

1 KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP  
 Michael J. Kump (SBN 100983)  
 2 mkump@kwikalaw.com  
 Jonathan P. Steinsapir (SBN 226281)  
 3 jsteinsapir@kwikalaw.com  
 Nicholas C. Soltman (SBN 277418)  
 4 nsoltman@kwikalaw.com  
 808 Wilshire Boulevard, 3rd Floor  
 5 Santa Monica, California 90401  
 Telephone: 310.566.9800  
 6 Facsimile: 310.566.9850

7 Attorneys for Plaintiffs Kim Kardashian  
 West and Kimsaprincess, Inc.

8 **UNITED STATES DISTRICT COURT**  
 9 **CENTRAL DISTRICT OF CALIFORNIA**

11 KIMSAPRINCESS INC., a California  
 12 corporation, and KIMBERLY  
 13 KARDASHIAN WEST, an individual,

14 Plaintiffs,

15 vs.

16 CHARLES RUNELS, an individual,  
 CELLULAR MEDICINE  
 17 ASSOCIATION, aka AMERICAN  
 COSMETIC CELLULAR MEDICINE  
 ASSOCIATION, a Nevada corporation,  
 18 ADVANCED DERMATOLOGY &  
 COSMETIC LASER CARE, A  
 19 MEDICAL CORPORATION, a  
 California corporation, and  
 20 1 through 100, inclusive,

21 Defendants.

Case No. 2:19-cv-10415

**COMPLAINT FOR:**

**(1) COPYRIGHT INFRINGEMENT**  
**[17 U.S.C. § 501];**

**(2) INFRINGEMENT OF**  
**REGISTERED MARK [15 U.S.C.**  
**§ 1114];**

**(3) FALSE ASSOCIATION [15**  
**U.S.C. § 1125(a)];**

**(4) VIOLATION OF THE RIGHT**  
**OF PUBLICITY; AND**

**(5) CALIFORNIA COMMON LAW**  
**TRADEMARK INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP  
 808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
 SANTA MONICA, CALIFORNIA 90401  
 TEL 310.566.9800 • FAX 310.566.9850

KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP  
808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
SANTA MONICA, CALIFORNIA 90401  
TEL 310.566.9800 • FAX 310.566.9850

**INTRODUCTION AND FACTUAL BACKGROUND**

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1. Kim Kardashian West is a world-famous media and entertainment personality, model, businesswoman, and entrepreneur. Ms. Kardashian has spent considerable time, energy and resources developing her career and is generally credited as the first (and most successful) social media “influencer.” As of this filing, Ms. Kardashian has over 148 million followers on Instagram and almost 62 million on Twitter.

2. Along with her family, Ms. Kardashian has starred for twelve years on E!’s hit reality television series *Keeping Up with the Kardashians* (“KUWTK”). KUWTK has also spawned various spin-offs, such as *Kourtney and Kim Take New York* and *Kourtney and Kim Take Miami*. In addition to her television presence, Ms. Kardashian is active in the fashion and cosmetics sectors. In 2017, she launched her own cosmetics company and beauty line, KKW Beauty, as well as a fragrance line, KKW Fragrance. Her most valuable property, however, remains her name and likeness.

3. Defendant Charles Runels is a doctor in Alabama. In characteristically self-promoting fashion, he describes himself alternatively as the “Orgasm Doctor” and the “Calvin Klein of medicine.” To that end, while he appears to maintain a small practice in Alabama, most of his time is spent touting the various cosmetic procedures he has purported to trademark—including, as relevant here, the Vampire Facial (as well as the Orgasm Shot, the Vampire Facelift, and the Vampire Breast Lift). To hear Runels tell it, the point of medical trademarking is to “protect patients by limiting advertising of these procedures to providers who agree to follow specific methods and to use FDA approved devices,” in much the same way that “a Calvin Klein tag goes on a garment manufactured by another person but who follows Mr. Klein’s design.” But the “protection” of patients who have never heard of Runels, let alone been treated by him, does not pay the bills. The *real* goal, as the *New York*

1 *Times* pointed out in 2011, was to charge other doctors \$47 a month to promote *their*  
 2 Vampire Facelifts.<sup>1</sup>

3 4. As it turns out, over the last decade, that number has doubled. As  
 4 Runels admitted in a filing with the U.S. Patent and Trademark Office, as of  
 5 December 2017 he was charging “over 650 medical providers” about \$190,000 *per*  
 6 *month* from licensing fees for approximately 2000 “licenses.” Notably, these  
 7 licenses are themselves the subject of a cancellation proceeding, which alleges,  
 8 among other things, that Runels’ registrations of the “Vampire” trademarks (i.e.,  
 9 Vampire Facelift, Vampire Nipplelift, Vampire O Shot, and Vampire Facial) are  
 10 fraudulent, because he “neither exercises, nor has the right to exercise, any  
 11 supervision or control” over the “licensed” medical services performed by medical  
 12 providers across the nation. Runels’ entire licensing apparatus appears to be a naked  
 13 pay-to-play scheme—if applicants can pay the monthly fee, they are approved.  
 14 Unsurprisingly, his misdeeds are not limited to unscrupulous licensing activities and  
 15 shakedown letters to so-called “infringers” (what he calls the thousands of medical  
 16 providers who do not “license” his various ill-begotten trademarks). Runels has also  
 17 misappropriated the names and likenesses of some of the most famous women in the  
 18 world, including Ms. Kardashian.

