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PARAMOUNT PICTURES
11 CORPORATION and CBS STUDIOS
INC.
12

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15

16 PARAMOUNT PICTURES
CORPORATION, a Delaware
17 corporation; and CBS STUDIOS INC.,
a Delaware corporation,
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Plaintiffs,
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v.
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AXANAR PRODUCTIONS, INC., a
21 California corporation; ALEC PETERS,
an individual, and DOES 1-20,
22

Defendants.
23
24

Case No.: 2:15-cv-09938-RGK-E

AMENDED COMPLAINT FOR:

1. **COPYRIGHT INFRINGEMENT;**
2. **CONTRIBUTORY COPYRIGHT INFRINGEMENT**
3. **VICARIOUS COPYRIGHT INFRINGEMENT; AND**
4. **DECLARATORY JUDGMENT**

DEMAND FOR JURY TRIAL

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1 Plaintiffs Paramount Pictures Corporation (“Paramount”) and CBS Studios
2 Inc. (“CBS”) (collectively, “Plaintiffs”), by their attorneys, hereby bring this
3 complaint against Axanar Productions, Inc. (“Axanar Productions”), Alec Peters
4 (“Peters”), and Does 1-20 (collectively, “Defendants”), and allege as follows:

5 **NATURE OF THE ACTION**

6 1. This is an action for copyright infringement arising out of Defendants’
7 unauthorized exploitation of Star Trek, one of the most successful entertainment
8 franchises of all time. Since its inception, Star Trek has become a cultural
9 phenomenon that is eagerly followed by millions of fans throughout the world.
10 Unlike virtually any other television series or motion picture, the fictional Star Trek
11 races and characters, their technology, personality traits, and even their makeup,
12 have been documented and given a historical texture by Plaintiffs that extends far
13 beyond the action on the screen. Plaintiffs own the copyrights in this treasured
14 franchise—which includes six television series and twelve motion pictures spanning
15 nearly fifty years—and they continue to produce new original content for the legion
16 of Star Trek fans.

17 2. Defendants have made a short film entitled *Star Trek: Prelude to*
18 *Axanar* (“*Prelude to Axanar*”), have written a script (the “*Axanar Script*”) for a
19 feature film entitled *Axanar*, and are in the process of producing a film called
20 *Axanar* (the “*Axanar Motion Picture*”) based on the *Axanar Script*, or a version
21 thereof (*Prelude to Axanar*, the *Axanar Motion Picture*, and all versions of the
22 *Axanar Script* are collectively, the “*Axanar Works*”). The *Axanar Works* infringe
23 Plaintiffs’ works by using innumerable copyrighted elements of Star Trek, including
24 its settings, characters, species, and themes. The *Axanar Works* are intended to be
25 professional quality productions that, by Defendants’ own admission, unabashedly
26 take Paramount’s and CBS’s intellectual property and aim to “look and feel like a
27 true Star Trek movie.” On information and belief, Defendants have raised over \$1
28 million so far to produce these works, including building out a studio and hiring

1 actors, set designers, and costume designers. The *Axanar* Works are substantially
2 similar to, and unauthorized derivative works of, Plaintiffs’ Star Trek television
3 series and movies, in contravention of the copyright laws of the United States.

4 **JURISDICTION AND VENUE**

5 3. This is a civil action seeking damages and declaratory and injunctive
6 relief for copyright infringement, arising under 17 U.S.C. §§ 101, *et seq.* This Court
7 has original subject matter jurisdiction over the action under 28 U.S.C. §§ 1331 and
8 1338(a), as this action asserts copyright claims arising under the laws of the United
9 States.

10 4. This Court has personal jurisdiction over Defendants because some or
11 all of them reside in this state, and because all Defendants conduct continuous,
12 systematic, and routine business within this state and this District.

13 5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b),(c),
14 (d), and 1400(a) because Plaintiffs’ claims arose in this district and because
15 Defendants reside or may be found in this District.

16 **THE PARTIES**

17 6. Plaintiff Paramount Pictures Corporation (“Paramount”) is a
18 corporation organized under the laws of the State of Delaware with its principal
19 place of business in Los Angeles, California.

20 7. Plaintiff CBS Studios Inc. (“CBS”) is a corporation organized under
21 the laws of the State of Delaware with its principal place of business in New York,
22 New York.

23 8. Defendant Axanar Productions, Inc. (“Axanar Productions”) is a
24 corporation organized under the laws of the State of California. On information and
25 belief, Axanar Productions is a motion picture, television, and/or video production
26 company.

27 9. On information and belief, defendant Alec Peters is, and at all relevant
28 times was, a citizen of California, residing in Los Angeles, California. On

1 information and belief, Peters is the controlling principal of Axanar Productions,
2 and Peters wrote and produced the *Axanar Works*, and continues to write the *Axanar*
3 Script and produce the *Axanar Motion Picture*.

4 10. The Doe Defendants include, among others, those persons who aided in
5 the writing of the scripts for the *Axanar Works* or producing or directing the films,
6 and those persons who designed or caused to be designed the infringing sets,
7 costumes, props and other elements in the *Axanar Works* that infringe copyrighted
8 Star Trek elements.

9 11. The true names and capacities of the defendants named herein as Does
10 1 through 20, inclusive, are unknown to Plaintiffs, who therefore sue said
11 defendants by such fictitious names. Plaintiffs will amend this Complaint to allege
12 their true names and capacities when such have been ascertained. On information
13 and belief, each of the fictitiously named defendants herein is responsible in some
14 manner for the occurrences alleged herein and Plaintiffs' injuries as alleged herein
15 were proximately caused by such defendants' acts or omissions.

16 12. On information and belief, each defendant acted in concert with, as
17 agent or representative for, or at the request or on behalf of the other defendants, and
18 all of the acts alleged herein to have been done by each defendant were authorized,
19 approved, and/or ratified by each of the other defendants.

20 **ALLEGATIONS COMMON TO ALL CLAIMS**

21 **I. Plaintiffs' Copyrighted Star Trek Works**

22 13. Star Trek is a science fiction entertainment franchise created by Gene
23 Roddenberry. The original Star Trek television series ("*The Original Series*")
24 debuted in 1966, starring William Shatner, Leonard Nimoy, and DeForest Kelley,
25 and ran for three seasons, until 1969. The series chronicled the adventures of the
26 U.S.S. Enterprise (one of the ships of "Starfleet") and its crew as they traveled
27 through space during the twenty-third century, and featured numerous original and
28 copyrightable elements, including but not limited to elements such as the plots of the

1 episodes, the Starship Enterprise (Starfleet registry number NCC-1701), its bridge
2 and other interior construction, other original spacecraft, numerous original and
3 fictitious races and species, including the Vulcan race and the Klingon race, the
4 United Federation of Planets (the “Federation”), the history of the Federation, and
5 original weapons and technology. *The Original Series* focused on the officers of the
6 Federation and their adventures and battles. *The Original Series* was broadcast
7 nationwide and, since that time, has been almost continuously in syndication on
8 television stations throughout the United States.

9 14. In one of the episodes of *The Original Series*, James T. Kirk, the
10 Captain of the U.S.S. Enterprise, meets his hero, Garth of Izar, a former Starship
11 captain. In that episode, Kirk and Garth discuss Garth’s victory in the Battle of
12 Axanar.

13 15. In addition to *The Original Series*, there have been five further Star
14 Trek television series totaling more than 700 episodes (collectively with *The*
15 *Original Series*, the “Star Trek Television Series”):

- 16 a. *Star Trek: The Animated Series* (1973-1974)
- 17 b. *Star Trek: The Next Generation* (1987-1994)
- 18 c. *Star Trek: Deep Space Nine* (1993-1999)
- 19 d. *Star Trek: Voyager* (1995-2001)
- 20 e. *Star Trek: Enterprise* (2001-2005).

21 16. There have been twelve Star Trek motion pictures (the “Star Trek
22 Motion Pictures”):

- 23 a. *Star Trek – The Motion Picture* (1979)
- 24 b. *Star Trek II – The Wrath of Khan* (1982)
- 25 c. *Star Trek III The Search for Spock* (1984)
- 26 d. *Star Trek IV: The Voyage Home* (1986)
- 27 e. *Star Trek V: The Final Frontier* (1989)
- 28 f. *Star Trek VI – The Undiscovered Country* (1991)

- 1 g. *Star Trek Generations* (1994)
- 2 h. *Star Trek: First Contact* (1996)
- 3 i. *Star Trek: Insurrection* (1998)
- 4 j. *Star Trek Nemesis* (2002)
- 5 k. *Star Trek* (2009)
- 6 l. *Star Trek Into Darkness* (2013).

