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IN THE UNITED STATES DISTRICT COURT *FATHER D. Williams, Clerk*
FOR THE NORTHERN DISTRICT OF GEORGIA *By J. Dugay, Deputy Clerk*
ATLANTA DIVISION

WHITE WOLF, INC., WHITE WOLF
PUBLISHING, INC. and NANCY A.
COLLINS,

Plaintiffs,

Vs.

SONY PICTURES ENTERTAINMENT,
INC., LAKESHORE ENTERTAINMENT
CORP., and SCREEN GEMS, INC.,

Defendants.

CIVIL ACTION

FILE NO. 1 03 CV-2653

JURY TRIAL DEMANDED *NO*

COMPLAINT

Nature of Action

1. Plaintiffs White Wolf, Inc. and White Wolf Publishing, Inc. (hereinafter collectively referred to as "White Wolf") seek injunctive relief and damages for copyright infringement, false designation of origin and unfair competition engaged in by Defendants under the laws of the United States and the State of Georgia.

Parties

2. White Wolf, Inc. is a Georgia corporation with its principal place of business in Georgia.

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3. White Wolf Publishing, Inc. is a Georgia corporation with its principal place of business in Georgia.
 4. Nancy A. Collins is a resident of Georgia.
 5. Defendant Sony Pictures Entertainment, Inc. ("Sony Pictures") is a Delaware corporation with its principal place of business in California.
 6. Defendant Lakeshore Entertainment Corporation ("Lakeshore") is a Delaware corporation with its principal place of business in California.
 7. Defendant Screen Gems, Inc. ("Screen Gems") is a Delaware corporation with its principal place of business in California.
- Jurisdiction and Venue**
8. This action arises under the Copyright Act of 1976 (17 U.S.C. § 101 et seq.), the Lanham Trademark Act (15 U.S.C. § 1125(a)) and the Georgia Uniform Deceptive Trade Practices Act (O.C.G.A. § 10-1-370 et seq.).
 9. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1338(a) and (b) and the principles of supplemental jurisdiction.
 10. The venue of this action is properly laid in the Northern District of Georgia pursuant to 28 U.S.C. § 1391(b) and 1400(a).

11. This Court has personal jurisdiction over the Defendants, who have minimum contacts with this State and district by conducting business, committing torts, and causing injury in this State and District.

Allegations Common To All Claims For Relief

Plaintiffs' Copyrights

12. White Wolf is engaged in the business of authoring, producing, publishing and distributing books, magazines and role playing games in both print and computer media, and related merchandise bearing the likeness and imagery of its fanciful characters.

13. White Wolf's business includes two major components from which many of its products derive: a vampire role-playing game, with the core rulebook titled *Vampire: The Masquerade*; and a werewolf role-playing game, with the core rulebook titled *Werewolf: The Apocalypse*.

14. In 1993, White Wolf registered its original copyright for *Vampire: The Masquerade* with the United States Copyright Office.

15. White Wolf has subsequently registered later editions of *Vampire: The Masquerade*.

16. In 1991, White Wolf registered its original copyright for *Werewolf: The Apocalypse* with the United States Copyright Office.

17. White Wolf has subsequently registered a later edition of *Werewolf: The Apocalypse*.
18. White Wolf has created and published numerous derivative works in the World of Darkness using the basic storylines from *Vampire: The Masquerade* and *Werewolf: The Apocalypse*.
19. These derivative works include companion books to the role-playing games, novels, updated rulebooks, storyteller guides, videogames, a television series produced by Spelling Entertainment, action figures and other merchandise bearing the copyrights and trademarks of White Wolf.
20. White Wolf's derivative works number in the hundreds. The specific books at issue in this matter include: *Guide To The Camarilla*; *Guide To The Sabbat*; *The Book of Nod*; *Caine's Chosen: The Black Hand*; *Under A Blood Red Moon*; *Children of the Night*; *Time of Thin Blood*; *Transylvania Chronicles 1: Dark Tides Rising*.
21. All of these works have been registered with the United States Copyright Office.
22. All of White Wolf's books are available at bookstores nationwide and worldwide, including Barnes & Noble, Borders, Hot Topic and Amazon.com.

23. Plaintiff Nancy A. Collins registered the copyright for *The Love of Monsters* (first published in 1994) with the United States Copyright Office in 2003.

Plaintiffs' Works

24. *Vampire: The Masquerade* is based in part on the White Wolf created myth called “The Masquerade” – a secret realm of vampires comprising a worldwide network that seeks to keep hidden from mortal eyes the fact that vampires are real. The Masquerade demands that all vampires make a reasonable effort at secrecy.

25. White Wolf’s vampires exist in The World of Darkness – a world created by White Wolf that is best described as “gothic-punk” – it is the mood, the setting and the attitude of the inhabitants of the World of Darkness.

26. The combination of gothic and punk lifestyles work together to encourage creativity and imagination. They avoid the normalcy of the status quo and the mundane, which suffocates imagination.

27. For the Gothic-Punk way of life, emotions rule actions and passion overrides logic and reason.

28. The World of Darkness has been described as a darker, more Gothic version of Earth, where cities are dark foreboding places.

29. *Werewolf: The Apocalypse* is also set in White Wolf's World of Darkness.
30. White Wolf created its own versions of vampire and werewolf mythology for the purposes of its role-playing games.
31. A second *Vampire: The Masquerade* inspired videogame, titled *Vampire: The Masquerade – Bloodlines*, is in development using Valve Software's technology and game engine first used in its videogame *Half-Life II*.
32. White Wolf and its partners announced the upcoming release of its second *Vampire: The Masquerade* inspired videogame, with a demonstration, at E3 – the Electronic Entertainment Exposition at the Los Angeles Convention Center on May 13, 2003.
33. White Wolf's vampires and werewolves both inhabit the World of Darkness, but are not allies.
34. Vampires and werewolves, in White Wolf's mythology, have been dire enemies and at war with one another since time immemorial.
35. In White Wolf's mythology, werewolves, traditionally reluctant to leave their wilderness domains, have been increasingly aggressive and have been pursuing vampires into the cities.

36. One of White Wolf's signature characters is a fearsome female assassin and consummate shadow warrior named Lucita.
37. Introduced in *Transylvania Chronicles I*, Lucita is tall and lithe and has a dusky, classical tone to her skin and black hair.
38. Lucita is described as having an indomitable will and fierce independence. Her speed and natural grace assist her in achieving a high skill level in the art of war.
39. In 1994, White Wolf published an anthology of short stories, titled *Dark Destiny*, set in its World of Darkness.
40. One of these short stories is *The Love of Monsters* by Collins.
41. Collins is a prominent and prolific author of short stories, novels and comic books in the dark fantasy/horror genre, with a worldwide readership and publications in many foreign languages.
42. Collins was the recipient of the Horror Writers Association's Bram Stoker Award for First Novel and the British Fantasy Society's Icarus Award. Collins has also been nominated for the Campbell Award and the comics industry's Eisner Award. She is also the founder of the International Horror Guild.

