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Attorneys for Plaintiffs
YUGA LABS, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

YUGA LABS, INC.,

Plaintiff,

v.

RYDER RIPPS, JEREMY CAHEN,
and DOES 1-10,

Defendants.

Case No.:

**COMPLAINT FOR FALSE
DESIGNATION OF ORIGIN, FALSE
ADVERTISING, CYBERSQUATTING,
TRADEMARK INFRINGEMENT,
UNFAIR COMPETITION, UNJUST
ENRICHMENT, CONVERSION, AND
TORTIOUS INTERFERENCE**

DEMAND FOR JURY TRIAL

Plaintiff Yuga Labs, Inc. (“Yuga Labs”) for their Complaint against
Defendant Ryder Ripps, Jeremy Cahen, and Does 1-10, alleges as follows:

NATURE OF THE CASE

1. Plaintiff Yuga Labs is the creator behind one of the world’s most well-known and successful Non-Fungible Token (“NFT”) collections, known as the Bored Ape Yacht Club (a.k.a. “BAYC”). The Bored Ape NFTs have earned significant attention from the media for their popularity and value, including being featured on the cover of a recent edition of *Rolling Stone* magazine and being

1 dubbed “the epitome of coolness for many” by *Forbes*. Bored Ape NFTs often
2 resell for hundreds of thousands, if not millions, of dollars, and prominent celebrities
3 are proud holders of Bored Ape NFTs. Aside from certain benefits that come with
4 being a member of the exclusive community of Bored Ape NFT holders, much of
5 this NFT collection’s value arises from their rarity – only 10,000 Bored Ape NFTs
6 exist, and each is entirely unique.

7 2. In response to the Bored Ape Yacht Club’s popularity, Defendant
8 Ryder Ripps, a self-proclaimed “conceptual artist,” recently began trolling Yuga
9 Labs and scamming consumers into purchasing RR/BAYC NFTs by misusing Yuga
10 Labs’ trademarks. He seeks to devalue the Bored Ape NFTs by flooding the NFT
11 market with his own copycat NFT collection using the original Bored Ape Yacht
12 Club images and calling his NFTs “RR/BAYC” NFTs. Brazenly, he promotes and
13 sells these RR/BAYC NFTs using *the very same trademarks* that Yuga Labs uses to
14 promote and sell authentic Bored Ape Yacht Club NFTs. He also markets these
15 copycat NFTs as falsely equivalent to an authentic Bored Ape Yacht Club NFT. He
16 then goes on to use Yuga Labs’ marks to promote his coming “Ape Market” NFT
17 marketplace, which requires a person to purchase one of his infringing NFTs to join
18 the Ape Market. This is no mere monkey business. It is a deliberate effort to harm
19 Yuga Labs at the expense of consumers by sowing confusion about whether these
20 RR/BAYC NFTs are in some way sponsored, affiliated, or connected to Yuga
21 Labs’ official Bored Ape Yacht Club, in violation of the Lanham Act and related
22 state law.

23 3. Ripps’ misuse of Yuga Labs’ trademarks and false advertising of the
24 RR/BAYC NFTs is not accidental. These actions are calculated, intentional, and
25 willful with the stated purpose of causing actual and monetary harm to Yuga Labs
26 and to the holders of authentic Bored Ape Yacht Club NFTs, all of which causes
27 real harm to Yuga Labs’ goodwill. Meanwhile, Ripps reaps millions of ill-gotten
28 profit from these sales while celebrating the harm he causes. He and others acting

1 in concert with him have touted and cheered when their deceptions caused a decline
2 in value to authentic Bored Ape Yacht Club NFTs. And, using his social media
3 presence, Ripps has targeted Yuga Labs in a campaign of harassment based on false
4 accusations of racism. These baseless accusations have been used to fuel sales of
5 the fake RR/BAYC NFTs.

6 4. Yuga Labs brings this action against Ripps and others involved in
7 perpetrating his scam to dispel the confusion he has caused in the marketplace, to
8 protect the goodwill in authentic Bored Ape NFTs and the Bored Ape Yacht Club,
9 to protect members of the NFT community from being deceived into thinking they
10 are purchasing a highly coveted Bored Ape NFT, and to protect the general public
11 from deceptive commercialization or use of RR/BAYC NFTs that would lead
12 consumers to believe those NFTs are official Bored Ape NFTs.

13 5. Ripps claims his actions are “satire,” yet he conveniently rakes in
14 millions in ill-gotten profit from sales of the RR/BAYC NFTs using Yuga Labs’
15 marks to make those sales. Copying is not satire, it is theft. And lying to consumers
16 is not conceptual art, it is deception.

17 6. For these and other reasons, Defendants’ conduct has caused and,
18 unless enjoined, will continue to cause damages and irreparable injury to Yuga Labs
19 with an incalculable loss of goodwill. Accordingly, Yuga Labs seeks injunctive
20 relief and damages under the Lanham Act’s False Designation of Origin and False
21 Advertising Laws (15 U.S.C. § 1125(a)); federal cybersquatting law (15 U.S.C.
22 § 1125(d)); unfair competition and false advertising within the meaning of
23 California Business and Professions Code §§ 17200, 17500 *et seq.*; and the common
24 law doctrines of trademark infringement, unfair competition, unjust enrichment,
25 conversion, intentional interference with prospective economic advantage, and
26 negligent interference with prospective economic advantage.

27 7. In short, Yuga Labs wants Ripps *off* of its marks for good.
28

THE PARTIES

8. Plaintiff Yuga Labs, Inc., is a corporation duly organized and existing under the laws of the State of Delaware.

9. Upon information and belief, Defendant Ryder Ripps is an individual whose primary place of residence is in Acton, CA 93510.

10. Upon information and belief, Defendant Jeremy Cahen is an individual whose primary place of residence is in Santa Monica, CA 90402.

11. Upon information and belief, Defendants Does 1-5 are individuals and entities working in active concert with each other, Ripps, and Cahen to infringe Yuga Labs' BORED APE YACHT CLUB, BAYC, BORED APE, APE, BA YC Logo, BA YC BORED APE YACHT CLUB Logo, and Ape Skull Logo trademarks (the "BAYC Marks") and use them to promote and sell RR/BAYC NFTs. The identities of these Doe Defendants are presently unknown to Plaintiff.

12. Upon information and belief, Defendants Does 6-10 are individuals and entities working to knowingly perpetuate the promotion and sale of RR/BAYC NFTs. These Does include (but are not limited to) individuals who buy and resell the RR/BAYC NFTs despite knowing that they are fake, and individuals who request Ripps, Cahen, and Does 1-5 to copy specific, authentic Bored Ape NFTs into RR/BAYC NFTs. The identities of these Doe Defendants are presently unknown to Plaintiff.

JURISDICTION AND VENUE

13. This Court has personal jurisdiction over Defendants because, on information and belief, the named Defendants, Ripps' and Cahen's primary places of residence are in the State of California and within this judicial district. Likewise, on information and belief, Ripps and Cahen direct and support their infringing activities and unlawful, unfair, and fraudulent business practices from their California residences.

1 acclaimed ApeFest featuring music, merchandise, art, and more. See
 2 www.apefest.com.

3 18. On occasion, more tangible benefits accrue to Bored Ape NFT holders.
 4 For example, in August 2021, the address associated with each Bored Ape NFT
 5 holder was provided with the ability to “mutate” their Bored Ape, resulting in an
 6 entirely new and valuable NFT. Yuga Labs is also developing a first-of-its-kind
 7 NFT metaverse (“Otherside”) that will tie directly into Bored Ape Yacht Club NFTs.

8 **THE BORED APE YACHT CLUB’S RECOGNITION**

9 19. Since its launch, Yuga Labs’ Bored Ape Yacht Club has generated
 10 massive public interest, as reflected in media reports:

- 11 • Rolling Stone Magazine published an issue with Bored Ape NFT art
 12 on the cover, accompanied by an article entitled “How Four NFT
 13 Novices Created a Billion-Dollar Ecosystem of Cartoon Apes.” The
 14 article hailed BAYC as “internet rock stars” and described their rise
 15 to fame and fortune. Samantha Hissong, *How Four NFT Novices*
 16 *Created a Billion-Dollar Ecosystem of Cartoon Apes*, ROLLING
 17 STONE (Nov. 1, 2021),
 18 [https://www.rollingstone.com/culture/culture-news/bayc-bored-ape-](https://www.rollingstone.com/culture/culture-news/bayc-bored-ape-yacht-club-nft-interview-1250461/)
 19 [yacht-club-nft-interview-1250461/](https://www.rollingstone.com/culture/culture-news/bayc-bored-ape-yacht-club-nft-interview-1250461/).
- 20 • CNET hailed BAYC as “the biggest NFT project of [its] kind.”
 21 Daniel Van Boom, *How Bored Ape Yacht Club NFTs Became*
 22 *\$400K Status Symbols*, CNET (Apr. 28, 2022),
 23 [https://www.cnet.com/culture/internet/how-bored-ape-yacht-club-](https://www.cnet.com/culture/internet/how-bored-ape-yacht-club-nfts-became-400k-status-symbols/)
 24 [nfts-became-400k-status-symbols/](https://www.cnet.com/culture/internet/how-bored-ape-yacht-club-nfts-became-400k-status-symbols/).
- 25 • Wired published an article titled: “How Did the Bored Ape Yacht
 26 Club Get So Popular?” Kate Knibbs, *How Did the Bored Ape Yacht*
 27 *Club Get So Popular?*, WIRED (Feb. 8, 2022),
 28 <https://www.wired.com/story/celebrity-nfts/>.

- The New York Times called the Bored Ape Yacht Club a “widely-hyped series of digital collectibles” and a “phenomenon.” David Yaffe-Bellany, *Thefts, Fraud and Lawsuits at the World’s Biggest NFT Marketplace*, THE NEW YORK TIMES (June 6, 2022), <https://www.nytimes.com/2022/06/06/technology/nft-opensea-theft-fraud.html>.

