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8 Attorney for Plaintiffs
9 General Charles E. “Chuck” Yeager (Ret.) and
10 General Chuck Yeager, Inc.

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

13 GENERAL CHARLES E. “CHUCK”
14 YEAGER (RET.), and GENERAL CHUCK
15 YEAGER, INC.

16 Plaintiffs,

17 v.

18 AIRBUS GROUP SE, AIRBUS DEFENSE
19 AND SPACE, INC., AIRBUS
20 HELICOPTERS, INC., and AIRBUS S.A.S.
21 and DOES 1 through 10, inclusive,

22 Defendants.

Case No.: 8:19-cv-01793

COMPLAINT FOR DAMAGES

1. **VIOLATION OF CALIFORNIA CIVIL CODE SECTION 3344 (CAL. CIV. CODE §3344)**
2. **VIOLATION OF COMMON LAW RIGHT OF PUBLICITY**
3. **FALSE ENDORSEMENT UNDER THE LANHAM ACT (15 U.S.C. §1125(A))**
4. **COMMON LAW TRADEMARK INFRINGEMENT**
5. **FEDERAL TRADEMARK INFRINGEMENT (15 U.S.C. §1114(1))**

DEMAND FOR JURY TRIAL

1 Plaintiffs General Charles E. “Chuck” Yeager (Ret.) (“General Yeager”) and General
2 Chuck Yeager, Inc. (“GCYI”) (collectively “Plaintiffs”), by and through their undersigned
3 attorney Lincoln Bandlow, hereby claim against defendants Airbus Group SE, Airbus Defense
4 and Space, Inc., Airbus Helicopters, Inc., and Airbus S.A.S. (hereinafter, collectively referred to
5 as “Airbus”), as follows:

6 **NATURE OF THE ACTION**

7 1. General Yeager is one the most, if not *the* most, famous pilots of all time. He is
8 known around the world as the pilot who conquered the speed of sound. Indeed, he has flown at
9 *twice* the speed of sound. As a result of his recognizable and well-known identity, General
10 Yeager has been retained to provide commercial endorsements for selected companies, and they
11 have paid substantial compensation for his services. Thus, using his name, particularly in
12 connection with any form of aircraft, is incredibly valuable. This case is about the knowing and
13 intentional theft by defendants of that highly valuable commodity.

14 **THE PARTIES**

15 2. General Yeager is a retired General Officer of the United States Air Force.
16 General Yeager’s historical background and aviation accomplishments have all served to create a
17 valuable, unique identity and commodity. General Yeager served in this U.S. Army Air Force
18 during World War II as a fighter pilot, flying P-51 Mustangs. During one mission, General
19 Yeager was shot down, evaded capture, and aided local resistance forces. He escaped from behind
20 enemy lines to American control and resumed his duties as a fighter pilot. He then went on to
21 become one of the few American fighter pilots to become an “ace in a day”, by downing five
22 enemy fighters in one mission. At the end of World War II, General Yeager had been credited
23 with 11.5 official victories and was credited with holding one of the first victories in his fighter
24 group against a jet fighter plane.

25 3. After his service during World War II, General Yeager became a test pilot. In that
26 capacity, he accomplished the feat for which he is perhaps best known, that of being the first
27 person to break the speed of sound (known and referred to as “Mach 1”). Shortly thereafter, he
28 again broke records, becoming the first person to exceed 2.4 times the speed of sound (known and

1 referred to as “Mach 2.4”). He subsequently set and/or broke additional aviation and speed
2 records. General Yeager then went on to command the United States Air Force Aerospace
3 Research Pilot School, the 405th Tactical Fighter Wing, the 4th Tactical Fighter Wing, and also
4 served as Vice-Commander of the Seventeenth Air Force.

5 4. Post retirement, General Yeager continued to flourish in achievements which
6 contribute to the value of his identity, including his setting of flight records in light general
7 aircraft. His stature as an elite test pilot was further cemented in Tom Wolfe’s best-selling non-
8 fiction book *The Right Stuff* and the Academy Award-nominated film adaptation of the same
9 name, both of which prominently feature General Yeager and his exploits. He has been featured,
10 recognized, and honored for his accomplishments by such well-respected people and
11 organizations as Marshall University, the State of West Virginia, President Ford, the National
12 Aviation Hall of Fame, President Reagan and the Aerospace Walk of Honor.

