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**COMP**  
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Telephone: (702) 538-7956 Case 2:07-cv-01635 Document 1 Filed 12/07/2007 Page 1 of 29

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

LITTLE WILLIE LYONS, an individual,  
  
Plaintiff,

v.

DEANDRE WAY, an individual; KARL  
WASHINGTON, an individual; TRACY  
JENKINS, an individual; UNIVERSAL  
MUSIC, INC., a California and New York  
Corporation; UNIVERSAL MUSIC GROUP,  
INC., a Delaware, California and New York  
Corporation; INTERSCOPE  
CORPORATION, a Delaware Corporation;  
VIACOM INC., a Delaware Corporation;  
COLLIPARK MUSIC, INC., a Georgia  
Corporation; DOES I through X; and ROE  
CORPORATIONS I through X,

Defendants.

Case No.

COMPLAINT FOR  
DAMAGES AND INJUNCTIVE  
RELIEF

JURY TRIAL REQUESTED

**COMPLAINT FOR DAMAGES,  
DECLARATORY RELIEF AND  
INJUNCTIVE RELIEF**

1. Trademark Infringement
2. Unfair Competition
3. Deceptive Trade Practices
4. Intentional Interference with Business
5. Fraud/Misrepresentation
6. Unjust enrichment
7. Declaratory Relief
8. Cybersquatting

1 COMES Plaintiff LITTLE WILLIE LYONS (hereinafter "Plaintiff" or "Mr. Lyons" or  
2 "Lyons"), by and through his attorney of record IKENNA K. ODUNZE, ESQ., of the law  
3 firm of ALEXANDER, ODUNZE & KANG, LLP as and for his complaint against  
4 Defendants DEANDRE WAY, KARL WASHINGTON, TRACY JENKINS, UNIVERSAL  
5 MUSIC, INC., UNIVERSAL MUSIC GROUP, INC., INTERSCOPE CORPORATION,  
6 VIACOM INC. and COLLIPARK MUSIC, INC. alleged as DOES I THROUGH X, AND  
7 ROE CORPORATIONS I THROUGH X (hereinafter collectively referred to as  
8 "Defendants") and alleges as follows:

9 **NATURE OF THE CASE**

10 1. This is an action for trademark infringement, Lanham Act violations,  
11 cybersquatting and unfair competition under federal statutes, with pendant claims for  
12 common law trademark infringement, state deceptive trade practices, fraud/misrepresentation  
13 and intentional interference with prospective economic advantage arising from the  
14 Defendants' promotion and advertising of infringing marks. Plaintiff seeks damages,  
15 attorneys' fees, costs, and preliminary and permanent injunctive relief.  
16

17 **JURISDICTION AND VENUE**

18 2. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C.  
19 §§ 1331 and 1338(a) and 15 U.S.C. § 1121, as said claims arise under the Trademark Laws of  
20 the United States, 15 U.S.C. § 1051 *et seq.* This Court has supplemental jurisdiction over  
21 Plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a).  
22

23 3. This Court has personal jurisdiction over Defendants based upon the  
24 following: (a) they own, distribute, or are affiliated with media distributed, and/or advertised  
25 in Nevada and accessible to residents of the State of Nevada; (b) they transact business in this  
26 judicial district through the sales and performance of music and/or the purchasing of  
27  
28

1 advertising; and (c) they committed the infringing and other tortious acts that they knew or  
2 should have known would cause injury to Plaintiff in the State of Nevada.

3  
4 4. Venue is proper in the United States District Court for the District of Nevada  
5 under 28 U.S.C. §§ 1391(b) & (c) and 1400. Venue lies in the unofficial Southern division of  
6 this Court.

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7  
8 **PARTIES**

9 5. Plaintiff Mr. Lyons is a musician who has experienced great success in the  
10 music industry performing under the professional name SOULJAH BOY.

11 6. Upon information and belief, Defendant DeAndre Way is a resident of  
12 Georgia and advertises and conducts business in the State of Nevada.

13 7. Upon information and belief, Defendant Tracy Jenkins is a resident of Georgia  
14 and conducts business in the State of Nevada.

15 8. Upon information and belief, Defendant Karl Washington is a resident of  
16 Georgia and conducts business in the State of Nevada.

17 9. Upon information and belief, Defendant Universal Music, Inc. is a Delaware,  
18 California and New York Corporation, having its place of business at 10 Universal City,  
19 California, 91608, that does business and advertises in the State of Nevada.

20 10. Upon information and belief, Defendant Universal Music Group, Inc. is a  
21 Delaware, California and New York Corporation, having its place of business at 10 Universal  
22 City, California, 91608, that does business and advertises in the State of Nevada (hereinafter  
23 Universal Music, Inc., Universal Music Group, Inc. and any and all their affiliates,  
24 subsidiaries and parent companies that have profited from the infringing activities described  
25  
26  
27  
28

1 herein are collectively and individually referred to as "Universal Music Group").