43. Collins' short story, *The Love of Monsters*, is a love story between a vampire and a werewolf, who have broken the covenant forbidding commingling between the species.

44. It is essentially a new perspective on the star-crossed lovers theme commonly associated with Shakespeare's *Romeo & Juliet*.

The Infringing Work

45. Defendants Sony Pictures, Lakeshore and Screen Gems recently announced the upcoming release of *Underworld* – a major motion picture set in a dark, gothic-punk setting.

46. *Underworld*'s plotlines include a war between vampires and werewolves that has been raging for centuries and a love story between a vampire and a werewolf.

47. *Underworld* is being marketed as a new perspective on Shakespeare's *Romeo & Juliet*.

48. The movie *Underworld* is based on the screenplay originally written by Kevin Grevioux and Len Wiseman. The effective date of the registration of their copyright (PAu-2-632-799) is October 10, 2001.

49. The original screenplay for *Underworld* was re-written and registered by Danny McBride. The effective date of the registration of the copyright for the revised screenplay (PAu-2-647-587) is May 10, 2002.

50. Upon information and belief, McBride, Grevioux and Wiseman transferred all right, title and interest in *Underworld* to Defendants Sony Pictures, Lakeshore Entertainment and Screen Gems.

51. Defendant Sony Pictures has also announced on its *Underworld* website (www.sonypictures.com/movies/underworld/) the upcoming release of a related video game – *Underworld: Bloodlines*, which is based on the game engine of Valve Software's videogame *Half-Life*.

52. The current version of the Defendants' videogame can be downloaded directly from Sony Pictures' website.

53. *Underworld* directly copies from *Vampire: The Masquerade*, *Werewolf: The Apocalypse*, and White Wolf's derivative works, including Collins' *Love of Monsters*.

54. *Underworld* copies the setting of the World of Darkness, the content and the expression of the ideas behind White Wolf's works, including Collins' *Love of Monsters*.

55. In the World of Darkness, vampires have the ability to disappear from view. In *Underworld*, vampires repeatedly vanish from view.

56. In the World of Darkness, some vampires are capable of amazing speed. In *Underworld*, some vampires move with amazing speed.

57. In the World of Darkness, vampires "have the strength of ten men." In *Underworld*, vampires "have the strength of ten men."

58. In the World of Darkness, vampires are divided by age distinctions, and older vampires are more powerful and are able to rule over younger vampires. In *Underworld*, vampires are divided by age distinctions, and older vampires are more powerful and are able to rule over younger vampires.

59. In the World of Darkness, the more ancient and powerful vampires are referred to as Elders. In *Underworld*, the more ancient and powerful vampires are referred to as Elders.

60. In the World of Darkness, vampires, especially Elders, are able to go into a state where they do not rise as normal, but stay alive in an extended sleep or hibernation. In *Underworld*, The Elders are in a hibernation state where they do not rise as normal, but stay alive in an extended sleep.

61. In the World of Darkness, vampires in extended sleep lose blood and become more withered and mummified, and return to normal as they feed. In

Underworld, Viktor (a vampire Elder) awakens from an extended sleep appearing withered and mummified, and returns to normal the more he feeds on blood.

62. In the World of Darkness, a vampire in hibernation remains that way until a vampire provides them with blood. In *Underworld*, Selene (the main character) rouses Viktor from hibernation using her own blood, just as another Elder (Amelia) was supposed to do.

63. In the World of Darkness, even when in hibernation or when recently roused, elder vampires command a great deal of power and control. In *Underworld*, Viktor, the Elder vampire, “radiates absolute power and control” even when recently roused.

64. In the World of Darkness, vampires are described as “alien.” In *Underworld*, vampires are described as “alien.”

65. In the World of Darkness, some vampire groups (“Sabbat”) refer to themselves as Covens, and divide into Old World and New World Covens. In *Underworld*, the vampires divide into Old World and New World Covens.

66. In the World of Darkness, many North African or Middle Eastern vampires belonging to a clan of assassins and warriors. (called “Assamites”). In the *Underworld* movie trailer, Kahn, the leader of the Death Dealers, a group of

assassins and warriors, appears to be of Northern African or Middle Eastern descent.

67. In the World of Darkness, vampires sometimes call each other “Vee,” short for vampire. In *Underworld*, there is a vampire character named Vee.

68. In the World of Darkness, vampires are organized into Bloodlines. In *Underworld*, vampires are organized into Bloodlines.

69. In the World of Darkness, vampire and werewolf societies hide their existence from human society (referred to as “The Masquerade”). In *Underworld*, human beings are unaware of the existence of vampire and werewolf societies.

70. In the World of Darkness, there is a power struggle between the Elder vampires and groups of younger vampires (referred to as “Jihad”). In *Underworld*, there is a power struggle between the Elder vampires and groups of younger vampires.

71. In the World of Darkness, the history of the vampires is written in an ancient text. In *Underworld*, the history of the vampires is written in ancient texts.

72. In the World of Darkness, vampires wrote their histories in an ancient alphabet indecipherable to humans. In *Underworld*, “the ancient text is tiny, indecipherable, not unlike alien chicken-scratch.”

73. In the World of Darkness, vampires and werewolves have been at war for as long as any of them can remember. In *Underworld*, vampires and werewolves have been at war for over 1,000 years.

74. In the World of Darkness, werewolves and vampires are depicted as natural enemies. In *Underworld*, werewolves and vampires are depicted as natural enemies.

75. In the World of Darkness, Lucita, a female vampire, is an excellent assassin and warrior – “a one-woman death squad.” In *Underworld*, Selene, a female vampire, is an excellent assassin and warrior – “a master death dealer.”

76. In the World of Darkness, Lucita is rebellious and headstrong, and this leads to a growing schism between her and her powerful sire. In *Underworld*, Selene is rebellious and headstrong, and this leads to a growing schism between her and her powerful sire.

77. In the World of Darkness, the vampires are ruled by a governing body. In *Underworld*, the vampires are ruled by a governing body.

78. In the World of Darkness, there is a paramilitary group of vampires, the Black Hand, who protect the other vampires and fight the werewolf threat. In *Underworld*, there is a paramilitary group of vampires, the Death Dealers, who protect the other vampires and fight the werewolf threat.

79. In the World of Darkness, a werewolf/vampire hybrid is called an “Abomination.” In *Underworld*, a werewolf/vampire hybrid is called an “Abomination.”

80. In the World of Darkness, most werewolf/vampire hybrids do not survive the transformation; they die in the process. In *Underworld*, no werewolf/vampire hybrid before Michael ever survived.

81. In the World of Darkness, certain vampires are able to get pregnant. In *Underworld*, at least one vampire is able to get pregnant.

82. In the World of Darkness, werewolves are able to remember scenes from the lives of their ancestors. In *Underworld*, werewolves are able to remember scenes from the lives of their ancestors (genetic memory).

83. In the World of Darkness, werewolves and vampires fight with human weapons, such as pistols and knives. In *Underworld*, werewolves and vampires fight with human weapons, such as pistols and knives.

84. In the World of Darkness, the vampires created Silver Nitrate bullets specifically for fighting werewolves. In *Underworld*, the vampires created Silver Nitrate bullets specifically for fighting werewolves.