7 17. Plaintiffs continue to produce and develop Star Trek motion pictures
8 and television series and have announced plans to release a new Star Trek motion
9 picture in 2016 (“*Star Trek Beyond*”), and a new Star Trek television series in
10 January 2017.

11 18. CBS owns United States copyrights in the Star Trek Television Series
12 and Paramount owns the United States copyrights in the Star Trek Motion Pictures.
13 Plaintiffs have duly registered copyrights in and to the Star Trek Television Series
14 and Star Trek Motion Pictures with the United States Copyright Office and have
15 complied with all applicable statutory registration and renewal requirements. The
16 United States Copyright Office has issued Certificates of Registration for the Star
17 Trek Television Series and Star Trek Motion Pictures that bear the numbers
18 identified in Appendix A.

19 19. Plaintiffs also own the United States copyrights in numerous other Star
20 Trek works, including works in which Garth of Izar appears, including but not
21 limited to the following novels: *Garth of Izar* (Registration No. TX0005745716,
22 owned by Paramount), *Strangers from the Sky* (Registration No. TX0006429184,
23 owned by CBS), and *Infinity’s Prism* (Registration No. TX0006872810, owned by
24 CBS), as well as works in which starships appear, including but not limited to *Star*
25 *Trek Titan: Sword of Damocles* (Registration No. TX0007050792, owned by CBS)
26 (collectively, the “Star Trek Books”) (the “Star Trek Books,” together, with the
27 “Star Trek Television Series” and the “Star Trek Motion Pictures,” are referred to
28 collectively as the “Star Trek Copyrighted Works”).

1 20. The Star Trek Copyrighted Works are original works of authorship and
2 constitute copyrightable subject matter under the Copyright Act, 17 U.S.C. §§ 101,
3 *et seq.*

4 21. Plaintiffs own the exclusive right to develop, create, and/or produce
5 motion pictures, television shows, and books based on the Star Trek Copyrighted
6 Works, including but not limited to the characters, themes, plots, dialogue, settings,
7 sequences, situations, and incidents therein, and also the props, character makeup,
8 costumes, sets, fictional language, events, and fictional history. Plaintiffs are
9 entitled to all of the protections and remedies for the Star Trek Copyrighted Works
10 accorded to a copyright owner.

11 **II. Defendants' Axanar Works**

12 **A. Star Trek: Prelude to Axanar**

13 22. Defendants' infringing work, *Prelude to Axanar* is a short film that was
14 funded on Kickstarter, a crowdsourcing website where parties can raise money for
15 future projects.

16 23. Defendant Peters (possibly with the aid of certain of the Doe
17 Defendants) wrote the *Prelude to Axanar* screenplay.

18 24. Defendant Axanar Productions produced *Prelude to Axanar*.

19 25. Certain Doe Defendants directed, created the sets, and designed the
20 costumes for *Prelude to Axanar*.

21 26. When they wrote and produced *Prelude to Axanar*, and at all times
22 relevant to this action, Defendants had access to the Star Trek Copyrighted Works.

23 27. Defendants are currently distributing and publicly performing *Prelude*
24 *to Axanar* online via Youtube.com, and by other means not yet known to Plaintiffs.

25 28. *Prelude to Axanar* is directly and unabashedly intended to be a
26 derivative work of Star Trek, or a Star Trek work, and uses numerous copyrighted
27 elements from the Star Trek Copyrighted Works (in fact, the full title of this work is
28

1 “Star Trek: Prelude to Axanar”). *Prelude to Axanar* tells the story of Captain Kirk’s
2 hero, Garth of Izar, during the war between the Federation and the Klingon Empire.

3 29. According to Defendants’ Kickstarter campaign:

4 *Prelude to Axanar* is a short film that will give viewers a historical look
5 at the events leading up to the Battle of Axanar, the central event of the
6 film *Axanar*, to be filmed later this year. Shot like a History Channel
7 special, *Prelude to Axanar* **will be Star Trek** like you have never seen
8 it before, showing the central characters of *Axanar* giving both a
9 historical and personal account of the war. How did Starfleet build its
10 fleet? How did they hold off a Klingon fleet that had been conquering
11 star systems for centuries? What role did the various founding planets
12 play in Starfleet? Why were the Constitution class ships so important to
13 Starfleet? How did Garth of Izar come to be regarded as the greatest
14 Starfleet Captain of his time? (emphasis added)

15 30. Defendants incorporated numerous elements of the Star Trek
16 Copyrighted Works into *Prelude to Axanar*, including but not limited to the
17 elements of the Battle of Axanar itself, the Federation, the Klingons, Vulcans,
18 Starfleet, and Starfleet officers and commanders, including Garth of Izar.

19 **B. Star Trek: Axanar**

20 31. The *Axanar* Motion Picture is a motion picture that was funded on
21 Kickstarter and Indiegogo, a crowdsourcing website where parties can raise funds
22 for future projects.

23 32. Defendants have created the *Axanar* Script, and versions thereof, for
24 the *Axanar* Motion Picture, which scripts are fixed works. Although Defendants
25 originally announced that filming would begin in January 2016, they have already
26 released a scene from the *Axanar* Motion Picture, which they call the “Vulcan
27 Scene,” in 2015. On information and belief, Defendants have filmed at least one
28 other scene from the *Axanar* Motion Picture.

33. Defendant Peters (possibly with the aid of certain Doe Defendants)
wrote the *Axanar* Script and versions thereof.

34. Defendant Axanar Productions has produced and is in production for
the *Axanar* Motion Picture.

1 35. On information and belief, certain Doe Defendants aided in the writing
2 of the *Axanar* Script for the *Axanar* Motion Picture, as well as produced, directed,
3 created the sets, and designed the costumes for the *Axanar* Motion Picture. On
4 information and belief, certain Doe Defendants continue to write the *Axanar* Script
5 and are in the process of producing, directing, creating the sets, and designing the
6 costumes for the *Axanar* Motion Picture.

7 36. According to Axanar Productions' Facebook page, as of August 15,
8 2015, there was a "fully revised and locked script" which is referred to as "the best
9 Star Trek movie script ever!"



26 37. When they wrote the *Axanar* Motion Picture, and at all times relevant
27 to this action, Defendants had access to the Star Trek Copyrighted Works.
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1 38. According to defendant Axanar Productions’ website, the *Axanar*
2 Motion Picture is a feature film that will be broken down into four episodes
3 following the four acts of the *Axanar* Script.

4 39. Defendants have disseminated the Vulcan Scene from the *Axanar*
5 Motion Picture online via Axanar Productions’ website
6 (www.AxanarProductions.com), as well as on Youtube.com.

7 40. According to defendant Axanar Productions’ website, the plot of the
8 *Axanar* Motion Picture is as follows:

9 Axanar takes place 21 years before the events of ‘Where no Man Has
10 Gone Before’, the first Kirk episode of the original Star Trek. Axanar
11 is the story of Garth of Izar, the legendary Starfleet captain who is
12 Captain Kirk’s hero. We met Garth in the third season TOS [*The*
13 *Original Series*] episode Whom Gods Destroy. Kirk called Garth the
14 role model for all future Starfleet Officers. Garth charted more planets
15 than any other Captain and was the hero of the Battle of Axanar, the
16 story of which is required reading at the academy. This is that story.
17 Axanar tells the story of Garth and his crew during the Four Years War,
18 the war with the Klingon Empire that almost tore the Federation apart.
19 Garth’s victory at Axanar solidified the Federation and allowed it to
20 become the entity we know in Kirk’s time. It is the year 2245 and the
21 war with the Klingons ends here.

22 41. Defendants incorporated numerous elements of the Star Trek
23 Copyrighted Works into the *Axanar* Script and the Vulcan Scene, and will
24 incorporate those elements into the *Axanar* Motion Picture, including but not limited
25 to the elements of the Battle of Axanar itself, the characters, the species, the
26 costumes, the makeup, weapons (and other props), and the starships.

27 42. Defendants have stated that they have completed one third of the visual
28 effects of the *Axanar* Motion Picture.

