

**SECTION ELEVEN**

**AVATAR INFRINGEMENT CLAIMS**



**Butterfly Driver / Uberopolis**



**Avatar**

330. James Cameron’s name is on ALL of the screenplay copyright registrations of all of his previous films that he claims to have written. But Cameron’s name is **not** on the Avatar screenplay copyright. Only 20CFOX’s name is on that copyright (see Ex W4, and/or p 53). This, because 20CFOX knew Avatar was stolen from the Plaintiff. By putting their name on this copyright, 20CFOX was attempting to claim ownership of Plaintiff’s ideas.

331. Prior to Avatar, Cameron registered his scripts, on average, one month before their film’s release, and **never** more than a year before release. But 20CFOX registered Avatar’s script almost 3 years early, because they wanted to claim Plaintiff’s ideas immediately.

Title	Theatrical Release	Date of Copyright Registration	Time between Copyright Registration & film Release
Piranha II; The Spawning	Aug 26, 1982	Aug 13, <b>1984</b> (film), NO screenplay on file	Registered 2 years <b>after</b> the film’s release
The Terminator	Oct 26, 1984	Feb 3, 1984	Registered 8 months earlier
Aliens	July 18, 1986	Oct 1, 1985	Registered 9 months earlier
The Abyss	Aug 9, 1989	Aug 24, 1989	Registered 2 weeks <b>after</b>
Terminator 2	July 1, 1991	June 10, 1991	Registered 1 month earlier
True Lies	July 16, 1993	July 15, 1994	Registered 1 year earlier
Titanic	Dec 19, 1997	Dec 16, 1997 (film); No screenplay on file	Registered 3 days earlier
<b><u>Avatar</u></b>	Dec, 18 2009	March 6, 2007	Registered <b>2 years &amp; 9 months</b> BEFORE theatrical release

**PLAINTIFF’S COPYRIGHT INFRINGEMENT CLAIMS AGAINST  
THE DEFENDANTS’ AVATAR**

332. A complete copy of Plaintiff’s screenplay *Butterfly Driver*, from late 2007, is attached as **Exhibit X6**. Jan 16, 2006, Plaintiff emailed his script, then titled *Uberopolis: City of Light (Uber)* to himself. The first page of this *Uber* script is attached as **Exhibit N6**. Plaintiff will submit the complete Jan 16, 2006 *Uber* script when he has permission to e-file.

**1. THEMES**

333. Many films (particularly James Cameron films) lack any themes at all. But themes are imperative to highly creative works. Jon Landau (James Cameron’s business partner) explained the importance of themes in a June 20, 2017, *Deadline* interview (attached as **Exhibit K5**): “**One of the strengths of great scripts are always the universal and relatable themes...**” But as Landau forgot that **Cameron’s prior works have no themes**.

334. Forensics and psychology teach us that people have recurring patterns and behaviors. U.S. **universities** teach us that writers have **recurring themes** that recur in their works. But none of the themes or central elements of Avatar resembles Cameron’s prior work.

335. Prior to Avatar, Def Cameron had never taken a stand for the environment in a film.

336. Prior to Avatar, Cameron never expressed any interest in spirituality or God in a film.

337. Prior to Avatar, Cameron never addressed a current political or social issue in a film.

348. Prior to Avatar, Cameron both wrote and directed 6 films: Terminator, Aliens, The Abyss, Terminator 2, True Lies, Titanic. None of these share any of Avatar’s themes.

Film	Environmental, Spiritual, Social, Political themes	Genre & Notes
The Terminator	None	Sci-fi. Cameron sued for copyright infringement: <b>Lost</b>
Aliens	None	Sci-fi
The Abyss	None	Sci-fi
Terminator 2: Judgment Day	None	Sci-fi
True Lies	None	Comedy/ Action/ Thriller
Titanic	None	Romance. Sued for infringement

1 339. One of the most interesting things about the Plaintiff’s screenplay are its many  
2 tightly knit themes. The fact that Cameron’s *Avatar* shares this aspect is evidence of  
3 infringement, as none of his prior works have ANY themes, much less tightly knit themes.

4 340. All of Def Cameron’s films have been listed on Wikipedia since 2004. But if one  
5 uses the IA to research Cameron’s prior films’ Wikipedia pages, they learn *True Lies*,  
6 *Terminator 2*, *The Abyss*, *Aliens* and *Titanic* never bothered to list any themes. *Terminator*  
7 did not identify a theme until 2012. (*Titanic* added a “writing inspirations” passage in 2010.)

#### 8 **Defs Add An “Inspiration” To Aliens In 2007**

9 341. Cameron’s prior films had no themes, but *Avatar* suddenly had many themes  
10 —identical to the Plaintiff’s. Wikipedia listed **9 paragraphs** of “Themes and inspirations”  
11 for *Avatar*. Thus, to make Cameron seem capable of such complex layered themes, in 2007,  
12 a year and a half after the Defs initiated infringement of Plaintiff’s work, the Defs went back  
13 and added a politically conscious “inspiration” to *Aliens*’ Wikipedia page, reading:

14 “Director James Cameron drew inspiration for the *Aliens* storyline from the  
15 **Vietnam War**, with regards to situations where a technologically superior force  
16 was mired in a hostile foreign environment. The name of the Colonial  
Marines' ship, "Sulaco", is the name of the town in Joseph Conrad's...

17 342. Thus, to make Cameron seem capable of writing layered themes, the Defs suggested  
18 that while Cameron was writing a space-monster movie, he was really thinking about world  
19 history. [Said *Aliens*’ (*film*) Wikipedia page from October 2007 is attached as **Exhibit L5**.]

#### 20 **THE DEFS INFRINGE / MISAPPROPRIATE PLAINTIFF’S THEMES**

21 343. The Defs’ *Avatar* film misappropriates Plaintiff’s collection of themes. These are:

- 22 1. The primacy of family.
- 23 2. The importance of respecting and protecting the environment.
- 24 3. The importance of living in union with God and nature.
- 25 4. The horror of corporate greed.
- 26 5. The importance of adequate healthcare.
- 27 6. The cruelty, brutality and senselessness of classism and racism.
- 28 7. The content and quality of one's dreams, reflects one’s connection to God and nature.





