1 2 3 4 5	LOEB & LOEB LLP DAVID GROSSMAN (SBN 211326) dgrossman@loeb.com JENNIFER JASON (SBN 274142) jjason@loeb.com 10100 Santa Monica Blvd., Suite 2200 Los Angeles, CA 90067 Telephone: 310.282.2000 Facsimile: 310.282.2200	
6 7 8 9 10 11	LOEB & LOEB LLP JONATHAN ZAVIN (admitted pro hac v jzavin@loeb.com 345 Park Avenue New York, NY 10154 Telephone: 212.407.4000 Facsimile: 212.407.4990  Attorneys for Plaintiffs PARAMOUNT PICTURES CORPORATION and CBS STUDIOS INC.	ice)
12 13 14 15		DISTRICT COURT CT OF CALIFORNIA
116 117 118 119 220 21 22 23 24 25	PARAMOUNT PICTURES CORPORATION, a Delaware corporation; and CBS STUDIOS INC., a Delaware corporation,  Plaintiffs,  v.  AXANAR PRODUCTIONS, INC., a California corporation; ALEC PETERS, an individual, and DOES 1-20,  Defendants.	Case No.: 2:15-cv-09938-RGK-E  AMENDED COMPLAINT FOR:  1. COPYRIGHT INFRINGEMENT;  2. CONTRIBUTORY COPYRIGHT INFRINGEMENT  3. VICARIOUS COPYRIGHT INFRINGEMENT; AND  4. DECLARATORY JUDGMENT  DEMAND FOR JURY TRIAL
<ul><li>25</li><li>26</li><li>27</li><li>28</li></ul>		

Plaintiffs Paramount Pictures Corporation ("Paramount") and CBS Studios Inc. ("CBS") (collectively, "Plaintiffs"), by their attorneys, hereby bring this complaint against Axanar Productions, Inc. ("Axanar Productions"), Alec Peters ("Peters"), and Does 1-20 (collectively, "Defendants"), and allege as follows:

#### **NATURE OF THE ACTION**

- 1. This is an action for copyright infringement arising out of Defendants' unauthorized exploitation of Star Trek, one of the most successful entertainment franchises of all time. Since its inception, Star Trek has become a cultural phenomenon that is eagerly followed by millions of fans throughout the world. Unlike virtually any other television series or motion picture, the fictional Star Trek races and characters, their technology, personality traits, and even their makeup, have been documented and given a historical texture by Plaintiffs that extends far beyond the action on the screen. Plaintiffs own the copyrights in this treasured franchise—which includes six television series and twelve motion pictures spanning nearly fifty years—and they continue to produce new original content for the legion of Star Trek fans.
- 2. Defendants have made a short film entitled Star Trek: Prelude to Axanar ("Prelude to Axanar"), have written a script (the "Axanar Script") for a feature film entitled Axanar, and are in the process of producing a film called Axanar (the "Axanar Motion Picture") based on the Axanar Script, or a version thereof (*Prelude to Axanar*, the *Axanar Motion Picture*, and all versions of the Axanar Script are collectively, the "Axanar Works"). The Axanar Works infringe Plaintiffs' works by using innumerable copyrighted elements of Star Trek, including its settings, characters, species, and themes. The Axanar Works are intended to be professional quality productions that, by Defendants' own admission, unabashedly take Paramount's and CBS's intellectual property and aim to "look and feel like a true Star Trek movie." On information and belief, Defendants have raised over \$1 million so far to produce these works, including building out a studio and hiring

1

ncluding Professional

4 5

6

7 8

9

10 11

12 13

14 15

16

18

17

19

20 21

22

23 24

25

26

27 28

LA2480428

202828-10048

actors, set designers, and costume designers. The Axanar Works are substantially similar to, and unauthorized derivative works of, Plaintiffs' Star Trek television series and movies, in contravention of the copyright laws of the United States.

#### JURISDICTION AND VENUE

- 3. This is a civil action seeking damages and declaratory and injunctive relief for copyright infringement, arising under 17 U.S.C. §§ 101, et seq. This Court has original subject matter jurisdiction over the action under 28 U.S.C. §§ 1331 and 1338(a), as this action asserts copyright claims arising under the laws of the United States.
- 4. This Court has personal jurisdiction over Defendants because some or all of them reside in this state, and because all Defendants conduct continuous, systematic, and routine business within this state and this District.
- 5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b),(c), (d), and 1400(a) because Plaintiffs' claims arose in this district and because Defendants reside or may be found in this District.

#### THE PARTIES

- 6. Plaintiff Paramount Pictures Corporation ("Paramount") is a corporation organized under the laws of the State of Delaware with its principal place of business in Los Angeles, California.
- Plaintiff CBS Studios Inc. ("CBS") is a corporation organized under 7. the laws of the State of Delaware with its principal place of business in New York, New York.
- Defendant Axanar Productions, Inc. ("Axanar Productions") is a 8. corporation organized under the laws of the State of California. On information and belief, Axanar Productions is a motion picture, television, and/or video production company.
- 9. On information and belief, defendant Alec Peters is, and at all relevant times was, a citizen of California, residing in Los Angeles, California. On

9

7

13

12

14 15

16 17

18

19 20

21

22

23

24

25

26

27

28

LA2480428

202828-10048

information and belief, Peters is the controlling principal of Axanar Productions, and Peters wrote and produced the Axanar Works, and continues to write the Axanar Script and produce the *Axanar* Motion Picture.

- 10. The Doe Defendants include, among others, those persons who aided in the writing of the scripts for the Axanar Works or producing or directing the films, and those persons who designed or caused to be designed the infringing sets, costumes, props and other elements in the Axanar Works that infringe copyrighted Star Trek elements.
- 11. The true names and capacities of the defendants named herein as Does 1 through 20, inclusive, are unknown to Plaintiffs, who therefore sue said defendants by such fictitious names. Plaintiffs will amend this Complaint to allege their true names and capacities when such have been ascertained. On information and belief, each of the fictitiously named defendants herein is responsible in some manner for the occurrences alleged herein and Plaintiffs' injuries as alleged herein were proximately caused by such defendants' acts or omissions.
- 12. On information and belief, each defendant acted in concert with, as agent or representative for, or at the request or on behalf of the other defendants, and all of the acts alleged herein to have been done by each defendant were authorized, approved, and/or ratified by each of the other defendants.