29 43. Defendant Peters has admitted that the *Axanar* Works violate Plaintiffs’
30 copyrights. In an interview published on February 1, 2016, Mr. Peters stated “We
31 violate CBS copyright less than any other fan film.” See
32 <http://1701news.com/node/1001/peters-axanar-quality-spurred-lawsuit.html>.

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1 **III. The *Axanar* Works Are Substantially Similar to the Star Trek**
 2 **Copyrighted Works**

3 44. The *Axanar* Works are substantially similar to the Star Trek
 4 Copyrighted Works, including but not limited to the substantial similarities set forth
 5 below.

6 45. The feel and the mood of the *Axanar* Works are the same as that of the
 7 Star Trek Copyrighted Works.

8 46. *Prelude to Axanar* copies many elements from the Star Trek
 9 Copyrighted Works, including the United Federation of Planets, “beaming up,”
 10 Klingons, Vulcans, the Starship Enterprise, spacedocks, the interrelationship
 11 between species, planets and alliances. Defendants have intentionally sought to
 12 replicate the Star Trek Copyrighted Works (down to copying costumes, makeup and
 13 jewelry) and, in doing so, they have sought to create a “Star Trek” film. The copied
 14 copyrighted Star Trek elements include, but are not limited to, those listed below:

Infringing Element from <i>Prelude to Axanar</i>	Star Trek Copyrighted Work
Characters	
<p>18 Garth of Izar 19 Captain Kirk’s hero who prevailed in 20 the Battle of Axanar</p>	<p>18 Garth of Izar 19 Captain Kirk’s hero who prevailed in the 20 Battle of Axanar 21 In the episode “Whom Gods Destroy” in 22 <i>The Original Series</i> (Reg. No. RE-769-427, 23 LP-44-729) as well as in the <i>Axanar</i> Works, 24 Garth is Captain Kirk’s hero and prevailed 25 in the Battle of Axanar. Garth of Izar 26 appeared in the following copyrighted novels: Garth of Izar, Strangers from the Sky, and Infinity’s Prism.</p>

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Infringing Element from <i>Prelude to Axanar</i>	Star Trek Copyrighted Work
Soval Vulcan ambassador	Soval Vulcan ambassador Soval was first seen in the <i>Enterprise</i> pilot episode “Broken Bow” in 2001 (Reg. No. PA-1-072-515), and many times throughout the <i>Enterprise</i> series such as in the episode “The Expanse” from 2003 (Reg. No. PA-1-205-604).
Richard Robau Starfleet captain	Richard Robau Starfleet captain Robau appeared in <i>Star Trek</i> (the 2009 film).
John Gill Narrator	John Gill Historian John Gill is a character from <i>The Original Series</i> episode “Patterns of Force” in 1968 (Reg. No. RE-740-926, LP-44-375).
Races and Species	
Klingons	Klingons Klingons are a warrior race from the planet Qo’noS. Klingons first appeared on <i>The Original Series</i> episode “Errand of Mercy” in 1967 (Reg. No. PA-58-283). They have made many appearances on Star Trek Television Series and Star Trek Motion Pictures.

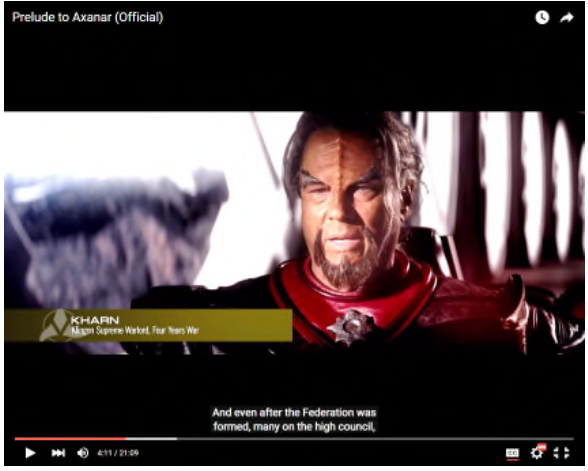
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**Infringing Element from
*Prelude to Axanar***

Star Trek Copyrighted Work

Klingon Appearance

Klingon Appearance



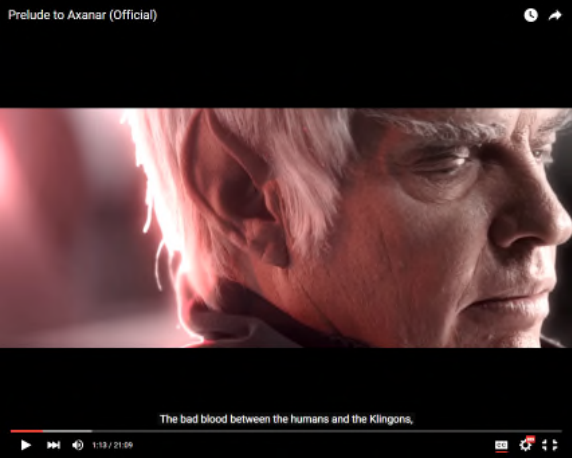

The Klingon species first appeared in *The Original Series* episode “Errand of Mercy” in 1967 (Reg. No. PA-58-283). Defendants’ style of Klingon makeup is strikingly similar to the Klingon makeup used in *Star Trek–The Motion Picture* in 1979, pictured above (top).

In *Prelude to Axanar*, the Klingon commander is wearing an altered costume that was worn in *Star Trek VI–The Undiscovered Country* (bottom image).

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Infringing Element from <i>Prelude to Axanar</i>	Star Trek Copyrighted Work
	<p>The Klingon makeup design in <i>Prelude to Axanar</i>, including the facial hair and thick eyebrows mimics the later Klingon makeup that began with <i>Star Trek– The Motion Picture</i> in 1979 and continued through all the later series – <i>The Next Generation</i>, <i>Deep Space Nine</i>, <i>Voyager</i>, and <i>Enterprise</i>, as well as <i>Star Trek III The Search for Spock</i>, <i>Star Trek IV: The Voyage Home</i>, <i>Star Trek V: The Final Frontier</i>, <i>Star Trek VI – The Undiscovered Country</i>, <i>Star Trek Generations</i>, <i>Star Trek: First Contact</i>, <i>Star Trek: Insurrection</i>, and <i>Star Trek Nemesis</i>.</p>
<p>Vulcans</p>	<p>Vulcans</p> <p>Vulcans are a humanoid race with pointy ears from the planet Vulcan that are responsible in a large part for the founding of the Federation. Vulcans first appeared in <i>The Original Series</i> episode “The Cage” (Reg. No. PA 314-430) and have appeared in many other Star Trek Television Series as well as Star Trek Motion Pictures.</p>

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<p style="text-align: center;">Infringing Element from <i>Prelude to Axanar</i></p>	<p style="text-align: center;">Star Trek Copyrighted Work</p>
<p>Vulcan Appearance</p> 	<p>Vulcan Appearance</p>  <p>The first Vulcan appearances were the first and second pilot episodes of <i>The Original Series</i> “The Cage” (Reg. No. PA 314-430) and “Where No Man Has Gone Before” in 1966 (Reg. No. PA-58-303). Vulcans also appeared in <i>The Original Series</i> episodes “The Man Trap” in 1966 (Reg. No. PA-58-307) and “Amok Time” in 1967 (Reg. No. PA-58-289). They appear in many Star Trek Television Series and Star Trek Motion Pictures. The image above is Spock from <i>The Original Series</i> episode “Space Seed” in 1967 (Reg. No. PA-58-280). In both <i>Prelude to Axanar</i> and the Star Trek Copyrighted Works, Vulcans have pointy ears and distinctive eyebrows.</p>

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Infringing Element from <i>Prelude to Axanar</i>	Star Trek Copyrighted Work
Andorians	Andorians Andorians are humanoid Federation members from the planet Andoria. Andorians first appeared in the episodes “Journey to Babel” (Reg. No. RE-714-288, LP-50-341) and “Whom Gods Destroy” from <i>The Original Series</i> (Reg. No. RE-769-427, LP-44-729). They also appeared in several Star Trek Motion Pictures and were featured extensively in <i>Enterprise</i> .
Tellarites	Tellarites Tellarites are a humanoid species distinguished by a porcine-like snout, stout build, deep set eyes and a characteristically irascible disposition. The first appearance of Tellarites was in <i>The Original Series</i> episode “Journey to Babel” in 1967 (Reg. No. RE-714-288, LP-50-341). They also appeared in several <i>Enterprise</i> episodes, such as “Bounty” in 2003 (Reg. No. PA-1-205-603) and “United” in 2005 (Reg. No. PA-1-257-201).
Romulans	Romulans Romulans are a species from the planets Romulus and Remus. The Romulan Empire and Romulans first appeared in <i>The Original Series</i> episode “Balance of Terror” in 1966 (Reg. No. PA-58-310).

