

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Case Number: 1:16-cv-00306

JOSHUA JOHNSON PHOTOGRAPHY,
LLC,

Plaintiff,

v.

WARNER BROS. ADVANCED DIGITAL
SERVICES, a division of WARNER BROS.
TECHNICAL OPERATIONS INC. and/or
WARNER BROS. ENTERTAINMENT INC.,
AOL INC., ZILLOW INC., IBT MEDIA INC.,
LEASEWEB USA, INC., YAHOO! INC.,
TIME INC., HEARST COMMUNICATIONS,
INC., CURBED.COM., LLC., and
POPSUGAR INC.,

Defendants.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT AND PROVIDING
FALSE COPYRIGHT MANAGEMENT INFORMATION**

Plaintiff, JOSHUA JOHNSON PHOTOGRAPHY, LLC, by and through undersigned counsel, brings this Complaint against defendants, WARNER BROS. ADVANCED DIGITAL SERVICES, a division of WARNER BROS. TECHNICAL OPERATIONS INC. and/or WARNER BROS. ENTERTAINMENT INC., AOL INC., ZILLOW INC., IBT MEDIA INC., LEASEWEB USA, INC., YAHOO! INC., TIME INC., HEARST COMMUNICATIONS, INC., CURBED.COM, LLC, and POPSUGAR INC., for damages and injunctive relief, and in support thereof states as follows:

SCHNEIDER ROTHMAN INTELLECTUAL PROPERTY LAW GROUP, PLLC
4651 NORTH FEDERAL HIGHWAY
BOCA RATON, FL 33431

JURISDICTION

1. This is an action arising under the Copyright Act, 17 U.S.C. §§ 501 and 1202.
2. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).
3. Defendants are subject to personal jurisdiction in Colorado.
4. 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, Defendants engaged in infringement in this district, Defendants reside in this district, and the Defendants are all subject to personal jurisdiction in this district.

PARTIES

5. JOSHUA JOHNSON PHOTOGRAPHY, LLC (“JJLLC”) provides high-end photography services. Joshua Johnson, the principal of JJLLC is an adventure minded photographer who resides in Telluride, Colorado. He is an active freelancing photographer who specializes in adventure and architectural imagery. Mr. Johnson’s images have been used for commercial advertising, consumer magazines, and real estate editorials and sales.

6. Warner Bros. Advanced Digital Services is a division of Warner Bros. Technical Operations Inc. and/or Warner Bros. Entertainment Inc. (collectively “WARNER”), and has offices at 4000 Warner Blvd., Burbank, CA 91522.

7. AOL Inc. (“AOL”) is a Delaware corporation with offices at 770 Broadway, New York, NY 10003 and can be served at their registered agent’s address at 1560 Broadway, Suite 2090, Denver, CO 80202.

8. Zillow Inc. (“Zillow”) is a Washington corporation with offices at 1301 Second Ave., Seattle, WA 98101.

9. IBT Media Inc. (DesignTrend.com) is a New York Corporation with offices located at 7 Hanover Square, 5th Floor, New York, NY 10004.

10. Leaseweb USA Inc. (Extravaganzi.com) is a Delaware corporation with offices at 9480 Innovation Drive Manassas, VA 20110 and can be served at their registered agent’s address at 4470 Cox Rd. Suite 250, Glen Allen, VA 23060.

11. YAHOO! Inc. is a Delaware corporation with offices at 701 First Avenue Sunnyvale, CA 94089 and can be served at their registered agent’s address at 1675 Broadway Suite 1200, Denver, CO 80202.

12. TIME Inc. (People.com) is a Delaware corporation with offices at 1271 Avenue of the Americas, Time and Life Building New York, NY 10020 and can be served via their registered agent’s address at 1200 South Pine Island Rd. Plantation, FL 33324.

13. Hearst Communications, Inc. (SanAntonioExpress.com). is a Delaware corporation with offices at 300 West 57th St. New York, NY 10019 and can be served via their registered agent at 111 Eight Ave. New York, NY 10011.

14. Curbed.com, LLC (Ski.curbed.com) is a Delaware corporation with offices located at 36 Cooper Sq. 5th Fl., New York, NY 10003 and can be served via their registered agent located at 1209 Orange St. Wilmington, DE 19801.

