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14 Attorneys for Plaintiff,
15 BENGAL MANGLE PRODUCTIONS, LLC



16 CENTRAL DISTRICT OF CALIFORNIA

18 BENGAL MANGLE PRODUCTIONS,
19 LLC,

20 Plaintiff,

21 vs.

22 SETH MACFARLANE; FUZZY DOOR
23 PRODUCTIONS, INC. ; MEDIA
24 RIGHTS CAPITAL II, L.P.; MRC II
25 DISTRIBUTION COMPANY, L.P.;
26 THUNDER BUDDIES, LLC;
27 UNIVERSAL PICTURES;
28 UNIVERSAL STUDIOS HOME
ENTERTAINMENT, LLC;
UNIVERSAL CITY STUDIOS, LLLP;
and DOES 1-10, inclusive,

Defendants.

Case No.: 2:14-cv-5498

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

DEMAND FOR JURY TRIAL

1 Plaintiff, Bengal Mangle Productions, LLC (“Plaintiff”), by and through
2 counsel, complains and alleges on information and belief as follows:

3 **JURISDICTION AND VENUE**

4 1. Plaintiff’s claim arises under the Copyright Laws of the United States, as
5 amended (17 U.S.C. § 101 et seq.). This Court has subject matter jurisdiction over
6 this claim pursuant to 28 U.S.C. §§ 1338 and 1331.

7 2. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) and
8 1400(a) because Defendants have committed acts of infringement in this judicial
9 district, do substantial business in the judicial district, have registered agents in this
10 judicial district, and reside or may be found in this district.

11 3. On information and belief, each of the Defendants sued herein is the
12 agent, servant, and/or employee of each other, and of the other Defendants, and by
13 acting as herein alleged, acted within the course and scope of said agency and
14 employment, and with the full knowledge and consent of the remaining Defendants.

15 **PARTIES**

16 4. Plaintiff Bengal Mangle Productions, LLC (“Plaintiff”) is a California
17 limited liability company.

18 5. Defendant Seth MacFarlane (“MacFarlane”), on information and belief,
19 is, and at all relevant times was, a resident of the County of Los Angeles,
20 California.

21 6. Defendant Fuzzy Door Productions, Inc. (“Fuzzy Door”), on information
22 and belief, is, and at all relevant times was, a California corporation that has its
23 principal place of business in the County of Los Angeles. Fuzzy Door is, on
24 information and belief, the production company associated with MacFarlane.

25 7. Defendant Media Rights Capital II L.P. (“MRC II”), on information and
26 belief, is a Delaware Corporation with its principal place of business in California.
27 MCR II is, on information and belief, the funding entity associated with
28 MacFarlane.

1 8. Defendant MRC II Distribution L.P. (“MRC II Distribution”), on
2 information and belief, is a Delaware corporation with its principal place of
3 business in California. MRC II Distribution is, on information and belief, the
4 distribution entity associated with MacFarlane.

5 9. Defendant Thunder Buddies, LLC (“Thunder Buddies”), on information
6 and belief, is, and at all relevant times was, a California Corporation that has its
7 principal place of business in the County of Los Angeles.

8 10. Defendant Universal Pictures (“Universal”), on information and belief,
9 is, and at all relevant times was, the d/b/a of an entity, unknown at the time of
10 filing, which has its principal place of business in the County of Los Angeles.

11 11. Defendant Universal Studios Home Entertainment, LLC (“Universal
12 Home”), on information and belief, is, and at all relevant times was, a Delaware
13 limited liability company with its principal place of business in California.

14 12. Defendant Universal City Studios, LLLP (“Universal City”), on
15 information and belief, is, and at all relevant times was, a Delaware corporation
16 with its principal place of business in California.

17 13. Plaintiff is ignorant of the true names and capacities of the Defendants
18 sued herein as Does 1 through 10, inclusive, and therefore sue such Defendants by
19 fictitious names. Plaintiff will seek leave of Court to amend this complaint to
20 allege their true names and capacities when they have been ascertained. Plaintiff is
21 informed and believes, and based thereon alleges, that each of the fictitiously
22 named Defendants was responsible in some manner for the occurrences herein
23 alleged, and that Plaintiff’s damages, as herein alleged, were proximately caused by
24 such conduct.