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Infringing Element from <i>Prelude to Axanar</i>	Star Trek Copyrighted Work
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Costumes

Uniform with gold shirt

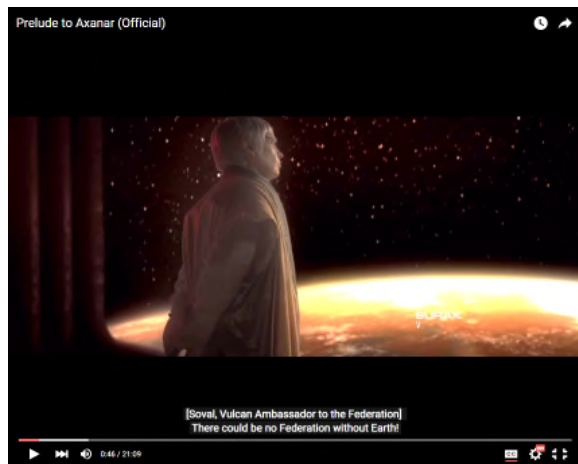


Uniform with gold shirt



The *Prelude to Axanar* uniform style is taken from *The Original Series* episode “Where No Man Has Gone Before” (1966) (Reg. No. PA-58-303), which includes a gold shirt with a particular type of collar.

Soval, Vulcan Ambassador



Soval, Vulcan Ambassador



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**Infringing Element from
*Prelude to Axanar***

Star Trek Copyrighted Work



Soval was first seen in the *Enterprise* pilot episode “Broken Bow” in 2001 (Reg. No. PA-1-072-515), and many times throughout the *Enterprise* series such as in the episode “The Expanse” from 2003 (Reg. No. PA-1-205-604) (top image).

Soval’s costume copies the Vulcan robes seen in *Star Trek–The Motion Picture* (1979) and in later Star Trek Copyrighted Works. His robe with the stylized ancient Vulcan script on green drape also appears in many Star Trek Copyrighted Works, such as the bottom image from *Enterprise*.

Cowl neck and Starfleet Command Insignia

Cowl neck and Starfleet Command Insignia



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**Infringing Element from
*Prelude to Axanar***

Star Trek Copyrighted Work

This style of women’s uniform seen above with the cowl neck was seen in the first pilot of *The Original Series* episode “The Cage” (Reg. No. PA 314-430). The footage was reused in the episode “The Menagerie Parts I & II” in 1966 (Reg. Nos. PA-58-294, PA-58-295).

The Starfleet Command badge seen below was first seen in *The Original Series* episode “The Menagerie Part I” in 1966 (Reg. No. PA-58-294).





Triangular medals on uniform



Triangular medals on uniform





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Infringing Element from <i>Prelude to Axanar</i>	Star Trek Copyrighted Work
	<p>Triangular medals for dress uniform on left breast first appeared in <i>The Original Series</i> episode “The Menagerie Part I” (1966) (Reg. No. PA-58-294) and again in episodes such as “Court Martial” (1966) (Reg. No. PA-58-293) (pictured), “Space Seed” (1967) (Reg. No. PA-58-280), “Journey to Babel” (1967) (Reg. No. RE-714-288, LP-50-341) and “The Savage Curtain” (1969) (Reg. No. RE-769-425, LP-44-372).</p>
Settings	
Axanar	Axanar “Axanar” is first mentioned in <i>The Original Series</i> episode “Court Martial” in 1967 (Reg. No. PA-58-293) and plays a large role in <i>The Original Series</i> episode “Whom Gods Destroy” in 1969 (Reg. No. RE-769-427, LP-44-729).
Planet Archanis IV  <p>The image is a screenshot from a video player. The video title is "Prelude to Axanar (Official)". The video content shows a view of Earth from space, with a bright sun in the background. The video player interface includes a progress bar at the bottom showing 0:27 / 21:58.</p>	Planet Archanis IV  <p>The image shows a Starship Enterprise flying over Earth. The ship is in the foreground, angled towards the right. The Earth is visible in the background, showing blue oceans and green continents. A bright sun is visible on the right side of the frame.</p> <p>Archanis IV was first mentioned in <i>The Original Series</i> episode “Day of the Dove” in 1968 (Reg. No. RE-740-931, LP-44-380). This image is from the remastered DVDs from 2008.</p>





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<p style="text-align: center;">Infringing Element from <i>Prelude to Axanar</i></p>	<p style="text-align: center;">Star Trek Copyrighted Work</p>
<p>Q’onoS</p> 	<p>Qo’noS</p>  <p>Qo’noS is the Klingon home planet. It is seen for the first time in <i>The Next Generation</i> episode “Sins of the Father” in 1990 (Reg. No. PA-501-111). It subsequently played a large role in <i>Star Trek VI–The Undiscovered Country</i> and several works afterwards. The above image is the Klingon capital city from <i>Enterprise</i> episode “Unexpected” in 2001.</p>
<p>Planets Nausicaa, Rigel, Andoria, Tellar Prime, Vulcan, Terra (Earth), Q’onoS</p>	<p>Planets Nausicaa, Rigel, Andoria, Tellar Prime, Vulcan, Terra (Earth), Qo’noS</p> <p>Nausicaa is first mentioned in <i>Enterprise</i> episode “Fortunate Son” in 2001. Rigel is first mentioned in the first pilot of <i>The Original Series</i> “The Cage” (Reg. No. PA 314-430), the footage of which was reused in “The Menagerie Parts I & II” in 1966 (Reg. Nos. PA-58-294, PA-58-295). Nausicaans as a race come first from <i>The Next Generation</i> episode “Samaritan Snare” in 1989 (Reg. No. PA-430-993). Andoria is first mentioned and seen in <i>Enterprise</i> episode “The Aenar” in 2005. Tellar Prime is first mentioned in <i>Enterprise</i> episode</p>

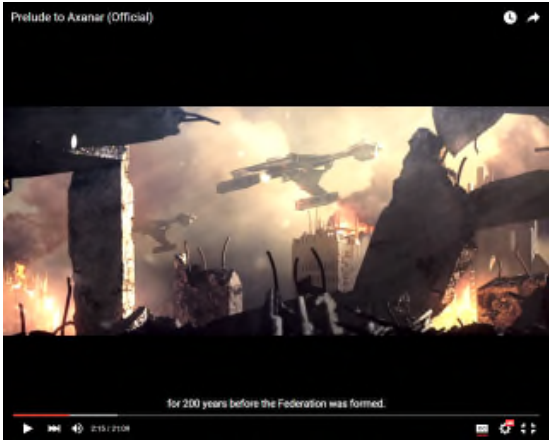


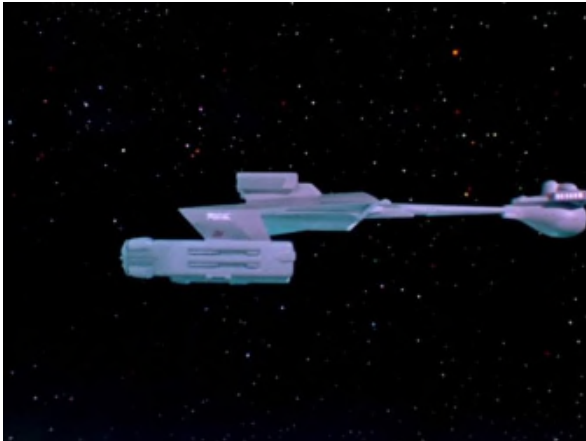


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<p style="text-align: center;">Infringing Element from <i>Prelude to Axanar</i></p>	<p style="text-align: center;">Star Trek Copyrighted Work</p>
	<p>“Babel One” in 2005 (Reg. No. PA-1-257-199). Vulcan is first mentioned and seen in <i>The Original Series</i> episode “Amok Time” in 1968 (Reg. No. PA-58-289) (having been referred to as “Vulcanis” in the second pilot episode “Where No Man Has Gone Before” in 1966) (Reg. No. PA-58-303). Terra (Earth) is first mentioned and seen in <i>The Original Series</i> episode “Tomorrow is Yesterday” in 1967 (Reg. No. PA-58-300). Qo’noS is the Klingon homeworld. It is established and seen for the first time in <i>The Next Generation</i> episode “Sins of the Father” in 1990 (Reg. No. PA-501-111). It subsequently played a large role in <i>Star Trek VI–The Undiscovered Country</i> and several works afterwards. These planets are referenced throughout subsequent Star Trek Television Series and Star Trek Motion Pictures.</p>
<p>Spacedocks</p> 	<p>Spacedocks</p>  <p>Spacedocks (or drydocks) were first mentioned in <i>The Original Series</i> episode “The Doomsday Machine” in 1967 (Reg. No. RE-714-257, LP-44-258). The photo</p>

