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 WIXEN MUSIC PUBLISHING, INC.

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

13 WIXEN MUSIC PUBLISHING,
 14 INC.

15 Plaintiff,

16 v.

17 TRILLER, INC., a Delaware
 18 corporation; and TRILLER, LLC, a
 limited liability company,

19 Defendants.
 20

Case No.

**COMPLAINT FOR COPYRIGHT
 INFRINGEMENT**

JURY TRIAL DEMANDED

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1 Plaintiff Wixen Music Publishing, Inc. (“**Wixen**”) states and alleges as
2 follows for its complaint against defendants Triller, Inc. and Triller, LLC (together,
3 “**Triller**”).

4 **NATURE OF THE ACTION**

5 1. Wixen brings this action against Triller for willfully infringing the
6 copyrights in the musical compositions listed in Exhibit A (each a “**Work**” and
7 collectively the “**Works**”), each of which has been registered with the United States
8 Copyright Office. Wixen believes the actual number of infringed Wixen works to
9 be well over one thousand, and will amend its complaint upon discovery and
10 confirmation of a more complete list of Wixen works that Triller has infringed.

11 2. Triller is the owner and distributor of the Triller app (the “**App**”),
12 which is available via iOS and Android. The App is similar to the popular TikTok
13 app, and provides users with the ability to create and share short videos, and allows
14 users to easily add music to the video. Triller has, without authorization or
15 compensation, reproduced and made the Works available via the App to its App
16 users, resulting in thousands of audiovisual works incorporating, without
17 authorization or compensation, the Works.

18 **JURISDICTION AND VENUE**

19 **Parties**

20 3. Wixen is a music publisher and a California corporation with its
21 principal place of business at 24025 Park Sorrento, Suite 130, Calabasas,
22 California. Wixen has standing to bring this action for copyright infringement
23 because it is the exclusive licensee and/or owner of the Works. Wixen has the
24 exclusive right to sign agreements, collect royalties, receive monies, issue
25 synchronization and other licenses, pay royalties, register copyrights, and otherwise
26 interact and assert rights on behalf of each copyright owner with or against musical
27 service companies such as Triller.

28 ///

1 4. Triller, Inc. is a Delaware corporation headquartered in New York,
2 New York, which owns and operates the App.

3 5. Triller, LLC is a limited liability company and the developer and
4 distributor of the App.

5 6. On information and belief, certain officers, directors, owners, and/or
6 agents of Triller have the right and ability to supervise or control the infringing
7 activity alleged herein and a direct financial benefit from that activity, such that
8 they are vicariously liable for Triller's actions. Wixen will amend this complaint to
9 add said individuals as defendants.

10 **Jurisdiction**

11 7. This case is a civil action arising under the copyright laws of the
12 United States, 17 U.S.C. § 101, *et seq.* (the "**Copyright Act**"). This Court has
13 subject matter jurisdiction over Wixen's claims pursuant to 28 U.S.C. §§ 1331
14 (federal subject matter jurisdiction) and 28 U.S.C. § 1338(a) (copyright actions).

15 8. The Court has personal jurisdiction over both Triller, Inc. and Triller,
16 LLC because they have continuous and systematic contacts within the Central
17 District of California. Triller claims six worldwide offices, including one in Los
18 Angeles, Los Angeles County, California. On information and belief, the App has
19 been advertised, downloaded and used within Los Angeles County, California.

20 9. Triller could and did reasonably anticipate being brought into this
21 Court because, among other reasons, Triller (i) has knowingly, intentionally, and
22 repeatedly reproduced and/or distributed the Works over the Internet and/or via its
23 App to California residents; (ii) knew or should have known that the harm caused
24 by its repeated unlicensed reproduction and distribution of the Works over the
25 Internet and App was aimed at songwriters and music publishers, including Wixen
26 and the songwriters it represents, who control compositions and reside in or near
27 Los Angeles County, California, a global hub of the music industry; and (iii) knew
28 or should have known that Wixen, an industry-leading music publisher for more

1 than 40 years, would suffer, and in fact did suffer, the brunt of the harm caused by
2 Triller's unauthorized acts at Wixen's principal place of business in Calabasas, Los
3 Angeles County, California, which is in the Western Division of the Central District
4 of California

5 **Venue**

6 10. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and
7 (c) and 1400(a) because Triller is subject to personal jurisdiction in this District and
8 because a substantial part of the acts of infringement complained of herein occurs
9 or has occurred in this District.

10 11. This case is properly filed in the Western Division, as a substantial part
11 of events giving rise to this case have occurred here.

12 **FACTS**

13 **Background on Wixen & the Works**

14 12. Wixen is a music publisher that was formed in 1978 by Randall Wixen.
15 Wixen administers more than 50,000 songs written and/or owned by its more than
16 2,000 clients, including songs by some of the most popular and acclaimed musical
17 artists of the last 100 years. Wixen administers these compositions for its clients,
18 with the goal of enhancing the value of the compositions through licensing while
19 simultaneously preserving their integrity.

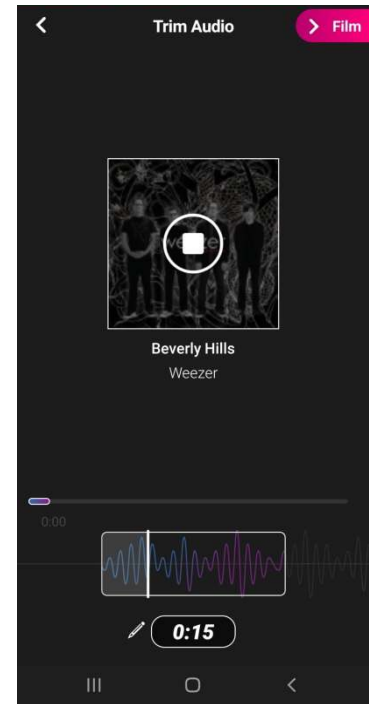
20 13. As a publishing administrator, Wixen is the exclusive licensee and/or
21 owner of the tens of thousands of musical compositions in its catalog, including the
22 Works. Wixen's exclusive rights include registering songs with performing rights
23 organizations, filing copyright applications with the United States Copyright Office,
24 negotiating and issuing licenses (including synchronization, or "synch" licenses),
25 collecting royalties, and filing lawsuits for copyright infringement.

26 **Background and Function of the Triller App**

27 14. The Triller App is a video-sharing social network app first released in
28 July 2015. Triller claims the App has been downloaded over 120 million times.

1 15. Users use the App to create visual portions of videos of no more than
2 fifteen seconds in length, and synchronize those videos with Triller’s library of
3 music, creating short audiovisual works (“Videos”). To create the Videos, users can
4 choose background music from Triller’s library of music, edit the background
5 music to choose what portions of the song to use in the Videos, record a 15-second
6 video, edit the video or add filters, and then upload the finished Video to share with
7 others on the App or on third-party social media platforms. Once uploaded, the App
8 allows users to download or share Videos with others.

9 16. The screenshots below show some of the process of creating Videos
10 using a Work:



17. The App’s collaboration feature allows users to share their Videos
with other users designated as “friends” and then edit them together to share on the
App. The App has “Music” and “Social” tabs that are used to find trending Videos
from other user’s and to provide a feed of recommended Videos for each user based

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