

1 Omid E. Khalifeh, SBN 267340
 Ariana Santoro, SBN 300767
 2 Louise Jillian Paris, SBN 347801
 3 **OMNI LEGAL GROUP**
 2029 Century Park E, Suite 438
 4 Los Angeles, California 90067
 5 Phone: 310.276.6664
 Facsimile: 310.305.1550
 6 omid@omnilg.com
 7 ariana@omnilg.com
 jillian@omnilg.com

8 Attorneys for Plaintiff
 9 **JOBIAK LLC**

10
 11 **UNITED STATES DISTRICT COURT**
 12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

13
 14 **JOBIAK, LLC., a Delaware**
 15 **Limited Liability Company;**

16 **Plaintiff,**

17 **vs.**

18 **BOTMAKERS LLC, d.b.a. TARTA.AI,**
 19 **a Philadelphia Limited Liability**
 20 **Company**

21 **Defendant.**

Case No.: 2:23-cv-8604

PLAINTIFF’S COMPLAINT FOR:

1. **COPYRIGHT INFRINGEMENT**
2. **COMPUTER FRAUD AND ABUSE ACT**
3. **CALIFORNIA COMPREHENSIVE COMPUTER ACCESS AND FRAUD ACT**
4. **UNFAIR COMPETITON**

JURY TRIAL DEMAND

1 PLAINTIFF JOBIAK LLC, a Delaware Limited Liability Company, doing
2 business as Jobiak (“Plaintiff”) hereby files this complaint against BOTMAKERS
3 LLC, doing business as Tarta.Ai, a Philadelphia Limited Liability Company
4 (“Defendant”) and alleges as follows:

5
6 **SUMMARY OF THE ACTION**

7 1. Plaintiff is an AI-based recruitment platform and company founded in
8 2018 that offers a unique service of quickly and directly publishing job postings on
9 Google. The company takes pride in being an industry innovator, leveraging
10 machine learning technology to optimize job descriptions in real-time, making it the
11 first to offer such an automated database for job postings. As such, Plaintiff has taken
12 the steps in order to protect its intellectual property rights in its automated database.
13 Plaintiff obtained federally registered copyrights over “ALL JOBS by Jobiak” TX
14 9-309-827.

15 2. Defendant Tarta.Ai operates in a similar line of business as Plaintiff,
16 utilizing AI technology to assist in job searches and related operations. Plaintiff
17 discovered that Defendant had maliciously scraped Plaintiff's proprietary database
18 and subsequently incorporated its contents directly into its own job listings.

19 3. As a result of Defendant’s wrongful behavior, Plaintiff has experienced
20 significant financial losses, reputational damage, and a decline in market share. The
21 Defendant has infringed upon Plaintiff’s intellectual property rights and continue to
22 do so.

23 4. Moreover, the scraping of Plaintiff’s database constitutes Computer
24 Fraud and Abuse. Additionally, Defendant’s engagement in such deceptive practices
25 amounts to unfair competition, exacerbating the harm inflicted on Plaintiff’s
26 business.

PARTIES

1
2 5. Plaintiff is now, and at all times, a Delaware limited liability company,
3 having principal place of business in 11 Boxwood Road Westford, MA 01886.

4 6. Plaintiff is informed and believes, and on that basis alleges, that
5 Defendant Botmakers LLC, doing business as Tarta.ai, has a principal place of
6 business in Playa Vista, CA.

7 7. Plaintiff is informed and believes, and on that basis alleges, that
8 Defendant is responsible for their acts and their conduct, which are the true legal
9 causes of the damages herein alleged.

10 8. If discovery reveals that Defendant is working in concert with one or
11 more other persons, Plaintiff reserves the right to amend its complaint accordingly.

12
13 **JURISDICTION AND VENUE**

14 9. This court has federal jurisdiction over this action under 28 U.S.C. §§
15 1331 and 1338 because this action alleges violations of federal statutes, including
16 the CFAA, 18 U.S.C. §§ 1030, and the DMCA 17 U.S.C. §§ 1201 et. seq. The Court
17 has supplemental jurisdiction of causes of action pleaded herein pursuant to 28
18 U.S.C. § 1367.

19 10. Venue is proper in this judicial district under 28 U.S.C. § 1391, because
20 a substantial part of the events or omission giving rise to the claims occurred in this
21 district.