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<p style="text-align: center;">Infringing Element from <i>Prelude to Axanar</i></p>	<p style="text-align: center;">Star Trek Copyrighted Work</p>
	<p>above is of the U.S.S. Enterprise in a spacedock from <i>Star Trek– The Motion Picture</i> in 1979.</p>
<p>Starship Enterprise (NCC-1701)</p> 	<p>Starship Enterprise (NCC-1701)</p>  <p>The U.S.S. Enterprise (NCC-1701) is first seen in the first and second pilot episodes of <i>The Original Series</i>, “The Cage” (Reg. No. PA 314-430) and “Where No Man Has Gone Before” in 1966 (Reg. No. PA-58-303) (pictured).</p>
<p>Starship Enterprise (NCC-1701)</p> 	<p>Starship Enterprise (NCC-1701)</p>  <p>Axanar’s depiction of the U.S.S. Enterprise in spacedock/drydock is strikingly similar to a scene from <i>Star Trek–The Motion Picture</i> in 1979 (above). Defendants’ depiction even includes a vessel from the Star Trek</p>

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Infringing Element from <i>Prelude to Axanar</i>	Star Trek Copyrighted Work
	Copyrighted Works called a cargo management unit or “workbee.”
<p>D7 Klingon ship</p>  <p>for 200 years before the Federation was formed.</p>  <p>Certainly not one that would impede the growth of the empire.</p> 	<p>D7 Klingon ship</p>    <p>The D7 Klingon ship first appeared in <i>The Original Series</i> episode “Elaan of Troyius” in 1968 (Reg. No. RE-740-930, LP-44-379) (top image) and was used as one of two</p>

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Infringing Element from <i>Prelude to Axanar</i>	Star Trek Copyrighted Work
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recognizable Klingon ships in all works thereafter. They also played a large role in *Star Trek–The Motion Picture* in 1979 (bottom two images).

Starfleet ship	Starfleet ship
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This Axanar ship uses several design elements from ships like the U.S.S. Kelvin from *Star Trek* (2009)(top image).

The Axanar ship also uses design aspects of Miranda-class ships, most notably the U.S.S. Reliant from *Star Trek II–The Wrath of Khan* (bottom image).

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**Infringing Element from
*Prelude to Axanar***

Star Trek Copyrighted Work

Federation Starships

Federation Starships

The Axanar ship is a derivative design of several ships of the Star Trek Copyrighted Works, including the U.S.S. Titan, pictured above in the novel Star Trek Titan: Sword of Damocles, and the U.S.S. Centaur.

“Stardate 2241.03,” “Stardate 2243.3,” “Stardate 2244.1,” “Stardate 2244.9,” “Stardate 2245.1”

Stardate 2266

The *Axanar* Works take place in 2241.03 to 2245.1, which is twenty-one years before *The Original Series* episode “Where No Man Has Gone Before” (Reg. No. PA-58-303).

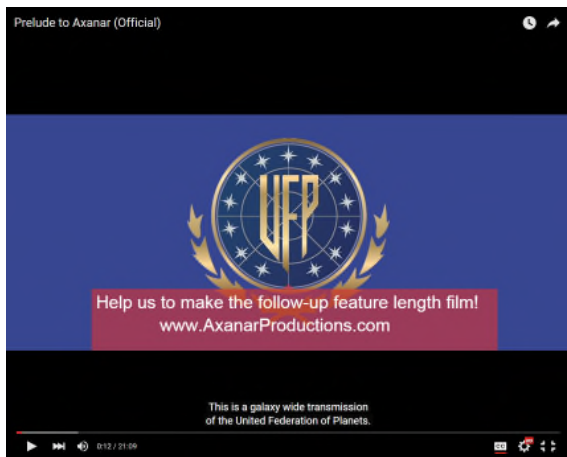
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**Infringing Element from
*Prelude to Axanar***

Star Trek Copyrighted Work

Logos

United Federation of Planets logo



United Federation of Planets logo

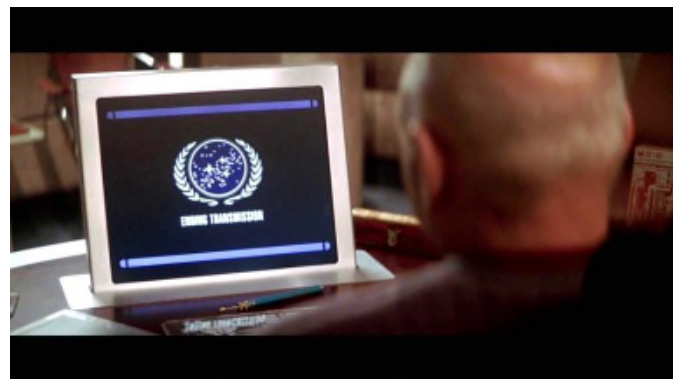
The “UFP” symbol first appeared in *The Original Series* episode “And The Children Shall Lead” in 1968 (Reg. No. RE-740-928, LP-44-377). Later, it appeared in *Star Trek–The Motion Picture* in 1979.



United Federation of Planets logo



United Federation of Planets logo




The United Federation of Planets logo as seen in *Star Trek Nemesis* in 2002. This logo appeared on *The Next Generation* episode “The Naked Now” in 1987 (Reg. No. PA-348-302).

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**Infringing Element from
*Prelude to Axanar***

Star Trek Copyrighted Work

Federation logo




Federation logo




The United Federation of Planets was first mentioned by that name specifically in *The Original Series* episode “A Taste of Armageddon” in 1967 (Reg. No. PA-58-302). The image above is from *The Next Generation* episode “Conspiracy” in 1988 (Reg. No. PA-415-572).

Memory Alpha



Memory Alpha



Memory Alpha first appeared in *The Original Series* episode “The Lights of Zetar” in 1969 (Reg. No. 769-428, LP-44-730), and the logo was later seen in the remastered version of DVDs in 2008.


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Infringing Element from <i>Prelude to Axanar</i>	Star Trek Copyrighted Work
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Klingon logo



Klingon logo



The Klingon logo first appeared on the newly introduced D7 Klingon ship in episode “Elaan of Troyius” of *The Original Series* in 1968 (Reg. No. RE-740-930, LP-44-379). It was subsequently used to represent the Klingon Empire in all other Star Trek works thereafter, such as in *Star Trek VI–The Undiscovered Country* (image above).

Plot Point Similarities	
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United Federation of Planets

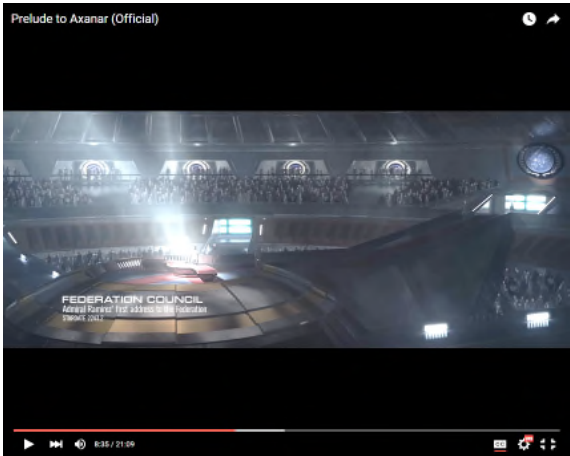
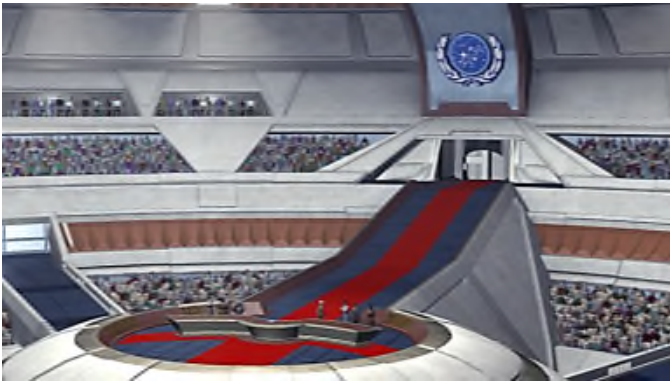
United Federation of Planets

The United Federation of Planets, an interstellar alliance of several planetary governments, was first mentioned by that name specifically in *The Original Series* episode “A Taste of Armageddon” in 1967 (Reg. No. PA-58-302). It is referenced throughout the Star Trek Copyrighted Works.

