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12 ALEXANDER BAYONNE STROSS

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 ALEXANDER BAYONNE STROSS,

16 Plaintiff,

17 vs.

18 AIRBNB, INC. AND DAN KLORES  
19 COMMUNICATIONS, LLC,

20 Defendants.

**Case Number:**

**Copyright Infringement**

**Demand for Jury Trial**

21 **COMPLAINT FOR COPYRIGHT INFRINGEMENT**  
22 **(INJUNCTIVE RELIEF DEMANDED)**

23 Plaintiff Alexander Bayonne Stross by and through his undersigned counsel,  
24 hereby brings this Complaint against Defendants Airbnb, Inc. and Dan Klores  
25 Communications, LLC for damages and injunctive relief, and in support thereof states as  
26 follows:

27 ///

28 ///

///

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**SUMMARY OF THE ACTION**

1  
2           1.       Plaintiff Alexander Bayonne Stross (“Stross”) brings this action for  
3 violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and  
4 distribute Stross’s original copyrighted works of authorship.

5           2.       Stross is the owner and principal photographer of Stross Stock. After  
6 traveling the world with his camera, creating thousands of high-quality photographs, the  
7 natural next step was to offer the public means to license his Work. Each photo on Stross  
8 Stock is shot with top-quality equipment, thoughtfully produced, hand selected, and  
9 tastefully edited before being made available to the public. Stross is a native of Austin,  
10 Texas, and watched the small city grow and develop into an urban hot spot. This served  
11 as his inspiration to become a photographer, centering his expertise on complicated  
12 architectural photography and landscape photography. In 2016, Stross was nominated and  
13 accepted as a professional member of the American Society of Media Photographers,  
14 which is a high honor. Stross received a B.S. in Computer Science at the University of  
15 Texas at Austin and has since combined his love for the photographic arts and computer  
16 science by building an online system to help protect artists' works on the internet..

17           3.       Defendant Airbnb, Inc. (“Airbnb”) is one of the world’s largest  
18 marketplaces for unique, authentic places to stay and things to do, offering over 7 million  
19 accommodations and tens of thousands of handcrafted activities, all powered by local  
20 hosts. An economic empowerment engine, Airbnb has helped millions of hospitality  
21 entrepreneurs monetize their spaces and their passions while keeping the financial  
22 benefits of tourism in their own communities. With more than three quarters of a billion  
23 guest arrivals to date, and accessible in 62 languages across 220+ countries and regions,  
24 Airbnb promotes people-to-people connection, community and trust around the world. At  
25 all times relevant to herein, Airbnb is the owner of the website located at the URL  
26 “<https://www.airbnb.com/>” (the website).

27           4.       Dan Klores Communications, LLC (“DKC”) is a public relations firm that  
28 knows how to drive brand stories and generate news. DKC is in the business of

1 enhancing reputation, building credibility, and increasing awareness. They are  
2 persuaders, influencers, opinion makers, writers, content creators, and experience  
3 producers that are guided by data and instinct.

4 5. Stross alleges that Airbnb copied Stross's copyrighted works from the  
5 internet in order to advertise, market and promote its business activities. Airbnb  
6 committed the violations alleged in connection with Airbnb's business for purposes of  
7 advertising and promoting sales to the public in the course and scope of Airbnb's  
8 business.

9 6. Stross alleges that DKC copied Stross's copyrighted works from the  
10 internet in order to advertise, market and promote its business activities. DKC committed  
11 the violations alleged in connection with DKC's business for purposes of advertising and  
12 promoting sales to the public in the course and scope of DKC's business.

13 **JURISDICTION AND VENUE**

14 7. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

15 8. This Court has subject matter jurisdiction over these claims pursuant to 28  
16 U.S.C. §§ 1331, 1338(a).

17 9. Airbnb is subject to personal jurisdiction in California.

18 10. DKC is subject to personal jurisdiction in California.

19 11. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and  
20 1400(a) because the events giving rise to the claims occurred in this district, Defendants  
21 engaged in infringement in this district, Defendants resides in this district, and  
22 Defendants are subject to personal jurisdiction in this district.

23 **DEFENDANT**

24 12. Airbnb, Inc. is a California Corporation with its principal place of business  
25 at 888 Brannan Street, Suite #4, San Francisco, California 94103, and can be served by  
26 serving its Registered Agent, CSC Lawyers Incorporating Service, 2710 Gateway Oaks  
27 Drive, Suite 150N, Sacramento, CA 95833.

