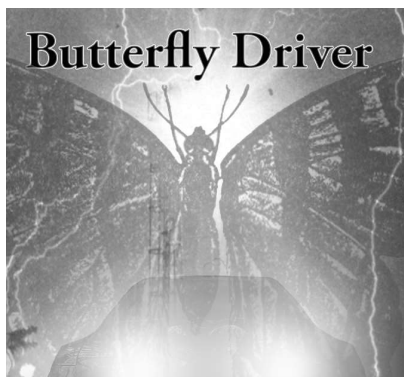


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SECTION ELEVEN

“TAKEN” INFRINGEMENT CLAIMS



Butterfly Driver / Uberopolis



Taken

**Plaintiff’s Infringement Claims Against Defs 20CFOX & Robert Mark Kamen
For The *TAKEN* Film Series**

447. Plaintiff brings these separate claims for Copyright Infringement against **20CFOX** and Robert Mark Kamen, for the film *Taken*, which infringes Plaintiff’s original screenplay *Butterfly Driver* (and its previously titled version *Uberopolis: City of Light*). These claims are also made against Taken’s sequels: *Taken 2*, *Taken 3* (and any other sequels), as they are an extension of the original infringement and concept.

448. Feb 26, 2007, the same day that James Cameron filed his invalid *Avatar* screenplay copyright registration, and just **8 days before** 20CFOX filed *Avatar*’s **valid** script copyright registration, Luc Besson and Robert Mark Kamen registered Taken’s screenplay copyright, a film financed and distributed by 20CFOX. [Taken’s copyright is attached as **Exhibit O5**.]

ACCESS

449. Earlier in this Complaint, Plaintiff demonstrated that Def 20CFOX accessed his work via a series of transactions, beginning January 2006: (1) ZGM asked Plaintiff to send them his script (ZGM’s owners were friends of 20CFOX Alex Young); (2) Plaintiff sent ZGM his script; (3) ZGM then opened a company called Future Service Inc; (4) NC and 20CFOX then purchased Future Service Inc; (5) Future Service Inc then appeared on 13 of 21 *Avatar* copyrights; (6) By purchase or claim, NC and 20CFOX then came to control the

1 distribution rights to *Taken* and *Avatar* (films that infringe Plaintiff's work). **This series of**
2 **events establishes access.** (These events are more fully described in page 15 to 24, herein.)

3 450. Once 20CFOX and NC obtained Plaintiff work, they subcontracted Luc Besson and
4 Robert Mark Kamen to write a derivative script. Besson is not named as a defendant because
5 he is a French citizen who has repeatedly been accused of raping women. Plaintiff finds the
6 idea of interacting with Besson noxious. Thus, Plaintiff will allow News Corp and 20CFOX
7 (with their histories of hiring sexual predators) to assume responsibility for Besson.

8 451. *Taken* was allegedly released in France, Feb 27, 2008 —over **two years after ZGM**
9 **accessed Plaintiff's work**, and released in the **USA**, Jan 30, 2009, over 3 years after access.

10 452. Filming of *Taken* began in March 2007, a few days after the *Taken* screenplay was
11 registered, and a few months after *Butterfly Driver* first appeared on TriggerStreet.com.

12 **INFRINGEMENT CLAIMS AGAINST DEFS' *TAKEN* SERIES**

13 • 453. In infringement cases, a plaintiff must specify what elements of his/her work were
14 infringed on by the defendant(s). Thus, Plaintiff's claims against *Taken* are different from his
15 claims against *Avatar*, as Plaintiff only identifies the aspects that were infringed.

16 454. Plaintiff's infringement claims against the Defendants' *Taken* (and thereby the *Taken*
17 series) are made under the following **headings**, concluding on page 95.

18 **PLOT**

19 455. The Plaintiff believes that the overarching central plot of *Uberopolis: City of Light* is
20 **the first of its kind**. Since the Defendants accessed the Plaintiff's work, numerous films
21 have copied the Plaintiff's unique central overarching plot structure. The earliest known film
22 to infringe on this central plot structure is *Taken*.