25 **BACKGROUND FACTS**

26 14. Plaintiff is an entertainment production company. Plaintiff created a
27 screenplay titled *Acting School Academy* in or around 2008. The screenplay
28 included a character named Charlie (“Charlie”). Charlie is a teddy bear who lives

1 in a human, adult world with all human friends. Charlie has a penchant for
2 drinking, smoking, prostitutes, and is a generally vulgar yet humorous character.

3 15. *Acting School Academy* was turned into a web series that was exhibited
4 on YouTube.com, Facebook.com, iTunes, FunnyorDie.com, Vimeo.com,
5 Metacafe.com, Koldcast.tv, and Blip.tv from on or around July 31, 2009 to
6 November 30, 2010. *Acting School Academy* is still available on YouTube.com,
7 Facebook.com, and Metacafe.com. Charlie was a main character on the series and
8 at least one (1) episode's story line revolved solely around Charlie. *Acting School*
9 *Academy* had approximately one million, two-hundred thousand (1,200,000)
10 viewers between July 31, 2009 and June 2012.

11 16. Due to the success of *Acting School Academy*, and based on public
12 feedback, in 2008, Plaintiff decided to create a spin-off web series based on the
13 Charlie character. On or around February 9, 2009, Plaintiff released *Charlie the*
14 *Abusive Teddy Bear* on YouTube.

15 17. *Charlie the Abusive Teddy Bear* is a web series that was exhibited on
16 YouTube.com, FunnyorDie.com, Blip.tv, and imdb.com, amongst other websites,
17 from on or around February 9, 2009 and continues to be exhibited on YouTube.com
18 and FunnyorDie.com. Charlie, the main character of the series, was further
19 developed and delineated during this time. Each episode of *Charlie the Abusive*
20 *Teddy Bear* features Charlie's original character traits, including that Charlie has all
21 human friends, hates vegetables, has anger-management problems, is a washed-up
22 child star, has a penchant for drinking alcohol, drugs, and prostitutes, and is often
23 violent, both physically and verbally.

24 18. Charlie is an original work of authorship fixed in a tangible medium of
25 expression. *Charlie the Abusive Teddy Bear* is still available on YouTube.com,
26 FunnyorDie.com, Blip.tv, and imdb.com. *Charlie the Abusive Teddy Bear* had
27 approximately sixty thousand (60,000) viewers between February 9, 2009 and June
28 2012.

1 19. Plaintiff is the legal owner of the copyright for the work entitled *Charlie*
2 *the Abusive Teddy Bear*, which is registered with the United States Copyright
3 Office (PA0001633698) with a registration date of June 18, 2009. This work
4 contains the original character created by Plaintiff, Charlie. The work containing
5 Charlie was published and available to the public via YouTube.com and various
6 other websites. *Charlie the Abusive Teddy Bear* can be viewed on YouTube.com
7 and remains readily available to the public for viewing.

8 20. Plaintiff is, and at all times material hereto was, the owner of the
9 copyright in Charlie the character and is entitled and authorized to protect it against
10 copyright infringement, including the enforcement of copyright actions.

11 21. On or around June 29, 2012, a motion picture titled *Ted* was released in
12 theaters worldwide. *Ted*, a film written by Defendant Seth MacFarlane, produced
13 by Defendant Fuzzy Door Productions, and distributed by Defendant Universal
14 Pictures tells the story of a vulgar teddy bear who lives in an adult world and
15 maintains human relationships. The vulgar teddy bear, named Ted, has a penchant
16 for drinking, drugs, and prostitutes ("Ted").

17 22. Defendants' Ted character is strikingly similar to Plaintiff's Charlie
18 character. Defendants had access to Charlie because *Acting School Academy* was
19 available and widely disseminated on websites including YouTube.com,
20 Facebook.com, iTunes, FunnyorDie.com, Vimeo.com, Metacafe.com, Koldcast.tv,
21 and Blip.tv from on or around July 31, 2009 to November 30, 2010. *Charlie the*
22 *Abusive Teddy Bear* was available and widely disseminated on websites including
23 YouTube.com and FunnyorDie.com, from on or around February 9, 2009 to
24 October 28, 2009. On information and belief, Defendant MacFarlane had contact
25 with and was an active participant on FunnyorDie.com in 2009. In addition,
26 Charlie established a social media presence in February 2009 by creating a
27 Facebook profile. Charlie also created a Twitter account in 2009 and has over two
28 thousand (2,000) followers. *Acting School Academy* was uploaded to imdb.com, a

1 widely-viewed internet movie database, in 2009. *Acting School Academy* had
2 approximately one million, two-hundred thousand (1,200,000) viewers between
3 July 31, 2009 and June 2012. *Charlie the Abusive Teddy Bear* had approximately
4 sixty thousand (60,000) viewers between February 9, 2009 and June 2012.

