

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

NOBODY MEDIA, LLC,

Plaintiff,

v.

NOBODY WORKS, LLC and MOTTY  
LANDAU d/b/a NOBODY WORKS and  
NOBODY.WORKS,

Defendants.

Case No. 19-cv-2989

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff Nobody Media, LLC (“Nobody Media”), by their undersigned attorneys, bring this action against Nobody Works, LLC and Motty Landau d/b/a Nobody Works and Nobody.Works (collectively, “Defendants”) and allege as follows, upon actual knowledge with respect to themselves and their own acts, and upon information and belief as to all other matters:

**NATURE OF THE ACTION**

1. This is a civil action for trademark infringement under 15 U.S.C. § 1114(1), trademark infringement and false designation of origin under 15 U.S.C. § 1125(a), cybersquatting under 15 U.S.C. § 1125(d), trademark infringement under New York Statutes NY Gen. Bus Law § 360-k, and common law trademark infringement and unfair competition.

2. Nobody Media seeks equitable and monetary relief for Defendants’ actions that constitute willful violations of Nobody Media’s trademark rights in its federally registered trademark and trade name NOBODY (the “NOBODY Mark”).

3. Defendants’ unlawful activities described below—including their unauthorized use of the NOBODY Mark and NOBODY.WORKS domain name for the exact same services as

Nobody Media's—constitute willful trademark infringement and cybersquatting, and have caused and will continue to cause, unless enjoined, irreparable harm to Nobody Media and the consuming public.

### **THE PARTIES**

4. Plaintiff Nobody Media, LLC is a Delaware LLC with its principal place of business at 1616 H Street, NW, Suite 200, Washington, D.C. 20006, and is the owner of the trademarks asserted in this action.

5. Defendant Nobody Works, LLC is a company with its principal place of business at 5304 13th Avenue, Brooklyn, New York 11219.

6. Motty Landau is the founder of Nobody Works, LLC. Upon information and belief, he resides in Brooklyn, New York and does business as Nobody Works and Nobody.Works.

### **JURISDICTION AND VENUE**

7. This action arises under the federal Trademark Act, 15 U.S.C. §§ 1114(1) and 1125(a), New York state law, and common law.

8. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a). This Court has supplemental jurisdiction over Nobody Media's state law claim pursuant to 28 U.S.C. § 1367 because that claim is so related to its federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

9. This Court has personal jurisdiction over Defendants, and venue is proper in the Eastern District of New York pursuant to 28 U.S.C. § 1391(b).

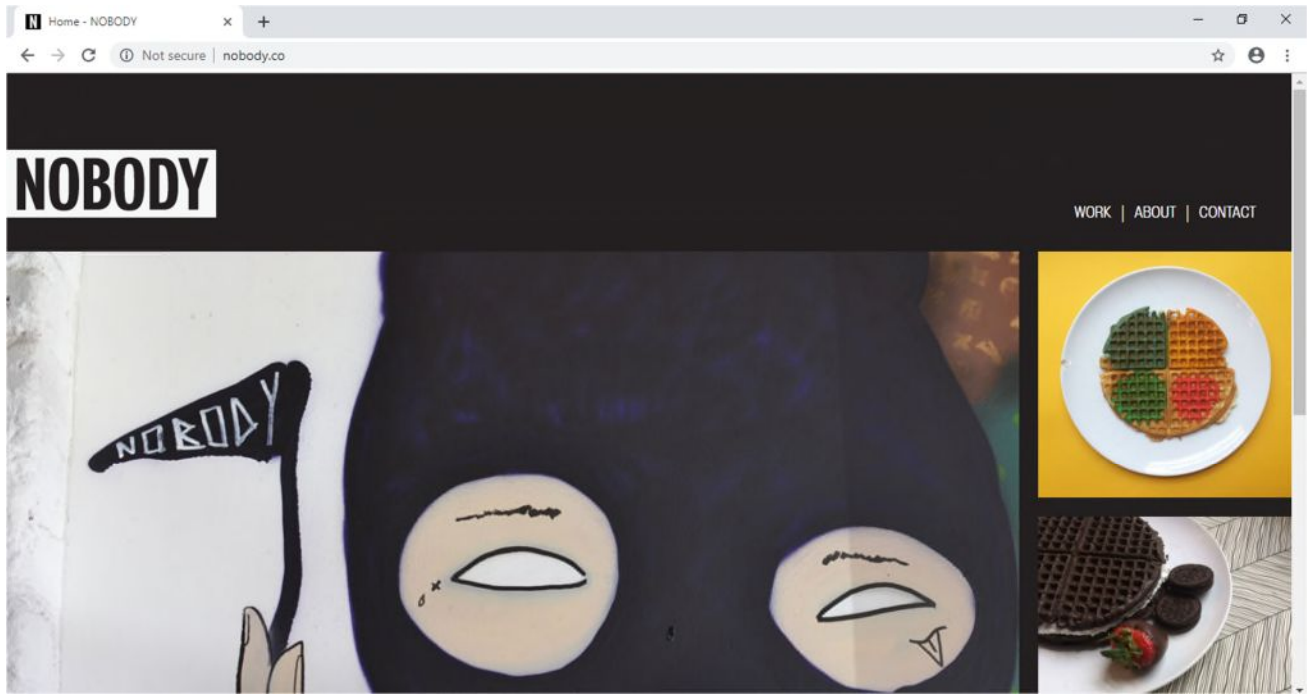
**NOBODY MEDIA AND ITS SERVICES AND TRADEMARK**