1 Driver/Uberopolis, Plaintiff's hero is decidedly poor. His poorness is expressed by  
2 his inability to pay for his daughter's healthcare.

3 • Def Cameron's hero is also poor; his poorness is expressed by his inability to pay  
4 for a medical spinal procedure that would allow him to walk again.

5 **4. Plaintiff's hero is motivated by (1) a healthcare goal; (2) an environmental goal.**  
6 The Plaintiff's hero is motivated (1) to get available (but very expensive) healthcare  
7 to save his dying daughter; (2) to get Tamara's A-cell (a new cheap and clean energy  
8 source) into the right hands, to save humanity.

9 • Def Cameron's hero is motivated (1) by a need for spinal surgery that is too  
10 expensive; (2) to save the environment of Pandora from its human destroyers.

11 **5. Plaintiff's hero is a visionary DREAMER.** The Plaintiff's hero has a unique  
12 dream in the film's climax. This dream saves the hero (and much of the world), and  
13 shows the hero's connection to God and nature. (Plaintiff's hero, in his indie film  
14 *The Amazing Mr Excellent*, was also a visionary dreamer).

15 • Avatar's hero infringes this from the Plaintiff (even opening the film with a dream  
16 sequence). Cameron's prior works never featured a visionary dreamer.

17 **6. Plaintiff's hero has a unique relationship with God and spirituality** that grows  
18 and evolves as he relentlessly progresses toward his noble goals.

19 • Def Cameron's hero also has a relationship with God and spirituality (in a palpably  
20 derivative way).

21 **7. Plaintiff's hero's goodness is confirmed and expanded in his relationship with**  
22 **animals** (a dolphin).

23 • Def Cameron's hero's goodness is also expressed in his relationship with animals.

24 **8. Plaintiff's hero is from a dystopian, overpopulated future Earth (around 2150) where**  
25 **crime is rampant.** (Plaintiff's originally set his story around 2120, but moved it to  
26 **2144** in 2008).

27 • Def Cameron's hero also comes from a dystopian, crime-ridden, overpopulated  
28 future Earth, in **2154** (ten years from the Plaintiff's time setting)

COMPLAINT

1                                   **3. DEFENDANTS’ INFRINGEMENT OF PLAINTIFF’S**  
2                                   **UNIQUE NEW CONCEPTUAL TECHNOLOGY:**  
3                                   **MIND-SOUL SCANNER, REPLICATOR & TRANSFERER**

4       347. The Plaintiff’s screenplay, *Butterfly Driver*, features a conceptual technology that  
5 had never been conceived or used in film or literature history. This technology is an  
6 *expression*, in itself, because it involves a number of moving parts. This central technology  
7 is an electronic based full brain, body and soul scanner (or scan; noun or verb), that scans all  
8 of the mental and biological information a person, and makes perfect digital reproductions of  
9 them (particularly their brains and/or souls). These digital mind/soul copies are then used for  
10 one of three purposes: **(1)** they are entered into a State computer system where the State can  
11 reproduce these digital people (who believe they are alive), then use them to deceive actual  
12 citizens in a number of ways [See **Exhibit X6**, page 37, 38, the character Lespi has been  
13 killed, but is digitized in a virtual world, and thinks he is still alive]; **(2)** these mind/soul  
14 scans can also be placed in new physical bodies; **(3)** the third application pertains to law  
15 enforcement and predicting crime (this aspect was not infringed by the Defs, so Plaintiff will  
16 not elaborate). The application of the mind/soul scan is also seen on page 90 of Ex **X6**, as  
17 Jerry realizes that The State intends to kill Arlo, then televise a fake trial, using Arlo’s  
18 mind/soul scan and other *gens*. But Plaintiff only presented a full view of these concepts in  
19 *Butterfly Driver*, Jan 2007 to May 2007, before deciding to save them for future works.

20       348. In a version of *Butterfly Driver* that the Defs accessed on TS, early 2007, a character  
21 named Van Auck (a State videographer) explains to Jerry how the State uses this technology.  
22 [See **Exhibit M5**, page 39 of Jan 16, 2006, *email* version of *Uberopolis*.] As Arlo and Van  
23 Auck look at a TV screen full of cyber-gens (low quality, digital people) Van Auck explains:

24           VAN: “These are just programmable cyber-gens. Been around tinsel town for  
25           almost three years. Take someone’s MRI scan, digitize it an you got an  
26           exact digital replica. Next year they’re gonna introduce neuro-gens that  
27           look, think and act just like the people they’re modelled after.”

27           JERRY: “That possible?”

28           VAN: “Take a guy’s neuro-scan and digitize it into his cyber-gen. Technology  
              finally caught up to the theory.

1 349. Plaintiff’s mind-soul replicator scans and images the mind and soul, replicates or  
2 copies it/them, and transfers it/them into a number of different forms and applications.

3 **Defs Infringement Of Plaintiff’s Mind/Soul Scan/ Replicator/Transferer**

4 350. The Defendants infringed on Plaintiff’s technology/concept by having Jake’s  
5 mind/soul scanned and replicated and transferred into Jake’s Avatar’s empty mind. About 15  
6 minutes into the film Avatar, a group of scientists begin to scan Jake’s brain. 15 minutes and  
7 30 seconds in, a doctor/scientist holds up a copy of the scanned brain. Jake’s brain and his  
8 Avatar’s brain are then shown next to each other, in the same shot, displaying the exact same  
9 brain activity. After both brains are matched and “synced”, Jake’s soul is transferred into his  
10 Avatar body.

11 351. The Defs work infringes and misappropriates all aspects of the Plaintiff’s  
12 copyrighted concept, it scans, copies, and transfers the mind/souls into new environments or  
13 bodies. This is almost unprecedented infringement.