20. The Bored Ape Yacht Club’s popularity is reflected in the value of Bored Ape NFTs. During a 2021 auction at Sotheby’s, 101 Bored Ape NFTs were resold for \$24.4 million. Samantha Hissong, *How Four NFT Novices Created a Billion-Dollar Ecosystem of Cartoon Apes*, ROLLING STONE (Nov. 1, 2021), <https://www.rollingstone.com/culture/culture-news/bayc-bored-ape-yacht-club-nft-interview-1250461/>. A Christie’s auction sold an art collection including four Bored Ape NFTs for \$12 million. *Id.* Individual Bored Ape NFTs likewise sell for high prices, including one that went for \$3.4 million. *Id.* As a result of its success, Yuga Labs was valued at \$4 billion in March of 2022, and received \$450 million in seed funding, which it plans to use to develop Otherside. Jacob Kastrenakes, *Bored Ape Yacht Club creator raises \$450 million to build an NFT metaverse*, THE VERGE (Mar. 22, 2022), <https://www.theverge.com/2022/3/22/22991272/yuga-labs-seed-funding-a16z-bored-ape-yacht-club-bayc-metaverse-other-side>.

21. Adding to the BAYC brand’s popularity, major celebrities have publicly announced holding a Bored Ape NFT, including TV host Jimmy Fallon; famous musicians such as Justin Bieber, Madonna, Snoop Dogg, and Eminem; and famous athletes, including Stephen Curry, Serena Williams, and Shaquille O’Neal.



22. Major brands like Adidas, Universal Music Group, and Arizona Iced Tea have worked with Bored Ape Yacht Club to create entertainment experiences, and in the case of Adidas, virtual and physical clothing.



**YUGA LABS' TRADEMARK APPLICATIONS
AND COMMON LAW TRADEMARK RIGHTS**

23. Yuga Labs has used its BAYC Marks in connection with advertising, marketing, and promoting its products and services nationwide and internationally through multiple platforms, including but not limited to the Bored Ape Yacht Club website; NFT markets such as OpenSea; and social media such as Facebook, Instagram, and Twitter.

24. Yuga Labs has pending trademark applications for registration in BORED APE YACHT CLUB. The applications were filed on May 27, 2021; September 7, 2021; November 15, 2021; November 18, 2021; and March 15, 2022. The applications cover the BORED APE YACHT CLUB mark for “digital collectibles; digital collectibles sold as non-fungible tokens;” “Online social networking services;” “providing an online marketplace; providing an online marketplace for digital assets, digital tokens, crypto-tokens, utility tokens, non-fungible tokens (NFTs), digital collectibles, crypto-collectibles, cryptocurrencies, digital currencies and virtual currencies; providing an online marketplace for buyers and sellers of digital goods authenticated by non-fungible tokens (NFTs);” “providing an online community for buying, selling, trading, and discussing and exchanging information about digital assets, digital tokens, crypto-tokens, utility tokens, non-fungible tokens (NFTs), digital collectibles, crypto-collectibles, cryptocurrencies, digital currencies and virtual currencies;” “non-fungible tokens (NFTs); downloadable art image files authenticated by non-fungible tokens; downloadable computer software in the nature of non-fungible tokens; non-fungible tokens used with blockchain technology, namely, downloadable image and multimedia files containing artwork; downloadable digital art;” and “Non-downloadable virtual goods, namely, non-fungible tokens; non-downloadable virtual goods, namely, a collectible series of non-fungible tokens; non-downloadable virtual goods, namely, a collectible series of images as embodied in non-fungible

1 tokens; non-downloadable virtual goods, namely, non-fungible tokens used with
2 blockchain technology; non-downloadable virtual goods, namely, non-fungible
3 tokens used with a distributed ledger; non-downloadable virtual goods, namely,
4 digital collectible images using non-fungible tokens and blockchain technology;
5 authentication and certification of data relating to non-fungible tokens via
6 blockchain,” among others.

7 25. Yuga Labs has pending trademark applications for registration in
8 BAYC. The applications were filed on July 19, 2021; November 15, 2021;
9 November 18, 2021; and March 15, 2022. The applications cover the BAYC mark
10 for “digital collectibles; digital collectibles sold as non-fungible tokens;” “Online
11 social networking services;” “providing an online marketplace; providing an online
12 marketplace for digital assets, digital tokens, crypto-tokens, utility tokens,
13 non-fungible tokens (NFTs), digital collectibles, crypto-collectibles,
14 cryptocurrencies, digital currencies and virtual currencies; providing an online
15 marketplace for buyers and sellers of digital goods authenticated by non-fungible
16 tokens (NFTs);” “providing an online community for buying, selling, trading, and
17 discussing and exchanging information about digital assets, digital tokens, crypto-
18 tokens, utility tokens, non-fungible tokens (NFTs), digital collectibles, crypto-
19 collectibles, cryptocurrencies, digital currencies and virtual currencies;”
20 “Non-downloadable virtual goods, namely, non-fungible tokens; non-downloadable
21 virtual goods, namely, a collectible series of non-fungible tokens; non-downloadable
22 virtual goods, namely, a collectible series of images as embodied in non-fungible
23 tokens; non-downloadable virtual goods, namely, non-fungible tokens used with
24 blockchain technology; non-downloadable virtual goods, namely, non-fungible
25 tokens used with a distributed ledger; non-downloadable virtual goods, namely,
26 digital collectible images using non-fungible tokens and blockchain technology;
27 authentication and certification of data relating to non-fungible tokens via
28 blockchain,” among others.

26. Yuga Labs has pending trademark applications for registration in BORED APE. The applications were filed on August 16, 2021; November 15, 2021; and November 18, 2021. The applications cover the BORED APE mark for “online social networking services;” “non-fungible tokens (NFTs); downloadable art image files authenticated by non-fungible tokens; downloadable computer software in the nature of non-fungible tokens; non-fungible tokens used with blockchain technology, namely, downloadable image and multimedia files containing artwork; downloadable digital art;” and “Non-downloadable virtual goods, namely, non-fungible tokens; non-downloadable virtual goods, namely, a collectible series of non-fungible tokens; non-downloadable virtual goods, namely, a collectible series of images as embodied in non-fungible tokens; non-downloadable virtual goods, namely, non-fungible tokens used with blockchain technology; non-downloadable virtual goods, namely, non-fungible tokens used with a distributed ledger; non-downloadable virtual goods, namely, digital collectible images using non-fungible tokens and blockchain technology; authentication and certification of data relating to non-fungible tokens via blockchain,” among others.

27. Yuga Labs has a pending trademark application for registration in APE. The application was filed on November 3, 2021. The application covers the APE mark for “Design, development, and implementation of software for distributed computing platforms;” and “Providing on-line non-downloadable virtual goods, namely, digital art; providing online digital artwork and images; non-fungible tokens (nfts) or other digital tokens based on blockchain technology,” among others.

28. Yuga Labs has pending trademark applications for registration in the BA YC Logo. The applications were filed on May 27, 2021; September 7, 2021; November 15, 2021; and November 18, 2021. The application covers the BA YC Logo mark for “maintain and record ownership of digital illustrations; maintain and record ownership of digital illustrations represented by non-fungible tokens; providing a website featuring an online marketplace for exchanging digital

1 collectibles;” “non-fungible tokens (NFTs); downloadable art image files
2 authenticated by non-fungible tokens; downloadable computer software in the nature
3 of non-fungible tokens; non-fungible tokens used with blockchain technology,
4 namely, downloadable image and multimedia files containing artwork;
5 downloadable digital art;” and “Non-downloadable virtual goods, namely,
6 non-fungible tokens; non-downloadable virtual goods, namely, a collectible series of
7 non-fungible tokens; non-downloadable virtual goods, namely, a collectible series of
8 images as embodied in non-fungible tokens; non-downloadable virtual goods,
9 namely, non-fungible tokens used with blockchain technology; non-downloadable
10 virtual goods, namely, non-fungible tokens used with a distributed ledger;
11 non-downloadable virtual goods, namely, digital collectible images using
12 non-fungible tokens and blockchain technology; authentication and certification of
13 data relating to non-fungible tokens via blockchain,” among others.

14 29. Yuga Labs has pending trademark applications for registration in the
15 BA YC BORED APE YACHT CLUB Logo. The applications were filed on May
16 27, 2021; September 7, 2021; November 15, 2021; and November 18, 2021. The
17 applications cover the BA YC Bored APE Yacht Club Logo mark for “maintain and
18 record ownership of digital illustrations; maintain and record ownership of digital
19 illustrations represented by non-fungible tokens; providing a website featuring an
20 online marketplace for exchanging digital collectibles;” “non-fungible tokens
21 (NFTs); downloadable art image files authenticated by non-fungible tokens;
22 downloadable computer software in the nature of non-fungible tokens; non-fungible
23 tokens used with blockchain technology, namely, downloadable image and
24 multimedia files containing artwork; downloadable digital art;” and
25 “Non-downloadable virtual goods, namely, non-fungible tokens; non-downloadable
26 virtual goods, namely, a collectible series of non-fungible tokens; non-downloadable
27 virtual goods, namely, a collectible series of images as embodied in non-fungible
28 tokens; non-downloadable virtual goods, namely, non-fungible tokens used with

1 blockchain technology; non-downloadable virtual goods, namely, non-fungible
2 tokens used with a distributed ledger; non-downloadable virtual goods, namely,
3 digital collectible images using non-fungible tokens and blockchain technology;
4 authentication and certification of data relating to non-fungible tokens via
5 blockchain,” among others.