13 5. General Yeager has taken steps to utilize and protect his name, identity and image.
14 He has spoken to various groups, organizations and committees. For example, he has served as a
15 spokesperson for AC Delco Corp., which saw its sales dramatically increase as a result of the use
16 of his name, likeness, identity and endorsement. He also lent his name, likeness, voice, and
17 technical expertise to the renowned computer games *Chuck Yeager’s Advanced Flight Trainer*
18 and *Chuck Yeager’s Air Combat*. He has been featured on the cover of numerous magazines as a
19 result of his accomplishments, status, and historical activities. General Yeager charges and
20 receives a fee for the commercial use of his name, image, and/or identity, and additionally
21 charges for any endorsements of products or companies. General Yeager also engages in
22 activities and appearances resulting in substantial charitable contributions.

23 6. GCYI is a corporation organized and operating under the laws of the State of
24 California.

25 7. Upon information and belief, Defendant Airbus SE is a European multinational
26 aerospace corporation that designs, manufactures, and sells civil and military aerospace products
27 worldwide and manufactures in the European Union and other countries. Upon information and
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1 belief, the company has three divisions: Commercial Aircraft, Defense and Space, and
2 Helicopters.

3 8. Upon information and belief, Defendant Airbus Defense and Space, Inc. is a
4 division of Airbus responsible for defense and aerospace products and services. The division was
5 formed in January 2014. Upon information and belief, Airbus Defense and Space, Inc. has offices
6 throughout the United States, including an office in Huntington Beach, California.

7 9. Upon information and belief, Defendant Airbus S.A.S. was founded in 1970 and
8 engages in designing, manufacturing, and delivering aircrafts, as well as offers products,
9 including commercial aircraft, double-deck aircraft and passenger aircraft, helicopters, civil
10 helicopters, fire support helicopters, military helicopters, and corporate helicopters, defense and
11 security, cyber security, and space, science and telecommunication satellites and navigation tools.
12 Upon information and belief, Airbus S.A.S. has offices in the United States as well as France,
13 Germany, Russia, Spain, Canada, Latin America, Africa, the Middle East, China, Japan, India and
14 Singapore. Upon information and belief, Airbus S.A.S. operates as a subsidiary of Airbus SE.

15 10. Upon information and belief, Airbus owns and/or operates the website located at
16 URL <http://www.airbus.com>.

17 **JURISDICTION AND VENUE**

18 11. This Court has exclusive jurisdiction over the subject matter of this action pursuant
19 to 28 U.S.C. §§ 1331 and 1338(a). This is a civil action arising under federal law, the Lanham Act
20 of 1946 as amended (codified at 15 U.S.C. §§ 1051, et seq.).

21 12. This Court has supplemental jurisdiction over Plaintiffs' state law claims pursuant
22 to 28 U.S.C. § 1367.

23 13. Venue is proper in the Central District, as Defendants have, and continue to, seek
24 out and engage in business throughout California, and upon information and belief, Defendants
25 have continuous systematic contacts with the Central District of California, including an office
26 located within the Central District.

1 36. By reason of Airbus' unauthorized misappropriation of General Yeager's rights to
2 publicity by Airbus, General Yeager has sustained and will sustain substantial injury, loss and
3 damage. Airbus' unlawful activities entitle General Yeager to recover their actual damages and
4 Airbus' profits in an amount to be proven at trial, together with his attorneys' fees and costs.

5 37. Airbus is a corporation with a checkered reputation, having been charged with or
6 investigated for a litany of crimes such as bribery, corruption and insider trading. Moreover,
7 Airbus has been recently associated with manufacturing dangerous aircraft, including well-known
8 crashes of its A320 airplanes as well as a global recall of the A380 super jumbo jets. As a result
9 of Airbus' misappropriation of General Yeager's name and likeness, Airbus has caused damage
10 to General Yeager's reputation by causing General Yeager to be associated with Airbus' tainted
11 brand. Therefore, General Yeager is entitled to reputational damages.

12 38. By misappropriating General Yeager's name and identity in connection with its
13 products and services, Airbus has deprived General Yeager of future opportunities to enter into
14 exclusive endorsement deals with other entities in the aviation industry, the industry with which
15 General Yeager is most readily associated. As a result of Airbus' misappropriation, General
16 Yeager has suffered damages for lost opportunities.

17 39. Airbus misappropriated General Yeager's rights to publicity knowingly,
18 maliciously, and oppressively, intending to appropriate to themselves without compensation what
19 they knew to be General Yeager's valuable right of publicity, in disregard of General Yeager's
20 demands that Airbus cease their unlawful activities. Said misconduct was also fraudulent, in that
21 the public has been falsely led to believe that General Yeager consented to such commercial use
22 of his name, likeness, voice, identity, and persona, and is associated with, approves of, and
23 endorses Airbus' activities. Accordingly, General Yeager is entitled to punitive damages in an
24 amount to be proven at trial.