23 **Basic PLOT of Butterfly Driver**

24 456. *Butterfly Driver* is about the impossible lengths and desperate measures a poor former
25 US soldier and patriot will take to save his daughter, with only one week to do it.

26 **Basic PLOT of Taken**

27 457. *Taken* is about the impossible lengths and desperate measures that a poor former US
28 soldier will take to save his daughter, with only 96 hours to do it.

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HERO

458. Plaintiff created a very unique hero (especially at the time, 2005). Unlike the typical action adventure hero, who, at the time, were childless, had unlimited money, womanized, lived in expensive apartments or houses, and never seem to work; Arlo was the opposite: a devoted father, poor, working all the time, living below his family in a small sparsely decorated studio in a garage. Taken infringes on all of these unique attributes, and more:

Butterfly Driver / Uberopolis	Taken
<ul style="list-style-type: none"> ● Arlo Grainer is a former U.S. soldier & war hero. ● Arlo’s age is 45. ● Arlo is a devoted father. ● Arlo is a poor man. ● Arlo lives alone. ● Arlo is separated. ● Although separated, because Arlo is committed to his kids, he lives downstairs in a converted garage. ● Although very masculine, Arlo does not have a girlfriend, as he is focused on his kids and being a good father. ● Arlo thinks clearly under pressure, is a great fighter, but avoids combat unless necessary. ● Arlo has military connections that help him repeatedly (1. Dr. Laney Schuler treats Franny; 2. Arlo’s military and ZR friends get him into Uberopolis). 	<ul style="list-style-type: none"> ● Brian Mills is a former U.S. military special forces hero; possibly ex-CIA. ● Brian appears 45-50. ● Brian is a devoted father. ● Brian is a poor man. ● Brian lives alone. ● Brian is divorced. ● Although divorced, because Brian is committed to his daughter, he lives nearby, in a small apartment. ● Although very masculine, Brian does not have a girlfriend, as he is focused on his daughter and being a good father. ● Brian thinks clearly under pressure, is a great fighter who fights whenever possible. ● Brian has military connections that help him repeatedly (1. military connections gets Brian to Paris in a private jet; 2. said connections help find bad guys).

1 **MANY INFRINGED PLOT AND CHARACTER STRUCTURES:**

2 **POOR HERO**

3 **Butterfly Driver / Uberopolis**

4 459. Plaintiff chose to make his hero poor, which, at the time, was very uncommon.
5 Plaintiff did so because he wanted to promulgate new, accurate and **nobel** portrayals of the
6 poor.

7 **Taken**

8 460. The Defendants infringed on Plaintiff's "poor hero" concept. The Defendants show
9 (and say) that their hero is poor in a several ways, including:

- 10 1. In the beginning of the film Brian buys his daughter an inexpensive karaoke machine
11 for her birthday. The owner of the store comments that Brian has come to the shop
12 many times to see that machine (suggesting that Brian lacks the resources to make
13 purchases that most middle-class Americans can make easily).
- 14 2. In a phone conversation with his daughter Kim's kidnappers, Brian tells the
15 kidnappers that he does not have any money, but if they do not let Kim go
16 immediately, he will kill all of them.

17 **HERO IS ALWAYS WORKING & JOB DESTROYS MARRIAGE**

18 **Butterfly Driver / Uberopolis**

19 461. The Plaintiff created a hero, Arlo, who was always working. From the beginning of
20 the script to the end. In *Uberopolis: City of Light* (Ex O6, page 63) a warrior woman is
21 attracted to Arlo and asks if Arlo is happily married, and Arlo succinctly explains his
22 dangerous job (line riding) hurt his marriage.

23 TINA

24 I guess your wife must be very happy.

25 ARLO

26 Maybe a long time ago -before I started
line riding.

27 **Taken**

28 462. *Taken* borrows this structure. Near the end of the film, Brian's ex-wife explains she
worried for years about Brian's long absences and worried if he would make it home alive.