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Infringing Element from <i>Prelude to Axanar</i>	Star Trek Copyrighted Work
Stardate	Stardate The element of stardates was first used in the second pilot of <i>The Original Series</i> “Where No Man Has Gone Before” in 1966 (Reg. No. PA-58-303). It was subsequently used in <i>The Next Generation</i> , <i>Deep Space Nine</i> , <i>Voyager</i> , and every <i>Star Trek</i> Motion Picture.
Dilithium	Dilithium Dilithium is a crystalline substance used in warp propulsion systems to regulate the matter/antimatter reactions that provide the energy necessary for faster-than-light speed. Dilithium was first mentioned in <i>The Original Series</i> episode “The Alternative Factor” in 1967 (Reg. No. PA-58-299). It was subsequently used as the main power source of ships throughout the <i>Star Trek</i> Copyrighted Works, such as <i>The Original Series</i> episode “Elaan of Troyius” (Reg. No. RE-740-930, LP-44-379).
Phasers	Phasers Phasers are Starfleet handheld or ship-mounted energy weapons. Phasers first appeared in the second pilot episode of <i>The Original Series</i> “Where No Man Has Gone Before” in 1966 (Reg. No. PA-58-303), and appear throughout subsequent <i>Star Trek</i> Television Series and <i>Star Trek</i> Motion Pictures.

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<p style="text-align: center;">Infringing Element from <i>Prelude to Axanar</i></p>	<p style="text-align: center;">Star Trek Copyrighted Work</p>
<p>Klingon High Council</p>	<p>Klingon High Council</p> <p>The Klingon High Council first appeared in <i>The Next Generation</i> episode “Sins of the Father” in 1990 (Reg. No. PA-501-111), and appeared throughout subsequent Star Trek Television Series and Star Trek Motion Pictures.</p>
<p>Klingon Empire</p>	<p>Klingon Empire</p> <p>The Klingon Empire first appeared in <i>The Original Series</i> episode “Errand of Mercy” in 1967 (Reg. No. PA-58-283), and appeared throughout subsequent Star Trek Television Series and Star Trek Motion Pictures.</p>
<p>Federation Council</p> 	<p>Federation Council</p>  <p>The Federation Council is first mentioned in <i>The Original Series</i> episode “Amok Time” in 1967 (Reg. No. PA-58-289). It plays a role in every series and film thereafter, including in the final episode of <i>Enterprise</i> “These Are The Voyages...” in 2005 (Reg. No. PA-1-305-894) (pictured above).</p>

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Infringing Element from <i>Prelude to Axanar</i>	Star Trek Copyrighted Work
Dialogue	
Beaming up/Transporters	Beaming up/Transporters The element of beaming is first mentioned in the second pilot of <i>The Original Series</i> “Where No Man Has Gone Before” in 1966 (Reg. No. PA-58-303) and is subsequently used or explored in every Star Trek Television Series and Star Trek Motion Picture thereafter. The “Transporter Room” is a room on Starfleet spaceships that includes a transporter platform, which is used to transport (or “beam”) Starfleet personnel to other ships or planets.
Warp Drive	Warp Drive Warp drive is the main propulsion system for most starships that are capable of faster-than-light travel. The element of warp drive is first mentioned in the second pilot of <i>The Original Series</i> “Where No Man Has Gone Before” in 1966 (Reg. No. PA-58-303) and is a fixed element for ships in every Star Trek Television Series and Star Trek Motion Picture thereafter, including <i>Star Trek–The Motion Picture</i> .
Klingon Language	Klingon Language Klingonese or Klingon, the native language of Qo’noS, was first spoken in <i>Star Trek–The Motion Picture</i> in 1979. It was used in several works moving forward, including <i>Star Trek III The Search for Spock</i> .

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<p align="center">Infringing Element from <i>Prelude to Axanar</i></p>	<p align="center">Star Trek Copyrighted Work</p>
<p>“Stardate 2241.03,” “Stardate 2243.3,” “Stardate 2244.1,” “Stardate 2244.9,” “Stardate 2245.1”</p>	<p>Stardate</p> <p>Stardate is a fictional manner of designating dates that was developed for the Star Trek universe. Stardates appear in nearly every Star Trek Copyrighted Work, including the episodes “Where No Man Has Gone Before” (Reg. No. PA-58-303) and “The Man Trap” (Reg. No. PA-58-307) from <i>The Original Series</i>.</p>
<p>Starfleet, Federation, Phasers</p>	<p>Starfleet, Federation, Phasers</p> <p>The Starfleet is a branch of the United Federation of Planets assigned to the exploration of space and the resulting scientific, diplomatic and defensive duties. It is referenced in many Star Trek Television Series and Star Trek Motion Pictures, such as <i>Enterprise</i> episode “Broken Bow” in 2001 (Reg. No. PA-1-072-515).</p> <p>The United Federation of Planets was first mentioned by that name specifically in <i>The Original Series</i> episode “A Taste of Armageddon” in 1967 (Reg. No. PA-58-302). Virtually every Star Trek episode, game, book, and comic mentions the Federation or the United Federation of Planets.</p> <p>Phasers first appeared in the second pilot episode of <i>The Original Series</i> “Where No Man Has Gone Before” in 1966 (Reg. No. PA-58-303), and appear throughout subsequent Star Trek Television Series and Star Trek Motion Pictures.</p>

Infringing Element from <i>Prelude to Axanar</i>	Star Trek Copyrighted Work
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Mood and Theme

Science fiction action adventure	Science fiction action adventure The mood and theme of Star Trek as a science fiction action adventure first appeared in <i>The Original Series</i> episode “The Cage” (Reg. No. PA 314-430), and has appeared in all subsequent episodes of <i>The Original Series</i> and other derivative Star Trek Copyrighted Works.
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47. In the Vulcan Scene from the *Axanar* Motion Picture, Defendants replicate the Planet of Vulcan from the Star Trek Copyrighted Works, including the look and feel of the planet, the characters’ costumes, pointy ears, makeup, and distinctive hairstyle. The following chart includes some of the infringing elements from the Vulcan Scene from the *Axanar* Motion Picture as well as examples of many of the corresponding Star Trek Copyrighted Works:

Infringing Element from <i>Axanar</i>	Star Trek Copyrighted Work
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Characters

<p>Soval</p> 	<p>Soval</p>  <p>Soval was first seen in the <i>Enterprise</i> pilot episode “Broken Bow” in 2001 (Reg. No.</p>
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Infringing Element from <i>Axanar</i>	Star Trek Copyrighted Work
	<p>PA-1-072-515), and many times throughout the <i>Enterprise</i> series such as in the episode “The Expanse” from 2003 (Reg. No. PA-1-205-604).</p> <p>The <i>Prelude to Axanar</i> costume copies the Vulcan robes seen in <i>Star Trek–The Motion Picture</i> (1979) and in later Star Trek Copyrighted Works. The robe with the stylized ancient Vulcan script on green drape is taken from the Star Trek Copyrighted Works, including <i>Enterprise</i> (pictured above).</p>
Races and Species	
Vulcans	Vulcans Vulcans are a humanoid race with pointy ears from the planet Vulcan that are responsible in large part for the founding of the Federation. Vulcans first appeared in <i>The Original Series</i> episode “The Cage” (Reg. No. PA 314-430), and have appeared in many other Star Trek Television Series as well as Star Trek Motion Pictures.
Klingons	Klingons Klingons are a warrior race from the planet Qo’noS. Klingons first appeared on <i>The Original Series</i> episode “Errand of Mercy” (1967) (Reg. No. PA-58-283). They have made many appearances on Star Trek Television Series and Star Trek Motion Pictures.

