Case 1:13-cv-06004-JAK-AGR Document 1 Filed 08/15/13 Page 1 of 10 Page ID #:5 FILED KING, HOLMES, PATERNO & BERLINER, LLP HOWARD E. KING, ESQ., STATE BAR NO. 77012 STEPHEN D. ROTHSCHILD, ESQ., STATE BAR NO. 1325193 AUG 15 PM 3: 34 ROTHSCHILD@KHPBLAW.COM 1900 AVENUE OF THE STARS, 25TH FLOOR CLERK U.S. DISTRICT COURT CENTRAL DISTRICT CALIF. LOS ANGELES Los Angeles, California 90067-4506 TELEPHONE: (310) 282-8989 FACSIMILE: (310) 282-8903 5 Attorneys for Plaintiffs PHARRELL WILLIAMS, ROBIN THICKE and 6 CLIFFORD HARRIS, JR. 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION **10** 13-06004-JAK (AGR 11 PHARRELL WILLIAMS, an individual; ROBIN THICKE, an 12 individual; and CLIFFORD HARRIS, **COMPLAINT FOR** JR., an individual, DECLARATORY RELIEF 13 Plaintiffs, 14 15 VS. BRIDGEPORT MUSIC, INC., a 16 Michigan corporation; FRANKIE CHRISTIAN GAYE, an individual; 17 MARVIN GAYE III, an individual; NONA MARVISA GAYE, an 18 individual; and DOES 1 through 10, 19 inclusive, Defendants. 20 21 22 Plaintiffs Pharrell Williams, Robin Thicke, and Clifford Harris, Jr. (collectively, "plaintiffs") allege as follows: 23 INTRODUCTION 24 25 1. Plaintiffs, who have the utmost respect for and admiration of Marvin Gaye, Funkadelic and their musical legacies, reluctantly file this action in the face of 26 27 multiple adverse claims from alleged successors in interest to those artists. Defendants continue to insist that plaintiffs' massively successful composition, 28

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- "Blurred Lines," copies "their" compositions. In the case of the Marvin Gayerelated defendants (the "Gaye defendants"), it's a song called "Got To Give It Up." For the owner of Funkadelic's songs, Bridgeport Music, Inc. ("Bridgeport"), it's a song called "Sexy Ways." But there are no similarities between plaintiffs' composition and those the claimants allege they own, other than commonplace musical elements. Plaintiffs created a hit and did it without copying anyone else's composition.
- The basis of the Gaye defendants' claims is that "Blurred Lines" and "Got To Give It Up" "feel" or "sound" the same. Being reminiscent of a "sound" is not copyright infringement. The intent in producing "Blurred Lines" was to evoke an era. In reality, the Gaye defendants are claiming ownership of an entire genre, as opposed to a specific work, and Bridgeport is claiming the same work.
- 3. The reality is that the songs themselves are starkly different. Since that is the salient factor in a claim for copyright infringement, in the face of the threats of defendants to commence lawsuits, plaintiffs must seek declaratory relief from this Court that confirms plaintiffs' unfettered right to exploit "Blurred Lines" free of defendants' claims.

JURISDICTION AND VENUE

- 4. This action is brought, and this Court has subject matter jurisdiction, pursuant to 28 U.S.C. Sections 1331, 1338 and 2201. This Court has federal question jurisdiction in this matter in that plaintiffs seek a declaration of rights under the Copyright Act of 1976, 17 U.S.C. § 101 et seq.
- 5. Venue lies within this Court pursuant to 28 U.S.C. Sections 1391(b)(2)-(3), (c), (d) and 1400(a) in that defendants Frankie Christian Gaye and Marvin Gaye III are domiciled and reside for venue purposes and are subject to personal jurisdiction in this district; that, on information and belief, defendant Nona Marvisa Gaye is a part-time resident of this district; and that she and defendant Bridgeport Music, Inc. ("Bridgeport") regularly and systematically conduct business

in this district and, therefore, are subject to personal jurisdiction in this district.

