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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 MAIN SEQUENCE, LTD.,
12 *a corporation*

13 Plaintiff,

14 vs.

15 PANDORA MEDIA, LLC,
16 *a limited liability company*

17 Defendant.

Case Number: 22-cv-00810

**COMPLAINT FOR
COPYRIGHT INFRINGEMENT**

DEMAND FOR JURY TRIAL

18 Plaintiff MAIN SEQUENCE, LTD., by and through its attorneys of record,
19 alleges as follows:

20 **JURISDICTION**

21 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §
22 1331 as the action arises under the original and exclusive jurisdiction of the federal
23 court and 28 U.S.C. § 1338(a) as the controversy arises under the Copyright Act of
24 1976 (17 U.S.C. § 101 *et seq.*).

25 2. This Court has personal jurisdiction over Defendant as discussed fully
26 below.

1 3. This Court has general personal jurisdiction over Pandora Media, LLC
2 (“Pandora”) because Pandora’s principal place of business is in Oakland, California,
3 while also having a substantial office in Santa Monica, California, meaning that
4 Pandora is at home in the State of California. Furthermore:

- 5 a. Upon information and belief, through January 28, 2022, Pandora was
6 qualified to do business in California and was registered as a foreign
7 corporation with the California Secretary of State.
- 8 b. Pandora is also registered as a foreign limited liability company with
9 the California Secretary of State.
- 10 c. Pandora’s designated DMCA Copyright Agent identified in its
11 “Intellectual Property Policy” on its website is located in California at
12 2100 Franklin Street, 7th Floor, Oakland, California 94612.
- 13 d. Pandora has previously admitted in other federal court filings that
14 California has jurisdiction over it. *See, Wixen Music Publishing, Inc.*
15 *v. Pandora Media, Inc.*, Case No. 2:19-cv-5278-SVW (C.D. Cal.), Dkt.
16 15 (Pandora Media, Inc.’s Answer) at ¶¶ 16-17 (“Pandora admits that
17 [it] has availed itself of California law . . . and venue is proper in the
18 [Central District of California]”).

19 4. This Court has specific personal jurisdiction over Pandora because its
20 suit-related conduct creates a substantial connection with the State of California
21 and this Judicial District. Carlin is a copyright owner of properly registered literary
22 works (the “Works” or “Carlin’s Works”) (*see* Exhibit A). Upon information and
23 belief, Pandora has generated substantial revenue from exploitation of the Works
24 in California, as further discussed below:

- 25 a. Pandora actively and purposely does business in California, as
26 evidenced by its (i) subscribers and users in California, which Pandora
27 actively reaches out to through, at a minimum, its website

1 (www.pandora.com) and mobile app; (ii) contracts and other
2 transactions that it has entered into in California; (iii) revenue
3 generated from California residents and businesses in connection with
4 its service; and (iv) advertisements that target California residents.

5 b. Pandora has purposefully availed itself of California law and could
6 and did reasonably anticipate being brought into this Court because,
7 among other reasons, Pandora (i) has been engaged and is engaged in
8 infringing conduct within the State of California and this District,
9 including by knowingly, intentionally, and repeatedly streaming
10 sound recordings and the Works over the Internet to California
11 residents via its services; (ii) knew or should have known that the harm
12 caused by its repeated unlicensed public performance of the Works
13 over the Internet was aimed at comedy writers and comedy publishers,
14 including Plaintiff, who control the Works and are managed and
15 administered in or near Los Angeles County, California, a global hub
16 of the entertainment industry; and (iii) knew or should have known
17 that Plaintiff, an industry leading comedian, actor and comedy writer
18 for nearly 40 years, would suffer, and in fact did suffer, the brunt of
19 the harm caused by Pandora's unauthorized acts in California and
20 around the world.

21 VENUE

22 5. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b),
23 and § 1400(a), as a substantial part of the events or omissions giving rise to the
24 claim occurred in this district, including for example, by the maintenance of
25 Pandora LLC's corporate office in Santa Monica, California. Plaintiff has its
26 principal place of business in this District and has been injured in this District as a
27 result of Pandora's infringing conduct.

1 **PARTIES**

2 6. Plaintiff, MAIN SEQUENCE, LTD. (“Carlin”) owns and represents
3 the intellectual property rights of the late George Carlin, who was an actor and
4 comedian who resided in California. MAIN SEQUENCE, LTD. is a corporation
5 with its principal place of business located at 11911 SAN VICENTE #348
6 LOS ANGELES CA 90049, and is in the care of Jerold Hamza, who is also the
7 executor of the Estate of George Carlin.

8 7. Defendant, Pandora, is a Delaware limited liability company with a
9 principal place of business at 2100 Franklin Street, Suite 700, Oakland, California
10 94612. According to its website, Pandora maintains another corporate office in
11 California, located at 3000 Ocean Park Boulevard, Suite 3050, Santa Monica,
12 California 90405.

13 **PRELIMINARY STATEMENT**

14 8. Just as there is with music, there are two copyrights involved in the
15 recorded performance of a copyrighted literary work: a copyright in the sound
16 recording (17 U.S.C. §102(a)(7)) and a separate copyright in the underlying spoken
17 word composition, or “literary work” (17 U.S.C. §102(a)(1)). Pursuant to 17 U.S.C.
18 §§ 106 and 204 of the Copyright Act of 1976, copyright owners have the exclusive
19 right to, among other things, reproduce, distribute, license, and publicly perform
20 their works. Anyone wishing to obtain the right to do so, must get a license from
21 the respective copyright owner in both of these copyrights, and pay agreed upon
22 royalties. The failure to do so constitutes copyright infringement. As discussed
23 below, Pandora not only did not obtain any copyright in Carlin’s Works, but
24 admitted that it did not do so in its filings with the Securities and Exchange
25 Commission (“SEC), and admitted that it would very likely face copyright
26 infringement liability as a result. But Pandora did what most goliaths do: it decided
27

1 it would infringe now to ensure it had this very valuable intellectual property on its
2 platform to remain competitive, and deal with the consequences later. Later is now.

3
4 **STATEMENT OF FACTS**

5 9. Dubbed the Dean of Counterculture Comedians, the late George
6 Carlin was known for his politically charged and dark comedy, as well as taboo
7 subjects. There really wasn't a topic or area of culture that Mr. Carlin wasn't willing
8 to tackle.

9 10. For fifty-two (52) years, George Carlin was an active and integral part
10 of the entertainment world, and his works even graced the hallowed halls of the
11 United States Supreme Court. Mr. Carlin's ever famous "seven dirty words"
12 comedy routine was at the center of the 1978 Supreme Court case *F.C.C. v. Pacifica*
13 *Foundation*, which set a precedent concerning government power to censor
14 indecent material on public airwaves. George Carlin was able to express unique
15 meaningful insights, observations and ideas through spoken word comedy
16 impacting culture, society and millions of fans around the globe.

17 11. In many ways George Carlin was a trailblazer in the comedy industry,
18 filming fourteen (14) stand-up comedy specials for HBO. Today these types of
19 stand-up routines are common on streaming services like Netflix, but had it not
20 been for Carlin, these types of comedy specials may never have been popular.

21 12. After George Carlin's death in 2008, he was posthumously awarded
22 the Mark Twain Prize for American Humor in 2008 and ranked by Rolling Stone
23 magazine as the second-best stand-up comedian of all time out of fifty (50)
24 comedians, and he continues to remain a relevant figure in the entertainment
25 industry and has helped chart the way for countless comedians after him.

26 13. Since then, Main Sequence, Ltd., has been and continues to be the
27 legal and beneficial owner of the exclusive rights to the literary works of George
28

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