#### **ALLEGATIONS COMMON TO ALL CLAIMS**

#### I. Plaintiffs' Copyrighted Star Trek Works

Star Trek is a science fiction entertainment franchise created by Gene 13. Roddenberry. The original Star Trek television series ("The Original Series") debuted in 1966, starring William Shatner, Leonard Nimoy, and DeForest Kelley, and ran for three seasons, until 1969. The series chronicled the adventures of the U.S.S. Enterprise (one of the ships of "Starfleet") and its crew as they traveled through space during the twenty-third century, and featured numerous original and copyrightable elements, including but not limited to elements such as the plots of the

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

- episodes, the Starship Enterprise (Starfleet registry number NCC-1701), its bridge and other interior construction, other original spacecraft, numerous original and fictitious races and species, including the Vulcan race and the Klingon race, the United Federation of Planets (the "Federation"), the history of the Federation, and original weapons and technology. *The Original Series* focused on the officers of the Federation and their adventures and battles. *The Original Series* was broadcast nationwide and, since that time, has been almost continuously in syndication on television stations throughout the United States.
- 14. In one of the episodes of *The Original Series*, James T. Kirk, the Captain of the U.S.S. Enterprise, meets his hero, Garth of Izar, a former Starship captain. In that episode, Kirk and Garth discuss Garth's victory in the Battle of Axanar.
- 15. In addition to *The Original Series*, there have been five further Star Trek television series totaling more than 700 episodes (collectively with *The Original Series*, the "Star Trek Television Series"):
  - a. Star Trek: The Animated Series (1973-1974)
  - b. Star Trek: The Next Generation (1987-1994)
  - c. Star Trek: Deep Space Nine (1993-1999)
  - d. Star Trek: Voyager (1995-2001)
  - e. Star Trek: Enterprise (2001-2005).
- 16. There have been twelve Star Trek motion pictures (the "Star Trek Motion Pictures"):
  - a. Star Trek The Motion Picture (1979)
  - b. Star Trek II The Wrath of Khan (1982)
  - c. Star Trek III The Search for Spock (1984)
  - d. Star Trek IV: The Voyage Home (1986)
    - e. Star Trek V: The Final Frontier (1989)
    - f. Star Trek VI The Undiscovered Country (1991)

- g. Star Trek Generations (1994)
- h. Star Trek: First Contact (1996)
- i. Star Trek: Insurrection (1998)
- j. Star Trek Nemesis (2002)
- k. Star Trek (2009)
- 1. Star Trek Into Darkness (2013).
- 17. Plaintiffs continue to produce and develop Star Trek motion pictures and television series and have announced plans to release a new Star Trek motion picture in 2016 ("Star Trek Beyond"), and a new Star Trek television series in January 2017.
- 18. CBS owns United States copyrights in the Star Trek Television Series and Paramount owns the United States copyrights in the Star Trek Motion Pictures. Plaintiffs have duly registered copyrights in and to the Star Trek Television Series and Star Trek Motion Pictures with the United States Copyright Office and have complied with all applicable statutory registration and renewal requirements. The United States Copyright Office has issued Certificates of Registration for the Star Trek Television Series and Star Trek Motion Pictures that bear the numbers identified in Appendix A.
- 19. Plaintiffs also own the United States copyrights in numerous other Star Trek works, including works in which Garth of Izar appears, including but not limited to the following novels: Garth of Izar (Registration No. TX0005745716, owned by Paramount), Strangers from the Sky (Registration No. TX0006429184, owned by CBS), and Infinity's Prism (Registration No. TX0006872810, owned by CBS), as well as works in which starships appear, including but not limited to Star Trek Titan: Sword of Damocles (Registration No. TX0007050792, owned by CBS) (collectively, the "Star Trek Books") (the "Star Trek Books," together, with the "Star Trek Television Series" and the "Star Trek Motion Pictures," are referred to collectively as the "Star Trek Copyrighted Works").

LA2480428

202828-10048

- 20. The Star Trek Copyrighted Works are original works of authorship and constitute copyrightable subject matter under the Copyright Act, 17 U.S.C. §§ 101, *et seq.*
- 21. Plaintiffs own the exclusive right to develop, create, and/or produce motion pictures, television shows, and books based on the Star Trek Copyrighted Works, including but not limited to the characters, themes, plots, dialogue, settings, sequences, situations, and incidents therein, and also the props, character makeup, costumes, sets, fictional language, events, and fictional history. Plaintiffs are entitled to all of the protections and remedies for the Star Trek Copyrighted Works accorded to a copyright owner.

#### II. Defendants' Axanar Works

- A. Star Trek: Prelude to Axanar
- 22. Defendants' infringing work, *Prelude to Axanar* is a short film that was funded on Kickstarter, a crowdsourcing website where parties can raise money for future projects.
- 23. Defendant Peters (possibly with the aid of certain of the Doe Defendants) wrote the *Prelude to Axanar* screenplay.
  - 24. Defendant Axanar Productions produced *Prelude to Axanar*.
- 25. Certain Doe Defendants directed, created the sets, and designed the costumes for *Prelude to Axanar*.
- 26. When they wrote and produced *Prelude to Axanar*, and at all times relevant to this action, Defendants had access to the Star Trek Copyrighted Works.
- 27. Defendants are currently distributing and publicly performing *Prelude* to *Axanar* online via Youtube.com, and by other means not yet known to Plaintiffs.
- 28. *Prelude to Axanar* is directly and unabashedly intended to be a derivative work of Star Trek, or a Star Trek work, and uses numerous copyrighted elements from the Star Trek Copyrighted Works (in fact, the full title of this work is

"Star Trek: Prelude to Axanar"). *Prelude to Axanar* tells the story of Captain Kirk's hero, Garth of Izar, during the war between the Federation and the Klingon Empire.

29. According to Defendants' Kickstarter campaign:

Prelude to Axanar is a short film that will give viewers a historical look at the events leading up to the Battle of Axanar, the central event of the film Axanar, to be filmed later this year. Shot like a History Channel special, Prelude to Axanar will be Star Trek like you have never seen it before, showing the central characters of Axanar giving both a historical and personal account of the war. How did Starfleet build its fleet? How did they hold off a Klingon fleet that had been conquering star systems for centuries? What role did the various founding planets play in Starfleet? Why were the Constitution class ships so important to Starfleet? How did Garth of Izar come to be regarded as the greatest Starfleet Captain of his time? (emphasis added)

30. Defendants incorporated numerous elements of the Star Trek Copyrighted Works into *Prelude to Axanar*, including but not limited to the elements of the Battle of Axanar itself, the Federation, the Klingons, Vulcans, Starfleet, and Starfleet officers and commanders, including Garth of Izar.

#### B. Star Trek: Axanar

- 31. The *Axanar* Motion Picture is a motion picture that was funded on Kickstarter and Indiegogo, a crowdsourcing website where parties can raise funds for future projects.
- 32. Defendants have created the *Axanar* Script, and versions thereof, for the *Axanar* Motion Picture, which scripts are fixed works. Although Defendants originally announced that filming would begin in January 2016, they have already released a scene from the *Axanar* Motion Picture, which they call the "Vulcan Scene," in 2015. On information and belief, Defendants have filmed at least one other scene from the *Axanar* Motion Picture.
- 33. Defendant Peters (possibly with the aid of certain Doe Defendants) wrote the *Axanar* Script and versions thereof.
- 34. Defendant Axanar Productions has produced and is in production for the *Axanar* Motion Picture.

LA2480428

202828-10048

- 35. On information and belief, certain Doe Defendants aided in the writing of the *Axanar* Script for the *Axanar* Motion Picture, as well as produced, directed, created the sets, and designed the costumes for the *Axanar* Motion Picture. On information and belief, certain Doe Defendants continue to write the *Axanar* Script and are in the process of producing, directing, creating the sets, and designing the costumes for the *Axanar* Motion Picture.
- 36. According to Axanar Productions' Facebook page, as of August 15, 2015, there was a "fully revised and locked script" which is referred to as "the best Star Trek movie script ever!"