14 **4. ENVIRONMENTALISM.**

15 (The importance of protecting, respecting and living in concert with the natural  
16 environment is a central story structure and theme of the contested works)

17 **Environmentalism In Butterfly Driver / Uberopolis**

18 352. An *environmental* central story structure and theme was expressed throughout the  
19 Plaintiff’s work. The environmental theme is expressed in (1) Arlo’s daughter’s (Franny) ill  
20 condition, as the air quality is so bad it is killing her; (2) it is expressed in Jerry’s (the  
21 secondary hero) son’s (Jake, later named Matty) life-threatening breathing condition; (3) it  
22 is reinforced by thick pollution in the air, and by many people wearing air masks; (4) it is  
23 shown in central dialogue, such as when Tamara Gwynn (brilliant scientist) and Arlo discuss  
24 the tens of millions of people that are dying every year because of poor air quality; (5) it is  
25 the reason that Tamara and her father invented the “A-cells” (a radically new clean energy  
26 technology that will save billions of lives, and may save the earth); (6) it is addressed when  
27 Benni (a tough warrior woman) finds a single violet (flower) and stops to rescue the lone  
28 flower, hoping to use it bring more flowers to a world that struggles to sustain plant-life;

1 (7) is addressed when Arlo and Drexler (villain) also discuss the billions of people who will  
2 die without Tamara’s A-cell. Environmentalism is also woven into Butterfly Driver’s  
3 **central conflict** because Tamara is killed trying to get her A-cell into the right hands; but if  
4 Arlo can get the A-cell into the right hands he can save billions of lives.

5 • 353. Environmentalism often factors in the Plaintiff’s work. In Plaintiff’s film  
6 “The Amazing Mr. Excellent”, the heroes’ goal is to raise money to save a community  
7 garden, so the kids in the community can connect to nature.

### 8 **Environmentalism In AVATAR**

9 354. An environmentalism central story structure and theme is addressed in Avatar when  
10 Jake prays at the Tree of Souls and says, “**See, the world where we come from... there’s**  
11 **no green there. They killed their mother, and they’re gonna do the same here.**” (This  
12 statement is made to indicate that Earth is in horrible condition.) It is also expressed in the  
13 vicious way that the RDA (corporate mining company on Pandora) wantonly destroys  
14 Pandora’s plants and trees. Environmentalism is woven into Avatar’s central conflict,  
15 because the destruction of Pandora’s plant-life threatens to kill all of the Na’vi people.

16 • 355. NONE of Cameron’s prior films have any environmental message or theme.

### 17 **5. THE INHUMANITY OF INADEQUATE HEALTHCARE**

18 (The anguish and barbarity of living without affordable healthcare  
19 is a central story structure in each of the contested works)

### 20 **Inhumanely Expensive Healthcare In Butterfly Driver / Uberopolis**

21 356. Inhumanely expensive healthcare is a **driving central story structure and theme** of  
22 Butterfly Driver, as Arlo, a poor man living in one of the many “zones” (poor parts of the  
23 world), is compelled into action by an irrepressible desire to save his daughter, Franny, who  
24 is dying because her lungs can’t handle Earth’s toxic air—but Arlo cannot afford the medical  
25 treatment that Franny’s advanced condition requires. Thus, he will go on two impossible  
26 missions, in effort to save her. The second adventure sends Arlo from the dregs of Earth, up  
27 to the giant super satellite city for the super-rich, Uberopolis, in search of a curative pill that  
28 might save Franny, who only has a week to live.

## **Inhumanely Expensive Healthcare In Avatar**

1  
2 357. Inhumanely expensive healthcare is also a driving central story structure (the issue  
3 that compels Jake into action) and theme in Avatar. In the opening 6 or 7 minutes we learn  
4 that Jake is parapalegic former soldier, who lost his ability to use his legs due to a spinal  
5 injury in a war. Jake’s voiceover explains: “They can fix a spine, if you got the money. But  
6 not on vet benefits. Not in this economy.” A minute or so later, two men who seem  
7 connected with the US government, explain that if Jake agrees to go work as a security guard  
8 on Pandora (a distant planet inhabited by blue aliens who resemble people) he can earn a lot  
9 of money (to pay for his spinal surgery) and will be able to walk in his Avatar body. In short,  
10 Jake goes to Pandora because he wants to earn enough money to fix his spine.

11 358. Once on Pandora, Quaritch (the villain) promises to pay to have Jake’s legs restored  
12 if he gets intelligence on the Na’vi that will allow the RDA to get them out of their Hometree  
13 (a giant tree where the central tribe of Na’vi live). Jake agrees, although it means betraying  
14 the Na’vi, who he is fond of, because it means he will be able to walk in his own body again  
15 —emphasizing the driving force of the healthcare theme.

## **6. SPIRITUALITY & GOD**

16  
17 359. The central story structure and theme of “finding fulfillment and meaning in a  
18 spiritually centered life, and in awareness of God,” is central in the contested works.

### **Spirituality & God in Butterfly Driver**

19  
20 360. The central story structure and theme of spirituality and God is expressed in many  
21 ways. First, it is expressed in Arlo’s evolution; he begins somewhat a believer in God, but as  
22 he moves forward on his journey, he becomes closer to God. In Arlo’s first conversation  
23 with Tamara (see Ex X6, page 15) when Tamara asks Arlo if he is religious, Arlo answers  
24 “Nah. Maybe there’s a God though... You religious?”

25 361. Tamara explains, “Faith comes from our unreasonably hopeful nature. That’s how  
26 we survive. I put my unreasonable hopes in my A-cell.”

27 362. A few pages later (see Ex X6, page 18), after Arlo accepts a type of mission that  
28 usually results in death, he and his old friend Dylan’s simultaneously exchange the parting

1 expression “Until then” (an expression since been borrowed by other films). This expression  
2 is used to mean, “If I don’t see you again in this life; I will see you in the next.” Arlo shares  
3 this parting expression with a number of important characters.

