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8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA -- WESTERN DIVISION
11

12 EVOX PRODUCTIONS LLC, a
13 Delaware limited liability company,

14 Plaintiff,

15 v.

16 AOL INC., a Delaware corporation;
17 OATH INC., a Delaware corporation;
and VERIZON MEDIA INC., a
18 Delaware corporation; and DOES 1-10,

19 Defendants.
20
21

CASE NO.

COMPLAINT FOR:

- 22 (1) **COPYRIGHT**
23 **INFRINGEMENT;**
- 24 (2) **FEDERAL TRADEMARK**
25 **INFRINGEMENT**

26 **DEMAND FOR JURY TRIAL**
27
28

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1 Plaintiff EVOX Productions LLC (“EVOX”) brings this complaint against
2 AOL Inc. (“AOL”), Oath (“OATH”), Verizon Media Inc. (“VERIZON”), and
3 DOES 1-10, and alleges as follows:

4 **JURISDICTION AND VENUE**

5 1. This Court has subject matter jurisdiction over infringement claim
6 pursuant to 17 U.S.C. Section 501, *et seq.*, and 28 U.S.C. Sections 1331 and
7 1338(a).

8 2. This Court has subject matter jurisdiction over the trademark claim
9 pursuant to 15 U.S.C. Sections 1114, 1121, 1125 and 28 U.S.C. Sections 1331, and
10 1338.

11 3. This Court has personal jurisdiction over defendants AOL and
12 VERIZON (collectively “Defendants”) because (a) EVOX is informed and believes
13 that Defendants regularly conduct and have conducted business in California and in
14 this District by supplying products and services here; and (b) Defendant’s conduct
15 that gives rise to this action has occurred in this District, and has caused and
16 continues to cause EVOX to suffer harm here.

17 4. Venue is proper in this District pursuant to 28 U.S.C. Section 1391
18 because (a) EVOX is informed and believes that Defendants regularly conduct and
19 have conducted business in California and in this District by supplying products and
20 services here; and (b) Defendant’s conduct that gives rise to this action has occurred
21 in this District, and has caused and continues to cause EVOX to suffer harm here.

22 **PARTIES**

23 5. EVOX is a Delaware limited liability company with its principal place
24 of business at 2363 E. Pacifica Place, Rancho Dominguez, California.

25 6. AOL was a Delaware Corporation. Upon information and belief,
26 through a series of transfers and/or acquisitions it was previously owned and
27 operated by OATH, and is now owned and operated by VERIZON.

28 7. Upon information and belief, OATH was a Delaware Corporation.

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1 Upon information and belief, and based upon public reports, OATH has been
2 rebranded as VERIZON, and is its predecessor in interest.

3 8. VERIZON is a Delaware Corporation. Upon information and belief,
4 VERIZON maintains offices internationally. In Los Angeles, its principal place of
5 business is 1301 W. Jefferson Blvd., Building 900, Los Angeles, California.

6 9. The true names and capacities of Defendants named herein as DOES 1
7 through 10 are unknown to EVOX, who therefore sues them by fictitious names.
8 EVOX will amend this Complaint to allege the true names and capacities when
9 ascertained.

10 10. Upon information and belief, in performing the acts or omissions
11 described in this Complaint, AOL, OATH, VERIZON, and each of the DOE
12 defendants were acting as the principal, representative, agent, employee or alter ego
13 of each other, and were acting within the scope of such agency or employment to
14 commit the acts alleged herein. Each defendant sued herein aided and abetted the
15 other with the intent that each would be successful in their mutual endeavors. Each
16 defendant contributed to Plaintiff's damages and the statutory violations alleged
17 herein.

18 **NATURE OF THE ACTION**

19 11. EVOX has been a pioneer in the industry of automobile photography
20 for roughly twenty years. During that time, it has meticulously catalogued the
21 highest quality still images, interactive images, and videos of several thousand
22 vehicle makes and models. EVOX licenses these images to a variety of entities in
23 the automobile industry.