2 11. Upon information and belief, Defendant Interscope Corporation ("Interscope  
3 Records" or "Interscope") is a Delaware Corporation, having its place of business at 2220  
4 Colorado Avenue, Santa Monica, California, 90404, that does business and advertises in the  
5 State of Nevada. Case 2:07-cv-01635 Document 1 Filed 12/07/2007 Page 4 of 29

6  
7 12. Upon information and belief, Defendant Viacom Inc. ("Viacom") is a  
8 Delaware Corporation, having its place of business at 1515 Broadway, New York, New  
9 York, 10036, that does business, broadcasts into and advertises in the State of Nevada.  
10

11 13. Upon information and belief, Defendant Collipark Music, Inc. ("Collipark") is  
12 a Georgia Corporation, having its place of business at 2818 East Point Street, Suite 2C, East  
13 Point, Georgia, 30344, that does business and advertises in the State of Nevada.  
14

15 14. At all times mentioned herein, unless otherwise stated, each Defendant was  
16 the agent, employee, servant or representative of each of the remaining Defendants, and in  
17 doing the things and acts alleged herein, was acting within the course and scope of that  
18 agency, employment, service and representation, and with the knowledge, ratification,  
19 approval, authorization, and consent of each of the other Defendants, and/or their offers  
20 and/or managing agents.  
21

22 15. That Defendants Does I through X and Roe Corporations I through X are  
23 fictitious names. Plaintiff is not aware of the true names of the individuals, corporations, co-  
24 partnerships, and associates so designated by such fictitious names, and when the true names  
25 are discovered, Plaintiff will ask leave of Court to amend this Complaint and proceedings  
26 herein to substitute the true names of said defendants. Plaintiff believes that each of the  
27  
28

1 Defendants designated herein as a DOE or ROE is in some manner responsible for the events  
2 referred to, and caused damages proximately thereby to Plaintiff as alleged herein.

3  
4 **GENERAL FACTS AND ALLEGATIONS**

5 16. Plaintiff Mr. Lyons is a musician who has experienced great success in the  
6 music industry performing under the professional name SOULJAH BOY. Filed 12/07/2007 Page 5 of 29

7 17. Mr. Lyons has been using the mark SOULJAH BOY for entertainment  
8 services continuously and without interruption since 1995.

9  
10 18. Mr. Lyons' use of the mark SOULJAH BOY began prior to use of the name  
11 SOULJA BOY by Defendant DeAndre Way.

12 19. Mr. Lyons' use of the mark SOULJAH BOY began prior to use of the name  
13 SOULJA BOY TELL 'EM by Defendant DeAndre Way.

14  
15 20. Mr. Lyons was an original member of the group Mo Thugs, which was a spin-  
16 off group from the group Bone Thugs 'N Harmony. With Mr. Lyons' participation, Mo  
17 Thugs experienced "platinum" success – sales of over one million (1,000,000) albums – for  
18 several years.

19  
20 21. Mr. Lyons recorded under the mark SOULJAH BOY on the album *Mo Thugs*  
21 *Family Scriptures* released in 1997, which obtained multi-platinum certification and reached  
22 #2 on the Billboard Charts.

23 22. Mr. Lyons recorded under the mark SOULJAH BOY on the album *Mo Thugs*  
24 *Family Scriptures 2: A Family Reunion*, released in 1998, which obtained multi-platinum  
25 certification and reached #25 on the Billboard Charts.

26  
27 23. Mr. Lyons recorded under the mark SOULJAH BOY on the Bone Thugs 'N  
28

1 Harmony album *The Art of War*, which obtained multi-platinum certification and reached #1  
2 on the Billboard Charts and distributed in every U.S. State as well as abroad.

3 24. Mr. Lyons appeared in the 1999 movie *Deep in the Game* as SOULJAH BOY.

4 25. Mr. Lyons has appeared as SOULJAH BOY in volumes of advertising,  
5 magazine articles and other media since 1995 in the continental United States and abroad.  
6

7 26. Mr. Lyons has acquired national common law rights to the name SOULJAH  
8 BOY.

9 27. The mark SOULJAH BOY has become distinctive and famous in the United  
10 States and around the world for musical performances by Plaintiff Willie Lyons.

11 28. Plaintiff has developed a reputation for his goods and services with the mark  
12 SOULJAH BOY.

13 29. Plaintiff has steadily built his business and goodwill in services associated  
14 with his SOULJAH BOY mark and is known as and has acquired common law service mark  
15 rights to the SOULJAH BOY mark *per se* as a result of providing unique and nationally  
16 recognized services over the years.

17 30. Based on his extensive use, Plaintiff Mr. Lyons owns the exclusive right to  
18 use the SOULJAH BOY mark in connection with entertainment services.

19 31. Plaintiff Mr. Lyons was previously represented in his music career by Karl  
20 Washington, a Georgia attorney ("Washington").

21 32. Based upon information and belief, Plaintiff was already known as SOULJAH  
22 BOY at the time Washington represented him.

23 33. Based upon information and belief, Defendant DeAndre Way was represented  
24  
25  
26  
27  
28

1 by Washington.