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Infringing Element from <i>Axanar</i>	Star Trek Copyrighted Work
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Costumes

Vulcans with pointy ears, distinctive eyebrows, and robes with script

Vulcans with pointy ears, distinctive eyebrows, and robes with script



The Vulcan script on robes appeared in *Star Trek–The Motion Picture* (1979) and numerous other films and shows. The image above is from *Enterprise* episode “Kir’shara” in 2004 (Reg. No. PA-1-257-200), showing the same types of Vulcan costumes, robes, and script portrayed by Defendants.

Original Garth Costume

Original Garth Costume



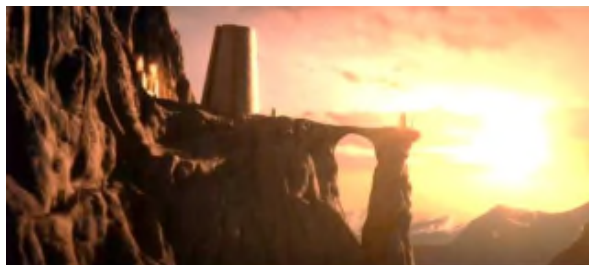
Defendants have released a production shot from the *Axanar* Motion Picture showing Peters wearing the original Garth of Izar costume worn by the actor from *The Original Series*, while playing Garth of Izar.

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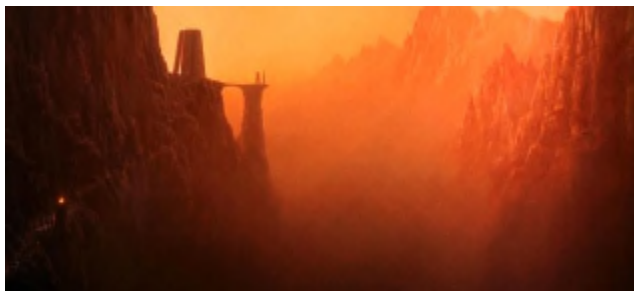
Infringing Element from <i>Axanar</i>	Star Trek Copyrighted Work
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Settings

Planet Vulcan



Planet Vulcan



The above image is Mt. Seleya, on Vulcan, from *Star Trek III The Search for Spock* in 1982 and *Star Trek IV: The Voyage Home* in 1986.

Vulcan architecture





Vulcan architecture



Vulcan architecture from *Enterprise* “Kir’shara” in 2004 (Reg. No. PA-1-257-200).

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Infringing Element from <i>Axanar</i>	Star Trek Copyrighted Work
<p>Vulcan Ships</p> 	<p>Vulcan Ships</p>  <p>D’Kyr-class Vulcan ships first appeared in <i>Enterprise</i> episode “Shockwave, Part II” in 2002 (Reg. No. PA-1-134-204). The image above is from <i>Enterprise</i> episode “Kir’shara” in 2004 (Reg. No. PA-1-257-200).</p>
<p>Plot Point Similarities</p>	
<p>Teachings of Surak</p>	<p>Teachings of Surak</p> <p>Surak is first seen in <i>The Original Series</i> episode “The Savage Curtain” in 1969 (Reg. No. RE-769-425, LP-44-372).</p> <p>The teachings of Surak are a collection of writings by the legendary Vulcan philosopher Surak. They are referenced in <i>Enterprise</i> episode “Two Days and Two Nights” in 2002 (Reg. No. PA-1-102-974).</p>
<p>Vulcan Council</p>	<p>Vulcan Council</p> <p>The Vulcan council is seen in <i>Enterprise</i> episode “Kir’shara” in 2004 (Reg. No. PA-1-257-200), and <i>Star Trek</i> (2009 film).</p>
<p>The Federation</p>	<p>The Federation</p> <p>Virtually every Star Trek episode, game,</p>

Infringing Element from <i>Axanar</i>	Star Trek Copyrighted Work
	book, and comic mentions the Federation or the United Federation of Planets.
Mood and Theme	
Science fiction action adventure	Science fiction action adventure
	The mood and theme of Star Trek as a science fiction action adventure first appeared in <i>The Original Series</i> episode “The Cage” (Reg. No. PA 314-430), and has appeared in all subsequent episodes of <i>The Original Series</i> and other derivative Star Trek Copyrighted Works.

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48. On information and belief, the *Axanar* Script contains the copyrighted elements found in the *Axanar* Motion Picture, and many more copyrighted Star Trek elements.

49. The *Axanar* Works are intended to be a prequel to the events chronicled in *The Original Series*; in other words, an unauthorized derivative work.

50. The *Axanar* Works are not a parody, nor do they constitute fair use of the Star Trek Copyrighted Works.

51. The *Axanar* Works are not licensed by CBS or Paramount.

FIRST CLAIM FOR RELIEF

Copyright Infringement

(Against All Defendants)

52. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 51 as though fully set forth herein.

53. The Star Trek Copyrighted Works constitute copyrightable subject matter under the Copyright Act, 17 U.S.C. §§ 101, *et seq.* Plaintiffs have recorded the copyrights in and to the Star Trek Copyrighted Works with the United States

1 Copyright Office and have complied with all applicable statutory registration and
2 renewal requirements.

3 54. Plaintiffs own the United States copyrights in the Star Trek
4 Copyrighted Works, and the exclusive right to develop, create, and/or produce
5 motion pictures and television shows based on the Star Trek Copyrighted Works,
6 including but not limited to the characters, themes, plots, dialogue, settings,
7 sequences, situations, and incidents therein, and also the props, character makeup,
8 costumes, sets, fictional language, events, and fictional history. Plaintiffs are
9 entitled to all of the protections and remedies for the Star Trek Copyrighted Works
10 accorded to a copyright owner.

11 55. On information and belief, in direct violation of Plaintiffs' exclusive
12 rights, Defendants have directly infringed, and unless enjoined by this Court, will
13 continue to infringe the copyrights in the Star Trek Copyrighted Works by, among
14 other things:

- 15 a. Preparing unauthorized derivative works of the Star Trek
16 Copyrighted Works in the form of the *Axanar* Works;
- 17 b. Reproducing copyrighted elements of the Star Trek Copyrighted
18 Works in the *Axanar* Works;
- 19 c. Distributing copies of the *Axanar* Works, which contain
20 copyrighted elements of the Star Trek Copyrighted Works;
- 21 d. Publicly performing the *Axanar* Works, which contain
22 copyrighted elements of the Star Trek Copyrighted Works;
- 23 e. Preparing unauthorized derivative works of the specific episodes
24 and motion pictures referenced in Paragraphs 46-47, above, in the form of the
25 *Axanar* Works;
- 26 f. Reproducing copyrighted elements of the specific episodes and
27 motion pictures referenced in Paragraphs 46-47, above, in the *Axanar* Works;

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1 g. Distributing copies of the *Axanar* Works, which contain
2 copyrighted elements of the specific episodes and motion pictures referenced in
3 Paragraphs 46-47, above; and

4 h. Publicly performing the *Axanar* Works, which contain
5 copyrighted elements of the specific episodes and motion pictures referenced in
6 Paragraphs 46-47.

7 **SECOND CAUSE OF ACTION**

8 **Contributory Copyright Infringement**

9 **(Against All Defendants)**

10 56. Plaintiffs incorporate by reference the allegations contained in
11 paragraphs 1 through 55 as though fully set forth herein.

12 57. On information and belief, Defendants knew or had reason to know that
13 the *Axanar* Works are unauthorized derivative works based on the Star Trek
14 Copyrighted Works that are, at least in part, substantially similar to the copyrighted
15 elements in the Star Trek Copyrighted Works, and to the specific episodes and
16 motion pictures referenced in Paragraphs 46-47, above.

17 58. On information and belief, Defendants induced, caused, and materially
18 contributed to the unauthorized preparation, duplication, distribution, and public
19 performance of the infringing *Axanar* Works, and are continuing to do so.

20 59. In violation of Plaintiffs' exclusive rights, Defendants have contributed
21 to the infringement and, unless enjoined by this Court, will continue to contribute to
22 the infringement of the copyrights in the Star Trek Copyrighted Works.