1 **HERO LIVES NEAR HIS SEPARATED FAMILY**

2 **Butterfly Driver / Uberopolis**

3 463. The Plaintiff ‘s hero is separated from his wife, but lives nearby in a small converted
4 studio, in one half of the downstairs garage.

5 **Taken**

6 464. *Taken* borrows this, in the first act, at a barbeque, Brian’s friend asks of Brian’s
7 ex-wife, “Does she appreciate the fact that you’ve given up your life to be closer to her?”

8 **HERO USES HIS PHONE AND GPS TO OUTSMART & MISLEAD PURSUING**
9 **STATE FORCES, AND USES A SECOND PHONE TO MONITOR THEM**

10 **Butterfly Driver / Uberopolis**

11 465. When Arlo learns that State bounty hunters are in his zone looking for him, he races
12 home to gather his family, but before leaving, Arlo booby-traps the house. Then, knowing
13 that State bounty hunters are following the GPS (Global Positioning System) signal in his
14 phone (omni-com), Arlo places his phone, with the video recorder “on,” in the pocket of a
15 jacket on a coat-rack, then places the coat-rack in front of a window in the house—so that in
16 the silhouette of the streetlight, the coat-rack appears like a man hiding behind the window.
17 Arlo flees with his family. A bit later, Arlo calls his phone from his wife’s phone, and
18 watches the video feed from his phone, and sees his booby trap kill the bounty hunters. [See
19 Ex X4, pp 11-13].

20 **Taken**

21 466. *Taken* borrows Plaintiff’s screenplay’s exact structure.

22 467. Wary about a meeting with his old friend, Jean-Claude Pitrel, and knowing that when
23 he calls Pitrel, the French special police will be able to track his position (using GPS), Brian
24 places his phone on top a building near a park, with a walkie-talkie attached, then calls Pitrel
25 from another roof-top. When Brian calls Pitrel, Pitrel’s men descend on Brian’s phone, only
26 to find his phone connected to a walkie-talkie, and Brian gone, as Brian watches from afar.

- 27 • 468. *Taken* does not explain the impossibility of dialing a phone via walkie-talkie.
28 • 469. *Taken* does not comprehend that GPS is always on, not just during calls.

1 **HERO INFILTRATES BY DRESSING UP AND PRETENDING TO BE A COP**

2 **Butterfly Driver / Uberopolis**

3 470. On the satellite city Uberopolis, Arlo steals a police uniform from an unconscious
4 police officer, then infiltrates Uberopolis' hospital by pretending to be a police officer.

5 **Taken**

6 471. Brian dresses in a police officer's uniform, and pretends to be a police officer, to
7 infiltrate the lair of the bad gang (the "bad" Albanian immigrants).

8 **HERO TRICKS HIS OLD FRIEND (AN EXPERIENCED**
9 **STATE INVESTIGATOR) TO BELIEVE THAT HIS GUN IS UNLOADED**

10 **Butterfly Driver / Uberopolis**

11 472. Jerry, Arlo's old friend from the military, now works for the government as a
12 special investigator, but hates his job. Midway through the story, Jerry agrees to apprehend
13 Arlo. When Arlo and Jerry finally come into direct contact, Arlo pulls a gun on Jerry and
14 order's Jerry to give him his gun. Jerry complies, then suddenly punches Arlo, and a fight
15 ensues. The fight culminates with Jerry and Arlo mixing up their guns, and Jerry holding a
16 gun on Arlo, and Arlo holding a gun on Jerry. Arlo gets the upperhand by informing Jerry
17 that Jerry is holding Arlo's **gun and it is not loaded**, then points Jerry's gun at Jerry and
18 instructs Jerry to give him the gun, and get in the back of the sky-car trunk. Jerry complies.

