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**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CHRISTOPHER BOFFOLI,
an individual,

Plaintiff,

v.

GOOGLE INC., a Delaware corporation,
DOES 1-5,

Defendants

Case No. 14-655

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

CHRISTOPHER BOFFOLI, (“Boffoli” or “Plaintiff”) hereby alleges for his complaint against GOOGLE INC. (“Google”) upon personal information as to Plaintiff’s own activities, and upon information and belief as to the activities of others, as follows:

I. NATURE OF THE CASE

1. This is a claim for copyright infringement arising under the copyright laws of the United States, Title 17 of the United States Code.

II. JURISDICTION AND VENUE

2. This Court has exclusive subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Google because it conducts substantial business in the State of Washington.

1 10. Boffoli’s business is based on licensing and selling photographs he creates.
2 Big Appetites photographs are currently available for purchase at fine art galleries, and
3 can also be purchased over the Internet, including through Boffoli’s website. Boffoli has
4 licensed use of Big Appetites photographs to greeting card companies, calendars, and
5 others.

6 11. Boffoli registered each photograph in the Big Appetites series with the U.S.
7 Copyright Office and has Copyright Registration Nos. VAu001106484 (June 13, 2011)
8 and VAu001148370 (August 3, 2013).

9
10 **B. Google’s customer posts photographs from Big Appetites without license or
11 permission from Boffoli on webpages housed on Google’s servers.**

12 12. Google provides services to at least one Doe Defendant and allows that Doe
13 Defendant to house its website content on Google’s servers, including content that
14 infringes on Boffoli’s copyright (the “Infringing Content”). The Infringing Content is
15 hosted on Google’s servers at: <<http://ediideas.blogspot.com>> and <ping.busuk.org>.

16 13. The Infringing Content hosted by Google contains numerous photographs
17 from Big Appetites without license or permission from Boffoli. A copy of the infringing
18 content is provided as Exhibit A.

19 **C. Google failed to prevent the Infringing Website from being assessable over
20 the Internet despite notice from Boffoli.**

21 14. On information and belief, Google can remove the Infringing Content
22 hosted on Google’s servers. Google can also disable the Doe Defendant’s ability to post
23 content to the Internet.

24 15. Google’s registration with the United States Copyright Office for receipt of
25 Digital Millenium Copyright Act (“DMCA”) identifies “dmca-agent@google.com” as the
26 email address of its designated agent. A copy of Google’s registration is provided as
27 Exhibit B.

28 16. On December 20, 2013, Boffoli sent a notice to Google’s dmca-
agent@google.com email address notifying Google of the Infringing Content. Google

1 responded by email that it received Boffoli's notice and asked him to confirm that it was
2 complete. Boffoli did so that same day. Boffoli's notice and subsequent correspondence
3 with Google are attached as Exhibit C.

4 17. Boffoli never authorized his work to be posted on the Infringing Website.

5 18. As late as April 9, 2014—more than 100 days after receiving Boffoli's
6 notice—Google had not removed or disabled access to the Infringing Content. (*See*
7 Exhibit A.)

8 19. On information and belief, on or about April 24, 2014 Google finally
9 removed or disabled access to the Infringing Content.

10 **V. CAUSE OF ACTION**
11 **COPYRIGHT INFRINGEMENT AND CONTRIBUTORY COPYRIGHT**
12 **INFRINGEMENT**

13 20. Boffoli hereby incorporates Paragraphs 1-19 by reference.

14 21. Boffoli is, and at all relevant times has been, the owner of the copyright in
15 the photographs in the Big Appetites series.

16 22. Each photograph in Big Appetites is copyrightable subject matter under 17
17 U.S.C. § 102(a)(5).

18 23. Boffoli has complied in all respects with the provisions of the Copyright
19 Act and all regulations thereunder.

20 24. Boffoli registered the copyright in each photograph in Big Appetites with
21 the United States Copyright Office.

22 25. Boffoli has the exclusive rights under 17 U.S.C. § 106 to (1) reproduce the
23 photographs in Big Appetites, (2) prepare derivative works based on Big Appetites, (3)
24 distribute copies of Big Appetites, and (4) display Big Appetites publicly.

25 26. Without the permission or consent of Boffoli, photographs from Big
26 Appetites were reproduced, derivative works were made from, copies were distributed of,
27 and the photographs were displayed on the Infringing Website, which is hosted on
28 Google's servers.

27 27. Boffoli's exclusive rights in the photographs in Big Appetites were

1 violated.

2 28. Google induced, caused, or materially contributed to the Infringing
3 Website's publication.

4 29. Google had actual knowledge of the Infringing Website. Boffoli provided
5 notice to Google in compliance with the DMCA, and Google failed to expeditiously
6 disable access to or remove the Infringing Website.

7 30. Google acted willfully.

8 31. Alternatively, Google directly infringed Boffoli's copyrights by continuing
9 to allow public access to the Infringing Website on Google's servers.

10 VI. RELIEF REQUESTED

11 WHEREFORE, Boffoli asks this Court to enter judgment against Google and
12 Google's subsidiaries, affiliates, agents, employees, and all persons acting in concert or
13 participation with them, granting the following relief:

14 1. Temporary and permanent injunctions preventing and restraining
15 infringement of Big Appetites by Google under 17 U.S.C. § 502;

16 2. An order requiring the destruction of all copies made by or under the
17 control of Google of the photographs in Big Appetites and all articles by which such
18 copies may be reproduced under 17 U.S.C. § 503;

19 3. An award of the actual damages suffered by Boffoli as the result of
20 Google's infringement plus the profits of Google attributable to the infringement under
21 17 U.S.C. § 504(b);

22 4. Alternatively, if Boffoli so elects, an award of statutory damages for each
23 infringement of Big Appetites under 17 U.S.C. § 504;

24 5. A judgment that Google's infringement was willful and an increased
25 statutory damage award under 17 U.S.C. § 504(c)(2);

26 6. An award of Plaintiff's full costs including a reasonable attorney's fee
27 under 17 U.S.C. § 505; and
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