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 U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.
 LOS ANGELES

FILED

7 UNITED STATES DISTRICT COURT
 8 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 9

10 PAUL DENNISON and GAIL DENNISON.
 11 individuals.

12 Plaintiffs,

13 v.

14 THE BRAIN STORE, INC., a California
 15 corporation, and DOES 1 through 10, inclusive.

16 Defendants.
 17
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CVOA-9116 RGK
 CASE NO. YBK

COMPLAINT FOR VIOLATION OF
 COPYRIGHT; FOR BREACH OF
 CALIFORNIA'S UNFAIR BUSINESS
 PRACTICES LAWS

JURY TRIAL DEMANDED

19 PLAINTIFFS PAUL DENNISON and GAIL DENNISON present themselves before this
 20 Court and allege as follows:

21 Jurisdiction

22 I. This Court has jurisdiction over this action in that Plaintiffs work and reside in the city
 23 of Ventura, state of California, and within the Central District of the United States District Court.
 24 Defendant The Brain Store, Inc, is a California corporation, with its principal place of business in San
 25 Diego, California, doing business with Plaintiffs and with numerous others within the Central District
 26 and throughout the state of California.

1 fictitious names. Plaintiffs will seek leave of this court to amend this Complaint to show their true
2 names and capacities when the same have been ascertained. Plaintiffs are informed and believe
3 and, based on such information and belief, allege that each defendant named herein as a Doe is
4 responsible for each and every obligation hereinafter set forth.

5
6 7. Plaintiffs are informed and believe and, based on such information and belief,
7 allege that each defendant named in this Complaint was at all times herein mentioned, and now is
8 the agent and employee of each of the other defendants herein, and was at all such times acting
9 within the course and scope of such agency and employment.

10 The History of Brain Gym

11 8. In 1969, Paul Dennison developed a learning enhancement program known as
12 "Brain Gym," which explores and utilizes the relationship between brain integration through
13 movement activities. In 1981, the Dennisons published the first books on "Brain Gym" processes,
14 including the book entitled "Brain Gym." As noted above, the book "Brain Gym" was formally
15 copyrighted on May 23, 1992, under Registration No. 3,401, 517.

16
17 9. After the first "Brain Gym" work, the Dennisons wrote and copyrighted a number of
18 other works. The premise of the "Brain Gym" works is that certain movements facilitate learning
19 and brain integration. Originally, Brain Gym was used to help dyslexic children in reading and
20 assimilation of written materials, but its uses have expanded into many disciplines, including
21 education, psychology, sociology, physical education, and business. A ground-breaking concept
22 in 1969, the Dennisons' copyrighted brain integration studies and activities are now an important
23 part of school curricula around the country.

24 10. The Dennisons formed the Educational Kinesiology Foundation (the "Foundation")
25 in 1984, to assist them in the distribution of information concerning Brain Gym. The Foundation,
26 a non-profit corporation, now holds the trademark on the name "Brain Gym."

1 11. The Dennisons' work has been widely distributed, and the Foundation now has
2 Educational Kinesiology chapters on six of the seven continents. Tens of thousands of people
3 have taken the "Brain Gym 101" class, and hundreds of thousands of people have been provided
4 with at least rudimentary knowledge of Brain Gym through schools, therapists, and tutors.

5 **The Relationship Between The Brain Store and The Dennisons' Work**

6 12. For years, the Brain Store purchased "Brain Gym" and other of the Dennisons'
7 works through the Dennisons' publishing house, Edu-Kinesthetics, Inc. The owner of the Brain
8 Store spoke on numerous occasions with Paul Dennison, and the two men talked about Brain Gym
9 and its attributes.

10 13. In June of 2004, Paul Dennison was informed that the Brain Store had begun
11 publishing a book called "Sensorcises," which book is a re-write of the Dennisons' Brain Gym
12 works. The changes are minor. The names of certain integration exercises have changed, but
13 essentially the book is based upon the book *Brain Gym* and its literary progeny, as written and
14 copyrighted by the Dennisons.

15 14. A demand letter was sent to Defendant Brain Store on July 6, 2004, asking them to
16 cease and desist printing of Sensorcises, as it infringed on the Dennisons' work. After some
17 communications between the Dennisons and the Brain Store in an attempt to resolve the issues
18 presented herein, this action was filed to protect the Dennisons' rights in their copyrighted
19 materials.

20 **FIRST CAUSE OF ACTION**

21 **(For Violation of California's Unfair Business Practices Laws,**

22 **Business & Professions Code §§17200 et seq)**

23 15. Plaintiff realleges and incorporates herein by reference all the allegations of
24 Paragraphs 1 through 14, inclusive, of this Complaint.
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1 restraining defendants and their agents, servants and employees from publishing, marketing, and
2 selling its book entitled "*Sensorises*" as a violation of California's Unfair Competition laws,
3 Business & Professions Code §§17200 *et seq.*

4 (2) That this court grant an injunction pursuant to the powers granted it under 17 U.S.C.,
5 §502, enjoining and restraining defendants and its agents, servants and employees from
6 publishing, marketing, selling or otherwise infringing, directly or indirectly, on the Dennisons'
7 copyrights under federal law;

8 (3) That this court, pursuant to the powers granted it under 17 U.S.C. §503, order that all
9 copies of "*Sensorises*" be delivered up and destroyed;

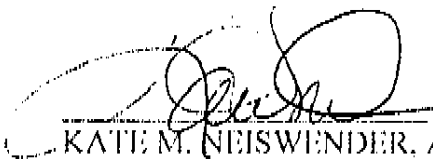
10 (4) That Defendants be required to account to Plaintiffs for all damages sustained by
11 Plaintiffs for any and all income derived by Defendants from the sale of all infringing books, and
12 for all damages sustained by Plaintiff by reason of said acts of infringement and unfair business
13 practices, as complained of herein;

14 (5) That this court find that the infringement was knowing and willful, and award
15 Plaintiff statutory damages under 17 U.S.C. §504(c);

16 (6) That Plaintiff be awarded its reasonable attorneys' fees and costs of suit, as allowed
17 under 17 U.S.C. §505;

18 (7) That this court grant such other and further relief as it shall deem just.

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21
22 Dated: November 1, 2004

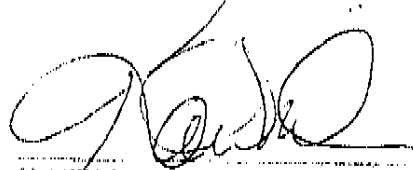
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24 KATE M. NEISWENDER, Attorney
25 For Plaintiffs PAUL and GAIL DENNISON
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JURY TRIAL DEMANDED

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs hereby demand a Jury Trial in this matter.

Dated: November 1, 2004



KATE M. NEISWENDER, Attorney
For Plaintiff PAUL and GAIL DENNISON