

2013 WL 4271752 (C.D.Cal.) (Trial Pleading)
United States District Court, C.D. California.
Western Division

Pharrell WILLIAMS, an individual; Robin Thicke, an
individual; and Clifford Harris, Jr., an individual, Plaintiffs,

v.

BRIDGEPORT MUSIC, INC., a Michigan corporation; Frankie Christian Gaye, an individual; Marvin
Gaye III an individual; Nona Marvisa Gaye, an individual; and Does 1 through 10, inclusive, Defendants.

No. 2:13CV06004.
August 15, 2013.

Complaint for Declaratory Relief

King, Holmes, Paterno & Berliner, LLP, Howard E. King, Esq., State Bar No. 77012, Stephen D. Rothschild, Esq., State
Bar No. 132514, rothschild @khpblaw.com, 1900 Avenue of the Stars, 25th Floor, Los Angeles, California 90067-4506,
Telephone: (310) 282-8989, Facsimile: (310)282-8903.

Attorneys for Plaintiffs Pharrell Williams, Robin Thicke and Clifford Harris, Jr.

Plaintiffs Pharrell Williams, Robin Thicke, and Clifford Harris, Jr. (collectively, “plaintiffs”) allege as follows:

INTRODUCTION

1. Plaintiffs, who have the utmost respect for and admiration of Marvin Gaye, Funkadelic and their musical legacies, reluctantly file this action in the face of multiple adverse claims from alleged successors in interest to those artists. Defendants continue to insist that plaintiffs' massively successful composition,

“Blurred Lines,” copies “their” compositions. In the case of the Marvin Gaye-related defendants (the “Gaye defendants”), it's a song called “Got To Give It Up.” For the owner of Funkadelic's songs, Bridgeport Music, Inc. (“Bridgeport”), it's a song called “Sexy Ways.” But there are no similarities between plaintiffs' composition and those the claimants allege they own, other than commonplace musical elements. Plaintiffs created a hit and did it without copying anyone else's composition.

2. The basis of the Gaye defendants' claims is that “Blurred Lines” and “Got To Give It Up” “feel” or “sound” the same. Being reminiscent of a “sound” is not copyright infringement. The intent in producing “Blurred Lines” was to evoke an era. In reality, the Gaye defendants are claiming ownership of an entire genre, as opposed to a specific work, and Bridgeport is claiming the same work.

3. The reality is that the songs themselves are starkly different. Since that is the salient factor in a claim for copyright infringement, in the face of the threats of defendants to commence lawsuits, plaintiffs must seek declaratory relief from this Court that confirms plaintiffs' unfettered right to exploit “Blurred Lines” free of defendants' claims.

JURISDICTION AND VENUE

4. This action is brought, and this Court has subject matter jurisdiction, pursuant to 28 U.S.C. Sections 1331, 1338 and 2201. This Court has federal question jurisdiction in this matter in that plaintiffs seek a declaration of rights under the Copyright Act of 1976, 17 U.S.C. § 101 *etseq.*

5. Venue lies within this Court pursuant to 28 U.S.C. Sections 1391(b)(2)-(3), (c), (d) and 1400(a) in that defendants Frankie Christian Gaye and Marvin Gaye III are domiciled and reside for venue purposes and are subject to personal jurisdiction in this district; that, on information and belief, defendant Nona Marvisa Gaye is a part-time resident of this district; and that she and defendant Bridgeport Music, Inc. (“Bridgeport”) regularly and systematically conduct business in this district and, therefore, are subject to personal jurisdiction in this district.

THE PARTIES

6. Plaintiffs are the composers of the multinational hit song “Blurred Lines,” which was released in or about March 2013. “Blurred Lines” has garnered more than 140 *million* views on *YouTube.com*.

7. On information and belief, Bridgeport is and at all times material herein has been a corporation organized and existing under the laws of the State of Michigan and is in the business of acquiring and exploiting copyright interests in musical compositions, and in the business of trolling for opportunities to threaten to sue and to sue musicians, performers, producers and others in the music industry for I infringement of its copyrights. Bridgeport regularly and systematically does business in the state of California by, among other things, negotiating and granting licenses to use the songs in which it has a copyright interest to licensees in California and resorting to the California courts. Bridgeport has claimed an ownership interest in the copyright to the composition “Sexy Ways” written by George Clinton and Grace Cook.

8. On information and belief, defendant Frankie Christian Gaye is and at all times material herein has been an individual residing in Los Angeles County, California.

9. On information and belief, defendant Marvin Gaye III is and at all times material herein has been an individual residing in Los Angeles County, California.

