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Attorneys for: Plaintiffs TWELVE SIXTY LLC, ROBERT J.
MARDEROSIAN and ARON M. MARDEROSIAN

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DISTRICT

TWELVE SIXTY LLC,
ROBERT J. MARDEROSIAN,
ARON M. MARDEROSIAN,

Plaintiffs,

v.

COMCAST CORPORATION;
NBC UNIVERSAL MEDIA LLC;
PEACOCK; USA NETWORK,
ALEXA KNIERIM, BRANDON
FRAZIER, U.S. FIGURE
SKATING, and DOES 1-10,
inclusive,

Defendants.

Case No.

**COMPLAINT FOR
COPYRIGHT INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiffs TWELVE SIXTY LLC, ROBERT J. MARDEROSIAN and ARON M.
MARDEROSIAN (collectively "Plaintiffs") allege as follows:

PRELIMINARY STATEMENT

1. Plaintiffs bring this action seeking to put an immediate stop to, and to obtain redress for, Defendants' blatant and purposeful infringement of Plaintiff's copyright of the musical master recording entitled "House of the Rising Sun." ("Master Recording" and/or "track").

///

1 2. By way of brief background, Plaintiffs ROBERT J. MARDEROSIAN and
2 ARON M. MARDEROSIAN are two brothers who have worked together for almost
3 30 years to develop their business, Plaintiff TWELVE SIXTY LLC, which provides
4 custom recordings and productions of original musical compositions for use in
5 television, motion pictures, film trailers, film soundtracks, product commercials and
6 video games. Plaintiffs ROBERT J. MARDEROSIAN and ARON M.
7 MARDEROSIAN are musical artists and performers, professionally known as "Heavy
8 Young Heathens." As the Heavy Young Heathens, the Plaintiffs have written and
9 recorded music for many premiere entertainment clients including major movie
10 studios, networks and advertisers around the world.
11

12 3. Among many other commercial uses of Plaintiffs' musical recordings,
13 Plaintiffs have had their work featured in television and theatrical motion pictures as
14 The Simpsons, CSI, Lucifer, Big Sky, The Righteous Gemstones, Shameless, Rules
15 Don't Apply, Masterminds, Halloween and Supermensch, as well as prominent trailers
16 for the motion pictures The Magnificent Seven, Deadpool, The Amazing Spider-Man
17 2, and The Expendables.

18 4. Plaintiffs' music has additionally been used in numerous commercials for
19 Starbucks, Chrysler, Dodge, Ford, Bacardi, Adidas and Red Bull.

20 5. Plaintiffs arranged and produced the Master Recording of the musical
21 composition "House of the Rising Sun", which is a traditional song. The arrangement
22 and production is the subject of a copyright registration by Plaintiff ARON M.
23 MARDEROSIAN and Plaintiff ROBERT J. MARDEROSIAN. See Exhibit A attached
24 hereto.
25

26 6. Recognizing Plaintiffs' popularity, talent and goodwill, and in a brazen
27 and improper effort to capitalize on Plaintiffs' hard work and copyright ownership of
28 their master recording of "House of the Rising Sun", Defendants have used, created

1 and publicized (or caused to be used, created and publicized) broadcasts of a 2022
2 Beijing Olympic pair figure skating performance which features the Plaintiffs' musical
3 composition "House of the Rising Sun" without authorization from Plaintiffs.

4 7. Defendants' conduct is causing, and unless immediately enjoined will
5 continue to cause, enormous and irreparable harm to Plaintiffs. Defendants may not
6 continue to exploit Plaintiffs' musical composition in order to broadcast and promote
7 their products to the public without Plaintiffs' authorization. Defendants' conduct must
8 immediately be stopped and/or enjoined and Plaintiffs must be compensated for each
9 of Defendants' willful acts of infringement.
10

11 JURISDICTION AND VENUE

12 8. This is a civil action seeking damages and injunctive relief for copyright
13 infringement under the Copyright Act of the United States, 17 U.S.C. § 101, et seq.

14 9 This Court has subject matter jurisdiction over this copyright
15 infringement action pursuant to 28 U.S.C. §§ 1338 and 1367.

