

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

<p>CORRINE ELLSWORTH-BEAUMONT,  Plaintiff,  v.  BRISTOL-MYERS SQUIBB COMPANY,  Defendant.</p>	<p>Civil Action No.:</p> <p><b>COMPLAINT</b></p> <p><b><u>JURY TRIAL DEMANDED</u></b></p>
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Plaintiff Corrine Ellsworth-Beaumont complains and alleges against Defendant Bristol-Myers Squibb Company as follows:

**THE PARTIES**

1. Plaintiff Corrine Ellsworth-Beaumont (hereinafter “Plaintiff”) is an individual residing in Bountiful, Utah.
2. Upon information and belief, Defendant Bristol-Myers Squibb Company (hereinafter “Defendant”), is a Delaware corporation with a principal place of business at 430 E. 29th Street, 14th Floor, New York, NY 10016.

**JURISDICTION AND VENUE**

3. This is an action for copyright infringement under the Copyright Act, 17 U.S.C. § 101 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331. This Court also has subject matter jurisdiction under 28 U.S.C. § 1332 because there is complete diversity as between Plaintiff and Defendant, and the amount in controversy in this action exceeds \$75,000.

4. Upon information and belief, Defendant has its principal place of business in the state of New York and conducts substantial business in New York from which this action arises, in whole or in part, and is therefore subject to the jurisdiction of this Court.

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)(1) because Defendant resides in this district.

**ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

**The Dandelion Works**

6. Plaintiff is a leading expert in breast health communication design. After losing two family members to breast cancer, Plaintiff struggled to find literature and resources to help increase her understanding of breast cancer.

7. As a professional designer, Plaintiff knows the power of a good visual to simplify and explain complex subjects. Plaintiff's research efforts inspired her to create educational materials to help patients and their family members better understand the symptoms of and treatments for breast cancer.

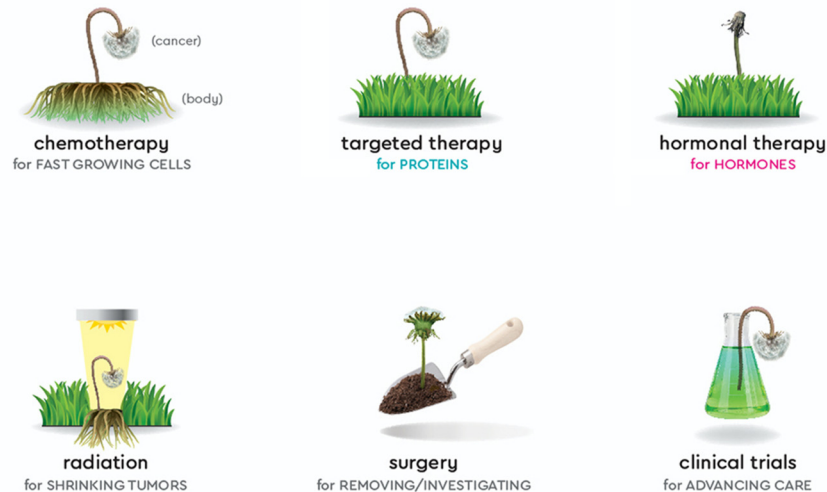
8. Among other endeavors, Plaintiff started the non-profit organization Worldwide Breast Cancer, which she has used to educate millions of women around the world about breast cancer.

9. Plaintiff has also developed various visual guides that explain concepts relating to cancer using common objects such as fruits and plants.

10. One of these works uses a dandelion as the central metaphor. Plaintiff compares the different methods of treating a dandelion outbreak (e.g., using a general weed killer, using a

targeted weed killer, digging the dandelions up, etc.) with different methods of treating breast cancer (e.g., chemotherapy, hormone therapy, surgery, etc.).

11. Some examples from the Dandelion Works are shown below:



12. Plaintiff has authored several creative works using this dandelion metaphor (collectively, “the Dandelion Works”).

13. Plaintiff acquired copyright Reg. No. VAu 1-346-869 for some of the Dandelion Works. A copy of this copyright certificate and the materials it covers is attached as Exhibit A.