6 30. Yuga Labs has pending trademark applications for registration in the
7 Ape Skull Logo. The applications were filed on August 26, 2021; September 7,
8 2021; November 15, 2021; and November 18, 2021. The applications cover the
9 BAYC mark for “digital collectibles; digital collectibles sold as non-fungible
10 tokens;” “Online social networking services;” “non-fungible tokens (NFTs);
11 downloadable art image files authenticated by non-fungible tokens; downloadable
12 computer software in the nature of non-fungible tokens; non-fungible tokens used
13 with blockchain technology, namely, downloadable image and multimedia files
14 containing artwork; downloadable digital art;” and “Non-downloadable virtual
15 goods, namely, non-fungible tokens; non-downloadable virtual goods, namely, a
16 collectible series of non-fungible tokens; non-downloadable virtual goods, namely, a
17 collectible series of images as embodied in non-fungible tokens; non-downloadable
18 virtual goods, namely, non-fungible tokens used with blockchain technology;
19 non-downloadable virtual goods, namely, non-fungible tokens used with a
20 distributed ledger; non-downloadable virtual goods, namely, digital collectible
21 images using non-fungible tokens and blockchain technology; authentication and
22 certification of data relating to non-fungible tokens via blockchain,” among others.

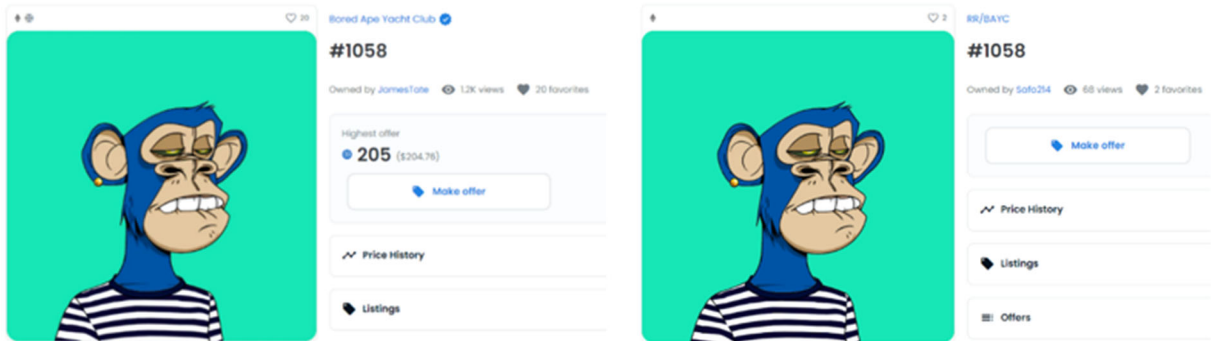
23 31. Since at least April 2021, Yuga Labs has used its BAYC Marks. They
24 have been used for its logo, website, social media pages, marketing, and in
25 connection with its partnerships, products and services. A true and correct copy of
26 examples of their use are attached hereto as Exhibit A.

27 32. As a consequence of the advertising, promotion, and use of these marks,
28 Yuga Labs has developed recognition for its goods and services under the BAYC

Marks, and has acquired and enjoys significant goodwill for the BAYC Marks.

DEFENDANTS' INFRINGEMENT OF THE BAYC MARKS

33. Yuga Labs uses the trademarks BORED APE YACHT CLUB, BAYC, BORED APE, APE, BA YC Logo, BA YC BORED APE YACHT CLUB Logo, and the Ape Skull Logo, on a nationwide and international basis to identify its well-known Bored Ape NFT collection. Defendants Ripps, Cahen, and Does 1-5 use *the very same marks* to promote their RR/BAYC NFT collection. Worse still, they attempt to sell these RR/BAYC NFTs on the same NFT marketplaces that Yuga Labs uses to sell its Bored Ape NFTs, such as OpenSea. This is elementary level trademark infringement: Ripps, Cahen, and Does 1-5 are selling the same or related products, in the same place, under the same marks. For example, the images below are both taken from the NFT marketplace OpenSea.¹ The NFT on the left is an official Bored Ape Yacht Club NFT, which is identical to the copycat Ryder Ripps Bored Ape Yacht Club NFT on the right. They even have the same name (#1058).

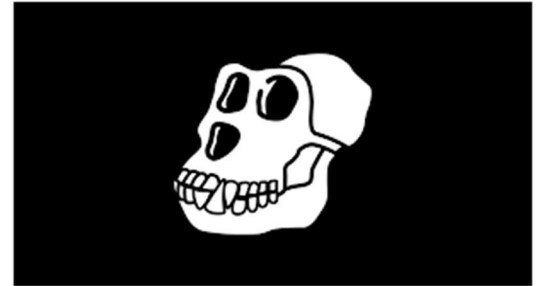
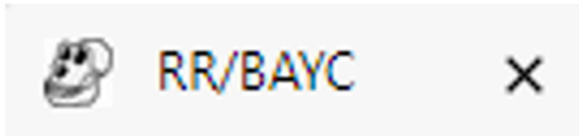


Yuga Labs will not allow Ripps, Cahen, and Does 1-5 to continue to profit off of Yuga Labs' hard work and goodwill. Nor will Yuga Labs allow Ripps, Cahen, and Does 1-5 to continue to mislead the community about the source of the fake NFTs.

34. As just a few examples of Ripps, Cahen, and Does 1-5's infringement, Yuga Labs believes, and therefore alleges, that in May 2022, Ripps, Cahen, and Does 1-5 created a website that allows users to "reserve" RR/BAYC NFTs, which

¹ At the time this Complaint was filed, the page displaying this RR/BAYC NFT had been removed.

they then mint. The domain for this website is <https://rrbayc.com/>. This website uses Yuga Labs' BAYC trademark in the title of the page ("RR/BAYC"), in the browser tab for the page ("RR/BAYC"), and in the domain for the page (<https://rrbayc.com/>). The website also uses Yuga Labs' Ape Skull Logo mark (right) in the browser tab icon (left [image enlarged to show detail]):



The NFTs depicted on the website also contain BAYC Marks. For example, RR/BAYC #362 has the BAYC, BA YC Logo, and the Ape Skull Logo marks on its hat and RR/BAYC #863 has the Ape Skull Logo mark on its shirt. Both of these fake NFTs are identical to their official BAYC counterparts BAYC #362 and BAYC #863.

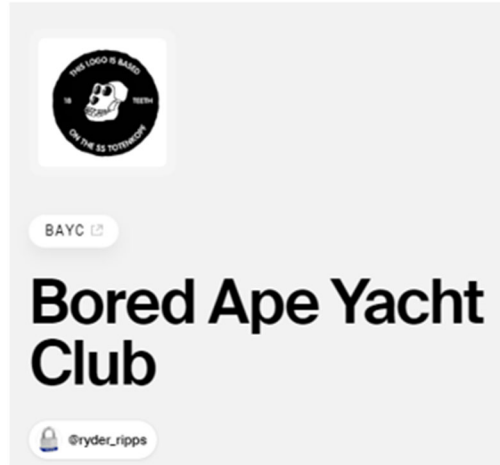


35. Next, Yuga Labs believes, and therefore alleges, that Ripps, Cahen, and Does 1-5 created sales pages on OpenSea to sell their RR/BAYC NFTs. The first OpenSea page used Yuga Labs' BAYC trademark in the title of the page, in the cover photo of the page, and in the page URL (<https://opensea.io/collection/ryder-ripps-bayc>). As of the filing of this Complaint, this page is no longer accessible on

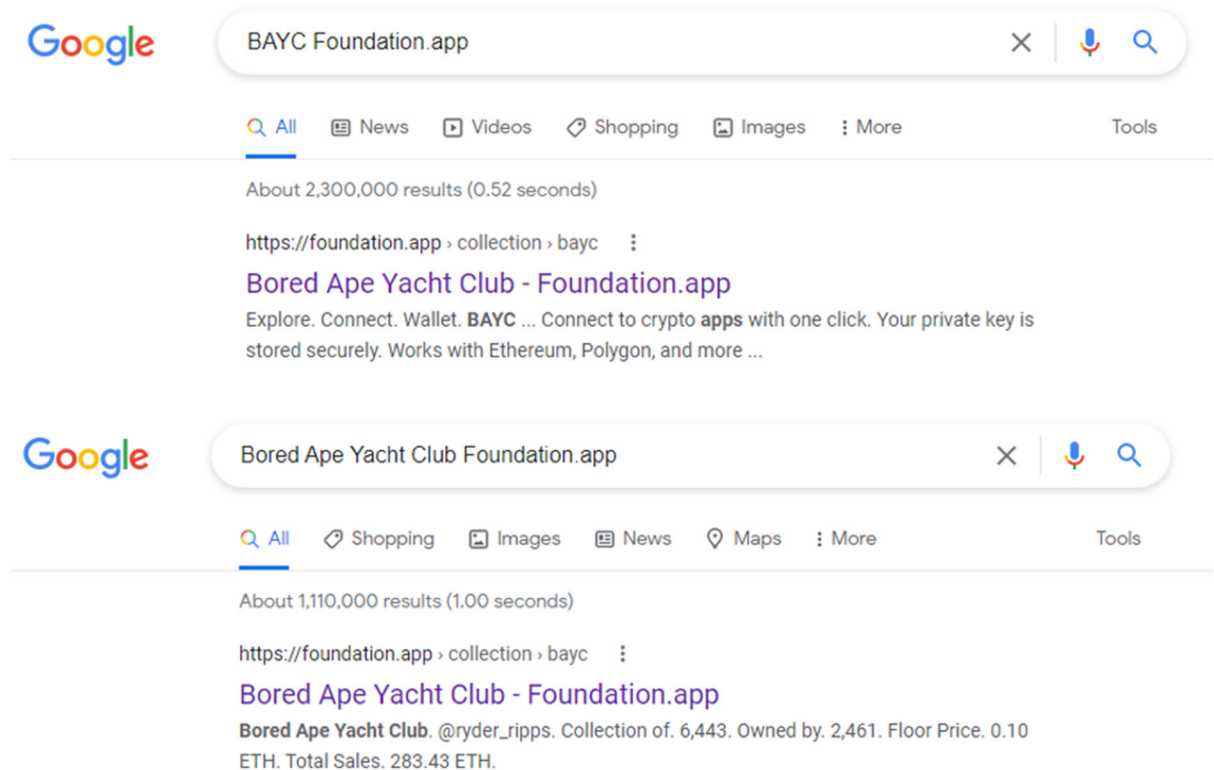
1 OpenSea. On information and belief, OpenSea removed this page.

