you're going to the Oscars, you'll get a chance to experience how a luxurious bum wipe can transform that undignified daily routine into a "sublime expression of style."

Yes, [the gift bags at the Academy Awards](#) will include — along with something called a Vampire Breast Lift and a dream vacation to Israel — a stack of this transcendent tissue from Joseph's Toiletries, which the Swiss brand touts as "a miracle in the art of papermaking."

So, what makes this bundle such a revelation? To quote Joseph's Web site (because we couldn't paraphrase it if we tried):

"Each individual sheet is a multi-layered microcosm of form and function constructed with comfort and cleanliness in mind. Tender virgin new-growth fibres are refined with a provitamin B5 and essential mineral coating to provide maximum skin protection even in dry use."

Sounds . . . not weird at all. And apparently, it's Goop-approved! Lifestyle guru and erstwhile actress Gwyneth Paltrow included a 9-month supply of the luxury toiletries on her holiday gift guide last year (of course she did), calling it "the gold standard of toilet paper — for the friend who truly has it all." Considering the gift costs \$956, presumably the gifter would also have to have it all.

Yet, to be fair, most of the high-profile attendees at the Oscars probably do have it all. And they're far more likely to use the fancy wipes than they are the \$300 worth of customized M&Ms, which are, to use another Gwyneth-ism, not "clean" and full of evil, evil processed sugar. Indeed, the academy could look to far worse places than Goop for goodie-bag inspiration. One word of advice: Next year, replace the M&Ms with "sex bark."

FILED UNDER OSCARS 2016, TOILETS

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EXHIBIT R

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Oscars 2016: A look inside the £150,000 goodie bag

By Nesta McGregor *Newsbeat entertainment reporter*

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If you've ever been to an event where goodie bags are handed out then some posh chocolates or sweet-smelling moisturiser are normally the best you can hope for.

But when the guest list includes Matt Damon, Jennifer Lawrence and Sylvester Stallone that simply won't do.

As well as a gold statuette, and the biggest honour the acting world has to bestow, all this year's Oscar winners will leave with a goodie bag worth more than £130,000.

The stars on the 2016 nominees list, including Leonardo DiCaprio and Eddie Redmayne, probably have a fair bit of cash, so it could mean employees or family members are about to receive some awesome "second hand" gifts.

Inside the 2016 Oscar goodie bag...

More related stories



['Transphobic Zoolander joke' criticised](#)

Two-week walking trip in Japan, worth £31,000

That's enough time to sample the local cuisine so that's loads of fish, rice and pickled vegetables.

If your favourite actor wants to burn off the extra calories then a visit to Mount Fuji or Universal Studios Japan is also an option.



Luxury Swiss toilet paper, worth £200

Well, we all know its primary use. Although whoever wins can also use it to wipe away the tears of Oscars glory emotion too.



Cosmetic surgery, worth £1,900

We think this is only open to female nominees but we do live in changing times so who knows. Winners have been promised a free "Vampire Breast Lift". Apparently this is the latest craze in Hollywood. The procedure uses the patient's own blood to achieve "a rounder cleavage".



Skin-tightening facial

Oscars after parties are legendary and can last well into the next day. So what better way to prepare for the upcoming photo shoot or TV appearance than with a facial?



Adult toys

Do you really need more information? Yes... sorry we can't give you any ... OK... it's a present for "her".