5 23. Defendants copied Charlie to create the Ted character without Plaintiff's
6 authorization, which constitutes infringement of Plaintiff's copyright in the Charlie
7 character.

8 24. *Ted* was released in theaters on June 29, 2012 and on home theater
9 platforms on or around December 11, 2012.

10 25. Ted is an unlawful copy of Charlie, as evidenced by the following:

- 11 a. Charlie and Ted possess the same physical attributes, including the
12 general look and feel of each character:



19 [Ted]



[Charlie]

- 21 b. In both *Ted* and *Charlie the Abusive Teddy Bear*, the Ted and
22 Charlie characters, respectively, are so central to the story that they
23 are the story being told. Specifically, both of the works which
24 depict Charlie and Ted incorporate the characters' names into the
25 names of their respective works. This further illustrates that
26 defendants have infringed on the character of Charlie. Charlie's
27 centrality to his storyline is one of his identifying characteristics, as
28

1 depicted by the use of his name in the name of his series.

2 Defendants copy this centrality by using the name of the character
3 Ted as the name of the movie *Ted*.

4 c. Charlie and Ted have displayed consistent, widely identifiable traits
5 that make this vulgar teddy bear especially distinctive, such as:

6 i. Charlie and Ted each have a substantially similar persona,
7 verbal tone, verbal delivery, dialogue, and attitude. These
8 are displayed in Charlie episodes 1 at 00:00:20- 48 (Charlie
9 describing what he wants to do to a prostitute); 2 at 00:00:09-
10 00:01:20 (Charlie talks about not wanting to go to rehab); 3
11 at 00:00:36-00:00:58 (yelling at Amy for making him peas);
12 4 at 00:00:10-00:00:12 (telling his mother he has spread
13 catnip on his testicles); 5 at 00:01:24 (suggesting he and his
14 father go to the strip club together); 6 at 00:00:38 (pistol
15 whipping someone to get his point across); 7 at 00:00:13
16 (yelling angrily) and Acting School Academy episode 7 at
17 00:01:22-00:01:40 (telling Amy to get an abortion) and in the
18 *Ted* film at 00:10:06-00:11:18 (Ted complaining angrily);
19 00:37:00-:00:37:20 (showing a woman all the lewd acts he
20 wants to perform with her); 01:05:50-01:07:23 (using
21 violence to get his point across to John); 01:09:20-01:09:52
22 (talking to Nora Jones about their sexual history); 01:24:30-
23 01:24:35 (making fat jokes even when his life is in danger).

24 ii. Both Charlie and Ted reside in a substantially similar
25 environment, including that both Charlie and Ted spend a
26 significant amount of time sitting on a living room couch
27 with a beer and/or cigarette in hand. These are displayed in
28 Charlie episodes 1-7 throughout the entire episode and

1 Acting School Academy at 00:01:22-00:01:40 and in the *Ted*
2 film at 00:10:06-00:11:18 (smoking marijuana and drinking
3 on the living room couch with John); 00:15:34-00:17:08
4 (smoking and drinking on the living room couch with John);
5 00:39:20-00:41:06 (smoking marijuana on the living room
6 couch).

7 iii. Both Charlie and Ted have human friends and similar
8 background stories, namely that they are “washed-up” child
9 stars/public personas. These are displayed in Charlie
10 episodes 1 at 00:00:50 (Steve pops out to help Charlie get rid
11 of a dead prostitute); 2 at 00:00:09-00:01:20 (Steve and
12 Charlie talking about Charlie not going to rehab); “Charlie
13 the Abusive Teddy Bear Interview
14 ([http://www.thecitrusreport.com/2009/features/charlie-the-](http://www.thecitrusreport.com/2009/features/charlie-the-abusive-teddy-bear/)
15 [abusive-teddy-bear/](http://www.thecitrusreport.com/2009/features/charlie-the-abusive-teddy-bear/)) and in the *Ted* film at 00:02:00-
16 00:05:10 (the start of Ted and John’s lifelong friendship);
17 00:06:10-00:06:56 (Ted as a child becomes a celebrity);
18 00:07:47-00:08:45 (audience is informed Ted is now
19 “washed-up” as an adult); 00:09:00-00:16:35 (Ted is an
20 everyday part of John’s life and gives him relationship
21 advice) 00:19:10-00:19:25 (Ted and John sing the “Thunder
22 Buddies Song” together).

