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12 UNITED STATES DISTRICT COURT

13 DISTRICT OF ARIZONA

14  
15 Pandvil, LLC, an Arizona limited liability  
16 company,

17 Plaintiff,

18 vs.

19 Jean Paul Chavez Pino, an individual,

20 Defendant.  
21  
22  
23

Case No.: CV \_\_\_\_\_

**COMPLAINT**

**(Copyright Violation/Tortious  
Interference with Contract)**

**(Jury Trial Demanded)**

24 Pandvil, LLC, an Arizona limited liability company, for its Complaint against Jean  
25 Paul Chavez Pino, complains and alleges as set forth below.  
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**Parties, Jurisdiction and Venue**

1. Plaintiff, Pandvil, LLC, (“Pandvil”) is an Arizona limited liability company, with its principal place of business in Scottsdale, Arizona.

2. Defendant Jean Paul Chavez Pino (“Pino”) is an individual whose address is Alborada 3ra Etapa MZ bi solar 2, Guayaquil, Ecuador.

3. This matter arises out of the takedown provisions of the Digital Millennium Copyright Act (“DMCA”), which is incorporated into the copyright laws of the United States. Defendant’s liability arises from a violation of the Copyright Act.

4. This court has jurisdiction pursuant to 28 U.S.C. § 1338.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because events giving rise to the causes of action occurred in this district.

**Count 1**

**(Violation of 17 U.S.C. §512)**

6. Pandvil is engaged in the business of creating certain types of computer code and computer-generated images. Some of the key products Pandvil creates are Islands designed to be used as locations in the popular online computer game Fortnite.

7. Fortnite is a very successful online game. Fortnite is owned and operated by Epic Games, Inc. (“Epic”).

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1 8. As part of the Fortnite game environment, the game is played on online  
2 locations commonly referred to as Islands. Epic allows third party creators to create Islands  
3 which can be used for online Fortnite gameplay.  
4

5 9. As part of its business, Pandvil has created multiple Fortnite Islands. These  
6 Islands have been and are very popular with Fortnite players.

7 10. Fortnite pays the developers of these Islands revenue based upon the number  
8 of users who play the game using these third-party developed Islands.  
9

10 11. One of the Islands created by Fortnite is the Desert Zones War map, with ID#  
11 6013-7804-4824 (the “4824 Map”).

12 12. Pino is also a creator of Fortnite Islands and his Islands compete with those  
13 created by Pandvil.  
14

15 13. During the month of August 2024, the 4824 Map was ranked as #1 in the  
16 Desert Zone Wars genre, and this Island generated revenue of approximately \$52,000 for  
17 Pandvil. According to the ranking information this Island was 5 times as popular as the #2  
18 ranked Island.  
19

20 14. On or about October 1, 2024, Pino filed a takedown notice under the DMCA  
21 with Fortnite claiming that the 4824 Map was infringing upon its copyright.

22 15. This notice filed by Pino was incomplete, inaccurate, and untrue.

23 16. Pino did not attach or provide any information identifying what information  
24 he claims a copyright in, identify about any copyright registration or other information  
25  
26

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1 showing that it had a copyright in the material, or showing an ownership interest in the  
2 claimed copyrighted work.

3  
4 17. Upon information and belief, Pino knew his DMCA takedown notice was  
5 improper when he submitted it to Fortnite.

6 18. Due to the DMCA takedown notice Fortnite removed access to the 4824 Map  
7 denying all Fortnite players the ability to access or play this map as of October 1, 2024.

8  
9 19. Pandvil promptly submitted a counter-notice pursuant to law and Fortnite's  
10 policies.

11 20. Despite submitting the counter-notice, Fortnite did not reinstate the 4824 Map  
12 in Fortnite until October 17, 2024.

13 21. The filing of this false notice caused immediate harm to Pandvil, including  
14 substantial loss in revenue for the time the Island was down.

15  
16 22. Since Pandvil's Island was reinstated, it has lost substantial traffic on its Island.  
17 As of October 21, 2024, the 4824 Map is now ranked #3, with approximately one-sixth the  
18 number of players it had prior to the takedown notice being put into place.

19  
20 23. Pandvil estimates due to momentum of the player base, Pandvil may never be  
21 able to return to 1<sup>st</sup> position. At best, with significant marketing effort Pandvil estimates that  
22 it will require one year or longer for the 4824 Map to return to 1<sup>st</sup> position in this genre, as it  
23 had prior to the takedown notice being implemented.

