

1 2. Stitch is a critically acclaimed video-editing house that provides editing services for
2 commercials and music videos out of its office in London and out of its licensee's office in Los
3 Angeles, CA.

4 3. Its commercial brand customers include: ESPN, Louis Vuitton, Jägermeister, BMW,
5 Heineken, Pizza Hut, Lego, and many others.

6 4. Its music video customers include heavy hitters such as: The Rolling Stones, Lady Gaga,
7 Beyoncé, Ariana Grande, Powfu, Dua Lipa, Naughty Boy, and many others.

8 5. Stitch owns an incontestable federal trademark registration issued by the United States
9 Patent and Trademark Office for its STITCH EDITING mark for, among other things, the editing of
10 videos.

11 6. Stitch also has common law rights in its STITCH EDITING and STITCH marks for,
12 among other things, the editing of videos.

13 7. TikTok is a technology company that develops, provides and supports a mobile software
14 application called "TikTok," which allows users to create and share short-form videos.

15 8. In September 2020, TikTok released an editing feature that it branded "STITCH," with
16 no regard for Stitch's longstanding prior rights and hard-earned goodwill in the STITCH Mark in the
17 video-editing industry.

18 9. TikTok has continued to use the mark STITCH for its video-editing services,
19 notwithstanding the facts that Stitch's federal trademark registration specifically covers "editing of . .
20 . internet videos," among other services, and Stitch's common law trademark rights cover the same
21 services.

22 10. From the date of its release, there have been approximately 235.9 billion views of
23 infringing Stitch videos. That view count is increasing at a rate of approximately 900 million views
24 per day.

25 11. TikTok refused to cease its infringement despite its receipt of a first notice to cease and
26 desist on December 28, 2020, and a second notice to cease and desist on January 27, 2021.

27 12. Stitch continued to seek a fair and reasonable resolution from the date of those notices
28 until the date of the filing of this action.

1 13. Since no resolution was forthcoming, and to protect its valuable STITCH Mark, Stitch
2 was forced to file this action for trademark infringement and unfair competition under the Lanham
3 Act, 15 U.S.C. § 1051, *et seq.*; unfair competition under California Business & Prof. Code, § 17200
4 *et seq.*; and false designation of origin and unfair competition under California common law. It seeks
5 both equitable relief and damages.

6 **THE PARTIES**

7 14. Plaintiff Stitch is a UK entity founded in 2010. Its principal place of business is in
8 London, it is registered to do business in California, and it operates out of the offices of its licensee in
9 Los Angeles for US-based projects.

10 15. Defendant TikTok Inc. is a California corporation having its principal place of business
11 at 5800 Bristol Parkway, Culver City, CA 90230.

12 16. Upon information and belief, Defendant TikTok LLC is a Delaware limited liability
13 company.

14 17. Upon information and belief, Defendant TikTok Ltd. is a Cayman Islands company.

15 18. Defendant ByteDance Ltd. was founded by Zhang Yiming in 2012 as a Cayman Islands
16 company. It is headquartered in Beijing and has offices in the United States.

17 19. Upon information and belief, TikTok Inc. is wholly owned by TikTok LLC, which, in
18 turn, is wholly owned by TikTok Ltd., which, in turn, is wholly owned by ByteDance Ltd.

19 **JURISDICTION AND VENUE**

20 20. This Court has original jurisdiction over Plaintiff's federal claims pursuant to Section
21 39(a) of the Lanham Act, 15 U.S.C. § 1121(a), and Sections 1331 and 1338(a) of the Judicial Code,
22 28 U.S.C. §§ 1331 and 1338(a). This Court has supplemental jurisdiction over Plaintiff's claims
23 arising under the laws of the State of California pursuant to 28 U.S.C. §§ 1338(b) and 1367.

24 21. This Court has personal jurisdiction over TikTok Inc. because it is a California
25 corporation with headquarters in Culver City, CA. This Court also has personal jurisdiction over the
26 other Defendants because, upon information and belief, these parent organizations are mere alter egos
27 of TikTok Inc., having such a unity of interest and ownership that the separate personalities of the
28 entities no longer exist. In such circumstances, the failure to disregard their separate identities would

1 result in fraud or injustice. Moreover, TikTok Ltd., TikTok LLC and ByteDance Ltd. have purposely
2 directed their infringing content at citizens of this forum via the TikTok app and have therefore
3 purposefully availed themselves of the privilege of conducting activities in this forum, thereby
4 invoking the benefits and protections of its laws. As a result, the exercise of jurisdiction over these
5 Defendants is reasonable and comports with fair play and substantial justice.