15. Popsugar, Inc. is a Delaware corporation with offices located at 111 Sutter St., 15th Floor, San Francisco, CA 94104.

THE COPYRIGHTED WORKS AT ISSUE

16. Mr. Johnson created the copyrighted photographs at issue in this action attached as Exhibit “1” hereto and collectively referred to herein as the “Works.”

17. The Works depict the home located at 184 Butch Cassidy, Mountain Village, Colorado.

18. All the Works are original and were created by Johnson.

19. All the Works are protected by copyright.

20. Johnson filed an application for registration of the Works with the Register of Copyrights prior to the filing of this action.

21. Johnson licensed digital copies of the Works to a real estate agent pursuant to a license that restricted use of the Works by the agent to the real estate listing for which the Works were created.

22. JJLLC is the owner of the copyrighted works at issue in this case. JJLLC became the owner of the copyrighted works by written assignment from Joshua Johnson to JJLLC, including assignment of the copyright registration for said works.

INFRINGEMENT BY THE DEFENDANTS

23. In or about December of 2015, Johnson learned that the Defendants had copied and displayed the Works on the internet without his permission.

24. Attached hereto as Exhibit “2” is a document showing twenty-one (21) of the Works displayed on the TMZ.com website at <http://www.tnz.com/2015/12/16/oprah-new-home-telluride/> which is owned or controlled by Defendant Warner.

25. Attached hereto as Exhibit “3” is a document showing eighteen (18) of the Works displayed on the Aol.com website at <http://www.aol.com/article/2015/12/17/take-a-look-inside-oprahs-new-14-million-colorado-mansion/21285076/> which is owned or controlled by Defendant AOL Inc.

26. Attached hereto as Exhibit “4” is a document showing four (4) of the Works displayed on the website <http://www.designtrend.com/articles/67055/20151222/oprah-winfrey-buys-telluride-ski-home-for-14-million.htm> which is owned or controlled by IBT Media Inc.

27. Attached hereto as Exhibit “5” is a document showing twelve (12) of the Works displayed on the extravagnzi.com website at <http://www.extravagnzi.com/oprah-winfrey-splashed-out-14-million-on-ski-house-telluride-colorado> which is owned or controlled by Defendant Leaseweb USA, Inc.

28. Attached hereto as Exhibit “6” is a document showing fifty-six (56) of the Works displayed on the Yahoo.com website at <https://finance.yahoo.com/photos/oprah-buys-ski-mansion-wine-232919402/oprah-winfrey-s-14m-telluride-estate-450374310451.html> which is owned and controlled by Yahoo! Inc.

29. Attached hereto as Exhibit “7” is a document showing ten (10) of the Works displayed on the People.com website at http://www.people.com/people/greatideas/gallery/0,,20974048_30428656,00.html#30428656 which is owned and controlled by Time Inc.

30. Attached hereto as Exhibit “8” is a document showing twenty-two (22) of the Works displayed on the Popsugar website at <http://www.popsugar.com/home/Oprah->

[House-Telluride-CO-39505264#photo-39505264](#) which is owned and controlled by Popsugar Inc.

31. Attached hereto as Exhibit “9” is a document showing twenty (20) of the Works displayed on the San Antonio Express website at <http://video.expressnews.com/Oprah-Winfreys-New-Telluride-Mansion-30080939> which is owned and controlled by Hearst Communications, Inc.

32. Attached hereto as Exhibit “10” is a document showing twenty-eight (28) of the Works displayed on the Ski Curbed.com website at <http://ski.curbed.com/archives/2015/12/oprah-telluride-home-.php> which is owned and controlled by Curbed.Com, LLC.

33. Attached hereto as Exhibit “11” is a document showing twenty (20) of the Works displayed on the Zillow.com website at <http://www.zillow.com/blog/colorado-ski-dream-165981/> which is owned and controlled by Zillow, Inc.

34. Plaintiff never gave Defendants permission or authority to copy, display or distribute the Works.

**PROVIDING FALSE COPYRIGHT
MANAGEMENT INFORMATION BY THE DEFENDANT TIME INC.**

35. When Zillow displayed the Works on the Zillow.com website at <http://www.zillow.com/blog/colorado-ski-dream-165981/> it attributed credit for the works below each photograph as “Unique Homes/Zillow.com.”

