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BY 
CLERK U.S. DISTRICT COURT
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ORIGINAL

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 CV09 08372 CAS (FFMx)
11 CASE NO.

11 Conan Properties International, LLC, a
Delaware Limited Liability Company,

12 Plaintiff,

13 v.

14 Orion Books Ltd., Orion Publishing
15 Group Ltd.,

16 Defendants.

17 **COMPLAINT FOR:**
18 **(1) DIRECT COPYRIGHT**
19 **INFRINGEMENT;**
20 **(2) CONTRIBUTORY COPYRIGHT**
21 **INFRINGEMENT; AND**
22 **(3) VICARIOUS COPYRIGHT**
23 **INFRINGEMENT**

24 **DEMAND FOR JURY TRIAL**

25 ©
26 IIS
27 20

Courthouse NEWS SERVICE

1 Plaintiff Conan Properties International, LLC (“Plaintiff”) complains against
2 Defendants Orion Books Ltd. and Orion Publishing Group Ltd. (“Defendants”) and
3 avers as follows:

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JURISDICTION AND VENUE

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7 1. The Court has subject matter jurisdiction over this action under 28
8 U.S.C. §§ 1331 and 1338(a).

9

10 2. This Court has personal jurisdiction over Defendants because, *inter*
11 *alia*, (a) Defendants are doing business in this district, and (b) Plaintiff is informed
12 and believes, and on that basis avers, that a substantial part of the wrongful acts
13 committed by Defendants has occurred in interstate commerce in this district.

14

15 3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and
16 (c) and 1400(a).

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THE PARTIES

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20 4. Plaintiff Conan Properties International, LLC is a Delaware Limited
21 Liability Company, with its principal place of business in Beverly Hills, California.
22 Plaintiff owns rights, title and interest in the fictional character Conan and the
23 stories relating thereto, including, *inter alia*, rights, title and interest to the
24 following stories protected by United States Copyright registrations: Black
25 Colossus (reg. no. B 211 038; renewal no. R 269 994), Phoenix on the Sword (reg.
26 no. B 175 731; renewal no. R 250 145), Pool of the Black One (reg. no. B 211 042;
27 renewal no. R 269 998), Rogues in the House (reg. no. B 246 430; renewal no. R
28 270 001), Scarlet Citadel (reg. no. B 175 732; renewal no. R 250 146), Slithering

1 Shadow (reg. no. B 211 041; renewal no. R 269 997), Tower of the Elephant (reg.
2 no. B 211 035; renewal no. R 269 991), Black Stranger (reg. no. TX 289-252;
3 renewal no. RE 96-287), Cimmeria (reg. no. B 247 663; renewal no. RE 660 353),
4 Drums of Tombulku (reg. no. A 803 390; renewal no. RE 673 730), Frost-Giant's
5 Daughter (reg. no. TX 289-251; renewal no. RE 96-287), God in the Bowl (reg. no.
6 TX 289 253; renewal no. RE 60 714), Hall of the Dead (reg. no. B 312 611;
7 renewal no. RE 673 726), Hand of Nergal (reg. no. A 803 387; renewal no. RE
8 697 319), Snout in the Dark (reg. no. A 803 383; renewal no. RE 824-995), Vale of
9 Lost Women (reg. no. B 345 804; renewal no. RE 673 166), and Wolves Beyond
10 the Border (reg. no. A 803 388; renewal no. RE 697-320) (the "Copyrighted
11 Stories").
12

13 5. Plaintiff is informed and believes and on that basis avers that
14 Defendant Orion Books Ltd. is a corporation organized and existing under the laws
15 of the United Kingdom. Defendant Orion Books Ltd. is a subsidiary of Defendant
16 Orion Publishing Group Ltd., and publishes science-fiction and fantasy books.
17 Defendant Orion Books Ltd. has infringed Plaintiff's exclusive rights under
18 copyright by importing and/or distributing the Copyrighted Stories in the United
19 States.
20