85. In the World of Darkness, the background setting is very dark, described as gothic/punk. In *Underworld*, the background setting is very dark, with a combination of gothic and punk attire, settings, and people.
86. In the World of Darkness, there exists a clan of aristocratic, ruling vampires (known as “Ventrue”). In *Underworld*, the ruling vampires are aristocratic, from noble houses, living in an elegant Victorian mansion.
87. In the World of Darkness, there exists a clan of vampires who are only concerned with beauty—sensualists who search for pleasure (known as “Toreador”). In *Underworld*, there are vampires who are concerned with beauty—sensualists who search for pleasure.
88. In the World of Darkness, multiple types of vampires in different clans interact with each other under one leader. In *Underworld*, multiple types of vampires interact with each other under one leader.
89. In the World of Darkness, vampires cast reflections. In *Underworld*, vampires cast reflections.
90. In the World of Darkness, wood does not kill vampires. In *Underworld*, the werewolves do not use wood to kill vampires, nor mention it as an option.

91. In the World of Darkness, most vampires cannot change into other shapes, like bats or mist, unless they are very old and powerful. In *Underworld*, no vampires change into other forms, but the last remaining Elder is hanging upside down in his crypt and is described as bat-like.

92. In the World of Darkness, a vampire turns a non-vampire into a vampire by “embracing” his victim. In *Underworld*, Selene turns Michael into a vampire by “embracing” him.

93. In the World of Darkness, a vampire can “embrace” a werewolf. In *Underworld*, Selene embraces Michael (a werewolf).

94. In the World of Darkness, when a werewolf is embraced (assuming he survives), an Abomination is created who can dominate all non-abomination characters with his power and versatility. In *Underworld*, by embracing Michael, Selene creates an Abomination who dominates all non-abomination characters in the movie with his power and versatility.

95. In the World of Darkness, werewolves and vampires can injure or kill each other with their teeth and claws. In *Underworld*, werewolves and vampires can injure or kill each other with their teeth and claws.

96. In the World of Darkness, werewolves are able to change their form at will (i.e., not just during a full moon). In *Underworld*, werewolves are able to change their form at will (i.e., not just during a full moon).

97. In the World of Darkness, silver weapons harm werewolves. In *Underworld*, silver weapons harm werewolves.

98. In the World of Darkness, werewolves do battle in their half-wolf/half-man form. In *Underworld*, werewolves do battle in their half-wolf/half-man form.

99. In the World of Darkness, the wolf-man form is considerably bigger than the werewolf's human form. In *Underworld*, the wolf-man form is considerably bigger than the werewolf's human form.

100. In *The Love of Monsters*, a werewolf and a vampire fall in love. In *Underworld*, a werewolf and a vampire fall in love.

101. In *The Love of Monsters*, the vampire realizes that even though there is a war between the species, he does not want to kill this werewolf. In *Underworld*, the vampire realizes that even though there is a war between the species, she does not want to kill this werewolf.

102. In *The Love of Monsters*, Ruhl, the sire of the vampire, has gone into torpor (a deathlike sleep akin to suspended animation) and is awakened to find out

about the relationship. In *Underworld*, Viktor, Selene's sire, has gone into torpor (a deathlike sleep or suspended animation) and is awakened to find out about her relationship with Michael.

103. In *The Love of Monsters*, once awakened, Ruhl, the elder vampire, is furious about the relationship between the vampire Pembroke and the werewolf Sian. In *Underworld*, once awakened, Viktor, the elder vampire, is furious about the relationship between the vampire Selene and the werewolf Michael.

104. In *The Love of Monsters*, Ruhl and the Inner Circle declare the relationship between Pembroke and Sian to be treason and sentence the lovers to death. In *Underworld*, Viktor "arrests" Selene until the Council can convene; the relationship is a capital offense and the punishment will likely be death. A story is told of a previous relationship between a vampire (Sonja) and werewolf (Lucian), who were both sentenced to death by Viktor and the Elders for their relationship.

105. In *The Love of Monsters*, the relationship between Pembroke and Sian makes the lovers outcasts from vampire society. In *Underworld*, the relationship between Selene and Michael makes the lovers outcasts from vampire society.

106. In *The Love of Monsters*, because they have broken the taboo concerning vampires and werewolves, Pembroke and Sian find themselves on the run from vampires and werewolves. In *Underworld*, because she has broken the

taboo concerning vampires and werewolves, Selene finds herself on the run from her own people as well as the werewolves.

107. In *The Love of Monsters*, a werewolf becomes pregnant by a vampire and gives birth to hybrid offspring. In *Underworld*, a vampire becomes pregnant by a werewolf, and it is believed that the union will produce hybrid offspring.

108. In *The Love of Monsters*, a werewolf elder, and the mother of the birthing werewolf, kills the hybrid offspring because they are “abominations.” In *Underworld*, Viktor (Sonja’s father) kills Sonja and her unborn offspring of the werewolf Lucian because their offspring are “abominations.”

109. In *The Love of Monsters*, the vampire protagonist Pembroke is a respected and powerful member of an elaborate secret vampire society referred to as “The Camarilla.” In *Underworld*, the vampire protagonist Selene is a respected and powerful member of the secret vampire society referred to as “The New World Coven.”

110. In *The Love of Monsters*, the vampire protagonist Pembroke has a father-son relationship with the vampire Elder Ruhl, who was responsible for making him a vampire. In *Underworld*, the vampire protagonist Selene has a father-daughter relationship with the vampire Elder Viktor, who was responsible for making her a vampire.

111. In *The Love of Monsters*, the vampire protagonist Pembroke misses the company of his hibernating father figure, Ruhl. In *Underworld*, the vampire protagonist Selene is seen pining for her hibernating father figure, Viktor.

112. In *The Love of Monsters*, the vampire protagonist Pembroke reveals that he willingly became a vampire. In *Underworld*, the vampire protagonist Selene reveals that she willingly became a vampire.

113. In *The Love of Monsters*, the vampire Elder Lord Peale explains how a vampire-werewolf hybrid would be dangerous to both species. In *Underworld*, the vampire Elder Viktor explains how a vampire-werewolf hybrid would be dangerous to both species.

114. In *The Love of Monsters*, Sian and her children are killed by both vampires and werewolves, while her vampire lover is forced to watch her and his newborn children die. In *Underworld*, Sonja is killed by her fellow vampires while her werewolf lover is forced to watch her and his unborn child die.

115. In *The Love of Monsters*, the offending vampire is killed by sunlight. In *Underworld*, the original offending vampire (Sonja) is killed by sunlight.

116. In *The Love of Monsters*, vampires are referred to as “Bloods.” In *Underworld*, werewolves refer to vampires as “Bloods.”

Count I

Federal Copyright Infringement

117. White Wolf incorporates by reference the allegations contained in Paragraphs 1 through 116 above, as if fully set forth herein.

118. This Count arises under the Copyright Act of 1976, Title 17 United States Code § 101 et seq.

119. *Vampire: The Masquerade* is a wholly original work by White Wolf, and each edition thereof constitutes copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101 et seq.