10. Nobody Media is an advertising and marketing agency specializing in social media content and consulting.

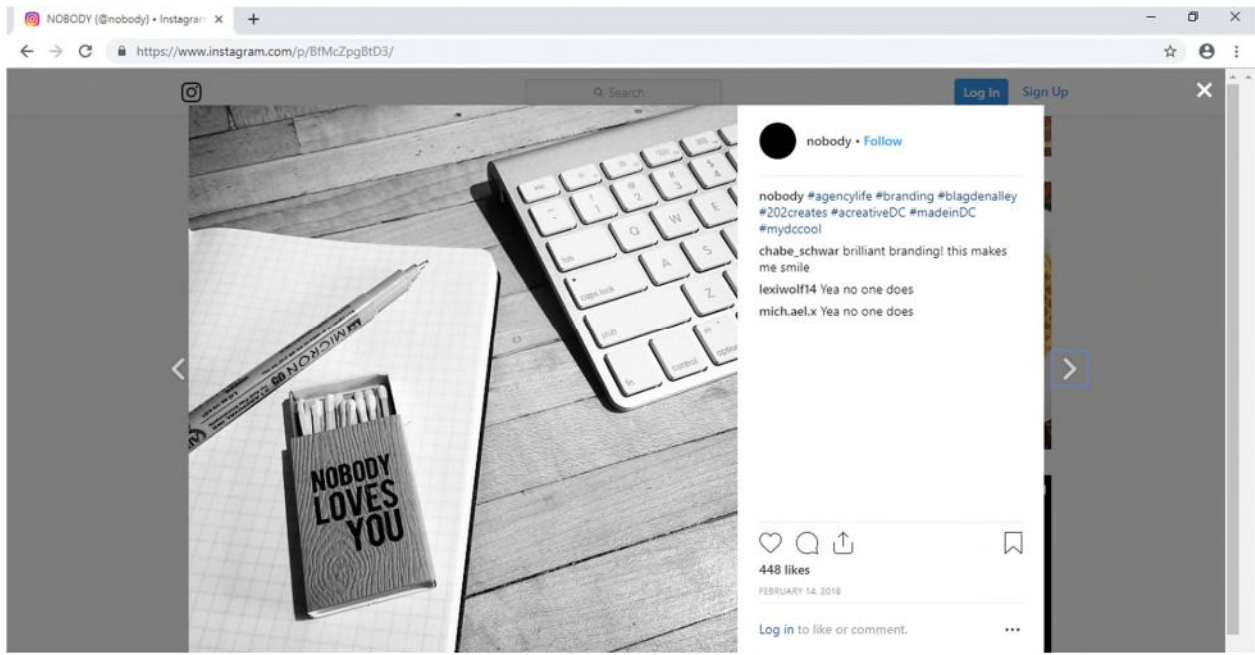
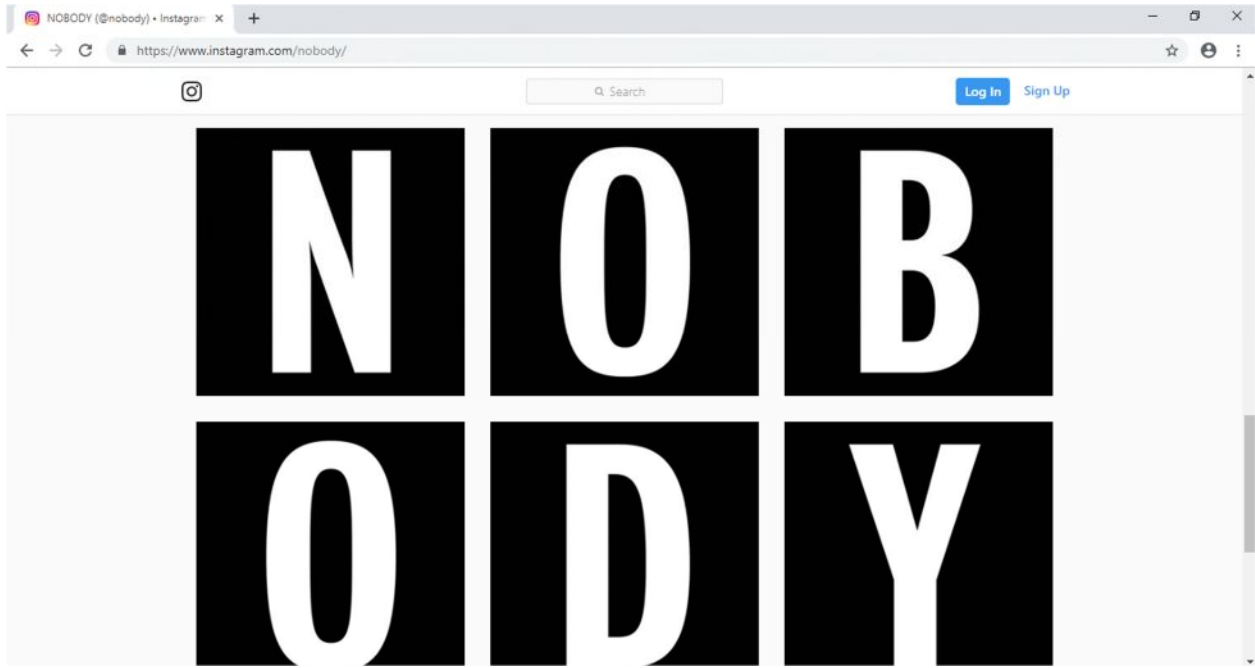
11. Nobody Media provides services nationwide, including to clients that operate in New York, such as World Wrestling Entertainment, Inc., Verizon, and AARP.