14. Plaintiff also acquired copyright Reg. Nos. VAu 1-396-812 for some of the Dandelion Works.


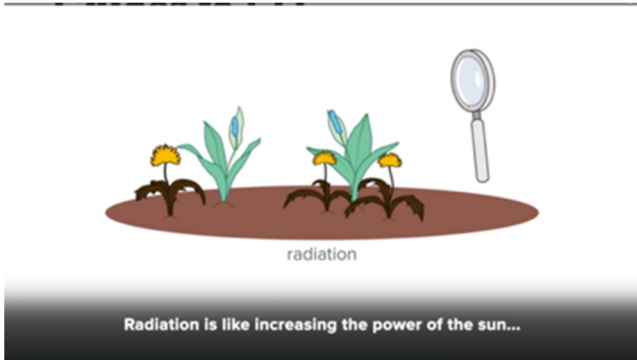
15. Since creating the Dandelion Works, Plaintiff has publicly displayed and published them at numerous cancer conferences since 2015. Defendant attended one or more of the conferences at which the Dandelion Works were displayed. The Dandelion Works are well-known in the pharmaceutical community that focuses on cancer treatments.

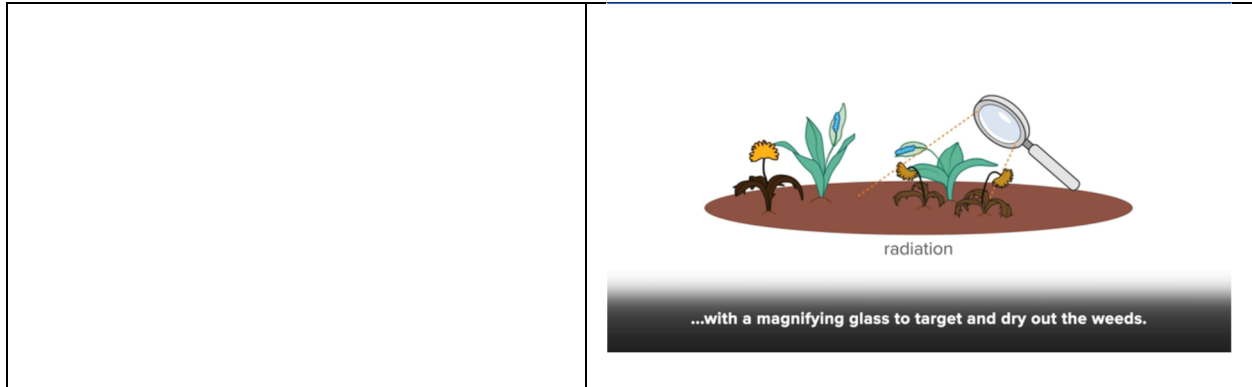
**Defendant’s Infringing Works**

16. Defendant is an international pharmaceutical company that manufactures and markets a wide variety of drugs and medical treatments, including treatments for various types of cancer.

