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BY FAX
CENTRAL DISTRICT OF CALIFORNIA
2012 JUN 11 11:09 AM

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

12 MAVRIX PHOTO, INC., a Florida
corporation,
13
14 Plaintiff,
15 v.
16 AVOOM GROUP COMPANY, an entity of
unknown form, dba
17 SHYMAGAZINE.COM; SEBASTIAN C.
BRUCE, an individual, dba
18 SHYMAGAZINE.COM and DOES 1-10
INCLUSIVE,
19 Defendants.

Case No. **CV 12 - 06774 JAK (FMOx)**
**COMPLAINT FOR COPYRIGHT
INFRINGEMENT OVER BEYONCÉ
KNOWLES AND JAY-Z
PHOTOGRAPHS**

DEMAND FOR JURY TRIAL

By Fax

20 Mavrix Photo, Inc. ("Mavrix"), by and through its attorneys of record, complains
21 against Avoom Group Company, Inc. doing business as shymagazine.com ("Avoom"),
22 Sebastian C. Bruce doing business as shymagazine.com ("Bruce"), and DOES 1-10
23 inclusive, (collectively "Defendants") as follows:

24 **JURISDICTION AND VENUE**

25 1. This is a civil action against Defendants for acts of copyright infringement in
26 violation of the United States Copyright Act, 17 U.S.C. §§ 101 *et seq.* This Court has
27 subject matter jurisdiction over the copyright infringement under 28 U.S.C. § 1331, 17
28 U.S.C. § 501(a), and 28 U.S.C. § 1338(a) and (b).

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 **ORIGINAL**

COMPLAINT

1 2. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 28
2 U.S.C. § 1400(a) in that the claim arises in this Judicial District, the Defendants may be
3 found and transact business in this Judicial District, and the injury suffered by Plaintiff took
4 place in this Judicial District. Defendants are subject to the general and specific personal
5 jurisdiction of this Court because of their contacts with the State of California.

6 **PARTIES**

7 3. Plaintiff Mavrix is a corporation incorporated and existing under the laws of
8 Florida, with its principal place of business located in Los Angeles County, California.

9 4. Plaintiff is informed and believes and, upon such, alleges that Avoom is an
10 entity of unknown form that does business as shymagazine.com with a principal place of
11 business in Hyattsville, Maryland. Plaintiff is further informed and believed that Avoom
12 was once a Maryland Corporation which was "forfeited" on December 3, 2009 according
13 the Maryland's Department of Assessments & Taxation, file no. T00216067.

14 5. Plaintiff is informed and believes and, upon such, alleges that Bruce is an
15 individual residing in Greenbelt, Maryland. Plaintiff is further informed and believes that
16 Bruce is the owner and operator of Avoom, and because Avoom is a forfeited corporation,
17 all decisions and operations of shymagazine.com are made at the direction and/or under the
18 authority of Bruce.

19 6. The above-identified defendants are, on information and belief, alter egos of
20 each other and have a tangled set of relationships. One or all are responsible in part for the
21 copyright infringement that occurred on the website www.shymagazine.com (the
22 "Website"). The above defendants are, on information and belief, engaged in a coordinated
23 scheme to undermine the copyright laws by way of stealing copyrighted images of content
24 owners, such as Plaintiff Mavrix, using those images on their web sites and then gaining
25 significant traffic to their Website as a result of the high value celebrity images.

26 7. In the marketplace, celebrity photos carry tremendous value. Mavrix has
27 licensed individual images of celebrities for over \$100,000 to major content outlets.
28 Mavrix is in the market of providing these images, on an exclusive and non-exclusive basis,

1 to major publication outlets. Celebrity content, celebrity gossip and celebrity photos are
2 among the most valued internet commodities to generate traffic to websites. Defendants
3 herein have driven massive traffic to their website in part due to the presence of the sought
4 after and searched-for celebrity images. All of this traffic translates to significant
5 advertising revenue. As such, content websites may effectively monetize the content on
6 their websites by securing eyeballs on the sites which translates to ad revenue; this is in
7 distinction to traditional pre-internet print media who could only monetize content by
8 selling it to end users. Consequently, the Defendants are able to, and do have, a national
9 online magazine located at the above-referenced website which generates revenue directly
10 from views by people, including and specifically by way of views from California
11 residents.

12 8. Defendants appear to be part of a coordinated scheme to generate massive web
13 traffic and then monetize that traffic.

14 9. DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sues
15 said Defendants by such fictitious names. Plaintiff will ask leave of Court to amend this
16 Complaint and insert the true names and capacities of said Defendants when the same have
17 been ascertained. Plaintiff is informed and believes and, upon such, alleges that each of the
18 Defendants designated herein as a "DOE" is legally responsible in some manner for the
19 events and happenings herein alleged, and that Plaintiff's damages as alleged herein were
20 proximately caused by such Defendants.

21 **FACTS COMMON TO ALL COUNTS**

22 10. Mavrix is a prominent celebrity photography agency. Mavrix licenses its
23 photographs to its end customers: the world's leading newspapers, television programs and
24 magazines, like People or US Weekly.

25 11. Plaintiff believes that Defendants have reproduced, publicly distributed and
26 publicly displayed copyright protected photographs belonging to Mavrix on numerous
27 occasions via their website without permission, consent, nor license.

1 12. Plaintiff alleges, on information and belief, that in or around late 2011, the
2 Defendants owned, operated and profited from the Website.

