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UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

<p>DOUGLAS CAVANAUGH, an individual;</p> <p>Plaintiff,</p> <p>v.</p> <p>AMAZON.COM, INC., a Delaware corporation; and DOES 1–10;</p> <p>Defendants.</p>	<p>Case No. 20-1765</p> <p>PLAINTIFF’S COMPLAINT FOR:</p> <ol style="list-style-type: none"> 1. COPYRIGHT INFRINGEMENT, and 2. VICACRIOUS and/or CONTRIBUTORY COPYRIGHT INFRINGEMENT <p>JURY TRIAL DEMANDED</p>
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Plaintiff Douglas Cavanaugh (“Cavanaugh” or “Plaintiff”), by and through his undersigned attorneys, hereby prays to this honorable Court for relief based on the following:

INTRODUCTION

Plaintiff Douglas Cavanaugh is a Pennsylvania artist whose unique artwork incorporates various Celtic and Nordic themes, including unique depictions of mythological creatures. Cavanaugh’s livelihood is dependent on his ability to license his artwork and sell merchandise

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Case No. 20-1765

The Jacob Freeman Law Firm, PLLC
415 1st Avenue N | No. 9466
Seattle, Washington | 98109

1 bearing his designs. Unfortunately, Cavanaugh’s artwork has been misappropriated and
2 incorporated into unauthorized apparel and personal accessory items being sold on Amazon.com,
3 Inc.’s (“Amazon”) website and marketplace, www.amazon.com (“Amazon Website”). Despite
4 Amazon’s receipt of a fully compliant takedown notice under the Digital Millennium Copyright
5 Act (“DMCA”) from Plaintiff, Plaintiff’s copyrights continue to be infringed on the Amazon
6 Website. This action is brought to address Amazon’s failure to comply with the DMCA and the
7 resulting ongoing and willful infringement of Plaintiff’s rights in and to his artwork.
8

9
10 **JURISDICTION AND VENUE**

11 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., §§ 101 *et seq.*

12 2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

13 3. Defendant Amazon.com, Inc. is subject to personal jurisdiction in Washington
14 because it maintains its principal place of business in this state, at 410 Terry Avenue North, Seattle,
15 Washington 98109.
16

17 4. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(b)(2) and (c)(2)
18 because this is the judicial district in which a substantial part of the events giving rise to the claim
19 occurred and this is the jurisdiction in which Defendant may be found.
20

21 **PARTIES**

22 5. Plaintiff Douglas Cavanaugh (“Plaintiff”) is an individual domiciled and residing
23 in Ferndale, Pennsylvania.

24 6. Upon information and belief, Defendant Amazon.com, Inc. is a corporation
25 organized and existing under the laws of the State of Delaware with its principal place of business
26 located in Seattle, Washington.
27

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1 7. Upon information and belief, Defendants DOES 1-5, inclusive, are manufacturers
2 and/or distributors of products offered for sale on the Amazon Website, which Defendants DOES
3 1-5 have manufactured, imported, supplied, and distributed apparel and other products bearing
4 unlawful reproductions of Plaintiff’s illustration titled “Fenrir: The Monster Wolf of Norse
5 Mythology” (the “Subject Work”) without Plaintiff’s consent, or have contributed to said
6 infringement. The true names, whether corporate, individual, or otherwise of Defendants DOES
7 1-5, inclusive, are presently unknown to Plaintiff, who therefore sues said Defendants by such
8 fictitious names and will seek leave to amend this complaint to show their true names and
9 capacities when the same have been ascertained.
10

11
12 8. Upon information and belief, Defendants DOES 6-10, inclusive, are retailers and/or
13 vendors of products offered for sale on the Amazon Website, which Defendants DOES 6-10 have
14 displayed and distributed apparel and other products bearing unlawful reproductions of Plaintiff’s
15 illustration titled “Fenrir: The Monster Wolf of Norse Mythology” (the “Subject Work”) without
16 Plaintiff’s consent, or have contributed to said infringement. The true names, whether corporate,
17 individual, or otherwise of Defendants DOES 6-10, inclusive, are presently unknown to Plaintiff,
18 who therefore sues said Defendants by such fictitious names and will seek leave to amend this
19 complaint to show their true names and capacities when the same have been ascertained.
20