120. White Wolf has complied in all respects with the laws covering copyright and has secured the exclusive rights and privileges in and to the copyrights to each edition of *Vampire: The Masquerade*.

121. Defendants have infringed and threaten to further infringe White Wolf's copyrights in *Vampire: The Masquerade* by the marketing, release, sale and distribution of *Underworld* and *Underworld: Bloodlines* in this District and throughout the United States.

122. Defendants willfully infringed White Wolf's copyrights in *Vampire: The Masquerade*.

123. Defendants knew that *Underworld* and *Underworld: Bloodlines* constitute infringement of *Vampire: The Masquerade* and/or showed reckless disregard for White Wolf's rights in creating, marketing and distributing *Underworld* and creating and marketing *Underworld: Bloodlines*.

124. White Wolf has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount not yet determined or ascertainable.

125. Upon information and belief, Defendants have obtained and are about to obtain gains, profits and advantages as a result of their wrongful acts in an amount not yet determined.

126. White Wolf is therefore entitled to:

- (a) A preliminary and permanent injunction preventing the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (b) The recall of all copies of *Underworld* and *Underworld: Bloodlines*;
- (c) The impoundment of all copies of *Underworld* and *Underworld: Bloodlines* in their possession, custody or control; and

- (d) All profits received by Defendants from the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (e) All consequential damages suffered by White Wolf and its licensees; or
- (f) Statutory damages for willful infringement in the amount of \$150,000; and
- (g) White Wolf's expenses of litigation, including reasonable attorneys' fees.

Count II

Federal Copyright Infringement

127. White Wolf incorporates by reference the allegations contained in Paragraphs 1 through 126 above, as if fully set forth herein.

128. This Count arises under the Copyright Act of 1976, Title 17 United States Code § 101 et seq.

129. *Werewolf: The Apocalypse* is a wholly original work by White Wolf, and each edition thereof constitutes copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101 et seq.

130. White Wolf has complied in all respects with the laws covering copyright and has secured the exclusive rights and privileges in and to the copyrights to each edition of *Werewolf: The Apocalypse*.

131. Defendants have infringed and threaten to further infringe White Wolf's copyrights in *Werewolf: The Apocalypse* by the marketing, release, sale and distribution of *Underworld* and *Underworld: Bloodlines* in this District and throughout the United States.

132. Defendants willfully infringed White Wolf's copyrights in *Werewolf: The Apocalypse*.

133. Defendants knew that *Underworld* and *Underworld: Bloodlines* constitute infringement of *Werewolf: The Apocalypse* and/or showed reckless disregard for White Wolf's rights in creating, marketing and distributing *Underworld* and creating and marketing *Underworld: Bloodlines*.

134. White Wolf has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount not yet determined or ascertainable.

135. Upon information and belief, Defendants have obtained and are about to obtain gains, profits and advantages as a result of their wrongful acts in an amount not yet determined.

136. White Wolf is therefore entitled to:

- (a) A preliminary and permanent injunction preventing the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (b) The recall of all copies of *Underworld* and *Underworld: Bloodlines*;
- (c) The impoundment of all copies of *Underworld* and *Underworld: Bloodlines* in their possession, custody or control; and
- (d) All profits received by Defendants from the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (e) All consequential damages suffered by White Wolf and its licensees; or
- (f) Statutory damages for willful infringement in the amount of \$150,000; and
- (g) White Wolf's expenses of litigation, including reasonable attorneys' fees.

Count III

Federal Copyright Infringement

137. White Wolf incorporates by reference the allegations contained in Paragraphs 1 through 136 above, as if fully set forth herein.

138. This Count arises under the Copyright Act of 1976, Title 17 United States Code § 101 et seq.

139. *Guide to the Camarilla* is a wholly original work by White Wolf, and each edition thereof constitutes copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101 et seq.

140. White Wolf has complied in all respects with the laws covering copyright and has secured the exclusive rights and privileges in and to the copyright to *Guide to the Camarilla*.

141. Defendants have infringed and threaten to further infringe White Wolf's copyright in *Guide to the Camarilla* by the marketing, release, sale and distribution of *Underworld* and *Underworld: Bloodlines* in this District and throughout the United States.

142. Defendants willfully infringed White Wolf's copyright in *Guide to the Camarilla*.

143. Defendants knew that *Underworld* and *Underworld: Bloodlines* constitute infringement of *Guide to the Camarilla* and/or showed reckless disregard for White Wolf's rights in creating, marketing and distributing *Underworld* and creating and marketing *Underworld: Bloodlines*.

144. White Wolf has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount not yet determined or ascertainable.

145. Upon information and belief, Defendants have obtained and are about to obtain gains, profits and advantages as a result of their wrongful acts in an amount not yet determined.

146. White Wolf is therefore entitled to:

- (a) A preliminary and permanent injunction preventing the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (b) The recall of all copies of *Underworld* and *Underworld: Bloodlines*;
- (c) The impoundment of all copies of *Underworld* and *Underworld: Bloodlines* in their possession, custody or control; and

- (d) All profits received by Defendants from the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (e) All consequential damages suffered by White Wolf and its licensees; or
- (f) Statutory damages for willful infringement in the amount of \$150,000; and
- (g) White Wolf's expenses of litigation, including reasonable attorneys' fees.

Count IV

Federal Copyright Infringement

147. White Wolf incorporates by reference the allegations contained in Paragraphs 1 through 146 above, as if fully set forth herein.

148. This Count arises under the Copyright Act of 1976, Title 17 United States Code § 101 et seq.

149. *Guide to the Sabbat* is a wholly original work by White Wolf, and each edition thereof constitutes copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101 et seq.

150. White Wolf has complied in all respects with the laws covering copyright and has secured the exclusive rights and privileges in and to the copyright to *Guide to the Sabbat*.

151. Defendants have infringed and threaten to further infringe White Wolf's copyright in *Guide to the Sabbat* by the marketing, release, sale and distribution of *Underworld* and *Underworld: Bloodlines* in this District and throughout the United States.

152. Defendants willfully infringed White Wolf's copyright in *Guide to the Sabbat*.

153. Defendants knew that *Underworld* and *Underworld: Bloodlines* constitute infringement of *Guide to the Sabbat* and/or showed reckless disregard for White Wolf's rights in creating, marketing and distributing *Underworld* and creating and marketing *Underworld: Bloodlines*.

154. White Wolf has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount not yet determined or ascertainable.

155. Upon information and belief, Defendants have obtained and are about to obtain gains, profits and advantages as a result of their wrongful acts in an amount not yet determined.

156. White Wolf is therefore entitled to:

- (a) A preliminary and permanent injunction preventing the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (b) The recall of all copies of *Underworld* and *Underworld: Bloodlines*;
- (c) The impoundment of all copies of *Underworld* and *Underworld: Bloodlines* in their possession, custody or control; and
- (d) All profits received by Defendants from the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (e) All consequential damages suffered by White Wolf and its licensees; or
- (f) Statutory damages for willful infringement in the amount of \$150,000; and
- (g) White Wolf's expenses of litigation, including reasonable attorneys' fees.