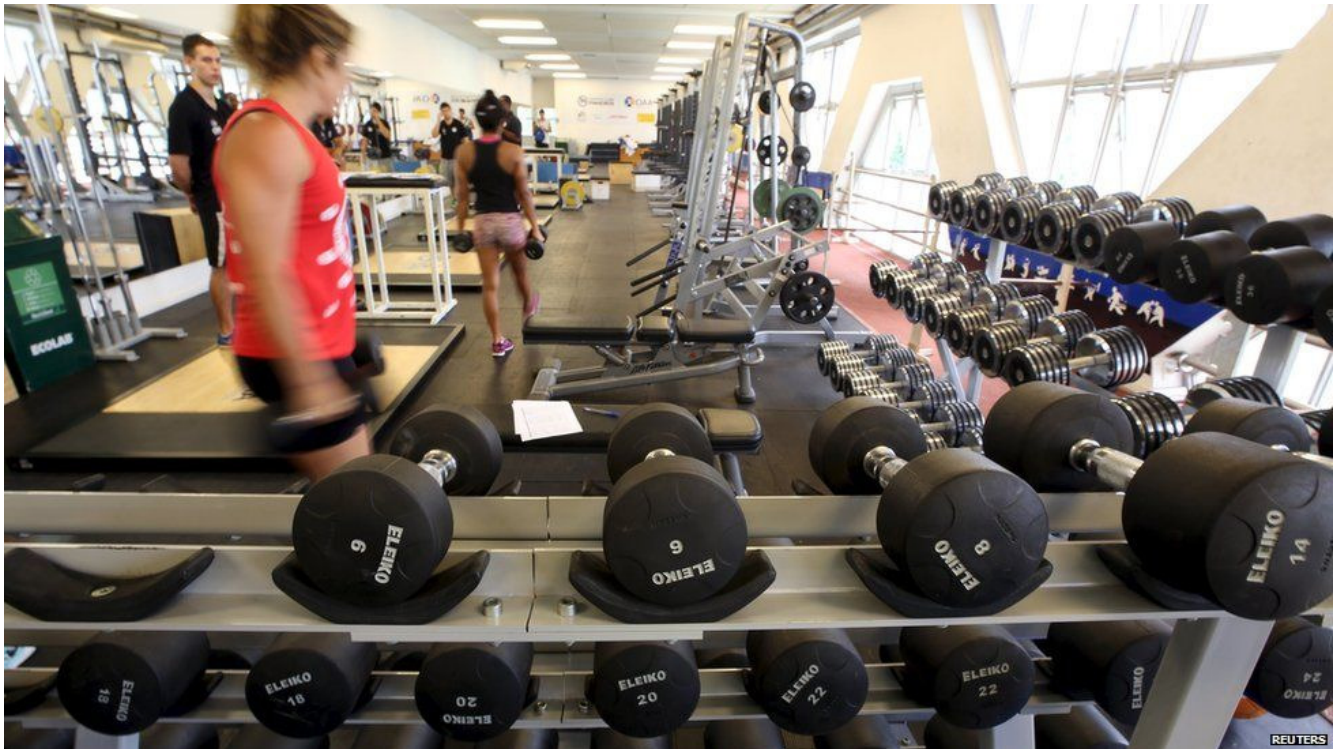


Personal training sessions

Being shouted at while you're sweating and in pain might not be everyone's idea of fun.

Sylvester Stallone won't have any need for this prize should he win.

But with Sam Smith unveiling a new trim look, other nominees might want to hit the running machine too.



Also included in this year's goodie bag is a lifetime supply of a particular skin-care brand, £40,000 worth of car rentals and an e-cig vaporiser.

The 88th Academy Awards will be hosted by comedian Chris Rock and takes place in Los Angeles on 28 February.

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By Nina Bahadur (/Author/Ninabahadur/)

Peek Inside This Year's \$200,000 Oscars Gift Bags

Nominees in a few categories will be taking home these consolation prizes.



Oscars season is upon us, and we have so many burning questions. Who is going to slay hardest on the red carpet? Will Leonardo DiCaprio (<http://www.self.com/fashion/celebrity/2015/10/leonardo-dicaprio-is-the-internets-most-beloved-actor/>) finally get an Oscar for *The Revenant*? And, of course, what's in this year's gift bags? Because what on earth do you get celebs who probably have everything from their own personal chefs to monogrammed soap on a rope?

Distinctive Assets (<http://www.distinctiveassets.com/>), the company in charge of the swag bags, say that this year's nominees for best actor and actress, best supporting actor and actress and best director will take home about \$200,000 worth of gifts. They described this year's offerings as "once again a blend of fabulous, fun and functional items meant to thrill and pamper those who may have everything money can buy but still savor the simple joy of a gift."