6 22. Venue is proper under 28 U.S.C. § 1391(b)(2) & (3) because TikTok Inc. is a California
7 corporation and Defendants engage in business and promote their services under their infringing mark
8 in this District. Thus, a substantial part of the events or omissions giving rise to these claims occurred
9 in or are directed at this District.

10 **STITCH EDITING'S BRAND AND TRADEMARKS**

11 23. Stitch works with creative directors, advertising agencies, production companies, brand
12 executives, video directors, music label executives, artists, and others to provide editing for
13 commercials, music videos, and short videos that are viewed by hundreds of millions of people.

14 24. It operates from its office in London and from the office of its licensee in Los Angeles
15 for clients around the globe and its work is critically acclaimed.¹

16 25. Indeed, as of the date of this Complaint, it was ranked the top editing house in the UK
17 by David Reviews, the leading industry publication. See Exhibit A.

18 26. As a result of Stitch's renown in the industry, it has been approached twice to perform
19 editing work on commercial advertisements for TikTok itself. First, in early November 2020, TikTok
20 – through a production company – sought to employ Stitch for commercial editing services. Then,
21 Stitch was approached again – via a production company – to bid on commercial work for TikTok in
22 March 2021.²

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25 ¹ See, e.g., Sharks 2020 Short Film Awards, awarding Stitch the award for Best Editing for the
26 film *Double Tap*: [https://www.shots.net/news/view/sharks-short-film-awards-announce-2020-](https://www.shots.net/news/view/sharks-short-film-awards-announce-2020-winners)
27 [winners](https://www.shots.net/news/view/sharks-short-film-awards-announce-2020-winners); Sharks 2021 Music Video Awards, awarding Stitch the award for Best Editing for the video
28 *Criss Cross* for The Rolling Stones:
https://kinsalesharks.awardsengine.com/?action=ows:entries.details&e=57387&project_year=2020;
[Sharks 2020 Short List for Dua Lipa "Physical" Music Video:
https://kinsalesharks.awardsengine.com/?action=ows:entries.details&e=57259&project_year=2020](https://kinsalesharks.awardsengine.com/?action=ows:entries.details&e=57259&project_year=2020)

1 27. Some of Stitch’s recent commercials for well-known brands include: ESPN (“This is
2 Sportscenter: The Manny”), Louis Vuitton (“Journey Home for the Holidays”), Jägermeister (“Be The
3 Meister”), BMW (X2 commercial), Babybell Cheese (“Join the Goodness”), Heineken (“The Split”),
4 Pizza Hut (“Now That’s Delivery”), LG (“Got Your Laundry”), Payday (“Hammer”), Bumble (“When
5 Dating Met 2020”), QuickBooks (“We Mean Business for Your Business”), Diesel (“Francesca”),
6 Google (“A Feeling Called Home”), Lego (“Rebuild the Holidays”), Doritos (“Jukebox”), Nike (“Play
7 Pinoy,” “Flyknit” featuring Kobe Bryant and others, “T90 Laser: The Put it Where You Want it Tour,”
8 “Find Your Greatness”), Oppo (“Fantastic Bus”), KFC (“The Colonel”), Natwest (“Pennies”),
9 Samsung (“Milk Music”), Mini, Rexona (post-production), and many others.

10 28. Some of the recent music videos that Stitch edited include those for the following hit
11 songs: Death Bed, Coffee for Your Head (by Powfu), Physical (by Dua Lipa), Rain on Me (by Lady
12 Gaga ft. Ariana Grande), Criss Cross (by The Rolling Stones), Runnin’ (by Naughty Boy ft. Beyoncé),
13 and many others.

14 29. Stitch has invested substantial time and resources building its goodwill in the STITCH
15 Mark and protecting its valuable brand.

16 30. Stitch uses both the STITCH and STITCH EDITING marks to identify its services. For
17 example, its LinkedIn, Instagram, Twitter, and Facebook pages and its website at www.stitchediting.tv
18 all prominently display both marks, the sign on Stitch’s London headquarters reads “STITCH,” and
19 the company is often credited for its work as simply “Stitch.” As such, to consumers, STITCH
20 identifies a single source when used in connection with video-editing services: the Plaintiff Stitch.

21 31. In addition to its common law rights in the STITCH EDITING and STITCH marks,
22 Stitch has an international portfolio of trademark rights including incontestable trademark rights in the
23 United States pursuant to US Reg. No 4,742,447 for its STITCH EDITING mark. A true copy of the
24 registration from the United States Patent and Trademark Office is attached as **Exhibit B**.

25 32. The registration, which is incontestable, valid, subsisting, and in full effect, covers
26 “editing of . . . internet videos,” among other services.

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