19 5. When he is not trying to sell “licenses” or tweeting out links that  
 20 either quote him or refer to one of his “trademarked” procedures,<sup>2</sup> Runels serves as  
 21 the President, Secretary, Treasurer, *and* Director of his co-defendant, the Cellular  
 22 Medicine Association (“CMA”). (The CMA also operates through the similar-  
 23 sounding, but not legally incorporated, “American Cosmetic Cellular Medicine  
 24

25 <sup>1</sup> Catherine Saint Louis, *‘Vampire Face-Lifts’: Smooth at First Bite*, NY  
 Times (Mar. 2, 2011).

26 <sup>2</sup> In one 24-hour span this month, Runels’ Twitter handle @TempleRepair (or  
 27 more likely the bot he set up for this purpose) posted 24 different links, more of  
 28 which were “dead” than from 2019.

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 808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
 SANTA MONICA, CALIFORNIA 90401  
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1 Association” (“ACCMA”).) Despite the bland name, evocative of a legitimate trade  
 2 group, the organization that he founded is short on “scientists” and “research” into  
 3 “cellular medicine” and long on, you guessed it, licensing—or, as the CMA calls it,  
 4 “certification.” Indeed, it is no coincidence that Runels has as many “licensees”  
 5 (2,000) as the CMA has members. For example, when applicants click on the  
 6 “application to become a Provider (or to renew license [sic]) of the Vampire Facial®  
 7 Procedure (\$47 application fee, then monthly),” which “[i]ncludes 5 bottles of  
 8 Altar™ Cream,” the “application” form is indistinguishable from the “checkout”  
 9 screen greeting any online shopper:

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11/15/2019 <https://secure.ultracart.com/checkout/singleLoad.do?n=1573865652445&merchantId=ACCMA>

Item	Qty	Description	Amount	Remove
VFCL+Altar	1	Vampire Facial® Provider Membership plus 5 Jars of Altar™ Cream	\$322.00	
Subtotal:			\$322.00	<a href="#">Change Currency</a>

Affiliate Code (optional):

**SHIPPING ADDRESS**

\*First Name:  \*Last Name:   
 Company:   
 \*Address 1:   
 Address 2:   
 \*City:   
 \*State/Province/Region:  \*Zip/Postal Code:   
 \*Country:  United States  
 \*Daytime Phone:   
 \* Email Address: (for email confirmation)   
 Please send me email updates of news and special offers  
 This address is a residence  
 Check here if billing information is different from shipping information.

**COMMENTS**

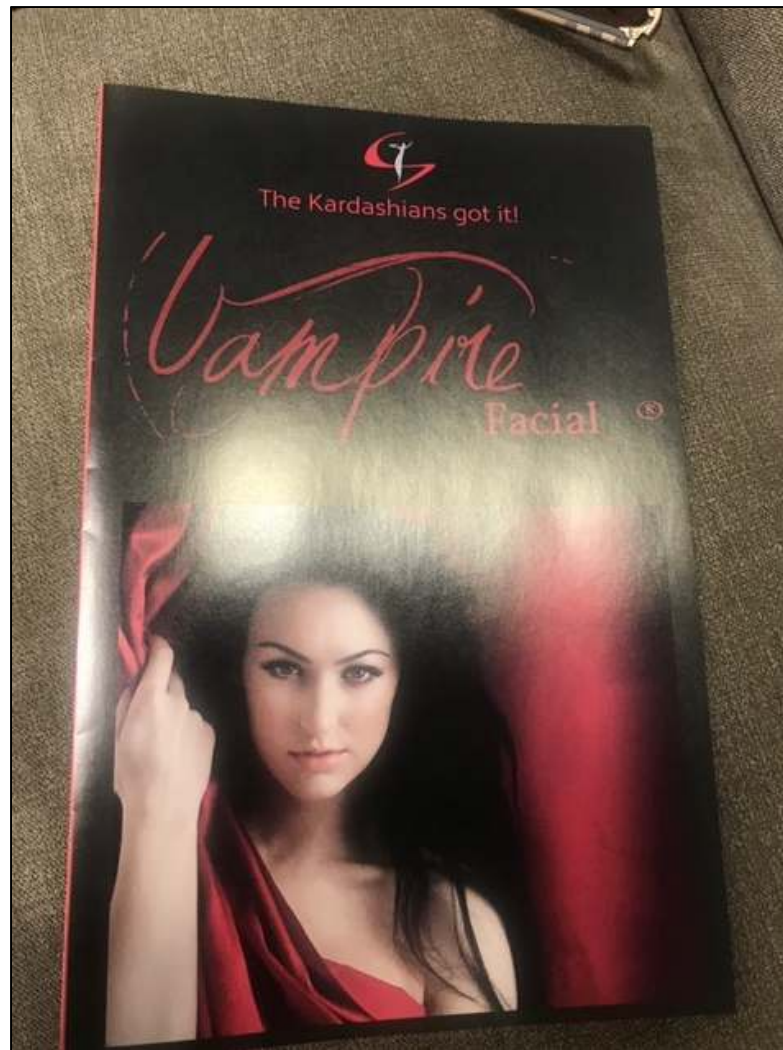
SHIPPING PREFERENCE	SUMMARY
<input checked="" type="radio"/> FedEx: First Overnight \$0.00	Subtotal: \$322.00
<input type="radio"/> USPS: Priority Mail \$10.40	Tax: \$0.00
<input type="radio"/> FedEx: 2-Day AM \$38.28	Shipping: \$0.00
<input type="radio"/> USPS: Express Mail \$39.95	Total: \$322.00
<input type="radio"/> FedEx: Standard Overnight \$80.82	
<input type="radio"/> FedEx: Priority Overnight \$87.28	