2 34. Based upon information and belief, on or around June 11, 2007, Washington  
3 filed for a Federal Trademark with the United States Patent & Trademark Office in  
4 connection with the name SOULJA BOY on DeAndre Way's behalf. A true and accurate  
5 copy of the United States Patent & Trademark Office Trademark Electronic Search System  
6 web-page demonstrating the foregoing filing is attached hereto as Exhibit 1.

7  
8 35. Based upon information and belief, SOULJA BOY is the only Federal  
9 Trademark filed as DeAndre Way's performing name.

10 36. Based upon information and belief, DeAndre Way has not filed a Federal  
11 Trademark for the name SOULJA BOY TELL 'EM.

12 37. Based upon information and belief, DeAndre Way's representatives were  
13 contacted by TMZ.com regarding a potential conflict with Mr. Lyons' SOULJAH BOY  
14 mark.

15 38. Based upon information and belief, DeAndre Way's representatives told  
16 TMZ.com that DeAndre Way's full artist name is SOULJA BOY TELL 'EM [as opposed to  
17 SOULJA BOY]. The foregoing statements by DeAndre Way's representatives regarding  
18 DeAndre Way's alleged use of his alleged full artist name, SOULJA BOY TELL 'EM, were  
19 made by DeAndre Way's representatives to divert TMZ.com and the public from severity of  
20 the confusing similarities between SOULJAH BOY and SOULJA BOY.

21 39. Nonetheless, based upon information and belief, TMZ.com indicated that the  
22 name SOULJA BOY TELL 'EM is also confusing with SOULJAH BOY. The addition of  
23 the phrase "TELL 'EM" to Defendants' word marks by Defendants' competitors would not  
24

1 preclude confusion, dilution and unfair competition if such competitors used Defendants'  
2 word marks in combination with the same (hereinafter the names "SOULJA BOY" and  
3 "SOULJA BOY TELL 'EM" and any variations thereof as used by the Defendants in  
4 commerce are sometimes collectively referred to as the "Infringing Marks").

5  
6 40. Based upon information and belief, when Defendant Way applied for the  
7 trademark SOULJA BOY on behalf of DeAndre Way, he knew Plaintiff Mr. Lyons and knew  
8 that Mr. Lyons performed under the name SOULJAH BOY.  
9

10 41. Based upon information and belief, Defendant Tracy Jenkins is DeAndre  
11 Way's manager, and participates in the management, creation, promotion and distribution of  
12 DeAndre Way's recordings and musical performances as SOULJA BOY.  
13

14 42. Defendant Tracy Jenkins profits from DeAndre Way's use of the name  
15 SOULJA BOY.

16 43. Based upon information and belief, Defendant DeAndre Way signed a  
17 recording contract with Interscope Records under the name SOULJA BOY.  
18

19 44. Defendant DeAndre Way is also signed to the record label of Defendant  
20 Collipark, which is a "sub-label" or subsidiary of Interscope Records.

21 45. Based upon information and belief, Interscope Records is a subsidiary of  
22 Universal Music Group.  
23

24 46. Defendants Collipark, Interscope, and Universal Music Group are involved in  
25 the production, manufacturing, distribution and marketing of Defendant DeAndre Way's  
26 music and performances under the name SOULJA BOY, and all Defendants profit financially  
27 from the use of the name SOULJA BOY by Defendant DeAndre Way.  
28



1           47. Defendants Collipark, Interscope, and Universal Music Group are involved in  
2 the production, manufacturing, distribution and marketing of Defendant DeAndre Way's  
3 music and performances under the Infringing Marks, and all Defendants profit financially  
4 from the use of the Infringing Marks.  
5

6           48. Based upon information and belief, Defendant Universal Music Group owned  
7 the record label to which Plaintiff Mr. Lyons was previously signed to, at which time he  
8 performed as SOULJAH BOY.  
9

10           49. Based upon information and belief, the Defendants distributed the music of  
11 DeAndre Way to retail stores and to the Apple iTunes online music store under the name  
12 SOULJA BOY.  
13

14           50. Based upon information and belief, the Defendants distributed the music of  
15 DeAndre Way to retail stores and to the Apple iTunes online music store under the name  
16 SOULJA BOY TELL 'EM.  
17

18           51. Based upon information and belief, Defendants have been using "SOULJA  
19 BOY" in advertisements for music and musical performances in Nevada and throughout the  
20 United States.  
21

22           52. Based upon information and belief, Defendants have been using the Infringing  
23 Marks in advertisements for music and musical performances in Nevada and throughout the  
24 United States.  
25

26           53. Based upon information and belief, the Defendants have frequently used the  
27 name SOULJA BOY without any other distinguishing words or logo.  
28

          54. Based upon information and belief, the Defendants have frequently used the

1 Infringing Marks without any other distinguishing words or logo.

2 55. Defendants operate a web site accessible throughout the United States and  
3 around the world at [www.souljaboytellem.com](http://www.souljaboytellem.com). A true and accurate copy of the home page  
4 of this web site is attached hereto as Exhibit 2, and incorporated by this reference.  
5

6 56. Based upon information and belief, Defendants have been advertising the  
7 name SOULJA BOY over radio broadcasts.  
8

9 57. Based upon information and belief, Defendants have been advertising the  
10 name SOULJA BOY and other Infringing Marks over television broadcasts.

