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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10
11 ZELUS FILM HOLDING COMPANY,
12 LLC, a Delaware limited liability
company,

13 Plaintiff,

14 v.

15 AMAZON.COM, INC., a Delaware
corporation, AMAZON DIGITAL
16 SERVICES LLC, a Delaware limited
liability company, and Does 1-5,
inclusive,

17 Defendant.
18
19

Case No.

COMPLAINT FOR:

- 1. **COPYRIGHT INFRINGEMENT;**
- 2. **CONTRIBUTORY COPYRIGHT INFRINGEMENT; and**
- 3. **VICARIOUS COPYRIGHT INFRINGEMENT**

[DEMAND FOR JURY TRIAL]

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22 Plaintiff, Zelus Film Holding Company, LLC, by and through its attorneys,
23 Zuber, Lawler & Del Duca LLP, as and for the complaint against Defendants
24 Amazon.com Inc., and Amazon Digital Services LLC, allege as follows:

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1 **NATURE OF THE ACTION**

2 1. This is a civil action for damages against Defendants for violations of the
3 United States Copyright Act of 1976, 17 U.S.C. §§ 101, et seq. (the "Copyright Act").
4 This action arises out of Defendants' direct and contributory infringement of the
5 copyright in a motion picture, *Spellbound* (hereafter the "Motion Picture"), to which
6 Plaintiff owns or controls copyright and/or exclusive distribution rights.

7 2. Defendants violated Plaintiff's copyright by streaming, broadcasting,
8 renting, selling and distributing the Motion Picture in the United States without
9 Plaintiff's permission. Plaintiff seeks damages for Defendants' infringements and an
10 injunction to prevent further unlawful use.

11 **PARTIES**

12 3. Plaintiff ZELUS FILM HOLDINGS LLC, is, and at all times relevant
13 hereto was, a limited liability company organized and operating under the laws of the
14 State of Delaware, with its principal place of business in this district in the County of
15 Los Angeles.

16 4. Upon information and belief, Defendant AMAZON.COM, INC.
17 ("Amazon") is a corporation organized and operating under the laws of the State of
18 Delaware, with its principal place of business in Seattle, Washington.

19 5. Upon information and belief, Defendant AMAZON DIGITAL
20 SERVICES LLC ("Amazon Digital") is a limited liability company organized and
21 operating under the laws of the State of Delaware, with its principal place of business
22 in Seattle, Washington.

23 6. Upon information and belief, Amazon Digital owns and operates the
24 Prime Video website and service, and the Prime Video App, described below.

25 7. Upon information and belief, Amazon Digital is completely controlled in
26 every manner by Defendant Amazon.

27 8. Amazon and Amazon Digital may hereafter be referred to collectively as
28 the Amazon Defendants.

1 9. Plaintiff is presently unaware of the true names and capacities of
2 Defendants sued herein as DOES 1 through 5 (hereafter, “Doe Defendants”),
3 inclusive, and therefore sues said Defendants by such fictitious names. Plaintiff will
4 amend this Complaint to allege the true names and capacities of such fictitiously
5 named Defendants when the same have been ascertained. Plaintiff is informed and
6 believes and based thereon alleges that each of the fictitiously named Defendants is
7 responsible in some manner for the occurrences, acts and omissions alleged herein and
8 that Plaintiff’s damages were proximately caused by their conduct.

9 10. Hereinafter all Defendants including Doe Defendants will sometimes be
10 referred to collectively as “Defendants.”

11 **JURISDICTION AND VENUE**

12 11. The jurisdiction of this Court is based upon 28 U.S.C. §§ 1331 and 1338
13 in that this controversy arises under the Copyright Act and Copyright Revision Act of
14 1976 (17 U.S.C § 101 et seq.). This action is a civil action over which this court has
15 original jurisdiction.

16 12. Personal jurisdiction over Defendants is proper in this Court, among
17 other reasons, on the grounds that Defendants, through their interactive web-based
18 subscription service, caused the unlicensed streaming, rental, sale, broadcast and
19 distribution of the Plaintiff’s Motion Picture throughout the State of California,
20 including within this judicial district.

21 13. This Court has personal jurisdiction over Defendants pursuant to CCP §
22 410.10 (California’s long-arm statute) due to their continuous and systematic business
23 activities within California as described below. Defendants have conducted and do
24 conduct business within California. Defendants, directly or through intermediaries
25 (including distributors, retailers, and others), ship, distribute, offer for sale, sell, and
26 advertise products in the United States, and specifically to California. Defendants
27 purposefully and voluntarily streamed, rented, sold, broadcast and distributed
28 Plaintiffs’ Motion Picture in California.

1 14. Venue is proper within this District pursuant to 28 U.S.C. §1400, and is
2 also proper in this District pursuant to 28 U.S.C. §§ 1391 (b) and (c) because
3 Defendants, and each of them, are subject to personal jurisdiction in this District as a
4 substantial part of the events or omissions giving rise to the claims herein
5 occurred in this District.

6 **GENERAL AND FACTUAL ALLEGATIONS**

7 15. All distribution and exploitation rights under copyright in the Motion
8 Picture were granted to Plaintiff's predecessor in interest, ThinkFilm LLC
9 ("ThinkFilm"), by a Distribution Agreement dated September 18, 2002 by and
10 between ThinkFilm and Alphabet City Pictures, a sole proprietorship run by Jeffrey
11 Blitz.

12 16. The copyright in the Motion Picture, PA0001209296, was registered to
13 Jeffrey Blitz, who does business as Alphabet City Pictures, and Sean Welch on
14 March 18, 2003.

15 17. Plaintiff became the successor-in-interest to the rights of ThinkFilm on
16 or about December 16, 2015, pursuant to a foreclosure of certain assets ThinkFilm
17 pledged as collateral for repayment of various loans, which assets included, without
18 limitation, all of Think's right, title and interest in and to the Motion Picture under the
19 Distribution Agreement.

20 18. The Amazon Defendants own and operate an internet video on demand
21 and digital distribution service called Prime Video or Amazon Prime Video
22 (hereafter, "Prime Video") through which they offer films and television shows for
23 rent or purchase, and in addition, to stream on demand - as part of the Prime Video
24 subscription included with any membership (free trial and paid monthly or yearly) to
25 Amazon Prime. Prime Video is accessible through Amazon.com.

26 19. Prime Video is also accessible via a Prime Video "app" which is
27 available for download on a range of smart televisions, Amazon branded devices,
28 mobile devices, Blu-ray players, game consoles and streaming media devices.

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