23 **THIRD CAUSE OF ACTION**

24 **Vicarious Copyright Infringement**

25 **(Against All Defendants)**

26 60. Plaintiffs incorporate by reference the allegations contained in
27 paragraphs 1 through 59 as though fully set forth herein.

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1 61. On information and belief, Defendants have the right and ability to
2 supervise the other Defendants, and on information and belief, did supervise them in
3 their unlawful preparation, duplication, and distribution of the *Axanar* Works.

4 62. On information and belief, Defendants enjoy a direct financial benefit
5 from the preparation, duplication, and distribution of the infringing *Axanar* Works.

6 63. In direct violation of Plaintiffs’ exclusive rights and as a consequence
7 of the foregoing, Defendants have vicariously infringed the copyrights in the Star
8 Trek Copyrighted Works and in the specific episodes and motion pictures
9 referenced in Paragraphs 46-47, above.

10 **FOURTH CLAIM FOR RELIEF**

11 **Declaratory Judgment**

12 **(Against All Defendants)**

13 64. Plaintiffs incorporate by reference the allegations contained in
14 paragraphs 1 through 63 as though fully set forth herein.

15 65. Defendants are in the process of producing the *Axanar* Motion Picture,
16 without obtaining Plaintiffs’ authorization.

17 66. In addition to the infringing elements already copied into the *Axanar*
18 Works, Defendants have announced their intention to incorporate numerous other
19 copyrighted Star Trek elements into the *Axanar* Works, including but not limited to:

20 a. **Captain Robert April**, a character whose name came from the
21 very first Star Trek pitch and who appeared in the episode “The Counter-Clock
22 Incident” from *The Animated Series*.

23 b. **Chang**, a character who appeared in *Star Trek VI—The*
24 *Undiscovered Country*.

25 c. **Sarek**, a character who appeared in “Journey to Babel” from *The*
26 *Original Series* (Registration No. RE-714-288, LP-50-341), the episodes “Sarek”
27 (Registration No. PA-501-117) and “Unification, Part I” (Registration No. PA-573-

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1 177) from *Star Trek: The Next Generation*, *Star Trek III The Search for Spock*, and
2 *Star Trek IV: The Voyage Home*.

3 d. **The Bridge**, a starship operations center that appeared in many
4 Star Trek Copyrighted Works such *The Original Series* episode “The Cage”
5 (Registration No. PA 314-430).

6 e. **Mek’leths**, which are Klingon warrior weapons that appeared in
7 *Star Trek: Deep Space Nine*.

8 67. An actual controversy has arisen and now exists relating to the rights
9 and duties of Plaintiffs and Defendants under the United States copyright laws in
10 that Plaintiffs contend that they are the sole owners of the Star Trek Copyrighted
11 Works and that the *Axanar* Works infringe Plaintiffs’ rights in the Star Trek
12 Copyrighted Works. Defendants apparently contend that they are entitled to create,
13 distribute, market, advertise, promote, sell, or offer for sale derivative works of the
14 Star Trek Copyrighted Works, which contain elements that are substantially similar
15 to the Star Trek Copyrighted Works.

16 68. Pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and
17 2202, and Rule 57 of the Federal Rules of Civil Procedure, Plaintiffs request a
18 judicial determination of their rights, and a declaration that Defendants’ continued
19 production the *Axanar* Motion Picture constitutes infringement of the Star Trek
20 Copyrighted Works.

21 69. A judicial declaration is necessary and appropriate at this time in order
22 that Plaintiffs may ascertain the parties’ rights.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiffs respectfully requests that this Court enter judgment
25 against Defendants as follows:

26 1. That the Court find that:

27 a. Defendants have infringed the copyrights in the Star Trek
28 Copyrighted Works;

1 b. Defendants have contributed to the infringement of the
2 copyrights in the Star Trek Copyrighted Works;

3 c. Defendants have vicariously infringed the copyrights in the Star
4 Trek Copyrighted Works.

5 2. That the Court enter a declaration that Defendants' continued
6 production the *Axanar* Motion Picture constitutes infringement of the Star Trek
7 Copyrighted Works.

8 3. That the Court find that as a direct and proximate result of Defendants'
9 foregoing acts, Plaintiffs are entitled to the following damages:

10 a. At Plaintiffs' election, statutory damages of up to \$150,000 for
11 each separate Star Trek Copyrighted Work infringed, for willful infringement
12 pursuant to 17 U.S.C. § 504(c), or Plaintiffs' actual damages sustained as a result of
13 Defendants' acts of copyright infringement according to proof and Defendants'
14 profits obtained as a result of their acts of copyright infringement according to
15 proof; and

16 b. Plaintiffs' reasonable attorneys' fees and costs pursuant to the
17 Copyright Act of 1976, 17 U.S.C. §§ 101, *et seq.*, and 17 U.S.C. § 505.

18 4. That the Court find that the threat of irreparable harm to Plaintiffs as a
19 result of Defendants' conduct leaves Plaintiffs without adequate remedy at law, and
20 therefore that Plaintiffs are entitled to an injunction restraining Defendants, their
21 agents, servants, employees, attorneys, successors, assigns, subsidiaries, and all
22 persons, firms, and corporations acting in concert with them, from directly or
23 indirectly infringing the copyrights in the Star Trek Copyrighted Works, including
24 but not limited to continuing to distribute, market, advertise, promote, produce, sell,
25 or offer for sale the *Axanar* Works or any works derived or copied from the Star
26 Trek Copyrighted Works, and from participating or assisting in any such activity
27 whether or not it occurs in the United States.

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1 5. That the Court enjoin Defendants, their agents, servants, employees,
2 attorneys, successors, assigns, subsidiaries, and all persons, firms, and corporations
3 acting in concert with them, from directly or indirectly infringing the copyrights in
4 the Star Trek Copyrighted Works, including but not limited to continuing to
5 distribute, copy, publicly perform, market, advertise, promote, produce, sell, or offer
6 for sale the *Axanar Works* or any works derived or copied from the Star Trek
7 Copyrighted Works, and from participating or assisting in any such activity whether
8 or not it occurs in the United States.

9 6. That the Court grant such other, further relief as it deems just and
10 proper.

11 Dated: March 11, 2016

LOEB & LOEB LLP
JONATHAN ZAVIN
DAVID GROSSMAN
JENNIFER JASON

14 By: /s/ David Grossman
15 David Grossman
16 Attorneys for Plaintiffs
17 PARAMOUNT PICTURES
18 CORPORATION and CBS STUDIOS
19 INC.
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DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury as provided by Rule 38 of the Federal Rules of Civil Procedure.

Dated: March 11, 2016

LOEB & LOEB LLP
JONATHAN ZAVIN
DAVID GROSSMAN
JENNIFER JASON

By: /s/ David Grossman
David Grossman
Attorneys for Plaintiffs
PARAMOUNT PICTURES
CORPORATION and CBS STUDIOS
INC.

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APPENDIX A: COPYRIGHTED STAR TREK WORKS

A. Motion Pictures

1. Star Trek – The Motion Picture (PA 58-633)
2. Star Trek II – The Wrath of Khan (PA 147-513)
3. Star Trek III The Search for Spock (PA 214-571)
4. Star Trek IV: The Voyage Home (PA 313-406)
5. Star Trek V: The Final Frontier (PA 436-660)
6. Star Trek VI – The Undiscovered Country (PA 558-359)
7. Star Trek Generations (PA 735-978)
8. Star Trek: First Contact (PA 832-616)
9. Star Trek: Insurrection (PA 949-613)
10. Star Trek Nemesis (PA 1-113-097)
11. Star Trek (PA 1-626-900)
12. Star Trek Into Darkness (PA 1-837-943)

B. Television Series¹

1. The Original Series
 - i. Episode 1: The Man Trap (PA 58-307)
2. The Next Generation
 - i. Encounter at Farpoint (Pilot) (PA 348 301)
3. Deep Space Nine
 - i. The Emissary, Part I (PA 661-369)
4. Voyager
 - i. Caretaker (PA 775-677 and PAu 1-801-831)
5. Enterprise
 - i. Enterprise – Episode #001 and #002 “Broken Bow” (PA 1-072-515)

¹ Plaintiffs own the copyrights for all episodes of each Star Trek television series, and have identified the copyright registrations for the first episode of each television series.

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6. Copyright Assignment from Paramount Pictures Corporation to CBS Studios Inc. (V3542 D684- V3542 D690)