21
22 9. Upon information and belief, and at all times relevant hereto, each of the
23 Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or
24 employee of the remaining Defendants and was at all times acting within the scope of such agency,
25 affiliation, alter-ego relationship and/or employment; and actively participated in or subsequently
26 ratified and adopted, or both, each and all of the acts or conduct alleged, with full knowledge of
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1 all the facts and circumstances, including, but not limited to, full knowledge of each and every
2 violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

3
4 **CLAIMS RELATED TO PLAINTIFF'S DESIGN**
"FENRIR: THE MONSTER WOLF OF NORSE MYTHOLOGY"

5 10. Prior to the conduct complained of herein, Plaintiff composed the Subject Work –
6 an original two-dimensional artwork for use, license, and sale on t-shirts and other products. The
7 Subject Work was a creation of Plaintiff, and is, and at all relevant times was, owned exclusively
8 by Plaintiff.

9
10 11. Plaintiff applied for a United States copyright registration for the Subject Work.
11 The resulting U.S. Copyright Registration No. VA 2-119-205 has an effective date of December
12 11, 2017. The Copyright Registration Certificate and accompanying deposit materials are annexed
13 hereto as **EXHIBIT A**.

14
15 12. Prior to the acts complained of herein, Plaintiff posted the Subject Work onto his
16 website, www.CelticHammerClub.com, and offered it for sale on t-shirts and other products via
17 his own website, and also third party websites, including but not limited to, RedBubble.com and
18 TeePublic.com.

19
20 13. Following Plaintiff's publication and distribution of products bearing the Subject
21 Work, he discovered that certain entities and individuals had misappropriated the design and were
22 selling apparel and personal accessory products bearing illegal reproductions of the Subject Work
23 on the Amazon Website.

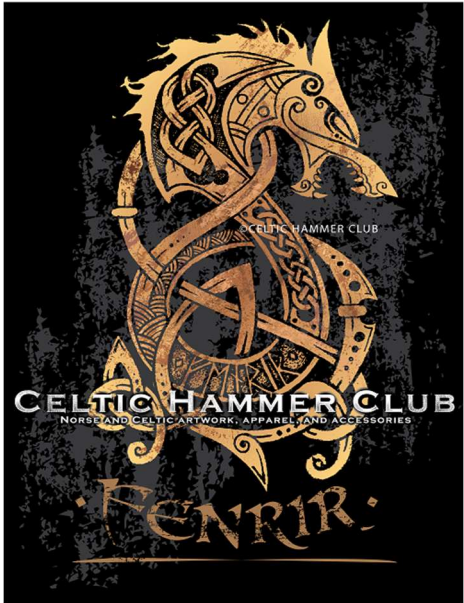

24
25 14. Upon information and belief, and without Plaintiff's authorization, Defendants
25 created, sold, manufactured, caused to be created, manufactured, imported and/or distributed,
26 apparel and other products bearing designs which are identical to the Subject Work ("Infringing
27

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Fenrir Product”). Below is a comparison of the Subject Work and one exemplar of Infringing Fenrir Product:

The Subject Work	Infringing Fenrir Product Exemplar
	

15. The above comparison clearly shows that the elements, composition, colors, arrangement, layout, and appearance of the designs at issue are substantially similar and/or identical.

16. The above exemplar is non-inclusive, and the allegations set forth herein are as to the entire universe of product sold by Defendants, and each of them, that bear a design similar to the Subject Work.

17. On October 14, 2020, Plaintiff submitted a notice of copyright infringement to Amazon’s legal department, in compliance with the Digital Millennium Copyright Act

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