3 13. Despite having no permission, consent, or license to do so, in or around late
4 2011, Defendants reproduced, publicly distributed and publicly displayed, as well as made
5 available for other's download and display, certain original photographs of superstar
6 singers Beyoncé Knowles and Jay-Z, (the "Photos") belonging to Mavrix. A true and
7 correct copy of the Photos and their infringement by the Defendants is attached as Exhibit
8 1.

9 14. Mavrix filed for copyright registration of all the Photos within 90 days of their
10 authorship and first publication. The copyright registration certificate covering one set and
11 the copyright registration is attached hereto as Exhibit 2.

12 15. The Photos had substantial monetary value for Mavrix.

13 **FIRST CLAIM FOR RELIEF**

14 **(Copyright Infringement, 17 U.S.C. § 501 Against all Defendants)**

15 16. Plaintiff Mavrix incorporates here by reference the allegations in paragraphs 1
16 through 15 above.

17 17. Mavrix is the owner of all rights, title and interest in the copyrights to the
18 Photos, which substantially consist of material wholly original with Plaintiff and which are
19 copyright subject matter under the laws of the United States. Mavrix has complied in all
20 respects with the Copyright Act and all of the laws of the United States governing
21 copyrights. The Photos have been registered with the United States Copyright Office.

22 18. Defendants have directly, vicariously and/or contributorily infringed, and
23 unless enjoined, will continue to infringe Mavrix's copyrights by reproducing, displaying,
24 distributing and utilized the Photos for purposes of trade in violation of 17 U.S.C. § 501 *et*
25 *seq.*

26 19. Defendants, on information and belief, have willfully infringed, and unless
27 enjoined, will continue to infringe Mavrix's copyrights by knowingly reproducing,
28 displaying, distributing and utilizing the Photos for purposes of trade.

1 20. Defendants have received substantial benefits in connection with the
2 unauthorized reproduction, display, distribution and utilization of the Photos for purposes
3 of trade, including by increasing the traffic to Defendants' website and, thus, increasing the
4 advertising fees realized.

5 21. Defendants' acts are and were performed without the permission, license or
6 consent of Mavrix.

7 22. The wrongful acts of Defendants have caused, and are causing, great injury to
8 Mavrix, of which damages cannot be accurately computed, and unless this Court restrains
9 the Defendants from further commission of said acts, Mavrix will suffer irreparable injury,
10 for all of which it is without an adequate remedy at law. Accordingly, Mavrix seeks a
11 declaration that Defendants are infringing Mavrix's copyrights and an order under 17
12 U.S.C. § 502 enjoining the Defendants from any further infringement of Mavrix's
13 copyrights.

14 23. As a result of the acts of Defendants as alleged herein, Mavrix has suffered
15 and is suffering substantial damage to its business in the form of diversion of trade, loss of
16 profits, injury to goodwill and reputation, and the dilution of the value of its rights, all of
17 which are not yet fully ascertainable.

18 24. Because of the willful nature of the copyright infringement, Mavrix is entitled
19 to an award of statutory damages equal to \$150,000 per infringement.

20 25. Mavrix has identified at least four (4) instances of infringement by Defendants
21 which occurred by way of reproduction and display of the Photos on the Website and is
22 therefore entitled to an award of \$600,000 in statutory damages by the Defendants.

23 26. Mavrix is also entitled to its attorney's fees in prosecuting this action under 17
24 U.S.C. § 505.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff requests judgment against Defendants as follows:

27 1. The Defendants, their officers, agents, servants, employees, representatives,
28 and attorneys, and all person in active concert or participation with them, be permanently

1 enjoyed from designing, copying, reproducing, displaying, promoting, advertising,
2 distributing, or selling, or any other form of dealing or transaction in, any and all
3 advertising and promotional materials, print media, signs, Internet websites, or any other
4 media, either now known or hereafter devised, bearing any design or mark which infringe,
5 contributorily infringe, or vicariously infringe upon Plaintiff Mavrix's rights in the Photos.

6 2. Defendants be held liable to Plaintiff in statutory damages for copyright
7 infringement, including willful infringement, in accordance with 17 U.S.C. §§ 504(a)(2) &
8 (c) and for costs, interest and reasonable attorney's fees pursuant to 17 U.S.C. § 505.

9 3. An accounting be made for all profits, income, receipts or other benefit
10 derived by Defendants from the reproduction, copying, display, promotion, distribution or
11 sale of products and services, or other media, either now known or hereafter devised, that
12 improperly or unlawfully infringes upon Plaintiff's copyrights pursuant to 17 U.S.C. §§
13 504 (a)(1) & (b).

14 4. Requiring Defendants to account for and pay over to Plaintiff all profits
15 derived by Defendants from their acts of copyright infringement and to reimburse Plaintiff
16 for all damages suffered by Plaintiff by reasons of Defendants' acts, pursuant to 17 U.S.C.
17 §§ 504 (a)(1) & (b).

18 5. Actual damages for copyright infringement pursuant to 17 U.S.C. §§ 504
19 (a)(1) & (b).

20 6. That Plaintiff be awarded any such other and further relief as the Court may
21 deem just and appropriate.

22
23 Dated: August 6, 2012

ONE LLP

24
25 By: 

26 Imran F. Vakil
27 Attorneys for Plaintiff,
28 Mavrix Photo, Inc.

DEMAND FOR JURY TRIAL

Plaintiff Mavrix Photo, Inc. hereby demands trial by jury of all issues so triable under the law.

Dated: August 6, 2012

ONE LLP

By: _____

Imran F. Vakil
Attorneys for Plaintiff,
Mavrix Photo, Inc.

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