

1 Christopher S. Marchese (SBN 170239)
marchese@fr.com
2 FISH & RICHARDSON P.C.
4695 MacArthur Court, Suite 1100
3 Newport Beach, CA 92660
4 Tel: (213) 533-4240 / Fax: (858) 678-5099

5 John S. Goetz (*pro hac vice* forthcoming)
goetz@fr.com
6 Kristen McCallion (*pro hac vice* forthcoming)
mccallion@fr.com
7 Vivian Cheng (*pro hac vice* forthcoming)
8 cheng@fr.com
FISH & RICHARDSON P.C.
9 7 Times Square, 20th Floor
10 New York, NY 10036
11 Tel: (212) 765-5070 / Fax: (212) 258-2291

12 *Additional counsel listed on signature page*

13 Attorneys for Defendant
14 Warner Bros. Discovery, Inc.

15 **IN THE UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

17 ALCON ENTERTAINMENT, LLC
18 a Delaware Limited Liability Company,

19 Plaintiff,

20 v.

21
22 TESLA, INC., a Texas Corporation;
23 ELON MUSK, an individual;
24 WARNER BROS. DISCOVERY,
25 INC., a Delaware Corporation,

26 Defendants.

Case No. 2:24-cv-09033-GW-RAO

**DEFENDANT WARNER BROS.
DISCOVERY, INC.’S NOTICE OF
MOTION TO DISMISS**

District Judge: Hon. George H. Wu
Magistrate Judge: Rozella A. Oliver

Hearing Date: March 6, 2025
Hearing Time: 8:30 a.m.
Courtroom: 9D
Judge: Hon. George H. Wu

1 TO PLAINTIFF AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT on March 6, 2025 at 8:30 a.m., or as soon
3 thereafter as the matter may be heard in the United States District Court, Central
4 District of California, Western Division, at 350 West 1st Street, Los Angeles,
5 California 90012, Courtroom 9D, 9th Floor, before the Honorable George H. Wu,
6 Defendant Warner Bros. Discovery, Inc. (“WBDI”) will move, and hereby does
7 move, to dismiss with prejudice the second (Vicarious Copyright Infringement) and
8 fourth (False Endorsement in Violation of 15 U.S.C. § 1125(a)(1)(A)) claims for relief
9 in the Complaint.

10 This motion is made pursuant to Fed. R. Civ. P. 12(b)(6) and the Local Rules
11 applicable thereto. This motion is based on this notice of motion and motion, the
12 accompanying memorandum of points and authorities, the declaration of Christopher
13 S. Marchese in support of the motion and accompanying exhibits, the pleadings on
14 file in this action, and on such other written or oral argument or evidence as may be
15 presented at or before the time this motion is taken under submission.

16 This motion is made following the conference of counsel pursuant to Local
17 Rule 7-3, which took place on January 24, 2025. Plaintiff confirmed it will oppose
18 the motion.

19
20
21
22
23
24
25
26
27
28

1 Dated: February 4, 2025

FISH & RICHARDSON P.C.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Christopher S. Marchese

Christopher S. Marchese (SBN 170239)
marchese@fr.com
FISH & RICHARDSON P.C.
4695 MacArthur Court, Suite 1100
Newport Beach, CA 92660
Tel: (213) 533-4240
Fax: (858) 678-5099

John S. Goetz (*pro hac vice* forthcoming)
goetz@fr.com
Kristen McCallion (*pro hac vice* forthcoming)
mccallion@fr.com
Vivian Cheng (*pro hac vice* forthcoming)
cheng@fr.com
FISH & RICHARDSON P.C.
7 Times Square, 20th Floor
New York, NY 10036
Tel: (212) 765-5070
Fax: (212) 258-2291

Matt Colvin (*pro hac vice* forthcoming)
colvin@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Tel: (214) 747-5070
Fax: (214) 747-2091

Kayleigh McGlynn (*pro hac vice* forthcoming)
mcglynn@fr.com
FISH & RICHARDSON PC
One Marina Park Drive
Boston, MA 02210
Tel: (617) 542-5070
Fax: (617) 542-8906

Attorneys for Defendant
Warner Bros. Discovery, Inc.