37. When they wrote the *Axanar* Motion Picture, and at all times relevant to this action, Defendants had access to the Star Trek Copyrighted Works.

- 38. According to defendant Axanar Productions' website, the *Axanar* Motion Picture is a feature film that will be broken down into four episodes following the four acts of the *Axanar* Script.
- 39. Defendants have disseminated the Vulcan Scene from the *Axanar* Motion Picture online via Axanar Productions' website (www.AxanarProductions.com), as well as on Youtube.com.
- 40. According to defendant Axanar Productions' website, the plot of the *Axanar* Motion Picture is as follows:

Axanar takes place 21 years before the events of 'Where no Man Has Gone Before', the first Kirk episode of the original Star Trek. Axanar is the story of Garth of Izar, the legendary Starfleet captain who is Captain Kirk's hero. We met Garth in the third season TOS [*The Original Series*] episode Whom Gods Destroy. Kirk called Garth the role model for all future Starfleet Officers. Garth charted more planets than any other Captain and was the hero of the Battle of Axanar, the story of which is required reading at the academy. This is that story. Axanar tells the story of Garth and his crew during the Four Years War, the war with the Klingon Empire that almost tore the Federation apart. Garth's victory at Axanar solidified the Federation and allowed it to become the entity we know in Kirk's time. It is the year 2245 and the war with the Klingons ends here.

- 41. Defendants incorporated numerous elements of the Star Trek Copyrighted Works into the *Axanar* Script and the Vulcan Scene, and will incorporate those elements into the *Axanar* Motion Picture, including but not limited to the elements of the Battle of Axanar itself, the characters, the species, the costumes, the makeup, weapons (and other props), and the starships.
- 42. Defendants have stated that they have completed one third of the visual effects of the *Axanar* Motion Picture.
- 43. Defendant Peters has admitted that the *Axanar* Works violate Plaintiffs' copyrights. In an interview published on February 1, 2016, Mr. Peters stated "We violate CBS copyright less than any other fan film." *See*

26 http://1701news.com/node/1001/peters-axanar-quality-spurred-lawsuit.html.

LA2480428

202828-10048

#### III. The Axanar Works Are Substantially Similar to the Star Trek **Copyrighted Works**

3 4

44. The Axanar Works are substantially similar to the Star Trek Copyrighted Works, including but not limited to the substantial similarities set forth below.

5 6

45. The feel and the mood of the Axanar Works are the same as that of the Star Trek Copyrighted Works.

Prelude to Axanar copies many elements from the Star Trek

7 8

9

Copyrighted Works, including the United Federation of Planets, "beaming up," Klingons, Vulcans, the Starship Enterprise, spacedocks, the interrelationship

10 11

between species, planets and alliances. Defendants have intentionally sought to replicate the Star Trek Copyrighted Works (down to copying costumes, makeup and

12 13

jewelry) and, in doing so, they have sought to create a "Star Trek" film. The copied

14

15

copyrighted Star Trek elements include, but are not limited to, those listed below: **Infringing Element from** Star Trek Copyrighted Work

16

19

20

21

22

23

24

25

17

18 **Garth of Izar** 

46.

Captain Kirk's hero who prevailed in the Battle of Axanar

Prelude to Axanar

**Characters** 

**Garth of Izar** 

Captain Kirk's hero who prevailed in the Battle of Axanar

In the episode "Whom Gods Destroy" in The Original Series (Reg. No. RE-769-427, LP-44-729) as well as in the Axanar Works, Garth is Captain Kirk's hero and prevailed in the Battle of Axanar. Garth of Izar appeared in the following copyrighted novels: Garth of Izar, Strangers from the Sky, and Infinity's Prism.

26 27

28

LA2480428

1	Infringing Element from Prelude to Axanar	Star Trek Copyrighted Work
3	Soval	Soval
4	Vulcan ambassador	Vulcan ambassador
5		Soval was first seen in the Enterprise pilot
6		episode "Broken Bow" in 2001 (Reg. No. PA-1-072-515), and many times throughout
7		the Enterprise series such as in the episode
8		"The Expanse" from 2003 (Reg. No. PA-1-205-604).
9		,
10	Richard Robau	Richard Robau
11	Starfleet captain	Starfleet captain
12		Robau appeared in <i>Star Trek</i> (the 2009
13		film).
14	John Gill	John Gill
15	Narrator	Historian
16		John Gill is a character from <i>The Original</i>
17		Series episode "Patterns of Force" in 1968
18		(Reg. No. RE-740-926, LP-44-375).
19	Races	and Species
20	Klingons	Klingons
21		Klingons are a warrior race from the planet
22		Qo'noS. Klingons first appeared on <i>The</i>
23		Original Series episode "Errand of Mercy" in 1967 (Reg. No. PA-58-283). They have
24		made many appearances on Star Trek
25		Television Series and Star Trek Motion Pictures.
26		

#### Infringing Element from Prelude to Axanar

#### **Star Trek Copyrighted Work**

#### Klingon Appearance



#### Klingon Appearance







The Klingon species first appeared in *The Original Series* episode "Errand of Mercy" in 1967 (Reg. No. PA-58-283). Defendants' style of Klingon makeup is strikingly similar to the Klingon makeup used in *Star Trek—The Motion Picture* in 1979, pictured above (top).

In *Prelude to Axanar*, the Klingon commander is wearing an altered costume that was worn in *Star Trek VI–The Undiscovered Country* (bottom image).

1	Infringing Element from	Star Trek Copyrighted Work
2	Prelude to Axanar	
3		The Klingon makeup design in <i>Prelude to Axanar</i> , including the facial hair and thick
4		eyebrows mimics the later Klingon makeup
5		that began with Star Trek- The Motion
		Picture in 1979 and continued through all the later series – The Next Generation, Deep
6		Space Nine, Voyager, and Enterprise, as
7		well as Star Trek III The Search for Spock,
8		Star Trek IV: The Voyage Home, Star Trek
9		V: The Final Frontier, Star Trek VI – The
10		Undiscovered Country, Star Trek Generations, Star Trek: First Contact, Star
		Trek: Insurrection, and Star Trek Nemesis.
11	X7-1	¥71
12	Vulcans	Vulcans
13		Vulcans are a humanoid race with pointy
14		ears from the planet Vulcan that are
15		responsible in a large part for the founding of the Federation. Vulcans first appeared in
		The Original Series episode "The Cage"
16		(Reg. No. PA 314-430) and have appeared
17		in many other Star Trek Television Series as
18		well as Star Trek Motion Pictures.
19		
20		
21		
22		

26

27

12

13

14

15

16

17

18

19

20

21

22

#### Infringing Element from Prelude to Axanar

#### **Star Trek Copyrighted Work**

#### **Vulcan Appearance**

# The bad blood between the humans and the Klingons,

#### **Vulcan Appearance**



The first Vulcan appearances were the first and second pilot episodes of The Original Series "The Cage" (Reg. No. PA 314-430) and "Where No Man Has Gone Before" in 1966 (Reg. No. PA-58-303). Vulcans also appeared in *The Original Series* episodes "The Man Trap" in 1966 (Reg. No. PA-58-307) and "Amok Time" in 1967 (Reg. No. PA-58-289). They appear in many Star Trek Television Series and Star Trek Motion Pictures. The image above is Spock from The Original Series episode "Space Seed" in 1967 (Reg. No. PA-58-280). In both Prelude to Axanar and the Star Trek Copyrighted Works, Vulcans have pointy ears and distinctive eyebrows.

2324

25

26

27

1 2	Infringing Element from Prelude to Axanar	Star Trek Copyrighted Work
3	Andorians	Andorians
4		Andorians are humanoid Federation
5		members from the planet Andoria.
6		Andorians first appeared in the episodes "Journey to Babel" (Reg. No. RE-714-288,
7		LP-50-341) and "Whom Gods Destroy"
8		from <i>The Original Series</i> (Reg. No. RE-769-427, LP-44-729). They also appeared
9		in several Star Trek Motion Pictures and
10		were featured extensively in <i>Enterprise</i> .
11	Tellarites	Tellarites
12		Tellarites are a humanoid species
13		distinguished by a porcine-like snout, stout build, deep set eyes and a characteristically
14		irascible disposition. The first appearance of
15		Tellarites was in <i>The Original Series</i>
16		episode "Journey to Babel" in 1967 (Reg. No. RE-714-288, LP-50-341). They also
17		appeared in several <i>Enterprise</i> episodes,
18		such as "Bounty" in 2003 (Reg. No. PA-1-205-603) and "United" in 2005 (Reg. No.
19		PA-1-257-201).
20	Romulans	Romulans
21		Romulans are a species from the planets
22		Romulus and Remus. The Romulan Empire and Romulans first appeared in <i>The</i>
23		Original Series episode "Balance of Terror"
24		in 1966 (Reg. No. PA-58-310).
25		
26		

#### **Infringing Element from** Prelude to Axanar

#### **Star Trek Copyrighted Work**

#### **Costumes**

3

4

5 6 7

8 9

11 12

14

17

20

24

25

27

10

13

15

16

18

19

21

22

23

26

28

Uniform with gold shirt



#### Uniform with gold shirt



The Prelude to Axanar uniform style is taken from The Original Series episode "Where No Man Has Gone Before" (1966) (Reg. No. PA-58-303), which includes a gold shirt with a particular type of collar.

#### Soval, Vulcan Ambassador



#### Soval, Vulcan Ambassador



#### Infringing Element from Prelude to Axanar

#### Star Trek Copyrighted Work





Soval was first seen in the *Enterprise* pilot episode "Broken Bow" in 2001 (Reg. No. PA-1-072-515), and many times throughout the *Enterprise* series such as in the episode "The Expanse" from 2003 (Reg. No. PA-1-205-604) (top image).

Soval's costume copies the Vulcan robes seen in *Star Trek—The Motion Picture* (1979) and in later Star Trek Copyrighted Works. His robe with the stylized ancient Vulcan script on green drape also appears in many Star Trek Copyrighted Works, such as the bottom image from *Enterprise*.

# **Cowl neck and Starfleet Command Insignia**

# **Cowl neck and Starfleet Command Insignia**





LA2480428

202828-10048

1	
2	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	

1	Infringing Element from	Star Trek Copyrighted Work
2	Prelude to Axanar	
3		This style of women's uniform seen above
4		with the cowl neck was seen in the first pilot of <i>The Original Series</i> episode "The Cage"
5		(Reg. No. PA 314-430). The footage was
6		reused in the episode "The Menagerie Parts I & II" in 1966 (Reg. Nos. PA-58-294, PA-
7		58-295).
8		The Starfleet Command badge seen below
9		was first seen in <i>The Original Series</i> episode "The Menagerie Part I" in 1966 (Reg. No.
10		PA-58-294).
11		
12		
13		
14		
15		
16		
17		

#### Triangular medals on uniform



#### Triangular medals on uniform



28

LA2480428

202828-10048

1	Infringing Element from	Star Trek Copyrighted Work
2	Prelude to Axanar	
3		Triangular medals for dress uniform on left
4		breast first appeared in <i>The Original Series</i> episode "The Menagerie Part I" (1966)
5		(Reg. No. PA-58-294) and again in episodes
6		such as "Court Martial" (1966) (Reg. No. PA-58-293) (pictured), "Space Seed" (1967)
7		(Reg. No. PA-58-280), "Journey to Babel"
8		(1967) (Reg. No. RE-714-288, LP-50-341) and "The Savage Curtain" (1969) (Reg. No.
9		RE-769-425, LP-44-372).
10	S	Settings
11	Axanar	Axanar
12		"Avenor" is first mentioned in The Original
13		"Axanar" is first mentioned in <i>The Original Series</i> episode "Court Martial" in 1967
14		(Reg. No. PA-58-293) and plays a large role
15		in <i>The Original Series</i> episode "Whom Gods Destroy" in 1969 (Reg. No. RE-769-

#### **Planet Archanis IV**



#### **Planet Archanis IV**

427, LP-44-729).



Archanis IV was first mentioned in *The Original Series* episode "Day of the Dove" in 1968 (Reg. No. RE-740-931, LP-44-380). This image is from the remastered DVDs from 2008.

#### Infringing Element from Prelude to Axanar

#### **Star Trek Copyrighted Work**

#### Q'onoS



#### Qo'noS



Qo'noS is the Klingon home planet. It is seen for the first time in *The Next Generation* episode "Sins of the Father" in 1990 (Reg. No. PA-501-111). It subsequently played a large role in *Star Trek VI—The Undiscovered Country* and several works afterwards. The above image is the Klingon capital city from *Enterprise* episode "Unexpected" in 2001.

#### Planets Nausicaa, Rigel, Andoria, Tellar Prime, Vulcan, Terra (Earth), Q'onoS

#### Planets Nausicaa, Rigel, Andoria, Tellar Prime, Vulcan, Terra (Earth), Qo'noS

Nausicaa is first mentioned in *Enterprise* episode "Fortunate Son" in 2001. Rigel is first mentioned in the first pilot of *The Original Series* "The Cage" (Reg. No. PA 314-430), the footage of which was reused in "The Menagerie Parts I & II" in 1966 (Reg. Nos. PA-58-294, PA-58-295). Nausicaans as a race come first from *The Next Generation* episode "Samaritan Snare" in 1989 (Reg. No. PA-430-993). Andoria is first mentioned and seen in *Enterprise* episode "The Aenar" in 2005. Tellar Prime is first mentioned in *Enterprise* episode

1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
	ıl	

#### **Infringing Element from Star Trek Copyrighted Work** Prelude to Axanar "Babel One" in 2005 (Reg. No. PA-1-257-199). Vulcan is first mentioned and seen in The Original Series episode "Amok Time" in 1968 (Reg. No. PA-58-289) (having been referred to as "Vulcanis" in the second pilot episode "Where No Man Has Gone Before" in 1966) (Reg. No. PA-58-303). Terra (Earth) is first mentioned and seen in *The* Original Series episode "Tomorrow is Yesterday" in 1967 (Reg. No. PA-58-300). Qo'noS is the Klingon homeworld. It is established and seen for the first time in *The* Next Generation episode "Sins of the Father" in 1990 (Reg. No. PA-501-111). It subsequently played a large role in *Star Trek* VI-The Undiscovered Country and several works afterwards. These planets are referenced throughout subsequent Star Trek

#### **Spacedocks**



#### **Spacedocks**

Pictures.



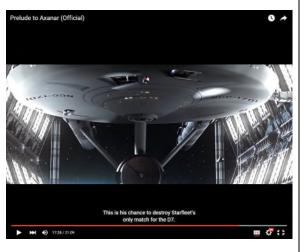
Television Series and Star Trek Motion

Spacedocks (or drydocks) were first mentioned in *The Original Series* episode "The Doomsday Machine" in 1967 (Reg. No. RE-714-257, LP-44-258). The photo

	ı
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	

Infringing Element from Prelude to Axanar	Star Trek Copyrighted Work
	above is of the U.S.S. Enterprise in a spacedock from <i>Star Trek</i> — <i>The Motion Picture</i> in 1979.

#### **Starship Enterprise (NCC-1701)**



#### **Starship Enterprise (NCC-1701)**



The U.S.S. Enterprise (NCC-1701) is first seen in the first and second pilot episodes of *The Original Series*, "The Cage" (Reg. No. PA 314-430) and "Where No Man Has Gone Before" in 1966 (Reg. No. PA-58-303) (pictured).

#### **Starship Enterprise (NCC-1701)**



#### **Starship Enterprise (NCC-1701)**



Axanar's depiction of the U.S.S. Enterprise in spacedock/drydock is strikingly similar to a scene from *Star Trek—The Motion Picture* in 1979 (above). Defendants' depiction even includes a vessel from the Star Trek

Infringing Element from  Prelude to Axanar	Star Trek Copyrighted Work
	Copyrighted Works called a cargo management unit or "workbee."

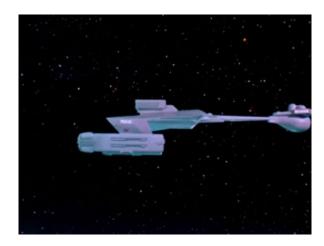
#### **D7** Klingon ship







#### **D7** Klingon ship





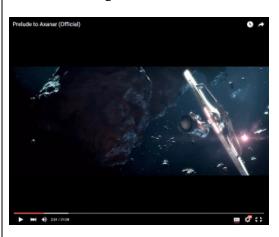


The D7 Klingon ship first appeared in *The Original Series* episode "Elaan of Troyius" in 1968 (Reg. No. RE-740-930, LP-44-379) (top image) and was used as one of two

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	I

Infringing Element from  Prelude to Axanar	Star Trek Copyrighted Work	
	recognizable Klingon ships in all works thereafter. They also played a large role in <i>Star Trek—The Motion Picture</i> in 1979 (bottom two images).	

#### Starfleet ship



#### Starfleet ship







This Axanar ship uses several design elements from ships like the U.S.S. Kelvin from *Star Trek* (2009)(top image).

The Axanar ship also uses design aspects of Miranda-class ships, most notably the U.S.S. Reliant from *Star Trek II–The Wrath of Khan* (bottom image).

#### Infringing Element from Prelude to Axanar

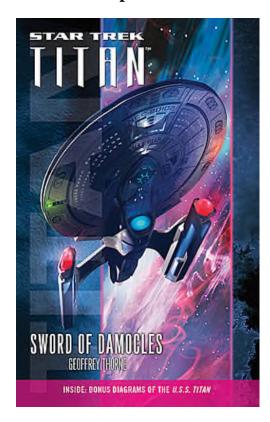
#### **Star Trek Copyrighted Work**

#### **Federation Starships**

# Prelude to Axanar (Official) LISIE APREE NOC-1850 Pegasus was the first test of the Ares class against the ship it was designed to defeat,



#### **Federation Starships**



The Axanar ship is a derivative design of several ships of the Star Trek Copyrighted Works, including the U.S.S. Titan, pictured above in the novel Star Trek Titan: Sword of Damocles, and the U.S.S. Centaur.

"Stardate 2241.03," "Stardate 2243.3," "Stardate 2244.1," "Stardate 2244.9," "Stardate 2245.1"

#### Stardate 2266

The *Axanar* Works take place in 2241.03 to 2245.1, which is twenty-one years before *The Original Series* episode "Where No Man Has Gone Before" (Reg. No. PA-58-303).

#### Infringing Element from Prelude to Axanar

#### **Star Trek Copyrighted Work**

#### Logos

#### **United Federation of Planets logo**

#### **United Federation of Planets logo**

The "UFP" symbol first appeared in *The Original Series* episode "And The Children Shall Lead" in 1968 (Reg. No. RE-740-928, LP-44-377). Later, it appeared in *Star Trek—The Motion Picture* in 1979.





#### **United Federation of Planets logo**



#### **United Federation of Planets logo**



The United Federation of Planets logo as seen in *Star Trek Nemesis* in 2002. This logo appeared on *The Next Generation* episode "The Naked Now" in 1987 (Reg. No. PA-348-302).

#### Infringing Element from Prelude to Axanar

#### **Star Trek Copyrighted Work**

#### **Federation logo**



#### **Federation logo**



The United Federation of Planets was first mentioned by that name specifically in *The Original Series* episode "A Taste of Armageddon" in 1967 (Reg. No. PA-58-302). The image above is from *The Next Generation* episode "Conspiracy" in 1988 (Reg. No. PA-415-572).

#### **Memory Alpha**



#### **Memory Alpha**



START THEIR REMANDED Ep 73: "The Lights of Zetor" Memory Alpha logo for station dome Feb 15, 2008

Memory Alpha first appeared in *The Original Series* episode "The Lights of Zetar" in 1969 (Reg. No. 769-428, LP-44-730), and the logo was later seen in the remastered version of DVDs in 2008.

#### Infringing Element from Prelude to Axanar

#### **Star Trek Copyrighted Work**

#### Klingon logo



#### Klingon logo



The Klingon logo first appeared on the newly introduced D7 Klingon ship in episode "Elaan of Troyius" of *The Original Series* in 1968 (Reg. No. RE-740-930, LP-44-379). It was subsequently used to represent the Klingon Empire in all other Star Trek works thereafter, such as in *Star Trek VI–The Undiscovered Country* (image above).

#### **Plot Point Similarities**

#### **United Federation of Planets**

#### **United Federation of Planets**

The United Federation of Planets, an interstellar alliance of several planetary governments, was first mentioned by that name specifically in *The Original Series* episode "A Taste of Armageddon" in 1967 (Reg. No. PA-58-302). It is referenced throughout the Star Trek Copyrighted Works.

1	Infringing Element from	Star Trek Copyrighted Work
2	Prelude to Axanar	
3	Stardate	Stardate
4 5		The element of stardates was first used in
6		the second pilot of <i>The Original Series</i> "Where No Man Has Gone Before" in 1966  (Dec. No. 1984, 50, 202). It was a least of the second pilot of the Original Series
7		(Reg. No. PA-58-303). It was subsequently used in <i>The Next Generation</i> , <i>Deep Space</i>
8		Nine, Voyager, and every Star Trek Motion Picture.
9	Dilithium	Dilithium
10		
11		Dilithium is a crystalline substance used in
12		warp propulsion systems to regulate the matter/antimatter reactions that provide the
13		energy necessary for faster-than-light speed. Dilithium was first mentioned in <i>The</i>
14 15		Original Series episode "The Alternative Factor" in 1967 (Reg. No. PA-58-299). It
16		was subsequently used as the main power
17		source of ships throughout the Star Trek Copyrighted Works, such as <i>The Original</i>
18		Series episode "Elaan of Troyius" (Reg. No. RE-740-930, LP-44-379).
19	Phasers	Phasers
20		
21		Phasers are Starfleet handheld or ship- mounted energy weapons. Phasers first
22		appeared in the second pilot episode of <i>The Original Series</i> "Where No Man Has Gone
23		Before" in 1966 (Reg. No. PA-58-303), and
<ul><li>24</li><li>25</li></ul>		appear throughout subsequent Star Trek Television Series and Star Trek Motion
		Pictures.
26		

Loeb & Loeb
A Limited Liability Partnership
Including Professional
Corporations

27

1 2	Infringing Element from Prelude to Axanar	Star Trek Copyrighted Work
3	Klingon High Council	Klingon High Council
4 5		The Klingon High Council first appeared in <i>The Next Generation</i> episode "Sins of the
6		Father" in 1990 (Reg. No. PA-501-111), and appeared throughout subsequent Star Trek Television Series and Star Trek Motion
8		Pictures.
9	Klingon Empire	Klingon Empire
10		The Klingon Empire first appeared in <i>The Original Series</i> episode "Errand of Mercy"
11 12		in 1967 (Reg. No. PA-58-283), and appeared throughout subsequent Star Trek
13		Television Series and Star Trek Motion Pictures.
14	Federation Council	Federation Council
15	Prelude to Axanar (Official)	
16		
17		
18		
19		The second second

# **■ ♂** ⇔

The Federation Council is first mentioned in The Original Series episode "Amok Time" in 1967 (Reg. No. PA-58-289). It plays a role in every series and film thereafter, including in the final episode of Enterprise "These Are The Voyages..." in 2005 (Reg. No. PA-1-305-894) (pictured above).

28

20

21

22

23

24

25

26

4			
1	Infringing Element from	Star Trek Copyrighted Work	
2	Prelude to Axanar		
3	Dialogue		
4	Beaming up/Transporters	Beaming up/Transporters	
5		The element of beaming is first mentioned	
6		in the second pilot of <i>The Original Series</i>	
7		"Where No Man Has Gone Before" in 1966	
8		(Reg. No. PA-58-303) and is subsequently used or explored in every Star Trek	
9		Television Series and Star Trek Motion	
10		Picture thereafter. The "Transporter Room"	
		is a room on Starfleet spaceships that includes a transporter platform, which is	
11		used to transport (or "beam") Starfleet	
12		personnel to other ships or planets.	
13	Warp Drive	Warp Drive	
14		Warp drive is the main propulsion system	
15		for most starships that are capable of faster-	
16		than-light travel. The element of warp drive	
17		is first mentioned in the second pilot of <i>The</i>	
18		Original Series "Where No Man Has Gone Before" in 1966 (Reg. No. PA-58-303) and	
19		is a fixed element for ships in every Star	
20		Trek Television Series and Star Trek	
		Motion Picture thereafter, including <i>Star Trek—The Motion Picture</i> .	
21			
22	Klingon Language	Klingon Language	
23		Klingonese or Klingon, the native language	
24		of Qo'noS, was first spoken in <i>Star Trek</i> —	
25		The Motion Picture in 1979. It was used in several works moving forward, including	
26		Star Trek III The Search for Spock.	
27			
28			

1	Infringing Element from  Prelude to Axanar	Star Trek Copyrighted Work			
2					
3	"Stardate 2241.03," "Stardate 2243.3," "Stardate 2244.1,"	Stardate			
4	"Stardate 2244.9," "Stardate	Stardate is a fictional manner of designating			
5	2245.1"	dates that was developed for the Star Trek universe. Stardates appear in nearly every			
6		Star Trek Copyrighted Work, including the			
7		episodes "Where No Man Has Gone Before" (Reg. No. PA-58-303) and "The			
8		Man Trap" (Reg. No. PA-58-307) from <i>The</i>			
9		Original Series.			
10	Starfleet, Federation, Phasers	Starfleet, Federation, Phasers			
11		The Starfleet is a branch of the United			
12		Federation of Planets assigned to the exploration of space and the resulting			
13		scientific, diplomatic and defensive duties.			
14		It is referenced in many Star Trek			
15		Television Series and Star Trek Motion Pictures, such as <i>Enterprise</i> episode			
16		"Broken Bow" in 2001 (Reg. No. PA-1-			
17		072-515).			
18		The United Federation of Planets was first			
19		mentioned by that name specifically in <i>The Original Series</i> episode "A Taste of			
20		Armageddon" in 1967 (Reg. No. PA-58-			
21		302). Virtually every Star Trek episode, game, book, and comic mentions the			
22		Federation or the United Federation of			
23		Planets.			
24		Phasers first appeared in the second pilot			
25		episode of <i>The Original Series</i> "Where No Man Has Gone Before" in 1966 (Reg. No.			
26		PA-58-303), and appear throughout			
27		subsequent Star Trek Television Series and Star Trek Motion Pictures.			
- '		2202 220 220 220 220 220 220 220 220 22			

canar		
Mood and Theme		
adventure	Science fiction action adventure	
	The mood and theme of Star Trek as a	
	science fiction action adventure first	
	appeared in <i>The Original Series</i> episode "The Cage" (Reg. No. PA 314-430), and has	
	appeared in all subsequent episodes of <i>The</i>	
	Original Series and other derivative Star	
	Trek Copyrighted Works.	
	Mood adventure	

47. In the Vulcan Scene from the *Axanar* Motion Picture, Defendants replicate the Planet of Vulcan from the Star Trek Copyrighted Works, including the look and feel of the planet, the characters' costumes, pointy ears, makeup, and distinctive hairstyle. The following chart includes some of the infringing elements from the Vulcan Scene from the *Axanar* Motion Picture as well as examples of many of the corresponding Star Trek Copyrighted Works:

Infringing Element from	Star Trek Copyrighted Wor		
Axanar			

#### **Characters**

#### **Soval**



#### Soval



Soval was first seen in the *Enterprise* pilot episode "Broken Bow" in 2001 (Reg. No.

