

1 Lincoln D. Bandlow (SBN: 170449)
Lincoln@BandlowLaw.com
2 Rom Bar-Nissim (SBN: 293356)
Rom@BandlowLaw.com
3 **Law Offices of Lincoln Bandlow, P.C.**
4 1801 Century Park East, Suite 2400
Los Angeles, CA 90067
5 Telephone: 310.556.9680
6 Facsimile: 310.861.5550

7 Attorneys for Defendants
Ted Entertainment, Inc., Teddy Fresh, Inc.
8 Ethan Klein and Hila Klein

9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12
13 TRILLER FIGHT CLUB II LLC, a
14 Delaware limited liability company,

15 Plaintiff,

16 v.

17 TED ENTERTAINMENT, INC., a
18 California corporation; TEDDY
19 FRESH, INC., a California
20 corporation; ETHAN KLEIN, an
individual; HILA KLEIN, an
individual; and DOES 1-10

21 Defendants.

Case No.: 2:21-cv-03942-JAK-KS

**DEFENDANTS' NOTICE OF
MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED
COMPLAINT PURSUANT TO
F.R.C.P. 12(b)(6)**

[Memorandum of Points and Authorities;
Declarations of Ethan Klein and Lincoln
D. Bandlow, Request for Judicial Notice,
Notice of Lodging and Compendium of
Exhibits filed concurrently herewith]

Assigned to: Hon. John A. Kronstadt

Date: November 22, 2021

Time: 8:30 a.m.

Place: Courtroom 10B

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that on November 22, 2021, at 8:30 a.m., or as
3 soon thereafter as the matter may be heard by the Court, in Courtroom 10B of this
4 Court at 350 W. First Street, Los Angeles, California, before the Honorable John A.
5 Kronstadt, Defendants TED ENTERTAINMENT, INC., TEDDY FRESH, INC.,
6 ETHAN KLEIN and HILA KLEIN (collectively, “Defendants”) will and hereby do
7 respectively move this Court for an Order dismissing with prejudice the Second
8 Amended Complaint (“SAC”) of Plaintiff Triller Fight Club II, LLC (“Plaintiff”)
9 pursuant to Federal Rule of Civil Procedure (“F.R.C.P.”) Rule 12(b)(6) (the
10 “Motion to Dismiss”).

11 This Motion to Dismiss is made on the grounds that:

12 1. Plaintiff’s claim for copyright infringement: (1) fails to state sufficient
13 facts to plausibly state a claim for relief; and (2) fails as a matter of law under the
14 doctrine of fair use. *See* F.R.C.P. Rule 12(b)(6); 17 U.S.C. § 107.

15 2. Plaintiff’s claim for vicarious copyright infringement: (1) fails to state
16 sufficient facts to plausibly state a claim for relief; and (2) fails as a matter of law
17 under the doctrine of fair use. *See* F.R.C.P. Rule 12(b)(6); 17 U.S.C. § 107.

18 3. Plaintiff’s claim for violation of 47 U.S.C. Section 605 of the Federal
19 Communications Act fails to state sufficient facts to plausibly state a claim for
20 relief and fails as a matter of law. *See* F.R.C.P. Rule 12(b)(6).

21 This Motion to Dismiss is based on this Notice, the Memorandum of Points
22 and Authorities, the Declaration of Ethan Klein, the Declaration of Lincoln D.
23 Bandlow, the Request for Judicial Notice, the Notice of Lodging and Compendium
24 of Exhibits, the pleadings and other papers on file in this action and upon such
25 argument as may be presented prior to the Court’s determination of this matter.


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This Motion to Dismiss is made following the conference of counsel pursuant to Local Rule 7-3 that took place on July 14, 2021.

Dated: September 6, 2021

Law Offices of Lincoln Bandlow

By 

LINCOLN D. BANDLOW
ROM BAR-NISSIM
Attorneys for Defendants