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9 *Attorneys for Plaintiff TRILLER FIGHT CLUB II LLC*

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

12 TRILLER FIGHT CLUB II LLC, a
 13 Delaware Limited Liability Company,

14 Plaintiff,

15 vs.

16
 17 ARVIN DE LA SANTOS, an individual;
 YOUR EXTRA, an unknown business
 18 entity; and DOES 1 through 10, inclusive,

19 Defendants.
 20
 21

CASE NO.: 2:21-cv-4906

COMPLAINT FOR:

1. **COPYRIGHT INFRINGEMENT**
2. **VIOLATION OF THE FEDERAL COMMUNICATIONS ACT, 47 U.S.C. § 605**
3. **VICARIOUS COPYRIGHT INFRINGEMENT**

JURY TRIAL DEMANDED

1 Plaintiff Triller Fight Club II LLC, a Delaware limited liability company (“Plaintiff” or
2 “Triller”) hereby complains against Defendants Arvin De La Santos, an individual (“Santos”), Your
3 EXTRA, an unknown business entity (“Your Extra”), and Does 1 through 10, inclusive (collectively,
4 the “Defendants”), and alleges as follows:

5 **NATURE OF THIS ACTION**

6 1. Plaintiff is the copyright owner and publisher of the Triller Fight Club broadcast of
7 the “Jake Paul vs. Ben Askren” boxing event, including all undercard bouts and the entire television
8 broadcast, exhibited via closed circuit television and via encrypted satellite signal (hereinafter
9 referred to as the “Broadcast”). Plaintiff’s copyright in the Broadcast bears Registration Number PA
10 2-290-040, became effective on April 30, 2021, and was decided on May 4, 2021. An unofficial
11 copy of the Copyright Registration Certificate is attached as Exhibit A.

12 2. The Broadcast was filmed by cameras at the event which were connected to satellite
13 trucks also at the event. The satellite trucks uplinked a satellite transmission which was then
14 downlinked to different networks, such as FITE TV (“FITE”). FITE downlinked the Broadcast from
15 a satellite using equipment and services from PSSI Global Services, LLC (“PSSI”), and made the
16 Broadcast available to paying customers worldwide through its applications and supported devices.
17 Plaintiff institutes this action to obtain remedy for—and to permanently hinder—the blatantly
18 unlawful infringement and rampant theft of its copyrighted work by the Defendants.

19 3. Since on or about December 23, 2017, Defendants, and each of them, have owned
20 and operated the YouTube channel located at <https://www.youtube.com/c/YourEXTRA> (the
21 “YouTube Channel”). Upon information and belief, Defendants, and each of them, unlawfully
22 uploaded, distributed and publicly displayed, without authorization, and with no supplemental
23 commentary or other attempt at transformation, the Broadcast to the users of the YouTube Channel.
24 Plaintiff promptly notified YouTube of the infringing content, and the aforementioned video is no
25 longer available.

26 4. Defendants’ calculated and reprehensible infringement, theft, and other unlawful
27 acts—committed in knowing violation of the law—has resulted in damages suffered by Plaintiff by
28 stealing and diverting unique viewers of the illegal and unauthorized viewings of the Broadcast from

1 Plaintiff.

2 **JURISDICTION AND VENUE**

3 5. This Court has subject matter jurisdiction pursuant to 17 U.S.C. § 101, et seq. and 28
4 U.S.C. § 1331, which states that district courts shall have original jurisdiction over all civil actions
5 arising under the Constitution, laws, or treaties of the United States. This Court also has subject
6 matter jurisdiction pursuant to 28 U.S.C. § 1338(a), which states that district courts shall have
7 original jurisdiction of any civil action relating to, among other things, copyrights.

8 6. This Court has specific personal jurisdiction over Defendants as a result of
9 Defendants' contacts with this District.

10 7. Venue is proper in this District pursuant to 28 U.S.C § 1391(b)(2) because a
11 substantial part of the events or omissions giving rise to the claims occurred in this district.

12 **PARTIES**

13 8. Plaintiff is a limited liability company organized under the laws of Delaware and
14 having its principal place of business in the State of California.