THE PARTIES

- 6. Plaintiffs are the composers of the multinational hit song "Blurred Lines," which was released in or about March 2013. "Blurred Lines" has garnered more than 140 *million* views on YouTube.com.
- 7. On information and belief, Bridgeport is and at all times material herein has been a corporation organized and existing under the laws of the State of Michigan and is in the business of acquiring and exploiting copyright interests in musical compositions, and in the business of trolling for opportunities to threaten to sue and to sue musicians, performers, producers and others in the music industry for infringement of its copyrights. Bridgeport regularly and systematically does business in the state of California by, among other things, negotiating and granting licenses to use the songs in which it has a copyright interest to licensees in California and resorting to the California courts. Bridgeport has claimed an ownership interest in the copyright to the composition "Sexy Ways" written by George Clinton and Grace Cook.
- 8. On information and belief, defendant Frankie Christian Gaye is and at all times material herein has been an individual residing in Los Angeles County, California.
- 9. On information and belief, defendant Marvin Gaye III is and at all times material herein has been an individual residing in Los Angeles County, California.
- 10. On information and belief, defendant Nona Marvisa Gaye is and at all times material herein has been an individual residing in Los Angeles County California and the State of Rhode Island, who regularly conducts business as an entertainer in the County of Los Angeles, California. Defendants Frankie Christian Gaye, Marvin Gaye III and Mona Marvisa Gaye are referred to collectively hereinafter as "the Gayes."

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- 11. Plaintiffs are informed and believe that the Gayes claim an ownership interest in the composition "Got To Give It Up" by Marvin Gaye.
- 12. Defendant Does 1 through 10, inclusive, are sued herein under fictitious names. Their true names and capacities are unknown to plaintiffs. When their true names and capacities are ascertained, plaintiffs will amend this complaint by inserting their true names and capacities herein.
- On information and belief at all times material herein each of the defendants was the agent and employee of some or all of the other defendants, and in doing the things hereinafter alleged, was acting within the course and scope of such agency and employment.

CLAIM FOR DECLARATORY RELIEF

- Plaintiffs are informed and believe that Bridgeport owns some or all of 14. the copyright in the composition "Sexy Ways" and that Bridgeport alleges that plaintiffs have infringed that composition by including elements of it in "Blurred Lines" without Bridgeport's knowledge or consent. Representatives of Bridgeport have recently notified plaintiffs that, if plaintiffs do not pay a monetary settlement of Bridgeport's claim, Bridgeport intends to initiate litigation for copyright infringement against plaintiffs and others.
- Plaintiffs did not incorporate or otherwise use the composition "Sexy 15. Ways" in "Blurred Lines." Plaintiffs did not infringe any copyright in "Sexy Ways."
- 16. Plaintiffs are informed and believe that the Gayes claim that they own and have standing to pursue claims for infringement of the copyright in the composition "Got To Give It Up" by Marvin Gaye, and that plaintiffs have infringed that composition by including elements of it in "Blurred Lines" without the Gaye's knowledge or consent. Representatives of the Gayes have recently notified plaintiffs that, if plaintiffs do not pay a monetary settlement of the Gayes' claim, the Gayes intend to initiate litigation for copyright infringement against plaintiffs and

1 others.

- 17. Plaintiffs did not incorporate or otherwise use the composition "Got To Give It Up" in "Blurred Lines." Plaintiffs did not infringe any copyright in "Got To Give It Up."
- 18. There is an actual and justiciable controversy between plaintiffs and Bridgeport in that Bridgeport claims that "Blurred Lines" infringes "Sexy Ways," and that the exploitation of "Blurred Lines" violates Bridgeport's rights as herein alleged. Conversely, plaintiffs deny Bridgeport's claims and contend that "Blurred Lines" does not infringe "Sexy Ways."
- 19. There also is an actual and justiciable controversy between plaintiffs and the Gayes in that the Gayes claim that they have an ownership interest in the composition "Got To Give It Up" and standing to pursue claims of infringement of that composition; that the Gayes claim that "Blurred Lines" infringes "Got To Give It Up;" and that the exploitation of "Blurred Lines" violates the Gaye's alleged rights, as herein alleged.
- 20. Plaintiffs did not incorporate or otherwise use the composition "Got To Give It Up" in "Blurred Lines." Plaintiffs did not infringe any copyright in "Got To Give It Up."
- 21. A judicial declaration of the parties' respective rights and obligations with respect to "Blurred Lines" is necessary and appropriate.
- 22. Plaintiffs seek a judgment declaring the parties' respective rights with regard to "Blurred Lines," including a declaration that (a) "Blurred Lines" does not infringe "Sexy Ways" or otherwise violate Bridgeport's rights; (b) the Gayes do not have an interest in the copyright to the composition "Got To Give It Up" sufficient to confer standing on them to pursue claims of infringement of that composition; or alternatively (c) that "Blurred Lines" does not infringe "Got To Give It Up" or otherwise violate the Gayes' rights.