4 363. As Arlo struggles to get to Uberopolis, he meets a downtrodden warrior woman,  
5 Benni. When he asks Benni about her dream-catcher necklace, Benni explains that dreams  
6 are part of her **religion**—because all she has left are her dreams. (See Ex X6, page 55). Later  
7 Benni asks Arlo if his wife is his **soul**-mate. In the January 16, 2006 *Uber* screenplay, Arlo  
8 answers: “I probably don't know what a soul-mate is. But I bet not everyone **earns** a soul in  
9 this life.” [See p 63, line 9, from January 16, 2006 email *Uber* version excerpt, attached as  
10 **Exhibit O6.**]

11 364. This theme of the importance of God (and spirituality) is seen in how the people  
12 most instrumental in getting Arlo to Uberopolis are a **rabbi**, a **pastor**, a **cleric** and a **guru**,  
13 working in a revolutionary underground school/center called “**Faith House.**”

14 365. When Benni and Arlo get to the Z.R. center (Arlo’s last stop before Uberopolis) they  
15 find Tamara’s lost A-cell there, which they thought the government had destroyed. (Dylan  
16 delivered it there, as Arlo instructed, months earlier.) The impossibility of this seems  
17 miraculous to Arlo and Benni, as if by divine intervention.

18 366. As Arlo leaves for Uberopolis, Tamara gives him her dream catcher, for luck. Later,  
19 in the story’s darkest moment, as the life drains from Arlo’s body, God reveals to Arlo in a  
20 dream, a way out—using a vision of Benni’s dream catcher as a *signal*. Arlo acts on his  
21 vision, with the last of his energy, and saves the day.

22 367. In the end, Arlo leaves his family in *The State* because he cannot express his beliefs  
23 outside of his home.

24 • 368. God factors in many of the Plaintiff’s works, and is central in the Plaintiff’s film  
25 “The Amazing Mr Excellent,” as the film ends with the cast singing and dancing to “If God  
26 Loves Disco Dancing” (“...would you get out on the floor?”)

### 27 **Spirituality & God in Avatar**

28 369. Spirituality is expressed throughout Avatar. The Na’vi (aliens) have a Sacred Tree of

1 Souls, used as a conduit to worship. The Na’vi are able to communicate with the souls of  
2 their ancestors through this tree. As Jake becomes closer to the Na’vi he says: “The Na’vi  
3 say every person is born twice. The second time is when you **earn** your place among the  
4 people **forever**.” This is an infringement of the Plaintiff’s concept of *earning a soul*.

5 370. Jake begins to believe in the Na’vi god Eywa, and shortly before the final battle Jake  
6 prays to Eywa to help the Na’vi win their battle against the humans. Neytiri, tells Jake Eywa  
7 does not intervene in such matters. But in the final battle all the animals of Pandora join the  
8 fight against the humans, and Neytiri sees this as Eywa granting Jake’s prayer.

- 9 • 371. None of Cameron’s prior works include any presence of God or spirituality.

## 10 **7. THE EVIL OF CORPORATE GREED**

### 11 **The Evil Of Corporate Greed in Butterfly Driver**

12 372. *The evil of corporate greed* story structure and theme is expressed throughout  
13 Butterfly Driver (Uberopolis), it is seen in how Drexler’s private prisons, prisoners (most of  
14 whom are innocent) are worked nearly to death, then Drexler has them killed by dumping  
15 them in space. The evil of corporate greed theme is seen in the fact that Drexler and his  
16 corporate friends prevent the implementation of Tamara’s A-cell for 30 years, so the oil  
17 industry can transition into an A-cell industry, killing billions of poor people with this delay.  
18 The evil of corporate greed theme is expressed in how Drexler’s medical and pharmaceutical  
19 companies charge astronomical prices for very cheap, life-saving, curative medicines;  
20 resulting in the deaths of billions of poor people. The evil of corporate greed story structure  
21 is also expressed in various meetings and news conferences with villain, Drexler, in which he  
22 makes it clear that profits, and the quality of the lives of the rich, are his only concerns.

- 23 • 373. *The evil of corporate greed* story structure appears in the Plaintiff’s known prior  
24 screenplay *Sunflowers*, and in later work *Sweeter Nectar Cherries*.

### 25 **The Evil Of Corporate Greed in Avatar**

26 374. The evil of corporate greed central story structure and theme is expressed in Avatar  
27 by the company *RDA*’s willingness to displace, injure and kill the Na’vi people/aliens in  
28 order to get the unobtainium (energy source) under the Na’vi Hometree. Def Cameron also

1 expressed this corporate greed theme in a derivative way, as a villainous corporate manager  
2 (Parker Selfridge) explains that he must clear out the Na’vi because his corporate bosses  
3 expect to see growth in the company’s quarterly reports. Corporations are further vilified  
4 through Selfridge, as he personally pushes the throttle forward of a massive bulldozer that  
5 almost kills Jake and Neytiri. This anti-corporate aspect is also expressed by a prohibitively  
6 expensive healthcare system that will only heal Jake’s spinal injury for an extreme price.

7 • 375. *The evil of corporate greed* story structure has **never** been utilized in Cameron’s  
8 prior directorial works.

## 9 **8. HERO’S VIRTUOUS CONNECTION TO ANIMALS**

### 10 **Hero’s Spiritual Connection To Animals In Butterfly Driver**

11 376. Arlo shows his virtuous heart through his relationship with one of Earth’s last  
12 surviving dolphins. In the beginning of *Butterfly Driver*, *Spike*, one of the last surviving  
13 Dolphins, befriends Arlo when he is imprisoned on Uberopolis (See Ex X6, page 28).

14 377. Near the story’s end, in the climactic build-up, Spike remembers Arlo’s good  
15 character, and saves Arlo’s life, moments before he would have otherwise drowned.

16 378. Later, in the climax, as Arlo is bleeding to death in the cockpit of a speeding  
17 shuttle-train, he dreams of a dream-catcher in the eyes of Spike the dolphin—who, in the  
18 dream, is trapped in the shuttle’s cargo hull. The cargo hull represents death to Arlo, as he  
19 knows that hundreds of thousands of State prisoners have been murdered in Uberopolis  
20 shuttle-train hulls. This vision of Spike, compels Arlo into what may be his final act—to  
21 save billions of lives. With Uberopolis’ citizens safely evacuated, Arlo and Jerry race the  
22 shuttle-train, and the missiles chasing them, crashing into Uberopolis, martyring Spike.

23 379. Thus, in the end, Arlo’s spiritual connection to animals and God saves humanity.

### 24 **Hero’s Spiritual Connection To Animals In Avatar**

25 380. In *Avatar*, Jake’s virtuous connection to animals is first witnessed when a revered  
26 type of jellyfish-like creature gravitates to Jake (even as Jake tries to kill them). Neytiri,  
27 who had rejected Jake, changes when she witnesses this, and interprets this as a sign, and  
28 agrees to help Jake.