36. The credit given for the works as “Unique Homes/Zillow.com” is copyright management information.

37. The credit given for the works as “Unique Homes/Zillow.com” is false.

38. Plaintiff never gave Zillow permission or authority to provide credit for the Works to Unique Homes or Zillow.

39. When Time Inc. displayed and distributed the Works on the People.com website at

http://www.people.com/people/greatideas/gallery/0,,20974048_30428656,00.html it

attributed credit for the works below each photograph as “Credit: Courtesy Zillow.”

40. The credit given for the works as “Credit: Courtesy Zillow” is copyright management information.

41. The credit given for the works as “Credit: Courtesy Zillow” is false.

42. Plaintiff never gave Time Inc. or Zillow permission or authority to provide credit for the Works to Zillow.

43. When Warner displayed and distributed the Works on the www.t TMZ.com website at <http://www.t TMZ.com/2015/12/16/oprah-new-home-telluride/> it attributed credit

for the works below each photograph as “Unique Homes/Zillow.com.”

44. The credit given for the works as “Unique Homes/Zillow.com” is copyright management information.

45. The credit given for the works as “Unique Homes/Zillow.com” is false.

46. Plaintiff never gave Time Inc. or Zillow permission or authority to provide credit for the Works to Unique Homes or Zillow.

47. When IBT Media displayed and distributed the Works on

<http://www.designntrend.com/articles/67055/20151222/oprah-winfrey-buys-telluride-ski->

[home-for-14-million.htm](#) it attributed credit for the works below each photograph as “Photo: Courtesy of Curbed.com.”

48. The credit given for the Works as “Photo: Courtesy of Curbed.com.” is copyright management information.

49. The credit given for the works as “Photo: Courtesy of Curbed.com.” is false.

50. Plaintiff never gave IBT Media permission or authority to provide credit for the Works as “Photo: Courtesy of Curbed.com.”

51. Plaintiff has engaged the undersigned attorneys and has agreed to pay them a reasonable fee.

COUNT I
COPYRIGHT INFRINGEMENT AGAINST ALL DEFENDANTS

52. Plaintiff incorporates the allegations of paragraphs 1 through 51 of this Complaint as if fully set forth herein.

53. Plaintiff owns valid copyrights in the Works.

54. Plaintiff has filed an application for copyright registration of the Works with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

55. Defendants copied, displayed and distributed the Works without Plaintiff’s authorization in violation of 17 U.S.C. § 501.

56. Plaintiff has been damaged.

57. The harm caused to Plaintiff is irreparable.

COUNT II
PROVIDING FALSE COPYRIGHT MANAGEMENT
INFORMATION AGAINST ZILLOW, TIME, WARNER, AND IBT MEDIA

58. Plaintiff incorporates the allegations of paragraphs 1 through 51 of this Complaint as if fully set forth herein.

59. When Defendants Zillow, Time, Warner, and IBT Media copied, displayed and distributed the Works they provided false copyright management information in gutter credit below the Works.

60. Defendants Zillow, Time, Warner, and IBT Media knowingly provided false copyright management information in violation of 17 U.S.C. § 1202(a).

61. Defendants Zillow, Time, Warner, and IBT Media provided false copyright management information with the intent to induce, enable, facilitate or conceal copyright infringement of the Works in violation of 17 U.S.C. § 1202(a).

62. Plaintiff has been damaged.

63. The harm caused to Plaintiff has been irreparable.

WHEREFORE, Plaintiff prays for judgment against the Defendants that:

- a. Defendants and their 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 and 1202;
- b. During the pendency of this lawsuit Defendants be required to recall from all recipients thereof and to deliver to the Plaintiff all copies of the Works and to account to the Plaintiff for the extent of the infringement;

- c. Defendants be required to pay Plaintiff his actual damages or statutory damages as provided in 17 U.S.C. §§ 504 and 1203;
- d. Plaintiff be awarded his attorneys' fees and costs of suit pursuant to 17 U.S.C. § 1203;
- e. 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: February 9, 2016

GBG LAW LLC



By: _____

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