15 9. Plaintiff is engaged in the business of distributing its copyrighted materials as defined
16 in 17 U.S.C. § 101, and offering such content, including the Broadcast, for purchase on a Pay-Per-
17 View basis to its paying customers over the internet or via cable or satellite TV. Plaintiff invests
18 substantial money, time, and effort in advertising, promoting, selling, and licensing programming
19 such as the Broadcast.

20 10. Plaintiff owns the copyrights to the Broadcast. As the exclusive owner of the
21 Copyright in its programing, including but not limited to the Broadcast, Plaintiff possesses the
22 exclusive rights to, *inter alia*, exhibit, distribute, disseminate and perform the Broadcast publicly.

23 11. Upon information and belief, Santos is an individual residing in Los Angeles,
24 California. Upon information and belief, Santos owns, operates, or otherwise controls Your Extra,
25 which owns, operates, or otherwise controls the YouTube Channel for the purpose of permitting,
26 encouraging, facilitating, and inducing the sharing of videos and live programing of audiovisual
27 materials between users of the website. Those materials include programming owned and/or
28 controlled by Plaintiff, including the Broadcast, which was offered by Santos through his illegal

1 uploading and distribution of the Broadcast via the YouTube Channel.

2 12. Upon information and belief, Your Extra is a business entity, the exact nature of which
3 is unknown, doing business in the State of California. Upon information and belief, Your Extra owns,
4 operates, or otherwise controls the YouTube Channel for the purpose of permitting, encouraging,
5 facilitating, and inducing the sharing of videos and live programming of audiovisual materials between
6 users of the website. Those materials include programming owned and/or controlled by Plaintiff,
7 including the Broadcast, which was offered by Your Extra through its illegal uploading and
8 distribution of the Broadcast via the YouTube Channel.

9 **ALTER EGO ALLEGATIONS**

10 13. Upon information and belief, at all relevant times, there existed a unity of interest
11 between Defendants such that any individuality or separateness between them has ceased. Your
12 Extra is the alter ego of Santos in that:

- 13 a. Your Extra is, and at all relevant times was, a mere shell, instrumentality, and
14 conduit through which Santos carried on business in the name of Your Extra,
15 while exercising complete control and dominance over Your Extra, its business
16 and assets, to such an extent that any individuality or separateness between Your
17 Extra and Santos.
- 18 b. Your Extra was conceived, intended, and used by Santos as a device to avoid
19 liability and for the purpose of substituting an undercapitalized entity—namely,
20 Your Extra—in the place of Santos. Your Extra is, and at all times herein
21 mentioned was, so inadequately capitalized that, compared with the business done
22 by Santos and the risks of loss, its capitalization was illusory and trifling. In
23 addition, many assets of Your Extra were transferred without adequate
24 consideration to Santos.
- 25 c. Santos diverted assets from Your Extra to himself to suit his own convenience in
26 carrying out business matters which were and should have been the domain of
27 Your Extra.
- 28 d. Your Extra is, and at all times herein mentioned was, controlled, dominated, and

1 operated by Santos as his alter ego, in that the activities and business of Your
2 Extra were carried out without annual meetings, and without keeping records or
3 minutes of any proceedings, or maintaining written resolutions.

4 14. Adherence to the fiction of the separate existence of Your Extra and Santos would
5 permit an abuse of the corporate privilege and would sanction fraud, promote injustice, and otherwise
6 aid in the commission of unlawful conduct. This is true because, as Plaintiff is informed and believes,
7 at all relevant times, Defendants were commingling assets in a manner that allowed Defendants to
8 utilize and freely transfer those assets amongst themselves. The commingling of assets and unlawful
9 business conduct, as alleged more fully herein, by Defendants was intended, among other things, to
10 allow Santos to avoid liability to Plaintiff and others.

11 **COUNT ONE**

12 **(Copyright Infringement)**

13 15. Plaintiff hereby realleges, and by this reference incorporates herein, each and every
14 allegation of preceding and subsequent paragraphs as though fully set forth herein.