28

1 13. Dan Klores Communications, LLC is a Delaware Corporation with an  
 2 office at 425 Bush Street #410, San Francisco, CA 94108 and is registered to do business  
 3 with the California Secretary of State and can be served by serving its Registered Agent  
 4 Brenda Gilmore, 700 San Vicente Boulevard, Room G-405, West Hollywood CA 90069.

5 **THE COPYRIGHTED WORKS AT ISSUE**

6 14. Stross created the photographs listed on the chart below, attached hereto as  
 7 Exhibit 1, and collectively referred to herein as the “Works.”

|    | Photo Name   | Registration  |
|----|--|---------------|
| 8  |  |               |
| 9  | 1 20111111-_MG_0015_16_17_18_19_20Adjust-Edit          | VAu 1-089-810 |
| 10 | 2 20111111-_MG_0120-Edit.jpg3                          | VAu 1-089-810 |
| 11 | 3 20111111-_MG_0156_57_58_59_60_61Adjust-Edit-Edit.jpg | VAu 1-089-810 |
| 12 | 4 20111111-_MG_0312_3_4_5_6_7Adjust-Edit.jpg           | VAu 1-089-810 |
| 13 | 5 20111111-_MG_0365_66_67_68_69_70Adjust-Edit.jpg      | VAu 1-089-810 |
| 14 | 6 20111111-_MG_0398_399_400_401_402_403Adjust-Edit.jpg | VAu 1-089-810 |
| 15 | 7 20111111-_MG_0500_1_2_3_4_5Adjust.jpg                | VAu 1-089-810 |
| 16 | 8 20111111-_MG_0552_3_4_6_7-Edit.jpg                   | VAu 1-089-810 |
| 17 | 9 20111111-_MG_0523_4_5_6_7_8Adjust-Edit.jpg           | VAu 1-089-810 |
| 18 | 10 20111111-_MG_0318_19_20_21_22_23Adjust-Edit.jpg     | VAu 1-089-810 |

19  
 20 15. At the time he created the Works Stross applied copyright management  
 21 information to the Works consisting of a copyright symbol, and his name, Alexander  
 22 Stross, written in faint white writing at the bottom right corner of the images.

23 16. Stross also created the photograph titled 20140812-1B3A3842-Edit.jpg  
 24 (“Modern Guesthouse”) is attached hereto and included in Exhibit 1.

25 17. Stross registered the Works with the Register of Copyrights on February  
 26 19, 2012 and was assigned the registration number VAu 1-089-810. Stross registered  
 27 Modern Guesthouse on January 15, 2015 and was assigned the registration number VAu  
 28 1-198-970.

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1 18. The Certificates of Registration are attached hereto as Exhibit 2.

2 19. At all relevant times Stross was the owner of the copyright to Modern  
3 Guesthouse and the copyrighted Works at issue in this case.

4 **INFRINGEMENT BY DEFENDANTS**

5 20. Airbnb has never been licensed to use Modern Guesthouse and the Works  
6 in this action for any purpose.

7 21. On a date after Modern Guesthouse and the Works in this action were  
8 created, but prior to the filing of this action, Airbnb copied Modern Guesthouse and the  
9 Works.

10 22. Airbnb copied Stross's copyrighted Modern Guesthouse and the Works  
11 without Stross's permission.

12 23. After Airbnb copied Modern Guesthouse and the Works it made further  
13 copies and distributed the Work on the internet to promote the sale of goods and services  
14 as part of home rental and vacation platform.

15 24. Airbnb copied and distributed Stross's copyrighted Modern Guesthouse  
16 and the Works in connection with Airbnb's business for purposes of advertising and  
17 promoting Airbnb's business, and in the course and scope of advertising and selling  
18 products and services.

19 25. Stross's Modern Guesthouse and the Works are protected by copyright but  
20 are not otherwise confidential, proprietary, or trade secrets.

21 26. Airbnb committed copyright infringement of the Works as evidenced by  
22 the documents attached hereto as Exhibit 3.

23 27. Stross never gave Airbnb permission or authority to copy, distribute or  
24 display Modern Guesthouse and the Works at issue in this case.

25 28. Stross first notified Airbnb of the allegations regarding the Works on April  
26 29, 2019. A copy of the takedown letter is attached as Exhibit 4.

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