19 **Taken**

20 473. Jean-Claude Pitrel, Brian's old friend from the military, now works for the French
21 government as a special investigator, but hates his job. Midway through the film, Pitrel
22 agrees to apprehend Brian, to stop him from wreaking further havoc on Paris. When Pitrel
23 gets home from work, he finds his wife has already allowed Brian into Pitrel's house. Pitrel
24 excuses himself to the bathroom, where he gets his gun. When Pitrel returns to the table, he
25 pulls his gun on Brian. **Brian informs Pitrel that his gun is unloaded**, and drops Pitrel's
26 bullets on the table. (Brian craftily went to the bathroom, earlier, and unloaded Pitrel's gun.)

27 • 474. The film fails to explain why Pitrel was not carrying his loaded police issued gun,
28 when he got home from work.

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PARANOID HERO

Butterfly Driver / Uberopolis

475. Arlo is always on guard, from years of living in a war zone. When unexpectedly startled, he puts his gun in a peaceful guru’s face. [See Ex X6, page 58.] The guru explains:

GURU

Surviving the war and fourteen years underground requires some healthy **paranoia**. But you're safe here.

476. Benni is very bothered that Arlo could put a gun in a peaceful Guru’s face. As this dialogue progresses (Ex X4, page 60) Arlo explains that his fears keep him aware, saying:

ARLO

Fearless? I got fears. They keep me smart... on my toes.

Taken

477. Taken infringes on this same paranoid characteristic, as Brian drives his daughter Kim to the airport, they have the following exchange:

KIM

“Mom says your job makes you paranoid.”

BRIAN

My job makes me aware.

HERO STEALS MULTIPLE VEHICLES, HAS MANY VEHICLE CHASES, CAUSES ACCIDENTS, BREAKS INTO VEHICLES, CAUSES EXPLOSIONS

Butterfly Driver / Uberopolis

478. Arlo engages in 7 high speed vehicle **chases**. Arlo **steals** 4 vehicles: 2 space shuttle-**trains** (Ex X6 pp 32-33, 110-111), 1 police sky ranger (p85), 1 police sky cycle (p101). Arlo also breaks into Jerry’s car. And Arlo causes multiple vehicle **crashes** and several **explosions**.

Taken

479. Brian engages in multiple car **chases**, **steals** multiple vehicles, causes many vehicle **crashes**, causes several **explosions**, and **breaks into** one or more vehicles.

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HERO WILL NOT / CANNOT COMPROMISE

Butterfly Driver / Uberopolis

480. Arlo will not compromise his values. Thus, in the final page of Butterfly Driver, Arlo’s estranged wife Rianna tells Arlo, “You’re still impossible.”

Taken

481. In the first act, at an airport, Brian’s ex-wife argues that Brian will not compromise.

HERO CAUSES VILLAIN & ANCILLARY CHARACTERS TO WORRY ABOUT THE DESTRUCTION THE HERO MIGHT DO TO THE CITY

Butterfly Driver / Uberopolis

482. The Plaintiff had secondary character(s) comment on Arlo’s capacity for destruction, if provoked. For instance (See **Exhibit T6**, page 70, Uber), when Howard Mann learns that Arlo is going to the satellite city of Uberopolis, he comments:

HOWARD MANN
Shit. That's throwing a match in a powder keg.

Taken

483. Taken misappropriates this story structure and has secondary character(s) comment on Brian’s capacity for destruction, Jean-Claude Pitrel tells Brian:

JEAN-CLAUDE PITREL
Brian, you cannot just run around tearing up Paris.

HERO RIDES IN CAR (VEHICLE) WITH HIS CHILD, WHILE HIS CHILD INQUIRES ABOUT THE HERO’S DANGEROUS JOB

Butterfly Driver / Uberopolis

484. In the first act of Uberopolis, as Arlo rides with his teenage son, John Carl, his son asks Arlo about his dangerous job. (See **Exhibit U6**, pp 9,10, Uber)

JOHN CARL: Why do they call it line-riding, anyway?
ARLO: The U.W.N.'s radar shield is 200 feet above ground level. To avoid being shot down we have to ride below that line.
JOHN CARL: Hmm. So, when are you gonna take me on a run with you?
ARLO: Never. I wish you'd get that idea out of your head. We need more doctors and business...