11 58. Defendants market a line of clothing under the name SOULJA GIRL.

12 59. A significant number of Plaintiff's customers have been confused by the  
13 similarity – particularly the identical aural features -- between Defendant's Name and the  
14 SOULJAH BOY Mark.  
15

16 60. This confusion has resulted in multiple instances of customers having a  
17 mistaken belief in the affiliation between Plaintiff Mr. Lyons, p/k/a SOULJAH BOY, on one  
18 hand, and Defendants' SOULJA BOY on the other.  
19

20 61. The music and entertainment market in the United States is a very lucrative  
21 market for Plaintiff.

22 62. Defendant is participating in an identical field of goods and services to that of  
23 Plaintiff.  
24

25 63. Defendant performs the same genre of music as Plaintiff.

26 64. By using a Name similar to the SOULJAH BOY Mark for music and  
27 entertainment services in the United States, Defendants were and are attempting to trade on  
28

1 the goodwill of Plaintiff Mr. Lyons, and to obtain an unfair commercial advantage over  
2 Plaintiff.

3  
4 65. By using the SOULJA BOY name in the United States for entertainment  
5 services, Defendants were and are attempting to create an association between themselves  
6 and Plaintiff's SOULJA BOY trademarks. Case 2:07-cv-01635 Document 1 Filed 12/07/2007 Page 11 of 29

7  
8 66. On or around September 24, 2007, Plaintiff's counsel sent a cease and desist  
9 letter by facsimile and certified mail to Washington, DeAndre Way, Tracy Jenkins, Universal  
10 Music Group and Interscope. Plaintiff requested that each referenced Defendant respond  
11 within ten (10) business days.

12  
13 67. Defendant Interscope responded to Plaintiff's above referenced counsel on or  
14 about September 24, 2007 by stating that DeAndre Way is signed to Interscope under Soulja  
15 Boy Tell 'Em.

16  
17 68. In response to Interscope's correspondence dated October 5, 2007, Plaintiff's  
18 counsel sent a following up notice reiterating the need for Defendants to immediately cease  
19 and desist using identical marks and/or marks that are confusingly similar to Plaintiff's,  
20 including the use of SOULJA BOY and SOULJA BOY TELL 'EM. Additionally, Plaintiff's  
21 counsel sent cease and desist letters to Mr. Way's attorney, Philip Ransom, on or about  
22 October 19, 2007 and October 22, 2007.

23  
24 69. Prior to September 24, 2007, Defendant Interscope's website contained  
25 signage using the mark "SOULJA BOY" with no other distinguishing features. A true and  
26 accurate copy of Interscope's webpage demonstrating such use is attached hereto as Exhibit  
27 3.  
28

1           70. Many of the multiple specimens submitted to the United States Patent &  
2 Trademark Office by Defendant DeAndre Way and his counsel Washington apply to  
3 demonstrate use in commerce by DeAndre Way of the name "SOULJA BOY" with no other  
4 distinguishing features. A true and accurate copy of the specimens submitted with Defendant  
5 DeAndre Way's Federal Trademark Application for the name SOULJA BOY is attached  
6 hereto as Exhibit 4. Case 2:07-cv-01635 Document 1 Filed 12/07/2007 Page 12 of 29

7  
8           71. The specimens submitted by Washington to the United States Patent &  
9 Trademark Office in connection with DeAndre Way's application for the mark SOULJA  
10 BOY (the "Specimens") demonstrate Defendant DeAndre Way's use of the mark SOULJA  
11 BOY.  
12

13           72. The Specimens demonstrate Defendant DeAndre Way's confusing use of the  
14 mark SOULJA BOY.  
15

16           73. The Specimens were submitted by Washington on or around June 11, 2007.

17           74. None the Specimens submitted demonstrate Defendant's use of the name  
18 "SOULJA BOY TELL 'EM".  
19

20           75. Defendants did not use the name SOULJA BOY TELL 'EM as DeAndre  
21 Way's performing name prior to September 24, 2007.

22           76. Subsequent to receiving Plaintiff's counsel's above referenced cease and  
23 desist letters, Defendants have attempted to change the performing name of DeAndre Way  
24 from SOULJA BOY to SOULJA BOY TELL 'EM.  
25

26           77. Sometime after September 24, 2007, Defendant Interscope changed the  
27 signage on its official page from SOULJA BOY to SOULJA BOY TELL 'EM. A true and  
28

1 accurate copy of Interscope's webpage sometime subsequent to September 24, 2007  
2 demonstrating such change is attached hereto as Exhibit 5.

3  
4 78. The name SOULJA BOY is still being used by Defendants to identify  
5 Defendant DeAndre Way.

6 79. The name SOULJA BOY TELL 'EM is still being used by Defendants to  
7 identify Defendant DeAndre Way.

8  
9 80. Defendants' use of "SOULJA BOY" in its product promotion and advertising  
10 constitutes the use in commerce of a colorable imitation and copy of Plaintiff's SOULJAH  
11 BOY mark. Upon information and belief, the two marks share nearly identical characters,  
12 with identical sound and similarity in meaning.