12. Nobody Media has used the NOBODY Mark in connection with its advertising and marketing services continuously since May 1, 2013.

13. Nobody Media promotes its services nationwide through its interactive website, [www.nobody.co](http://www.nobody.co), where the NOBODY Mark is, inter alia, displayed prominently in block letters in the top left corner of the home page, as shown in the screenshot below:



14. Nobody Media also promotes its services through social media, including on Instagram. As shown in the screenshots below, Nobody Media uses the NOBODY Mark both alone and in other forms on its Instagram page, including as the taglines “Nobody loves you” and “Nobody works here”:





15. Nobody Media’s NOBODY Mark has no meaning in relation to its services and thus constitutes an arbitrary, inherently distinctive, strong trademark that was immediately protectable upon Nobody Media’s first use of that mark in commerce in 2013.

16. Through its many years of use of the NOBODY Mark in connection with its services, its promotion of the NOBODY Mark, and the commercial success of Nobody Media’s business and advertising and marketing services under the NOBODY Mark, the NOBODY Mark has developed substantial goodwill.

17. In addition to its common-law rights in the NOBODY Mark, Nobody Media owns the following federal registration for NOBODY on the Principal Register:

Mark	Reg. No./Reg. date/Date of first use	Goods/services
NOBODY	<p><b>Reg. No.:</b> 4944331</p> <p><b>Reg. date:</b> 4-26-2016</p> <p><b>Date of first use:</b> 5-1-2013</p>	<p><b>Cl. 35:</b> Advertising agency services; digital and interactive advertising and marketing services; public relations services; direct marketing advertising services for others; marketing consulting; market research, surveys and analysis; media planning and buying services, namely, consulting and advising on the appropriate media to advertise in, and</p>

