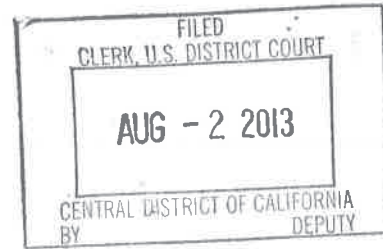
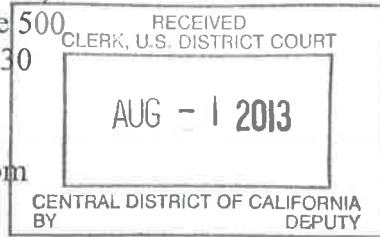


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9 File No.: 101906



7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 BWP MEDIA USA INC.,

10 Plaintiff,

11 vs.

12 PLAYBOY ENTERPRISES
13 INTERNATIONAL, INC.,

14 Defendant(s).

Docket No: **CV 13-05588-JC**

15 DEMAND FOR JURY TRIAL

16 COMPLAINT FOR:

17 1) COPYRIGHT INFRINGEMENT

18 BWP Media USA Inc., by and through its undersigned counsel, states and alleges as follows:

19 **INTRODUCTION**

20 1. Plaintiff BWP Media USA Inc. ("BWP") provides entertainment-related
21 photojournalism goods and services. In particular, BWP owns the rights to a multitude of photographs
22 featuring celebrities, which it licenses to online and print publications.

23 2. BWP's portfolio of celebrity photographs is the bread and butter of its business.

24 3. BWP has obtained U.S. copyright registrations covering many of its photographs, and
25 others are the subject of pending copyright applications.

26 4. Defendant Playboy Enterprises International, Inc. owns and operates a website known
27 as www.thesmokingjacket.com.

28 5. Without permission or authorization from BWP, Playboy Enterprises International, Inc.
copied, modified, and displayed BWP's photograph(s) on Playboy Enterprises International, Inc.'s

1 website www.thesmokingjacket.com.

2 6. Playboy Enterprises International, Inc. engaged in this misconduct knowingly and in
3 violation of the United States copyright laws.

4 7. BWP has been substantially harmed as a result of Playboy Enterprises International,
5 Inc.'s misconduct.

6
7 **JURISDICTION AND VENUE**
8

9 8. This Court has subject matter jurisdiction over the federal copyright infringement
10 claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331. The Court has supplemental jurisdiction
11 over the claims arising under state law pursuant to 28 U.S.C. §1367(a) in that the state claims are so
12 related to the claims over which the court has original jurisdiction that they form part of the same case
13 or controversy.

14 9. This Court has personal jurisdiction over Playboy Enterprises International, Inc.
15 because Playboy Enterprises International, Inc. maintains its principal place of business in Los
16 Angeles County, California and purposely directs substantial activities at the residents of California by
17 means of the website described herein.

18 10. Venue is proper under 28 U.S.C. §1391(a)(2) because Playboy Enterprises
19 International, Inc. does business in this Judicial District or because a substantial part of the events or
20 omissions giving rise to the claim occurred in this Judicial District.

21
22 **PARTIES**
23

24 11. BWP is a California Corporation and maintains its principal place of business in Los
25 Angeles County, California.

26 12. On information and belief, Playboy Enterprises International, Inc., a Corporation with a
27 principal place of business in Los Angeles County, California is liable and responsible to Plaintiff
28 based on the facts herein alleged.

FACTUAL ALLEGATIONS

BWP's Business

13. BWP provides entertainment-related photojournalism goods and services. In particular, BWP owns the rights to a multitude of photographs which it licenses to online and print publications.

14. BWP has invested significant time and money in building its photograph portfolio.

BWP's Copyrights

15. BWP has obtained U.S. copyright registrations covering many of its photographs, and others are the subject of pending copyright applications.

16. BWP's photographs are original, creative works in which BWP owns protectable copyright interests.

17. BWP owns several active and valid copyright registrations with the United States Copyright Office (the "USCO"), which registrations cover BWP's photographs.

18. BWP also has filed several copyright applications with the USCO, which are presently pending.

19. BWP applied for and received [a] copyright registration(s) for a collection(s) of photographs, which included the photograph(s) annexed hereto as Exhibit(s) "1" (the "Photograph(s)").

Playboy Enterprises International, Inc.'s Website

20. On information and belief, Playboy Enterprises International, Inc. is the registered owner of the website located at www.thesmokingjacket.com (the "Website"). On information and belief, Playboy Enterprises International, Inc. operates the Website and is responsible for all Website content.

21. The Website provides, *inter alia*, articles, photographs and other information regarding celebrities.

22. The Website is monetized in that it contains paid advertisements. On information and belief, Playboy Enterprises International, Inc. profits from these activities.

Playboy Enterprises International, Inc.'s Misconduct

23. Without permission or authorization from BWP, Playboy Enterprises International, Inc. copied, modified, and/or displayed the Photograph(s) on the Website, in violation of BWP's copyrights. See Exhibit "1" annexed hereto.

24. On information and belief, the Photograph(s) were copied from the website(s) of BWP's Clients and reposted on the Website without license or permission, thereby infringing on the Copyrights (the "Infringement(s)").