**CREDIT CARD PAYMENT**

\*Credit Card Type:   
 \*Credit Card #:   
 \*Expiration Date:    
 \*Card Verification #:  [help finding this number](#)

<https://secure.ultracart.com/checkout/singleLoad.do?n=1573865652445&merchantId=ACCMA> 1/2

1           6.       On information and belief, in addition to “certifying” medical providers  
2 (i.e., processing their payments), the CMA/ACCMA provides marketing materials  
3 to members such as Defendant Advanced Dermatology & Cosmetic Laser Care  
4 (“Advanced Dermatology”). Advanced Dermatology is a dermatology practice in  
5 Valencia, California. It is listed on the Vampire Facial website’s “member”  
6 directory ([www.vampirefacial.com/members/directory](http://www.vampirefacial.com/members/directory)). In July 2019, a patient at  
7 Advanced Care (who was not there for a Vampire Facial) saw the pamphlet below:



25           7.       While “the Kardashians”—or, more accurately, Ms. Kardashian and her  
26 sister Kourtney—did “get” a Vampire Facial, it was seven years ago. And they had  
27 certainly never licensed their name in connection with the procedure.

28

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TEL 310.566.9800 • FAX 310.566.9850



1 8. Upon further investigation, Ms. Kardashian was horrified to discover  
2 that her name and likeness were plastered all over Runels' website  
3 ([www.vampirefacial.com](http://www.vampirefacial.com)). Just below a post disclaiming any association with the  
4 Vampire Facial provider from which patients had contracted HIV is a photo  
5 captioned, "Bar [Refaeli] & Kim Receive the Vampire Facial® Procedure." (Refaeli  
6 is a world-famous supermodel.)

