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12 Attorneys for Plaintiff,  
13 PLAYBOY ENTERPRISES, INC.

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16 WESTERN DIVISION

17 PLAYBOY ENTERPRISES, INC.,

18 Plaintiff,

19 v.

20 DRAKE aka AUBREY DRAKE  
21 GRAHAM, CASH MONEY  
22 RECORDS, INC., UNIVERSAL  
23 MUSIC GROUP, INC.,  
24 UNIVERSAL MUSIC GROUP  
25 DISTRIBUTION, CORP.,

26 Defendants.

CASE NO.

COMPLAINT FOR COPYRIGHT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

1 Plaintiff PLAYBOY ENTERPRISES, INC., demanding trial by jury,  
2 complains and allege as follows:

3 **I.**

4 **JURISDICTION AND VENUE**

5 1. Plaintiff's Claim for Relief arises under the Copyright Laws of the  
6 United States, as amended (17 U.S.C. § et seq.). The Court has subject matter  
7 jurisdiction over this claim pursuant to 28 U.S.C. §§ 1338 and 1331.

8 2. Venue is proper in this district under 28 U.S.C. §§ 1391(b)(2) because  
9 Defendants have committed acts of infringement in this judicial district, Plaintiff  
10 resides in this district and Defendant Universal Music Group, Inc. resides in this  
11 district.

12 **II.**

13 **THE PARTIES**

14 **Plaintiff**

15 3. Plaintiff Playboy Enterprises, Inc. ("Playboy") does business in Los  
16 Angeles County, California. Plaintiff is the legal owner of the sound recording  
17 "Fallin' in Love," by Hamilton, Joe Frank and Reynolds aka Hamilton Joe Frank  
18 and Dennison, which has been duly registered for copyright as N23783, a copy of  
19 which is attached hereto as Exhibit 1. Plaintiff is the successor-in-interest to  
20 Playboy Music, Inc. and has acquired all of Playboy Music, Inc.'s rights in and to  
21 the sound recording.

22 **Defendants**

23 4. Plaintiff is informed and believes, and on that basis alleges, that  
24 Defendant Drake is a recording artist, whose given name is Aubrey Drake Graham  
25 ("Drake"), and is a resident of Canada, who at all times herein was regularly doing  
26 business in California. Drake's principal place of business is Hip Hop Since 1978,  
27 located at 1290 Avenue of the Americas, 26<sup>th</sup> Floor, New York, New York, 10104.  
28

1 On information and belief, Drake is the artist who performs on the infringing sound  
2 recording "Best I Ever Had."

3 5. Plaintiff is informed and believes, and on that basis alleges, that  
4 Defendant Cash Money Records, Inc. ("Cash Money"), is a Louisiana corporation,  
5 engaged in the business of marketing and distributing musical recordings, with its  
6 principal place of business being 6200 Eastover Drive, New Orleans, Louisiana  
7 70128. On information and belief, Cash Money regularly conducts business in this  
8 judicial district. On information and belief, Cash Money has marketed and/or  
9 distributed the infringing sound recording "Best I Ever Had."

10 6. Plaintiff is informed and believes, and on that basis alleges, that  
11 Defendant Universal Music Group, Inc. ("Universal"), is engaged in the business of  
12 marketing and distributing musical recordings, with its headquarters and principal  
13 place of business in the County of Los Angeles. On information and belief,  
14 Universal has marketed and/or distributed the infringing sound recording "Best I  
15 Ever Had."

16 7. Plaintiff is informed and believes, and on that basis alleges, that  
17 Defendant Universal Music Group Distribution, Corp. ("Universal Distribution"), is  
18 engaged in the business of marketing and distributing musical recordings, with its  
19 headquarters and principal place of business in the County of Los Angeles. On  
20 information and belief, Universal Distribution has marketed and/or distributed the  
21 infringing sound recording "Best I Ever Had," and is the distribution platform for  
22 Drake, Cash Money and Universal.  
23

### 24 III.

#### 25 NATURE OF COMPLAINT

26 8. Plaintiff owns the copyright in the sound recording "Fallin' in Love."

27 9. Within three years of the date this Complaint is filed, Defendants  
28 caused to be marketed and/or distributed to the public the sound recording "Best I

1 Ever Had,” however, on information and belief, the music thereof is comprised of  
2 the sound recording, “Fallin’ in Love” which Plaintiff owns. “Best I Ever Had” has  
3 been an enormous commercial success.  
4

5 **IV.**

6 **CLAIM FOR RELIEF**

7 **(COPYRIGHT INFRINGEMENT – Against All Defendants)**

8 10. Plaintiff incorporates by reference all previous allegations as if fully  
9 set forth herein.