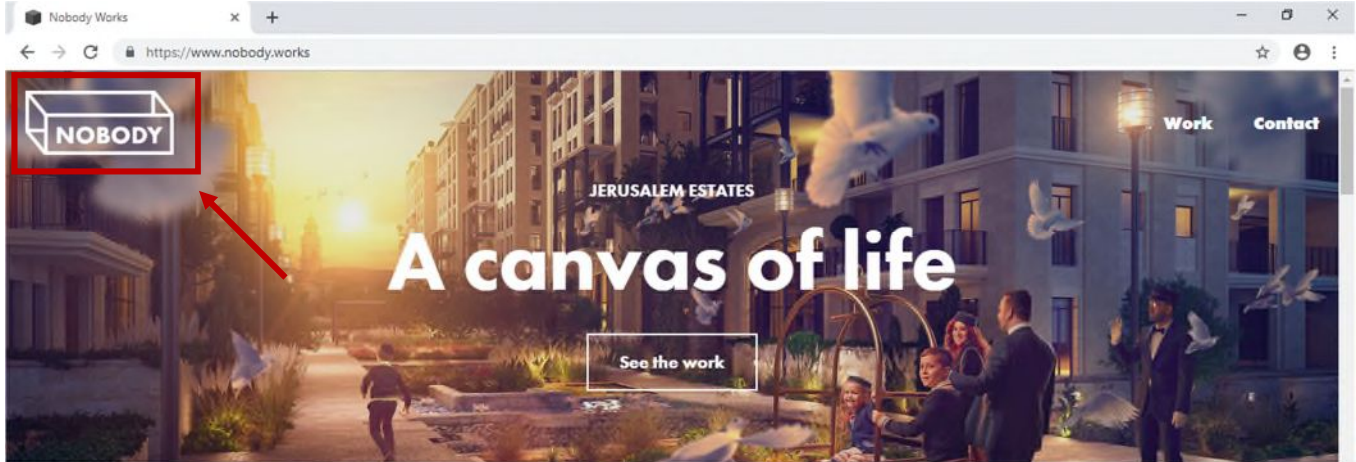
		<p>purchasing media time and space; placing advertisements for others; sales promotion services, namely, promoting the goods and services of various industries through the distribution of promotional materials and by rendering sales promotion advice; customer relationship management services; business and marketing consulting services related to advertising, marketing and brand development; event marketing, namely, arranging and conducting marketing promotional events for others; business marketing consulting services relating to brands and brand development, assessment, analysis, exploitation and promotion; brand creation services, namely, brand concept and brand development services for others; economic forecasting; organizing business exhibitions; collection and compilation of business marketing information into computer databases; production of product and company advertising material for others; post-production editing services for video and audio commercials; advisory and consultancy services relating to advertising, marketing, public relations and brand development; business media advice for business in the field of design, development, project management, research, and marketing</p> <p><b>Cl. 41:</b> Educational services, namely, organizing and conducting courses, exhibitions, conferences, workshops, symposiums, and training in the field of advertising and marketing; development and production of educational materials and coursework; event planning services for entertainment and educational events; editing services, namely, copy editing, film editing, video editing, written text editing; educational services, namely, training and teaching relating to the utilization of media for information and entertainment; multimedia, television and radio program production; interactive and digital media production for internet and websites; photographic services, namely, photographic composition for others, and photographic computer imaging; art studio services, namely, art exhibitions; editorial consultation with respect to audio, audiovisual and digital media, programs and other material; digital video, audio, and multimedia publishing services</p> <p><b>Cl. 42:</b> Design services namely, graphic design and web site design; web site hosting services; computer services, namely, design and development of computer software and mobile applications; product design and development; photographic services, namely, electronic scanning of photographic</p>
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		images; industrial design services; design of packaging; retrieving business marketing information available on computer networks for others; conversion of business marketing information from physical to electronic media; information, research and consultancy services relating to design and development of software, and graphic design; Computer services, namely, digital formatting and compression of music and images, namely, processing of digital music and video images into downloadable products; Providing computer programming services to customers that enables them to provide video content on their web sites; computer consultation services in the field of search engine optimization; Design, development and consulting services in the field of software for content management; design, development and consulting services in the field of online video streaming software
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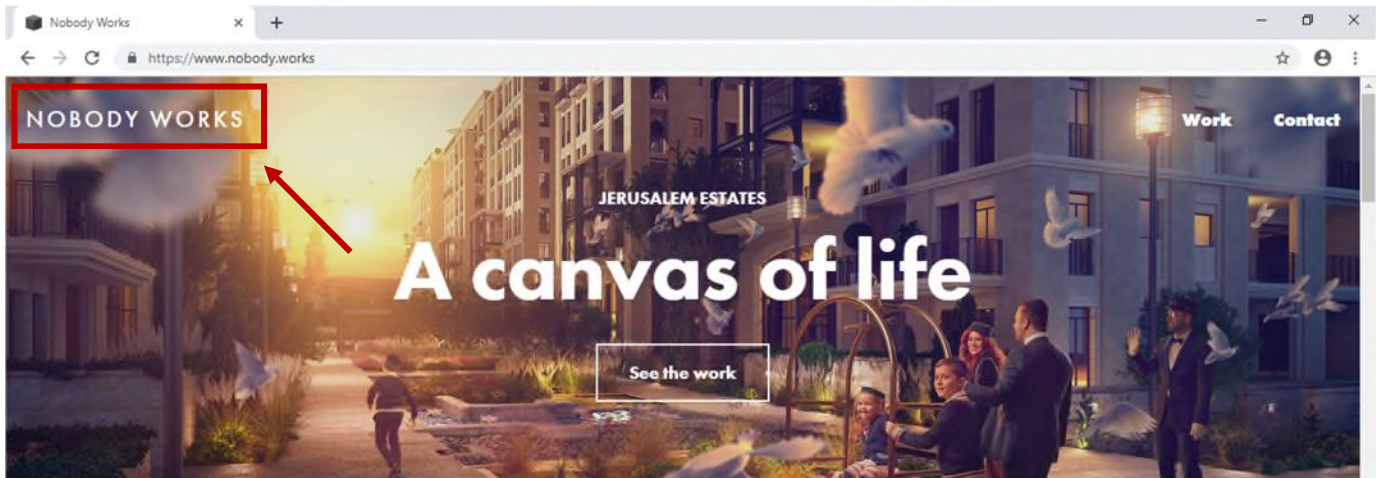
**DEFENDANTS AND THEIR INFRINGING ACTIVITIES**

18. Defendants began operating an advertising and marketing company called Nobody Works in January 2017. Since then, Defendants, via their domain name NOBODY.WORKS and corresponding website, have promoted and used Nobody Media’s exact mark NOBODY in connection with the same services as Nobody Media’s, in ways that copy or mimic the ways in which Nobody Media displays the NOBODY Mark.