23 iv. Both Charlie and Ted maintain an active social media
24 presence, including individual Twitter and Facebook
25 accounts, with similar postings. The following is a chart
26 illustrating the similarities between Charlie and Ted’s online
27 postings, illustrating the similarities in Ted’s postings to
28 postings made by Charlie three years earlier.

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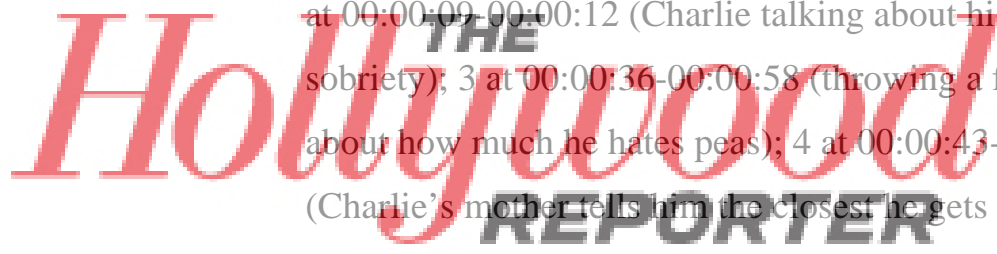
CHARLIE	TED
2/17/2009 (Twitter post) What the f**k is Twitter?	3/31/2012 (Twitter post) Hello, Twitter. Kindly go fuck yourself.
4/13/2009 (Twitter post) I like Fox News. They've made s**t talking an art form	6/06/2012 (Twitter post) @burgundylee I like Game of Thrones for tits and blood and Fox News for laughs #AskTed
7/30/2009 (Twitter post) I don't like cocaine. I just like the smell of it.	6/06/2012 (Twitter post) @SlimBurro Just acid, and coke, and Ex, and DMT. That's where I draw the lines. #AskTed
8/13/09 (Twitter post) Oh I know. I've punched Yogi right in the balls. That's what he gets for being so tall and an a**hole.	5/03/2012 (Twitter post) Yogi better stop talkin' trash or I'm gonna release my pic of him goin' bam – bam in Boo-boo's butt butt.
8/19/09 (Twitter post) My best ideas are like my best sh*ts, they flow out of me on the toilet after a cup of coffee.	4/22/12 (Twitter post) I take my music like my dumps: seated.
7/21/09 (Twitter post) Life is like a toilet...you need to flush it when it gets filled with sh* t .	
4/07/09 (Twitter post) Winnie the Pooh is all image. That guy is a deadbeat and an addict. His love of honey wasn't acting.	4/17/2012 (Twitter post) Winnie the Pooh is incontinent, and thus so -- called.
4/08/09 U ever seen a bear snort honey from the bottle then trip for 1hr about the bottle stealing his identity? That's Winnie the Pooh 4 ya. Addict.	
3/13/09 (Twitter post) I'm a bear and my nose is at crotch level. What do women expect?	4/13/2012 (Twitter post) I don't mind giving the ladies oral pleasure. I just Febreeze the shit out of my snout after.
7/14/09 (Twitter post) LA doesn't have woods Tom. That's why I s**t on other mindless lifeforms, like your girlfriend.	4/11/2012 (Twitter post) I don't shit in the woods. Just in the toilet, or my bed on New Year's sometimes.
10/18/10 (Twitter post) My greatest fear is STDs...and Lindsay Lohan...same difference.	4/02/2012 (Twitter post) Irish Spring kills STDs right
10/12/10 (Twitter post) #ThingsGoodSexWillMakeYouDo – Get an STD test. Cause if it was good sex I know I wasn't wearing a condom.	
3/07/2009 (Twitter post) I have a life mission and it is to drink.	4/04/2012 (Twitter post) I drink on Tuesday night to celebrate the fact that it ain't Monday night.
2/26/09 (Twitter post) You're dead right about Snuffaluffagus. Me &	4/10/2012 (Twitter post) The real Paddington OD'd in 1969. Since then