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WHEREFORE, plaintiffs respectfully request judgment against defendant as follows:

- 1. A declaration that (a) "Blurred Lines" does not infringe "Sexy Ways" or otherwise violate Bridgeport's rights; (b) the Gayes do not have an interest in the copyright to the composition "Got To Give It Up" sufficient to confer standing on them to pursue claims of infringement of that composition; or alternatively (c) that "Blurred Lines" does not infringe "Got To Give It Up" or otherwise violate the Gayes' rights;
 - 2. For costs and attorney fees incurred herein; and
 - 3. For such other and further relief as the court deems just and proper.

DATED: August 15, 2013

KING, HOLMES, PATERNO & BERLINER, LLP

By:

Howard/E. King Stephen D. Rothschild

Attorneys for Plaintiffs PHARRELL WILLIAMS, ROBIN THICKE and CLIFFORD HARRIS, JR.

BERLINER, LLP

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

	This case has been	assigned to District J	udgeJo	hn A. Kronsta	adt	and the assigned
Magist	rate Judge is	Alicia G. Rosenbe	rg			
	The case r	number on all docum	ents filed with the C	Court should	read as follow	rs:
		2:13-C	V-6004-JAK (AC	GRx)	_	
	Pur suant to Genera	l Order 05-07 of the	United States Distri	ct Court for	the Central D	istrict of
Califor	nia, the Magistrate	ludge has been desigi	nated to hear discove	ery related m	otions.	
All discovery related motions should be noticed on the calendar of the Magistrate Judge.						
	Clerk, U. S. District Court					
	August 15, 2013 By MDAVIS					
	Date			Deputy Clerk		
		NO	ΓΙCE TO COUNSE	L		
А сору	of this notice must b	e served with the sum	ımons and complain	t on all defen	idants (if a ren	noval action is
- /		ust be served on all p	•	J	.,	
Subseq	uent documents m	ust be filed at the fo	llowing location:			
	Western Division 312 N. Spring Street, Los Angeles, CA 9001	G-8 411 W	rn Division est Fourth St., Ste 105: Ana, CA 92701	3 3	astern Division 470 Twelfth Str iverside, CA 92	eet, Room 134
Failure	to file at the prope	r location will resul	t in your document	s being retu	rned to you.	

Name & Address:

Howard E. King, Esq. -SBN 077012 Stephen D. Rothschild, Esq. -SBN 132514 KING, HOLMES, PATERNO & BERLINER, LLP 1900 Avenue of the Stars, 25th Floor Los Angeles, California 90067-4506

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

PHARRELL WILLIAMS, an individual; ROBIN THICKE, an individual; and CLIFFORD HARRIS, JR., AN INDIVIOUAL

PLAINTIFF(S)

BRIDGEPORT MUSIC, INC., a Michigan corporation; FRANKIE CHRISTIAN GAYE, an individual; MARVIN GAYE III, an individual; NONA MARVISA GAYE, an individual;
DEFENDANT(S). and DOES 1 through 10, inclusive,

CASE NUMBER

CV13-06004

AK (A6K

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day y	you received it), you
must serve on the plaintiff an answer to the attached X complaint am	rended complaint
counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil P	rocedure. The answer
or motion must be served on the plaintiff's attorney, Howard E. King, Esq.	, whose address is
1900 Avenue of the Stars, 25th Floor, Los Angeles, CA 90067	If you fail to do so,
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, U.S. District Court

AUG 1 5 2013 Dated:

