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15 Attorneys for Defendants  
16 ROBINHOOD MARKETS, INC. and  
17 ROBINHOOD FINANCIAL, LLC

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

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

23 Plaintiff,

24 v.

25 ROBINHOOD MARKETS, INC., a  
26 Delaware corporation; ROBINHOOD  
27 FINANCIAL LLC, a Delaware limited  
28 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, 15<sup>th</sup> 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")

1 First Amended Complaint in its entirety.

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

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

16 Dated: July 20, 2021

BROWNSTEIN HYATT FARBER  
SCHRECK, LLP

17  
18  
19 By: /s/ Mitchell J. Langberg  
MITCHELL J. LANGBERG  
Attorneys for Defendants  
ROBINHOOD MARKETS, INC.  
AND ROBINHOOD FINANCIAL,  
LLC  
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