Count V

Federal Copyright Infringement

157. White Wolf incorporates by reference the allegations contained in Paragraphs 1 through 156 above, as if fully set forth herein.

158. This Count arises under the Copyright Act of 1976, Title 17 United States Code § 101 et seq.

159. *Caine's Chosen: The Black Hand* is a wholly original work by White Wolf, and each edition thereof constitutes copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101 et seq.

160. White Wolf has complied in all respects with the laws covering copyright and has secured the exclusive rights and privileges in and to the copyright to *Caine's Chosen: The Black Hand*.

161. Defendants have infringed and threaten to further infringe White Wolf's copyright in *Caine's Chosen: The Black Hand* by the marketing, release, sale and distribution of *Underworld* and *Underworld: Bloodlines* in this District and throughout the United States.

162. Defendants willfully infringed White Wolf's copyright in *Caine's Chosen: The Black Hand*.

163. Defendants knew that *Underworld* and *Underworld: Bloodlines* constitute infringement of *Caine's Chosen: The Black Hand* and/or showed reckless disregard for White Wolf's rights in creating, marketing and distributing *Underworld* and creating and marketing *Underworld: Bloodlines*.

164. White Wolf has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount not yet determined or ascertainable.

165. Upon information and belief, Defendants have obtained and are about to obtain gains, profits and advantages as a result of their wrongful acts in an amount not yet determined.

166. White Wolf is therefore entitled to:

- (a) A preliminary and permanent injunction preventing the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (b) The recall of all copies of *Underworld* and *Underworld: Bloodlines*;
- (c) The impoundment of all copies of *Underworld* and *Underworld: Bloodlines* in their possession, custody or control; and

- (d) All profits received by Defendants from the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (e) All consequential damages suffered by White Wolf and its licensees; or
- (f) Statutory damages for willful infringement in the amount of \$150,000; and
- (g) White Wolf's expenses of litigation, including reasonable attorneys' fees.

Count VI

Federal Copyright Infringement

167. White Wolf incorporates by reference the allegations contained in Paragraphs 1 through 166 above, as if fully set forth herein.

168. This Count arises under the Copyright Act of 1976, Title 17 United States Code § 101 et seq.

169. *Vampire Storytellers Handbook* is a wholly original work by White Wolf, and each edition thereof constitutes copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101 et seq.

170. White Wolf has complied in all respects with the laws covering copyright and has secured the exclusive rights and privileges in and to the copyright to *Vampire Storytellers Handbook*.

171. Defendants have infringed and threaten to further infringe White Wolf's copyright in *Vampire Storytellers Handbook* by the marketing, release, sale and distribution of *Underworld* and *Underworld: Bloodlines* in this District and throughout the United States.

172. Defendants willfully infringed White Wolf's copyright in *Vampire Storytellers Handbook*.

173. Defendants knew that *Underworld* and *Underworld: Bloodlines* constitute infringement of *Vampire Storytellers Handbook* and/or showed reckless disregard for White Wolf's rights in creating, marketing and distributing *Underworld* and creating and marketing *Underworld: Bloodlines*.

174. White Wolf has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount not yet determined or ascertainable.

175. Upon information and belief, Defendants have obtained and are about to obtain gains, profits and advantages as a result of their wrongful acts in an amount not yet determined.

176. White Wolf is therefore entitled to:

- (a) A preliminary and permanent injunction preventing the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (b) The recall of all copies of *Underworld* and *Underworld: Bloodlines*;
- (c) The impoundment of all copies of *Underworld* and *Underworld: Bloodlines* in their possession, custody or control; and
- (d) All profits received by Defendants from the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (e) All consequential damages suffered by White Wolf and its licensees; or
- (f) Statutory damages for willful infringement in the amount of \$150,000; and
- (g) White Wolf's expenses of litigation, including reasonable attorneys' fees.

Count VII

Federal Copyright Infringement

177. White Wolf incorporates by reference the allegations contained in Paragraphs 1 through 176 above, as if fully set forth herein.

178. This Count arises under the Copyright Act of 1976, Title 17 United States Code § 101 et seq.

179. *The Book of Nod* is a wholly original work by White Wolf, and each edition thereof constitutes copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101 et seq.

180. White Wolf has complied in all respects with the laws covering copyright and has secured the exclusive rights and privileges in and to the copyright to *The Book of Nod*.

181. Defendants have infringed and threaten to further infringe White Wolf's copyright in *The Book of Nod* by the marketing, release, sale and distribution of *Underworld* and *Underworld: Bloodlines* in this District and throughout the United States.

182. Defendants willfully infringed White Wolf's copyright in *The Book of Nod*.

183. Defendants knew that *Underworld* and *Underworld: Bloodlines* constitute infringement of *The Book of Nod* and/or showed reckless disregard for White Wolf's rights in creating, marketing and distributing *Underworld* and creating and marketing *Underworld: Bloodlines*.

184. White Wolf has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount not yet determined or ascertainable.

185. Upon information and belief, Defendants have obtained and are about to obtain gains, profits and advantages as a result of their wrongful acts in an amount not yet determined.

186. White Wolf is therefore entitled to:

- (a) A preliminary and permanent injunction preventing the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (b) The recall of all copies of *Underworld* and *Underworld: Bloodlines*;
- (c) The impoundment of all copies of *Underworld* and *Underworld: Bloodlines* in their possession, custody or control; and

- (d) All profits received by Defendants from the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (e) All consequential damages suffered by White Wolf and its licensees; or
- (f) Statutory damages for willful infringement in the amount of \$150,000; and
- (g) White Wolf's expenses of litigation, including reasonable attorneys' fees.

Count VIII

Federal Copyright Infringement

187. White Wolf incorporates by reference the allegations contained in Paragraphs 1 through 186 above, as if fully set forth herein.

188. This Count arises under the Copyright Act of 1976, Title 17 United States Code § 101 et seq.

189. *Transylvania Chronicles I – Dark Tides Rising* is a wholly original work by White Wolf, and each edition thereof constitutes copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101 et seq.

190. White Wolf has complied in all respects with the laws covering copyright and has secured the exclusive rights and privileges in and to the copyright to *Transylvania Chronicles I – Dark Tides Rising*.

191. Defendants have infringed and threaten to further infringe White Wolf's copyright in *Transylvania Chronicles I – Dark Tides Rising* by the marketing, release, sale and distribution of *Underworld* and *Underworld: Bloodlines* in this District and throughout the United States.

192. Defendants willfully infringed White Wolf's copyright in *Caine's Chosen: The Black Hand*.

193. Defendants knew that *Underworld* and *Underworld: Bloodlines* constitute infringement of *Transylvania Chronicles I – Dark Tides Rising* and/or showed reckless disregard for White Wolf's rights in creating, marketing and distributing *Underworld* and creating and marketing *Underworld: Bloodlines*.

194. White Wolf has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount not yet determined or ascertainable.

195. Upon information and belief, Defendants have obtained and are about to obtain gains, profits and advantages as a result of their wrongful acts in an amount not yet determined.