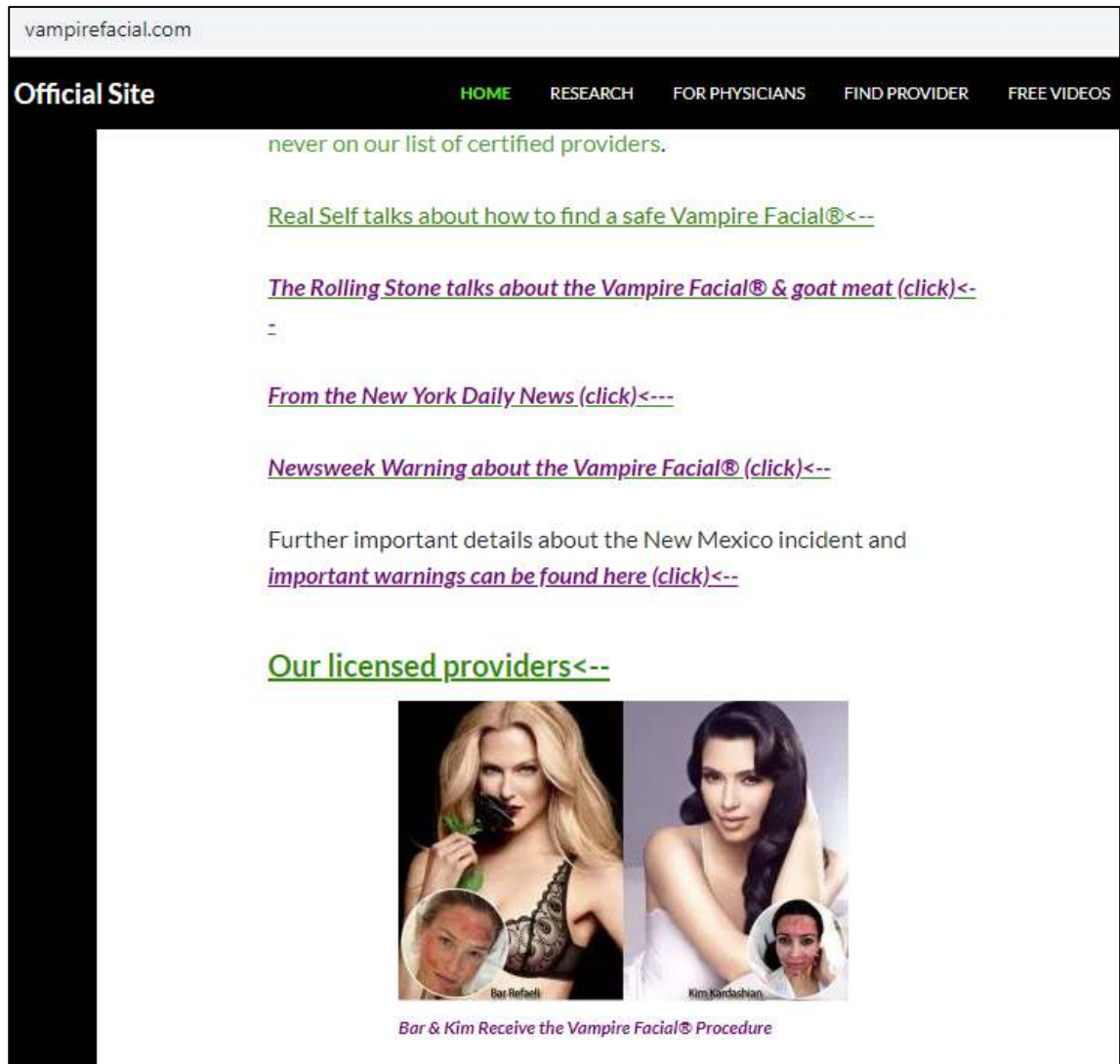


Figure 1: Vampire Facial homepage

26 9. That is not the only image of Ms. Kardashian on the homepage, either.  
27 Just below is another photograph of Ms. Kardashian that she herself had taken and  
28 posted to Instagram, captioned in large blue font, "Kim Kardashian immediately

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1 after her famous Vampire Facial® Procedure.” The two photographs appear side-by-  
2 side below:



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11 **Figure 3: @kimkardashian verified account**  
(<https://www.instagram.com/p/WsspMAuS2A/>)

**Figure 2: www.vampirefacial.com**

12 10. Incredibly, for someone who complains that he has “been forced to  
13 employ a full-time staff to identify and stop providers who use any or all of his  
14 trademarks without license,”<sup>3</sup> Runels has also used Ms. Kardashian’s name and  
15 likeness elsewhere on his website.

- 16 • A YouTube video on the home page (which is itself a screengrab of the  
17 homepage with the video playing on a sidebar) features both of the  
18 aforementioned pictures of Ms. Kardashian.
- 19 • Another article, titled “The Secret Legal Story Behind Kim  
20 Kardashian’s Famous ‘Vampire’ Selfie & Altar™ ... the Latest  
21 Vampire Skin Therapy™,” reads in pertinent part: “Recently, People  
22 reported on Kim Kardashian’s most famous selfie—her face covered in  
23 blood after a Vampire Facial®. Here’s the legal story behind the photo;

24  
25 <sup>3</sup> Charles Runels, *Infringement*, Cellular Medicine Association (May 15,  
26 2018), online at <https://cellularmedicineassociation.org/infringement/#.XdXUBFdKiUk> (adding that  
27 he has sent “communications” to “several hundred infringers throughout the country  
28 to stop using his trademarks”).

1 how Dr. Charles Runels, MD created the legal mechanism of the  
 2 Vampire Facial® procedure to protect women from life threatening  
 3 diseases.” ([https://www.vampirefacial.com/the-secret-legal-story-  
 4 behind-the-most-famous-celebrity-selfie-ever/#.XcsNYIVKi70](https://www.vampirefacial.com/the-secret-legal-story-behind-the-most-famous-celebrity-selfie-ever/#.XcsNYIVKi70)).

5 • Finally, a video titled “WARNING: Vampire Facial New Mexico—  
 6 How to find the a [sic] licensed Vampire Facial® provider ...”  
 7 explicitly links Ms. Kardashian to the procedure: “... what the heck is a  
 8 vampire facial? It's a very particular way of using an FDA-approved kit  
 9 to prepare blood to go back on the face, which is what Kim Kardashian  
 10 had. *I know for a fact the physician who did that was using an FDA-  
 11 approved kit done in the right way, so there’s absolutely no worry.*”  
 12 (<https://www.vampirefacial.com/warning/#.Xc9iH1VKi70>).

13 11. As if to highlight the blatant opportunism, one day after Ms.  
 14 Kardashian’s attention-grabbing Instagram post, Beverly Hills RN, another CMA  
 15 “member,” issued a press release distancing itself from Ms. Kardashian’s procedure.  
 16 Quoting “the only approved national trainer for the Vampire Facelift and Vampire  
 17 Facial,” who “was trained by the inventor of the procedure, Dr. Charles Runels,” the  
 18 release explained Ms. Kardashian’s was “NOT the ideal treatment” because  
 19 Firstly, I saw that they drew a great amount of blood in what looked to  
 20 be a very large syringe. Normally, only about 8 cc’s or ml’s of blood  
 21 is drawn ... a very small amount equivalent to a tablespoon. Secondly,  
 22 the physician was dropping the red blood on to her face...again NOT  
 23 the way the procedure is done when done correctly. ... Lastly, the  
 24 procedure should not be painful. Granted, she did not use numbing  
 25 crÃme [sic] because she may have already been pregnant (another  
 26 issue) but when done correctly, the Vampire Facelift and the Vampire  
 27 Facial should not be uncomfortable, bloody, or require a lot of blood!  
 28 (<https://www.newswire.com/did-kim-kardashian-really-have/216112>) In other



1 words, when Ms. Kardashian’s gory procedure threatened to bring disrepute to  
2 Runels, he and his “trainer” disclaimed any association with her. But years later,  
3 when her star had risen even further, the procedure was suddenly “done in the right  
4 way.”