22 11. At all relevant times, Defendant has consistently, knowingly, and
23 intentionally directed their wrongful actions towards Jobiak LLC, a company with
24 clients, contracts, and employees located within this judicial district.

25 12. Personal jurisdiction as to Defendant is conferred on this Court because
26 Tarta.ai has purposefully availed itself of the benefits and privileges of transacting
27 business within the State of California. In particular, Defendant maintains its
headquarters in Playa Vista, CA. Furthermore, Defendant has employees situated

1 within this judicial district and owns and operates the website
2 www.california.tarta.ai, which caters to the California job market.

3 13. This Court also has personal jurisdiction over Defendant because
4 Defendant has caused injury to Plaintiff within the State of California and within this
5 judicial district.

6 14. Venue is proper in the Central District of California under 28 U.S.C. §
7 1391(b) and (c) in that a substantial injury occurred and continues to occur in this
8 District.

9 **FACTUAL BACKGROUND**

10 15. Founded in 2018, Plaintiff is a company that provides an AI-based
11 recruitment platform that is designed to quickly and directly publish job postings on
12 Google. Plaintiff takes pride as an industry innovator that has successfully fused
13 machine learning technology with practical recruitment approaches and developed
14 the first AI-based platform that provides such services. Using proprietary
15 technology, Plaintiff has been the first to not only search 100% of all online jobs in
16 real-time but also automate the conversion and optimization of job descriptions to
17 meet Google’s schema requirements. From its inception, no other company had a
18 similar process to Plaintiff’s automated database.

19 16. Plaintiff possesses intellectual property rights in its Automated
20 Database entitled “ALL JOBS by Jobiak”, which is a compilation of database
21 information including descriptions, categories, job listings, and layout designs.
22 Plaintiff’s automated database consists of wholly original material, which is
23 copyrightable subject matter under the laws of the United State pursuant to 17 U.S.C.
24 § 101 *et seq.* Indeed, Plaintiff is the owner of U.S. Copyright Registration No. TX
25 9-309-827 for an ‘Automated Database Entitled “ALL JOBS by Jobiak” (the
26 “Registration”). See **EXHIBIT A** for a true and correct copy of the Registration.

27 17. Plaintiff has invested and plans to continue to invest substantial time,
labor, skill, and financial resources into the development and maintenance of the

1 Automated Database.

2 18. On or around January 2023, it came to Plaintiff's attention that the
3 aforementioned work is being used for commercial purposes without permission by,
4 Defendant Botmakers LLC, doing business as Tarta.ai ("Tarta.ai").

5 19. On information and belief, Tartai.ai has been "scraping" the data from
6 Plaintiff's website and using this database on at least the Tartai.ai website
7 (<https://tarta.ai>) See **EXHIBIT B** for an example of Tarta.ai's infringing listings.

8 20. Defendant's infringement is evidenced by the use of a similar layout
9 design and search key title words used at the end of each job description, which was
10 formulated by Plaintiff's proprietary keyword technology. In Plaintiff's job
11 descriptions, there are inserted "dummy" keywords that have no relation to the
12 position listed. Notably, Defendant has copied each of these dummy keywords.

13 21. On or around January 18, 2023, Plaintiff, through counsel, sent a letter
14 that informed Defendant of their infringement and demanded that Defendant cease
15 and desist further infringement. See **EXHIBIT C** for a true and correct copy of that
16 letter, which was transmitted via electronic mail.

17 22. Plaintiff is informed and believes, and on that basis alleges, that at least
18 on or before January 18, 2023, Defendant had actual notice of Plaintiff's intellectual
19 property rights. Defendant's use and infringement is therefore willful.

20 23. Plaintiff has not authorized or licensed Defendant to use or exploit any
21 portion of its automated database. Plaintiff is informed and believes, and thereon
22 alleges that Defendant knowingly and without authorization copied the automated
23 database code through "scraping" the data from Plaintiff's website.

24 24. Plaintiff owns all rights, title, and interest in and to the automated
25 database, and possesses the right to sue for and obtain equitable relief and damages
26 for infringement of the Copyright. Plaintiff, by obtaining Registration with the
27 United States Copyright Office, has complied in all respects with the requirements
of 17 U.S.C. § 411(a) and is fully entitled to bring this action for Defendant's

1 infringement.