16 10. This Court has personal jurisdiction over Defendants because, among
17 other things:

18 a. Defendants are doing business in the State of California and in this
19 judicial district, by providing television/cable broadcasts and internet access to their
20 broadcasts and programs through streaming services provided to California residents
21 who pay for subscription streaming services, thereby allowing California residents the
22 ability to access at any time, the Defendants' programming and broadcasts;

23 b. The broadcasts and streaming occurred in this jurisdiction;

24 c. Defendant U.S. FIGURE SKATING does business in this district
25 by staging and hosting figure skating events in California, including cities within this
26 district;
27

28 ///

1 d. Defendants ALEXA KNIERIM and BRANDON FRAZIER reside
2 in Irvine, Orange County, California.

3 11. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c),
4 and/or § 1400(a).

5 **THE PARTIES**

6 12. Plaintiff TWELVE SIXTY LLC ("hereinafter referred to as "TWELVE
7 SIXTY") is, and at all times relevant hereto was, a California Limited Liability
8 company doing business in the County of Los Angeles County, State of California.

9 13. Plaintiff ARON M. MARDEROSIAN is an individual who resides and
10 works in the County of Los Angeles in the State of California.

11 14. Plaintiff ROBERT J. MARDEROSIAN is an individual who resides and
12 works in the County of Los Angeles in the State of California.

13 15. Defendant COMCAST CORPORATION ("COMCAST") is an American
14 multinational telecommunications conglomerate headquartered in Philadelphia,
15 Pennsylvania with its corporate address at 1701 JFK Boulevard, Philadelphia, PA. It
16 is the second-largest broadcasting and cable television company in the world by
17 revenue, the largest pay-TV company, the largest cable TV company and largest home
18 Internet service provider in the United States, and the nation's third-largest home
19 telephone service provider.
20

21 15. Defendant NBC UNIVERSAL MEDIA LLC ("NBC") is an American
22 multinational mass media and entertainment conglomerate corporation owned by
23 Comcast and headquartered at 30 Rockefeller Plaza in Midtown Manhattan, New York,
24 with an additional major office near Los Angeles at 10 Universal City Plaza, Universal
25 City, California.
26

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1 16. Defendant USA NETWORK (“USA”) is an American basic cable channel
2 owned by Defendant NBC and is a streaming division of Defendant COMCAST’s
3 NBC through NBC Universal Cable Entertainment.

4 17. Defendant PEACOCK is an American over-the-top video streaming
5 service owned and operated by the television and streaming division of Defendant
6 NBC, a subsidiary of Defendant COMCAST.

7 18. Defendant BRANDON FRAZIER is an American Olympic pair figure
8 skater and is the partner of Defendant ALEXA KNIERIM. He is a member of Team
9 USA and on information and belief resides in Irvine, California.

10 19. Defendant ALEXA KNIERIM is an American Olympic pair figure skater
11 pair and is the partner of Defendant BRANDON FRAZIER. She is a member of Team
12 USA and on information and belief resides in Irvine, California.

13 20. Defendant U.S. FIGURE SKATING (“USFS”) is the national governing
14 body for the sport of figure skating in the United States. USFS is the governing body
15 for Team USA of which Defendants FRAZIER and KNIERIM are members. USFS
16 promotes interest and participation in the sport by assisting member clubs, skaters, and
17 athletes, appointing officials, organizing competitions, exhibitions, and other figure
18 skating pursuits, and offering a wide variety of programs. USFS further hosts live
19 events in California in cities such as Anaheim, San Jose and Vacaville. USFS’s
20 headquarters is 20 First Street, Colorado Springs, Colorado.

21 21. The true names and capacities, whether individual, corporate, associate,
22 or otherwise, of Defendants sued herein as Does 1-10, are unknown to Plaintiffs, who
23 therefore sue said Defendants by such fictitious names ("Doe Defendant"). Plaintiffs
24 will seek leave of Court to amend this Complaint to state their true names and
25 capacities when they have been ascertained. Plaintiffs are informed and believe and on
26

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1 that basis allege that the Doe Defendants are liable to Plaintiffs as a result of their
2 participation in all or some of the acts hereinafter set forth.