19. Like Nobody Media’s website, Defendants’ website displayed the NOBODY Mark alone in block letters in the top left, as shown in the screenshot below:

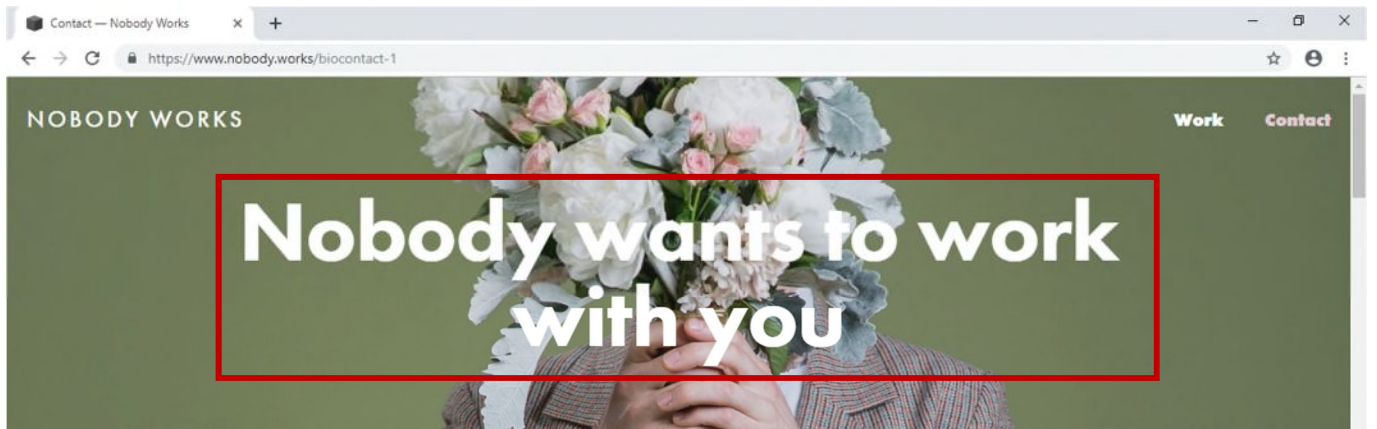
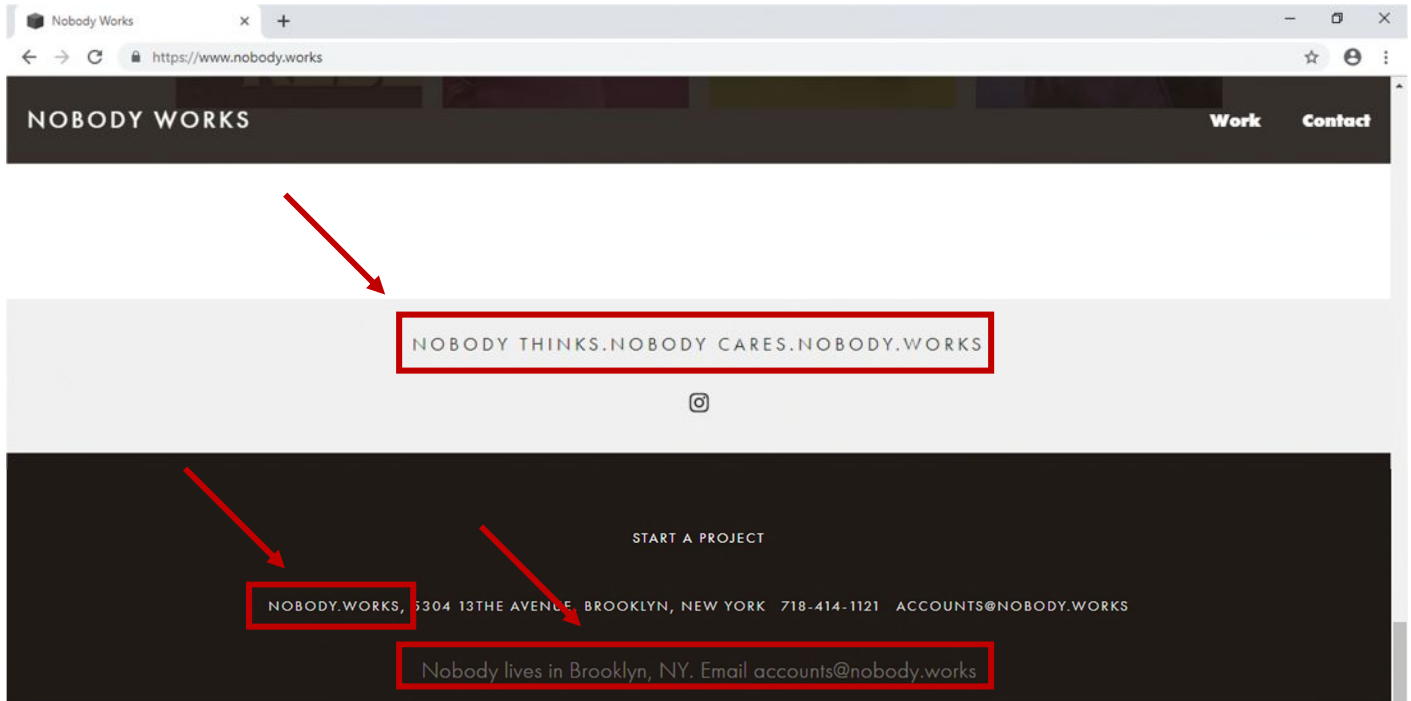