13  
14 81. Defendants' use of "SOULJA BOY TELL 'EM" in its product promotion and  
15 advertising constitutes the use in commerce of a colorable imitation and copy of Plaintiff's  
16 SOULJAH BOY mark. Such use also dilutes and blurs Plaintiff's SOULJAH BOY mark.  
17 Upon information and belief, the two marks share nearly identical characters, with identical  
18 sound and similarity in meaning.

19  
20 82. Defendants' use of "SOULJA BOY" for entertainment services, music and  
21 musical performances is deceptively and confusingly similar to Plaintiff's long-standing mark  
22 for entertainment services, music and musical performances.

23  
24 83. Defendants' use of "SOULJA BOY TELL 'EM" in its product promotion and  
25 advertising constitutes the use in commerce of a colorable imitation and copy of Plaintiff's  
26 SOULJAH BOY mark. Such use also dilutes and blurs Plaintiff's SOULJAH BOY mark.  
27 Upon information and belief, the two marks share nearly identical characters, with identical  
28

1 sound and similarity in meaning.

2 84. Defendants' use of "SOULJA GIRL" for apparel is deceptively and  
3 confusingly similar to Plaintiff's long-standing mark for entertainment services, music and  
4 musical performances, which is used on Plaintiff's merchandise.  
5

6 85. On or around ~~October 27, 2007~~ Defendant VIACOM was sent a cease and  
7 desist letter in connection with infringing usage of the Plaintiff's SOULJAH BOY mark. Page 14 of 29  
8 Thereafter VIACOM's general counsel expressed they would contact Plaintiff's counsel.  
9  
10 VIACOM has not contacted Plaintiff's counsel to date.

11 86. Subsequent to receiving Plaintiff's counsel's cease and desist letter VIACOM  
12 has continued to air and broadcast programs and videos displaying the Infringing Marks.

13 87. Defendants' use of Plaintiff's mark has caused confusion, mistake or  
14 deception in the minds of the public.  
15

16 88. Defendants' use of Plaintiff's mark is likely to continue causing confusion,  
17 mistake or deception in the minds of the public.  
18

19 89. Given Defendants' knowledge of Plaintiff Mr. Lyons and Plaintiff's mark  
20 SOULJAH BOY, Defendants' infringement constitutes a willful and malicious violation of  
21 Plaintiff's trademark rights, which actions prevent Plaintiff from continuing to build a career  
22 around a mark that he has long possessed.  
23

24 **FIRST CAUSE OF ACTION**

25 *(Trademark Infringement under the Lanham Act, 15 U.S.C. § 1114)*

26 90. Plaintiff incorporates the allegations in the preceding paragraphs as if set forth  
27 herein.  
28

1 91. Defendants have used and/or are using in commerce Plaintiff's name and  
2 marks.

3  
4 92. Defendants' use in commerce of marks nearly identical and confusingly  
5 similar to Plaintiff's trademarks for Defendants' services, and in Defendants' Internet domain  
6 names and associated websites constitutes a reproduction, copying, counterfeiting, and  
7 colorable imitation of Plaintiff's trademarks in a manner that is likely to cause confusion or  
8 mistake or is likely to deceive consumers.

9  
10 93. By using marks identical and/or confusingly similar to Plaintiff's trademarks  
11 in Nevada, across the United States, and around the world, Defendants have intended to cause  
12 confusion, cause mistake, or deceive consumers.

13  
14 94. Defendants are using marks identical and/or confusingly similar to Plaintiff's  
15 trademarks in connection with the sale, offering for sale or advertising of services in a  
16 manner that is likely to cause confusion, or to cause mistake, or to deceive consumers as to  
17 affiliation, connection, or association with Plaintiff or as to the origin, sponsorship, or  
18 approval of Defendants' services or commercial activities by Plaintiff.

19  
20 95. Defendants' use of marks identical and/or confusingly similar to Plaintiff's  
21 trademark has created a likelihood of confusion among consumers who may falsely believe  
22 that Defendants' music, performances or web sites are associated with Plaintiff's services or  
23 that Plaintiff sponsors or approves of Defendants' services or commercial activities.

24  
25 96. As a direct and proximate result of Defendants' infringement, Plaintiff has  
26 suffered, and will continue to suffer, monetary loss and irreparable harm to its business,  
27 reputation and goodwill.





1 Internet domain names constitutes a false designation of origin and/or a false or misleading  
2 description or representation of fact, which is likely to cause confusion, cause mistake, or  
3 deceive as to affiliation, connection, or association with Plaintiff, or as to the origin,  
4 sponsorship, or approval of Defendants' services or commercial activities by Plaintiff.  
5

6 105. Defendants' use in commerce of marks identical and/or confusingly similar to  
7 Plaintiff's trademarks with the knowledge that Plaintiff owns and has used, and continues to  
8 use, the trademarks constitutes intentional conduct by Defendants to make false designations  
9 of origin and false descriptions about Defendants' services and commercial activities.  
10

11 106. As a direct and proximate result of Defendants' infringement, Plaintiff has  
12 suffered, and will continue to suffer, monetary loss and irreparable harm to his business,  
13 reputation and goodwill.  
14

15 107. Plaintiff is entitled to judgment against the Defendants for an amount to be  
16 proven at trial in a sum in excess of \$10,000.00 U.S. Dollars thereon, to compensate Plaintiff.  
17

#### 18 **FOURTH CAUSE OF ACTION**

19 *(Trademark Dilution under the Federal Anti-Dilution Act, 15 U.S.C. § 1125(c))*

20 108. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
21 forth herein.