2 36. Immediately after this page was removed, a subsequent sales page
3 was posted to the OpenSea platform under a new name. This page likewise used
4 Yuga Labs' BAYC trademark in the title of the page ("RR/BAYC"), in the cover
5 photo of the page (an image stating "RRBAYC.com"), and in the URL of the page
6 (<https://opensea.io/collection/rrbayc>). The RR/BAYC NFTs depicted on the
7 website also contained the BAYC, BA YC Logo, and Ape Skull Logo marks (see
8 above). And this page used the distorted and falsified BA YC BORED APE
9 YACHT CLUB Logo mark, including the Ape Skull Logo mark, as part of its
10 profile picture. Each of these uses was intended to mislead and confuse community
11 members into buying a fake NFT from Ripps rather than an official Yuga Labs
12 Bored Ape Yacht Club NFT. As of the filing of this Complaint, this page is no
13 longer accessible on OpenSea. On information and belief, OpenSea removed this
14 page. On information and belief, Ripps, Cahen, and Does 1-5 have bragged and
15 falsely touted publicly that they have "won" five takedown requests "against"
16 OpenSea and have indicated that they intend to continue to post their infringing
17 webpages and offer for sale their infringing NFTs on the OpenSea marketplace.

18 37. Continuing their scheme, Yuga Labs believes, and therefore alleges, that
19 Ripps, Cahen, and Does 1-5 created a sales page on Foundation, another NFT
20 marketplace, to sell RR/BAYC NFTs. As of the filing of this Complaint, this page is
21 no longer accessible on Foundation. On information and belief, Foundation removed
22 this page. This page prominently and confusingly used Yuga Labs' BORED APE
23 YACHT CLUB trademark as the title of the page:

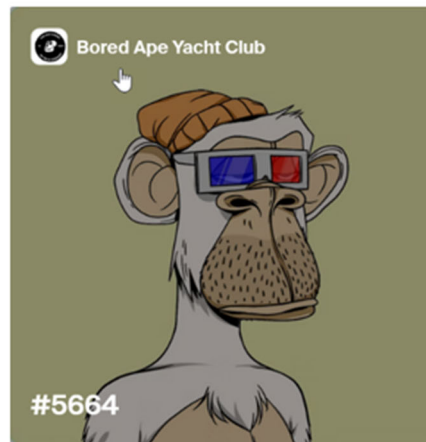


It also used Yuga Labs' BAYC trademark in an unauthorized hyperlink labeled "BAYC" and in the URL of the page (<https://foundation.app/collection/bayc>). And nothing about the URL indicated that it redirected to the RR/BAYC NFT collection, as opposed to the official BAYC NFT collection. Indeed, even the top result in a Google search for "BAYC Foundation.app" or "Bored Ape Yacht Club Foundation.app" was a misleading link titled "Bored Ape Yacht Club – Foundation.app" that redirected to the fake RR/BAYC NFT collection.



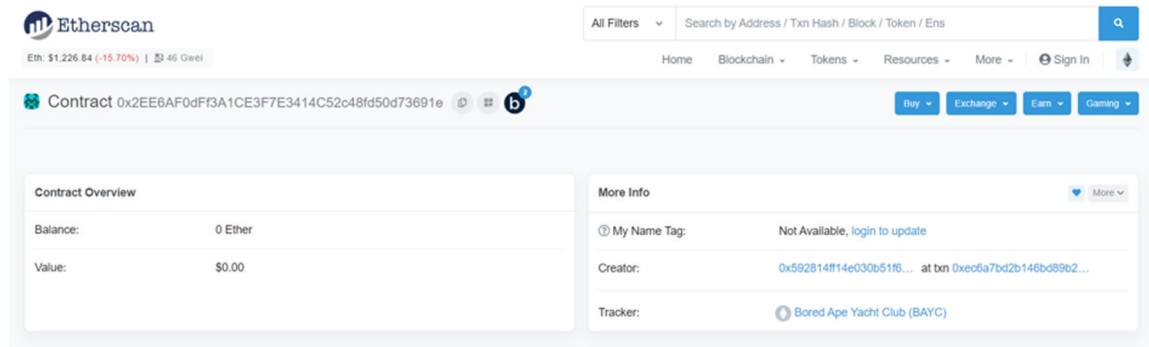
Like their OpenSea page, Ripps, Cahen, and Does 1-5's Foundation page was also deliberately misleading and confusing to consumers and used Yuga Labs' BAYC marks in an attempt to trick community members into buying their NFTs instead of the official BAYC NFTs.

38. Even more, when a user hovered over the RR/BAYC NFTs on Ripps, Cahen, and Does 1-5's Foundation page, the page displayed a miniature version of their warped BA YC BORED APE YACHT CLUB Logo mark. At such a small size, it is difficult for a consumer to tell the difference between the official Bored Ape Yacht Club logo, and Ripps, Cahen, and Does 1-5's infringing logo. Next to this image were the words "Bored Ape Yacht Club", further stealing the BORED APE YACHT CLUB trademark.



And once again, the fake RR/BAYC NFTs depicted for sale on the website contained the BAYC, BA YC Logo, and Ape Skull Logo marks.

39. The Foundation page's unauthorized BAYC hyperlink re-routed to the Etherscan page: <https://etherscan.io/address/0x2EE6AF0dFf3A1CE3F7E3414C52c48fd50d73691e> for Defendants' RR/BAYC collection, which publicly tracks sales and other information for these NFTs. Yuga Labs believes, and therefore alleges, that Ripps, Cahen, and Does 1-5 stole Yuga Labs' BORED APE YACHT CLUB and BAYC trademarks to misleadingly label the token tracker for these RR/BAYC NFTs as "Bored Ape Yacht Club (BAYC)" (see bottom right corner of image below).



40. Token trackers are important for validating the authenticity of an NFT. And when future buyers of Ripps, Cahen, and Does 1-5's fake NFTs review the token tracker and contract information for the RR/BAYC NFT, they will be misled into thinking that these NFTs were officially sold by Yuga Labs. Indeed Ripps has gloated that it is consumers' own fault for being confused by his fake NFTs, even though Ripps' actions lay bare that he welcomes the confusion.

41. While the OpenSea and Foundation pages described above were taken down, there is no guarantee that Ripps, Cahen, and Does 1-5 will not try, once again, to create new infringing pages. They also continue to use Yuga Labs' marks to promote their RR/BAYC apes on other NFT marketplaces.

42. Still not done with their lazy infringement, Ripps, Cahen, and Does 1-5 promote their RR/BAYC NFTs on a Twitter page named "RYDER RIPPS Bored Ape Yacht Club" (@RR_BAYC). In a May 28, 2022 tweet, this page claims to have made almost 200,000 "tweet impressions," meaning its tweets were seen that many times over a period of two weeks. This Twitter page uses Yuga Labs' BORED APE YACHT CLUB trademark in the name of the page and Yuga Labs' BAYC trademark in the Twitter handle. Moreover, the profile picture for this page is an exact copy of Yuga Labs' Ape Skull Logo trademark, which is also used on the official BAYC Twitter page. Further adding to the confusion, the header photo for this Twitter page is identical to the header photo on BAYC's official Twitter page, and uses Yuga Labs' BAYC and Ape Skull Logo trademarks.



Ripps, Cahen, and Does 1-5's persistent use of Yuga Labs' marks, logos, and branding can have only one plausible purpose: to trade on Yuga Labs' goodwill and confuse consumers.

43. Ripps also promotes his RR/BAYC NFTs on his Twitter page named "RYDER-RIPPS.ETH" (@ryder_ripss). The header photo for this page contains an image that uses Yuga Labs' BAYC, BA YC Logo, and Ape Skull Logo trademarks (see bottom right corner of image below).



44. On information and belief, Ripps, Cahen, and Does 1-5 created yet another Twitter page which was designed to closely mimic the official Bored Ape Yacht Club page. This page is expressly created to sell their copycat RR/BAYC NFTs. The Twitter handle for this page (@BoredApeV3) is very similar to the official page's @BoredApeYC handle, and infringes Yuga Labs' BORED APE

trademark. This page also rips off the official Bored Ape Yacht Club Twitter page's name, profile picture, and header photo, infringing Yuga Labs' Ape Skull Logo and BORED APE YACHT CLUB marks. The page copies language from the official Bored Ape Yacht Club Twitter page ("buy a Bored Ape") to describe the copycat page. Even the location ("The Swamp") is the same as the official Bored Ape Yacht Club Twitter page.

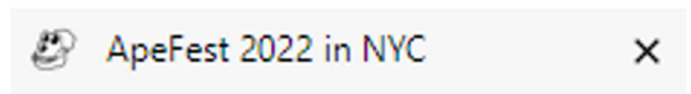


45. Ripps, Cahen, and Does 1-5's copycat account doesn't stop there. The tweets themselves are designed to look as though they originate from the official Bored Ape Yacht Club page. For example, this account tweeted a picture of Yuga Labs' advertising for ApeFest (left) and retweeted a post in which the original tweeter tagged the official Bored Ape Yacht Club (right). Using the Bored Ape Yacht Club name, these posts show as coming *from* "Bored Ape Yacht Club." The tweets themselves and the use of the infringing handle are intended to confuse Twitter users into thinking this is the official Bored Ape Yacht Club account.



All of this confusion is intended to funnel Twitter users looking for the official Bored Ape Yacht Club page to Ripps, Cahen, and Does 1-5's online pages where they promote and sell the infringing NFTs. In this case, imitation is the sincerest form of trickery, and Ripps, Cahen, and Does 1-5 should not be allowed to use Yuga Labs' trademarks while fooling users into buying their infringing products.