10 11. Each Defendant willfully, wantonly, and in conscious disregard and  
11 intentional disregard of indifference to the rights of Plaintiff made and distributed  
12 in the United States, caused to be made and distributed in the United States, and  
13 aided, abetted, contributed to, and participated in the unauthorized making and  
14 distribution of phonorecords containing the copyrighted sound recording owned by  
15 Plaintiff. Each Defendant either knew, or should have reasonably known, that the  
16 sound recording was protected by copyright. Each Defendant continues to infringe  
17 upon Plaintiff’s rights in and to the copyrighted sound recording.

18 12. As a direct and proximate result of their wrongful conduct, Defendants  
19 have realized and continue to realize profits and other benefits rightfully belonging  
20 to Plaintiff. Accordingly, Plaintiff seeks an award of damages pursuant to 17  
21 U.S.C. § 504.

22 13. Defendants’ infringing conduct is continuing and ongoing. Plaintiff  
23 has suffered, and will continue to suffer, irreparable injury for which there is no  
24 adequate remedy at law, unless Defendants are enjoined by the Court. Therefore,  
25 Plaintiff prays that each Defendant, their respective agents, servants, employees,  
26 officers, attorneys, successors and assigns, and all of these persons actively in  
27 concert or participation with each or any of them, be preliminarily and permanently  
28 enjoined from directly or indirectly infringing upon the copyright owned by

1 Plaintiff in any manner, and from duplicating, causing to be duplicated or aiding,  
2 contributing to or participating in the unauthorized duplication of each said  
3 copyrighted work. Plaintiff asks that all infringing works be recalled and destroyed.

4 14. Each Defendant should be required to account for all gains, profits,  
5 and advantages derived by each Defendant from their acts of infringement.

6 15. Plaintiff is entitled to recover Plaintiff's costs of this action, including  
7 without limitation, reasonable attorneys' fees.

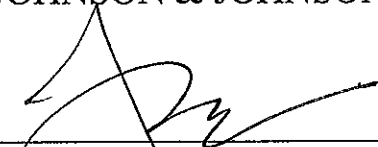
8 16. Each Defendant should pay to Plaintiff an award of prejudgment  
9 interest according to the proof.

10 17. Plaintiff should have such other and further relief as the Court deems  
11 just and proper.

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DATED: June 24, 2010

JOHNSON & JOHNSON LLP

By 

Neville L. Johnson  
Douglas L. Johnson  
James T. Ryan  
Attorneys for Plaintiff,  
Playboy Enterprises, Inc.

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury pursuant to the Federal Rules of Civil Procedure, Rule 38(b) (28 U.S.C. § 38), and Local Rule 38-1.

DATED: June 24, 2010

JOHNSON & JOHNSON LLP

By

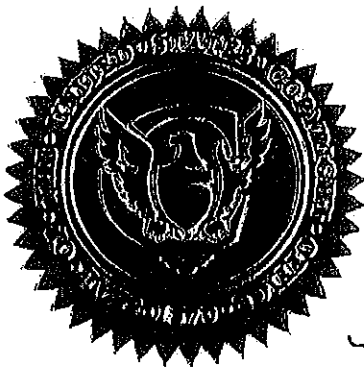
  
Neville L. Johnson



## Additional Certificate of Registration of a Claim to Copyright

This is to certify that the statements set forth  
in the attached have been made a part of the  
records of the Copyright Office with claim  
of copyright registered under number

In testimony whereof, the seal of this office  
is affixed hereto on



N 23783

May 4, 2010

*Marybeth Peters*

Register of Copyrights and  
Associate Librarian for Copyright Services



unt:

# Application for Registration of a Claim to Copyright in a published sound recording

FORM N

REGISTRATION NO.	
N	23783
DO NOT WRITE HERE	
NF	NFO

CLASS

N

**Instructions:** Make sure that all applicable spaces have been completed before you submit the form. The application must be **SIGNED** at line 11. The application should not be submitted until after the date of publication given in line 5 (a), and should state the facts which existed on that date. For further information, see page 4.

and ink. Pages 3 and 4 should contain exactly the same information as pages 1 and 2, but may be carbon copies. Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington, D.C. 20559, together with 2 copies of the best edition of the work and the registration fee of \$6. Make your remittance payable to the Register of Copyrights.

Pages 1 and 2 should be typewritten or printed with pen

**1. Copyright Claimant(s) and Address(es):** Give the name(s) and address(es) of the copyright owner(s). Ordinarily the name should be the same as in the notice of copyright on the copies deposited. If, instead of the name of the copyright owner, the notice contains an abbreviation by which the name can be recognized or a generally known alternative designation of the owner, see page 4 under *Alternative Form of Notice*.

Name PLAYBOY MUSIC, INC.