21 6. Plaintiff is informed and believes and on that basis avers that
22 Defendant Orion Publishing Group Ltd. is a corporation organized and existing
23 under the laws of the United Kingdom. Defendant Orion Publishing Group Ltd. is
24 one of the leading publishing groups in the United Kingdom. Defendant Orion
25 Publishing Group Ltd. has infringed Plaintiff's exclusive rights under copyright by
26 importing and/or distributing the Copyrighted Stories in the United States.
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1 *Volume 2* was first published by Millennium in 2001. *The Complete Chronicles of*
2 *Conan: Centenary Edition* (the “*Centenary Edition*” or the “Infringing Book”),
3 which combines Volumes 1 and 2, was first published by Gollancz, also an imprint
4 of Defendant Orion Publishing Group, in 2006. *The Centenary Edition* contains
5 the Copyrighted Stories.

6
7 11. In 2006, Plaintiff learned that Orion intended to sell the “apparatus”
8 for *The Chronicles of Conan* to an American publisher, allegedly based on the
9 erroneous belief that the Copyrighted Stories had entered the public domain at the
10 end of 2006. Plaintiff sent a cease and desist letter to Orion and to the American
11 publisher, informing them that Plaintiff still owned the U.S. copyrights to the
12 Copyrighted Stories. The American publisher abandoned its plans to publish the
13 book at that time.

14
15 12. Nonetheless, Defendants, and others, are now selling the *Centenary*
16 *Edition* in the United States, through book stores and Internet websites. Plaintiff’s
17 agents have purchased multiple copies of the Infringing Book in the United States,
18 including in Los Angeles, California.

19
20 13. Defendants’ importation and/or distribution of the Copyrighted
21 Stories in the United States is wholly without any license from Plaintiff or anyone
22 authorized to consent thereto.

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24 **FIRST CLAIM FOR RELIEF**

25 [Direct Copyright Infringement]

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27 14. Plaintiffs incorporate by reference each and every averment contained
28 in paragraphs 1-13, inclusive.

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15. The Copyrighted Stories constitute registered copyrightable subject matter. Plaintiff is the owner under copyright of the right to import and/or distribute the Copyrighted Stories in the United States.

16. Defendants have infringed Plaintiff's exclusive rights under copyright, including the rights of importation and/or distribution in violation of Sections 106, 501, and 602 of the Copyright Act.

17. Defendants' acts of infringement were willful, in disregard of, and with indifference to Plaintiff's rights under copyright.

18. As a direct and proximate result of the foregoing acts and conduct of Defendants, Plaintiff has sustained and will continue to sustain irreparable injury for which there is no adequate remedy at law. Unless enjoined and restrained by this Court, Defendants will continue to infringe Plaintiff's exclusive rights in the Copyrighted Stories. Plaintiff is entitled to injunctive relief pursuant to 17 U.S.C. § 502(a).

19. As a direct and proximate result of the infringements by Defendants, Plaintiff is entitled to damages and to Defendants' profits in amounts to be proven at trial which are not currently ascertainable. Alternatively, Plaintiff is entitled to maximum statutory damages of \$150,000 for each copyright infringed, or in such other amount as may be proper under 17 U.S.C. § 504(c).

20. Plaintiff is entitled to its attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

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SECOND CLAIM FOR RELIEF

[Contributory Copyright Infringement]

21. Plaintiff incorporates by reference each and every averment contained in paragraphs 1-13 and 15-20, inclusive.

22. By enabling, facilitating, and materially contributing to the unauthorized importation and/or distribution of the Copyrighted Stories in the United States, with actual knowledge of the infringement, Defendants contribute to the direct infringement of the Copyrighted Stories, in violation of Plaintiff's exclusive rights under the Copyright Act, 17 U.S.C. §§ 106, 501 and 602.

23. The importation and/or distribution of the Copyrighted Stories to which Defendants materially contribute are without authorization.

24. Defendants' acts of contributory infringement were willful, in disregard of, and with indifference to Plaintiff's exclusive rights.

25. As a direct and proximate result of the foregoing acts and conduct of Defendants, Plaintiff has sustained and will continue to sustain irreparable injury for which there is no adequate remedy at law. Unless enjoined and restrained by this Court, Defendants will continue to infringe Plaintiff's exclusive rights in the Copyrighted Stories. Plaintiff is entitled to injunctive relief pursuant to 17 U.S.C. § 502(a).

