

CW17-577020
Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

WISEAU STUDIO, LLC and TOMMY WISEAU d.b.a. WISEAU-FILMS

Plaintiffs

- and -



**RICHARD HARPER, FERNANDO FORERO MCGRATH, MARTIN RACICOT
d.b.a. ROCKHAVEN PICTURES, ROOM FULL OF SPOONS INC.,
PARKTOWN STUDIOS INC., RICHARD STEWART TOWNS**

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Plaintiffs. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario Lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the plaintiffs' lawyer or, where the plaintiffs do not have a lawyer, serve it on the plaintiffs, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of American, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

date: June 13, 2017

Issued by:

Vanessa Faralli
Local Registrar

Address of court office:

Superior Court of Justice
393 University Avenue
10th Floor
Toronto, Ontario
M5G 1E6

TO: **RICHARD HARPER**

AND TO: **FERNANDO FORERO MCGRATH**

AND TO: **MARTIN RACICOT**

AND TO: **ROOM FULL OF SPOONS INC.**

AND TO: **PARKTOWN STUDIOS INC.**

AND TO: **RICHARD STEWART TOWNS**

CLAIM

1. The Plaintiffs claim:

- (a) A declaration that the Defendants, jointly and severally, have and are:
 - (i) Infringing copyrights in the Plaintiffs' works, namely (a) the film *The Room* ("**The Room**"), (b) the script for *The Room*, (c) the soundtrack for *The Room*, (d) the image used as the DVD cover of *The Room* and in promotional materials for *The Room*; (e) the television series "The Neighbors"; (f) the television commercial "To Be Or Not To Be"; (g) the YouTube video "Shame On You"; (h) the television commercial "Underwear Commercial", and (i) the television commercial "Street Fashions Commercial", contrary to section 27 of the *Copyright Act*, RSC, 1985, c C-42;
 - (ii) Infringing Tommy Wiseau's moral rights in the Plaintiffs' works, contrary to sections 14.1 and 28.1 of the *Copyright Act*;
 - (iii) Adopting in connection with the Defendants' business a mark consisting of, or so nearly resembling as to be likely to be mistaken for, Tommy Wiseau's image, personality, and/or portrait as to falsely suggest a connection with Tommy Wiseau, contrary to sections 9(1)(k) and (l) of the *Trade-marks Act*, RSC, 1985, c T-13;
 - (iv) Directing public attention to Defendants' goods, services or business in such a way as to cause or be likely to cause confusion in Canada between their goods and services, and the goods and services of the Plaintiffs, contrary to section 7(b) of the *Trade-marks Act*;

- (v) Passing off their business, services, and goods for the business, services, and goods of the Plaintiffs contrary to section 7(c) of the *Trade-marks Act* and common law;
 - (vi) Breach of the tort of intrusion upon seclusion by intentionally, wrongfully and for illegitimate purposes seeking to provide Mr. Wiseau's personal information to third parties, causing him distress, humiliation and anguish;
 - (vii) Fraudulent misrepresentation and breach of contract by intentionally misrepresenting to the Plaintiffs the theme and content of the Defendants' documentary;
- (b) An interim, interlocutory, and permanent injunction restraining the Defendants, and its directors, officers, agents, employees, representatives, and all those over whom it exercises control, from directly or indirectly:
- (i) Infringing the Plaintiffs' copyrights and moral rights in the Plaintiffs' works, or authorizing such acts;
 - (ii) Adopting in connection with the Defendants' business a mark consisting of, or so nearly resembling as to be likely to be mistaken for, image, personality and/or portrait of Tommy Wiseau;
 - (iii) Directing public attention to the Defendants' goods, services and businesses in such a way as to cause confusion or be likely to cause confusion in Canada, between the Defendants' goods, services and business and those of the Plaintiffs;
 - (iv) Passing off the Defendants' goods, services and business for those of the Plaintiffs;
 - (v) Breaching the tort of intrusion upon seclusion by intentionally, wrongfully and for illegitimate purposes seeking

to provide Mr. Wiseau's personal information to third parties, causing him distress, humiliation and anguish;

- (vi) Fraudulent misrepresentation and breach of contract by intentionally misrepresenting the theme and content of the Defendants' documentary;
 - (vii) An accounting of the Defendants' crowd-funding efforts as hereafter pleaded;
 - (viii) An order preserving the Defendants' crowd-funding proceeds;
- (c) An Order directing the Defendants to forthwith remove and restrict the reproduction of all materials, including advertising and marketing materials, in the possession, power and/or control of the Defendants that offend in any way against any Order which may be made herein which would offend the injunction sought in paragraph 1(b), including the Defendants' documentary "Room Full of Spoons", and advertising and marketing materials as exemplified by the materials located at the URLs listed in Schedule "B";
- (d) An Order for the delivery up by the Defendants to the Plaintiffs, or to destroy under oath, all copies, including the master copy of the Defendants' Room Full of Spoons documentary in the Defendants' power, possession or control, and/or any and all other infringing material, the use of which would offend the injunction sought in paragraph 1(b);
- (e) An accounting of the profits earned by the Defendants and damages for infringement of the Plaintiffs' copyrights, or alternatively at the Plaintiffs' election, statutory damages for such infringement;

- (f) Damages for breach of the tort of intrusion upon seclusion and the unlawful appropriation of Tommy Wiseau's personality, image, name and reputation;
- (g) Damages for fraudulent misrepresentation and breach of contract;
- (h) Exemplary and punitive damages;
- (i) Pre-judgment and post-judgment interest in accordance with the *Courts of Justice Act*, RSO 1990, c C 43;
- (j) Costs of this action on the highest scale, together with disbursements and all applicable taxes; and
- (k) Such further and other relief as the Plaintiffs may seek and as this Honourable Court deems just.