According to *Forbes* (<http://www.forbes.com/sites/hayleycuccinello/2016/02/09/the-200000-oscars-gift-bag-the-business-of-vibrators-breast-lifts-and-more-absurd-swag/#6db76beb684d>), each gift is donated by the participating companies—and these brands actually pay a fee of a few thousand dollars to have their products included.

"We are not gifting Oscar nominees out of a sense of philanthropy," Distinctive Assets founder Lash Fary told Forbes. "We are gifting them for the same reason that they are paid upwards of \$20 million for a single film... because their personal brand has value as a commodity."

Celebs may not necessarily *need* the gifts, but it sounds like they enjoy them. According to Fary, only one person has ever turned down an Oscars swag bag—Sandra Oh (<http://www.laweekly.com/arts/the-evolution-of-the-oscar-gift-bag-4446398>), of *Grey's Anatomy* and *Sideways* fame.

ADVERTISING



This year's gift bags are more luxurious than ever, with gifts ranging from workout apparel (a casual \$6,250 worth) to a private trip to Israel including flights, accommodation, and a security detail (only \$55,000). Here are just nine of the items included.

1. \$275 toilet paper.



Image Credit: Joseph's Toiletries

The Swiss-made toilet tissue from Joseph's Toiletries sounds next-level.

"A specially woven, vitamin-coated outer layer provides maximum security and skin protection in moist condition while a soft-fluffed inner core adds optimal absorption and plush softness," the website (<https://www.josephs-toiletries.com/product>) says. "The dendritic structure of the inner core provides optimal absorption while the outer layers act as moisture barrier for wet use. The ultra-gentle quilted surface provides profound softness."

That sounds pretty heavenly to be honest.

2. A donation of 10,000 pet meals to animals in need.

As part of the "feed it forward" program, donations will be made from Halo, Purely For Pets (<http://halopets.com/>) to

hungry shelter animals in each celeb's name. I'm not crying, you're crying.

3. A "Vampire breast lift" procedure.

This one sounds a bit scary. The idea behind this breast lift: The "injector" (who is not necessarily a physician) draws blood from the patient, and isolates "growth factors" from the platelets. These are then "reinjected" into the breasts, and supposedly cause "tissue growth." Overall: Very creepy.

4. Personalized M&Ms.

Admit it, you'd want some too.

5. On-the-go fabric cleaner.

It's eco-friendly!

6. A \$5,000 home spa collection.

For relaxing to the max.

7. A phone screen protector.

Because even celebrities drop their iPhones all the time.

8. An expensive vibrator.



Image Credit: Fiera

The Fiera "arouser for her" (<https://www.fiera.com/product/fiera/>) will set you back \$250, but judging by some of the reviews on the website, it's probably worth it.

9. And a ChapStick.

Because even the rich and famous get chapped lips sometimes. No word on what flavor will be provided—we're hoping for cake better.

So much swag, we can't even handle it. Check out the full list here (<http://www.nydailynews.com/entertainment/oscar-nominees-200k-gift-bags-article-1.2525842>).



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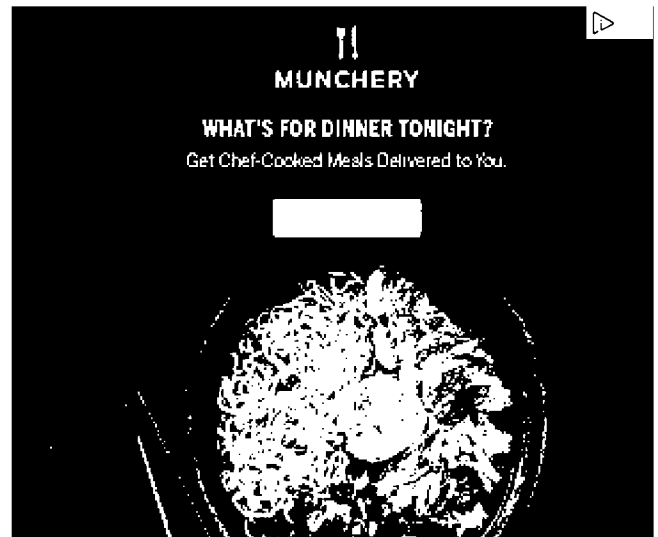