25. On information and belief, Playboy Enterprises International, Inc. was aware of facts or circumstances from which the Infringement(s) was/were apparent. Based on this totality of circumstances, Playboy Enterprises International, Inc. cannot claim that it is not aware of the widespread infringing activities, including the Infringement(s), on the Website. Such a claim would amount to willful blindness to the Infringement(s) on the part of Playboy Enterprises International, Inc..

26. On information and belief, Playboy Enterprises International, Inc. engaged in the Infringement(s) knowingly and in violation of United States copyright laws.

27. On information and belief, Playboy Enterprises International, Inc. has received a financial benefit directly attributable to the Infringement(s). Specifically, by way of the Infringement(s), Playboy Enterprises International, Inc. increased traffic to the Website and, in turn, realized an increase in, its advertising revenues and/or merchandise sales.

28. As a result of Playboy Enterprises International, Inc.'s misconduct, BWP has been substantially harmed.

FIRST COUNT

(Copyright Infringement, 17 U.S.C. § 501 *et seq.*)

29. BWP repeats and incorporates by reference the allegations contained in the preceding paragraphs, as though set forth in full herein.

30. The Photograph(s) are original, creative works in which BWP owns protectable copyright interests.

31. BWP has not licensed Playboy Enterprises International, Inc. to use the Photograph(s)

1 in any manner, nor has BWP assigned any of its exclusive rights in the Copyrights to Playboy
2 Enterprises International, Inc..

3 32. Without permission or authorization from BWP and in willful violation of BWP's rights
4 under 17 U.S.C. §106, Playboy Enterprises International, Inc. reproduced the Photograph(s).

5 33. On information and belief, without permission or authorization from BWP and in
6 willful violation of BWP's rights under 17 U.S.C. § 106, Playboy Enterprises International, Inc.
7 displayed the Photograph(s) on the Website.

8 34. Playboy Enterprises International, Inc.'s reproduction of the Photograph(s) and display
9 of the Photograph(s) on the Website constitutes copyright infringement.

10 35. On information and belief, thousands of people have viewed the unlawful copies of the
11 Photograph(s) on the Website.

12 36. On information and belief, Playboy Enterprises International, Inc. had knowledge of the
13 copyright infringement alleged herein and had the ability to stop the reproduction and display of
14 BWP's copyrighted material.

15 37. Playboy Enterprises International, Inc.'s copyright infringement has damaged BWP in
16 an amount to be proven at trial.


PRAYER FOR RELIEF

WHEREFORE, BWP respectfully requests judgment as follows:

1. That the Court enter a judgment finding that Playboy Enterprises International, Inc. has infringed on BWP's Copyrights in the Photograph(s) in violation of 17 U.S.C. § 501 et seq.;
2. That the Court award damages and monetary relief as follows:
 - a. Statutory damages against Playboy Enterprises International, Inc. pursuant to 17 U.S.C. § 504(c) of \$150,000 per infringement or in the alternative BWP's actual damages and Playboy Enterprises International, Inc.'s wrongful profits in an amount to be proven at trial;
 - b. BWP's attorneys' fees pursuant to 17 U.S.C. § 505;
 - c. BWP's costs; and
3. Such other relief that the Court determines is just and proper.

DATED: July 23, 2013

SANDERS LAW, PLLC



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File No.:101906

DATED: July 23, 2013

[Handwritten signature]

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File No.:101906

EXHIBIT - 1



	
<p>Photo Owner: BWP Media USA Inc. Photo ID Number: 3009396 Date Taken: 00/00/0000 Photo Description: AnnaLynne McCord shows off her bikini body in Los Angeles as she plays beach volleyball with her sister. Photo Location: California Copyright Application Date: 00/00/0000 Application Number: 1-800499921 Copyright Registration Date: 00/00/0000 Registration Number: VA 1-836-291</p>	<p>Domain: www.thesmokingjacket.com URL: http://www.thesmokingjacket.com/girls/lovely-lady-links-girls-with-glasses-and-more Observed Date: 00/00/0000</p>



Photo Owner: BWP Media USA Inc.
Photo ID Number: 84954
Date Taken: 10/02/2012
Photo Description: Kim Kardashian wears a cleavage bearing denim shirt tucked into a blue pencil skirt as she does a bit of shopping in Miami.
Photo Location: Florida
Copyright Application Date: 11/19/2012
Application Number: 1-849536205
Copyright Registration Date: 11/19/2012
Registration Number: VA0001848031

Domain: www.thesmokingjacket.com
URL:
<http://www.thesmokingjacket.com/entertainment/lovely-lady-links-girls-with-red-shoes-and-more>
Observed Date: 04/13/2013

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

CENTRAL DISTRICT OF CALIFORNIA

BWP MEDIA USA INC.

Plaintiff(s)

v.

PLAYBOY ENTERPRISES INTERNATIONAL,
INC.

Defendant(s)

Civil Action No.

CV13-05588-JC

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Playboy Enterprises International, Inc.
2706 Media Center Dr.
Los Angeles, California 90065

A lawsuit has been filed against you.

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

SANDERS LAW PLLC
100 GARDEN CITY PLAZA, SUITE 500
GARDEN CITY, NY 11530

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

AUG - 2 2013

Date: _____



Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

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

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

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

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

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

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: