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14 Attorneys for Plaintiff PACIFIC COAST  
15 VIDEO, INC.

16 **IN THE UNITED STATES DISTRICT COURT**  
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

18 PACIFIC COAST VIDEO, INC., a  
19 California corporation,  
20  
21 Plaintiff,

22 v.

23 PUBLIC BROADCASTING  
24 SERVICE (PBS), a District of  
25 Columbia nonprofit corporation;  
26 FLEISHERFILM, INC., a Wyoming  
27 corporation;  
28 PBS SOCAL/KOCE, a California  
non-commercial television station;  
KVCR-DT, a California  
non-commercial television station;  
and  
KLCS, a California non-commercial  
television station,

Defendants.

Civil Action No. 2:16-CV-8756

**COMPLAINT OF PLAINTIFF  
PACIFIC COAST VIDEO FOR  
COPYRIGHT INFRINGEMENT  
AND UNFAIR COMPETITION**

**-and-**

**DEMAND FOR JURY TRIAL**

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1 Plaintiff PACIFIC COAST VIDEO, INC. (“PCV”), for its Complaint  
2 against Defendants PUBLIC BROADCASTING SERVICE (“PBS”);  
3 FLEISHERFILM, INC. (“fleisherfilm”); PBS SOCAL/KOCE-TV (“PBS  
4 SoCal/KOCE-TV”); KVCR-DT; and KLCS (collectively, “Defendants”),  
5 hereby alleges as follows:

6 **I. JURISDICTION AND VENUE**

7 1. This is an action for copyright infringement arising under 17  
8 U.S.C. § 501 and for unfair competition arising under California Business &  
9 Professions code §§ 17200 *et seq.* and under the common law of the State of  
10 California.

11 2. This Court has subject matter jurisdiction pursuant to 28 U.S.C.  
12 §§ 1331, 1338(a) and (b), & 1367(a).

13 3. This Court has personal jurisdiction over Defendants by virtue of  
14 each Defendant’s systematic and continuous contacts with California and by the  
15 actions in California giving rise to this Complaint, including in this Judicial  
16 District.

17 4. Venue is proper in this Judicial District pursuant to 28 U.S.C.  
18 §§ 1391(b) and (c).

19 **II. THE PARTIES**

20 5. PCV is a California corporation having its principal place of  
21 business at 635 Chapala Street, Santa Barbara, California 93101.

22 6. PCV is informed and believes, and thereupon alleges, that  
23 Defendant PBS is a private, nonprofit corporation organized under the laws of  
24 the District of Columbia having its principal place of business at 2100 Crystal  
25 Drive Arlington, Virginia 22202.

26 7. PCV is informed and believes, and thereupon alleges, that  
27 Defendant PBS SoCal/KOCE-TV is a non-commercial television station  
28 organized under the laws of California having its principal place of business at

1 3080 Bristol Street, Costa Mesa, California 92626, and that KOCE-TV is  
2 licensed to the KOCE-TV Foundation.

3 8. PCV is informed and believes, and thereupon alleges, that  
4 Defendant KVCR-DT is a non-commercial television station organized under  
5 the laws of California having its principal place of business at 701 South Mount  
6 Vernon Avenue, San Bernardino, California 92410, and that KVCR-DT is  
7 licensed to the San Bernardino Community College District.

8 9. PCV is informed and believes, and thereupon alleges, that  
9 Defendant KLCS is a non-commercial television station organized under the  
10 laws of California having its principal place of business at 1061 West Temple  
11 Street, Los Angeles, California 90012-1590, and that KLCS is licensed to the  
12 Los Angeles Unified School District.

13 10. PCV is informed and believes, and thereupon alleges, that  
14 Defendant fleisherfilm is a Wyoming corporation having its principal place of  
15 business at 8701 West Olympic Boulevard, Los Angeles, California 90035.

### 16 **III. BACKGROUND**

#### 17 **A. Plaintiff Pacific Coast Video**

18 11. Gordon Forbes, the principal of PCV, has been involved with the  
19 filming, directing, and production of television programming since 1974, the  
20 year that PCV was founded. Mr. Forbes' devotion to the craft has led to over 40  
21 hours of PCV's programming being broadcast on various television networks.  
22 In particular, PCV gained notoriety from its one-of-a-kind work with the U.S.  
23 Navy SEALs.

24 12. Mr. Forbes began his relationship with the U.S. Navy SEALs in  
25 1988 by arranging a visit to the Naval Special Warfare Command in Coronado,  
26 California. Specifically, Mr. Forbes first went to the Basic Underwater  
27 Demolition/SEAL center ("BUD/s"), the recruit training program for the Navy  
28 SEALs. Subsequently, the commanding officers agreed to allow Mr. Forbes to

1 visit regularly to learn how the BUD/s training was structured. And by 1989,  
2 the commanding officers further agreed to allow Mr. Forbes and PCV to film  
3 that training. The Naval Special Warfare BUD/s command's objectives were to  
4 attract qualified recruits looking for a challenge, to show the outside world what  
5 becoming a Navy SEAL entailed, and to provide an unclassified look at SEAL  
6 team capabilities. PCV's objectives were to create a series of documentaries for  
7 broadcast on cable television.

8 13. The commanding officers of the BUD/s center and the Naval  
9 Special Warfare command agreed to allow Mr. Forbes to film the various  
10 training scenarios and events as they occurred. The arrangement was that all  
11 interviews with individual SEAL candidates and SEAL team members were to  
12 be conducted only with the permission of the interviewees, that all production  
13 expenses were to be borne by PCV (which included commercial travel, rental  
14 production equipment, and lodging), and that the resultant footage, and all rights  
15 therein, would remain the exclusive the property of PCV.

16 14. This arrangement established the basis for Mr. Forbes' career of  
17 working with the U.S. Navy Special Warfare community for the next 12 years.  
18 The BUD/s executive officer invited Mr. Forbes to film the "Hell Week" part of  
19 the BUD/s training. Mr. Forbes accepted the invitation wholeheartedly and  
20 thereafter filmed the first BUD/s "Hell Week" evolution ever produced by  
21 anyone, either military or civilian.

22 15. That Hell Week footage was included in "Navy SEALs:  
23 Underwater Warriors," which PCV produced, directed, wrote, and filmed the  
24 footage for. Indeed, that show was nominated in 1989 for a local Emmy award  
25 for editing. All footage for this program and from the shoot is the property of  
26 PCV.

27 16. Over the course of the 12 years that Mr. Forbes worked with the  
28 U.S. Navy Special Warfare community, he traveled, at his expense, to film

1 various SEAL teams in locations such as Coronado, California; Kodiak Island,  
2 Alaska; New Orleans, Louisiana; Panama Canal, Panama; San Clemente Island,  
3 California; Fort Benjamin Harrison, Montana; Camp Pendleton, California;  
4 Blackwater, North Carolina; Monterrey, California; AP Hill, Virginia;  
5 Ft. Pickett, Virginia; Mississippi River, Louisiana; Norfolk, Virginia; Yuma,  
6 California; Piney Island, North Carolina; Niland, California; Ft. Benjamin  
7 Harrison, Montana; Norway; Chile; Bahrain; and the Persian Gulf.

8 17. Indeed, Mr. Forbes performed 18 dives with SEAL Teams in  
9 Coronado Bay, the Persian Gulf, Bahrain, and the Santa Barbara Channel. In  
10 addition, Mr. Forbes filmed over a dozen platoon Immediate Action live fire  
11 drills, as well live fire drills for man down drills, jungle patrols, land and  
12 underwater explosive training, simulated ambushes, Australian Peel, helicopter  
13 insertion on land and sea, live fire drills with Chilean Navy, double and single  
14 duck insertions from C-130 and helicopter, both in Pacific, Atlantic, and  
15 Panama Canal Zone, live fire training with helicopter units at Ft. Pickett,  
16 hostage rescue, kill house SWAT drills, obstacle course drills, and inter-service  
17 operations with Army and Marine units, and finally three Hell Weeks - BUD/s  
18 Classes 163, 196, and 234.

19 18. PCV's unprecedented footage of the Navy SEALs resulted in the  
20 production of "Silent Option," an Emmy-award-winning documentary first  
21 shown on Discovery Channel in December 1996.

22 **B. Plaintiff Pacific Coast Video's Copyrights**

23 19. PCV, as the author of "Naval Special Warfare Brief 1," (also  
24 known as "NSW 1"), "Naval Special Warfare Brief 2," (also known as  
25 "NSW 2"), "U.S. Navy SEALs: Direct Action," "In Harm's Way," "U.S. Navy  
26 SEALs: Silent Option," and "Hell Week" (collectively, the "PCV WORKS") is  
27 the owner of the copyrights pursuant to 17 U.S.C. § 201(a).

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1           20.   PCV has complied with the copyright laws of the United States and  
2 has secured copyrights and the exclusive rights and privileges offered by such  
3 copyrights in the PCV WORKS. Specifically, on or about February 27, 2015,  
4 PCV registered with the United States Copyright Office its copyright in “Naval  
5 Special Warfare Brief 1” as Registration No. PAu 3-769-778; on or about  
6 February 25, 2015, PCV registered with the United States Copyright Office its  
7 copyright in “Naval Special Warfare Brief 2” as Registration  
8 No. PAu 3-768-002; on or about April 22, 1999, the United States Copyright  
9 Office recorded PCV’s registration of its copyright in “Navy SEALs: In Harm’s  
10 Way” as Registration No. V3433D360; and on or about January 20, 2000, the  
11 United States Copyright Office recorded PCV’s registration of its copyright in  
12 “Hell Week” as Registration No. V3449D676.

13           21.   On or about February 22, 2016, PCV filed an application to register  
14 its copyright in “U.S. Navy SEALs: Silent Option” with the United States  
15 Copyright Office. On or about April 29, 2016, PCV filed an application to  
16 register its copyright in “U.S. Navy SEALs: Direct Action” with the United  
17 States Copyright Office. PCV will seek to amend the complaint once it has  
18 confirmation of registration for “U.S. Navy SEALs: Silent Option” and “U.S.  
19 Navy SEALs: Direct Action.”

20           22.   A true and correct copy of the Certificate of Registration for  
21 “Naval Special Warfare Brief 1” is attached hereto as Exhibit A. A true and  
22 correct copy of the Certificate of Registration for “Naval Special Warfare  
23 Brief 2” is attached hereto as Exhibit B. A true and correct copy of the  
24 Certificate of Registration for “Navy SEALs: In Harm’s Way” is attached  
25 hereto as Exhibit C. A true and correct copy of the Certificate of Registration  
26 for “Hell Week” is attached hereto as Exhibit D.

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1 **C. Defendants' Wrongful Acts**

2 23. Without permission or authority from PCV, and despite repeated  
3 requests by PCV to cease, Defendants PBS and fleisherfilm have infringed and  
4 continue to infringe the PCV WORKS by various acts, including broadcasting  
5 "Navy SEALs - Their Untold Story" on PBS stations nationwide, making "Navy  
6 SEALs - Their Untold Story" available for streaming and/or rental on pbs.com,  
7 Netflix, Amazon, Google Play, and Apple iTunes, and selling DVD copies of  
8 "Navy SEALs - Their Untold Story."

9 24. Specifically, PCV is informed and believes, and thereupon alleges,  
10 that on Veterans Day, November 11, 2014, "Navy SEALs - Their Untold Story"  
11 was broadcast nationwide by PBS and all of PBS's 350 affiliate stations,  
12 including PBS SoCal/KOCE-TV, KVCR-DT, and KLCS.

13 25. PCV is informed and believes, and thereupon alleges, "Navy  
14 SEALs - Their Untold Story" was first broadcast as a two-hour special on  
15 Veterans Day to garner maximum viewership and revenue.

16 26. PCV is informed and believes, and thereupon alleges, that "Navy  
17 SEALs - Their Untold Story" was re-broadcast nationwide by PBS and all of  
18 PBS's 350 affiliate stations, including PBS SoCal/KOCE-TV, KVCR-DT, and  
19 KLCS, in November 2014 and twice in April 2015.

20 27. PCV is informed and believes, and thereupon alleges, that "Navy  
21 SEALs - Their Untold Story" was produced by fleisherfilm.

22 28. The following table contains the time codes from "Navy SEALs –  
23 Their Untold Story" which contain PCV's copyrighted footage, as well as the  
24 corresponding time codes of the copyrighted PCV WORKS from which the  
25 footage was obtained by fleisherfilm and PBS without authorization:

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- 1 Key:
- 2 PBS Program = Navy SEALs: Their Untold Story
- 3 NSW1 = Naval Special Warfare Brief 1<sup>1</sup>
- 4 SO – File = Silent Option
- 5 IHW = In Harm’s Way
- 6 DA = Direct Action
- 7 Hell Week – Master = Hell Week
- 8 TC = Time code

Navy SEALs – Their Untold Story Time Code	Pacific Coast Video Source	Pacific Coast Video Time Code
TC 01 00 25- 01 00 28	NSW1	TC 00 01 54 – 00 02 00
TC 01 04 32 23 – 01 04 33 18	SO – File	TC 00 06 37 – 00 06 42
	NSW1	TC 00 06 29 – 00 07 20
	SO – File	TC 00 07 09 – 00 07 46
	DA – File	TC 00 02 08 25 – 00 02 13 00

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28 <sup>1</sup> The footage in NSW2 is identical to that of NSW1



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Navy SEALs – Their Untold Story Time Code	Pacific Coast Video Source	Pacific Coast Video Time Code
TC 01 04 33 18 – 01 04 34 16	SO – File  NSW1  SO – File  SO – File  HELL WEEK -  Master	TC 00 02 09 – 00 02 13  TC 00 06 40 – 00 06 45  TC 00 07 17 – 00 07 19  TC 00 07 55 – 00 07 57  TC 00 03 53 15 – 00 03 56 15
TC 01 04 37 07 – 01 04 38 10	NSW1  HELL WEEK -  Master  SO – File	TC 00 06 43 – 00 06 45  TC 01 00 33 10 – 01 00 36 12  TC 07 24 – 07 28
TC 01 04 38 13 – 01 04 42 00	NSW1  SO – File	TC 06 52 – 06 57  TC 07 32 – 07 39
TC 02 00 09 00 – 02 00 14 25	NSW1	TC 00 01 54 – 00 02 00
TC 02 00 14 18 – 02 00 17 00	NSW1	TC 00 02 20 – 00 02 23
TC 02 00 17 03 – 02 00 18 10	NSW1	TC 00 02 26 – 00 02 29
TC 02 00 18 15 – 02 00 20 00	NSW1	TC 00 02 29 – 00 02 30
TC 02 00 19 27 – 02 00 22 15	NSW1	TC 00 02 30 – 00 02 33

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<b>Navy SEALs – Their Untold</b>	<b>Pacific Coast Video</b>	<b>Pacific Coast Video Time Code</b>
<b>Story Time Code</b>	<b>Source</b>	
TC 02 00 22 15 – 02 00 25 21	NSW1	00 02 42 – 00 02 57
TC 02 00 25 23 – 02 00 28 00	SO – File  NSW1  DA – File	TC 01 01 19 – 00 01 23  TC 00 02 56 00 – 00 03 01 TC  00 24 36 – 00 24 43
TC 02 00 35 03 – 02 00 37 02	SO – File  IHW  NSW1	TC 00 06 23 – 00 06 26  TC 00 02 43 – 00 02 48  TC 00 04 06 – 00 04 11
TC 02 00 37 27 – 02 00 39 00	NSW1	TC 00 03 53 15– 00 03 56 15
TC 02 00 39 11 – 02 00 41 11	NSW1	TC 00 04 26 – 00 04 32
TC 02 06 18 02 – 02 06 19 05	NSW1	TC 00 07 31 00 – 00 07 32 25
TC 02 06 19 02 – 02 06 20 20 TC 02 06 19 02 – 02 06 19 13	HELL WEEK -  Master  NSW1	TC 01 00 43 29 – 01 00 45 23  TC 00 07 33 – 00 07 35
TC 02 06 20 21 – 02 06 22 00	NSW1  HELL WEEK –  Master	TC 00 07 56 – 00 07 58  TC 01 00 59 12 – 01 01 03 03

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<b>Navy SEALs – Their Untold Story Time Code</b>	<b>Pacific Coast Video Source</b>	<b>Pacific Coast Video Time Code</b>
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TC 02 06 22 00 – 02 06 22 17	NSW1  HELL WEEK –  Master	TC 00 07 40 00 – 00 07 41 25  TC 01 00 45 – 01 00 46 05
TC 02 06 22 15 – 02 06 24 00	NSW1  HELL WEEK -  Master	TC 00 07 40 – 00 07 43 and 00 20 25 – 00 20 27  TC 01 00 47 19 – 01 00 50 08
TC 02 06 24 00 – 02 06 25 08	NSW1  HELL WEEK -  Master  SO – File	TC 00 07 42 – 00 07 47 and 00 20 29 – 00 20 32 TC 01 00 49 16 – 01 00 54 15  TC 00 36 41 – 00 36 42
TC 02 06 25 17 – 02 06 27 05	NSW1  SO – File	TC 00 07 47 – 00 47 50  TC 00 37 31 05 – 00 37 36 05
TC 02 06 27 09 – 02 06 29 29	NSW1	TC 00 07 49 – 00 07 53 15
TC 02 06 37 00 – 02 06 38 12	IHW – File	TC 00 17 23 – 00 17 25 25
TC 02 06 38 13 – 02 06 41 05	IHW – File	TC 00 17 14 26 – 00 17 17 18 00

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<b>Navy SEALs – Their Untold Story Time Code</b>	<b>Pacific Coast Video Source</b>	<b>Pacific Coast Video Time Code</b>
TC 02 06 41 01 – 02 06 46 15	IHW – File	TC – (still) 00 17 28 or so
TC 02 06 46 16 – 02 06 49 00	IHW – File	TC 00 15 57 – 00 16 03
TC 02 06 49 00 – 02 06 50 25	IHW – File	TC 00 17 08 - 00 17 14
TC 02 06 50 15 – 02 06 53 10	IHW – File	TC 00 17 14 25 – 00 17 19 00
TC 02 06 53 17 - 02 06 55 19	IHW – File	TC 00 17 40 – 00 17 44
TC 02 06 55 20 – 02 06 58 20	IHW – File	TC 00 17 43 – 00 17 47
	SO – File	TC 00 02 04 – 00 02 55
	NSW1	TC 00 05 05 – 00 05 45
TC 02 16 44 27 – 02 16 47 07	NSW1	TC 00 05 07 00 – 00 05 11 15
	SO – File	TC 00 02 04 – 00 02 08
	SO – File	TC 01 01 20 – 01 01 22
	SO – File	TC 01 00 18 - 01 00 20 15
TC 02 16 47 08 – 02 16 49 14	SO – File	TC 00 02 32 15 – 00 02 33 20
	NSW1	TC 00 05 22 10 – 00 05 26 15
TC 02 16 47 08 – 02 16 49 14	SO – File	TC 00 02 20 25 – 00 02 22
	NSW1	TC 00 05 14 15 – 00 05 18 10
TC 02 16 51 13 – 02 16 53 00	SO – File	TC 00 02 23 – 00 02 25 25
	NSW1	TC 00 05 20 – 00 05 22

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<b>Navy SEALs – Their Untold</b>	<b>Pacific Coast Video</b>	<b>Pacific Coast Video Time Code</b>
<b>Story Time Code</b>	<b>Source</b>	
TC 02 16 53 01 – 02 16 56 03	SO – File	TC 00 02 51 15 – 00 02 53 15
	NSW1	TC 00 05 31 15 – 00 05 34 20
TC 02 16 56 07 – 02 16 58 25	SO – File	TC 00 02 40 – 00 02 42
	NSW1	TC 00 01 33 – 00 01 35
TC 02 16 58 26 – 02 17 06 08	NSW1	TC 00 01 42 00 – 00 01 53 00
TC 02 20 57 28 – 02 21 08 03	SO – File	TC 00 58 03
TC 02 21 08 – 02 21 14 10	SO – File	TC 00 58 03 – 00 58 07
TC 02 21 11 01 – 02 21 14 17	SO – File	TC 00 57 57 – 00 58 02
TC 02 50 37 14 – 02 50 43 27	NSW1 – Still Frame	TC 00 03 53 15– 00 03 56 15
TC 02 50 44 07 – 02 50 45 15	SO – File	TC 00 05 34 20 – 00 05 37 15
	NSW1	TC 00 03 53 15– 00 03 56 15

Navy SEALs – Their Untold Story Time Code	Pacific Coast Video Source	Pacific Coast Video Time Code
TC 02 50 45 16 – 02 50 48 20	ALL PROGRAMS TITLE SEQUENCE SO – File SO – File IHW – File DA – File NSW1 HELL WEEK - Master	TC 00 02 56 00 – 00 02 59 15 TC 01 03 29 – 01 03 32 TC 00 03 04 – 00 03 07 and 00 55 35 – 00 55 38 TC 00 03 03 -00 03 05 and 00 56 50 – 00 56 53 TC 00 04 33 – 00 04 38 25 TC 01 02 09 12 – 01 02 11 19 and 01 54 13 01 – 01 54 15 07
TC 02 50 48 21 – 02 50 52 00	NSW1	TC 00 01 19 – 00 01 25 00
TC 02 50 52 – 02 50 57 00	NSW1	TC 00 01 16 15 – 00 01 18 00
TC 02 51 16 15 – 02 51 31 00	NSW1 SO – File	TC 00 04 39 STILL FRAME approximate TC 00 01 50

Navy SEALs – Their Untold Story Time Code	Pacific Coast Video Source	Pacific Coast Video Time Code
TC 02 51 43 00 – 02 51 57 05	NSW1  SO – File  NSW1  SO – File	TC 00 04 43 or 00 04 44 STILL  FRAME approximate  TC 00 01 51 approximate  TC 00 04 39 00 – 00 04 5301  (from Rubber duck scene)  TC 00 01 50 20 – 00 01 59 20
TC 02 51 57 06 – 02 52 02 08	NSW1  NSW1  SO – File	TC 00 04 38 20 – 00 04 53 00  TC 00 10 01 15 – 00 10 12 15  TC 00 01 50 20 – 00 01 59 20
TC 02 52 02 09 – 02 52 07 03	NSW1  SO – File	TC 00 04 51 00 – 00 05 01 00  TC 00 01 59 00 – 00 02 05 00

29. PCV is informed and believes, and thereupon alleges, that “Navy SEALs - Their Untold Story” was the fourth-highest-rated special on PBS in 2014.

30. PCV is informed and believes, and thereupon alleges, that fleisherfilm has profited by producing “Navy SEALs - Their Untold Story.”

31. PCV is informed and believes, and thereupon alleges, that PBS profited from its broadcasting and distributing of “Navy SEALs - Their Untold Story.”

1 32. PCV is informed and believes, and thereupon alleges, that “Navy  
2 SEALs - Their Untold Story” had commercial sponsorship by at least USAA  
3 and Anheuser-Busch.

4 33. PCV is informed and believes, and thereupon alleges, that PBS  
5 SoCal/KOCE-TV, KVCR-DT, and KLCS profited from their broadcasting of  
6 “Navy SEALs - Their Untold Story.”

7 34. PCV is informed and believes, and thereupon alleges, that PBS and  
8 fleisherfilm’s conduct was willful.

9 35. Within hours of the first broadcast of “Navy SEALs - Their Untold  
10 Story” on November 11, 2014, PCV contacted PBS regarding PBS’s  
11 infringement of PCV’s copyrighted works.

12 36. PCV informed PBS of its allegation that PCV’s copyrighted  
13 footage appears in “Navy SEALs - Their Untold Story.” Despite being noticed  
14 of the alleged copyright infringement, PBS continued thereafter to publically  
15 broadcast and distribute “Navy SEALs - Their Untold Story.”

16 37. PCV is informed and believes, and thereupon alleges, that despite  
17 being informed of PCV’s allegations of copyright infringement, PBS allowed its  
18 350 affiliate stations, including PBS SoCal/KOCE-TV, KVCR-DT, and KLCS,  
19 to continue broadcasting “Navy SEALs - Their Untold Story.”

20 38. Soon after the first broadcast of “Navy SEALs - Their Untold  
21 Story” on November 11, 2014, PCV contacted fleisherfilm regarding  
22 fleisherfilm’s infringement of PCV’s copyrighted works.

23 39. PCV has attempted, on numerous occasions, to resolve this matter  
24 amicably.

25 40. Despite fleisherfilm and PBS’s review of evidence of PCV’s  
26 federal copyright registrations, and despite the absence of any writing  
27 transferring any of PCV’s copyright rights in the PCV WORKS to a third party,

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1 fleisherfilm and PBS denied, and continue to deny, that PCV is the owner of the  
2 PCV WORKS that appear in “Navy SEALs - Their Untold Story.”

3 41. Despite PBS and fleisherfilm’s receipt of numerous notices from  
4 PCV of their copyright infringement, PBS and fleisherfilm continue to make the  
5 infringing work available for viewing by the public, including on PBS  
6 SoCal/KOCE-TV, KVCR-DT, and KLCS, by rental, and by purchase.

7 **IV. FIRST CLAIM FOR RELIEF**

8 **Copyright Infringement under 17 U.S.C. § 501 Against Defendants PBS**  
9 **and fleisherfilm**

10 42. PCV hereby repeats, realleges, and incorporates by reference  
11 Paragraphs 1-41 of this Complaint as though fully set forth herein.

12 43. This is a claim for copyright infringement in violation of 17 U.S.C.  
13 § 501.