1 381. Jake’s virtuous relationship with animals is also expressed when he tames and flies an  
2 leonopteryx—a giant reptile bird that has only been tamed 5 times prior.

3 382. Finally, Jake’s virtuous relationship with animals is expressed when all of the animals  
4 of Pandora answer Jake’s prayer and help fight and defeat the human invaders.

5 383. Thus, parroting the Plaintiff’s unique structure, in the end, Jake’s spiritual connection  
6 to Animals and God saves the Na’vi.

7 **9. HERO’S PSYCHIC/SPIRITUAL CONNECTION TO HIS DREAMS**

8 **Hero’s Psychic/Spiritual Connection To His Dreams In Butterfly Driver**

9 384. Arlo’s psychic/spiritual connection to his dreams, which also demonstrates his  
10 connection to God and nature, is expressed in the screenplay’s darkest moment, as Arlo sits  
11 in a shuttle cockpit bleeding to death and chased by a nuclear warhead, as he drifts off to  
12 sleep to die, he has a sudden dream involving Benni’s (a warrior woman from his past)  
13 butterfly dream-catcher and Spike, a dolphin from Arlo’s past. This dream is God speaking  
14 to Arlo, and reveals how Arlo can reverse his fate. With the last of his strength, Arlo listens  
15 to the vague direction, and survives—and liberates much of the world.

16 385. This dream passage confirms Arlo’s virtue as it shows that God and nature cared  
17 enough about Arlo’s fate that they would intercede to help him.

18 **Hero’s Psychic/Spiritual Connection To His Dreams In Avatar**

19 386. In the opening scene of Avatar, Jake has a dream of flying, and explains that it is a  
20 recurring dream. Eventually, on Pandora, Jake learns to fly on the back of giant bird-like  
21 creatures. Flying these birds is part of the Na’vi culture, and a rite of passage, of sorts.  
22 When Jake is finally paired with his bird, the astute viewer realizes that flying on his bird is  
23 what Jake had been dreaming about it the beginning. Although Jake never has another  
24 dream, Neytiri’s mother calls Jake a *dream walker*.

25 388. Although Cameron’s and the Defs’ application of the Plaintiff’s idea is derivative  
26 and uncreative, it serves the same function as the Plaintiff’s: it suggests a connection to God  
27 and nature.

28

1 **10. CLIMAX / CRISIS:**

2 **Hero Is Defeated By Villain, Then Saved By The Secondary Hero,**  
3 **The Secondary Hero Defeats The Villain, Hero's Disability Almost Kills The Hero**  
4 Butterfly Driver

5 389. The Plaintiff's screenplay violates many conventions. In most films and literary  
6 works, the hero defeats the villain. But not so in the Plaintiff's screenplay.

7 390. The *climax* is the point when the hero and villain finally confront each other and  
8 engage in their battle/ challenge/confrontation. The climax occurs in the third (final) act.

9 391. The *crisis* is the point when all hope seems lost; when it seems the hero's goal can  
10 never be reached. The *crisis* can occur at different points in a screenplay or film, but usually  
11 occurs late in the second act, or in the third act. There can be more than one crisis in a story.  
12 Sometimes a crisis occurs in the climax. When the crisis occurs in the climax, it is the point  
13 in the battle when the villain seems to have won, and all hope is lost. The Plaintiff did  
14 something very uncommon in his climax—he put TWO crises in the climax, and one of the  
15 crises involved the hero's disability. Of course, the Defs followed suit, and put two crises in  
16 their climax, and one of the crises involved the hero's disability.

17 392. In the Plaintiff's *climax crisis*, Arlo fights the super-human villain, Drexler,  
18 admirably, and after great struggle Arlo gets the upper hand. When Arlo finally seems to  
19 have the battle won, he is stricken by his **disability**: he has an ice-pick headache. In that  
20 moment, Drexler gets his gun and delivers a life-threatening bullet into **the right side of**  
21 **Arlo's neck**. Drexler prepares to fire the killing bullet. All hope seems lost. This is the first  
22 climax crisis. But suddenly, the secondary hero, Jerry (the second largest role in the  
23 screenplay) leaps into the scene, seemingly from nowhere, and fires a stun-gun charge into  
24 the back of Drexler's neck. Drexler, recovers and turns to kill Jerry with his gun. But with  
25 uncanny speed, Jerry does what Arlo could not: Jerry lands a haymaker of a right hook to  
26 Drexler's face, knocking Drexler **unconscious** on the shuttle-train platform.

27 393. Thus, it is Jerry, the secondary hero, who saves Arlo from the villain (Drexler), and it  
28 is Jerry who defeats Drexler.

1 393. With Drexler unconscious, Jerry is able to help Arlo control the bleeding from his  
2 neck, and carries Arlo into the shuttle’s cockpit to escape Uberopolis. Soon they find  
3 themselves being chased by a nuclear warhead. But suddenly, due to loss of blood, Arlo  
4 seems to lose consciousness and seems moments from death. Once again, all hope seems  
5 lost. This is the second climax crisis. Suddenly, Arlo has a dream in which he sees a dream  
6 catcher in the eyes of a dolphin. This dream is a spiritual experience—as God and/or nature  
7 seems to tell Arlo how he can save billions (and possibly himself).

8 394. All of the following aspects are infringed on by the Defendants’ Avatar:

- 9 1. The hero fights valiantly but the hero’s disability creates an opportunity for the villain  
10 to gain the upperhand; thus, the hero is defeated by the villain.
- 11 2. The villain seems sure to kill the hero (this is the first climax crisis);
- 12 3. The secondary hero saves the hero;
- 13 4. The secondary hero kills the villain;
- 14 5. The hero(s) are not out of trouble yet; once again, the hero seems sure to die (the  
15 second climax crisis).

16 395. The Defendants’ Avatar misappropriates this structure (the only difference being, the  
17 Plaintiff’s hero’s disability impacted him in the beginning of the final climax sequence, while  
18 the Defs’ hero was impacted by his disability in the end of the final climax sequence).