20. After Nobody Media’s repeated objections, Defendants altered their website to contain the phrase NOBODY WORKS—still containing the NOBODY Mark in full—on its website, as shown in the screenshot below.



21. Defendants’ website still uses the NOBODY Mark in taglines, its business name Nobody.Works, and its email addresses, as seen in the screenshots below:

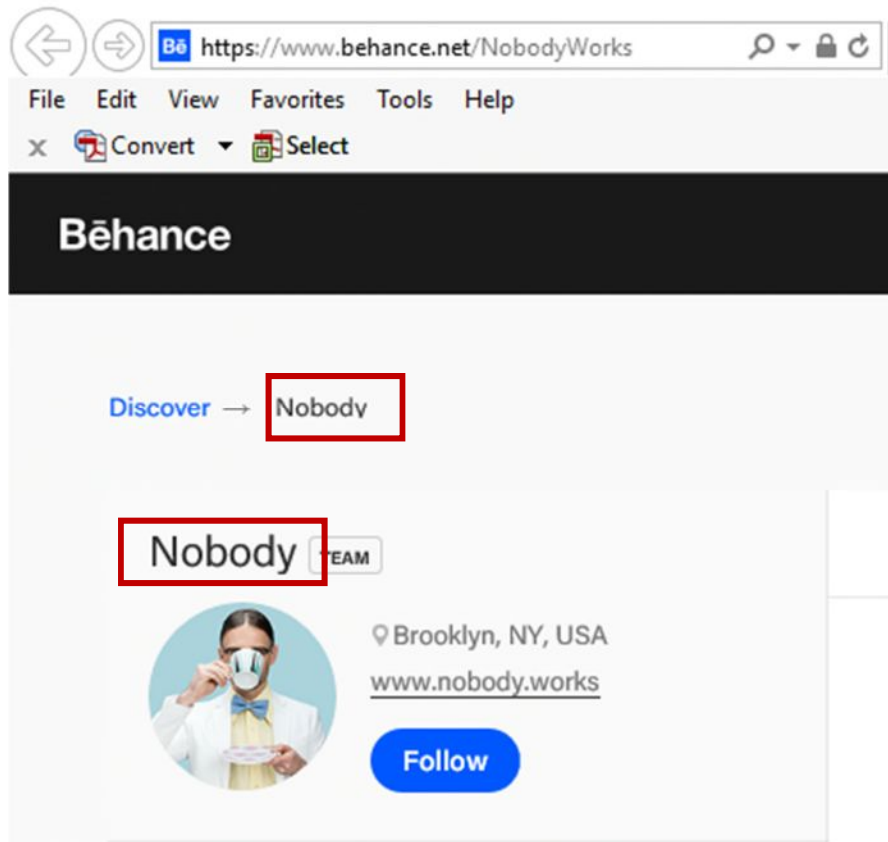
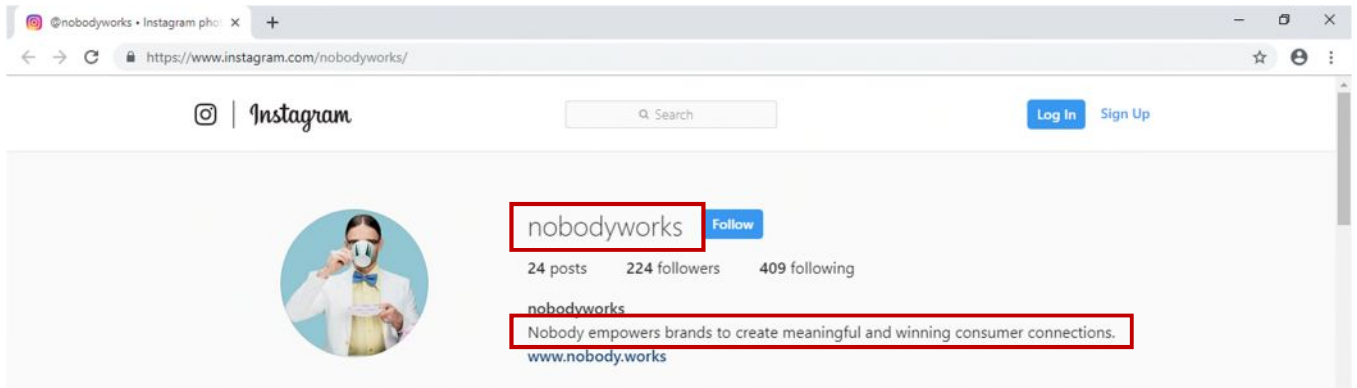