MARILYN DAVE

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

CV-01A (10/11 **SUMMONS** 4112.060

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

I. (a) PLAINTIFFS (Chec		DEFENDANTS	DEFENDANTS (Check box if you are representing yourself)			
PHARRELL WILLIAMS,			I	BRIDGEPORT MUSIC, INC., a Michigan corporation; FRANKIE		
<pre>individual; and CL: individual</pre>	IFFORD HARRIS, J.	R., an		CHRISTIAN GAYE, an individual; MARVIN GARY III, an individual; NONA MARVISA GAYE, an individual		
(b) Attorneys (Firm Name, A are representing yourself, pr	Address and Telephone I	Number. If you	(b) Attorneys (Firm N	(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)		
Howard E. King, Esq.						
KING, HOLMES, P. 1900 Avenue of	ATERNO & BERL	INER, LLP				
Los Angeles, Ca	lifornia 9006	7-4506				
<u>(310) 282-8989</u>						
II. BASIS OF JURISDICT	FION (Place an X in one	e box only.)		INCIPAL PARTIES-For Definition of the control of th		
1. U.S. Government	3. Federal Que	·	Citizen of This State	1 Incorporated or P	rincipal Place 🔲 🛕 🥅 🛕	
Plaintiff	Government N	ot a Party)	Citizen of Another State	of Business in this		
2. U.S. Government	4 Diversity (Inc	dicate Citizenship	Citizen or Subject of a	of Business in An		
Defendant	of Parties in Ite		Foreign Country	3 Foreign Nation	□ 6 □ 6	
IV. ORIGIN (Place an X is	n one box only.)		5. Tra	nsferred from Another 6.	Multi-	
		Remanded from	4. I Chilotated of		District igation	
Proceeding Si	tate Court	Appellate Court	Reopened		.94.011	
V. REQUESTED IN COM	IPLAINT: JURY DEN	MAND: Yes	No (Check "Yes" o	only if demanded in comp	olaint.)	
CLASS ACTION under F		es 🗾 No		NDED IN COMPLAINT:		
VI. CAUSE OF ACTION 28 U.S.C. Section	f N (Cite the U.S. Civil Statuton 2201, Decla	e under which you are fil aratory Rel	ling and write a brief statement ief re Copyrig	of cause. Do not cite jurisdiction that Claim	onal statutes unless diversity.)	
VII. NATURE OF SUIT	(Place an X in one b	ox only).				
OTHER STATUTES	CONTRACT	REAL PROPERTY CO	1	PRISONER PETITIONS	PROPERTY RIGHTS	
375 False Claims Act	110 Insurance	240 Torts to Land	462 Naturalization Application	Habeas Corpus: 463 Alien Detainee	820 Copyrights	
400 State	120 Marine	245 Tort Product	465 Other	510 Motions to Vacate	830 Patent	
Reapportionment	130 Miller Act	290 All Other Rea	Immigration Actions	Sentence	840 Trademark	
410 Antitrust 430 Banks and Banking	140 Negotiable	Property	TORTS	530 General	SOCIAL SECURITY	
450 Commerce/ICC	Instrument	TORTS PERSONAL INJURY	PERSONAL PROPERTY 370 Other Fraud	535 Death Penalty Other:	861 HIA (1395ff)	
Rates/Etc.	150 Recovery of Overpayment &	310 Airplane	= 570 Strict Fladd	540 Mandamus/Other	862 Black Lung (923)	
460 Deportation	Enforcement of	315 Airplane	371 Truth in Lending	550 Civil Rights	863 DIWC/DIWW (405 (g)	
470 Racketeer Influ-	Judgment	Product Liability	2 380 Other Personal Property Damage	555 Prison Condition	864 SSID Title XVI	
enced & Corrupt Org.	151 Medicare Act	320 Assault, Libel Slander	385 Property Damage	560 Civil Detainee	865 RSI (405 (g))	
480 Consumer Credit	152 Recovery of Defaulted Student	330 Fed. Employe	Product Liability	Conditions of Confinement	FEDERAL TAX SUITS	
490 Cable/Sat TV	Loan (Excl. Vet.)	340 Marine	BANKRUPTCY	FORFEITURE/PENALTY	870 Taxes (U.S. Plaintiff o	
850 Securities/Com-	153 Recovery of	345 Marine Produ	ct USC 158	625 Drug Related Seizure of Property 21	Defendant)	
modities/Exchange	Overpayment of Vet. Benefits	Liability	423 Withdrawal 28	USC 881	871 IRS-Third Party 26 USC	
890 Other Statutory Actions	160 Stockholders'	350 Motor Vehicle		690 Other	7609	
891 Agricultural Acts	Suits	355 Motor Vehicle Product Liability	CIVIL RIGHTS 440 Other Civil Rights			
893 Environmental	190 Other	360 Other Persona	al	LABOR 710 Fair Labor Standards		
Matters	Contract	│	ry- 441 Voting	Act		
895 Freedom of Info.	195 Contract	Med Malpratice		720 Labor/Mgmt.		
Act	Product Liability	365 Personal Injur	y- 443 Housing/ Accomodations	Relations		
896 Arbitration	196 Franchise	Product Liability 367 Health Care/	445 American with	740 Railway Labor Act		
899 Admin. Procedures	REAL PROPERTY 210 Land	Pharmaceutical	Disabilities-	751 Family and Medical Leave Act		
Act/Review of Appeal of Agency Decision	Condemnation	Personal Injury Product Liability	Employment 446 American with	790 Other Labor		
950 Constitutionality of	220 Foreclosure	368 Asbestos	Disabilities-Other	Litigation		
State Statutes	230 Rent Lease & Ejectment	Personal Injury Product Liability	448 Education	791 Employee Ret. Inc. Security Act		
FOR OFFICE USE ONLY:	Case Number:	13-06	0004			