26. Plaintiff is entitled to its attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

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THIRD CLAIM FOR RELIEF

[Vicarious Copyright Infringement]

27. Plaintiff incorporates by reference each and every averment contained in paragraphs 1-13, 15-20 and 22-26, inclusive.

28. On information and belief, Defendants have the right and ability to supervise and control the infringing conduct of each other. Defendants have refused to exercise such supervision and control to limit infringement to the extent required by law. As a direct and proximate result of such refusal, the Plaintiff's exclusive rights under the Copyright Act, 17 U.S.C. §§ 106, 501 and 602, to the Copyrighted Stories have been infringed.

29. Defendants derive a direct financial benefit from this infringement, including but not limited to, from the sale of the Infringing Book.

30. Each infringement by Defendants of the Copyrighted Stories for which Defendants are vicariously liable constitutes a separate and distinct act of infringement.

31. Defendants' acts of infringement were willful, in disregard of and with indifference to the rights of Plaintiffs.

32. As a direct and proximate result of the foregoing acts and conduct of Defendants, Plaintiff has sustained and will continue to sustain irreparable injury for which there is no adequate remedy at law. Unless enjoined and restrained by this Court, Defendants will continue to infringe Plaintiff's exclusive rights in the

1 Copyrighted Stories. Plaintiff is entitled to injunctive relief pursuant to 17 U.S.C.
2 § 502(a).

3

4 33. Plaintiff is entitled to its attorneys' fees and full costs pursuant to 17
5 U.S.C. § 505.

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PRAYER FOR RELIEF

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9 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of
10 them, jointly and severally, as follows:

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12 1. Pursuant to 17 U.S.C. § 502(a), for a preliminary and permanent
13 injunction that Defendants, and their respective agents, servants, directors, officers,
14 principals, employees, representatives, subsidiaries and affiliated companies,
15 successors, assigns, and those acting in concert with them or at their direction, and
16 each of them, immediately shall cease and refrain from importing, distributing, or
17 otherwise infringing, or contributing to the infringement, in the future, of the
18 Copyrighted Stories, including without limitation, ceasing and refraining from
19 reproducing, importing or distributing the Copyrighted Stories in the United States;

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21 2. For maximum statutory damages in the amount of \$150,000 with
22 respect to each copyright infringed, or for such other amounts as may be proper
23 pursuant to 17 U.S.C. § 504(c);

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25 3. For actual damages and Defendants' profits in such amounts as may
26 be proved at trial;

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28 4. For prejudgment interest;

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5. For reasonable attorneys' fees and full costs, pursuant to 17 U.S.C. § 505; and

6. Such other and further relief as this Court deems just and proper.

DATED: November 13, 2009

KARIN G. PAGNANELLI
MITCHELL SILBERBERG & KNUPP LLP

By: 
Karin G. Pagnanelli
Attorneys for Plaintiff
Conan Properties International, LLC

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury of all issues triable of right by jury.

DATED: November 13, 2009

KARIN G. PAGNANELLI
MITCHELL SILBERBERG & KNUPP LLP

By: 
Karin G. Pagnanelli
Attorneys for Plaintiff
Conan Properties International, LLC

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

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ORIGINAL

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Conan Properties International, LLC,	DEFENDANTS Orion Books, Ltd., Orion Publishing Group Ltd.
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Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Karin G. Pagnanelli (SBN 174763) Mitchell Silberberg & Knupp LLP 11377 W. Olympic Blvd. Los Angeles, CA 90064 Telephone: 310-312-2000 Facsimile: 310-312-3100	Attorneys (If Known)
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II. BASIS OF JURISDICTION (Place an X in one box only.)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 17 USC § 101 et seq

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 22 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 61 HIA(1395ff) <input type="checkbox"/> 862 Black Lung (923) 405(g) <input type="checkbox"/> 863 DIWC/DIWW 405(g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV09 08372

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.