196. White Wolf is therefore entitled to:

- (a) A preliminary and permanent injunction preventing the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (b) The recall of all copies of *Underworld* and *Underworld: Bloodlines*;
- (c) The impoundment of all copies of *Underworld* and *Underworld: Bloodlines* in their possession, custody or control; and
- (d) All profits received by Defendants from the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (e) All consequential damages suffered by White Wolf and its licensees; or
- (f) Statutory damages for willful infringement in the amount of \$150,000; and
- (g) White Wolf's expenses of litigation, including reasonable attorneys' fees.

Count IX

Federal Copyright Infringement

197. White Wolf incorporates by reference the allegations contained in Paragraphs 1 through 196 above, as if fully set forth herein.

198. This Count arises under the Copyright Act of 1976, Title 17 United States Code § 101 et seq.

199. *Freak Legion: A Players Guide to Fomori* is a wholly original work by White Wolf, and each edition thereof constitutes copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101 et seq.

200. White Wolf has complied in all respects with the laws covering copyright and has secured the exclusive rights and privileges in and to the copyright to *Freak Legion: A Players Guide to Fomori*.

201. Defendants have infringed and threaten to further infringe White Wolf's copyright in *Freak Legion: A Players Guide to Fomori* by the marketing, release, sale and distribution of *Underworld* and *Underworld: Bloodlines* in this District and throughout the United States.

202. Defendants willfully infringed White Wolf's copyright in *Freak Legion: A Players Guide to Fomori*.

203. Defendants knew that *Underworld* and *Underworld: Bloodlines* constitute infringement of *Freak Legion: A Players Guide to Fomori* and/or showed reckless disregard for White Wolf's rights in creating, marketing and distributing *Underworld* and creating and marketing *Underworld: Bloodlines*.

204. White Wolf has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount not yet determined or ascertainable.

205. Upon information and belief, Defendants have obtained and are about to obtain gains, profits and advantages as a result of their wrongful acts in an amount not yet determined.

206. White Wolf is therefore entitled to:

- (a) A preliminary and permanent injunction preventing the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (b) The recall of all copies of *Underworld* and *Underworld: Bloodlines*;
- (c) The impoundment of all copies of *Underworld* and *Underworld: Bloodlines* in their possession, custody or control; and

- (d) All profits received by Defendants from the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (e) All consequential damages suffered by White Wolf and its licensees; or
- (f) Statutory damages for willful infringement in the amount of \$150,000; and
- (g) White Wolf's expenses of litigation, including reasonable attorneys' fees.

Count X

Federal Copyright Infringement

207. White Wolf incorporates by reference the allegations contained in Paragraphs 1 through 206 above, as if fully set forth herein.

208. This Count arises under the Copyright Act of 1976, Title 17 United States Code § 101 et seq.

209. Lucita is a specifically delineated vampire character created by White Wolf, who first appears in *Transylvania Chronicles I: Dark Tides Rising*.

210. Lucita appears throughout White Wolf's later derivative works, including *Guide to the Camarilla* and seven (7) novels set in the World of Darkness.
211. Lucita is a protectable character under the Copyright Act, 17 U.S.C. § 101 et seq.
212. Defendants' character Selene is a mere copy of Lucita.
213. Defendants have therefore infringed and threaten to further infringe on White Wolf's protected character, Lucita, by the marketing, release, sale and distribution of *Underworld* in this District and throughout the United States.
214. Defendants willfully infringed White Wolf's copyright in Lucita.
215. Defendants knew that Selene constitutes infringement of Lucita and/or showed reckless disregard for White Wolf's rights in creating, marketing and distributing *Underworld*.
216. White Wolf has no adequate remedy at law and is suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount not yet determined or ascertainable.
217. Upon information and belief, Defendants have obtained and are about to obtain gains, profits and advantages as a result of their wrongful acts in an amount not yet determined.

218. White Wolf is therefore entitled to:

- (a) A preliminary and permanent injunction preventing the distribution, marketing, release, sale and rental of *Underworld*;
- (b) The recall of all copies of *Underworld*;
- (c) The impoundment of all copies of *Underworld* in their possession, custody or control; and
- (d) All profits received by Defendants from the distribution, marketing, release, sale and rental of *Underworld*;
- (e) All consequential damages suffered by White Wolf and its licensees; or
- (f) Statutory damages for willful infringement in the amount of \$150,000; and
- (g) White Wolf's expenses of litigation, including reasonable attorneys' fees.

Count XI

Federal Copyright Infringement

219. White Wolf and Collins incorporate by reference the allegations contained in Paragraphs 1 through 218 above, as if fully set forth herein.

220. This Count arises under the Copyright Act of 1976, Title 17 United States Code § 101 et seq.

221. Collins' short story, *The Love of Monsters*, is a derivative work of White Wolf's World of Darkness works, including *Vampire: The Masquerade* and *Werewolf: The Apocalypse*, with separately protectable elements.

222. The original elements of Collins work are wholly original to Collins and constitute copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101 et seq.

223. Collins has complied in all respects with the laws covering copyright and has secured the exclusive rights and privileges in and to the copyright to the original elements in *The Love of Monsters*.

224. White Wolf has complied in all respects with the laws covering copyright and has secured the exclusive rights and privileges in and to the copyrights to the elements in *The Love of Monsters* that are original to White Wolf's prior works.

225. Defendants have infringed and threaten to further infringe Collins and White Wolf's copyrights in *The Love of Monsters* by the marketing, release, sale and distribution of *Underworld* and *Underworld: Bloodlines* in this District and throughout the United States.

226. Defendants willfully infringed Collins and White Wolf's copyrights in *The Love of Monsters*.

227. Defendants knew that *Underworld* and *Underworld: Bloodlines* constitute infringement of *The Love of Monsters* and/or showed reckless disregard for Collins and White Wolf's rights in creating, marketing and distributing *Underworld* and creating and marketing *Underworld: Bloodlines*.

228. Collins and White Wolf have no adequate remedy at law and are suffering irreparable harm and damage as a result of the aforesaid acts of Defendants in an amount not yet determined or ascertainable.

229. Upon information and belief, Defendants have obtained and are about to obtain gains, profits and advantages as a result of their wrongful acts in an amount not yet determined.

230. Collins and White Wolf are therefore entitled to:

- (a) A preliminary and permanent injunction preventing the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (b) The recall of all copies of *Underworld* and *Underworld: Bloodlines*;
- (c) The impoundment of all copies of *Underworld* and *Underworld: Bloodlines* in their possession, custody or control; and
- (d) All profits received by Defendants from the distribution, marketing, release, sale and rental of *Underworld* and *Underworld: Bloodlines*;
- (e) All consequential damages suffered by White Wolf and its licensees; or
- (f) Statutory damages for willful infringement in the amount of \$150,000; and
- (g) White Wolf's expenses of litigation, including reasonable attorneys' fees.

Count XII

Unfair Competition Under § 43 Of The Lanham Act

231. White Wolf incorporates by reference the allegations contained in Paragraphs 1 through 230 above, as if fully set forth herein.