46. Finally, Ripps, Cahen, and Does 1-5 promote their RR/BAYC NFTs on a Twitter page named "Ape Market" (@ApeMarketplace). This page uses Yuga Labs' APE trademark in the name of the page and the Twitter handle. This page also links to <https://apemarket.com/>, which includes Yuga Labs' APE trademark in the URL. The Ape Market website also uses Yuga Labs' Ape Skull Logo mark in



the browser tab icon (left), which is nearly identical to the browser tab icon Yuga Labs uses for its ApeFest website (right). Remarkably, a June 2, 2022 post on this Twitter account claims that "ApeMarket and RR/BAYC are registered trademarks." This statement is false – Ape Market has not even filed, let alone registered, these

1 infringing marks. This is just another attempt by Ripps, Cahen, and Does 1-5 to
2 deceive consumers into thinking they are legitimate, when in reality they are running
3 a scam.

4 47. Throughout this parade of lies, Ripps, Cahen, and Does 1-5 do not
5 distinguish their use of Yuga Labs' BAYC Marks from the identical look, sound,
6 and commercial impression of Ripps, Cahen, and Does 1-5's use of these marks.
7 Their use of these marks to promote and sell their RR/BAYC NFTs is likely to
8 cause confusion and mislead consumers into thinking the RR/BAYC NFTs are in
9 some way sponsored, affiliated, or connected with Yuga Labs' Bored Ape Yacht
10 Club. Yuga Labs believes, and therefore alleges, that Ripps, Cahen, and Does 1-5
11 purposefully, intentionally, and with malice used Yuga Labs' trademarks to confuse
12 users into purchasing RR/BAYC NFTs.

13 **DEFENDANTS' MISUSE OF PLAINTIFF'S TRADEMARKS**
14 **IS PART OF A SCHEME TO HARASS YUGA LABS, MISLEAD**
15 **CONSUMERS, AND UNJUSTLY ENRICH THEMSELVES.**

16 48. Ripps, Cahen, and Does 1-5's website (<https://rrbayc.com>) claims that
17 minting exact replicas of Yuga Labs' Bored Ape NFTs and reselling them at a profit
18 is "satire." In reality, this is part of a longstanding harassment campaign against
19 Yuga Labs and an attempt to devalue the price of authentic Bored Ape NFTs. At the
20 same time, Ripps, Cahen, and Does 1-5 stand to make millions of dollars by tricking
21 consumers into buying these fake Bored Ape NFTs. Indeed, on information and
22 belief, Ripps has made well over \$5 million through this scheme of pumping and
23 dumping fake NFTs

24 49. Since early 2022, Ripps has harassed and personally attacked Yuga
25 Labs and its founders through baseless accusations of racism over social media
26 networks like Twitter and Instagram.

27 50. Ripps also conducted an interview with a popular meme page, to spread
28 this misinformation. He effectively doxxed Yuga Labs' founders by providing their

1 personal identities to a well-known media, news, and entertainment publication,
2 which subsequently published this information.

3 51. Ripps' lies have been widely discredited, but they have nonetheless
4 reached a significant number of people on social media, including his over 50,000
5 Instagram followers and over 15,000 Twitter followers.

6 52. Since May 2022, Ripps' campaign has turned towards minting NFTs
7 that use the original Bored Ape Yacht Club art and promoting them using Yuga
8 Labs' trademarks, as described above. He uses every opportunity to make these
9 RR/BAYC NFTs resemble the authentic Bored Ape NFTs as closely as possible to
10 confuse consumers into buying them. For example, Yuga Labs' original Bored Ape
11 NFTs were assigned a unique number. Individuals request new RR/BAYC NFTs
12 by referring to this same Yuga Labs-known number. Indeed, even though Ripps
13 mints his fake RR/BAYC NFTs out of order, he still names them with the same
14 number as the identical authentic Bored Ape NFT. The @RR_BAYC Twitter
15 account even admits that "RR/BAYC" does not sufficiently distinguish Ripps'
16 RR/BAYC NFTs from the official Bored Ape NFTs:



21 53. Aside from the confusing associations with Yuga Labs' trademarks,
22 Defendants' Twitter accounts repeatedly misrepresent the nature of the RR/BAYC
23 NFTs. For example, Defendants equate buying a RR/BAYC NFT with buying an
24 official BAYC NFT. However, the holder of an authentic Bored Ape NFT has
25 commercial rights to the associated digital art that are not acquired by the purchaser
26 of a RR/BAYC NFT. Moreover, the RR/BAYC NFTs do not offer the same
27 exclusive access to the Bored Ape Yacht Club and other services that authentic
28 Bored Ape NFTs offer, nor do they carry the same value.



54. Indeed, the RR/BAYC NFTs are so similar to BAYC's NFTs and confusing to consumers that OpenSea has repeatedly delisted them in response to complaints. Yet, Ripps, Cahen, and Does 1-5 continue to list them. Cahen (known by his Twitter handle "@Pauly0x") even bragged about how many times the NFTs have been delisted.



RR/BAYC is officially a historical NFT, we have the most @opensea delistings in a week in the history of mankind.

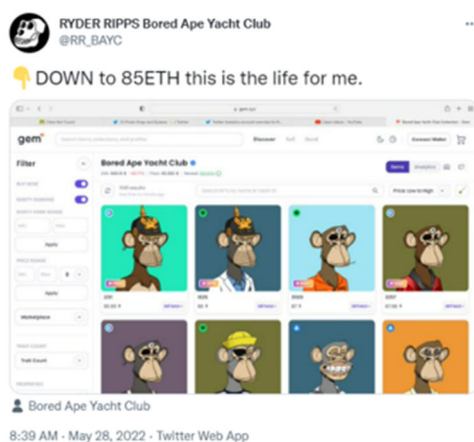
And @Matt_OpenSea assured me that he will make sure we get delisted again ASAP.

1:39 PM · Jun 8, 2022 · Twitter for iPhone

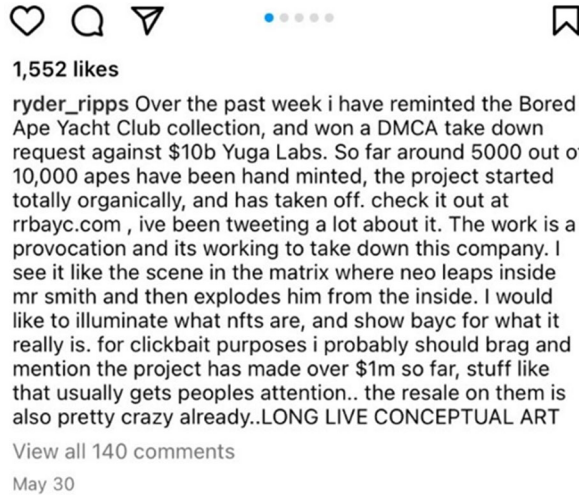
55. Ripps, Cahen, and Does 1-5 have also announced the imminent launch of an entire NFT marketplace called "Ape Market" solely to sell their RR/BAYC NFTs alongside authentic Yuga Labs NFTs. Here again, Ripps, Cahen, and Does 1-5 are

1 using Yuga Labs' trademarks, including APE, to market and sell their infringing
 2 products and service. Specifically, in order to join the Ape Market, users must first
 3 purchase one of Ripps, Cahen, and Does 1-5's infringing RR/BAYC NFTs. The
 4 creators claim that Ape Market will allow users to buy and sell official Bored Ape
 5 NFTs while bypassing Yuga Labs' creator fees and the customary royalties paid
 6 through NFT marketplaces like OpenSea.

7 56. Ripps, Cahen, and Does 1-5 promote these RR/BAYC NFTs in an
 8 attempt to flood the NFT market with Bored Ape lookalikes and decrease the value of
 9 authentic Bored Ape NFTs and harm Yuga Labs. As an example of this, the
 10 @RR_BAYC Twitter account frequently and publicly competes with Yuga Labs on
 11 Twitter, implying that they sell the RR/BAYC NFTs in part to "say[] fuck you" to
 12 Yuga Labs.



21 57. Ripps' scam at the expense of Yuga Labs and the larger Bored Ape
 22 community has been extremely profitable. In a May 30, 2022 Instagram post,
 23 Ripps stated that he has made "over \$1m so far" just from this NFT project and has
 24 described the resale profits as "pretty crazy already." He even describes his scheme
 25 as a "provocation . . . to take down [Yuga Labs]." According to this post, as well as
 26 Ripps, Cahen, and Does 1-5's Foundation site, Ripps has created knock-off (but
 27 identical) versions of the art in over half of all 10,000 official Bored Ape NFTs.



58. Ripps, Cahen, and Does 1-5 have sold the fake Bored Ape NFTs to more than 1,000 purchasers. They have also bragged about and taken responsibility for flooding the NFT market with their RR/BAYC NFTs with the intended effect of devaluing the communities' authentic Bored Ape NFTs and sowing confusion about which NFT is actually an authentic Bored Ape NFT.

59. Defendants Does 6-10 are individuals who have purchased RR/BAYC NFTs from Ripps, Cahen, and Does 1-5, knowing them to be fake, and have thereafter promoted and represented their NFTs to be authentic or equivalent to Bored Ape NFTs even though RR/BAYC NFTs do not carry the same rights and permissions as authentic Bored Ape NFTs. Defendants Does 6-10 do this to harm Yuga Labs and depress the value of authentic Bored Ape NFTs. They perpetuate Ripps, Cahen, and Does 1-5's deception by promoting the RR/BAYC NFTs through social media networks and otherwise. Defendants Does 6-10 have joined Ripps, Cahen, and Does 1-5 in acting to devalue authentic Bored Ape NFTs through their participation in social media in promoting the RR/BAYC NFTs while knowing them to be fake. Their specific actions will be alleged when and if their identities are ascertained.

FIRST CAUSE OF ACTION
FALSE DESIGNATION OF ORIGIN
(15 U.S.C. § 1125(A))
(Against All Defendants)

60. Yuga Labs incorporates all paragraphs above by reference.

61. Yuga Labs is the owner of common law rights in the BAYC Marks that precede Ripps, Cahen, and Does 1-5's first use of these marks.

62. On information and belief, Ripps manages, controls, and directs the promotion and sale of the infringing and misleading RR/BAYC NFTs, including by supporting, aiding, and abetting Cahen and Does 1-5.

63. Ripps, Cahen, and Does 1-5 have not obtained a license or permission from Yuga Labs to use the BAYC Marks.

64. Ripps, Cahen, and Does 1-5's unauthorized use of the BAYC Marks falsely suggests that Ripps, Cahen, and Does 1-5 and their products and services are connected with, sponsored by, affiliated with, or related to Yuga Labs. Does 6-10 perpetuated this by promoting and reselling the RR/BAYC NFTs.

65. Ripps, Cahen, and Does 1-5's unauthorized use of the BAYC Marks, and Ripps, Cahen, and Does 1-10's unauthorized promotion and sale of the RR/BAYC NFTs was willful and intentional and constitutes (a) false designation of origin, (b) false or misleading description, and (c) false or misleading representation that products originate from or are authorized by Yuga Labs, all in violation of 15 U.S.C. § 1125(a)(1)(A).

66. Ripps, Cahen, and Does 1-10 are Plaintiff's competitors in the market for NFTs.

67. As a direct and proximate result of Ripps, Cahen, and Does 1-10's conduct, Yuga Labs has suffered and will continue to suffer damages in an amount to be determined at trial.

68. Yuga Labs has been, is now, and will be irreparably injured and

1 damaged by Ripps, Cahen, and Does 1-10's aforementioned acts, and unless
 2 enjoined by the Court, Yuga Labs will suffer further harm to its name, reputation and
 3 goodwill. This harm constitutes an injury for which Yuga Labs has no adequate
 4 remedy at law.

5 **SECOND CAUSE OF ACTION**

6 **FALSE ADVERTISING**

7 **(15 U.S.C. § 1125(A))**

8 **(Against Defendants Ripps, Cahen, And Does 1-5)**

9 69. Yuga Labs incorporates all paragraphs above by reference.

10 70. On information and belief, Ripps manages, controls, and directs the
 11 promotion and sale of the infringing and misleading RR/BAYC NFTs, and the false
 12 and misleading implied factual claims in the advertising related thereto, including
 13 by supporting, aiding, and abetting Cahen and Does 1-5.

14 71. Ripps, Cahen, and Does 1-5 are Plaintiff's competitors in the market
 15 for NFTs.

16 72. Ripps, Cahen, and Does 1-5 also make the false and misleading implied
 17 factual claim in their advertising that their RR/BAYC NFTs are equivalent to
 18 authentic Bored Ape NFTs. For instance, they advertised in interstate commerce that
 19 "To CLARIFY... how the website <http://rrbayc.com> works. You reserve an ape
 20 which you can choose. @ryder_ripps will then mint it for you when he is able to.
 21 Then it will get transferred to your wallet Then you can say fuck off to
 22 @BoredApeYC!" Similarly, Ripps, Cahen, and Does 1-5 advertised their copycat
 23 "Ryder Ripps Bored Ape Yacht Club" as equivalent to the authentic Bored Ape
 24 Yacht Club: "Looking at @ApeMarketplace and saying fuck you to @BoredApeYC
 25 who's with me?"

26 73. Ripps, Cahen, and Does 1-5's advertising of the quality of the
 27 RR/BAYC NFTs is likely to deceive consumers of NFTs about the material
 28 qualities of RR/BAYC NFTs. In particular, reasonable consumers are likely to

1 believe that if they hold one of the RR/BAYC NFTs they will have access to the
2 authentic Bored Ape Yacht Club (they will not), that they own rights to the
3 underlying art (they do not), or that they will have access to exclusive launches by
4 Yuga Labs for holders of authentic Bored Ape NFTs (they will not).

5 74. Ripps, Cahen, and Does 1-5's conduct constitutes intentional and willful
6 false statements in connection with goods and/or services distributed in interstate
7 commerce in violation of 15 U.S.C. § 1125(a)(1)(B).

8 75. As a direct and proximate result of Ripps, Cahen, and Does 1-5's
9 conduct, Yuga Labs has suffered and will continue to suffer damages in an amount
10 to be determined at trial.

11 76. Yuga Labs has been, is now, and will be irreparably injured and damaged
12 by Ripps, Cahen, and Does 1-5's aforementioned acts, and unless enjoined by the
13 Court, Yuga Labs will suffer further harm to its name, reputation and goodwill. This
14 harm constitutes an injury for which Yuga Labs has no adequate remedy at law.

15 **THIRD CAUSE OF ACTION**

16 **CYBERSQUATTING**

17 **(15 U.S.C. § 1125(D))**

18 **(Against Defendants Ripps, Cahen, And Does 1-5)**

19 77. Yuga Labs incorporates all paragraphs above by reference.

20 78. On information and belief, Ripps manages, controls, and directs the
21 promotion and sale of the infringing and misleading RR/BAYC NFTs, and the
22 intentional and bad faith use and registration of the infringing domains, including
23 by supporting, aiding, and abetting Cahen and Does 1-5.

24 79. Yuga Labs is the owner of common law rights in BAYC and APE that
25 precede Ripps, Cahen, and Does 1-5's first use of these marks.

26 80. Ripps, Cahen, and Does 1-5 have not obtained a license or permission
27 from Yuga Labs to use the BAYC and APE marks.
28

1 81. Ripps, Cahen, and Does 1-5 registered and used the domain names
2 <https://rrbayc.com/> and <https://apemarket.com/> (“Domain Names”), which are
3 confusingly similar to Yuga Labs’ BAYC and APE marks.

4 82. Ripps, Cahen, and Does 1-5 registered and used the Domain Names
5 with a bad faith intent to profit from their confusing similarity to Plaintiff’s BAYC
6 and APE marks. Among other things, upon information and belief:

- 7 (a) Ripps, Cahen, and Does 1-5 registered the Domain Names,
8 despite knowing that they had no rights in the BAYC or APE
9 marks.
- 10 (b) Ripps, Cahen, and Does 1-5 made no bona fide, non-infringing,
11 commercial use or fair non-commercial use of the Domain
12 Names.
- 13 (c) Ripps, Cahen, and Does 1-5 intended to divert consumers looking
14 for Plaintiff’s goods/services online to the websites bearing the
15 Domain Names by exploiting the confusing similarity of the
16 Domain Names and the BAYC and APE marks for their
17 commercial gain and to tarnish or disparage the BAYC and APE
18 marks.
- 19 (d) Ripps, Cahen, and Does 1-5 registered and used the Domain
20 Names in bad faith as described herein.

21 83. As a direct and proximate result of Ripps, Cahen, and Does 1-5’s
22 conduct, Yuga Labs has suffered and will continue to suffer damages in an amount to
23 be determined at trial.

24 84. Ripps, Cahen, and Does 1-5’s conduct is directly and proximately
25 causing substantial, immediate, and irreparable harm and injury to Yuga Labs, and
26 to its goodwill and reputation, and will continue to damage Yuga Labs unless
27 enjoined by this court. Yuga Labs has no adequate remedy at law.
28

1 85. Yuga Labs is entitled to injunctive relief pursuant to 15 U.S.C. §§ 1116
 2 and 1125(d)(1)(C), including, among other injunctive relief, cancellation of Ripps,
 3 Cahen, and Does 1-5's registration of the Domain Names or transfer of the domains
 4 to Yuga Labs.

5 **FOURTH CAUSE OF ACTION**
 6 **COMMON LAW TRADEMARK INFRINGEMENT**
 7 **(Against All Defendants)**

8 86. Yuga Labs incorporates all paragraphs above by reference.

9 87. Yuga Labs owns and has valid common law rights in its BAYC Marks.

10 88. On information and belief, Ripps manages, controls, and directs the
 11 promotion and sale of the infringing and misleading RR/BAYC NFTs, including by
 12 supporting, aiding, and abetting Cahen and Does 1-5.

13 89. Ripps, Cahen, and Does 1-10's use of the BAYC Marks infringes upon
 14 Yuga Labs' common law trade mark.

15 90. Ripps, Cahen, and Does 1-5's use of the BAYC Marks is likely to
 16 cause confusion, mistake, and deception among consumers and the public as to the
 17 source, origin, sponsorship, affiliation, nature and/or quality of Yuga Labs' services
 18 and commercial activities, thereby causing loss, damage, and injury to Yuga Labs
 19 and to the purchasing public. Does 6-10 perpetuated this by promoting the
 20 RR/BAYC NFTs using these marks.

21 91. Ripps, Cahen, and Does 1-10's unauthorized use of the BAYC Marks
 22 is also likely to cause consumers to be confused as to the source, nature, and quality
 23 of the services Ripps, Cahen, and Does 1-10 are promoting or selling.

24 92. Ripps, Cahen, and Does 1-10's unauthorized use of the BAYC Marks
 25 in connection with the sale of its services allows, and will continue to allow, Ripps,
 26 Cahen, and Does 1-10 to receive the benefit of the goodwill established at the labor
 27 and expense of Yuga Labs and to gain acceptance of Ripps, Cahen, and Does 1-10's
 28

1 goods and services, not based on the merits of those goods and services, but on
2 Yuga Labs' reputation and goodwill.

3 93. Ripps, Cahen, and Does 1-10's unauthorized use of the BAYC Marks
4 in connection with the sale of its goods and services deprives Yuga Labs of the
5 ability to control the consumer perception of the quality of the goods and services
6 marketed under the BAYC Marks, and places Yuga Labs' valuable reputation and
7 goodwill in the hands of Ripps, Cahen, and Does 1-10, over which Yuga Labs has
8 no control.