19 Avatar

20 396. In the *climax crisis* of Avatar, in the grand battle between Quaritch and Jake (in his  
21 Avatar body), Quaritch has a grossly unfair advantage as he is enclosed in a massive  
22 exoskeleton robot suit and is armed with a huge knife (in the hand of the robot suit), while  
23 Jake fights with a blade from the barrel of a *knife-gun* that he finds on the ground. Jake stabs  
24 Quaritch in the **right side of the neck** (but Quaritch evades, so the wound is just a graze).  
25 Quaritch gains the upper-hand by attacking Jake’s true body (which is in a sleeping state, in  
26 a chamber in a portable *medical lab* nearby). Quaritch’s Attack on Jake’s real body jolt’s  
27 Jake’s soul, creating an opportunity for Quaritch to seize Jake (in his Avatar body) by his  
28 hair, and lifts him into the air, defenseless. Quaritch pulls the knife from the side of his neck,

1 and puts it to Jake's throat. **All hope seems lost.** This is the first climax crisis. Suddenly,  
2 the secondary hero, Neytiri (the second largest role in the film, and Jake's love interest) leaps  
3 into the scene, seemingly from nowhere, and fires 2 arrows into Quaritch's abdomen, killing  
4 him.

5 397. Like the Plaintiff's work, the secondary hero saves the hero and defeats the villain.

6 398. Jake's soul suddenly transfers back to his original body (for seemingly no reason but  
7 to have two climax crises, like the Plaintiff's screenplay). Quaritch's earlier attack has  
8 broken the oxygen seal around Jake's sleep chamber. Jake gasps for air, and desperately  
9 crawls to get to the oxygen mask. But Jake's **disabled** (paralyzed) legs prevent him from  
10 reaching the mask in time. His body goes limp. All hope seems lost. This is the second  
11 climax crisis. Neytiri arrives just in time, and places the oxygen mask on Jake's face; saving  
12 the hero again.

## 13 11. CLIMAX

### 14 Butterfly Driver

15 399. The *climax* occurs in the third (final) act of a literary work and is the point when the  
16 hero and villain engage in their final battle/challenge/confrontation. The Plaintiff's  
17 screenplay's climax is longer than most climaxes, and the hero and villain confront and fight  
18 each other on two separate occasions.

19 400. The climax of sci-fi films, and action adventure, thriller, and many other genres,  
20 usually involves violence, or the threat of violence. The Plaintiff's screenplay includes the  
21 tradition of violence, sparingly; but layered on top of the violence is God and spirituality, and  
22 animals. Thus, Plaintiff's climax involves at least three elements (infringed on by the  
23 Defendants): 1. Violence; 2. God and spirituality; 3. Animals. These elements' specific  
24 structures might described as follows:

- 25 1. In the climax of the Plaintiff's work, the villain and hero engage in a hand-to-hand  
26 fight, involving violent strikes (blows) and gunfire.
- 27 2. The climax of the Plaintiff's work includes an event that appears to be divine  
28 intervention (a meaningful dream about a dolphin).



1                   **13. SETTING: Polluted, Overpopulated, Crime-Filled Future Earth**

2   Uberopolis/Butterfly Driver

3           407. Plaintiff’s setting is a grossly overpopulated (**20 billion** in *Uber*), dystopian Earth, in  
4 the year 2144. An IA crawl of “mrexcellentmovie.com”, showing that around 2008 *Butterfly*  
5 *Driver* was updated and set in 2144, is attached as **Exhibit N5** (the crawl is from July 2009).  
6 In this world, the environment is toxic, and divided into 2 *nations*:

7           **1. The State:** is made up of hundreds of beautiful cities of great wealth and comfort,  
8 with access to great healthcare. The greatest of these cities is the glorious  
9 **Uberopolis: City of Light:** a 3-miles wide satellite city for the super rich, orbiting  
10 1000 miles above Earth, with golf courses, museums, casinos and the greatest  
11 medical technology ever conceived—all owned by the villain, Drexler.

12           **2. The “Zones”:** a network of hundreds of **impoverished, overpopulated** ghettos  
13 disproportionately impacted by the **toxic environment**, and plagued by **horrific**  
14 **crime and violence**, police and military brutality, and a corrupt justice system that  
15 frames the innocent, works them mercilessly, then dumps them in space to die.

16   Avatar

17   408. Avatar’s setting on Earth borrows most of the Plaintiff’s setting, as it is:

- 18           **1.** Set in the year **2154**.  
19           **2.** Overpopulated; 20 billion (from the first page of a 2009 Avatar/Project 880 script).  
20           **3.** Crime ridden (Jake’s brother was murdered).  
21           **4.** Great healthcare is available to the rich, but not to the poor. This is why Jake goes to  
22 Pandora (to money to fix his spine).  
23           **5.** The environment of Earth is destroyed. When Jake prays to the Tree of Souls he  
24 explains: “See, the world where we come from... there’s **no green there**. They killed  
25 their mother, and they’re gonna do the same here.”

26   ● 409. The setting on Pandora is very different from the Plaintiff’s work. However, the  
27 Plaintiff has read that more of the action in Avatar’s sequels will be set on **Earth**. Thus,  
28 Plaintiff makes this claim to reinforce injunctions against the sequels.



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**15. CENTRAL CHARACTER:**

**VILLAIN, Corporations & The Heartless Government**

Butterfly Driver (Uberopolis)

414. The Villain of the Plaintiff’s screenplay was Peter Drexler, a tremendously successful mega billionaire corporate businessman, he is also the President of the new world government, called *The State*. Thus, through Drexler, the Plaintiff casts corporations and the government as the villain.

415. Peter Drexler, runs The State like a business, profits and performance first. His various State, city and/or regional officers give performance reports. Under performing regions lose their State status and become “zones”, which is a virtual death sentence to the citizens of those underperforming cities/states.

416. We see Drexler’s government is elitist and separatist, as his prisons dump prisoners into space, his military dumps the religious, the poor, and the less intelligent into the streets of zones. More, Drexler openly admits to the removal of all religious believers from The State (see Ex X6, page 86), and admits he is contemplating implementing voter competency testing and a massive sterilization plan for the zones (see Ex X6, page 84), and boasts about conquering the Middle East “by allowing their factions to exterminate each other.”