1 **Taken**

2 485. *Taken* infringes this story/character structure: As Brian drives his daughter Kim to
3 the airport, Kim explains that when she was younger, she asked her mother about Brian’s job,
4 but her mother told Kim to ask her father (Brian). Kim explains she was always too afraid to
5 ask. Brian explains that he’s a *preventer*; he prevents bad things from happening.

6 **HERO’S DAUGHTER**

7 486. In *Butterfly Driver/Uberopolis* Arlo Grainer will go around the world, and up into
8 Space, to the super satellite for the super-rich, Uberopolis (where Arlo becomes a one-man
9 wrecking ball), all to save his daughter.

10 487. Similarly, Brian Mills will go halfway around the world for his daughter, and
11 become a one man wrecking ball; which may in itself be copyrightable. But 20CFOX,
12 Besson and Kamen went further than that.

13 **Defs’ “Daughter” Infringes The Spirit Of Plaintiff’s Daughter Character**

14 488. The Plaintiff’s character, Franny is a seven year old girl. The Plaintiff chose that
15 age because he felt that it would soften the hearts of most readers/viewers, because a child
16 that age is so vulnerable and innocent, that all good people would wish no harm to come to
17 such a young child; thus, they would also be more engaged with the hero’s struggle.

18 489. Although *Taken*’s daughter character, Kim, is 17 years old, the film opens with a
19 few minutes of old “family video tape footage” of “Kimmy” at her fifth birthday, then
20 returns to this footage again, later. The film also repeatedly returns to scenes where the
21 hero, Brian, is at home looking at photo albums of Kim when she was a little girl. This is
22 the Defendants’ desperate effort to infringe on the Plaintiff’s story structure. By showing
23 this footage and these photobook images, the Defendants are pathetically trying to coerce
24 the audience to see Kim as a little girl, so the actions of the hero will have deeper meaning.

25 490. This business of repeatedly showing the video tape and photobook images of the
26 five year old Kimmy is also clearly an effort to disguise the Defs’ infringement. Clearly the
27 Defendants wanted Kim to be a little girl, but changed her age to make their flagrant
28 infringement seem a bit less transparent.

1 **CENTRAL THEMES**

2 (1) Central Theme: The Primacy Of Family

3 491. The primacy of family is a central theme of the Plaintiff’s work and the infringing
4 film Taken.

5 (2) Central Theme: The Virtue Of Character

6 492. The Plaintiff’s work and Taken both feature unusual heroes who are uniquely good
7 and responsible men, who are poor, live simply, do not womanize, and do not compromise.

8 (3) Central Theme: Immigration

9 493. Immigration was a very central theme in Plaintiff’s work. At the time, 2005-2006,
10 immigration was a very uncommon subject for a mainstream action-adventure or sci-fi films.
11 The Plaintiff wrote about immigration in a loving, understanding way, as he took a proud
12 former American family (the screenplay takes place about 14 years after the downfall of
13 America) and forces this proud American family to immigrate into the wealthy and powerful
14 “State” to survive.

15 494. Of course, the Defs took this immigration theme. But rather than weaving it deeply
16 into the story structure with a shred of respect for the plight of the immigrant, the Defs
17 hatefully cast the primary villains as a group of kidnapping, drug-dealing, pimp immigrants,
18 then gave Brian and Pitrel some of the most anti-immigrant dialogue in film history:

19 JEAN-CLAUDE PITREL

20 (Speaking to Brian Mills about Immigrants)

21 “They showed up from the east 6 or 7 years ago; 15, 20 of
22 them. Now there are hundreds. We don’t even know how
23 many. And dangerous!”

24 495. Later, when Brian Mills confronts the Albanian bad guys in their lair:

25 ALBANIAN BAD GUY: Mister, if you’re trying to make extortionist
26 because we are immigrants...

27 BRIAN MILLS: I’m extorting you because you are breaking the law. Now
28 which law would you like to be arrested for: drugs, kidnapping,
prostitution? Take your pick. You come to this country, take advantage
of a system, and think because we are tolerant, we are weak and
helpless. Your arrogance offends me.”