232. This Count arises under § 43(a) of the Lanham Act, Title 15 United States Code § 1125(a).

233. Lucita is distinctive and has acquired a secondary meaning among the public, who have come to identify Lucita as a character in White Wolf's World of Darkness.

234. The character Lucita is a famous mark and has acquired secondary meaning.

235. The Defendants copy of and use of the character Lucita (called Selene by Defendants) in *Underworld* is unauthorized and has been done in order to delude and confuse the public into believing that *Underworld* has been authorized and/or sponsored by White Wolf.

236. Upon information and belief, the unauthorized use of Lucita in *Underworld* is and will be damaging to and does and will dilute the distinctiveness of the character Lucita, as well as the goodwill and reputation of White Wolf.

237. Defendants, by misappropriating and using the character Lucita in *Underworld*, are misrepresenting and will continue to misrepresent and falsely describe to the general public the origin and sponsorship of their movie and related merchandise, including action figures, and have caused such products to enter interstate commerce with full knowledge of the falsity of their designation of origin and description and representation in an effort to mislead the public into believing that *Underworld* is authorized by or emanates from White Wolf.

238. These acts constitute a violation of the Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

239. Upon information and belief, the Defendants willfully intended to trade on White Wolf's reputation and/or to cause dilution of White Wolf's famous mark.

240. These acts constitute a violation of the Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(c), entitling White Wolf to the damages provided for in 15 U.S.C. §§ 1117(a) and 1118.

241. The continued use by Defendants of the character Lucita (called Selene by the Defendants) has caused, and unless restrained, will continue to cause, serious and irreparable injury to White Wolf.

242. White Wolf has no adequate remedy at law and is suffering irreparable harm and damage as a result of the Defendants' acts in an amount not yet determined or ascertainable.

243. Upon information and belief, the Defendants have obtained gains, profits and advantages as a result of their wrongful acts in an amount not yet determined.

244. The Defendants' actions constitute a violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), entitling White Wolf to the following:

- (a) A preliminary and permanent injunction restraining Defendants from reproducing, distributing and selling *Underworld* and any related products and merchandise;
- (b) An assessment of three times the Defendants' profits from *Underworld* and any and all related products and merchandise;
- (c) An assessment of three times the damages sustained by White Wolf;
- (d) The costs of this action;
- (e) An award of White Wolf's reasonable attorneys' fees; and
- (f) The destruction of all copies of *Underworld*, and any and all related products and merchandise.

Count XIII

Unfair Competition Under § 43 Of The Lanham Act

245. White Wolf and Collins incorporate by reference the allegations contained in Paragraphs 1 through 244 above, as if fully set forth herein.

246. This is an action for false designation of origin under § 43 of The Lanham Act (15 U.S.C. § 1125(a)).

247. *Underworld* is a copy of White Wolf's World of Darkness and its copyrighted books, including *Vampire: The Masquerade* and *Werewolf: The Apocalypse*, and their derivative works, and is also a copy of Collins' *The Love of Monsters* with minimal changes intended to disguise the copying.

248. The Defendants misattributed the source of *Underworld*.

249. The Defendants have reproduced White Wolf's World of Darkness and its copyrighted books, including *Vampire: The Masquerade* and *Werewolf: The Apocalypse*, and their derivative works, and Collins' *The Love of Monsters* *Underworld* with a false representation as to the creators of *Underworld* by failing to credit White Wolf and Collins as the original creators.

250. The Defendants affixed a false designation of origin to *Underworld*, and its related products and merchandise.

251. The Defendants used the false designation of origin in commerce.

252. The Defendants' false designation of origin is likely to cause and has caused consumer confusion.

253. White Wolf and Collins have been and are being damaged by the Defendants' false designation of origin.

254. The Defendants' false designation of origin constitutes a violation of the Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), entitling White Wolf and Collins to the following:

- (g) A preliminary and permanent injunction restraining Defendants from reproducing, distributing and selling *Underworld* and any related products and merchandise;
- (h) An assessment of three times the Defendants' profits from *Underworld* and any and all related products and merchandise;
- (i) An assessment of three times the damages sustained by White Wolf and Collins;
- (j) The costs of this action;
- (k) An award of White Wolf and Collins' reasonable attorneys' fees; and
- (l) The destruction of all copies of *Underworld*, and any and all related products and merchandise.

Count XIV

Uniform Deceptive Trade Practices Act

255. White Wolf and Collins incorporate by reference the allegations contained in Paragraphs 1 through 254 above, as if fully set forth herein.

256. This Count arises under the Georgia Uniform Deceptive Trade Practices Act, O.C.G.A. § 10-1-370 et seq.

257. Upon information and belief, Defendants have passed *Underworld* and its related products and merchandise off on the relevant public and trade as the products of White Wolf and Collins.

258. Defendants have created a likelihood of confusion as to the source or sponsorship of *Underworld* and its related products and merchandise by the sale and distribution of the film in Georgia and the United States, where White Wolf has previously used and established significant goodwill in and to the World of Darkness and Lucita and where Collins has established goodwill in and to *The Love of Monsters*.

259. The acts of Defendants complained of herein violate the Uniform Deceptive Trade Practices Act, O.C.G.A. § 10-1-370 et seq.

260. Defendants willfully engaged in the creation, marketing, and selling of *Underworld* knowing it to be deceptive.

261. White Wolf and Collins are entitled to equitable injunctive relief against Defendants restraining and enjoining them from reproducing, marketing, distributing and selling *Underworld* and any related products and merchandise, and its expenses of litigation, including its reasonable attorneys' fees.

Count XV

Fraud Pursuant to O.C.G.A. § 23-2-55

262. White Wolf and Collins incorporate by reference the allegations contained in Paragraphs 1 through 261 above, as if fully set forth herein.

263. The acts of Defendants complained of herein constitute unfair competition in violation of O.C.G.A. § 23-2-55.

264. Defendants' infringement and unfair competition were fraudulent and willful and malicious, such that it raises the presumption of a conscious indifference to the consequences of their actions, thereby entitling White Wolf and Collins to an award of exemplary damages in an amount to be determined by the enlightened conscience of a jury.

Count XVI

Injunctive Relief Pursuant to O.C.G.A. §§ 23-2-55 and 10-1-373

265. White Wolf incorporates by reference the allegations contained in Paragraphs 1 through 267 above, as if fully set forth herein.

266. White Wolf has been damaged and is likely to be damaged by Defendants' use of White Wolf's trademark.
267. Defendants' use of Lucita dilutes White Wolf's mark.
268. Defendants' used Lucita with the intention of deceiving and misleading the public.
269. Defendants' use of Lucita is a deceptive trade practice under Georgia law.
270. White Wolf has suffered and continues to suffer irreparable injury as a result of Defendants' use of Lucita for which White Wolf has no adequate remedy at law.
271. White Wolf is therefore entitled to an injunction preventing Defendants, their officers, agents, servants, employees, attorneys, and all those persons in active concert or participation with them from using Lucita, and any other mark which is confusingly similar or which is otherwise likely to dilute the distinctive quality of Lucita and the World of Darkness.