9 94. As a direct and proximate result of Ripps, Cahen, and Does 1-10's
10 violations of Yuga Labs' common law trademark rights, Yuga Labs has suffered
11 and will continue to suffer damages in an amount that Yuga Labs will prove at trial.

12 95. As a direct and proximate result of Ripps, Cahen, and Does 1-10's
13 violations of Yuga Labs' common law trademark rights, these Defendants have
14 been unjustly enriched in an amount not yet ascertained. Accordingly, Yuga Labs
15 is entitled to recover restitution for Ripps, Cahen, and Does 1-10's unjust
16 enrichment in an amount to be determined at trial.

17 96. Ripps, Cahen, and Does 1-10 acted with oppression, fraud, or malice in
18 their trademark infringement entitling Yuga Labs to an award of punitive damages.

19 97. Yuga Labs has been, is now, and will be irreparably injured and
20 damaged by Ripps, Cahen, and Does 1-10's aforementioned acts, and unless
21 enjoined by the Court, Yuga Labs will suffer further harm to its name, reputation and
22 goodwill. This harm constitutes an injury for which Yuga Labs has no adequate
23 remedy at law.

24 98. Yuga Labs is entitled to a judgment enjoining and restraining Ripps,
25 Cahen, and Does 1-10 from engaging in further trademark infringement.

FIFTH CAUSE OF ACTION
COMMON LAW UNFAIR COMPETITION
(Against All Defendants)

99. Yuga Labs incorporates all paragraphs above by reference.

100. On information and belief, Ripps manages, controls, and directs the promotion and sale of the infringing and misleading RR/BAYC NFTs, including by supporting, aiding, and abetting Cahen and Does 1-5.

101. Ripps, Cahen, and Does 1-5's unauthorized use of the BAYC Marks is likely to cause confusion, mistake, and deception among consumers and the public as to the source, origin, sponsorship, affiliation, nature and/or quality of Yuga Labs' services and commercial activities, thereby causing loss, damage, and injury to Yuga Labs and to the purchasing public and constitutes unfair competition in violation of the common law. Does 6-10 perpetuated this by promoting and reselling the RR/BAYC NFTs.

102. As a direct and proximate result of Ripps, Cahen, and Does 1-10's conduct, Yuga Labs has suffered and will continue to suffer damages in an amount to be determined at trial.

103. Ripps, Cahen, and Does 1-10 acted with oppression, fraud, or malice in their unfair competition entitling Yuga Labs to an award of punitive damages.

104. Yuga Labs has been, is now, and will be irreparably injured and damaged by Ripps, Cahen, and Does 1-10's aforementioned acts, and unless enjoined by the Court, Yuga Labs will suffer further harm to its name, reputation and goodwill. This harm constitutes an injury for which Yuga Labs has no adequate remedy at law.

105. Yuga Labs is entitled to a judgment enjoining and restraining Ripps, Cahen, and Does 1-10 from engaging in further unfair competition.

SIXTH CAUSE OF ACTION
UNFAIR COMPETITION
(CAL. BUS. & PROF. CODE §§ 17200 *ET SEQ.*)
(Against All Defendants)

106. Yuga Labs incorporates all paragraphs above by reference.

107. On information and belief, Ripps manages, controls, and directs the promotion and sale of the infringing and misleading RR/BAYC NFTs, including by supporting, aiding, and abetting Cahen and Does 1-5.

108. Ripps, Cahen, and Does 1-5's unauthorized use of the BAYC Marks is likely to cause confusion, mistake, and deception among consumers and the public as to the source, origin, sponsorship, affiliation, nature and/or quality of Yuga Labs' services and commercial activities, thereby causing loss, damage, and injury to Yuga Labs and to the purchasing public. Defendants Does 6-10 perpetuated this by promoting and reselling the RR/BAYC NFTs.

109. Ripps, Cahen, and Does 1-10's unauthorized use of the BAYC Marks and Ripps, Cahen, and Does 1-10's unauthorized promotion and sale of these NFTs constitutes unfair competition, including unlawful, unfair, and fraudulent business practices in violation of California Business and Professions Code §§ 17200 et seq. and of Yuga Labs' rights.

110. As a direct and proximate result of Ripps, Cahen, and Does 1-10's conduct, Yuga Labs has suffered and will continue to suffer damages in an amount to be determined at trial.

111. Yuga Labs has been, is now, and will be irreparably injured and damaged by Ripps, Cahen, and Does 1-10's aforementioned acts, and unless enjoined by the Court, Yuga Labs will suffer further harm to its name, reputation and goodwill. This harm constitutes an injury for which Yuga Labs has no adequate remedy at law. Ripps, Cahen, and Does 1-10 acted with oppression, fraud, or malice in their unfair competition entitling Yuga Labs to an award of punitive damages.

112. Yuga Labs is entitled to a judgment enjoining and restraining Ripps, Cahen, and Does 1-10 from engaging in further unfair competition.

SEVENTH CAUSE OF ACTION

FALSE ADVERTISING

(CAL. BUS. & PROF. CODE §§ 17500 *ET SEQ.*)

(Against Defendants Ripps, Cahen, And Does 1-5)

113. Yuga Labs incorporates all paragraphs above by reference.

114. On information and belief, Ripps manages, controls, and directs the promotion and sale of the infringing and misleading RR/BAYC NFTs, including by supporting, aiding, and abetting Cahen and Does 1-5.

115. Ripps, Cahen, and Does 1-5 are Plaintiff's competitors in market for NFTs.

116. Ripps, Cahen, and Does 1-5 also make the false and misleading implied factual claim in their advertising that their RR/BAYC NFTs are equivalent to authentic Bored Ape NFTs. For instance, they advertised that "To CLARIFY... how the website <http://rrbayc.com> works. You reserve an ape which you can choose. @ryder_ripps will then mint it for you when he is able to. Then it will get transferred to your wallet Then you can say fuck off to @BoredApeYC!" Similarly, Ripps, Cahen, and Does 1-5 advertised their copycat "Ryder Ripps Bored Ape Yacht Club" as equivalent to the authentic Bored Ape Yacht Club: "Looking at @ApeMarketplace and saying fuck you to @BoredApeYC who's with me?"

117. Ripps, Cahen, and Does 1-5's advertising of the quality of the RR/BAYC NFTs is likely to deceive consumers of NFTs about the material qualities of Defendants' NFTs. In particular, reasonable consumers are likely to believe that if they hold one of the RR/BAYC NFTs they will have access to the authentic Bored Ape Yacht Club (they will not), that they own rights to the underlying art (they do not), or that they will have access to exclusive launches by Yuga Labs for holders of authentic Bored Ape NFTs (they will not).

1 118. Ripps, Cahen, and Does 1-5 knew or should have known that the
2 representations they made regarding RR/BAYC NFTs and Ape Market were false
3 or misleading at the time it made them.

4 119. Ripps, Cahen, and Does 1-5 intended to induce reliance on the false or
5 misleading representations because they intended to attract potential customers to
6 purchase its RR/BAYC NFTs and use its Ape market platform.

7 120. As a direct and proximate result of Ripps, Cahen, and Does 1-5's
8 conduct, Yuga Labs has suffered and will continue to suffer damages in an amount
9 to be determined at trial.

10 121. Ripps, Cahen, and Does 1-5's conduct constitutes willful false or
11 misleading statements in violation of Cal. Bus. & Prof. code §§ 17500 *et seq.*
12 Ripps, Cahen, and Does 1-5 acted with oppression, fraud, or malice in their false
13 advertising entitling Yuga Labs to an award of punitive damages.

14 122. Yuga Labs has been, is now, and will be irreparably injured and damaged
15 by Ripps, Cahen, and Does 1-5's aforementioned acts, and unless enjoined by the
16 Court, Yuga Labs will suffer further harm to its name, reputation and goodwill. This
17 harm constitutes an injury for which Yuga Labs has no adequate remedy at law.

18 **EIGHTH CAUSE OF ACTION**

19 **UNJUST ENRICHMENT**

20 **(Against All Defendants)**

21 123. Yuga Labs incorporates all paragraphs above by reference.

22 124. Yuga Labs is not in a contractual relationship with any Defendants.

23 125. On information and belief, Ripps manages, controls, and directs the
24 promotion and sale of the infringing and misleading RR/BAYC NFTs, including by
25 supporting, aiding, and abetting Cahen and Does 1-5.

26 126. Ripps, Cahen, and Does 1-5 used Yuga Labs' BAYC Marks without
27 authorization, and as a result obtained money or property through their misconduct
28 that rightly belongs to Yuga Labs. In doing so, they have deprived Yuga Labs of

1 that money or property. Likewise, Does 6-10 perpetuated this by reselling the
2 RR/BAYC NFTs, and as a result obtained money or property through their
3 misconduct that rightly belongs to Yuga Labs. In doing so, they have deprived Yuga
4 Labs of that money or property.

5 127. As a result of Ripps, Cahen, and Does 1-10's unauthorized use of these
6 marks, they have unjustly enriched themselves at Yuga Labs' expense.

7 128. As a direct and proximate result of Ripps, Cahen, and Does 1-10's
8 conduct, Yuga Labs has suffered and will continue to suffer damages in an amount
9 to be determined at trial.

10 129. It would be against equity and good conscience to permit Ripps, Cahen,
11 and Does 1-10 to retain the benefit of this misconduct.

12 **NINTH CAUSE OF ACTION**

13 **CONVERSION**

14 **(Against Defendants Ripps, Cahen, And Does 1-5)**

15 130. Yuga Labs incorporates all paragraphs above by reference.

16 131. On information and belief, Ripps manages, controls, and directs the
17 promotion and sale of the infringing and misleading RR/BAYC NFTs, including by
18 supporting, aiding, and abetting Cahen and Does 1-5.