24  
25 24. As a result of this loss in player volume, Pandvil estimates that it will incur a  
26 total of over \$708,000 in lost revenue until has fully recovered.

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1 25. During the same time that Pandvil’s Island was down, traffic on Pino’s Island  
2 has substantially increased and the map that was in third position has increased substantially.

3 26. Upon information and belief, Pino’s actions in filing a false takedown notice  
4 was done to cause financial harm to Pandvil, his competitor, and to increase his revenue at  
5 the same time.  
6

7 27. Upon information and belief, Pino’s actions were willful and intentional and  
8 designed to harm Pandvil, and designed to harm Pandvil at the time in the season when  
9 revenues are typically at their highest.  
10

11 28. Pino’s actions were in direct violation of 17 U.S.C. §512(f).

12 29. Pino’s actions have caused harm and damage to Pandvil in the amount to be  
13 proven at trial, but not less than \$708,000.  
14

15 30. In addition, Pandvil is entitled to recover its attorneys’ fees pursuant to 17  
16 U.S.C. §512. Alternatively, this matter is an exceptional case, and Pandvil is entitled to  
17 recover its attorney’s fees pursuant to 17 U.S.C. § 505.  
18

19 **Count 2**

20 **(Tortious Interference with Contract)**

21 31. Pandvil reallages the allegations set forth in paragraphs 1 to 30 above and  
22 incorporates them by this reference.

23 32. A significant part of Pandvil’s business is the development of Islands to be  
24 used in the online game Fortnite.  
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1 33. Pandvil creates these Islands in accordance with Fortnite’s Terms of Service  
2 and its related Island Creator Program terms which allow independent creators to create  
3 Islands in the Fortnite game environment.

4  
5 34. In accordance with the Fortnite Terms of Service and its Island Creator  
6 Program, Pandvil receives revenue from Epic, the creator and owner of Fortnite.

7 35. Pandvil’s Islands are very popular with Fortnite users. Pandvil’s 4824 Map  
8 was recently rated as the #1 most popular Islands in Fortnite in the Desert Zone Wars genre.

9  
10 36. Pino also develops Islands in Fortnite.

11 37. Pino was aware of Pandvil’s Islands in Fortnite, and was further aware that the  
12 4824 Map was regularly played by many users in Fortnite.

13 38. As such, Pino was aware of the contractual relationship between Pandvil and  
14 Fortnite, as established by the Fortnite Terms of Service and the Island Creator Program.

15  
16 39. Pino was also aware that pursuant to the Island Creator Program, Pandvil  
17 generated substantial revenue from its 4824 Map being played by users in Fortnite.

18 40. Pino filed a false takedown notice with Fortnite claiming that the 4824 Map  
19 infringed upon Pino’s intellectual property rights. Pino knew this claim was false when he  
20 filed it.

21  
22 41. When Pino filed the false claim with Fortnite, he knew that Fortnite would take  
23 down Pandvil’s 4824 Map from Fortnite, at least for some period of time.

24 42. Pino further knew that such action would cause harm to Pandvil, including  
25 substantial loss of revenue to Pandvil.  
26

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1 43. Upon information and belief, Pino believed that by filing this false claim, the  
2 4824 Map would be taken down, and therefore his Fortnite Island would climb in the  
3 rankings, resulting in increased play of his Island and thereby increased revenue for him.

4  
5 44. Upon information and belief, Pino further believed that even if Pandvil's 4824  
6 Map was later restored to Fortnite, the time it was out of play because of the false takedown  
7 notice would cause Pandvil's Island to fall in the rankings resulting in long term harm to  
8 Pandvil.

9  
10 45. Pino's acts in filing a false takedown notice was an improper act.

11 46. Pino's actions in filing a false takedown notice was illegal, specifically a  
12 violation of 17 U.S.C. §512.

13 47. The damages caused by Pino include lost revenue for the period of time  
14 Pandvil's Island was taken down, plus lost revenue due to the loss in traffic and revenue  
15 from the time the Island was reinstated until such traffic achieves the same level of play as  
16 it had prior to the takedown, if ever, plus any additional loss in expected increases in play  
17 during that time period.

18  
19 48. These acts by Pino have caused harm and damage to Pandvil in an amount to  
20 be proven at trial, but not less than \$708,000.  
21

22  
23 Wherefore, Pandvil requests relief as follows:

24 A. For damages due to Pino's violations of 17 U.S.C. §512 in the amount to  
25 be proven at trial, but not less than \$708,000.  
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