1	Infringing Element from	Star Trek Copyrighted Work		
2	Axanar			
3		PA-1-072-515), and many times		
		throughout the <i>Enterprise</i> series such as in		
4		the episode "The Expanse" from 2003 (Reg. No. PA-1-205-604).		
5		(Reg. 190. 1 A-1-203-004).		
6		The <i>Prelude to Axanar</i> costume copies the		
	Vulcan robes seen in <i>Star Trek–The</i>			
7		Motion Picture (1979) and in later Star		
8		Trek Copyrighted Works. The robe with		
9		the stylized ancient Vulcan script on green		
		drape is taken from the Star Trek Copyrighted Works, including <i>Enterprise</i>		
10	(pictured above).			
11				
12	Races and Species			
13	Vulcans	Vulcans		
14		Vulcans are a humanoid race with pointy		
		ears from the planet Vulcan that are		
15		responsible in large part for the founding		
16		of the Federation. Vulcans first appeared		
17		in <i>The Original Series</i> episode "The Cage"		
		(Reg. No. PA 314-430), and have appeared in many other Star Trek		
18		Television Series as well as Star Trek		
19	Motion Pictures.			
20				
21	Klingons	Klingons		
		Klingons are a warrior race from the		
22		planet Qo'noS. Klingons first appeared on		
23		The Original Series episode "Errand of		
24		Mercy" (1967) (Reg. No. PA-58-283).		
		They have made many appearances on		
25		Star Trek Television Series and Star Trek		
26		Motion Pictures.		
27				
- '				

1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		

#### Infringing Element from Axanar

#### **Star Trek Copyrighted Work**

#### **Costumes**

Vulcans with pointy ears, distinctive eyebrows, and robes with script



Vulcans with pointy ears, distinctive eyebrows, and robes with script



The Vulcan script on robes appeared in *Star Trek—The Motion Picture* (1979) and numerous other films and shows. The image above is from *Enterprise* episode "Kir'shara" in 2004 (Reg. No. PA-1-257-200), showing the same types of Vulcan costumes, robes, and script portrayed by Defendants.

#### **Original Garth Costume**



#### **Original Garth Costume**



Defendants have released a production shot from the *Axanar* Motion Picture showing Peters wearing the original Garth of Izar costume worn by the actor from *The Original Series*, while playing Garth of Izar.

## Infringing Element from Axanar

## **Star Trek Copyrighted Work**

## **Settings**

### **Planet Vulcan**



### **Planet Vulcan**



The above image is Mt. Seleya, on Vulcan, from *Star Trek III The Search for Spock* in 1982 and *Star Trek IV: The Voyage Home* in 1986.

### Vulcan architecture



#### Vulcan architecture



Vulcan architecture from *Enterprise* "Kir'shara" in 2004 (Reg. No. PA-1-257-200).



LA2480428

202828-10048

1			
1 2	Infringing Element from <i>Axanar</i>	Star Trek Copyrighted Work	
3	Vulcan Ships	Vulcan Ships	
4			
5			
6			
7			
8			
9			
10		D'Kyr-class Vulcan ships first appeared in	
11		Enterprise episode "Shockwave, Part II" in 2002 (Reg. No. PA-1-134-204). The	
12		image above is from <i>Enterprise</i> episode	
13		"Kir'shara" in 2004 (Reg. No. PA-1-257-200).	
14	Plot Point Similarities		
15			
16	Teachings of Surak	Teachings of Surak	
17		Surak is first seen in <i>The Original Series</i>	
18		episode "The Savage Curtain" in 1969 (Reg. No. RE-769-425, LP-44-372).	
19		The teachings of Surak are a collection of	
20		writings by the legendary Vulcan	
21		philosopher Surak. They are referenced in <i>Enterprise</i> episode "Two Days and Two	
22		Nights" in 2002 (Reg. No. PA-1-102-974).	
23	Vulcan Council	Vulcan Council	
24		The Vulcan council is seen in <i>Enterprise</i>	
25		episode "Kir'shara" in 2004 (Reg. No.	
26		PA-1-257-200), and <i>Star Trek</i> (2009 film).	
27	The Federation	The Federation	
28		Virtually every Star Trek episode, game,	

LA2480428

202828-10048

	1
	2
	3
	4
	5
	6
	7
	8
	9
1	0
1	1
1	2
1	3
1	4
1	5
1	6
1	7
1	8
1	9
2	0
2	1
2	2
2	3
2	4
2	5
2	6

Infringing Element from	Star Trek Copyrighted Work			
Axanar				
	book, and comic mentions the Federation			
	or the United Federation of Planets.			
Mood and Theme				
Science fiction action adventure	Science fiction action adventure			
	The mood and theme of Star Trek as a science fiction action adventure first appeared in <i>The Original Series</i> episode "The Cage" (Reg. No. PA 314-430), and has appeared in all subsequent episodes of <i>The Original Series</i> and other derivative			

48. On information and belief, the *Axanar* Script contains the copyrighted elements found in the *Axanar* Motion Picture, and many more copyrighted Star Trek elements.

Star Trek Copyrighted Works.

- 49. The *Axanar* Works are intended to be a prequel to the events chronicled in *The Original Series*; in other words, an unauthorized derivative work.
- 50. The *Axanar* Works are not a parody, nor do they constitute fair use of the Star Trek Copyrighted Works.
  - 51. The *Axanar* Works are not licensed by CBS or Paramount.

## FIRST CLAIM FOR RELIEF

# **Copyright Infringement**

## (Against All Defendants)

- 52. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 51 as though fully set forth herein.
- 53. The Star Trek Copyrighted Works constitute copyrightable subject matter under the Copyright Act, 17 U.S.C. §§ 101, *et seq*. Plaintiffs have recorded the copyrights in and to the Star Trek Copyrighted Works with the United States

27

28

LA2480428

202828-10048

Copyright Office and have complied with all applicable statutory registration and renewal requirements.

- 54. Plaintiffs own the United States copyrights in the Star Trek Copyrighted Works, and the exclusive right to develop, create, and/or produce motion pictures and television shows based on the Star Trek Copyrighted Works, including but not limited to the characters, themes, plots, dialogue, settings, sequences, situations, and incidents therein, and also the props, character makeup, costumes, sets, fictional language, events, and fictional history. Plaintiffs are entitled to all of the protections and remedies for the Star Trek Copyrighted Works accorded to a copyright owner.
- 55. On information and belief, in direct violation of Plaintiffs' exclusive rights, Defendants have directly infringed, and unless enjoined by this Court, will continue to infringe the copyrights in the Star Trek Copyrighted Works by, among other things:
- a. Preparing unauthorized derivative works of the Star Trek Copyrighted Works in the form of the *Axanar* Works;
- b. Reproducing copyrighted elements of the Star Trek Copyrighted Works in the *Axanar* Works;
- c. Distributing copies of the *Axanar* Works, which contain copyrighted elements of the Star Trek Copyrighted Works;
- d. Publicly performing the *Axanar* Works, which contain copyrighted elements of the Star Trek Copyrighted Works;
- e. Preparing unauthorized derivative works of the specific episodes and motion pictures referenced in Paragraphs 46-47, above, in the form of the *Axanar* Works;
- f. Reproducing copyrighted elements of the specific episodes and motion pictures referenced in Paragraphs 46-47, above, in the *Axanar* Works;

LA2480428

202828-10048

- 61. On information and belief, Defendants have the right and ability to supervise the other Defendants, and on information and belief, did supervise them in their unlawful preparation, duplication, and distribution of the *Axanar* Works.
- 62. On information and belief, Defendants enjoy a direct financial benefit from the preparation, duplication, and distribution of the infringing *Axanar* Works.
- 63. In direct violation of Plaintiffs' exclusive rights and as a consequence of the foregoing, Defendants have vicariously infringed the copyrights in the Star Trek Copyrighted Works and in the specific episodes and motion pictures referenced in Paragraphs 46-47, above.