Nobody, is the Brand Manager's Secret Weapon



22. Defendants also use the NOBODY Mark to promote their services through Instagram at [www.instagram.com/nobodyworks](https://www.instagram.com/nobodyworks) and through other third-party sites such as Behance at [www.behance.net/NobodyWorks](https://www.behance.net/NobodyWorks), as shown in the screenshots below:



23. Defendants offer services under the name NOBODY that are identical to the services offered by Nobody Media under its prior NOBODY Mark.

24. Defendants' use of the NOBODY Mark for advertising and marketing services is likely to cause confusion, to cause mistake, or to deceive, and unless enjoined, will irreparably harm Nobody Media as well as the general public, which has an interest in being free from confusion, mistake, and deception.

25. Nobody Media repeatedly notified Defendants that their activities described above violated Nobody Media's rights in its NOBODY Mark, but Defendants have persisted in using the NOBODY Mark and NOBODY.WORKS domain name and thus have acted knowingly, willfully, in reckless disregard of Nobody Media's rights, and in bad faith.

**FIRST CLAIM FOR RELIEF**  
**Trademark Infringement Under**  
**Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1)**

26. Nobody Media repeats and realleges each and every allegation contained above, with the same force and effect as if set forth fully herein.

27. Without Nobody Media's consent, Defendants used and continue to use in commerce the NOBODY Mark and confusingly similar variations thereof in connection with advertising and marketing services.

28. Defendants' actions described above are likely to cause confusion, or to cause mistake, or to deceive, and thus constitute infringement of Nobody Media's federally registered NOBODY Mark in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

29. Defendants' activities described above have at all times been willful and/or knowing.

30. As a direct and proximate result of Defendants' actions described above, Nobody Media has been damaged and will continue to be damaged.

**SECOND CLAIM FOR RELIEF**  
**Trademark Infringement, False Designation**  
**of Origin, Passing Off, and Unfair Competition**  
**Under Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A)**

31. Nobody Media repeats and realleges each and every allegation contained above with the same force and effect as if set forth fully herein.

32. Defendants' actions described above in using the NOBODY Mark are likely to cause confusion, or to cause mistake, or to deceive as to the origin, sponsorship, or approval of Defendants' services, and/or its commercial activities by or with Nobody Media, and thus violate Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

33. Defendants' activities described above have at all times been willful and/or knowing.

34. As a direct and proximate result of Defendants' actions described above, Nobody Media has been damaged and will continue to be damaged.

**THIRD CLAIM FOR RELIEF**  
**Cybersquatting Under Section**  
**43(d) of the Lanham Act, 15 U.S.C. § 1125(d)**

35. Nobody Media repeats and realleges each and every allegation set forth above.

36. Defendants and/or others acting on Defendants' behalf are or were the registrants or the registrants' authorized licensee or user of the domain name NOBODY.WORKS.

37. Defendants registered and used the domain name NOBODY.WORKS with the bad-faith intent to profit from the NOBODY Mark, including by continuing to use the NOBODY.WORKS domain name after being placed on constructive and actual notice of Nobody Media's trademark rights in the NOBODY Mark.

38. The domain name NOBODY.WORKS consists of the NOBODY Mark plus the top-level domain WORKS.

39. The domain name NOBODY.WORKS is identical or confusingly similar to Nobody Media's NOBODY Mark.

40. The NOBODY Mark was distinctive and federally registered at the time Defendants registered and used the domain name NOBODY.WORKS.

41. The domain name NOBODY.WORKS does not consist of a prior non-infringing legal name of Defendants or a prior non-infringing name that is otherwise commonly used to identify Defendants.

42. Defendants' registration and use of NOBODY.WORKS constitutes cybersquatting in violation of 15 U.S.C. § 1125(d).

43. Defendants have unfairly profited from the actions alleged above, and their actions at all times have been willful and deliberate in disregard of Nobody Media's trademark rights.

44. As a direct and proximate result of Defendants' actions as alleged above, Nobody Media has been and will continue to be damaged and irreparably harmed.

45. Nobody Media has no adequate remedy at law.

**FOURTH CLAIM FOR RELIEF**  
**Trademark Infringement**  
**Under NY Gen. Bus. Law § 360-k**

46. Nobody Media repeats and realleges each and every allegation contained above with the same force and effect as if set forth fully herein.