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The famous selfie from the 2014 Oscars. (Credit: Twitter)



After the upcoming Oscars, Distinctive Assets, a company for backstage award show product placement, will give each of the 25 acting and directing nominees and the award ceremony host a gift bag valued at roughly \$230,000.

This means the total cost of these “gift bags” is approximately \$6 million. That’s a lot of swag for celebrities that could easily afford it on their own dime.

All of the gift items are 100% donated by the participating companies. For Explore Israel, they are on the hook for \$1.43 million if every recipient uses their offer. In addition to the cost of giving these products and services away for free, the brands pay a promotional fee of at least \$4,000. The fee is higher for higher sponsorship levels.

So why are companies willing to spend so much on the Oscar nominees? They hope that the product placement will pay off. For Distinctive Assets founder Lash Fary, who was dubbed the “The Sultan of Swag” by *The New York Times*, the gift bags are “simply a marketing program for companies.”

“We are not gifting Oscar nominees out of a sense of philanthropy,” Fary says. “We are gifting them for the same reason that they are paid upwards of \$20 million for a single film...because their personal brand has value as a commodity.”



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To date, only one Oscars nominee has ever turned down a Distinctive Assets gift bag: actress Sandra Oh. But even if all of the 26 celebrities accept their gift, this doesn't necessarily translate into effective product placement.



Actress Sandra Oh attends the 66th Annual Directors Guild Of America Awards held at the Hyatt Regency Century Plaza on January 25, 2014. (Frazer Harrison/Getty Images for DGA)

Will these companies actually get bang for the buck? Probably not, according to Michael Stone, Chairman and Co-Founder of Beanstalk, a global brand licensing agency and consultancy that represents brands, celebrities and entertainment properties.

“ Unless the “givers” are permitted to promote and market the fact that their products or services are in the gift bag or they are allowed to photograph the recipient using the gift, I think that this is not a good use of the “givers” money although...the cost is likely not very meaningful to the “givers.” ...In my opinion there is not enough return on investment to make this worth it. Giving the gifts to this very elite crowd, particularly these kinds of gifts, is like marketing to yourself. I don’t see the benefit.

Stone was surprised by many of the gift bag items and doubts that the marketing strategy will actually work. “I was expecting brand name jewelry or store gift certificates, things that a celebrity might wear and be seen it,” Stone says. “I suspect that those kinds of brands don’t see the benefit of the gift bag as a marketing tool.” So gourmet maple syrup and Swiss toilet paper are probably not worth the cost, even if it’s just a drop in the bucket for these brands.