10. On information and belief, defendant Nona Marvisa Gaye is and at all times material herein has been an individual residing in Los Angeles County California and the State of Rhode Island, who regularly conducts business as an entertainer in the County of Los Angeles, California. Defendants Frankie Christian Gaye, Marvin Gaye III and Mona Marvisa Gaye are referred to collectively hereinafter as “the Gayes.”

11. Plaintiffs are informed and believe that the Gayes claim an ownership interest in the composition “Got To Give It Up” by Marvin Gaye.

12. Defendant Does 1 through 10, inclusive, are sued herein under fictitious names. Their true names and capacities are unknown to plaintiffs. When their true names and capacities are ascertained, plaintiffs will amend this complaint by inserting their true names and capacities herein.

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13. On information and belief at all times material herein each of the defendants was the agent and employee of some or all of the other defendants, and in doing the things hereinafter alleged, was acting within the course and scope of such agency and employment.

CLAIM FOR DECLARATORY RELIEF

14. Plaintiffs are informed and believe that Bridgeport owns some or all of the copyright in the composition “Sexy Ways” and that Bridgeport alleges that plaintiffs have infringed that composition by including elements of it in “Blurred Lines” without Bridgeport's knowledge or consent. Representatives of Bridgeport have recently notified plaintiffs that, if plaintiffs do not pay a monetary settlement of Bridgeport's claim, Bridgeport intends to initiate litigation for copyright infringement against plaintiffs and others.

15. Plaintiffs did not incorporate or otherwise use the composition “Sexy Ways” in “Blurred Lines.” Plaintiffs did not infringe any copyright in “Sexy Ways.”

16. Plaintiffs are informed and believe that the Gayes claim that they own and have standing to pursue claims for infringement of the copyright in the composition “Got To Give It Up” by Marvin Gaye, and that plaintiffs have infringed that composition by including elements of it in “Blurred Lines” without the Gaye's knowledge or consent. Representatives of the Gayes have recently notified plaintiffs that, if plaintiffs do not pay a monetary settlement of the Gayes' claim, the Gayes intend to initiate litigation for copyright infringement against plaintiffs and others.

17. Plaintiffs did not incorporate or otherwise use the composition “Got To Give It Up” in “Blurred Lines.” Plaintiffs did not infringe any copyright in “Got To Give It Up.”

18. There is an actual and justiciable controversy between plaintiffs and Bridgeport in that Bridgeport claims that “Blurred Lines” infringes “Sexy Ways,” and that the exploitation of “Blurred Lines” violates Bridgeport's rights as herein alleged. Conversely, plaintiffs deny Bridgeport's claims and contend that “Blurred Lines” does not infringe “Sexy Ways.”

19. There also is an actual and justiciable controversy between plaintiffs and the Gayes in that the Gayes claim that they have an ownership interest in the composition “Got To Give It Up” and standing to pursue claims of infringement of that composition; that the Gayes claim that “Blurred Lines” infringes “Got To Give It Up;” and that the exploitation of “Blurred Lines” violates the Gaye's alleged rights, as herein alleged.

20. Plaintiffs did not incorporate or otherwise use the composition “Got To Give It Up” in “Blurred Lines.” Plaintiffs did not infringe any copyright in “Got To Give It Up.”

21. A judicial declaration of the parties' respective rights and obligations with respect to “Blurred Lines” is necessary and appropriate.

22. Plaintiffs seek a judgment declaring the parties' respective rights with regard to “Blurred Lines,” including a declaration that (a) “Blurred Lines” does not infringe “Sexy Ways” or otherwise violate Bridgeport's rights; (b) the Gayes do not have an interest in the copyright to the composition “Got To Give It Up” sufficient to confer standing on them to pursue claims of infringement of that composition; or alternatively (c) that “Blurred Lines” does not infringe “Got To Give It Up” or otherwise violate the Gayes' rights.

WHEREFORE, plaintiffs respectfully request judgment against defendant as follows:

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1. A declaration that (a) “Blurred Lines” does not infringe “Sexy Ways” or otherwise violate Bridgeport's rights; (b) the Gayes do not have an interest in the copyright to the composition “Got To Give It Up” sufficient to confer standing on them to pursue claims of infringement of that composition; or alternatively (c) that “Blurred Lines” does not infringe “Got To Give It Up” or otherwise violate the Gayes' rights;
2. For costs and attorney fees incurred herein; and
3. For such other and further relief as the court deems just and proper.

DATED: August 15, 2013

KING, HOLMES, PATERNO & BERLINER, LLP

By: <<signature>>

HOWARD E. KING

STEPHEN D. ROTHSCHILD

Attorneys for Plaintiffs PHARRELL WILLIAMS, ROBIN THICKE and CLIFFORD HARRIS, JR.

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