5 12. Runels’ scheme to misappropriate Ms. Kardashian’s hard-earned  
6 popularity without her permission is so pervasive that she features prominently in,  
7 of all places, *his LinkedIn profile*. Quite literally, on *his* profile page, *her* photo is  
8 twice as large as his, as seen below.

KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP  
808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
SANTA MONICA, CALIFORNIA 90401  
TEL 310.566.9800 • FAX 310.566.9850

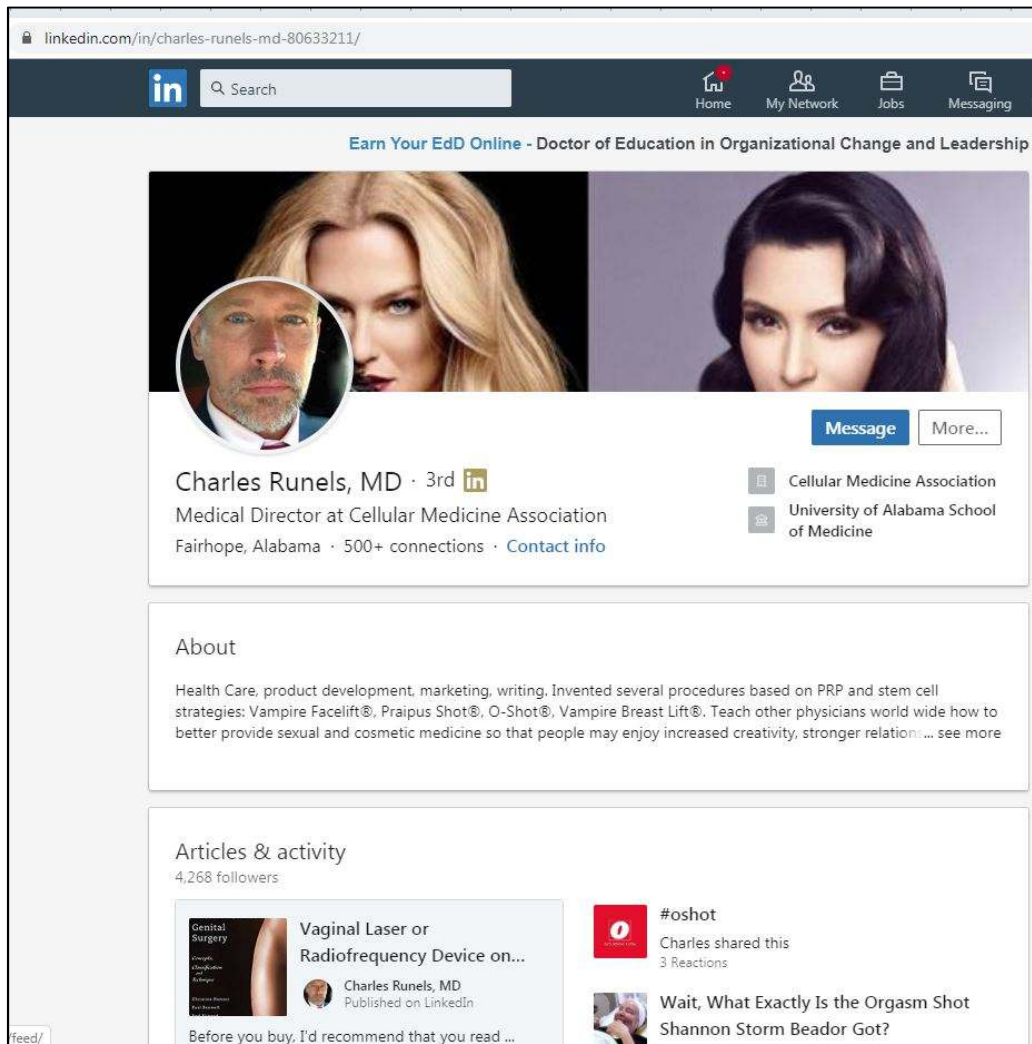


Figure 4: Charles Runels LinkedIn profile (<https://www.linkedin.com/in/charles-runels-md-80633211>)

KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP  
808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
SANTA MONICA, CALIFORNIA 90401  
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1 13. When Ms. Kardashian reached out to Runels and his trademark  
2 attorney to demand that he cease using her name and likeness without her consent,  
3 he not only refused to take down the pictures of her and references to her; *he had the*  
4 *temerity to demand that she pay him.*

5 14. The Defendants’ use of Ms. Kardashian’s name and likeness is not, and  
6 never has been, authorized. The Defendants have never sought Ms. Kardashian’s  
7 permission to use her as a “face” for their products and services, and Ms.  
8 Kardashian has never given such permission. Ms. Kardashian’s actual endorsement  
9 for a nationwide campaign such as this would command a fee well into eight figures  
10 (assuming she would even agree to do such a campaign, which she most assuredly  
11 would not).

