

FILED

Jul 22 2019

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *s/ aishahs* DEPUTY

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4
5 UNITED STATES DISTRICT COURT
6 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

7 JOEL D. JOSEPH,

CASE NO: '19CV1357 GPC MSB

8 Plaintiff,

**VERIFIED COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

9 v.

10 INTERNET ARCHIVE

11 Defendant.
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15 **I. NATURE OF THE CASE**

16 1. This is a complaint for copyright infringement. Plaintiff wrote a book titled,
17 "Black Mondays: Worst Decisions of the Supreme Court," and registered it with the U.S.
18 Copyright Office. The Internet Archive published the book online without authorization and
19 has refused to pay any compensation to the plaintiff.
20

21 **II. JURISDICTION AND VENUE**

22 2. This is a civil action seeking damages for copyright infringement under the
23 Copyright Act of the United States, 17 U.S.C. §101, et seq.

24 3. This Court has subject matter jurisdiction over this copyright infringement action
25 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

26 4. This Court has personal jurisdiction over Defendant since it is a California
27 corporation.
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2 5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and
3 (c), and/or § 1400(a).

4 **III. THE PARTIES**

5 6. Plaintiff is the author of the copyrighted work that is the subject of this case. He is a
6 California resident and lives in San Diego County.

7 7. Internet Archive is a California corporation.

8 **IV. FACTUAL ALLEGATIONS**

9 8. Plaintiff wrote a book entitled, "Black Mondays: Worst Decisions of the Supreme
10 Court" in 1987.

11 9. Plaintiff has written and had published four editions of this book.

12 10. Plaintiff filed for and received a copyright registration on the article from the United
13 States Copyright Office. A copy of the copyright registration is attached to this complaint as
14 Exhibit A for the copyright of the Fourth Edition.
15

16 11. For more than ten years, the Internet Archive provided free internet access to the
17 general public to plaintiff's book, "Black Mondays: Worst Decisions of the Supreme Court" at
18 <http://www.archive.org> allowing anyone to acquire the book without charge.

19 12. Even though Internet Archive was given written notice of violating plaintiff's
20 copyright, it continues to the present day to offer the book for free to the public for copying.

21 13. Plaintiff asked defendant for compensation for publishing the book, but the defendant
22 refused to pay anything to plaintiff.
23

24 **V. CAUSE OF ACTION FOR COPYRIGHT INFRINGEMENT**

25 14. Plaintiff incorporates by reference paragraphs one through 13, inclusive.

26 15. Defendant has violated plaintiff's copyright to the book *Black Mondays* online.

27 16. Defendant's acts of infringement were willful, intentional and purposeful, in complete
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disregard of and with indifference to plaintiff's rights.

17. Plaintiff is hereby seeking statutory damages in the amount of \$150,000 per day, for every day that the book was published online without plaintiff's consent, pursuant to 17 U.S.C. § 504(c), for every day that this infringement occurred.

18. Plaintiff further is entitled to his attorneys' fees and full costs pursuant to 17 U.S.C. § 505 and otherwise according to law.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For statutory damages in the amount of \$150,000 per day for every day that the defendant continued to publish online and in print plaintiff's copyrighted article;
2. For attorneys' fees and costs; and
3. Such other relief as this court deems just and proper.

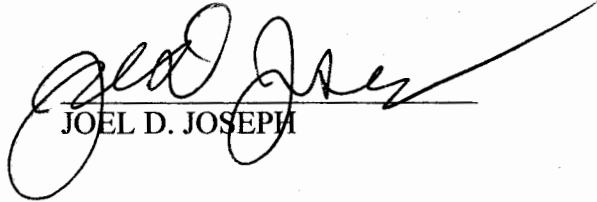
I affirm, under the penalties for perjury, that all factual allegations in this complaint are to the best of my knowledge, accurate and truthful.


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Jury Demand

Plaintiff demands a trial by jury.


JOEL D. JOSEPH

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Exhibit A

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Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Kay A. Leahy

Acting United States Register of Copyrights and Director

Registration Number
TX 8-578-509
Effective Date of Registration:
May 19, 2018

Title _____

Title of Work: Black Mondays: Worst Decisions of the Supreme Court, Fourth Edition

Completion/Publication _____

Year of Completion: 2014
Date of 1st Publication: January 15, 2014
Nation of 1st Publication: United States
International Standard Number: ISBN 97809814510

Author _____

• Author: Joel D Joseph
Author Created: text
Work made for hire: No
Citizen of: United States
Domiciled in: United States
Year Born: 1948

Copyright Claimant _____

Copyright Claimant: Joel Joseph
11963 San Vicente Blvd., Suite 311, Los Angeles, CA, 90049

Rights and Permissions _____

Name: Joel Joseph
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Certification _____

Name: Joel D. Joseph
Date: May 19, 2018