25 40. Furthermore, General Yeager is entitled to a permanent injunction to prevent
26 future misappropriation of General Yeager's right of publicity.

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1 above. As such, in addition to the other relief sought herein, General Yeager is entitled to an
2 award of punitive damages.

3 **COUNT V**

4 **Trademark Infringement (15 U.S.C. § 1114(1)) – Against All Defendants**

5 56. Plaintiffs incorporate all prior allegations of this Complaint by this reference.

6 57. GCYI owns the following federally registered trademarks: (1) U.S. Registration
7 3,809,602 for the use of CHUCK YEAGER in connection with pre-recorded CDs and DVDs
8 featuring history related to airplanes and flight, and (2) U.S. Registration 3,816,840 for the use of
9 CHUCK YEAGER in connection with shirts and hats.

10 58. Airbus infringed GCYI’s registered trademarks by using these marks in the
11 infringing materials.

12 59. Airbus’ unauthorized use of GCYI’s registered trademarks is likely to confuse and
13 deceive consumers as to the origin, sponsorship, and/or endorsement of Airbus’ brands and
14 products. Specifically, Airbus’ use of GCYI’s marks is likely to cause consumers to mistakenly
15 believe that General Yeager is associated with the Airbus Raptor helicopter, or that he sponsors or
16 endorses Airbus’ Raptor helicopter.

17 60. As a direct and proximate result of the acts of trademark infringement set forth
18 above, GCYI has suffered actual damages in an amount to be proven at trial, but in no event less
19 than \$1 million. GCYI is entitled to the full range of relief available under the Lanham Act,
20 15 U.S.C. § 1117, including, without limitation, an award of actual damages and the
21 disgorgement of Airbus’ profits arising from the acts of trademark infringement. Airbus’ conduct
22 further renders this an “exceptional” case within the meaning of the Lanham Act, thus entitling
23 Plaintiffs to an award of attorneys’ fees and costs.

24 61. GCYI is informed and believes, and based thereon alleges, that Airbus committed
25 the infringement described above knowing that its unauthorized use of the CHUCK YEAGER
26 trademarks is likely to cause consumer confusion. Airbus has thus willfully, knowingly, and
27 maliciously deceived and confused the relevant consuming public, such that GCYI is entitled to
28 an award of treble damages.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that they be awarded judgment against Airbus as follows:

1. In favor of Plaintiffs and against Airbus on all of Plaintiffs' claims;
2. Awarding Plaintiffs general damages, according to proof;
3. Awarding Plaintiffs reputational damages, according to proof;
4. Awarding Plaintiffs damages for lost opportunities, according to proof;
5. Awarding Plaintiffs statutory damages, according to proof;
6. Awarding Plaintiffs special damages, according to proof;
7. Awarding Plaintiffs exemplary or punitive damages, according to proof;
8. Awarding Plaintiffs restitution of any and all benefits received by Airbus through the use of Plaintiffs' name, identity and likeness;
9. Awarding Plaintiffs their reasonable attorney's fees, costs, expenses, and interest;
10. Ordering injunctive relief to prohibit, prevent and bar Airbus from continuing to utilize, or permit to be utilized, General Yeager's name in connection with Airbus' products, services, or endeavors without an executed agreement; and to require Airbus to affirmatively act to remove the infringing material from the Internet and other mediums where it is still accessible; and
11. Awarding Plaintiffs such other and further relief as the Court deems just and proper.

Dated: September 18, 2019

Law Offices of Lincoln Bandlow, P.C.

By: 

LINCOLN D. BANDLOW
 Attorney for Plaintiffs
 General Charles E. "Chuck" Yeager
 (Ret.) and General Chuck Yeager, Inc.


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DEMAND FOR JURY TRIAL

Plaintiffs, GENERAL CHARLES E. "CHUCK" YEAGER (RET.) and GENERAL CHUCK YEAGER, INC., hereby demand trial by jury on all claims properly triable to a jury in this action.

Dated: September 18, 2019

Law Offices of Lincoln Bandlow, P.C.

By: 

LINCOLN D. BANDLOW
Attorney for Plaintiffs
General Charles E. "Chuck" Yeager
(Ret.) and General Chuck Yeager, Inc.