1	him use to do lines off stripper's asses for days. His lines were more like piles.	it's been Billy Shears.
2	5/08/2009 (Twitter post) That Charmin bear is on E in those	3/31/2012 (Twitter post) Snuggles is bi. Found that out the soft way.
3	commercials. "Oh rub the cloth on my face, it feels so good!"	
4	5/15/09 (Twitter post)	3/31/2012 (Twitter post)
5	What? I love grinding! I'll grind till my fur rubs off!	Ladies, you be shave. I'll be furry.
6	4/08/2009 (Twitter Post)	4/23/2012 (Facebook Post)
7	You ever wonder how I even talk? I mean is my brain made of cotton? I am so high right now!	I got so stoned last night that that I accidentally smoked some of my own stuffing. Not as bad as you'd think.
8	8/07/2009 (Twitter post)	3/30/2012 (Facebook Post)
9	RIP John Hughes...I'm sorry we never made that movie u wrote about a teddy bear that gets left home alone on Christmas.	Was cast in "Home Alone 2" as a bear in "Duncan's Toy Chest" but had to turn it down because of my long standing rule to never work with Joe Pesci
10	8/10/2009 (Twitter post)	3/30/12 (Facebook Post)
11	Fox TV said they might want to bring my sitcom back, but before they do they said I would need to make it more offensive for their audience	Here I am as a guest on Johnny Carson. This marked the first occasion that Zsa Zsa Gabor sat on my face.
12	7/10/2009 (Twitter post)	3/30/2012 (Facebook Post)
13	That's the life of a celebrity. Gotta make appearances.	I told my agent that I wanted to make a movie with one of the Goonies. I forgot that Corey Feldman was a Goonie. I was hoping for Short--Round.
14	2/20/2009 (Twitter post)	6/27/2012 (Facebook Post)
15	I need an agent again.	Take a break from all that porn and buy your tickets for my movie "Ted" today!
16	5/11/2009 (Twitter post)	
17	I think there is some old footage around of me doing stand up.	
18	7/09/2009 (Twitter post)	
19	@koldcasttv called my agent. I think they wanna piece of ol' Charlie Bear. U ladies know what I'm talkin about.	
20	4/04/2009 (Twitter post)	3/31/2012 (Twitter post)
21	@danadearmond you can't be sad when you've got a hairless pussy. That would cheer me right up!	Ladies, you be shave. I'll be furry.
22	4/04/2009 (Twitter post)	4/7/2012 (Twitter post)
23	@SashaGrey Every f**k a teddy bear?	If any 6's or better are out in the Boston tonight and feel like getting stuffed, tweet me the deets.
24	2/25/2009 (Twitter post)	6/20/2012 (Twitter post)
25	I love hump day. I'll take an excuse to hump anything.	I'm so fuckin' drunk and stoned right now. Somebody squeeze me, scratch that. Somebody with tits squeeze me.
26	4/26/2009 (Twitter post)	
27	I'm so f**kin wasted! Woohooo!	
28	5/7/2009 (Twitter post)	6/26/2012 (Twitter post)
	A hooker just twittered my nuts.	@AndreaKcc Pot. And other drugs. Oh, and

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<p>4/03/2009 (Twitter post) I love my beer like I love my women. Cheap.</p>	<p>Bud Light and 2 Broke Girls. By that I mean two hookers, not the terrible show.</p>
<p>5/05/09 (Twitter post) Just discovered @twittafart. I will now forever be announcing all of my farts.</p>	<p>7/01/2012 (Facebook Post) I just proudly farted pot smoke.</p>
<p>4/28/09 (Twitter post) I think I just farted myself. I woke myself up with the sound of my fart.</p>	<p>8/17/2012 (Facebook Post) Sometimes I wake up in a cold sweat and think – why me? Why was I given the gift of life, and not the bear next to me? After several seconds of deep thought, I fart on John’s pillow and go back to sleep.</p>
<p>5/06/2009 (Twitter post) @dannyardko warm farts have a way of bringing people, and teddy bears, together.</p>	<p>11/02/2012 (Twitter post) I just drank John’s last beer. Will he notice if I just fart in a ginger ale and put it in the fridge?</p>

