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Attorneys for Defendants
ROBINHOOD MARKETS, INC. and
ROBINHOOD FINANCIAL, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

O'SHEA JACKSON, SR. (p/k/a "ICE CUBE"), an individual,

Plaintiff,

v.

ROBINHOOD MARKETS, INC., a Delaware corporation; ROBINHOOD FINANCIAL LLC, a Delaware limited liability company,

Defendants.

Case No. 3:21-cv-02304-LB

NOTICE OF MOTION AND MOTION TO DISMISS FIRST AMENDED COMPLAINT PURSUANT TO FRCP 12(b)

Date August 26, 2021
Time: 9:30 am
Dept: Courtroom B, 15th Floor

Magistrate Judge:
Honorable Laurel Beeler

PLEASE TAKE NOTICE that, on August 26, 2021, at 9:30 a.m. or as soon thereafter as counsel may be heard in Courtroom B, 15th Floor of the above-entitled court, Defendants Robinhood Markets, Inc. and Robinhood Financial LLC (collectively, "Defendants" or "Robinhood"), by and through their attorneys and pursuant to Federal Rule of Civil Procedure 12(b)(1) and (b)(6) will and do hereby move the Court to dismiss with prejudice Plaintiff O'Shea Jackson's ("Plaintiff")

First Amended Complaint in its entirety.

Defendants move to dismiss on the grounds that Plaintiff lacks standing under federal law and that the First Amended Complaint fails to state a claim for which relief can be granted. Specifically, Plaintiff fails to plausibly plead facts showing how Defendants' use of a still frame from a movie and a paraphrase of a line from his song *Check Yo' Self* for illustrative purposes amounts to a false endorsement under the Lanham Act. Moreover, Defendants' noncommercial conduct does not satisfy the commercial-use requirement for Plaintiff's false endorsement claim, Plaintiff's claims are barred by the First Amendment, Plaintiff's claim conflicts with federal copyright law, Defendants' use of the image and paraphrase satisfied the *Rogers* defense, and Plaintiff otherwise has not plead tenable claims.

This motion is based upon this Notice, the following memorandum of points and authorities, the pleadings and records contained herein, on such other argument and evidence as may be presented at the hearing, and all matters of which this Court may take judicial notice.

Dated: July 20, 2021

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: /s/ Mitchell J. Langberg
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Attorneys for Defendants
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TABLE OF CONTENTS

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TABLE OF AUTHORITIES

Page(s)

Federal Cases

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