3 22. On information and belief, the Defendants and each of them, were the
4 agents, partners, employees, affiliates and/or engaged in a joint venture with each of
5 the remaining Defendants, and were at all times acting within the purpose of said
6 agency and employment, and each Defendant has ratified and approved the acts of its
7 agents.
8

9 **GENERAL ALLEGATIONS**

10 23. Plaintiffs are the creators and owners of the master sound recording
11 "House of the Rising Sun." Plaintiffs own the rights and title to the copyright in the
12 sound recording "House of the Rising Sun" (the "Infringed Composition") as creators
13 and owners.

14 24. Plaintiffs filed an application for copyright registration with the United
15 States Copyright Office for the musical composition "House of the Rising Sun" and the
16 song was registered on May 31, 2016, under SR 785-194. A true and correct copy of
17 the registration is attached hereto as Exhibit A.

18 24. At all times herein, Defendant FRAZIER and KNIERIM chose to use the
19 track for their 2022 Winter Olympic "Short Program" without the authorization or
20 permission of the Plaintiffs.

21 26. At all times herein, Defendants COMCAST, NBC and PEACOCK were
22 and are a source of media distribution which constitutes control over the infringement
23 which is the subject of this Complaint.
24

25 27. In or around February 2022, it came to Plaintiffs' attention that the
26 Defendants infringed upon Plaintiffs' copyright and used the Infringed Composition
27 without Plaintiffs' authorization or license for use in Defendants FRAZIER and
28 KNIERIM's 2022 Beijing Olympic pair figure skating program and did promote and

1 broadcast the program on television channels throughout the United States. The track
2 features an originally composed introduction and unique arrangement that has allowed
3 it to be a very sought after recording. It has been featured in film and television,
4 including the theatrical trailer for the Magnificent Seven and Ford auto commercials.
5 The track represents a very valuable licensing asset for Plaintiffs and is a signature
6 song of theirs throughout the world. In February 2022, it came to Plaintiffs' attention
7 through electronic tracking via Tunesat, Team USA social media posts, and NBC, USA
8 and PEACOCK broadcasts that U.S.A. Olympic pair figure skaters Defendants
9 KNIERIM and FRAZIER were and are using Plaintiff's master recording for their 2022
10 Beijing Olympic "Short Program" routine without authorization or license in direct
11 violation of the United States Copyright Act § 106(6). See Exhibit B attached hereto.
12

13 28. Plaintiffs have confirmed multiple domestic uses of the track during the
14 2022 Winter Olympics performances on NBC, USA and PEACOCK as current as
15 February 4, 2020. See Exhibit B attached hereto.

16 29. Prior to any of these broadcasts, Plaintiffs were never contacted by either
17 Defendants KNIERIM or FRAZIER, or their coaches or choreographer, or USFS or
18 Team USA, or the broadcasting networks and streaming services about licensing
19 Plaintiffs' copyrighted track for any performances or broadcasts. In addition to the
20 initial broadcast of the Olympic performance by Defendant NBC, Defendant USA
21 rebroadcast the Olympic performance, and NBC owned streamer PEACOCK now
22 features the performance through rebroadcasts which can be accessed repeatedly
23 throughout the world at any time to customers who pay to subscribe. Defendant NBC,
24 and various other news outlets chose to post video footage of the KNIERIM/FRAZIER
25 Olympic short program performance on social media platforms and their own websites,
26 all of which feature Plaintiffs' master track. All of these infringements occurred
27 without ANY license or permission by Plaintiffs.
28

1 37. Defendants have not paid Plaintiffs any money whatsoever for these
2 exploitations of their song and Plaintiffs have been significantly damaged as a result
3 of this scheme between Defendants and their co-conspirators.

4 38. Through their conduct alleged herein, Defendants have infringed
5 Plaintiffs' copyright of the Infringed Composition in violation of Sections 106 and 501
6 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

7 39. As a direct and proximate result of the infringement by Defendants, and
8 each of them, Plaintiffs are entitled to damages in an amount to be proven at trial.