2 25. As a direct and proximate result of Defendant's willful copyright
3 infringement and scraping activities, Plaintiff has suffered and will continue to
4 suffer, monetary loss and irreparable harm to its business, reputation, and goodwill.
5 Defendant has also obtained an unfair competitive advantage, as it has been able to
6 compete in the market place without investing the time, money, and other resources
7 to develop the automated database.

8 26. Defendant's infringements were and are willful, in bad faith, and
9 executed with full knowledge of Plaintiff's Copyright, and in conscious disregard
10 for Plaintiff's exclusive rights.

11 27. Defendant's deliberate infringement of Plaintiff's Copyrights has
12 greatly and irreparably damages Plaintiff, and Defendant will continue to damage
13 Plaintiff greatly and irreparably unless enjoined by this Court. In the absence of
14 injunctive relief, Plaintiff will have no adequate remedy at law. Accordingly,
15 Plaintiff is entitled to a temporary and permanent injunction.

16
17 **FIRST CLAIM FOR RELIEF**

18 **Copyright Infringement under 17 U.S.C. § 501**

19
20 28. Plaintiff hereby restates and realleges the allegations set forth in
21 paragraphs 1 through 27 above and incorporates them by reference.

22 29. Plaintiff owns valid copyrights in the Copyrights at issue in this case.

23 30. Plaintiff registered the Registration with the Register of Copyrights
24 pursuant to 17 U.S.C. § 411(a). A true and correct copy of the Certificate of
25 Registration from the United States Copyright Office is attached as **EXHIBIT A**
26 hereto.

27 31. The Copyrighted Work is wholly original with plaintiff and at all times
constituted and constitute copyrightable subject matter under the laws of United

1 States.

2 32. Defendant's improper use of Plaintiff's copyrighted work was done
3 without Plaintiff's permission and does not constitute fair use of Plaintiff's
4 Copyrights.

5 33. Defendant's above-described acts constitute copyright infringement in
6 violation of Section 501 of the Copyright Act, 17 U.S.C. § 501.

7 34. Defendant is willfully infringing Plaintiff's copyright by reproducing,
8 displaying, distributing, and creating derivative works of the work without
9 permission in violation of the Copyright Act, 17 U.S.C. § 106. The infringement was
10 willful, executed with full knowledge of Plaintiff's copyright, and in conscious
11 disregard of Plaintiff's rights.

12 35. Because Plaintiff is without an adequate remedy at law, Plaintiff is
13 entitled to an injunction, in accordance with 17 U.S.C. § 502, restraining Defendant
14 and all persons acting in concert with Defendant from engaging in further acts of
15 copyright infringement.

16 36. Plaintiff is further entitled to recover from Defendant the gains, profits,
17 and advantages Defendant has obtained as a result of copyright infringement.

18 37. At its election, Plaintiff is entitled to recover statutory damages in
19 accordance with 17 U.S.C. § 504.

20 38. Plaintiff is also entitled to recover costs and attorneys' fees in
21 accordance with 17 U.S.C. § 505.

22 39. By reason of the infringement, Plaintiff has sustained and will continue
23 to sustain substantial injury, loss, and damage to its ownership rights in the
24 copyrighted Copyrights.

25 40. Because Plaintiff is without an adequate remedy at law, Plaintiff is
26 entitled to an injunction, in accordance with 17 U.S.C. § 502, restraining Defendant,
27 its officers, directors, agents, employees, representatives, assigns, and all persons
acting in concert with Defendant from engaging in further acts of copyright

1 infringement.

2 41. Plaintiff is further entitled to recover from Defendant the gains, profits,
3 and advantages Defendant has obtained as a result of copyright infringement.

4 42. At its election, Plaintiff is entitled to recover statutory damages in
5 accordance with 17 U.S.C. § 504.

6 43. Plaintiff is also entitled to recover costs and attorneys' fees in
7 accordance with 17 U.S.C. § 505.

8 44. Plaintiff is informed and believes, and on that basis alleges, that unless
9 enjoined by this Court, Defendant will continue its course of conduct and will
10 continue to wrongfully use, infringe upon, sell, and otherwise profit from Plaintiff's
11 Copyrights.

12 **SECOND CLAIM FOR RELIEF**

13 **Computer Fraud and Abuse Act- 18 U.S.C. § 1030 *et seq.***

14
15 45. Plaintiff hereby restates and realleges the allegations set forth in
16 paragraphs 1 through 44 above and incorporates them by reference.

17 46. Plaintiff's computers and servers are involved in interstate and foreign
18 commerce and communication, and are therefore protected computers, as defined by
19 18 U.S.C. § 1030(e)(2).

20 47. As a precautionary measure against computer fraud and abuse, Plaintiff
21 has implemented a comprehensive security strategy. This includes utilizing AWS
22 servers and the security features they provide, restricting access to the job listings to
23 prevent scraping and permitting only specific IP addresses to access the listings and
24 implementing protocols designed to detect and prevent an unusually high volume of
25 requests originating from a single IP address within a short time frame.

26 48. Defendant knowingly and intentionally accessed Plaintiff's computers
27 and servers without authorization or in excess of authorization. They have
circumvented various technological barriers Plaintiff has employed to protect its

1 computers, servers, and automated database against unauthorized access.

2 49. After accessing Plaintiff's computers and servers without authorization
3 or in excess of authorization, Defendant accessed, obtained, and used valuable
4 information from Plaintiff's computers and servers in transactions involving
5 interstate or foreign communications in violation of 18 U.S.C. § 1030(a)(2). This
6 information includes among other things, the contents of Plaintiff's automated
7 database, and this use includes, among other things, distributing that content to
8 others.

9 50. Defendant has knowingly caused the transmission of a program,
10 information, code, or command of Plaintiff, without authorization, and as a result of
11 such conduct, intentionally caused damage to Plaintiff's protected computers in
12 violation of 18 U.S.C. § 1030(a)(5)(A).

13 51. Defendant has intentionally accessed a protected computer without
14 authorization and as a result of such conduct, cause reckless damage to Plaintiff's
15 protected computers, in violation of 18 U.S.C. § 1030(a)(5)(B).

16 52. Plaintiff has suffered damage and loss by reason of these violations,
17 including, without limitation, harm to Plaintiff's computer systems, expenses
18 associated with being forced to investigate and respond to the unauthorized access
19 and abuse of its computers and servers, and other losses and damage in an amount
20 to be proven at trial, in excess of \$ 5,000 aggregated over a one-year period.

21 53. In addition, Plaintiff has suffered and will continue to suffer irreparable
22 harm, and its remedy at law is not itself adequate to compensate it for injuries
23 inflicted by Defendant. Accordingly, Plaintiff is entitled to injunctive relief.

24
25 //

26
27 //

THIRD CLAIM FOR RELIEF

California Comprehensive Computer Access and Fraud Act

- Cal Penal Code § 502 *et seq.*

54. Plaintiff hereby restates and realleges the allegations set forth in paragraphs 1 through 53 above and incorporates them by reference.

55. Plaintiff's computers and servers are computers, computer systems, and/or computer networks within the meaning of Cal.Penal Code §502(b).

56. As a precautionary measure against computer fraud and abuse, Plaintiff has implemented a comprehensive security strategy. This includes utilizing AWS servers and the security features they provide, restricting access to the job listings to prevent scraping and permitting only specific IP addresses to access the listings and implementing protocols designed to detect and prevent an unusually high volume of requests originating from a single IP address within a short time frame.

57. Defendant knowingly and intentionally accessed Plaintiff's computers and servers without authorization or in excess of authorization. They have circumvented various technological barriers Plaintiff has employed to protect its computers, servers, and automated database against unauthorized access.

58. Defendant knowingly accessed, without permission, and used Plaintiff's data from its computer, computer system, and/or computer network, in order to wrongfully obtain property or data, in violation of Cal.Penal Code §502(c)(1).

59. Defendant knowingly accessed, without permission, and made use of Plaintiff's data from its computer, computer system, and/or computer network, in violation of Cal.Penal Code §502(c)(2).

60. Defendant knowingly, and without permission, used or caused to be used Plaintiff's computer, computer system, and/or computer network, in violation of Cal.Penal Code §502(c)(3).

1 unlawful.

2 68. As a direct and proximate result of Defendant’s wrongful acts, Plaintiff
3 has been, is now, and will be irreparable injured and damaged by Defendant’s
4 aforementioned acts. Unless Defendant is enjoined by this Court, Plaintiff will suffer
5 further harm to its business. This harm constitutes an injury for which Plaintiff has
6 no adequate remedy at law.

7 69. Defendant has acted with the intent to disrupt Plaintiff’s business and
8 thus, its acts are willful and intentional.