22 109. Through their adoption and consistent and extensive use, Plaintiff's  
23 trademarks have acquired fame and distinction.  
24

25 110. Defendants' began using marks identical and/or confusingly similar to  
26 Plaintiff's trademarks in connection with Defendants' services, web sites, and Internet  
27 domain names after Plaintiff's trademarks became famous.  
28

1 111. Defendants' use of marks identical and/ or confusingly similar to Plaintiff's  
2 trademarks has and will cause dilution of the distinctive quality of Plaintiff's trademarks and  
3 will otherwise cause irreparable injury to Plaintiff's business, reputation, and goodwill.  
4

5 112. As a direct and proximate result of Defendants' infringement, Plaintiff has  
6 suffered, and will continue to suffer monetary loss and irreparable harm to his business,  
7 reputation and goodwill.  
8

9 113. Plaintiff is entitled to judgment against the Defendants for an amount to be  
10 proven at trial in a sum in excess of \$10,000.00 U.S. Dollars thereon, to compensate Plaintiff.  
11

12 **FIFTH CAUSE OF ACTION**

13 *(State Trademark Infringement under N.R.S. 600.420)*

14 114. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
15 forth herein.

16 115. Defendants have used and are using a mark, SOULJA BOY, which is  
17 confusingly similar and aurally equivalent to the SOULJAH BOY mark without consent of  
18 Plaintiff.  
19

20 116. Defendants' use in commerce of Plaintiff's marks and/or marks confusingly  
21 similar to the SOULJAH BOY mark for Defendants' services, and in Internet domain names,  
22 on the associated web site, and in meta tags, constitutes a reproduction, copying,  
23 counterfeiting, and colorable imitation of Plaintiff's trademarks in a manner that is likely to  
24 cause confusion or mistake or is likely to deceive consumers.  
25

26 117. By using Plaintiff's mark and/or marks confusingly similar to the SOULJAH  
27 BOY mark with the knowledge that Plaintiff owns and has used, and continues to use, his  
28

1 trademarks in connection with the entertainment industry throughout the United States and  
2 abroad, Defendants have intended to cause confusion, cause mistake, or deceive consumers.

3  
4 118. Defendants are using marks the same and/or confusingly similar to the  
5 SOULJAH BOY mark in connection with the sale, offering for sale, or advertising of services  
6 in a manner that is likely to cause confusion or mistake or to deceive consumers as to an  
7 affiliation, connection, or association with Plaintiff or as to the origin, sponsorship, or  
8 approval of Defendants' commercial activities by Plaintiff.  
9

10 119. Defendants are also using marks the same and/or confusingly similar to the  
11 SOULJAH BOY mark in domain names and meta tags to cause initial interest confusion and  
12 divert Internet users away from Plaintiff's web sites.

13 120. Defendants' use of Plaintiff's marks and/or marks confusingly similar to the  
14 SOULJAH BOY mark has created a likelihood of confusion among consumers who may  
15 falsely believe that Defendants' services or web sites are associated with Plaintiff's property  
16 or that Plaintiff sponsor or approve of Defendants' services or commercial activities.  
17

18 121. As a direct and proximate result of Defendants infringement, Plaintiff has  
19 suffered, and will continue to suffer, monetary loss and irreparable harm to his business,  
20 reputation and goodwill.  
21

22 122. Plaintiff is entitled to judgment against the Defendants for an amount to be  
23 proven at trial in a sum in excess of \$10,000.00 U.S. Dollars thereon, to compensate Plaintiff.  
24

25 ///

26 ///

27 ///

1 **SIXTH CAUSE OF ACTION**

2 *(State Trademark Dilution under N.R.S. 600.435)*

3  
4 123. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
5 forth herein.

6 124. Plaintiff's trademarks are distinctive. Through their adoption and consistent  
7 and extensive use, Plaintiff's trademarks have acquired fame in the State of Nevada.  
8

9 125. Defendants began using marks that are the same and/or nearly identical to the  
10 SOULJAH BOY mark in connection with Defendants' services after the SOULJAH BOY  
11 mark became famous in the State of Nevada.

12 126. Defendants' use of marks nearly identical to the SOULJAH BOY marks have  
13 and will cause dilution of the distinctive quality of Plaintiff's trademarks and will otherwise  
14 cause irreparable injury to Plaintiff's business, reputation, and goodwill.

15 127. Upon information and belief, Defendants' use of marks confusingly similar to  
16 the SOULJAH BOY marks was willful in nature, in that Defendants intended to cause  
17 dilution of Plaintiff's marks or willfully intended to trade on the reputation of Plaintiff.