### **FOURTH CLAIM FOR RELIEF**

### **Declaratory Judgment**

## (Against All Defendants)

- 64. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 63 as though fully set forth herein.
- 65. Defendants are in the process of producing the *Axanar* Motion Picture, without obtaining Plaintiffs' authorization.
- 66. In addition to the infringing elements already copied into the *Axanar* Works, Defendants have announced their intention to incorporate numerous other copyrighted Star Trek elements into the *Axanar* Works, including but not limited to:
- a. **Captain Robert April**, a character whose name came from the very first Star Trek pitch and who appeared in the episode "The Counter-Clock Incident" from *The Animated Series*.
- b. **Chang,** a character who appeared in *Star Trek VI—The Undiscovered Country*.
- c. **Sarek**, a character who appeared in "Journey to Babel" from *The Original Series* (Registration No. RE-714-288, LP-50-341), the episodes "Sarek" (Registration No. PA-501-117) and "Unification, Part I" (Registration No. PA-573-

LA2480428

202828-10048

LA2480428

202828-10048

- 177) from Star Trek: The Next Generation, Star Trek III The Search for Spock, and Star Trek IV: The Voyage Home.
- d. **The Bridge**, a starship operations center that appeared in many Star Trek Copyrighted Works such *The Original Series* episode "The Cage" (Registration No. PA 314-430).
- e. **Mek'leths,** which are Klingon warrior weapons that appeared in *Star Trek: Deep Space Nine*.
- 67. An actual controversy has arisen and now exists relating to the rights and duties of Plaintiffs and Defendants under the United States copyright laws in that Plaintiffs contend that they are the sole owners of the Star Trek Copyrighted Works and that the *Axanar* Works infringe Plaintiffs' rights in the Star Trek Copyrighted Works. Defendants apparently contend that they are entitled to create, distribute, market, advertise, promote, sell, or offer for sale derivative works of the Star Trek Copyrighted Works, which contain elements that are substantially similar to the Star Trek Copyrighted Works.
- 68. Pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and Rule 57 of the Federal Rules of Civil Procedure, Plaintiffs request a judicial determination of their rights, and a declaration that Defendants' continued production the *Axanar* Motion Picture constitutes infringement of the Star Trek Copyrighted Works.
- 69. A judicial declaration is necessary and appropriate at this time in order that Plaintiffs may ascertain the parties' rights.

## **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully requests that this Court enter judgment against Defendants as follows:

- 1. That the Court find that:
- a. Defendants have infringed the copyrights in the Star Trek Copyrighted Works;

- b. Defendants have contributed to the infringement of the copyrights in the Star Trek Copyrighted Works;
- c. Defendants have vicariously infringed the copyrights in the Star Trek Copyrighted Works.
- 2. That the Court enter a declaration that Defendants' continued production the *Axanar* Motion Picture constitutes infringement of the Star Trek Copyrighted Works.
- 3. That the Court find that as a direct and proximate result of Defendants' foregoing acts, Plaintiffs are entitled to the following damages:
- a. At Plaintiffs' election, statutory damages of up to \$150,000 for each separate Star Trek Copyrighted Work infringed, for willful infringement pursuant to 17 U.S.C. § 504(c), or Plaintiffs' actual damages sustained as a result of Defendants' acts of copyright infringement according to proof and Defendants' profits obtained as a result of their acts of copyright infringement according to proof; and
- b. Plaintiffs' reasonable attorneys' fees and costs pursuant to the Copyright Act of 1976, 17 U.S.C. §§ 101, et seq., and 17 U.S.C. § 505.
- 4. That the Court find that the threat of irreparable harm to Plaintiffs as a result of Defendants' conduct leaves Plaintiffs without adequate remedy at law, and therefore that Plaintiffs are entitled to an injunction restraining Defendants, their agents, servants, employees, attorneys, successors, assigns, subsidiaries, and all persons, firms, and corporations acting in concert with them, from directly or indirectly infringing the copyrights in the Star Trek Copyrighted Works, including but not limited to continuing to distribute, market, advertise, promote, produce, sell, or offer for sale the *Axanar* Works or any works derived or copied from the Star Trek Copyrighted Works, and from participating or assisting in any such activity whether or not it occurs in the United States.

1	DEMAND FOR JURY TRIAL	
2	Plaintiffs demand a trial by jury as provided by Rule 38 of the Federal Rules	
3	of Civil Procedure.	
4		
5	Dated: March 11, 2016 LOEB & LOEB LLP	
6	JONATHAN ZAVIN DAVID GROSSMAN	
7	JENNIFER JASON	
8	By:/s/ David Grossman David Grossman	
9	David Grossman Attorneys for Plaintiffs DADAMOUNT DICTURES	
10	Attorneys for Plaintiffs PARAMOUNT PICTURES CORPORATION and CBS STUDIOS	
11	INC.	
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		

#### APPENDIX A: COPYRIGHTED STAR TREK WORKS 1 2 A. Motion Pictures 3 1. Star Trek – The Motion Picture (PA 58-633) 2. Star Trek II – The Wrath of Khan (PA 147-513) 4 5 3. Star Trek III The Search for Spock (PA 214-571) Star Trek IV: The Voyage Home (PA 313-406) 6 4. 7 5. Star Trek V: The Final Frontier (PA 436-660) 8 6. Star Trek VI – The Undiscovered Country (PA 558-359) 9 7. Star Trek Generations (PA 735-978) 8. 10 Star Trek: First Contact (PA 832-616) 9. 11 Star Trek: Insurrection (PA 949-613) 12 10. Star Trek Nemesis (PA 1-113-097) 13 11. Star Trek (PA 1-626-900) 12. 14 Star Trek Into Darkness (PA 1-837-943) B. Television Series<sup>1</sup> 15 16 1. The Original Series 17 i. Episode 1: The Man Trap (PA 58-307) 18 2. The Next Generation 19 i. Encounter at Farpoint (Pilot) (PA 348 301) 20 3. Deep Space Nine 21 i. The Emissary, Part I (PA 661-369) 22 4. Voyager 23 i. Caretaker (PA 775-677 and PAu 1-801-831) 24 5. Enterprise 25 i. Enterprise – Episode #001 and #002 "Broken Bow" (PA 1-072-515) 26 27 <sup>1</sup> Plaintiffs own the copyrights for all episodes of each Star Trek television series, and have identified the copyright registrations for the first episode of each 28 television series.

46

LA2480428

6. Copyright Assignment from Paramount Pictures Corporation to CBS Studios Inc. (V3542 D684- V3542 D690)