9 40. As a direct and proximate result of the foregoing acts and conduct,
10 Plaintiffs have sustained and will continue to sustain substantial, immediate, and
11 irreparable injury, for which there is no adequate remedy at law. Plaintiffs are informed
12 and believe and, on that basis, allege that unless enjoined and restrained by this Court,
13 Defendants will continue to infringe Plaintiffs' rights in the Infringed Composition.
14 Plaintiffs are entitled to preliminary and permanent injunctive relief to restrain and
15 enjoin Defendant's continuing infringement conduct.

16 41. Plaintiffs are also entitled to Defendants' profits attributable to the
17 infringement, pursuant to 17 U.S.C. § 504(b), including an accounting of and a
18 constructive trust with respect to such profits.

19 42. Alternatively, Plaintiffs are entitled to maximum statutory damages
20 pursuant to 17 U.S.C. § 504(c) for each acts of copyright infringement.

21 43. Plaintiffs further are entitled to their attorneys' fees and costs pursuant to
22 17 U.S.C. § 505 and otherwise accordingly to law.

23 44. The conduct of Defendants as described herein is willful, wanton,
24 malicious, fraudulent, and oppressive such that Plaintiffs are entitled to punitive
25 damages.

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PRAYER

WHEREFORE, Plaintiffs pray for judgment against Defendants, and each of them, jointly and severally, as follows:

1. For damages in such amount as may be found, or as otherwise permitted by law;

2. For an accounting of, and the imposition of constructive trust with respect to, Defendant's profits attributable to their infringements of Plaintiffs' copyright of the Infringed Composition;

3. For a preliminary and permanent injunction prohibiting Defendants, and their respective agents, servants, employees, officers, successors, licensees and assigns, and all persons acting in concert or participation with each or any of them, from continuing to infringe Plaintiffs' copyright in the Infringed Composition;

4. For actual copyright infringement damages and Defendant's profits or statutory damages in an amount to be determined at trial;

5. For interest on the above-requested damages and profits at the maximum legal rate as provided by law;

6. For prejudgment interest according to law;

7. For Plaintiffs' attorneys' fees, costs, and disbursements in this action;

8. For punitive damages; and

9. For such other and further relief as the Court may deem just and proper.

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DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury.

Dated: February 16, 2022

MARDEROSIAN & COHEN



By: _____

Michael G. Marderosian
Attorney for Plaintiffs

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

United States Register of Copyrights and Director

Registration Number

SR 910-635

Effective Date of Registration:

October 05, 2021

Registration Decision Date:

October 28, 2021

Title

Title of Work: HYH Rising Sun Intro

Completion/Publication

Year of Completion: 2013

Date of 1st Publication: December 05, 2013

Nation of 1st Publication: United States

Author

- Author:** Robert Jacob Marderosian
Author Created: sound recording, lyrics and music
Work made for hire: No
Citizen of: United States
Domiciled in: United States
- Author:** Aron Michael Marderosian
Author Created: sound recording, lyrics and music
Work made for hire: No
Citizen of: United States
Domiciled in: United States

Copyright Claimant

Copyright Claimant: Robert Jacob Marderosian
P.O. Box 6470, Malibu, CA, 90264, United States

Copyright Claimant: Aron Michael Marderosian
P.O. Box 6470, Malibu, CA, 90264, United States

Rights and Permissions

Organization Name: Twelvesixty, LLC.
Name: Robert Jacob Marderosian
Email: heavyyoungheathens@gmail.com
Telephone: (310)457-0133
Address: P.O. Box 6470
Malibu, CA 90264 United States

Certification

Name: Robert J Marderosian
Date: October 05, 2021

Copyright Office notes: Regarding authorship information: Registration made for the sound recording and musical work as a whole.

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Leigh Clayett

Acting United States Register of Copyrights and Director

Registration Number

SR 785-194

Effective Date of Registration:

May 31, 2016

Title

Title of Work: House Of The Rising Sun

Completion/Publication

Year of Completion: 2013
Date of 1st Publication: December 05, 2013
Nation of 1st Publication: United States

Author

- Author:** Robert Jacob Marderosian
Author Created: sound recording
Work made for hire: No
Citizen of: United States
Domiciled in: United States

- Author:** Aron Michael Marderosian
Author Created: sound recording
Work made for hire: No
Citizen of: United States
Domiciled in: United States

Copyright Claimant

Copyright Claimant: Robert Jacob Marderosian
P.O. Box 6470, Malibu, CA, 90264, United States