v. Both Charlie and Ted are teddy bears that have come to life in an otherwise human world. These are displayed in Charlie episodes 1-7 (Charlie’s only interactions are with humans); 1 at 00:00:09-00:00:12 (Charlie talking about his newfound sobriety); 3 at 00:00:36-00:00:58 (throwing a fit at Amy about how much he hates peas); 4 at 00:00:43-00:00:55 (Charlie’s mother tells him the closest he gets to nature is watching animal planet and “jerking off”); 5 at 00:00:09-00:00:33 (Charlie’s father tries to talk to him about the “birds and the bees”); 6 at 00:00:30-00:00:38 (Charlie demands money from a debtor); Acting School Academy Episode 7 at 00:01:22-00:01:40 (Charlie has gotten Amy, a human, pregnant and strongly suggests she get an abortion) and in the *Ted* film at 00:30:00-00:30:58 (Ted interviews for a job at a grocery store); 00:33:30-00:34:30 (Ted gets his own apartment); 00:36:19 (Ted at his grocery bagging job); 00:38:17-00:38:19 (Ted takes a bath); 00:41:32-00:41:44 (Ted having sex with a woman); 00:43:35-00:45:50 (Ted goes on a double date with John and Lori and another woman



1 where they eat and drink normal food); 00:52:37-00:59:40
2 (house party with other humans where Ted is the only non-
3 human).

4 vi. Both Charlie and Ted use vulgar language, solicit prostitutes,
5 drink alcohol, and use drugs. These are displayed in Charlie
6 episodes 1 at 00:00:09-00:00:20 (Charlie talking about his
7 one week of sobriety), 00:00:20-00:00:48 (Charlie on the
8 couch with a prostitute, explaining what he wants to do to
9 her); 2 00:00:09-00:01:20 (Charlie and Steve talking about
10 everything Charlie has done while drunk); 4 (Charlie holds a
11 can of beer the entire episode); 5 (Charlie holds a can of beer
12 the entire episode); 7 (Charlie holds a can of beer the entire
13 episode); Acting School Academy episode 7 (Charlie holds a
14 can of beer the entire time) and in the *Ted* film at 00:10:06-
15 00:11:18 (Ted smoking marijuana and cursing on the couch);
16 00:15:34-00:17:08 (Ted drinking and cursing); 00:26:39-
17 00:27:47 (Ted on the couch with four prostitutes, there are
18 drugs, alcohol, and cigarettes all around); 00:42:02-00:43:12
19 (Ted drinking alcohol); 00:54:10-00:54:45 (Ted taking shots
20 and using cocaine with John and Flash Gordon).

21 26. On information and belief, Defendants participated in and contributed to
22 the exploitation of *Ted* and the Ted character through claiming a copyright interest
23 in *Ted* and the Ted character and/or sales and/or licenses of the theatrical motion
24 picture, digital video discs, digital downloads, and otherwise, including without
25 limitation the exploitation of various merchandise featuring the Ted Character.

26 27. On information and belief, Defendants have earned, and will continue to
27 earn, substantial sums through their exploitation of *Ted* and the Ted character.
28 They continue to actively exploit *Ted* and the Ted character, and the sequel to *Ted*

1 is set to be released in theaters worldwide in 2015.

2 28. On information and belief, the successes of *Ted* include commercial
3 success such as having been the twelfth highest grossing film of 2012, the highest
4 grossing R-rated film of 2012, and the highest grossing R-rated comedy of all time,
5 earning \$218,665,740 domestically and \$549,443,883 worldwide.

6 29. Defendants never sought nor obtained Plaintiff's permission to use the
7 Charlie character and continue to infringe the Charlie character in various ways.

8
9 **FIRST CLAIM**

10 **COPYRIGHT INFRINGEMENT**

11 **(Plaintiff Against All Defendants)**

12 30. Paragraphs 1-29 are realleged and incorporated by reference herein.

13 31. Defendants had access to Charlie before *Ted* was created.

14 32. Defendants' *Ted* character is substantially similar to Charlie and
15 constitutes unauthorized copying, reproduction, distribution, creation of a derivative
16 work, and/or public display of Charlie.

17 33. Defendants' exploitation of *Ted* and the *Ted* character constitutes
18 infringement of Plaintiff's copyright in Charlie.

