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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

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

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

11 PHARRELL WILLIAMS, an
12 individual; ROBIN THICKE, an
13 individual; and CLIFFORD HARRIS,
14 JR., an individual,

11 **CV 13-06004** - JAK
12 CASE NO. (AGRx)
13 **COMPLAINT FOR**
14 **DECLARATORY RELIEF**



15 vs.

16 BRIDGEPORT MUSIC, INC., a
17 Michigan corporation; FRANKIE
18 CHRISTIAN GAYE, an individual;
19 MARVIN GAYE III, an individual;
20 NONA MARVISA GAYE, an
21 individual; and DOES 1 through 10,
22 inclusive,

23 Defendants.

22 Plaintiffs Pharrell Williams, Robin Thicke, and Clifford Harris, Jr.
23 (collectively, "plaintiffs") allege as follows:

24 INTRODUCTION

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

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

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

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

18 **JURISDICTION AND VENUE**

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

23 5. Venue lies within this Court pursuant to 28 U.S.C. Sections
24 1391(b)(2)-(3), (c), (d) and 1400(a) in that defendants Frankie Christian Gaye and
25 Marvin Gaye III are domiciled and reside for venue purposes and are subject to
26 personal jurisdiction in this district; that, on information and belief, defendant Nona
27 Marvisa Gaye is a part-time resident of this district; and that she and defendant
28 Bridgeport Music, Inc. (“Bridgeport”) regularly and systematically conduct business

1 in this district and, therefore, are subject to personal jurisdiction in this district.

2 **THE PARTIES**

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

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

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

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

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

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

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

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

11 **CLAIM FOR DECLARATORY RELIEF**

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

19 15. Plaintiffs did not incorporate or otherwise use the composition "Sexy
20 Ways" in "Blurred Lines." Plaintiffs did not infringe any copyright in "Sexy
21 Ways."

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

1 others.

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

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

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

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

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

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

28 ///

1 WHEREFORE, plaintiffs respectfully request judgment against defendant as
2 follows:

3 1. A declaration that (a) "Blurred Lines" does not infringe "Sexy Ways"
4 or otherwise violate Bridgeport's rights; (b) the Gayes do not have an interest in the
5 copyright to the composition "Got To Give It Up" sufficient to confer standing on
6 them to pursue claims of infringement of that composition; or alternatively (c) that
7 "Blurred Lines" does not infringe "Got To Give It Up" or otherwise violate the
8 Gayes' rights;

9 2. For costs and attorney fees incurred herein; and

10 3. For such other and further relief as the court deems just and proper.

11
12 DATED: August 15, 2013

KING, HOLMES, PATERNO & BERLINER, LLP

13
14
15 *THE*
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By: *REPORTER*

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