9 70. Defendant should be required to restore to Plaintiff its lost revenue as a
10 result of Defendant’s unlawful business acts or to provide Plaintiff with any other
11 restitutionary relief as the Court deems appropriate.

12
13 **FIFTH CLAIM FOR RELIEF**

14 **The Digital Millennium Copyright Act –17 U.S.C. § 1201 *et seq.***

15
16 71. Plaintiff hereby restates and realleges the allegations set forth in
17 paragraphs 1 through 70 above and incorporates them by reference.

18 72. Plaintiff employs various layers of technological protections –
19 including utilizing AWS servers and the security features they provide, restricting
20 access to the job listings to prevent scraping, permitting only specific IP addresses
21 to access the listings, and implementing protocols designed to detect and prevent an
22 unusually high volume of requests originating from a single IP address within a short
23 time frame – in order to protect its computers, servers, and data from unauthorized
24 access and copying, including through automated crawling and scraping
25 technologies. These technological protection measures effectively control access to
26 the copyrighted materials on Plaintiff’s servers, including its copyrighted automated
27 database.

73. Despite Plaintiff’s efforts to protect its database from third-party

1 unauthorized access, Defendant circumvented the technological measures and
2 additional safeguards – and gained unauthorized access to copyrighted material, in
3 violation of 17 U.S.C. § 1201(a)(1).

4 74. As a result of Defendant’s wrongful acts, Plaintiff has suffered, is
5 continuing to suffer, and will continue to suffer damages to be proven at trial.
6 Plaintiff is further entitled to all profits attributable to Defendant’s wrongful acts to
7 be proven at trial pursuant to 17 U.S.C. § 1201(c).

8 75. Alternatively, upon its election at any time before final judgment is
9 entered, Plaintiff is entitled to recover statutory damages pursuant to 17 U.S.C. §
10 1203.

11 76. As a direct and proximate result of Defendant’s wrongful act, Plaintiff
12 has been, is now, and will be irreparable injured and damaged by Defendant’s
13 aforementioned acts. Unless Defendant is enjoined by this Court, Plaintiff will suffer
14 further harm to its business. This harm constitutes an injury for which Plaintiff has
15 no adequate remedy at law. Accordingly, Plaintiff is entitled to injunctive relief.

16
17 **PRAYER FOR RELIEF**
18

19 WHEREFORE, Plaintiff respectfully prays for judgment against Defendant
20 as follows:

- 21 A. Entry of a judgment that Defendant has infringed Plaintiff’s Copyright;
22 B. Entry of a judgment that Defendant willfully and deliberately infringed
23 Plaintiff’s Copyrights;
24 C. An order preliminarily and permanently restraining Defendant and its
25 agents, servants, employees, attorneys, and all persons acting in concert
26 and participation with it from infringing upon Plaintiff’s Copyright;
27 D. An Order preliminarily and permanently restraining and enjoining
Defendant, its officers, agents, attorneys and employees, and those acting

1 in privity or concert with Defendant, from:

- 2 a. Accessing or using Plaintiff's website, servers, systems,
3 database, and any data displayed or stored therein,
4 including through scraping and crawling technologies, for
5 any commercial purpose whatsoever;
- 6 b. By extracting and copying Plaintiff's data and databases
7 to their own servers or systems or those controlled by
8 them.

9 E. An order of an independent accounting of all of Defendant's financial
10 records relating to their infringing activities in order to determine the sums
11 of money owed to Plaintiff;

12 F. An order requiring Defendant to pay to Plaintiff all damages or other
13 monetary relief, including but not limited to all gains, profits, and
14 advantages derived by Defendant as a result of Defendant's infringement
15 of the Copyright, in an amount to be determined at trial;

16 G. An order requiring Defendant to pay to Plaintiff statutory damages of
17 \$150,000 per infringement pursuant to 17 U.S.C. § 504, at Plaintiff's
18 election;

19 H. An order requiring Defendant to pay Plaintiff treble damages and/or
20 exemplary damages because of Defendant's willful conduct pursuant to 35
21 U.S.C. 6 284;

22 I. An award of costs and reasonable attorneys' fees relating to this action
23 pursuant to 17 U.S.C. § 505 and 35 U.S.C. § 285;

24 J. Pre-judgment and post-judgment interest and costs in bringing this action
25 against Defendant; and

26 K. Such other and further relief as the Court may deem just and proper.
27

