

Plaintiff,

v.

DASH FILMS, INC., DAMON DASH
and KANYE WEST

Defendants.

Civil Action No.

JURY TRIAL DEMANDED

FILED
U.S. DISTRICT COURT
2015 APR -2 PM 2:05
S.D. OF N.Y.

**COMPLAINT FOR TRADEMARK INFRINGEMENT,
UNFAIR COMPETITION AND RELATED CLAIMS**

Plaintiff, Michael A. Medina, alleges his complaint against Defendants', Dash Films, Inc., Damon Dash and Kanye West, as follows:

NATURE OF THE ACTION

1. This action arises from Defendants' infringement of Plaintiff's "ownership" and "use" rights in the federally registered mark LOISAIDAS®, in connection with musical and film entertainment. Despite Plaintiff being the registered owner of the trademark LOISAIDAS® and offering various entertainment related services under such brand name including musical recordings and musical videos amongst other related goods and services, the Defendants' have infringed Plaintiff's "exclusive" rights in the LOISAIDAS® mark by filming and releasing for sale a movie promoted and offered for sale under the LOISAIDAS® brand, which is an infringement of Plaintiff's registered trademark. Defendant's continued use of the LOISAIDAS® mark is likely to cause confusion in the marketplace as to the affiliation or connection between the Defendants' and Plaintiff resulting in the unjust enrichment of Defendants' by using Plaintiff's registered trademark.

3. This Court has personal jurisdiction over the Defendants because the Defendants engage in continuous business activities in, and directed to the State of New York within this judicial district and because upon information and belief Defendants Damon Dash and Kanye West reside in New York City, and because Defendants has committed tortuous acts aimed at and causing harm within the State of New York and this judicial district.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) because it is where Plaintiff resides and the Defendant transacts business in this district, and because a substantial portion of the events giving rise to the asserted claims have occurred, and continue to occur, within this district. Furthermore, the damage to Plaintiff and its intellectual property described herein continues to occur in this judicial district.

THE PARTIES

5. Plaintiff, Michael A. Medina is an individual residing at 65 Columbia Street, Suite 15K, New York, NY 10002.

6. Upon information and belief, Defendant Dash Films, Inc. is a Delaware corporation with its principal place of business at 60 Orchard Street, New York, New York 10002.

7. Upon information and belief, Defendant Damon Dash is an individual residing at 25 N Moore Street #3A, New York, NY 10013.

9. Since at least as early as 2008, Michael A. Medina has been using the LOISAIDAS® brand in interstate commerce in connection with the offering of musical entertainment including but not limited to musical sounds recordings, musical videos and film pilots in the entertainment industry.

10. The mark LOISAIDAS® is used by Plaintiff as the brand name of a musical group in the Latin genre of music that is comprised of two musical artists hailing from Manhattan's Lower East Side in New York City.

11. The word "Loisaida" is a term derived from the Spanish pronunciation of "Lower East Side". **(See Exhibit A)**

12. Plaintiff coined the word LOISAIDAS® as a brand for his musical group by adding the letter "S" to the word "Loisaida" in view of the 2 man Latin artist duo being from Manhattan's Lower East Side.

13. The LOISAIDAS® mark has been in continuous use by Plaintiff for musical related goods and services of which musical singles have reached a twenty (20) plus week run on Billboard Latin Tropical Airplay reaching number 8, and also reaching #2 on New York's number one Tropical Latin station LaMega 97.9. **(See Exhibit B.)**

14. Musical singles under the LOISADIAS® brand can be found on www.amazon.com, www.itunes.com and through various other platforms that sell and/or promote musical goods and services.

pilots that are available on YOUTUBE®, VEVO® and various other online platforms. (See **Exhibit D**).

17. The LOISAIDAS® mark as used by Plaintiff has created a nationwide fan base and following for musical related goods and services under such brand name.

18. Plaintiff has also been using the LOISADIAS® mark since 2008 on a wide array of other goods and services including merchandise, clothing, and promotional materials including stickers, posters, banners and souvenirs.

19. Plaintiff is the registered owner of United States Trademark Registration No.s 3,917,555 and 4,086,336 for the mark LOISAIDAS®. (See **Exhibit E**).

20. Defendant Dash Films, Inc. is an independent film company founded and run by music industry mogul and entrepreneur Damon Dash.

21. Defendant Damon Dash has a long history in the music industry and musical entertainment field and is one of the founding members of legendary urban music label Roc-A-Fella Records that was also co-owned by musical superstar and entrepreneur Sean “JAY-Z®” Carter.

22. Defendant Damon Dash is the founder and owner of the art gallery Poppington which is located in Manhattan’s Lower East Side.

Lower East Side as well as through his affiliations and resources in the music industry, Defendant became aware of Plaintiff's LOISAIIDAS® brand and musical group.

25. Throughout Defendant Damon Dash's tenure as an executive at Roc-a-Fella Records, he released several independent films themed around the urban and ghetto streets of New York City which films have always included established and/or known musical artist who have played the role as actors in the released films.

26. Defendant Damon Dash based on his knowledge and resources in the film entertainment industry decided to blatantly and willfully steal and utilize Plaintiff's registered trademark to brand and promote his independent film.

27. Defendant Kanye West who is the executive producer of the LOISAIIDAS film has a long history with Defendant Dash in the musical entertainment field and teamed up with Defendant Dash to produce the film. **(See Exhibit F).**

28. Defendant Dash Films, Inc. has released the LOISAIIDAS film themed with stories of characters from the ghetto streets of New York City that glorify and or promote murder, violence, and drug sales. **(See Exhibit G).**

29. The majority of actors and or actresses that play a role in the LOISAIIDAS movie by Defendants' are either musical artists or individuals that have worked in the musical entertainment industry. **(See Exhibit H).**

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.