18 128. As a direct and proximate result of Defendants' infringement, Plaintiff has  
19 suffered, and will continue to suffer, monetary loss and irreparable harm to his business,  
20 reputation and goodwill.

21 129. Plaintiff is entitled to judgment against the Defendants for an amount to be  
22 proven at trial in a sum in excess of \$10,000.00 U.S. Dollars thereon, to compensate Plaintiff.

23 **SEVENTH CAUSE OF ACTION**

24 *(Common Law Trademark Infringement)*

25 130. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
26 forth herein.

27 131. By virtue of having used and continuing to use the SOULJAH BOY mark,  
28

1 Plaintiff has acquired common law rights in the SOULJAH BOY trademarks in connection  
2 with the entertainment industry.

3 132. Defendants' use of marks confusingly similar to Plaintiff's trademarks  
4 infringes Plaintiff's common law rights in the SOULJAH BOY mark and is likely to cause  
5 confusion, mistake, or deception among consumers, who will believe that Defendants'  
6 services, web sites, and/or Internet domain names originate from, or are affiliated with, or  
7 endorsed by, Plaintiff, when in fact, they are not.

8 133. As the direct and proximate result of Defendants' infringement of Plaintiff's  
9 common law trademark rights under Nevada and other common law, Plaintiff has suffered,  
10 and will continue to suffer, monetary damages and irreparable injury to his business,  
11 reputation, and goodwill.

12 134. Plaintiff is entitled to judgment against the Defendants for an amount to be  
13 proven at trial in a sum in excess of \$10,000.00 U.S. Dollars thereon, to compensate Plaintiff.

14 **EIGHTH CAUSE OF ACTION**

15 ***(Deceptive Trade Practices under N.R.S. § 598.0915)***

16 135. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
17 forth herein.

18 136. Upon information and belief, in the course of conducting their business,  
19 Defendants knowingly made false representations as to affiliation, connection, and/or  
20 association with Plaintiff by using marks identical and/or confusingly similar to Plaintiff's  
21 trademarks and otherwise engaged in deceptive practices.





1 **ELEVENTH CAUSE OF ACTION**

2 ***(Declaratory Relief)***

3  
4 156. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
5 forth herein.

6 157. Plaintiff owns the rights to the SOULJAH BOY mark in advertising and  
7 marketing. Case 2:07-cv-01635 Document 1 Filed 12/07/2007 Page 24 of 29

8  
9 158. Defendants infringed Plaintiffs' proprietary trademark rights by promoting the  
10 Defendants' business using the Infringing Marks without Plaintiff's consent.

11 159. Under NRS 30.010 through 30.160, this Court has the jurisdiction and the  
12 power to adjudicate the rights, status, and other legal relations of the Parties.

13  
14 160. A justifiable controversy exists between the Plaintiff and Defendants as to  
15 right to use the disputed mark in connection with advertising and promoting in Nevada.

16 161. The Plaintiff's and Defendants' interests are adverse regarding this justifiable  
17 controversy.

18  
19 162. Plaintiff's putative interest in the proprietary intellectual property, name,  
20 likeness, image and trademarks constitutes a legally protectable right.

21 163. This issue is ripe for judicial determination because, *inter alia*, it presents an  
22 existing controversy as to the Parties' rights and obligations vis-à-vis the proprietary  
23 trademarks and the rights of the Defendants to utilize the Infringing Marks that are identical  
24 and/or similar to the SOULJAH BOY mark and, further, harm is likely to occur in the future  
25 via the unauthorized use of the Plaintiff's proprietary intellectual property absent this Court's  
26 adjudication of the Parties' respective rights and duties.  
27  
28



1           164. Accordingly, Plaintiff is entitled to a declaratory judgment under the Uniform  
2 Declaratory Judgment Acts, NRS 30.010 et seq., finding; (1) the Defendants cannot use the  
3 Plaintiff's SOULJAH BOY marks; and (2) advertise in connection with the Infringing Marks.  
4

5           165. Defendants' continued actions were and are conducted in bad faith and  
6 otherwise actionable under Nevada Law. Case 2:07-cv-01635 Document 1 Filed 12/07/2007 Page 25 of 29

7           166. Plaintiff lacks adequate legal remedy, as the property is unique.

8           167. Plaintiff requires an immediate declaration from this Court that Defendants'  
9 continued actions are contrary to Nevada Law.  
10

11           168. Plaintiff requires temporary and permanent injunctive relief from the Court  
12 enjoining Defendants from using marks that are similar or identical to Plaintiff's SOULJAH  
13 BOY mark.  
14

15           169. Defendants have no legal right, privilege, or justification for their conduct.

16           170. As a direct and proximate result of Defendants' violations of Plaintiff's  
17 proprietary trademark rights, Plaintiff has suffered, and will continue to suffer, monetary  
18 damages and irreparable injury to his business, reputation and goodwill.  
19

20           171. Plaintiff is entitled to judgment against the Defendants for an amount to be  
21 proven at trial in a sum in excess of \$10,000.00 U.S. Dollars thereon, to compensate Plaintiff.  
22

23           172. Based on the intentional, willful, and malicious nature of Defendants' actions,  
24 Plaintiff is entitled to recover exemplary damages and reasonable attorneys' fees and costs  
25 incurred in connection with this action.  
26

27           ///

28           ///

1 TWELTH CAUSE OF ACTION

2 *(Tortious Interference with Prospective Economic Advantage)*

3 173. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
4 forth herein.