1 **Unhappy Government Worker Who: (1) Complains About Job,**
2 **(2) Is An Old Military Friend Of The Hero, (3) Tracks The Hero, (4) Loses An Empty**
3 **Gun To The Hero, (5) Tries To Talk The Hero Into Surrendering...**

4 496. **Butterfly Driver** features a unique central character, who knows the hero from their
5 past in the military. This character’s collective characteristics are:

- 6 1. Jerry is an old friend of the hero.
- 7 2. Jerry served in the military with the hero.
- 8 3. Jerry is very unhappy in his government job and complains about his job.
- 9 4. Jerry has a son that he is very close to.
- 10 5. Jerry is seen reading to his son in his son’s room.
- 11 6. Jerry is happily married.
- 12 7. Jerry negotiates with his superiors before agreeing to apprehend the hero.
- 13 8. Jerry tries to get the hero to **surrender** and turn himself in.
- 14 9. Jerry gives significant assistance to the hero at one point in the story (the ending).
- 15 10. Jerry pulls a gun on the hero, but hero gets away by telling Jerry his gun is **unloaded**.
- 16 11. Jerry refers to the government as “**The State**”.

17 **Taken**

- 18 1. Pitrel is an old friend of the hero.
- 19 2. Pitrel served in the military with the hero.
- 20 3. Pitrel is very unhappy in his government job and complains about his job.
- 21 4. Pitrel has children that he is very close to.
- 22 5. Pitrel is seen reading to his children in their room.
- 23 6. Pitrel is happily married.
- 24 7. Pitrel negotiates with his superiors before agreeing to apprehend the hero.
- 25 8. Pitrel tries to get the hero to **surrender** and turn himself in.
- 26 9. Pitrel gives significant assistance to the hero at one point in the story (the beginning).
- 27 10. Pitrel pulls a gun on the hero but the hero has already **unloaded** Pitrel’s gun.
- 28 11. Pitrel refers to the government as “**The State**”.

1 **“THE STATE”**

2 **Butterfly Driver / Uberopolis**

3 697. In Plaintiff’s screenplay, all characters refer to the new Unified World Government
4 as **“The State”**. This is an idiosyncratic touch the Plaintiff used to create an authentic feel
5 for his new business-centered world government.

6 498. Copyright expert William Patry explained in his 2009 book “Patry on Copyright,”
7 that one method to establish “striking similarity” is by finding *if the plaintiff’s work contains*
8 *an unexpected or idiosyncratic element that is repeated in the alleged infringing work.*

9 **Taken**

10 499. It will not surprise the Court that *Taken* also features this idiosyncratic element, as
11 both Brian Mills and his friend/villain Jean-Claude Pitrel both refer to the Government as
12 “The State”. This is glaring infringement, because Brian lives in America and works for the
13 US government, and Pitrel lives in France and works for the French government. This
14 infringement can be seen in *Taken*, when Brian calls Pitrel’s phone, as Pitrel sits in a park:

15 JEAN-CLAUDE PITREL

16 “You can’t beat **The State**, Brian! You know that!”

17 BRIAN MILLS

18 “I’m not trying to beat **The State**! I’m trying to save my daughter!”

19 **TIME LIMIT**

20 **Butterfly Driver / Uberopolis**

21 500. To add a layer of urgency, Plaintiff gave Arlo a week (7 days) to save his daughter.

22 **Taken**

23 501. *Taken* borrows this element, and gave Brian 96 hours (4 days) to find his daughter.

24 **SUMMARY OF TAKEN’S INFRINGEMENT**

25 502. The *Taken* series has earned \$800-million profit, at theaters alone. Unlike *Avatar*,
26 which still has an empty love story and blue cat-people when Plaintiff’s work is extracted,
27 when the Plaintiff’s work is extracted from *Taken*, there is **nothing** at all left. Without a
28 former US military hero who will go to impossible lengths to save his daughter (and all the
other signature elements that the Defendants infringed) there is no film, there is no series.