47. Defendants' activities described above constitute a violation of New York state law, as Defendants have used and continue to use the NOBODY Mark in a manner that is likely to cause confusion or mistake or to deceive as to the source of origin of Defendants' services.

48. Defendants' actions described above have at all times relevant to this action been willful and/or knowing.

49. As a direct and proximate result of Defendants' actions described above, Nobody Media has been damaged and will continue to be damaged.

**FIFTH CLAIM FOR RELIEF**  
**Common Law Trademark Infringement, Unfair Competition, and Misappropriation**

50. Nobody Media repeats and realleges each and every allegation contained above with the same force and effect as if set forth fully herein.

51. Defendants' actions described above constitute common law trademark infringement, unfair competition, and misappropriation of Nobody Media's goodwill under the common law of New York and other states.

52. Defendants' actions described above have at all times relevant to this action been willful and/or knowing.

53. As a direct and proximate result of Defendants' actions described above, Nobody Media has been damaged and will continue to be damaged and irreparably harmed.

**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38, Nobody Media respectfully demands a trial by jury on all issues properly triable by a jury in this action.

**PRAYER FOR RELIEF**

WHEREFORE, Nobody Media prays that this Court enter judgment in its favor on each and every claim for relief set forth above and award it relief including, but not limited to, the following:

A. An injunction preliminarily and permanently enjoining Defendants and their employees, agents, partners, officers, directors, owners, shareholders, principals, parents, subsidiaries, related companies, affiliates, licensees, successors, and assigns, and all persons in active concert or participation with any of them:

1. From using the NOBODY Mark in any manner, any other marks and names containing NOBODY, and any other marks and names that are confusingly similar to the NOBODY Mark (collectively, the “Infringing Marks”) for advertising, marketing, and related services, including, but not limited to, promotion and sale on any websites of any services using the Infringing Marks, and all distribution, display, and printing of promotional materials bearing the Infringing Marks;

2. From using or registering the Infringing Marks as or as part of any domain names, URLs, social media account or page names, email addresses, screen names, trademarks, business names, hashtags, or any other names or identifiers;

B. An Order directing any website hosting providers and Internet service providers (“ISPs”) to terminate all of the ISP and hosting services for NOBODY.WORKS and to take down and shut down the corresponding website;

C. An Order requiring Defendants to transfer to Nobody Media or its designees all domain names it owns or controls, directly or indirectly, or that were registered or acquired at their direction, request, or instruction, that contain, are comprised of, or otherwise are

confusingly similar to the NOBODY Mark, including but not limited to the NOBODY.WORKS domain name.

D. An Order directing Defendants to remove the Infringing Marks from all promotional materials, websites, and social media sites owned, operated, or controlled by Defendants;

E. An Order directing Defendants to destroy all products and items in their possession or under their control that bear the NOBODY Mark, and to confirm such destruction in writing to Nobody Media;

F. An Order directing Defendants to withdraw and retract from the marketplace in the United States all materials that bear or display the Infringing Marks, including promotional materials and advertisements;

G. An Order directing Defendants to cease and remove all uses of any of the Infringing Marks from any business names, corporate names, trade names, and the like, including without limitation Nobody Works, Inc., and file the appropriate amendment documents with the local or state authorities;

H. An Order requiring Defendants to pay Nobody Media the cost for corrective advertising and/or engage in corrective advertising in a manner directed by the Court.

I. An Order directing Defendants to file with this Court and serve on Nobody Media's attorneys, thirty (30) days after the date of entry of any injunction, a report in writing and under oath setting forth in detail the manner and form in which they have complied with the injunction;



J. An Order requiring Defendants to account for and to pay any and all profits arising from the foregoing acts of infringement, false designation of origin, unfair competition, and an increasing of such profits for payment to Nobody Media in accordance with 15 U.S.C. § 1117 and other applicable statutes and laws;

K. An Order requiring Defendants to pay compensatory damages in an amount as yet undetermined caused by the foregoing acts of infringement, false designation of origin, and unfair competition, and trebling such compensatory damages for payment to Nobody Media in accordance with 15 U.S.C. § 1117 and other applicable statutes and laws;

L. An Order requiring Defendants to pay Nobody Media statutory damages under 15 U.S.C. § 1117(d) in an amount of \$100,000 for cybersquatting;

M. An Order requiring Defendants to pay Nobody Media's costs and attorney's fees in this action pursuant to 15 U.S.C. § 1117 and other applicable statutes and laws;

N. An Order requiring Defendants to pay punitive damages in an amount as yet undetermined caused by Defendants' foregoing acts.

O. Restitutionary relief against Defendants and in favor of Nobody Media, including disgorgement of wrongfully obtained profits and any other appropriate relief;

P. Other relief as the Court may deem appropriate, including without limitation all remedies provided for under any other applicable laws.

Dated: May 20, 2019  
New York, New York

/s/ William P. Deni, Jr.  
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