12 15. Setting aside the monetary value, however, it is Ms. Kardashian’s  
13 choice whether or not to commercially endorse another party’s goods and services.  
14 Runels and CMA took that choice away from her when they decided to prominently  
15 use her name and likeness in commercial advertising without her permission. Runels  
16 and CMA took that choice away from her when they decided to prominently use her  
17 name and likeness in commercial advertising without seeking her permission.  
18 Runels and CMA had no right to do this and, by this action, Ms. Kardashian seeks to  
19 hold the Defendants accountable for its blatant disregard of her well-established  
20 rights under state and federal law.

21 **PARTIES**

22 16. Plaintiff Kim Kardashian West is a citizen of California and resides in  
23 this judicial district. Plaintiff Kimsaprincess, Inc., is a California corporation, with  
24 its principal place of business in Los Angeles County. Kimsaprincess administers  
25 certain personal services of Ms. Kardashian in the entertainment industry and is the  
26 owner of numerous trademarks associated with Ms. Kardashian’s services, name,  
27 and likeness.

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1           17. On information and belief, Defendant Charles Runels is a citizen of and  
2 resides in Alabama. On information and belief, Defendant Cellular Medicine  
3 Association is a Nevada corporation with its principal place of business in Fairhope,  
4 Alabama. On information and belief, Defendant Advanced Dermatology &  
5 Cosmetic Laser Care is a California corporation, with its principal place of business  
6 in Valencia, California.

7           18. Plaintiffs are ignorant of the true names and capacities of Defendants  
8 DOES 1 through 100 and therefore sues these Defendants by such fictitious names.  
9 Plaintiffs will amend this complaint to allege these Defendants’ true names and  
10 capacities when ascertained. Each of these Defendants is responsible and liable in  
11 some manner for the events alleged herein and the damages caused thereby.

**JURISDICTION AND VENUE**

12           19. This is a civil action arising under federal law: namely, the Copyright  
13 Act of 1976, 17 U.S.C. § 101 *et seq.*, and the Lanham Act of 1946, 15 U.S.C.  
14 §§ 1051, *et seq.* This Court has original jurisdiction over the federal claims pursuant  
15 to 28 U.S.C. §§ 1331 and 1338(a). This Court has supplemental jurisdiction over the  
16 state law claims pursuant to 28 U.S.C. § 1367(a), as those claims are so related to  
17 the federal claims that they form part of the same case or controversy.

18           20. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(a)  
19 because this is a civil action arising under an Act of Congress relating to copyrights  
20 and defendants or their agents reside in or may be found in this judicial district.  
21 Venue is also proper under 28 U.S.C. § 1391(b), because a substantial part of the  
22 events or omissions giving rise to the claims occurred in this district or a substantial  
23 part of property that is the subject of the action is situated in this district.

**FIRST CLAIM FOR RELIEF**

**Copyright Infringement – 17 U.S.C. § 501**

24           21. Plaintiffs repeat and reallege all prior allegations of the Complaint.  
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KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP  
808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
SANTA MONICA, CALIFORNIA 90401  
TEL 310.566.9800 • FAX 310.566.9850

1 22. Ms. Kardashian is the owner of the still photograph, VAMPIRE  
2 FACIAL SELFIE, which has been registered with the United States Copyright  
3 Office (Reg. No. VA0002177635) (“the Photograph”). The Photograph was  
4 registered on November 14, 2019.

5 23. Runels has used, and continues to use, the Photograph without consent  
6 or license from Ms. Kardashian.

7 24. To the extent it may not have directly used the Photograph, the CMA  
8 is liable for such infringements because Runels is, for purposes of infringement  
9 here, its agent. The CMA is also liable for such infringements pursuant to either or  
10 both the doctrines of vicarious infringement and contributory infringement.

11 25. As a result of Runels and the CMA’s acts and omissions as described  
12 above, Ms. Kardashian has suffered damages and will continue to suffer damages in  
13 an amount that is presently unknown.

14 26. Runels’ and the CMA’s infringement entitles Ms. Kardashian to  
15 recover its actual damages and Runels’ and the CMA’s profits attributable to the  
16 infringement.

17 27. Runels and the CMA’s infringement was willful.

18 28. Runels and the CMA’s infringement of Ms. Kardashian’s copyright has  
19 caused and will cause irreparable harm to Ms. Kardashian that cannot be fully  
20 compensated by money. Because Ms. Kardashian has no adequate remedy at law,  
21 she is entitled to appropriate injunctive relief prohibiting Runels and CMA from  
22 further unauthorized use of the Photograph.

23 **SECOND CLAIM FOR RELIEF**

24 **Infringement of a Registered Mark – 15 U.S.C. § 1114**

25 29. Plaintiffs repeat and reallege all prior allegations of the Complaint.

26 30. Plaintiff Kimsaprincess, Inc. is the owner of the mark, KIM  
27 KARDASHIAN, (“the Mark”), which is registered on the principal register under  
28 USPTO Reg. No. 4516079. Ms. Kardashian performs the services associated with

KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP  
808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
SANTA MONICA, CALIFORNIA 90401  
TEL 310.566.9800 • FAX 310.566.9850

1 the Mark and has consented to the registration of this mark in the name of  
2 Kimsaprincess, Inc.. Plaintiffs’ use of the mark in commerce predates Defendants’  
3 use.