Address 8560 Sunset Blvd., 4th floor, Los Angeles, California 90069

Name \_\_\_\_\_

Address \_\_\_\_\_

**2. Title:** FALLIN' IN LOVE b/w SO GOOD AT LOVIN' YOU (P 6024)  
(Give title of sound recording as it appears on the copies; also catalog number if one appears on the copies)

**3. (a) Description of Sound Recording Deposited:** Disc  
(Characterize the general type of sound recording; for example, disc, open-reel tape, cartridge, cassette, etc.)

**(b) Nature of Material Recorded:** Music  
(Characterize the general type of material recorded; for example, music, drama, narration, etc.)

**4. Author of This Sound Recording:** Citizenship and domicile information must be given. Where a work is made for hire, the employer is the author. The citizenship of organizations formed under U.S. Federal or State law should be stated as U.S.A. If the copyright claim is based on new matter (see line 6) give information about the author of the new matter.

Name Playboy Music, Inc. Citizenship U.S.A.  
(Name of country)

8560 Sunset Blvd.

Domiciled in U.S.A. Yes  No \_\_\_\_\_ Address Los Angeles, California 90069

Name \_\_\_\_\_ Citizenship \_\_\_\_\_  
(Name of country)

Domiciled in U.S.A. Yes \_\_\_\_\_ No \_\_\_\_\_ Address \_\_\_\_\_

**5. (a) Date of Publication of This Sound Recording:** Give the complete date when copies of this particular sound recording were first placed on sale, sold, or publicly distributed. The date when the sound recording was fixed or the date when copies were reproduced should not be confused with the date of publication. NOTE: The full date (month, day, and year) must be given.

April 25 1975  
(Month) (Day) (Year)

**(b) Place of Publication of This Sound Recording:** Give the name of the country in which this particular sound recording was first published.

U.S.A.

➡ **NOTE: Leave line 6 blank unless the instructions below apply to your work.** ←

**6. New Matter in This Sound Recording:** If any substantial part of the sounds fixed in this recording has been previously published in another recording, give a brief general statement of the nature of the new matter in this recording. New matter may consist of compilation, remixing from original multitrack sound sources, and the like, as well as additional recorded material.

➡ **NOTE: Leave line 7 blank unless the instructions below apply to your work.** ←

**7. Fixation before February 15, 1972:** If any substantial part of the sounds published for the first time in this recording was fixed before February 15, 1972, give a brief general statement of the nature of that material. (For further information concerning "fixation," see page 4.)

EXAMINER
<i>[Signature]</i>

Complete all applicable spaces on next page

**PLAYBOY MUSIC PUBLISHING CO.**

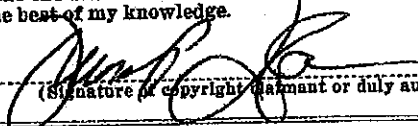
9. Name and address of person or organization to whom correspondence and refund, if any, should be sent:  
 Name Playboy Records Address 8560 Sunset Blvd., 4th floor  
 10. Send certificate to: Los Angeles, Calif. 90069

Name	PLAYBOY RECORDS		
(Type or print name and address)	Address	8560 Sunset Blvd. 4th floor <small>(Number and street)</small>	
		Los Angeles, California	90069 <small>(ZIP code)</small>
		<small>(City)</small>	<small>(State)</small>

**11. Certification:**

(Application not acceptable unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.



(Signature of copyright claimant or duly authorized agent)

**Application Forms**

Copies of the following forms will be supplied by the Copyright Office without charge upon request:

- Class A Form A—Published book manufactured in the United States of America.
- Class A or B Form A-B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law).
- Class A or B Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America.
- Class B Form B—Periodical manufactured in the United States of America.
- Class C Form BB—Contribution to a periodical manufactured in the United States of America.
- Class C Form C—Lecture or similar production prepared for oral delivery.
- Class D Form D—Dramatic or dramatico-musical composition.
- Class E Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America.
- Class E Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America.
- Class F Form F—Map.
- Class G Form G—Work of art or a model or design for a work of art.
- Class H Form H—Reproduction of a work of art.
- Class I Form I—Drawing or plastic work of a scientific or technical character.
- Class J Form J—Photograph.
- Class K Form K—Print or pictorial illustration.
- Class K Form KK—Print or label used for an article of merchandise.
- Class L or M Form L-M—Motion picture.
- Class N Form N—Sound recording.
- Form R—Renewal copyright.
- Form U—Notice of use of copyrighted music on mechanical instruments.

FOR COPYRIGHT OFFICE USE ONLY	
Application received MAY 09 1975	
MAY 09 1975	
Fee received	
Renewal	

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 Instruct complet be SIGN mitted 1 and sho further Pages  
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