

1 John van Loben Sels, Esq. (SBN 201354)  
jvanlobensels@fishiplaw.com  
2 Jennifer Shih, Esq. (SBN 276225)  
jshih@fishiplaw.com  
3 Fish IP Law, LLP  
2603 Main Street, Suite 1000  
4 Irvine, California 92614-4271  
Telephone: 949-943-8300  
5 Facsimile: 949-943-8358

6 Attorneys for Plaintiff,  
X17, Inc.  
7

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10  
11 X17, Inc., a California corporation,

12 Plaintiff,

13 v.

14 YAHOO!, INC. and VERIZON  
15 COMMUNICATIONS, INC.  
Defendants.

Case No.: 5:20-cv-2683

**COMPLAINT FOR COPYRIGHT  
INFRINGEMENT (17 U.S.C. § 101 *et*  
*seq.*) AND CONTRIBUTORY  
COPYRIGHT INFRINGEMENT**

1 Plaintiff X17, Inc. (“X17”) alleges as follows:

2 **THE PARTIES**

3 1. Plaintiff X17, Inc. is a California corporation with offices located at  
4 1301 Amalfi Drive, Pacific Palisades, CA 92072. X17 hosts a vast digital archive  
5 of photographs of the biggest celebrities and newsmakers at x17agency.com.

6 2. Defendant Yahoo! Inc., is a Delaware corporation with offices located  
7 at 701 1<sup>st</sup> Avenue, Sunnyvale, CA 94089.

8 3. Defendant Verizon Communications, Inc. (“Verizon”) is a Delaware  
9 corporation with offices located at 1095 Avenue of the Americas New York, NY.

10 4. Plaintiff is informed and believes that Verizon’s business was branded  
11 Oath after the acquisition of Yahoo, Inc. and AOL, Inc.

12 5. Defendant Yahoo! Inc., and Verizon Communications, shall be  
13 collectively referred to as “Yahoo” or “Defendants”.

14 **JURISDICTION AND VENUE**

15 6. This is a civil action seeking damages and injunctive relief for  
16 copyright infringement under the Copyright Act of the United States, 17 U.S.C. §  
17 101, *et seq.*

18 7. This Court has subject matter jurisdiction over this action pursuant to  
19 28 U.S.C. §§ 1331 and 1338(a).

20 8. This Court has personal jurisdiction over Defendants because  
21 Defendant Yahoo! Inc.’s principal place of business is located in this district.

22 9. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)-(c),  
23 and/or § 1400(a).

24 **FACTUAL ALLEGATIONS**

25 10. X17 brings this action seeking redress for Defendants’ infringement  
26 of the copyright Registration Nos. VA2-192-327 and VA2-192-328 (the “Works”).

27 11. A true and correct copy of the Works is attached hereto as Exhibit A.

28 12. Yahoo and X17 entered into a Content License Agreement on January

11, 2012, which terminated on December 9, 2018 (“Content License Agreement”).

13. Yahoo decided not to renew the Content License Agreement upon termination.

14. On or about December 18, 2018, X17 reached out to Yahoo regarding the possibility of a renewed license agreement and did not receive a response.

15. On or about November 14, 2018, X17 sent an email to Yahoo providing notice that the use of X17’s images from content partners such as Time, Inc./People, Conde Nast/Advance, U.S. Weekly, Entertainment Tonight, etc. (“Content Partners”) would be prohibited.

16. At no time did X17 grant distribution and/or syndication rights of the Works to any of Yahoo’s Content Partners.

17. From January 1, 2019 to present, Plaintiff is informed and believes that Yahoo improperly reproduced, published, and transmitted numerous X17 photographs including but not limited to the below (“Infringing Photographs”) without a license:

- <https://www.yahoo.com/lifestyle/selena-gomez-wore-sold-urban-165502556.html>
- <https://finance.yahoo.com/news/meet-bella-gigis-favorite-shoe-184018269.html>
- <https://finance.yahoo.com/news/curious-case-kanye-west-shoes-212959219.html>
- <https://www.yahoo.com/entertainment/david-foster-katharine-mcphее-stroll-183547784.html>
- <https://finance.yahoo.com/news/kourtney-kardashian-does-her-holiday-162740583.html>
- <https://www.yahoo.com/entertainment/kourtney-kardashian-does-her-holiday-162740583.html>
- <https://www.yahoo.com/entertainment/kylie-jenner-kim-kardashian-look-152126008.html>
- <https://finance.yahoo.com/news/kylie-jenner-kim-kardashian-look-152126008.html>
- <https://www.yahoo.com/lifestyle/kylie-jenner-claims-paparazzi-photos-143021515.html>