4 31. Runels, the CMA, and Advanced Dermatology (collectively,  
5 “Defendants”) have used, and continue to use the Mark in commerce in connection  
6 with the sale, offering for sale, distribution and advertising of their respective goods  
7 and services, along with the goods and services of persons associated with Runels.  
8 This use is not, and has never been, authorized by Plaintiffs.

9 32. Defendants’ use of the Mark is likely to cause confusion, or to cause  
10 mistake or to deceive consumers as to the affiliation, association, connection,  
11 endorsement, or sponsorship of Plaintiffs with Defendants.

12 33. Runels and the CMA have used, and continue to use, the Mark with  
13 prior knowledge of Plaintiffs’ rights therein, and with the intent to capitalize on and  
14 trade on the established goodwill of Plaintiffs. Their use of the Mark was in bad  
15 faith and with knowledge (or reckless disregard of the fact) that such use would  
16 cause confusion, mistake and deception.

17 34. As a result of Defendants’ conduct alleged above, Plaintiffs have  
18 suffered, and will continue to suffer, damages in an amount to be proven at trial, but  
19 not less than a number well into seven figures. Plaintiffs are further entitled to  
20 disgorge Defendants of all their profits under the Lanham Act. Runels and the  
21 CMA’s willful infringement and misconduct is of such a nature that an award  
22 trebling the amount of damages is necessary and appropriate under the Lanham Act.

23 35. As a result of Defendants’ conduct, Plaintiffs have suffered and will  
24 continue to suffer irreparable harm unless their conduct is enjoined and restrained by  
25 this Court.

26 36. Runels and the CMA’s misconduct is such that this is an “exceptional”  
27 case within the meaning of the Lanham Act, entitling Plaintiffs to recover their  
28 reasonable attorney’s fees.



**THIRD CLAIM FOR RELIEF**

**False Association or Endorsement – 15 U.S.C. § 1125(a)**

37. Plaintiffs repeat and reallege all prior allegations of the Complaint.

38. Plaintiff Kim Kardashian West is a world-famous popular media and entertainment personality, model, businesswoman entrepreneur, and social media influencer. Ms. Kardashian’s name and likeness is famously associated with Plaintiffs and conjures up Ms. Kardashian’s identity and persona in the minds of the public.

39. Defendants have used, and continue to use, Ms. Kardashian’s name, likeness, identity, and persona in its advertisements in order to confuse the public into believing that Plaintiffs sponsor, endorse and are associated with Vampire Facial. In fact, Plaintiffs do not sponsor or endorse Vampire Facial, and they are not associated with Defendants.

40. As a result of Defendants’ unauthorized use of Ms. Kardashian’s name, likeness, identity, and persona, the public is mistakenly confused that Plaintiffs sponsor, endorse and are associated with Defendants and the Vampire Facial.

41. Defendants have used, and continue to use, Ms. Kardashian’s name, likeness, identity, and persona with prior knowledge of Plaintiffs’ rights therein, and with the intent to capitalize on and trade on the established goodwill of Plaintiffs. Runels and the CMA’s use of Ms. Kardashian’s name, likeness, identity, and persona is in bad faith and with knowledge (or reckless disregard of the fact) that such use would cause confusion, mistake and deception.

42. As a result of Defendants’ conduct alleged above, Plaintiffs have suffered, and will continue to suffer, damages in an amount to be proven at trial, but not less than a number well into seven figures. Plaintiffs are further entitled to disgorge Defendants of all of its profits under the Lanham Act. Runels and the CMA’s willful infringement and misconduct is of such a nature that an award trebling the amount of damages is necessary and appropriate under the Lanham Act.

**KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP**  
808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
SANTA MONICA, CALIFORNIA 90401  
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1 43. As a result of Defendants’ conduct, Plaintiffs have suffered and will  
2 continue to suffer irreparable harm unless their conduct is enjoined and restrained by  
3 this Court.

4 44. Runels and the CMA’s misconduct is such that this is an “exceptional”  
5 case within the meaning of the Lanham Act, entitling Plaintiffs to recover their  
6 reasonable attorney’s fees.

7 **FOURTH CLAIM FOR RELIEF**

8 **Violation of the Right to Publicity Under California Law**

9 45. Plaintiffs repeat and reallege all prior allegations of the Complaint.

10 46. Plaintiff Kimberly Kardashian West’s name and likeness is widely  
11 known and closely associated with Plaintiffs. Defendants’ unauthorized use of Ms.  
12 Kardashian’s name and likeness invokes Ms. Kardashian’s identity in the minds of  
13 the public. The unauthorized use of Ms. Kardashian’s name and likeness is  
14 prohibited both by California common law and by California Civil Code § 3344.

15 47. As a result of Defendants’ intentional and unauthorized use of Ms.  
16 Kardashian’s name and likeness in its advertising, Plaintiffs have suffered and will  
17 continue to suffer damages in an amount to be proven at trial, but not less than a  
18 number well into seven figures.

19 48. As a result of Defendants’ conduct, Plaintiffs have suffered and will  
20 continue to suffer irreparable harm unless their conduct is enjoined and restrained by  
21 this Court.

