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

11
 12 HOLLYWOOD INNOVATIONS
 GROUP LLC,

13 Plaintiff,

14 vs.

15 NETFLIX, INC., a Delaware
 16 Corporation, ZIP CINEMA CO. LTD.,
 a South Korean Corporation, KAKAO
 17 ENTERTAINMENT CORP., a South
 Korean Corporation, PERSPECTIVE
 18 PICTURES CO. LTD, a South Korean
 Corporation, and Does 1-10, inclusive,

19 Defendants.
 20

Case No. 2:21-cv-9423

**DEFENDANT NETFLIX, INC.'S
 REPLY IN SUPPORT OF MOTION
 TO DISMISS COMPLAINT**

Judge: Hon. André Birotte Jr.
 Date: March 25, 2022
 Time: 10:00 a.m.
 Ctrm: 7B

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1 **I. INTRODUCTION**

2 HIG's Opposition confirms it has no plausible copyright infringement claim
3 against Netflix. The reasons for that are indisputable:

- 4 • HIG can only assert those rights to the *Devour* script that Matt Naylor,
5 the author and original copyright owner, conveyed to HIG.¹
6 Specifically *excluded* from the rights Naylor conveyed to HIG were
7 any that were [REDACTED] Request for
8 Judicial Notice ("RJN") Ex. C (Dkt. 40-2) § 2 ([REDACTED]
9 [REDACTED]).
- 10 • Korean law governs the Naylor/Zip Agreement. *Id.* Ex. B (Dkt. 40-1)
11 § 18. Under Article 99 of the Korean Copyright Act, because the
12 "author[] [Naylor]" "authorize[d] another person [Zip and Perspective]
13 to exploit his/her work [the script] by means of cinematization [making
14 #Saraitda]," Naylor's authorization is "presumed to include" the right
15 "to exploit the translation of" the same "cinematographic work
16 [#Saraitda]." Chung Decl. Ex. A at 2-3(Dkt. 30-3) .
- 17 • The Article 99 presumption applies unless Naylor and Zip-Perspective
18 (the "Korean Producers") "expressly stipulated" that it did not. *Id.* No
19 such express stipulation appears in the Naylor/Zip Agreement.

20 HIG tried to distract from the underlying agreements by failing to attach them
21 to its Complaint. Now, when confronted with the agreements, HIG throws
22 everything at the wall to explain them away. Nothing sticks. For example, HIG
23 argues that neither Netflix nor the Court can rely on Article 99 of the Korean
24 Copyright Act on this 12(b)(6) motion, Opp. at 9, when Ninth Circuit law provides

25 _____
26 ¹ Naylor's agreement was with Rabih Aridi. But Mr. Aridi confirms that he is
27 HIG's "sole member and managing member." Aridi Decl. ¶ 2 (Dkt. 44-6). This
28 brief therefore uses "HIG" to include Mr. Aridi and the rights he did (and did not)
acquire from Naylor.

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