19 34. On information and belief, Defendants' infringing acts were willful,
20 deliberate, and committed with prior notice and knowledge of Plaintiff's copyright.
21 Each Defendant willfully, wantonly, and in conscious disregard and intentional
22 indifference to the rights of Plaintiff made and distributed in the United States,
23 caused to be made and distributed in the United States, and aided, abetted,
24 contributed to, and participated in the unauthorized making and distribution of *Ted*
25 and the *Ted* character. Each Defendant either knew, or should have reasonably
26 known, that Charlie was protected by copyright and that *Ted* and the *Ted* character
27 infringed on Plaintiff's copyright. Each Defendant continues to infringe upon
28 Plaintiff's rights in and to the copyrighted work.

1 35. As a direct and proximate result of their wrongful conduct, Defendants
2 have realized and continue to realize profits and other benefits rightfully belonging
3 to Plaintiff. Accordingly, Plaintiff seeks an award of damages pursuant to 17
4 U.S.C. § 504.

5 36. In addition to Plaintiff's actual damages, Plaintiff is entitled to receive
6 the profits made by the Defendants from their wrongful acts, pursuant to
7 17 U.S.C. § 504(b). Each Defendant should be required to account for all gains,
8 profits, and advantages derived by each Defendant from their acts of infringement.

9 37. In the alternative, Plaintiff is entitled to, and may elect to choose
10 statutory damages pursuant to 17 U.S.C. § 504(c), which should be enhanced by
11 17 U.S.C. § 504(c)(2) because of Defendants' willful copyright infringement.

12 38. Plaintiff is entitled to, and may elect to choose injunctive relief under
13 17 U.S.C. § 502, enjoining any use or exploitation by Defendants of their infringing
14 work and for an order under 17 U.S.C. § 503 that any of Defendants' infringing
15 products be impounded and destroyed.

16 39. Plaintiff does not have an adequate remedy at law for Defendants'
17 wrongful conduct in that (i) Plaintiff's copyrights are unique and valuable and (ii)
18 Defendants' wrongful conduct, and the damages resulting to Plaintiff therefrom,
19 constitutes continuing copyright infringement and irreparable injury. Defendants'
20 infringing conduct is continuing and ongoing. Plaintiff has suffered, and will
21 continue to suffer, irreparable injury for which there is no adequate remedy at law,
22 unless Defendants are enjoined by the Court. Therefore, Plaintiff prays that each
23 Defendant, their respective agents, servants, employees, officers, attorneys,
24 successors, and assigns, and all of these persons actively in concert or participation
25 with each or any of them, be preliminarily and permanently enjoined from directly
26 or indirectly infringing upon the copyrights owned by Plaintiff in any manner, and
27 from duplicating, causing to be duplicated or aiding, contributing to, or
28 participating in the unauthorized duplication of each said copyrighted work.

1 Plaintiff asks that all infringing works be recalled and destroyed.

2 40. Plaintiff seeks and is also entitled to recover reasonable attorneys' fees
3 and costs of suit pursuant to 17 U.S.C. § 505.

4 **PRAYER FOR RELIEF**

5 Wherefore, Plaintiff prays for relief and judgment against Defendants, and
6 each of them, as follows:

- 7 1. For actual, compensatory, and/or statutory damages according to proof and
- 8 at the election of Plaintiff;
- 9 2. For pre-judgment interest;
- 10 3. For disgorgement of profits;
- 11 4. For costs of suit, including without limitation attorneys' fees per statute;
- 12 5. For the Court to impose a constructive trust on the monies wrongfully
- 13 obtained;
- 14 6. For preliminary and permanent injunctive relief;
- 15 7. For such other, further, or different relief as the Court find just, proper and
- 16 equitable under the circumstances.

17
18 DATED: July 15, 2014

JOHNSON & JOHNSON LLP

19 By /s/ Neville L. Johnson

20 Neville L. Johnson
21 Douglas L. Johnson
22 Nicholas A. Kurtz
23 Attorneys for Plaintiff, BENGAL
24 MANGLE PRODUCTIONS, LLC
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: July 15, 2014

JOHNSON & JOHNSON LLP

By /s/ Neville L. Johnson

Neville L. Johnson

Douglas L. Johnson

Nicholas A. Kurtz

Attorneys for Plaintiff, BENGAL
MANGLE PRODUCTIONS, LLC

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