

1 S. Michael Kernan, State Bar No. 181747
R. Paul Katrinak, State Bar No.164057
2 THE KERNAN LAW FIRM
9663 Santa Monica Blvd., Suite 450
3 Beverly Hills, California 90210
Telephone: (310) 490-9777
4 Facsimile: (310) 861-0503

5 Attorneys for Plaintiff
Vice Industry Token, Inc.
6

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

10 VICE INDUSTRY TOKEN, INC., a California)
11 Corporation,)
12 Plaintiff,)
13 vs.)
14 VICE MEDIA, LLC, a Delaware Limited)
Liability Company,)
15 Defendant.)
16

Case No. 2:18-CV-00309

COMPLAINT FOR:

**1. DECLARATORY JUDGMENT OF
NO TRADEMARK INFRINGEMENT,
28 U.S.C. §§ 2201 AND 2202**

DEMAND FOR JURY TRIAL

THE KERNAN LAW FIRM
9663 Santa Monica Blvd., Suite 450
Beverly Hills, California 90210
(310) 490-9777

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Plaintiff Vice Industry Token, Inc., (“VIT” or “Plaintiff”) states the following for its
2 Complaint against Defendant Vice Media, LLC (“Vice” or “Defendant”), upon actual
3 knowledge with respect to itself and its own acts, and information and belief as to other
4 matters.

5 **PARTIES**

6 1. Plaintiff VIT is a California corporation having a principal place of business in
7 the city of Los Angeles, California.

8 2. VIT is informed and believes, and on that basis, alleges that Defendant Vice
9 Media, LLC, is a Delaware limited liability company with its a principal place of business in
10 Brooklyn, New York.

11 **JURISDICTION AND VENUE**

12 3. This Complaint arises under the laws of the United States, specifically the
13 Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and the trademark laws of the United
14 States, 15 U.S.C §§ 1114 *et eq.* and 1125, and is based on the actual justiciable controversy
15 between VIT and Defendant Vice. This Court has original jurisdiction under 15 U.S.C § 1121
16 and 28 U.S.C. §§ 1331 and 1338.

17 4. This Court has personal jurisdiction over Defendant because Defendant solicits,
18 transacts, and does business in California, and specifically in this District.

19 5. Venues is proper in the United States District Court in for the Central District of
20 California under 28 U.S.C. 28 U.S.C. § 136728 U.S.C. § 1367 1391 (b) and (c).

21 **STATEMENT OF FACTS**

22 6. VIT was founded in 2017 by three leaders in the adult entertainment industry
23 with the intent to change the nature and monetization of pornography. VIT functions in two
24 main ways, as the provider of an innovative adult entertainment platform, and the proprietor of
25 cryptocurrency, the VICE INDUSTRY TOKEN.

26 7. Cryptocurrencies are a digital asset designed to work as a medium of exchange
27 that uses cryptography to secure its transactions, to control the creation of additional units, and
28 to verify the transfer of assets. Recently, cryptocurrencies have rapidly evolved as a method of

THE KERNAN LAW FIRM
9663 Santa Monica Blvd., Suite 450
Beverly Hills, California 90210
(310) 490-9777

1 transacting and establishing value. Currently, there are almost two hundred public
2 cryptocurrencies available on the internet.

3 8. In October of 2017, VIT partnered with several of the leading website providers
4 and content producers in the adult entertainment industry who will have embedded support for
5 the VICE INDUSTRY TOKEN in their online portals. VIT then launched its website
6 www.vicetoken.com, and announced its plan to launch the VICE INDUSTRY TOKEN to the
7 public. VIT already has received praise and excellent reviews from cryptocurrency websites
8 and blogs.

9 9. VIT is informed and believes, and on that basis alleges that Defendant is a North
10 American digital media and broadcasting company.

11 10. VIT is informed and believes, and on that basis alleges that Defendant has
12 trademark and other intellectual property rights in the mark VICE.

13 11. On November 28, 2017, Defendant sent VIT a cease and desist letter alleging
14 that VIT's use of VICE INDUSTRY TOKEN infringed on Defendant's mark VICE. VIT
15 promptly responded and denied that its VICE INDUSTRY TOKEN was infringing or a
16 likelihood of confusion. Defendant again demanded that VIT cease its use of the VICE
17 INDUSTRY TOKEN mark. After trying to resolve the any issues with Vice it became apparent
18 that the two companies could not resolve their dispute amicably.

19 **CLAIM FOR RELIEF**

20 **(Declaratory Judgment of No Trademark Infringement,
21 28 U.S.C. §§ 2201 and 2202)**

22 12. VIT hereby realleges and incorporates each and every allegation contained in the
23 above paragraphs by reference as though fully set forth herein.

24 13. Defendant maintains that VIT's use of its VICE INDUSTRY TOKEN mark
25 infringes trademarks or other intellectual property rights owner by Defendant.

26 14. Accordingly, there exists an immediate, real and substantial controversy as to
27 whether VIT's use of VICE INDUSTRY TOKEN mark infringes trademark or other
28 intellectual property rights owned by Defendant.

15. VIT has a reasonable apprehension of suit because Defendant sent cease and

1 desist letters accusing VIT of infringement of the VICE mark.

2 16. VIT denies that any of Defendant’s rights in the VICE mark are infringed.

3 17. Pursuant to 28 U.S.C. §§ 2201 and 2202, VIT seeks a declaratory judgment that
4 VIT has not and does not infringe the trademarks or other intellectual property rights owned by
5 Defendant either directly, contributorily or by inducement.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, VIT prays as follows:

8 1. For a declaration that VIT does not infringe and has not infringed any trademark
9 or other intellectual property owned by Defendant Vice either directly, contributorily or by
10 inducement.

11 2. VIT have such other and further relief as the Court may deem just and
12 appropriate.

13
14 DATED: January 12, 2018

THE KERNAN LAW FIRM

15
16 By: /s/ S. Michael Kernan
17 S. Michael Kernan
18 Attorneys for Plaintiff
19 Vice Industry Token, Inc.
20
21
22
23
24
25
26
27
28

THE KERNAN LAW FIRM
9663 Santa Monica Blvd., Suite 450
Beverly Hills, California 90210
(310) 490-9777