14 44. PCV is the owner of the copyrights in the PCV WORKS, which  
15 contain copyrightable subject matter under 17 U.S.C. §§ 101 *et seq.*

16 45. PCV has complied in all respects with 17 U.S.C. §§ 102 *et seq.*, the  
17 statutory deposit and registration requirements thereof, and all of the laws  
18 governing federal copyrights, to secure the exclusive rights and privileges in and  
19 to the PCV WORKS.

20 46. PCV is informed and believes, and on that basis alleges, that  
21 Defendants PBS and fleisherfilm have willfully and deliberately infringed  
22 PCV’s copyrights in the PCV WORKS by copying and distributing portions of  
23 the PCV WORKS.

24 47. PCV is informed and believes, and on that basis alleges, that  
25 Defendants have made profits and have been unjustly enriched by reason of  
26 their infringement of PCV’s copyrights in the PCV WORKS.

27 48. As a direct consequence of Defendants’ aforementioned acts, PCV  
28 has been damaged in an amount to be determined through discovery.

1 49. As a direct consequence of Defendants' aforementioned acts,  
2 PCV's ability to generate revenue by licensing the PCV WORKS has been  
3 greatly impaired.

4 50. As a direct consequence of Defendants' aforementioned acts,  
5 PCV's reputation of has been damaged.

6 51. As a direct consequence of Defendants' aforementioned acts, PCV  
7 has suffered, and will continue to suffer, irreparable injury. Such damage and  
8 irreparable injury will continue and will increase unless and until Defendants are  
9 enjoined from their wrongful acts.

10 **V. SECOND CLAIM FOR RELIEF**

11 **California Statutory and Common Law Unfair Competition**

12 52. PCV hereby repeats, realleges, and incorporates by reference  
13 Paragraphs 1-51 of this Complaint as though fully set forth herein.

14 53. This is a claim for unfair competition in violation of California  
15 Business and Professions Code §§ 17200 *et seq.* and the common law of the  
16 State of California.

17 54. PCV has invested substantial time, skill, and money in developing  
18 its copyrighted materials. Defendants have appropriated and used PCV's  
19 copyrighted works at little or no cost to Defendants. Defendants' appropriation  
20 and use of PCV's property was without the authorization or consent of PCV.  
21 The actions of Defendants have resulted in business loss and injury to PCV.

22 55. Defendants' actions constitute unlawful, unfair, malicious, or  
23 fraudulent business practices in violation of California Business and Professions  
24 Code §§ 17200 *et seq.* and the common law of the State of California.

25 56. PCV is informed and believes, and on that basis alleges, that  
26 Defendants have made profits and have been unjustly enriched by reason of  
27 their infringement of PCV's copyrights in the PCV WORKS.

28 ///



1 personal service or otherwise, be forthwith preliminarily and permanently  
2 enjoined from:

3 i. using PCV’s copyrights in any manner without authorization  
4 from PCV; and

5 ii. unfairly competing with PCV in any manner whatsoever;

6 F. That Defendants be required to account to PCV for any and all  
7 profits derived by Defendants and all damages sustained by PCV by virtue of  
8 Defendants’ acts complained of herein;

9 G. That Defendants be held liable and ordered to pay over to PCV all  
10 damages that PCV has sustained as a consequence of the acts complained of  
11 herein, subject to proof at trial, and that PCV be awarded the profits of  
12 Defendants derived by reason of said acts or statutory damages, whichever are  
13 greater, or applicable, all as determined by said accounting for;

14 H. That PBS and fleisherfilm be held liable to PCV and that PCV  
15 recover exemplary damages pursuant to California Civil Code § 3294;

16 I. That PCV recover its costs, attorney’s fees, and expenses of this  
17 action from Defendants pursuant to 17 U.S.C. § 505; and

18 J. That Pacific Coast Video be awarded such other and further relief  
19 as this Court may deem just and proper.

20 KNOBBE, MARTENS, OLSON & BEAR, LLP

21  
22 Dated: November 23, 2016

By: /s/ John W. Holcomb  
John W. Holcomb  
Hans L. Mayer  
Attorneys for Plaintiff PACIFIC COAST  
VIDEO, INC.

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**DEMAND FOR JURY TRIAL**

Plaintiff PACIFIC COAST VIDEO, INC. hereby demands a trial by jury as to all issues triable by a jury in the above-captioned action.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 23, 2016

By: /s/ John W. Holcomb

John W. Holcomb  
Hans L. Mayer  
Attorneys for Plaintiff PACIFIC COAST VIDEO, INC.

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