15 16. Plaintiff is the owner of the copyrights to the Broadcast, including all undercard bouts
16 and the entire television Broadcast. Plaintiff's rights include, but are not limited to, all moving
17 images and other audio/video content which were broadcasted via encrypted satellite signal. The
18 Broadcast originated via satellite uplink and were subsequently retransmitted to cable systems and
19 satellite companies via satellite signal and/or retransmitted via satellite signal to licensed content
20 distributors such as Plaintiff's authorized, online platforms.

21 17. As the copyright holder to the rights of the Broadcast, Plaintiff has the exclusive right
22 to copy, publicly perform and distribute it.

23 18. Defendants failed to obtain the proper authority or license from Plaintiff to copy,
24 publicly perform or distribute the Broadcast.

25 19. Upon information and belief, Defendants illegally copied, uploaded, publicly
26 performed and distributed the Broadcast via the internet with full knowledge that the Broadcast could
27 only be obtained by purchasing a license from Plaintiff.

28 20. Defendants utilized the YouTube Channel to upload, distribute, and publicly display

1 the Broadcast to the users of such website in direct violation of the exclusive rights owned by
2 Plaintiff.

3 21. Specifically, upon information and belief, the Defendants obtained the Broadcast
4 through internet websites, cable and/or satellite Pay-Per-View purchase intended for private, non-
5 commercial viewing, and subsequently illegally re-transmitted the Broadcast and publicly exhibited
6 the Broadcast by illegally copying and uploading the Broadcast to the YouTube Channel.

7 22. Defendants have infringed on Plaintiff's copyright in the Broadcast by reproducing,
8 adapting distributing, uploading, copying, and publicly displaying the copyrighted works without
9 Plaintiff's authorization in violation of the Copyright Act, 17 U.S.C. § 501, and have recouped profits
10 from the YouTube Channel through the generation of advertising revenue gained by consumer
11 viewership of the Broadcast.

12 23. Defendants' acts of infringement were willful, in blatant disregard of, and committed
13 with indifference to Plaintiff's rights.

14 24. By reason of Defendants' conduct as described herein, Defendants willfully violated
15 17 U.S.C. § 501.

16 25. Due to Defendants' acts of copyright infringement as alleged herein, Defendants
17 have obtained direct and indirect profits Defendants would not otherwise have realized but for
18 Defendants' infringement of the Broadcast. As such, Plaintiff is entitled to disgorgement of
19 Defendant's profits directly and indirectly attributable to Defendants' infringement of the
20 Broadcast, in an amount to be established at trial.

21 26. Plaintiff is further entitled to its attorney's fees and full costs pursuant to 17 U.S.C. §
22 505.

23 **COUNT TWO**

24 **(Violation of the Federal Communications Act, 47 U.S.C. § 605)**

25 27. Plaintiff hereby realleges, and by this reference incorporates herein, each and every
26 allegation of preceding and subsequent paragraphs as though fully set forth herein.

27 28. Plaintiff is the owner of the Broadcast, including all undercard matches and the entire
28 television broadcast, aired via closed circuit television and via encrypted satellite signal.

1 allegation of preceding and subsequent paragraphs as though fully set forth herein.

2 37. Plaintiff is the owner of the copyrights to the Broadcast, including all undercard bouts
3 and the entire television Broadcast. Plaintiff's rights include, but are not limited to, all moving images
4 and other audio/video content which were broadcasted via encrypted satellite signal. The Broadcast
5 originated via satellite uplink and were subsequently retransmitted to cable systems and satellite
6 companies via satellite signal and/or retransmitted via satellite signal to licensed content distributors
7 such as Plaintiff's authorized, online platforms.

8 38. Upon information and belief, Defendants directly infringed on Plaintiff's Broadcast
9 by illegally uploading the Broadcast and/or portions thereof via the internet on the YouTube Channel
10 in direct violation of Plaintiff's exclusive copyright.

11 39. Upon information and belief, Defendants encouraged online users to copy, share,
12 download, distribute, and share content, including the Broadcast, on the YouTube Channel, and
13 Defendants facilitated, participated in and induced users to engage in the unauthorized reproduction,
14 adaptation, public display and public performance of programming containing Plaintiff's
15 copyrighted Broadcast.

16 40. Defendants had the right and ability to control and prevent the users on the YouTube
17 Channel from directly accessing and infringing on Plaintiff's Broadcast which was copied, uploaded,
18 and distributed by Defendants.

