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

11 ALCON ENTERTAINMENT, LLC,  
12 a Delaware Limited Liability  
Company,

13 Plaintiff,

14  
15 v.

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17  
18 TESLA, INC., a Texas Corporation;  
19 ELON MUSK, an individual;  
WARNER BROS. DISCOVERY,  
20 INC., a Delaware Corporation;

21 Defendants.  
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CASE NO.

**COMPLAINT FOR:**

**1) DIRECT COPYRIGHT  
INFRINGEMENT;**

**2) VICARIOUS COPYRIGHT  
INFRINGEMENT;**

**3) CONTRIBUTORY  
COPYRIGHT  
INFRINGEMENT;**

**AND**

**4) FALSE ENDORSEMENT IN  
VIOLATION OF 15 U.S.C. §  
1125(a)(1)(A)**

**DEMAND FOR JURY TRIAL**

1 Plaintiff Alcon Entertainment, LLC (“Plaintiff” or “Alcon”), through its  
2 attorneys, hereby alleges its Complaint against defendants Tesla, Inc. (“Tesla”),  
3 Elon Musk (“Musk”), and Warner Bros. Discovery, Inc. (“WBDI”) (collectively,  
4 “Defendants” and each separately a “Defendant”):

5 **SUBJECT MATTER JURISDICTION**

6 1. The Court has federal question subject matter jurisdiction per 15  
7 U.S.C. § 1121(a), 28 U.S.C. §§ 1331 and 1338(a) and (b), and on the grounds that  
8 this is a civil action arising under the laws of the United States. Plaintiff seeks  
9 relief under the Copyright Act of 1976, as amended, 17 U.S.C. §§ 101, *et al.*, and  
10 the Lanham Act, 15 U.S.C. §§ 1125(a)(1)(A), in interstate commerce.

11 **SUMMARY OF DISPUTE**

12 2. Defendants requested permission to use an iconic still image (Exhibit  
13 A) from Alcon’s “Blade Runner 2049” motion picture (“BR2049” or the “Picture”)  
14 to promote Tesla’s new fully autonomous cybercab in an October 10, 2024 event  
15 that was livestreamed worldwide from WBDI’s Burbank, California studio lot.  
16 Alcon refused all permissions and adamantly objected to Defendants suggesting  
17 any affiliation between BR2049 and Tesla, Musk or any Musk-owned company.  
18 Defendants then used an apparently AI-generated faked image to do it all anyway.

19 3. Defendants apparently fed the Exhibit A Image, and similarly iconic  
20 images from the same visual sequence at BR2049’s dramatic core (Exhibit B), into  
21 an AI-driven image generator, and then directed the AI to make a lightly stylized  
22 fake screen still from BR2049 (Exhibit C). Defendants then made this faked image  
23 the second presentation slide of the event, displaying it full screen on the  
24 livestream feed for 11 seconds (a marketing and advertising eternity) at the opening  
25 of Musk’s cybercab sales pitch remarks.

26 4. During those 11 seconds, Musk tried awkwardly to explain why he  
27 was showing the audience a picture of BR2049 when he was supposed to be talking  
28 about his new product. He really had no credible reason. Musk ostensibly invited

1 the global audience to think about the cybercab’s possibilities in juxtaposition to  
2 BR2049’s fictional future. But it all exuded an odor of thinly contrived excuse to  
3 link Tesla’s cybercab to strong Hollywood brands at a time when Tesla and Musk  
4 are on the outs with Hollywood.<sup>1</sup> Which of course is exactly what it was.

5         5. It was hardly coincidental that the only specific Hollywood film which  
6 Musk actually discussed to pitch his new, fully autonomous, AI-driven cybercab  
7 was BR2049 – a film which just happens to feature a strikingly-designed,  
8 artificially intelligent, fully autonomous car throughout the story. Especially where  
9 Defendants had asked Alcon’s permission to use BR2049 and been so firmly  
10 refused, this was clearly all a bad faith and intentionally malicious gambit by  
11 Defendants to make the otherwise stilted and stiff content of the joint WBDI-Tesla  
12 event more attractive to the global audience and to misappropriate BR2049’s brand  
13 to help sell Teslas.

14         6. The financial magnitude of the misappropriation here was substantial.  
15 Alcon has spent decades and hundreds of millions of dollars building the BR2049  
16 brand into the famous mark that it now is. Prior actual BR2049 contracts linking  
17 automotive brands to the Picture have had dollar price tags in the eight figures.  
18 The financial stakes and complexity of BR2049 automotive brand affiliations are  
19 especially high at the immediate moment. Alcon is in talks with other automotive  
20 brands for partnerships on Alcon’s BR2049-based *Blade Runner 2099* television  
21 series currently in production, and Defendants’ conduct is likely to cause confusion  
22 among Alcon’s potential brand partner customers.