Avatar

417. Avatar follows this same structure, casting corporations and the government as the villain(s), through two separate villains; the primary villain represents the evil government, his secondary villain represents evil corporations.

418. Cameron vilifies corporation via two structures: (1) on Earth, we learn medical corporations will only fix spinal conditions, like Jake’s, if a person has a lot of money; (2) on Pandora, a corporation called RDA wants to remove the Na’vi from their Hometree to get the unobtainium beneath it. The embodiment of corporate evil is *Parker Selfridge*, the site director of RDA, who makes elitist/separatist statements and is driven by profit.

419. Cameron’s **primary** villain is Colonel Miles Quaritch, who is overly eager to displace or kill the Na’vi, and also makes elitist-separatist statements about the Na’vi.



1 **16. CENTRAL CHARACTER: Good-hearted Female-Atheist-Scientist Who Is Killed**

2 Butterfly Driver

3 420. Butterfly Driver features a heroic scientist named Tamara Gwynn, who (with her  
4 deceased father's help) has invented a new technology that can help save mankind from the  
5 toxic environment. Tamara assure's Arlo that she is a scientist who does not believe in God,  
6 in a central exchange (Ex X6, page 15) when Tamara asks Arlo if he is religious:

7 TAMARA: ...So you're religious?

8 ARLO: Nah. Maybe there's a God though... You religious?

9 TAMARA: Faith comes from our unreasonable hopeful nature. That's how  
we survive. I put my unreasonable hopes in my A-cell."

10 421. In the end, although Tamara's heart was heroic and good, she dies.

11 Avatar

12 422. After Grace Augustine (a central character who is a heroic scientist) is shot by  
13 Quaritch, Jake realizes her wounds are life threatening and beyond conventional medicine.  
14 As they race above Pandora, in a helicopter, Jake informs Grace that he is going to take her  
15 to the Na'vi so they can heal her with their faith based treatment. That dialogue reads:

16 JAKE: I'm gonna get you some help Grace.

17 GRACE: I'm a scientist, remember? I don't believe in fairytales.

18 423. When Grace arrives to the Na'vi and the Tree of Souls, she is a bit more hopeful that  
19 the Na'vi's intervention might save her. But in the end, her body is too weak, and she dies.

20 **17. MOOD**

21 424. The mood of the contested works is identical: very dark, with a hopeful ending

22 **18. GENRE**

23 425. Both works are future-set (2144 and 2154), reality-based, dark, **ecofiction**  
24 (environment oriented) science fiction. The genre is identical.

25 **19. VITAL NEW ENERGY SOURCE**

26 426. Both works involve a vital new energy source that can improve the lives of people on  
27 Earth. In Butterfly Driver, the new energy source is Tamara Gwynn's A-cells. In Avatar the  
28 energy source is unobtainium, found on Pandora.

COMPLAINT

1 **20. EARNING A SOUL**

2 427. As shown in the prior section “Spirituality & God” Arlo says “I probably don't  
3 know what a soul-mate is. **But I bet not everyone earns a soul in this life**” [See **Exhibit**  
4 **O6**, p 63, line 9.] This statement implies Arlo believes that we all have to *earn*, or cultivate,  
5 a soul if we are to exist in the hereafter.

6 428. There may be other thinkers in the annals of human thought who also conjured the  
7 idea of earning a soul, but it had never been expressed in film or screenplay.

8 429. Yet, once again, of course, Avatar infringes on the Plaintiff’s concept of **earning**  
9 something bigger than one’s original existence. As Jake becomes closer to the Na’vi he says:  
10 “The Na’vi say every person is born twice. The second time is when you **earn** your place  
11 among the people **forever.**” This is precisely *earning a soul*—as most *believers* believe the  
12 soul is the part of us that lives **forever**. Jake is talking about earning a place in Avatar’s *Tree*  
13 *of Souls*. This is *earning a soul*.

14 430. This one of many stolen aspects that is so unusual that it is akin to a photograph of  
15 Defs Cameron and 20CFOX stealing the Plaintiff’s work.

- 16 • 431. Again, Cameron has never dealt with God or the soul in his prior works.

17 **21. POST 911 SLOGANS**

18 432. In late 2003 or early 2004, when the Plaintiff started writing Uberopolis, he decided  
19 to mimic the post 911 (and post Iraq war) language popularized by the Bush administration.  
20 Thus, on about 4 occasions, he used terms like “embolden” and “negotiating with terrorists.”  
21 This was more than criticism of Bush Policy, it was to say that our future is haunted by our  
22 past. This 911 dialogue is common now, but in 2005 to 2007, it was very cutting edge.

23 433. In late 2006, when the Plaintiff revised his script and changed its name to Butterfly  
24 Driver, he decided to use a softer brush; thus, he used just two of these 911 expressions. On  
25 page 51 of Butterfly Driver, a character named Aneesh says, “Imagine how **embolden** the  
26 zones will be if he’s (Arlo) not in that courtroom Monday.” [sic] [See Ex X6, page 51.] And  
27 on page 88 [Ex X6] when Arlo first confronts Drexler, he explains why he has come to  
28 Uberopolis, and Drexler responds, “I don’t negotiate with State enemies.”

Avatar

1  
2 434. Avatar not only copies the Plaintiff’s use of post 911 terminology, but this  
3 terminology is also used to criticize Bush era policy. Again, this is common now, but in  
4 2005 to 2007 (when the Defendants accessed and misappropriated the Plaintiff’s work), this  
5 was virtually unheard of—particularly in science fiction, action/adventure, thriller or horror  
6 films.

7 435. In Avatar, the Defendants mimic the Plaintiff’s approach, late in the second act,  
8 building up to the climax, Jake informs his friends that Quaritch is planning some sort of  
9 “Shock and awe campaign.” Later, just before the final battle begins, Quaritch motivates his  
10 troops by telling them “We’re going to fight terror with terror.”