AFTER COMPLETING PAGE 1 OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED ON PAGE 2.

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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

VIII(a). IDENTICAL CA	ASES: Has this ad	ction been previously filed in this o	court and dismissed, remanded or closed?	x NO YES		
If yes, list case nun	nber(s):					
VIII(b). RELATED CAS	ES: Have any cas	ses been previously filed in this co	ourt that are related to the present case?	x NO YES		
If yes, list case nun	nber(s):					
Civil cases are deemed	I related if a previ	iously filed case and the presen	t case:			
(Check all boxes that apply)	A. Arise	e from the same or closely related tran	sactions, happenings, or events; or			
	B. Call	for determination of the same or subst	tantially related or similar questions of law and fact	or		
	C. For o	other reasons would entail substantial	duplication of labor if heard by different judges; or			
	D. Invol	ve the same patent, trademark or cop	pyright, and one of the factors identified above in a,	b or c also is present.		
IX. VENUE: (When comp	leting the following	g information, use an additional sl	heet if necessary.)			
(a) List the County in this plaintiff resides.	District; California	County outside of this District; S	State if other than California; or Foreign Cour	ntry, in which EACH named		
Check here if the gove	ernment, its agend	ies or employees is a named pla	intiff. If this box is checked, go to item (b).			
County in this District: *			California County outside of this District; State, if other than California; or Foreign Country			
Robin Thicke - Los Angeles County			Pharrell Williams - Flo Clifford Harris, Jr			
(b) List the County in this defendant resides.	District; California	County outside of this District; S	tate if other than California; or Foreign Cour	ntry, in which EACH named		
Check here if the gove	ernment, its agenc	ies or employees is a named def	endant. If this box is checked, go to item (c).		
County in this District: *			California County outside of this District; State, if other than California; or Foreign Country			
Frankie Christ Marvin Gaye II Nona Marvisa G	I - Los An aye - Los	geles Angeles	Bridgeport Music, Inc.			
•		County outside of this District; St the location of the tract of land	ate if other than California; or Foreign Count involved.	ry, in which EACH claim arose.		
County in this District: *	•		California County outside of this District; State, i	f other than California; or Foreign		
Los Angeles			1			
• • •		erside, Ventura, Santa Barbara, bution of the tract of land involved	r San Luis Obispo Counties	-		
C. SIGNATURE OF ATTORNE	Y (OR SELF-REPRI	ESENTED LITIGANT):	DATE: AL	igust 15, 2013		
ther papers as required by law	w. This form, approv	ed by the Judicial Conference of the	E. King \ ontained herein neither replace nor supplement the United States in September 1974, is required pursus civil docket sheet. (For more detailed instructions	uant to Local Rule 3-1 is not filed		
Key to Statistical codes relati Nature of Suit Code	ing to Social Securi Abbreviation	ty Cases: Substantive Statement of	Cause of Action			
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))				
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)				
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))				
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))				
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.				
865						

CV-71 (02/13) CIVIL COVER SHEET Page 2 of 2