

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Judy A. Juracek,

Plaintiff

v.

Capcom CO., LTD. and Capcom USA, Inc.,

Defendants

Civil Action No. 3:21-cv-00775

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT; REMOVAL OF
COPYRIGHT MANAGEMENT
INFORMATION**

JURY TRIAL DEMANDED

COMPLAINT

Judy A. Juracek (hereinafter “Plaintiff” or “Juracek”) brings forth this action against Capcom CO., LTD. and Capcom USA, Inc (hereinafter collectively “Capcom” or “Defendants”) and complains and alleges as follows:

INTRODUCTION

1. This is an action for federal copyright infringement under 17. U.S.C. § 101 *et seq*, and removal of copyright management information.

PARTIES

2. Plaintiff Juracek is an individual with an address at 55 Turkey Plain Rd, Bethel CT 06801.

3. Upon information and belief, Defendant, CAPCOM CO., LTD. is a Corporation organized in Japan with an address of 3-1-3 Uchihiranomachi, Chuo-ku Osaka JAPAN 540-0037.

4. Upon information and belief, Defendant, Capcom U.S.A., Inc. is a California corporation having an address at 185 Berry Street, Suite 1200, San Francisco, CA 94107.

5. Capcom, and/or its agents or affiliated companies sell the game and series of games referred to as RESIDENT EVIL throughout the United States and the World, including sales in Connecticut.

JURISDICTION AND VENUE

6. This Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, and 1338 over the copyright claims because the action alleges *inter alia* violations of federal statutes.

7. Venue is proper in this judicial district under 28 U.S.C. § § 1391, 1400(a) because a substantial part of the events giving rise to the claims raised in the lawsuit occurred in this judicial district, and because Defendants conduct business in this district and Defendant's actions have injured Juracek, a Connecticut resident.

8. Upon information and belief, this Court has jurisdiction over Defendants because Defendants committed acts of copyright infringement in this district and have distributed copies of various infringing works that wrongfully utilize Juracek's photographs as described further herein, causing injury to Plaintiff in this state and district.

9. Defendants sell and market products in Connecticut which include Plaintiff's copyrighted material. Furthermore and upon information and belief, Defendant knew or had reason to believe that Plaintiff was located in Connecticut and that harm would be felt in Connecticut as a result of Defendant's actions.

10. Defendants have purposely availed themselves to this state and this district at least because they have promoted and sold their infringing products to consumers in this state and district.

FACTUAL BACKGROUND

11. Plaintiff has been a professional scenic artist, scene designer and photographer for much of her career, working on numerous well known film and TV productions.

12. As part of Plaintiff's work, she traveled around the world photographing various and unique decorative surfaces and features as part of her research related to set design which photographs are distinctive and exclusive to Plaintiff. These photos are extremely useful to designers and architects looking to create distinctive and memorable scenery and decorative features.

13. As a result of Plaintiff's work over the years, she grouped together various examples of unique and interesting surfaces, textures and features into a book and CD-Rom ("CD-ROM") which represented Plaintiff's extensive personal research work into decorative surfaces and textures.

14. More specifically, plaintiff is the author and photographer of the photography book called "SURFACES" which was published by the W.W. Norton Company and includes a copyright notice "© 1996 by Judy A Juracek All rights reserved" immediately next to the table of contents page. The ISBN is 0-393-73007-7 (the "book"). The book starts off "This collection of photographs began as my private file of photo research..."

15. Juracek is the owner of U.S. Copyright Registration Nos. TX4-442-862 which claims "text, photographs, and compilation in book; compilation on CD-ROM" as found in the book.

16. This book also included a CD-ROM which provided digital copies of the photos ("photographs") and suggested that the photos could be useful for various purposes and invited

interested persons to contact Juracek if licenses were desired. The CD-ROM also contains a copyright notice “© 1996 by Judy A Juracek All rights reserved”.

17. As a result of the book and photographs and CD-ROM, Juracek licensed copies of various photographs to many different parties who sought to use the photos commercially and the book became a very popular way for architects and designers to obtain exclusive high quality examples of unique decorative surfaces and features. The parties were required to contact Juracek to obtain high resolution digital files as the CD-ROM files were not high resolution. For the sake of clarity, anyone seeking a license for the photographs from the book or CD-ROM were required to contact Plaintiff to obtain the photos in a high resolution digital file suitable for commercial use as all rights were reserved as set forth in the copyright notice.

18. At all times, Juracek retained and continues to retain full ownership of book and photographs.

19. The CD-ROM also included a copyright notice on the front of the CD-ROM.

20. Juracek never sold or licensed the photographs to Defendants.

21. In the book, and the CD-ROM, the photographs are numbered. For example “G-79 shattered safety glass” in the book refers to a photo of shattered safety glass which Juracek obtained in Italy.

22. The CD-ROM includes a file called “G079” which is the same photo and a copy of that photo is found below.



23. This “G079” is but one example of the many highly unique photographs in Juracek’s book and CD-ROM, more specifically, the photo was taken in Italy of a unique looking glass shatter pattern that upon information and belief would not be duplicated by any other shattering of glass in that the probability of an object hitting the same thickness and configuration of glass identically at any other location is impossible or exceptionally remote.

24. Capcom’s primary logo for RESIDENT EVIL including the game, and related merchandise uses this “G079” photo to create the logo.

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.