5 174. Upon information and belief, Defendants adopted and began using marks  
6 identical and/or confusingly similar to Plaintiff's SOULJAH BOY mark knowing that  
7 Plaintiff owned the SOULJAH BOY mark and was in the business of providing  
8 entertainment and music services under said marks.  
9

10 175. Upon information and belief, Defendants committed acts intended or designed  
11 to disrupt Plaintiff's prospective economic advantage arising from advertising and/or  
12 providing Defendants' services using marks confusingly similar to Plaintiff's SOULJAH  
13 BOY mark.  
14

15 176. Defendants' actions have disrupted or are intended to disrupt Plaintiff's  
16 business by, among other things, diverting web users way from Plaintiff's business and to  
17 Defendants' websites and/or businesses.  
18

19 177. Defendants' actions have disrupted or are intended to disrupt Plaintiff's  
20 business by, among other things, preventing Plaintiff from being able to provide music and  
21 entertainment services using the SOULJAH BOY mark in the Las Vegas, Nevada area, as  
22 planned.  
23

24 178. Defendants have no legal right, privilege, or justification for their conduct.  
25  
26  
27  
28

1 179. As a direct and proximate result of Defendants' violations of Plaintiff's  
2 proprietary trademark rights, Plaintiff has suffered, and will continue to suffer, monetary  
3 damages and irreparable injury to his business, reputation and goodwill.  
4

5 180. Plaintiff is entitled to judgment against the Defendants for an amount to be  
6 proven at trial in a sum in excess of \$10,000.00 U.S. Dollars thereon, to compensate Plaintiff.  
7

8 181. Based on the intentional, willful, and malicious nature of Defendants' actions,  
9 Plaintiff is entitled to recover exemplary damages and reasonable attorneys' fees and costs  
10 incurred in connection with this action.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff respectfully prays that the Court grant the following relief:

13 A. Pursuant to 17 U.S.C. § 502, a preliminary and permanent injunction  
14 prohibiting Defendants, their respective officers, agents, servants, employees and/or all  
15 persons acting in concert or participation with them or any of them, from (1) using Plaintiffs'  
16 SOULJAH BOY trademark or confusingly similar variations thereof, alone or in combination  
17 with any other letters, words, letter strings, phrases or designs, in commerce or in  
18 combination with any business or for any other purpose (including, but not limited to, web  
19 sites and domain names) in connection with the entertainment industry; and (2) registering or  
20 trafficking in any domain names containing Plaintiff's SOULJAH BOY trademark or  
21 confusingly similar variations thereof, alone or in combination with any other letters, words  
22 phrases or designs;  
23  
24  
25

26 B. That the Defendants be ordered pursuant to 15 U.S.C. § 1118 to deliver up for  
27 destruction all containers, labels, signs, prints, packages, wrappers, receptacles, advertising,  
28

1 promotional material or the like in possession, custody or under control of Defendants  
2 bearing a trademark found to infringe Plaintiff Mr.Lyon's SOULJAH BOY trademark rights,  
3 as well as all plates, matrices, and other means of making the same;  
4

5 C. An award of compensatory, consequential, statutory and punitive damages to  
6 Plaintiff in an amount to be determined at trial;

7 D. An award of interest, costs, and attorneys' fees incurred by Plaintiff in  
8 prosecuting this action; and  
9

10 E. All other relief to which Plaintiff is entitled.


11 **JURY DEMAND**

12 Plaintiff demands that all issues in this case be tried by a jury in accordance  
13 with the Seventh Amendment of the U.S. Constitution and Rule 38(b) of the Federal Rules of  
14 Civil Procedure.  
15

16 DATED this 7<sup>th</sup> day of December, 2007.

17 Respectfully submitted,

18 **ALEXANDER, ODUNZE & KANG LLP**

19  
20 By:   
21 **IKENNA K. ODUNZE, ESQ.**  
22 Nevada Bar No. 9885  
23 PATRICK W. KANG, ESQ.  
24 Nevada Bar. No. 10381  
25 5516 S. Ft. Apache Rd., Ste 120  
26 Las Vegas, Nevada 89148  
27  
28

**VERIFICATION**

STATE OF NEVADA        )  
  ) ss  
COUNTY OF CLARK        )

**WILLIE LYONS**, under penalties of perjury, being first duly sworn deposes and says:

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That Affiant is the Plaintiff in the above-entitled action; that he has read the foregoing

Complaint and knows the contents thereof, except for those matters stated upon information

and belief, and as to those matters, he believes it to be true.

*Willie L. Lyons*  
Willie L. Lyons  
WILLIE LYONS

SUBSCRIBED and SWORN to before  
me this 27 day of November, 2007.

*Howard*  
~~NOTARY PUBLIC~~  
NOTARY PUBLIC in and for said  
County and State.  
Dec. 17, 2011