Copyright Claimant: Aron Michael Marderosian
P.O. Box 6470, Malibu, CA, 90264, United States

Limitation of copyright claim

Material excluded from this claim: sound recording

New material included in claim: sound recording

Rights and Permissions

Name: Robert Jacob Marderosian
Email: heavyyoungheathens@gmail.com
Telephone: (310)457-0133
Address: P.O. Box 6470
Malibu, CA 90264 United States

Certification

Name: Robert Jacob Marderosian
Date: May 31, 2016

0000SR00007851940202

EXHIBIT B

#BEIJING2022

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2022 U.S. OLYMPIC FIGURE SKATING TEAM

Get to know the athletes representing the red, white and blue in Beijing!



MARIAH
BELL



JASON
BROWN



ASHLEY CAIN-GRIBBLE
AND TIMOTHY LEDUC



KAREN
CHEN



NATHAN
CHEN



MADISON CHOCK AND
EVAN BATES



KAITLIN HAWAYEK AND
JEAN-LUC BAKER



MADISON HUBBELL
AND ZACHARY
DONOHUE



ALEXA KNIERIM AND
BRANDON FRAZIER



ALYSA
LIU



VINCENT
ZHOU



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← Tweet



U.S. Figure Skating 
@USFigureSkating

Miss last night's team event primetime coverage? Want to watch it again?

USA Network is showing the replay from 2-8 p.m. ET 



10:32 AM · Feb 4, 2022 · Twitter Web App

1 Retweet 48 Likes





↻ U.S. Figure Skating Retweeted



In their Olympic debut as a pair, [@alexa_knieri](#)
[@Brandon_F1992](#) put on a SHOW. 🎬

@TeamUSA x #WinterOlympics




69 Retweets 17 Quote Tweets 585 Likes



Welcome Back, heavyyoungheathens

Guide to getting started

Time Zone Customize Columns/View Search Detections

Export Detections 

		Duration	Date/Time ▼	Channel	Show	Episode	Usage ▼ expanded edit	File Path
		1:34	02/04/22 04:05:25 PM	USA	2022 Winter Olympics	Figure Skating	---: No description	HYH House Of The Rising Sun.mp3
		1:37	02/04/22 09:35:11 AM	NBC	NBC Preview Show- Winter Olympics		---: No description	HYH House Of The Rising Sun.mp3
		0:13	02/04/22 09:34:43 AM	NBC	NBC Preview Show- Winter Olympics		---: No description	HYH House Of The Rising Sun.mp3
		0:11	02/04/22 09:34:17 AM	NBC	NBC Preview Show- Winter Olympics		---: No description	HYH House Of The Rising Sun.mp3
		1:32	02/04/22 07:31:29 AM	Eurosport (UK)	Winter Olympic Figure Skating	Team Short Programme	---: No description	HYH House Of The Rising Sun.mp3
		1:00	02/04/22 07:30:17 AM	Eurosport (UK)	Winter Olympic Figure Skating	Team Short Programme	---: No description	HYH House Of The Rising Sun.mp3
		2:50	02/04/22 01:17:21 AM	YLE TV2	Pekingin olympiakisat		---: No description	HYH House Of The Rising Sun.mp3
		1:38	02/03/22 10:03:57 PM	NBC	2022 Winter Olympics	Figure Skating	---: No description	HYH House Of The Rising Sun.mp3
		0:30	02/03/22 10:02:46 PM	NBC	2022 Winter Olympics	Figure Skating	---: No description	HYH House Of The Rising Sun.mp3
		2:37	02/03/22 10:02:34 PM	DR1	Beijing 2022: Kunstsøtøjløb, direkte		---: No description	HYH House Of The Rising Sun.mp3
		2:50	02/03/22 10:02:18 PM	Eurosport (FR)	Jeux Olympiques d'hiver de Pékin 2022	Patinage artistique : Programme court par équipe	---: No description	HYH House Of The Rising Sun.mp3
		2:44	02/03/22 10:02:14 PM	Eurosport (UK)	Live: Winter Olympic Figure Skating	Team Event: Men's Short Programme	---: No description	HYH House Of The Rising Sun.mp3