24 12. Given the proprietary methods that EVOX uses to maintain the
25 consistency of its images, each image is a valuable intellectual property asset.
26 Indeed, each of its images can be individually licensed. Accordingly, EVOX
27 protects each image in its library with a unique copyright registration.

28 13. AOL was once the most well-known web portal and online service

1 provider. Over the years, its portfolio of services grew, as did the number of web
2 properties that it owned and operated.

3 14. In 2014, EVOX licensed thousands of its images to AOL for use on one
4 of AOL’s web properties known as “Autoblog.” Autoblog provides shopping tools
5 and research pages where consumers can search for automobile-related information.

6 15. EVOX licensed the images pursuant to a license agreement. AOL
7 terminated the license agreement in 2017. Later that year, EVOX discovered that
8 AOL was still using or making available 281,721 EVOX images without license or
9 authorization.

10 16. Through a series of acquisitions and transfers, whatever remains of
11 AOL now operates under the umbrella of VERIZON. This includes Autoblog.

12 **ALLEGATIONS COMMON TO ALL CLAIMS**

13 **EVOX Develops a Comprehensive Library of Standardized**
14 **Images That Are Each Protected By A Unique Copyright Registration**

15 17. Over 20 years ago, EVOX began developing a standardized set of high-
16 quality digital images (“Images”) for every vehicle commercially available. Each
17 year, it adds Images of approximately 500 new vehicles – representing all newly
18 released makes, models, and trims.

19 18. EVOX does not appropriate the work of others; rather, it transports
20 vehicles from the current model year to its own studio where each vehicle is
21 subjected to a meticulous photographic process.

22 19. EVOX’s photography team creates a comprehensive set of interior,
23 exterior, and interactive images for each vehicle that arrives at its studio. The
24 process includes an intensive post-production review.

25 20. Over the years, EVOX has refined its process to such a degree that its
26 Images are widely regarded as the highest-quality digital automotive images in the
27 industry. Each EVOX Image can be separately licensed.

28 21. Given their independent value, EVOX protects its intellectual property

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1 rights by securing Certificates of Copyright Registration from the Register of
2 Copyrights for each Image. Today, EVOX owns and maintains the copyrights in
3 more than one million Images pursuant to the United States Copyright Act.

4 22. Exhibit A lists the certificate numbers at issue in this action, along
5 with the number of images associated with each Certificate of Copyright
6 Registration.

7 23. Exhibit B lists each unique work alleged to have been infringed in this
8 action, along with the associated certificate number.

9 24. Exhibit C includes the copies of the Certificates of Copyright
10 Registration that are at issue in this action, and they are incorporated by reference.

11 **Each of EVOX’s Images Are Also Stamped With Its Trademark**

12 25. EVOX also owns trademarks (“Trademarks”) that it uses to identify
13 and distinguish its Images. Those Trademarks are registered with the United States
14 Patent and Trademark Office (“PTO”) as follows:

- 15 a. “EVOX” (Registration No. 3,765,883)
- 16 b. “EVOX IMAGES” (Registration No. 3,649,661)

17 26. The Trademarks are registered on the Principal Register of the PTO
18 pursuant to 15 U.S.C. Section 1051, and these registrations are valid and
19 enforceable. Attached as Exhibit D are true and correct copies of the Certificates of
20 Trademark Registration for the EVOX Trademarks from the Trademark Electronic
21 Search System of the PTO, which are incorporated by reference.

22 27. EVOX’s Trademarks were stamped on each of the Images that
23 Defendants used without authorization.

24 **EVOX Licenses Its Images to AOL, and the Duration of the**
25 **License for Each Individual Image Was “Up to One Year”**

26 28. EVOX and AOL entered into an Image License Agreement
27 (“Agreement”) effective April 10, 2014. A copy of the Agreement is attached as
28 Exhibit E.

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