Count XVII

Expenses of Litigation

272. White Wolf and Collins incorporate by reference the allegations contained in Paragraphs 1 through 271 above, as if fully set forth herein.

273. Defendants have acted in bad faith, been stubbornly litigious and/or caused White Wolf and Collins unnecessary trouble and expense, entitling White Wolf and Collins to recover their expenses of litigation, including their reasonable attorneys' fees, pursuant to O.C.G.A. § 13-6-11.

WHEREFORE Plaintiff White Wolf, Inc., White Wolf Publishing, Inc. and Nancy A. Collins respectfully pray for the following relief:

- A. An Order preliminarily and permanently enjoining and restraining Defendants and those in active concert or participation with them from:
 1. Further infringing Plaintiff's copyright or manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, displaying or otherwise disposing of any products not authorized by Plaintiffs which infringe on Plaintiffs' copyrights;
 2. Making any statement or representation whatsoever, or using any false designation of origin or false description, or performing any act, which can or is likely to lead the trade or public, or individual members thereof, to believe that any products manufactured, distributed or sold by Defendants are in any manner associated or connected with Plaintiffs, or are sold,

manufactured, licensed, sponsored, approved or authorized by Plaintiffs;

3. Engaging in any other activity constituting unfair competition with Plaintiffs, or constituting an infringement of any of Plaintiffs' copyrights or of Plaintiffs' rights in, or to use or to exploit, said copyrights or constituting any dilution of Plaintiffs' name, reputation or goodwill;
4. Secreting, destroying, altering, removing or otherwise dealing with the unauthorized products or books or records which contain any information relating to the creation, production, distribution, circulation, sale, rental, offering for sale, advertising, promoting or displaying *Underworld* and any related products and merchandise.

B. Directing that Defendants recall all copies of *Underworld* and all related products and merchandise distributed throughout the United States and the World pursuant to 17 U.S.C. § 503 and 15 U.S.C. § 1118.

C. Directing such other relief as the Court may deem appropriate to prevent the trade and public from deriving any erroneous impression that

Underworld and any related products or merchandise are authorized by White Wolf or are in any way related to White Wolf or its products.

- D. Directing than an accounting and judgment be rendered against Defendants for:
1. All profits received by Defendants from the sale or distribution of *Underworld* and all related products and merchandise, as provided for by 17 U.S.C. § 504(b) and 15 U.S.C. § 1117(a);
 2. All damages suffered by Plaintiffs or their licensees as a result of Defendants' copyright infringement, as provided for by 17 U.S.C. § 504(b);
 3. Statutory damages against Defendants in the amount of \$150,000 for the willful infringement of each copyrighted work infringed, as provided for in 17 U.S.C. § 504(c)(2), if such amounts are greater than the amounts of items (a) and (b) above;
 4. All profits received by Defendants and all damages sustained by Plaintiffs or their licensees on account of Defendants' unfair competition; and

5. Damages in the amount of Defendants' sales, trebled pursuant to 15 U.S.C. § 1117(a).

E. An award of exemplary damages against Defendants for their willful and malicious infringement and unfair competition

F. Ordering that Plaintiffs recover the costs of this action together with reasonable attorneys' fees and investigators' fees and prejudgment interest in accordance with 17 U.S.C. § 505, 15 U.S.C. § 1117(a) and O.C.G.A. § 13-6-11.

G. Directing that the Court retain jurisdiction of this action for the purpose of enabling Plaintiffs to apply to the Court any time for such further orders and directions as may be necessary or appropriate for the interpretation or execution of any order entered in this action, for the modification of any such order, for the enforcement or compliance therewith and for the punishment of any violations thereof.

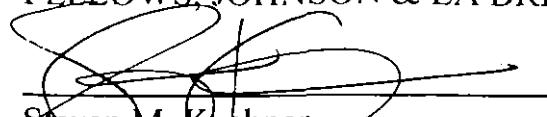
H. Awarding to Plaintiffs such other and further relief as the Court may deem just and proper, together with the costs and disbursements which Plaintiffs has incurred with this action.

TRIAL BY JURY

Plaintiffs request a trial by jury on all issues so triable.

Respectfully submitted, this 4th day of September, 2003.

FELLOWS, JOHNSON & LA BRIOLA, LLP


Steven M. Kushner
Georgia Bar No. 430510

Henry M. Quillian III
Georgia Bar No. 003160

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Attorneys for Plaintiffs

United States District Court
Northern District of Georgia

ite Wolf, Inc., White Wolf Publishing,
c. and Nancy A. Collins

Plaintiffs,

v.

Sony Pictures Entertainment, Inc.,
TeleShore Entertainment Corp., and
Screen Gems, Inc.

Defendants.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

1 03 CV-2653

TO: (Name and address of defendant) Screen Gems, Inc.
C/o of its registered agent, Sony Pictures Entertainment, Inc.
10202 W Washington Blvd
Culver City, CA 90232

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Steven M. Kushner, Esq.
Fellows, Johnson & La Briola, LLP
225 Peachtree St., Suite 2300
South Tower
Atlanta, GA 30303

Answer to the complaint which is herewith served upon you, within 20 days days after service of
this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of
time after service.

SEP - 4 2003

CLERK

DATE

J. Thomas
(BY) DEPUTY CLERK

Northern

United States District Court

Georgia

DISTRICT OF

ite Wolf, Inc., White Wolf Publishing,
c. and Nancy A. Collins

Plaintiffs,

v.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

103 CV-2653

Sony Pictures Entertainment, Inc.,
LakeShore Entertainment Corp., and
Screen Gems, Inc.

Defendants.

TO: (Name and address of defendant) Sony Pictures Entertainment, Inc.
c/o of its registered agent, Joel Grossman
10202 W Washington Blvd
Culver City, CA 90232

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Steven M. Kushner, Esq.
Fellows, Johnson & La Briola, LLP
225 Peachtree St., Suite 2300
South Tower
Atlanta, GA 30303

Answer to the complaint which is herewith served upon you, within 20 days days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

SEP - 4 2003

LUTHER D. THOMAS

CLEAR

DATE

J. J. Thomas
(BY) DEPUTY CLERK

ORIGINAL
United States District Court
Northern Georgia

DISTRICT OF _____

ite Wolf, Inc., White Wolf Publishing,
c. and Nancy A. Collins

Plaintiffs,

v.

my Pictures Entertainment, Inc.,
akeShore Entertainment Corp., and
reen Gems, Inc.

Defendants.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

1 03 CV-2653

TO: (Name and address of defendant) Lakeshore Entertainment, Corp.
c/o of its registered agent, CT Corporation System
818 West Seventh Street
Los Angeles, CA 90017

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Steven M. Kushner, Esq.
Fellows, Johnson & La Briola, LLP
225 Peachtree St., Suite 2300
South Tower
Atlanta, GA 30303

an answer to the complaint which is herewith served upon you, within 20 days days after service of
this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of
time after service.

DEBORAH D. THOMAS

CLERK

SEP - 4 2003

DATE

J. Inay
(By) DEPUTY CLERK