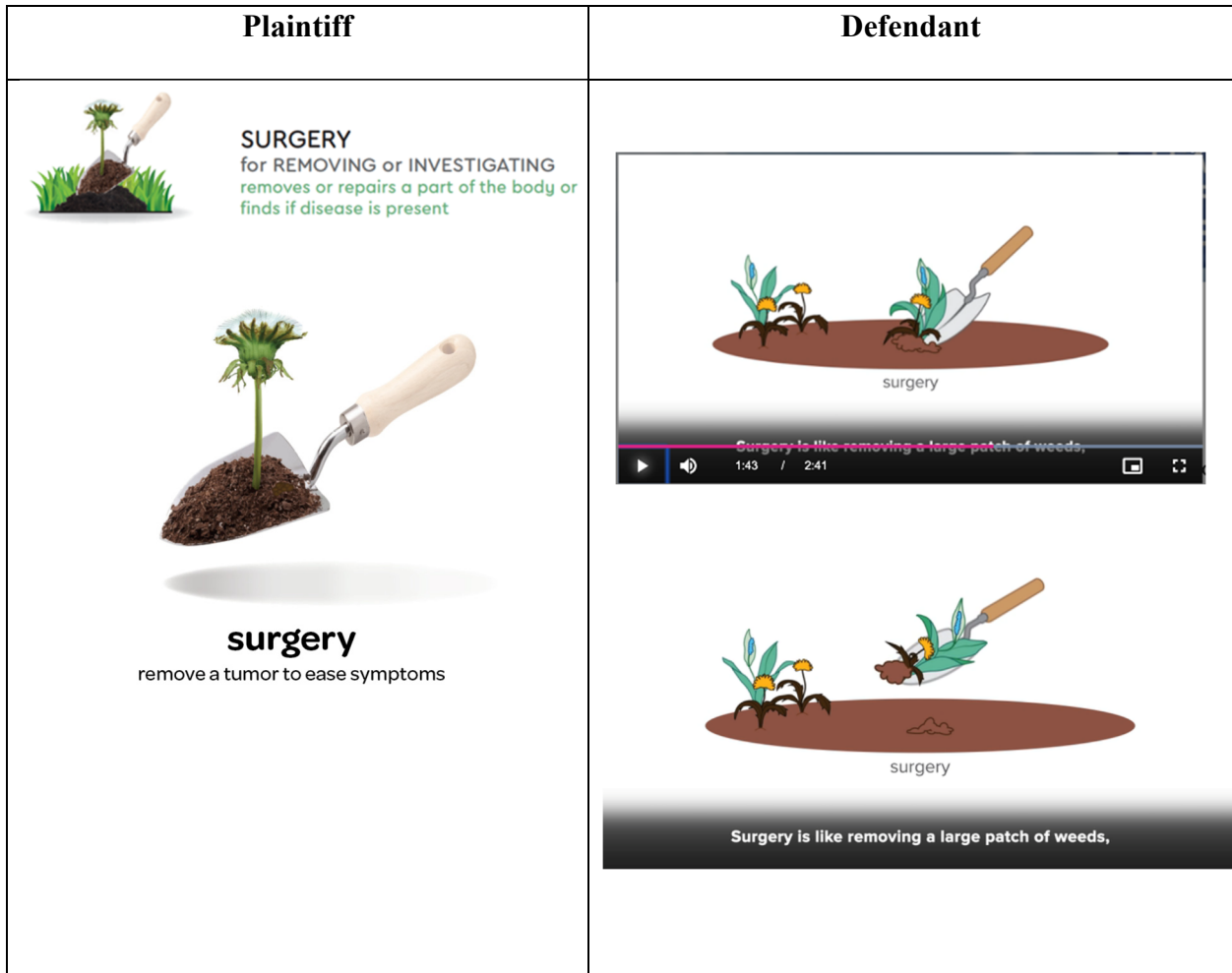
17. Plaintiff discovered that Defendant created derivative works of some of Plaintiff’s copyrighted materials and is using those works in Defendant’s own marketing materials to promote Defendant’s immuno-oncology treatments.

18. For example, Plaintiff explains radiation treatments using images showing a magnifying glass that targets dandelions by increasing the power of the sun. Defendant uses materials similar to these, as shown below:

Plaintiff	Defendant
 <p><b>radiation</b> shrink a tumor with invisible rays</p> <p>To explain radiation, think of your body as a field of grass that has dandelions scattered in several places. One way you might get rid of them is to let the sun dry out a small area where the dandelions are and let them shrivel up, as with a magnifying glass.</p>	 <p>radiation</p> <p>Radiation is like increasing the power of the sun...</p>



19. Plaintiff explains surgery using images showing a garden trowel digging up a dandelion. Defendant uses similar visuals, as shown below:



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