19 41. Defendants derived a financial benefit from such users' activities on the YouTube
20 Channel through the generation of advertising revenue gained by consumer viewership of the
21 Broadcast.

22 42. By reason of Defendants' conduct as described herein, Defendants willfully violated
23 17 U.S.C. § 501.

24 43. Due to Defendants' acts of copyright infringement as alleged herein, Defendants
25 have obtained direct and indirect profits Defendants would not otherwise have realized but for
26 Defendants' infringement of the Broadcast. As such, Plaintiff is entitled to disgorgement of
27 Defendant's profits directly and indirectly attributable to Defendants' infringement of the
28 Broadcast, in an amount to be established at trial.

1 44. Plaintiff is further entitled to its attorney’s fees and full costs pursuant to 17 U.S.C. §
2 505.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

5 AS TO COUNT ONE:

- 6 1. That Defendants, Defendants’ employees, representatives, and agents be enjoined
7 from copying, uploading, distributing, selling, or otherwise infringing on Plaintiff’s
8 copyright in the Broadcast;
- 9 2. That Plaintiff be awarded all profits of Defendants plus all losses of Plaintiff, the exact
10 sum to be proven at the time of trial; and
- 11 3. That an order be issued requiring Defendants to account to Plaintiff for profits
12 attributable to their use of Plaintiff’s copyright, in accordance with proof.

13 AS TO COUNT TWO:

- 14 4. For statutory penalties in an amount, in the discretion of this Court, of up to the
15 maximum amount of \$110,000.00 for each of the Defendants’ willful violations of 47
16 U.S.C. § 605(a).

17 AS TO COUNT THREE:

- 18 5. That Defendants, Defendants’ employees, representatives, and agents be enjoined
19 from copying, uploading, distributing, selling, or otherwise infringing on Plaintiff’s
20 copyright in the Broadcast;
- 21 6. That Plaintiff be awarded all profits of Defendants plus all losses of Plaintiff, the exact
22 sum to be proven at the time of trial; and
- 23 7. That an order be issued requiring Defendants to account to Plaintiff for profits
24 attributable to their use of Plaintiff’s copyright, in accordance with proof.

25 AS TO ALL COUNTS:

- 26 8. For pre-judgment and post-judgment interest on all damages awarded;
- 27 9. For attorneys’ fees and costs of suit incurred herein according to proof; and
- 28 10. For such other and further relief as the Court may deem just and proper.

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Dated: June 16, 2021

NOVIAN & NOVIAN, LLP
Attorneys at Law

By: /s/ Farhad Novian
FARHAD NOVIAN,
MICHAEL O'BRIEN,
ALEXANDER BRENDON GURA,

Attorneys for Plaintiff TRILLER FIGHT CLUB II LLC

EXHIBIT A

Registration #: PA0002290040
Service Request #: 1-10414848281

Mail Certificate

Latham & Watkins LLP
Julie L. Dalke
650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626 United States

Priority: Special Handling **Application Date:** April 30, 2021

Correspondent

Organization Name: Latham & Watkins LLP
Name: Julie L. Dalke
Email: ipdocket@lw.com
Address: 650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626 United States

Registration Number

PA 2-290-040

Effective Date of Registration:

April 30, 2021

Registration Decision Date:

May 04, 2021

Title

Title of Work: Jake Paul vs Ben Askren

Completion/Publication

Year of Completion: 2021

Date of 1st Publication: April 17, 2021

Nation of 1st Publication: United States

Author

- Author:** Triller Fight Club II, LLC
- Author Created:** entire motion picture
- Work made for hire:** Yes
- Domiciled in:** United States

Copyright Claimant

Copyright Claimant: Triller Fight Club II, LLC
2121 Avenue of the Stars Suite 2320, Los Angeles, CA, 90067, United States

Limitation of copyright claim

Material excluded from this claim: preexisting footage, preexisting photograph(s), preexisting music, musical performances

New material included in claim: additional new footage, production as a motion picture

Certification

Name: John Flock

Date: April 30, 2021

Applicant's Tracking Number: 068356-0002