- 1 • <https://finance.yahoo.com/news/justin-bieber-hailey-baldwin-best-152244903.html>
- 2 • <https://www.yahoo.com/entertainment/jennifer-garner-apos-apos-number-161138921.html>
- 3 • <https://finance.yahoo.com/news/jennifer-garner-apos-apos-number-161138921.html>
- 4 • <https://www.yahoo.com/entertainment/ben-affleck-enters-rehab-third-014711297.html>
- 5 • <https://finance.yahoo.com/news/ben-affleck-enters-rehab-third-014711297.html>
- 6 • <https://www.yahoo.com/lifestyle/kim-kardashian-west-takes-dior-144612263.html>
- 7 • <https://www.yahoo.com/lifestyle/kanye-west-sneaker-socks-171343309.html>
- 8 • <https://finance.yahoo.com/news/kristen-stewart-stella-maxwell-spending-184533976.html>
- 9 • <https://news.yahoo.com/news/kristen-stewart-stella-maxwell-spending-184533976.html>
- 10 • <https://finance.yahoo.com/news/ben-affleck-lindsay-shookus-step-201928072.html>
- 11 • <https://www.yahoo.com/entertainment/britney-spears-sam-asghari-step-001153231.html>
- 12 • <https://www.yahoo.com/entertainment/lily-collins-noah-centineo-just-010319361.html>
- 13
- 14
- 15
- 16
- 17

18 18. Yahoo's Content Partners did not remove the Works or the Infringing  
19 Photographs.

20 19. X17 is entitled to redress for Defendants' willful, knowing, and  
21 purposeful use and exploitation of the Works, for its own financial benefit with  
22 full knowledge that such use constituted infringement of, and was in disregard of,  
23 X17's rights.

24  
25 **COUNT I**  
26 **COPYRIGHT INFRINGEMENT**  
**(17 U.S.C. §§ 106 and 501)**

27 20. Plaintiff incorporates by reference the above Paragraphs as if fully set  
28 forth herein

1 21. X17 is the sole owner of a valid U.S. copyright registration in the  
2 Works.

3 22. Through Defendants conduct as alleged herein, Defendants have  
4 infringed X17's copyright in the Works in violation of both Sections 106 and 501  
5 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

6 23. Defendants' acts of infringement are willful, intentional, and  
7 purposeful, in disregard of and with indifference to X17's rights.

8 24. As a direct and proximate result of Defendants' conduct constituting  
9 copyright infringement, X17 is entitled to his election of statutory damages under  
10 17 U.S.C. § 504(c), or his actual damages in an amount to be proven at trial.

11 25. X17 is also entitled to Defendants' profits attributable to the  
12 infringement, pursuant to 17 U.S.C. § 504(b), including an accounting of, and a  
13 constructive trust with respect to such profits.

14 26. X17 is further entitled to his attorneys' fees and full costs pursuant to  
15 17 U.S.C. § 505 and otherwise according to law.

16  
17 **COUNT II**  
**CONTRIBUTORY COPYRIGHT INFRINGEMENT**

18 27. Plaintiff incorporates by reference the above Paragraphs as if fully set  
19 forth herein.

20 28. Plaintiff is informed and believes and alleges that Defendants,  
21 knowingly induced, participated in, aided and abetted, and resultantly profited  
22 from the reproduction, and/or creation of derivative works based on the Works.

23 29. Plaintiff is informed and believes that Defendants induced the  
24 Content Partners' infringement of the Works.

25 30. By reason of the Defendants, Plaintiff has suffered and will continue  
26 to suffer substantial damages to its business in an amount to be established at trial.

27 31. Plaintiff is entitled to disgorgement of Defendants' profits directly  
28 and indirectly attributable to Defendants' infringement of the Works in an amount

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.