11 **22. RACIAL & CLASS DIVISION**

12 436. Plaintiff’s screenplay, *Uberopolis: City of Light* showed tremendous racial, class and  
13 wealth division. The racial division was emphasized as the Plaintiff showed many black and  
14 hispanic characters living in the zones. But to bring out the antipathy between the races and  
15 the classes, Plaintiff had his villain (President Drexler) say, on TV, overtly divisive, hateful  
16 statements. The key was structuring events and dialogue so that every word rang true.  
17 Plaintiff was doing something so unique that he wrote new rules (which have been  
18 universally adopted): Plaintiff’s very “political” and “racial” script, pushes all boundaries,  
19 and uses profanity, but never uses a racial epithet or uses the words *Republican* or *Democrat*.

20 437. Avatar was so eager to infringe on the Plaintiff’s racial/class conflict that Def  
21 Cameron actually has Quaritch ask Jake (after he learns of Jake’s romance with Neytiri):  
22 “How’s it feel to betray your own **race**?!” Later, lacking any subtlety, Quaritch actually tells  
23 his troops: “(We’re gonna) blast a crater in their (the Na’vi) **racial** memory.”

24 438. These are desperate efforts to mirror the Plaintiff’s *racial and class conflict* structure  
25 and themes. At best, the Na’vi might be in the same phylum, class, or order as humans, but  
26 they are far from the same species, let alone “race”.

27 439. Of course, the Defendants strictly follow Plaintiff’s underlying rules: their racial and  
28 political script never uses a racial epithet or says the words Republican or Democrat.

1 **23. PLOT**

2 440. Virtually every plot structure, every expression, every idea and element of Avatar  
3 came from Plaintiff’s work. The Defs also have stolen much of Plaintiff’s overarching plot.

4 Plaintiff’s Overarching Plot

5 441. Butterfly Driver’s overarching plot might read: “**Unable to afford a medical**  
6 **procedure** to save his daughter from Earth’s polluted atmosphere, **a poor former US soldier**  
7 (Arlo) who is also **disabled** (suffering *ice-pick* headaches) **will go to impossible lengths for**  
8 **the love of his daughter**—and in the process he may **save Earth’s environmental**  
9 **biosystem**—if the corrupt corporate government doesn’t stop him first.”

10 Defendant’s (Avatar) Overarching Plot

11 442. Avatar’s overarching plot might read: “**Unable to afford the medical procedure**  
12 that might repair his spine, **a poor former US soldier** (Jake), who is also **disabled**  
13 (parapalegic), agrees to be part of a mining mission to a distant planet called *Pandora*, where  
14 he falls in love with an alien. But when the humans and aliens come into conflict, Jake **will**  
15 **go to impossible lengths for his new love**—and may **save Pandora’s environmental**  
16 **biosystem**—if the corrupt corporate mining company doesn’t stop him first.”

17 443. The Defendants intend to use the Plaintiff’s theme of a hero who will go to  
18 impossible lengths for his child in the Avatar Sequels. June 20, 2017, in Deadline magazine  
19 (**Exhibit K5**), Avatar producer Jon Landau stated:

20 “At the heart of any movie are the characters,” Landau continued. “One of the  
21 strengths of great scripts are always the universal and relatable themes...  
22 There’s no more relatable theme than **family**. At the center of each of our four  
movies (sequels) will be the Sully family.”

23  
24 **AVATAR COPYRIGHT INFRINGEMENT SUMMARY**

25 444. Avatar earned \$2.5-BILLION profit, theatrically, by infringing Plaintiff’s ideas.  
26 When Plaintiff’s work is extracted from the Defs’ infringing film, all that is left is a bland  
27 love story and blue people on a planet called Pandora. 20CFOX would never have  
28 *greenlighted* such a film, if not for Plaintiff’s work.

1 **WHAT THE DEFENDANTS COULD NEVER COPY:**

2 **The Science In Science Fiction**

3 445. Good sci-fi writers gravitate to sci-fi because it gives them a chance to share where  
4 they think science is taking us. The Plaintiff shared his vision, at every turn of the page:

5 Page 15,16 (**Exhibit X6**)

6 **TAMARA:** Antimatter cell... Traditional fuel pollution kills 130 million people  
7 every year. The State calls that an acceptable environmental sacrifice. My father  
8 believed every problem has an absolute solution -without sacrifice. After 6 years,  
9 via atomic polarity reversal, we created our Acells, isolating antimatter H20 in a  
neutral plasmic insulator. A teaspoon of water produces enough clean energy to  
power a sky-car for a week. They'll save over 100 million lives per year.

10 Page 30 (**Exhibit P6**)

11 **DAVID:** This water is from the dehumidifying water re-cycler. It collects all the  
12 evaporated moisture from the city and pours it back in here...

13 Page 31 (**Exhibit Q6**)

14 **DAVID:** ... The harbor's phydo-plankton and the forest trees makes 60 percent of  
15 the oxygen in this biosphere. They get the rest by splitting the oxygen atoms out  
16 of the water. That process creates the hydrogen used to fuel everything...

17 Page 46 (**Exhibit R6**)

18 **NEWS ANCHORWOMAN:** ...Though he looks too young to have achieved so  
19 much, what many people don't know is the 48 year old Drexler was genetically  
20 reprogrammed to a permanent age of 25 -and his new genes have been  
21 reprogrammed to produce no myostatin. So those bulging biceps are three times  
22 the strength of a normal man -without working out.

23 Page 48 (**Exhibit S6**)

24 **DOCTOR / LANEY SCHULER:** It's a inverse agonist H1 enriched polypeptide  
25 medicine that helps the mucous system create an antigen barrier against  
26 environmental toxins. One pill protects for about three of four months. It's  
27 generally used as preventative maintenance, but it's proved effective at reversing  
28 advanced respiratory distress -the only known treatment...

Page 73 (**Exhibit X6**)

**PUBLIC ADDRESS:** ... All six billion gallons of water in the Uberopolis Harbor  
were secured when Drex-Tech captured the RathmanTuttle comet ...

Page 78 (**Exhibit X6**)

**PUBLIC ADDRESS:** ... 95 percent of the materials used to construct Uberopolis  
were mined and produced at President Drexler's lunar refinery...

446. These sorts of science snippets are found throughout the Plaintiff's script. Whereas  
there is no science in Avatar, underscoring the Defendants' inability to create such a work.