

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

CASE No. 1:20-cv-23381

CORAL CASTLE, INC.

Plaintiff

v.

EPIC GAMES, INC.

Defendant

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**COMPLAINT**

Plaintiff Coral Castle, Inc. (“CCI” or “Plaintiff”), by and through undersigned counsel, files this Complaint (“Complaint”), and avers and asserts the following claims against Defendant Epic Games, Inc. (“EGI”):

**INTRODUCTION**

1. The case is about *Fortnite*, one of the most popular and best-selling video games of all time. EGI released *Fortnite* in or around September 2017. Since that time, the game has had sales exceeding \$1,000,000,000.00 (1 Billion Dollars).

2. One mode of the game is called *Fortnite: Battle Royale*, where one hundred (100) players attempt to survive in a virtual world made up of various cities, towns and landmarks (each a “Location,” collectively the “Locations”).

3. The virtual world of *Fortnite* is continually changing, with Locations being added (and removed) on a regular basis.

4. In some cases these Locations have names coined by EGI, like “Dusty Divot,” “Loot Lake” or “Tilted Towers”. In other cases, Locations have the names of fictional places from popular culture, like “Gotham City” and “Westworld.”

5. On or about August 1, 2020, EGI changed the virtual world of *Fortnite: Battle Royale* to add a Location called “Coral Castle,” and that is where the issue lies.

#### **THE PARTIES**

6. Plaintiff CCI is a Florida Corporation with its principal place of business located at 28655 South Dixie Highway, Miami, Florida 33033.

7. Defendant EGI is a North Carolina Corporation with its principal place of business at 620 Crossroads Boulevard, Cary, North Carolina 27518.

#### **JURISDICTION AND VENUE**

8. Through this Complaint, Plaintiff asserts claims against Defendant that arise under the Lanham Act of 1946, as amended, 15 U.S.C. § 1051, *et seq.*, Florida Common Law, and Florida Statutory Law.

9. This Court has subject matter jurisdiction over Plaintiff’s federal claims pursuant to 28 U.S.C. §§ 1331 and 1338(a) (federal question; trademarks), as well as 28 U.S.C. § 1332 (diversity).

10. The Court has subject matter jurisdiction over Plaintiffs’ pendant state law claims under 28 U.S.C. § 1367(a) because the state law claims arise out of a common nucleus of operative facts as the federal law claims.

11. Venue is also proper in this District and Division under 28 U.S.C. §§ 1391(b) and 1400(a) because EGI’s activities have caused substantial damage to CCI in this District and Division, and because EGI may be found in this District and Division.

## **FACTUAL BACKGROUND**

### **THE 'REAL' CORAL CASTLE**

12. Coral Castle is a limestone structure created by an eccentric Latvian-American named Edward Leedskalnin (1887–1951). It is located in unincorporated territory of Miami-Dade County, Florida, between the cities of Homestead and Leisure City. The structure comprises numerous megalithic stones, mostly limestone formed from coral, each weighing several tons.

13. Leedskalnin started work on what would become Coral Castle in the early 1920s. He moved the structure at least once during construction, but it has been in its present location since 1936. Leedskalnin continued to work on the structure until his death in 1951. Leedskalnin operated Coral Castle as a tourist attraction from 1923 on, charging ten (10) cents admission per person at first.

14. Leedskalnin's originally named the structure "Rock Gate." After his death (in 1951), Leedskalnin's family sold the property, and the new owners renamed it "Coral Castle." It continued to operate as a tourist attraction under the new ownership.

15. Coral Castle is currently a privately-operated tourist attraction, owned and operated by Plaintiff CCI.

16. Coral Castle is noted for legends surrounding its creation. Some claim it was built single-handedly by Leedskalnin using reverse magnetism or supernatural abilities to move and carve numerous stones, each weighing many tons. Due to its mysterious and mythical background, Coral Castle is often referred to as "Florida's Stonehenge."

17. Shown below are various images of Coral Castle:



18. Coral Castle is a world famous and well-known destination and tourist attraction.

19. Coral Castle is listed on the National Register of Historic Places.

20. Coral Castle has been featured in various films, including: (1) *The Wild Women of Wongo* (1958), (2) *Nude on the Moon* (1961), and (3) *Jimmy, the Boy Wonder* (1966).

21. Coral Castle was also featured on an episode of Leonard Nimoy's television program *In Search of...* (1976–1982), entitled "The Castle of Secrets," and on the History Channel series *Ancient Aliens* (Season 8, Episode 2(2014)).

22. TripAdvisor ranked Coral Castle as one of the Top 35 museums in the United States (out of over 35,000). Coral Castle has hosted thousands of visitors per year, including several national and local celebrities. In 2019, Coral Castle was named one of "The 40 Most Mysterious Places in the Whole Entire World" along with places like Area 51 and The Bermuda Triangle. Coral Castle's Facebook Page has over 69,000 Followers, and over 42,000 "Check-Ins" for the location. Billy Idol's song 1987 "Sweet Sixteen" is about Leedskaalnin's building of the structure, and his video for the song was filmed there. See Ex. C.

### **PLAINTIFF'S TRADEMARKS**

23. Plaintiff CCI holds two (2) U.S. Trademark Registrations related to Coral Castle. U.S. Reg. No. 5,057,446 for the mark CORAL CASTLE (the "'446 Registration") was issued on October 11, 2016 and covers services such as "On-line retail store services featuring hats, shirts, books, DVDs, replicas of museum attractions, collectible spoons, thimbles, lapel pins, tie tacks, mints, Christmas ornaments, souvenir patches, shot glasses, bumper stickers, toys, mugs, plates, cups, souvenir tins sold empty, magnets" (in Class 35) and "Museum services" (in Class 41). U.S. Reg. No. 5,057, 447 for the logo mark CORAL CASTLE MUSEUM EST. 1923 ~ MIAMI, FL (And Design) (the "'447 Registration") was issued on October 11, 2016 and covers services such as "Museum services" (in Class 41). See Ex. A.

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