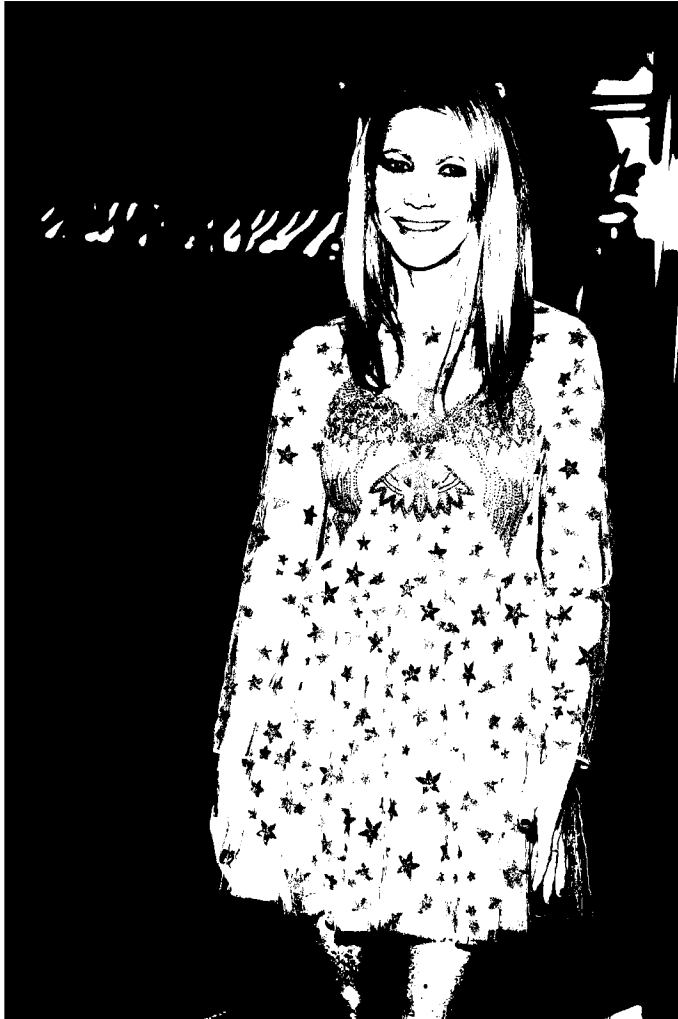


*Preserves from Denver-based small business Modern Gingham.
(Credit; Modern Gingham)*

For small business owner Kathy Lee, who has been approached by similar Oscars product placement enterprises, the cost is simply not worth it. This is the third year that Lee has been approached to be a part of these gift bags. For Modern Gingham, which sells artisanal preserves, it's risky to alienate loyal customers and specialty sellers in exchange for (possibly) a temporary boost in sales. "What if a celebrity is holding another product later?" Lee asks. "There's a distinction between the spontaneous customer and the loyal customer." Lee is certainly not the only small business to be invited to participate into this type of endeavor.

Though it seems like a glamorous opportunity, Lee is aware that her product would not be appropriate for this type of product placement. "They're wearing glamorous gowns; they're not going to eat strawberry jam," Lee says, "Do the celebrities even want it?" More significantly, a \$5,000 participation fee—which was recently posed to Lee—in addition to the hidden costs—including additional product, airfare, shipping and storage—are massive. "It would run

several thousands of dollars,” Lee says, “It wouldn’t be substantial if there was a guarantee you would triple in that number of sales.” But as Stone and Lee both argue, the potential of benefit is hardly promising.



NEW YORK, NY – DECEMBER 02: Gwyneth Paltrow attends the goop mrkt grand opening event at The Shops at Columbus Circle on December 2, 2015 in New York City. (Matthew Eisman/Getty Images)

Given that the average American family only earns \$53,657 a year, these \$230,000 gift bags appear at best lavish, at worst disgusting. Though acknowledging it’s a “hot topic,” Stone doesn’t think this is particularly relevant when it comes to marketing. “People making an average income still aspire to

look like, live like, be like their favorite celebrities,” Stone says. “For better or worse...it’s all about aspiration.” For every individual that resents these exorbitant expenses on a select clientele, there is someone pining for the It-List items on Gwyneth Paltrow’s Goop or Beyoncé’s fragrance line.

Fary, the Gift Guru, agrees with Stone’s observations.

“ People often look at this specific promotion through the lens of jealousy rather than appreciating it as a very straight forward marketing endeavor. Juxtaposing companies’ willingness to give gifts to people in a position to help their brand with middle class or lower class earning potential is like criticizing Audi for spending millions on Super Bowl commercials rather than donating that money to the poor. Marketing and charitable giving are two completely separate buckets.

Whether \$230,000 Oscars gift bags are beyond reproach is up for debate. But one thing is clear: these presents are exorbitant luxuries that no one really needs.

Click to page 2 to see all the items in the Distinctive Assets gift bag.



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