22 49. Runels and the CMA’s misappropriation of Ms. Kardashian’s name and  
23 likeness was done with an intent to injure Plaintiffs and to subject Plaintiffs to cruel  
24 and unjust hardship in conscious disregard of Plaintiffs’ rights. Such acts were done  
25 willfully, maliciously, and oppressively. Plaintiffs are, therefore, entitled to an  
26 additional award of punitive and exemplary damages in an amount sufficient to  
27 punish Runels and the CMA and to deter them from committing such acts in the  
28 future.

KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP  
808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
SANTA MONICA, CALIFORNIA 90401  
TEL 310.566.9800 • FAX 310.566.9850

KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP  
808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
SANTA MONICA, CALIFORNIA 90401  
TEL 310.566.9800 • FAX 310.566.9850

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**FIFTH CLAIM FOR RELIEF**

**(California Common Law Trademark Infringement)**

50. Plaintiffs repeat and reallege all prior allegations of the Complaint.

51. Plaintiff Kimberly Kardashian West is a world-famous popular media and entertainment personality, model, businesswoman entrepreneur, and social media influencer. Ms. Kardashian’s name and likeness is famously associated with Plaintiffs and conjures up Ms. Kardashian’s identity and persona in the minds of the public.

52. Defendants have used, and continue to use, Ms. Kardashian’s name, likeness, identity, and persona in its advertisements in order to confuse the public into believing that Plaintiffs sponsor, endorse and are associated with Vampire Facial. In fact, Plaintiffs do not sponsor or endorse Vampire Facial, and they are not associated with Defendants.

53. As a result of Defendants’ unauthorized use of Ms. Kardashian’s name, likeness, identity, and persona, the public was mistakenly confused into believing that Plaintiffs sponsor, endorse and are associated with Defendants and the Vampire Facial.

54. Defendants have used, and continue to use, Ms. Kardashian’s name, likeness, identity, and persona with prior knowledge of Plaintiffs’ rights therein, and with the intent to capitalize on and trade on the established goodwill of Plaintiffs. Runels and the CMA’s use of Ms. Kardashian’s name, likeness, identity, and persona was in bad faith and with knowledge (or reckless disregard of the fact) that such use would cause confusion, mistake and deception.

55. As a result of Defendants’ misconduct, Plaintiffs have suffered and will continue to suffer damages in an amount to be proven at trial, but not less than a number well into seven figures.

56. As a result of Defendants’ conduct, Plaintiffs have suffered and will continue to suffer irreparable harm unless their conduct is enjoined and restrained by

KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP  
808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
SANTA MONICA, CALIFORNIA 90401  
TEL 310.566.9800 • FAX 310.566.9850

1 this Court.

2 57. Runels and the CMA’s misappropriation of Ms. Kardashian’s name,  
3 likeness, identity, and persona, with prior knowledge of Plaintiffs’ rights therein,  
4 was done with an intent to injure Plaintiffs and to subject Plaintiffs to cruel and  
5 unjust hardship in conscious disregard of Plaintiffs’ rights, and such acts were done  
6 willfully, maliciously, and oppressively. Plaintiffs are, therefore, entitled to an  
7 additional award of punitive and/or exemplary damages in an amount sufficient to  
8 punish Runels and the CMA and to deter them from committing such acts in the  
9 future.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiffs pray for relief as follows:

12 A. For a temporary restraining order, as well as preliminary and permanent  
13 injunctive relief, prohibiting Defendants from any use of the Photograph, any use of  
14 the Mark, and any use of Ms. Kardashian’s name, likeness, identity or persona;

15 B. For damages according to proof at trial;

16 C. For disgorgement of profits under the Copyright Act, the Lanham Act  
17 and under California law;

18 D. For treble damages under the Lanham Act against Runels and the  
19 CMA;

20 E. For punitive and exemplary damages for Runels and the CMA’s  
21 violations of Plaintiffs’ rights of publicity and their California common law  
22 trademark rights;

23 F. For pre-judgment and post-judgment interest according to proof;

24 G. For a declaration that Runels and the CMA have infringed Ms.  
25 Kardashian’s copyrights, trademarks and right to publicity, as set out above, and that  
26 such infringements were willful;

27 H. For attorneys’ fees and costs of suit pursuant to 15 U.S.C. § 1117, 17  
28 U.S.C. §§ 505 and 1203, and any and all other sources of law; and

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I. For such other relief as may be just and proper.

DATED: December 9, 2019

KINSELLA WEITZMAN ISER  
KUMP & ALDISERT LLP

By:           /s/ Michael Kump            
Michael J. Kump  
Attorneys for Plaintiffs Kimberly  
Kardashian West and Kimsaprincess, Inc.

**KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP**  
808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
SANTA MONICA, CALIFORNIA 90401  
TEL 310.566.9800 • FAX 310.566.9850



**DEMAND FOR JURY TRIAL**

On all issues so triable, Plaintiffs hereby demand a trial by jury.

DATED: December 9, 2019

KINSELLA WEITZMAN ISER  
KUMP & ALDISERT LLP

By:           /s/ Michael Kump            
Michael J. Kump  
Attorneys for Plaintiffs Kimberly  
Kardashian West and Kimsaprincess, Inc.

/670378

**KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP**  
808 WILSHIRE BOULEVARD, 3<sup>RD</sup> FLOOR  
SANTA MONICA, CALIFORNIA 90401  
TEL 310.566.9800 • FAX 310.566.9850

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