

SCNEIDER ROTHMAN INTELLECTUAL PROPERTY LAW GROUP, PLLC
LOS ANGELES, CALIFORNIA

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7 FOTOHAUS, LLC

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

11 FOTOHAUS, LLC,) **Case Number: 3:17-cv-7339**
12)
13 Plaintiff,)
14 vs.) **COMPLAINT FOR COPYRIGHT**
15) **INFRINGEMENT**
16 LINKEDIN CORPORATION,) **Demand for Jury Trial**
17)
18 Defendant.)
19)

20 **COMPLAINT FOR COPYRIGHT INFRINGEMENT**
21 **(INJUNCTIVE RELIEF DEMANDED)**

22 Plaintiff FOTOHAUS, LLC by and through undersigned counsel, brings this
23 Complaint against Defendant LINKEDIN CORPORATION for damages and injunctive
24 relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1
2 1. Plaintiff FOTOHAUS, LLC (“Fotohaus”) brings this action for violations
3 of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute
4 Fotohaus’ original copyrighted works of authorship.

5 2. Daniel Foster (“Foster”) is a professional architectural photographer and
6 the principal photographer and owner of Fotohaus. Foster creates highly unique abstract
7 architecture photographs that focus on lines and geometry that isolate architectural
8 elements such as geometric patterns or subsections of buildings with the result that the
9 original structure and location are often unidentifiable in the final work. Foster’s
10 photographs force the viewer to examine building and structure from radically different
11 perspectives by emphasizing striking lines and geometry at the focal point.

12 3. Foster’s work has been featured on the website of National Geographic,
13 the World Wildlife Fund, and Smithsonian magazine. Foster is a member of the Royal
14 Photographic Society and his works have been featured 18 times in the highly-coveted
15 “Explore” section of Flickr.com. This section displays a limited number of the site’s best
16 photos each day.

17 4. Defendant LINKEDIN CORPORATION (“LinkedIn”) is a social
18 networking internet site.

19 5. Fotohaus alleges that LinkedIn copied Fotohaus’ copyrighted work from
20 the internet in order to advertise, market and promote its business activities. LinkedIn
21 committed the violations alleged in connection with LinkedIn’s business for purposes of
22 advertising and promoting sales to the public in the course and scope of LinkedIn’s
23 business.

24

JURISDICTION AND VENUE

6. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

7. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

8. LinkedIn is subject to personal jurisdiction in California.

9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

10. LinkedIn Corporation is a California corporation with its principal place of business at 2029 Stierlin Court, Mountain View, CA 94043, and can be served by serving its Registered Agent, CSC - Lawyers Incorporating Service, 2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA 95833.

THE COPYRIGHTED WORK AT ISSUE

11. In 2014, Foster created a photograph entitled “Talking on the Phone”, which is shown below and referred to herein as the “Work”.



1 12. Foster registered the Work with the Register of Copyrights on June 27,
2 2014 and was assigned the registration number VA 1-919-051. The Certificate of
3 Registration is attached hereto as Exhibit 1.

4 13. After registration, Foster assigned ownership in the Work to Fotohaus,
5 which is the owner of the copyrighted Work at issue in this case.

6 14. At all relevant times Fotohaus was the owner of the copyrighted Work at
7 issue in this case.

8 **INFRINGEMENT BY DEFENDANT**

9 15. LinkedIn has never been licensed to use the Work at issue in this action
10 for any purpose.

11 16. On a date after the Work at issue in this action was created, but prior to the
12 filing of this action, LinkedIn copied the Work.

13 17. LinkedIn copied Fotohaus' copyrighted Work without Fotohaus'
14 permission.

15 18. After LinkedIn copied the Work, it made further copies and distributed the
16 Work on the internet to promote the sale of goods and services as part of its social
17 networking site.

18 19. LinkedIn copied and distributed Fotohaus' copyrighted Work in
19 connection with LinkedIn's business for purposes of advertising and promoting
20 LinkedIn's business, and in the course and scope of advertising and selling products and
21 services.

22 20. Fotohaus' Works are protected by copyright but are not otherwise
23 confidential, proprietary, or trade secrets.
24

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1 21. LinkedIn committed copyright infringement of the Work as evidenced by
2 the documents attached hereto as Exhibit 2.

3 22. Fotohaus never gave LinkedIn permission or authority to copy, distribute
4 or display the Work at issue in this case.

5 23. Fotohaus notified LinkedIn of the allegations set forth herein on
6 September 19, 2017. To date, the parties have failed to resolve this matter. A copy of the
7 Notice to LinkedIn is attached hereto as Exhibit 3.

8 24. Plaintiff has engaged the undersigned attorneys and has agreed to pay
9 them a reasonable fee.

10
COUNT I
COPYRIGHT INFRINGEMENT

11
12 25. Plaintiff incorporates the allegations of paragraphs 1 through 24 of this
13 Complaint as if fully set forth herein.

14 26. Fotohaus owns a valid copyright in the Work at issue in this case.

15 27. Fotohaus registered the Work at issue in this case with the Register of
16 Copyrights pursuant to 17 U.S.C. § 411(a).

17 28. LinkedIn copied, displayed, and distributed the Work at issue in this case
18 and made derivatives of the Work without Fotohaus’ authorization in violation of 17
19 U.S.C. § 501.

20 29. LinkedIn performed the acts alleged in the course and scope of its business
21 activities.

22 30. Fotohaus has been damaged.

23 31. The harm caused to Fotohaus has been irreparable.
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WHEREFORE, the Plaintiff prays for judgment against the Defendant LinkedIn Corporation that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff its actual damages and Defendant's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon; and

d. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: December 28, 2017

/s/ Jonah A. Grossbardt
JONAH A. GROSSBARDT
SCHNEIDER ROTHMAN INTELLECTUAL
PROPERTY LAW GROUP, PLLC
Attorneys for Plaintiff Fotohaus, LLC