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26 <sup>1</sup> See, e.g., Brett Berk, “Hollywood Can’t Ditch Its Tesla’s Fast Enough: ‘They’re  
27 Destroying Their Leases and Walking Away,’” *The Hollywood Reporter*, September  
28 20, 2024, <https://www.hollywoodreporter.com/lifestyle/lifestyle-news/tesla-robotaxi-warner-bros-reveal-hollywood-rejection-elon-musk-1236007945/>.

1           7.       Beyond these more ordinary commercial issues, there is the  
2 problematic Musk himself. Any prudent brand considering any Tesla partnership  
3 has to take Musk’s massively amplified, highly politicized, capricious and arbitrary  
4 behavior, which sometimes veers into hate speech, into account. If, as here, a  
5 company or its principals do not actually agree with Musk’s extreme political and  
6 social views, then a potential brand affiliation with Tesla is even more issue-  
7 fraught. Alcon did not want BR2049 to be affiliated with Musk, Tesla, or any  
8 Musk company, for all of these reasons.

9           8.       Now BR2049 unfortunately and falsely is so affiliated, and far beyond  
10 the 11 seconds of presentation time at the cybercab live event. The event’s  
11 worldwide livestream X feed, including Musk’s forced BR2049-laced opening, was  
12 re-tweeted or re-posted by Tesla, Musk, X and others thousands of times, with  
13 millions of total views. The false affiliation between BR2049 and Tesla is  
14 irreparably entangled in the global media tapestry, all as Defendants knew would  
15 inevitably happen, and amplifying the damage and confusion risks.

16           9.       This was and is all highly offensive to Alcon’s right to commercial  
17 and cultural self-determination. It was also a massive economic theft. Based on  
18 prior BR2049 automotive brand affiliation contracts and the nature and scope of  
19 the use here, the fair market value of the brand affiliation goodwill that Defendants  
20 stole is at least in the six figures and possibly much higher. Beyond Alcon’s lost  
21 fees for the unauthorized association, Defendants muddied the waters for Alcon’s  
22 in-progress exploration of automotive brand partnerships for the upcoming  
23 BR2049-based *Blade Runner 2099* television series.

24           10.      Alcon now seeks relief under the United States Copyright Act and the  
25 Lanham Act, for damages and to pry Musk and his co-Defendants away from  
26 Alcon’s BR2049 brand and goodwill.

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1                                    **PERSONAL JURISDICTION OVER DEFENDANTS**

2            11.    Per Rule 4(k)(1)(A) of the Federal Rules of Civil Procedure, this Court  
3 has personal jurisdiction over any defendant who is subject to the jurisdiction of  
4 any California court of general jurisdiction. California’s long arm statute, *Cal.*  
5 *Code Civ. Pro.* § 410.10, allows courts in the state to exercise personal jurisdiction  
6 over parties to the full extent permissible under the United States Constitution.  
7 Personal jurisdiction over the Defendants here is thus proper if it comports with  
8 due process. It does, including for the following reasons.

9                                    ***Personal Jurisdiction Over Tesla***

10           12.    General Personal Jurisdiction: The Court has general or unlimited  
11 personal jurisdiction over Tesla. Tesla is currently incorporated under the laws of  
12 the State of Texas and its principal corporate office or headquarters is in Austin,  
13 Texas and has been since about December 2021. However, California was Tesla’s  
14 original principal corporate office home state, from Tesla’s inception in about 2003  
15 until the December 2021 move to Texas. Tesla still maintains continuous and  
16 systematic contacts with California, including continuing to operate at least two  
17 major manufacturing plants in the state.

18           13.    Specific Personal Jurisdiction: Additionally and/or in the alternative,  
19 the Court has specific or limited personal jurisdiction over Tesla. Alcon’s claims  
20 arise out of Tesla’s purposeful availment of the rights, privileges, and protections  
21 of doing business in California, and also arise out of Tesla’s commission of tortious  
22 activity in California and purposeful direction of tortious conduct toward the forum  
23 state. Tesla committed the acts of infringement alleged herein, or substantial  
24 portions of them, in preparation for and during the course of the October 10, 2024  
25 cybercab product reveal event at WBDI’s Burbank, California studio lot. The  
26 event was personally conducted by Musk who is Tesla’s founder, principal and  
27 Chief Executive Officer. Tesla’s acts of copyright infringement and violations of  
28 the Lanham Act all constituted torts directed toward Alcon, a forum resident, and

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