

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JAKE BERMAN,

Plaintiff,

- against -

UNITED STATES TENNIS ASSOCIATION  
INC., MOJO ART & IMAGE, LLC, and DOES 1  
through 50,

Defendants.

Case No.: 24-cv-4206

**COMPLAINT FOR**

**(1) COPYRIGHT  
INFRINGEMENT; AND  
(2) VICARIOUS AND/OR  
CONTRIBUTORY  
COPYRIGHT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

Plaintiff Jake Berman (“Berman” or “Plaintiff”), by and through his undersigned attorneys, hereby prays for relief based on the following:

This case involves copyright infringement of an original work of art by a collection of designers and retail outlets including the United States Tennis Association, which organizes and promotes the U.S. Open tennis tournament, one of America’s premier sporting events, generating hundreds of millions of dollars in revenue.

**JURISDICTION AND VENUE**

1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101 *et seq.*
2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).
3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that Defendant USTA’s principal place of business is in the Southern District of New York, and this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

**PARTIES**

4. Berman is an individual resident of New York City.

5. Upon information and belief, Defendant United States Tennis Association Inc. (“USTA”) is a not-for profit corporation with its principal place of business within this judicial district. USTA is the organizer of the US Open Tennis Championships. The U.S. Open is one of professional tennis’ four Grand Slam tournaments, and it boasts the highest attendance, most prize money and highest gross revenue of any professional tennis tournament. The 2023 U.S. Open grossed over \$514 million for the USTA and paid out approximately \$65 million in prize money.

6. Upon information and belief, Defendant Mojo Art & Image, LLC (“Mojo”) is a Maryland limited liability company doing business in the State of New York.

7. Defendants DOES 1-50, inclusive, are other parties not yet identified who have infringed Berman’s copyright, have contributed to the infringement of Berman’s copyright, or have engaged in one or more of the wrongful practices alleged herein. The true names, whether corporate, individual, or otherwise, of Defendants 1 through 50, inclusive, are presently unknown to Berman, who therefore sues said Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.

8. Berman is informed and believes and thereon alleges that at all times relevant hereto each of the Defendants was the agent, affiliate, subsidiary, parent organization, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants and was at all times acting within the scope of such agency, affiliation, alter-ego relationship and/or employment; and

actively participated in or subsequently ratified and adopted, or both, each and all of the acts or conduct alleged, with full knowledge of all the facts and circumstances, including, but not limited to, full knowledge of each and every violation of Berman's rights and the damages to Berman proximately caused thereby.

**CLAIMS RELATED TO BERMAN'S DESIGN**

9. Berman is an artist, cartographer, and author known for creating innovative transit maps in his own unique style.

10. In May 2008, prior to Defendants' actions complained of below, Berman created an original two-dimensional artwork depicting his original interpretation of the New York City subway system. This design (the "Map") is the subject of this dispute. The title of the deposit copy of the Map is "New York City Subway Map." The Map is an original artwork composed by Berman.

11. At all times, Berman has been the exclusive owner of the Map, which was registered with the United States Copyright Office and granted registration number VA 2-377-293.

12. A true and correct copy of the Map is set forth below:



at <https://usopenshop.org/>.

15. Berman is informed and believes and thereon alleges that USTA, Mojo, and certain DOE Defendants created, sold, manufactured, caused to be manufactured, imported, and distributed garments comprised of fabric bearing an unauthorized reproduction of the Map.

16. In September 2023, Berman discovered that USTA was selling a shirt copying the Map in connection with the 2023 US Open (the “Offending 2023 Product”). The Offending 2023 Product, as it appeared on USTA’s website, is depicted below:



17. A true and correct copy of USTA’s listing for the Offending 2023 Product as it appeared at <https://usopenshop.org/products/us-open-collection-mens-2023-subway-overlap-t-shirt.html> as of September 5, 2023, is attached hereto as Exhibit A.

18. Berman is informed and believes and thereon alleges that Defendant Mojo designed

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