19 132. Yuga Labs owns and has valid common law rights in its BAYC Marks.

20 133. Ripps, Cahen, and Does 1-5 substantially interfered with Yuga Labs'
21 ownership and rights in these marks by knowingly or intentionally using them to
22 promote their own RR/BAYC NFTs.

23 134. Yuga Labs did not consent to Ripps, Cahen, and Does 1-5's use of
24 these marks.

25 135. As a direct and proximate result of Ripps, Cahen, and Does 1-5's
26 conduct, Yuga Labs has suffered and will continue to suffer damages in an amount
27 to be determined at trial.

28 136. Yuga Labs has been, is now, and will be irreparably injured and

1 damaged by Ripps, Cahen, and Does 1-5's aforementioned acts, and unless enjoined
 2 by the Court, Yuga Labs will suffer further harm to its name, reputation and
 3 goodwill. This harm constitutes an injury for which Yuga Labs has no adequate
 4 remedy at law.

5 137. Yuga Labs is entitled to a judgment enjoining and restraining Ripps,
 6 Cahen, and Does 1-5 from engaging in further conversion of the BAYC Marks.

7 138. Ripps, Cahen, and Does 1-5 acted with oppression, fraud, or malice in
 8 converting Yuga Labs' trademarks entitling Yuga Labs to an award of punitive
 9 damages.

10 **TENTH CAUSE OF ACTION**
 11 **INTENTIONAL INTERFERENCE WITH**
 12 **PROSPECTIVE ECONOMIC ADVANTAGE**
 13 **(Against All Defendants)**

14 139. Yuga Labs incorporates all paragraphs above by reference.

15 140. On information and belief, Ripps manages, controls, and directs the
 16 promotion and sale of the infringing and misleading RR/BAYC NFTs, including by
 17 supporting, aiding, and abetting Cahen and Does 1-5.

18 141. An economic relationship existed between Yuga Labs and individuals
 19 who have purchased Bored Ape NFTs.

20 142. These economic relationships carried a probability of an economic
 21 benefit to Yuga Labs in that prior purchasers would be likely to purchase and/or
 22 resell additional Yuga Labs products, whereby Yuga Labs may earn a creator fee as
 23 a percentage of the total sale.

24 143. Ripps, Cahen, and Does 1-10 have knowledge of these economic
 25 relationships.

26 144. Ripps, Cahen, and Does 1-10 intentionally sought to interfere with
 27 these relationships by, *inter alia*, (a) appropriating Yuga Labs' trademarks,
 28 (b) engaging in unfair competition, (c) engaging in false advertising, and/or

1 (d) offering a competing fake product to devalue Yuga Labs' authentic Bored Ape
2 NFTs and the goodwill associated with them. Ripps, Cahen, and Does 1-10 knew
3 that interference with the relationship between Yuga Labs and individuals who have
4 purchased or were interested in purchasing an authentic Bored Ape NFT was certain
5 or substantially certain to occur as a result of Ripps, Cahen, and Does 1-10's
6 wrongful conduct.

7 145. Actual interference with the relationship between Yuga Labs and
8 individuals who have purchased or might purchase Bored Ape NFTs occurred in that
9 prior purchasers of Bored Apes "dumped" Yuga Labs NFTs in favor of Ripps,
10 Cahen, and Does 1-10's RR/BAYC NFTs, driving down the resale price of Bored
11 Ape NFTs.

12 146. As a direct and proximate result of Ripps, Cahen, and Does 1-10's
13 conduct, Yuga Labs has suffered and will continue to suffer damages in an amount
14 to be determined at trial.

15 147. Yuga Labs has been, is now, and will be irreparably injured and damaged
16 by Ripps, Cahen, and Does 1-10's aforementioned acts, and unless enjoined by the
17 Court, Yuga Labs will suffer further harm to its name, reputation and goodwill. This
18 harm constitutes an injury for which Yuga Labs has no adequate remedy at law.

19 148. Yuga Labs is entitled to a judgment enjoining and restraining Ripps,
20 Cahen, and Does 1-10 from engaging in further interference with its prospective
21 economic relations.

22 149. Ripps, Cahen, and Does 1-10 acted with oppression, fraud, or malice
23 in their interference with Yuga Labs' prospective economic advantage entitling
24 Yuga Labs to an award of punitive damages.

ELEVENTH CAUSE OF ACTION
NEGLIGENT INTERFERENCE WITH
PROSPECTIVE ECONOMIC ADVANTAGE
(Against All Defendants)

150. Yuga Labs incorporates all paragraphs above by reference.

151. On information and belief, Ripps manages, controls, and directs the promotion and sale of the infringing and misleading RR/BAYC NFTs, including by supporting, aiding, and abetting Cahen and Does 1-5.

152. An economic relationship existed between Yuga Labs and individuals who have purchased Bored Ape NFTs.

153. These economic relationships carried a probability of an economic benefit to Yuga Labs in that prior purchasers would be likely to purchase and/or resell additional Yuga Labs products, whereby Yuga Labs may earn a creator fee as a percentage of the total sale.

154. Ripps, Cahen, and Does 1-10 knew or should have known of these economic relationships.

155. Ripps, Cahen, and Does 1-10 knew or should have known that these relationships would be disrupted if they failed to act with reasonable care.

156. Ripps, Cahen, and Does 1-10 failed to act with reasonable care and engaged in wrongful conduct by, *inter alia*, (a) appropriating Yuga Labs' trademarks, (b) engaging in unfair competition, (c) engaging in false advertising, and/or (d) offering a competing fake product to devalue Yuga Labs' authentic Bored Ape NFTs and the goodwill associated with them.

157. Actual interference with the relationship between Yuga Labs and individuals who have purchased or might purchase authentic Bored Ape NFTs occurred in that prior purchasers of Bored Apes "dumped" Yuga Labs' NFTs in favor of Ripps, Cahen, and Does 1-10's RR/BAYC NFTs, driving down the resale price of Bored Ape NFTs.

1 158. As a direct and proximate result of Ripps, Cahen, and Does 1-10's
2 conduct, Yuga Labs has suffered and will continue to suffer damages in an amount
3 to be determined at trial.

4 159. Yuga Labs has been, is now, and will be irreparably injured and
5 damaged by Ripps, Cahen, and Does 1-10's aforementioned acts, and unless
6 enjoined by the Court, Yuga Labs will suffer further harm to its name, reputation and
7 goodwill. This harm constitutes an injury for which Yuga Labs has no adequate
8 remedy at law.

9 160. Yuga Labs is entitled to a judgment enjoining and restraining Ripps,
10 Cahen, and Does 1-10 from engaging in further interference with its prospective
11 economic relations.

12 161. Ripps, Cahen, and Does 1-10 acted with oppression, fraud, or malice
13 in their interference with Yuga Labs' prospective economic advantage entitling
14 Yuga Labs to an award of punitive damages.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Yuga Labs prays for relief as follows:

17 1. Entry of an order and judgment requiring that Defendants and their
18 officers, agents, servants, employees, owners and representatives, and all other
19 persons, firms or corporations in active concert or participation with it, be
20 preliminarily and permanently enjoined and restrained from (a) using in any manner
21 the BAYC Marks, or any name, mark or domain name that wholly incorporates the
22 BAYC Marks or is confusingly similar to or a colorable imitation of these marks;
23 and (b) doing any act or thing calculated or likely to cause confusion or mistake in
24 the minds of members of the public, or prospective customers of Yuga Labs'
25 products or services, as to the source of the products or services offered for sale,
26 distributed, or sold, or likely to deceive members of the public, or prospective
27 customers, into believing that there is some connection between Defendants and
28 Yuga Labs;

1 2. A judgment ordering Defendants, pursuant to 15 U.S.C. § 1116(a), to
2 file with this Court and serve upon Yuga Labs within thirty (30) days after entry of
3 the injunction, a report in writing under oath setting forth in detail the manner and
4 form in which Defendants have complied with the injunction and ceased all
5 offering of services under the BAYC Marks as set forth above;

6 3. A judgment ordering Defendants, pursuant to 15 U.S.C. § 1118, to
7 deliver up for destruction, or to show proof of said destruction or sufficient
8 modification to eliminate the infringing matter, all articles, packages, wrappers,
9 products, displays, labels, signs, vehicle displays or signs, circulars, kits, packaging,
10 letterhead, business cards, promotional items, clothing, literature, sales aids,
11 receptacles, servers, social media accounts, or other matter in the possession,
12 custody, or under the control of Defendants or their agents bearing the BAYC Marks
13 in any manner, or any mark that is confusingly similar to or a colorable imitation of
14 this mark;

15 4. A judgment ordering Defendants to withdraw any applications
16 Defendants filed anywhere for the BAYC Marks;

17 5. A judgment in the amount of Yuga Labs' actual damages, Defendants'
18 profits, Yuga Labs' reasonable attorneys' fees and costs of suit, and pre-judgment
19 interest pursuant to 15 U.S.C. § 1117;

20 6. A judgment for enhanced damages under 15 U.S.C. § 1117 and
21 punitive damages under state law as appropriate; and

22 7. Any and all equitable relief that may be available to Yuga Labs,
23 including without limitation restitution, disgorgement, and the imposition of a
24 constructive trust.

25 8. A judgment granting Yuga Labs such other and further relief as the
26 Court deems just and proper.

1 Dated: June 24, 2022

FENWICK & WEST LLP

2
3 By: /s/ Eric Ball

4 Eric Ball

5 Attorneys for Plaintiff

6 Yuga Labs, Inc.

7
8 **JURY DEMAND**

9 Plaintiff Yuga Labs, Inc. hereby requests a trial by jury.

10 Dated: June 24, 2022

FENWICK & WEST LLP

11
12
13 By: /s/ Eric Ball

14 Eric Ball

15 Attorneys for Plaintiff

16 Yuga Labs, Inc.

FENWICK & WEST LLP