The Parties

- 2. The Plaintiff, Tommy Wiseau is a citizen of, and ordinarily resident in, the United States of America, a treaty country within the meaning of section 2 of the *Copyright Act*.
- 3. The Plaintiff, Wiseau Studio, LLC d.b.a. Wiseau-Films, is a limited liability company under the laws of the State of California. It has a principal office address of 5566 W Pico Boulevard, Los Angeles California, 90019.
- 4. The Defendant, Richard Harper is a film director, writer and producer residing at [REDACTED] Canada.
- 5. The Defendant, Fernando Forero McGrath is a film producer residing at 1 [REDACTED]
- 6. The Defendant, Martin Racicot is a film producer, editor and cinematographer residing at [REDACTED]
[REDACTED]
- 7. The Defendants, Richard Harper, Fernando Forero McGrath and Martin Racicot carry on business under the unregistered business name

RockHaven Pictures, with its principal office or place of business at [REDACTED]
[REDACTED] Canada. RockHaven Pictures is a responsible for release and distribution of the documentary, Room Full of Spoons.

8. The Defendant, Richard Stewart Towns is a film producer residing at [REDACTED]
[REDACTED] Canada.
9. The Defendant, Room Full Of Spoons Inc. is a corporation incorporated under the laws of Canada. It has a principal office or place of business at [REDACTED]
[REDACTED] Canada. Room Full Of Spoons Inc. owns and operates the <https://www.roomfullofspoons.com/> website.
10. The Defendant, Parktown Studios Inc. is a corporation incorporated under the laws of Canada. It has a principal office or place of business at [REDACTED]
[REDACTED] Canada. Parktown Studios Inc. is responsible for release of the documentary, Room Full of Spoons.

The Plaintiffs and Their Rights

11. Tommy Wiseau is an actor, performer, writer, director, producer and creator of cinematic and dramatic works, both in his personal capacity and as an employee of Wiseau-Films. Prior to May 2017, Mr. Wiseau operated a sole proprietorship that did business as "Wiseau-Films".
12. Wiseau Studio, LLC, d.b.a Wiseau-Films (hereafter "Wiseau-Films") is the copyright owner in the Plaintiffs works at issue.

(a) Plaintiffs' Copyright in the Plaintiffs' works

13. In the last 20 years, Mr. Wiseau has written, directed and starred in several cinematic and dramatic works. His most famous work is a film titled *The Room*.

14. In or around 1999, Mr. Wiseau began working on a screenplay for *The Room*. Mr. Wiseau authored, directed, performed in and produced *The Room*, which was released in 2003.
15. After registering copyright, Mr. Wiseau assigned his rights, title and interest in *The Room*, and in all related works, including the script, soundtrack, and the image used as the DVD cover of *The Room* and in promotion materials for *The Room*, to Wiseau Studio, LLC doing business as Wiseau-Films.
16. Wiseau-Films therefore owns all copyright in *The Room*, including copyright in each aforementioned individual work or other copyright-protected subject matter comprising and associated with *The Room*.
17. By way of assignment after copyright registration, Wiseau Studio, LLC doing business as Wiseau-Films also owns all copyright in various other works listed above, including but not limited to "The Neighbors", "Street Fashions Commercial", "To Be or Not To Be", and "Underwear Commercial". Copyright registrations for some of the aforementioned works are attached hereto as Schedule "A".
18. Pursuant to section 13 of the *Copyright Act*, and by way of written assignment, Wiseau Studio, LLC doing business as Wiseau-Films is the owner of copyright in the Plaintiffs' works.
19. As the author of the Plaintiffs' works, Mr. Wiseau has not waived in whole or in part his moral rights.

(b) Plaintiffs' Reputation and Licencing

20. After the release of *The Room*, it became a cult classic and amassed millions of fans worldwide. Regular monthly screenings of *The Room* take place in cities around the world, including in Edmonton, Alberta; Toronto, Ontario; and Ottawa, Ontario.

21. The Plaintiffs partner with local fan communities and cinemas to organize promotional events where fans meet cast members of *The Room*. Mr. Wiseau is regularly engaged to attend such events, and meet with fans.
22. In 2011, a licenced stage production based on *The Room*, titled "The Room/The Play", ran at the AFI Silver Theater and Cultural Centre in Silver Spring, Maryland. Mr. Wiseau starred in and directed the production.
23. In 2013, an award-winning non-fiction book was published by Greg Sestero, one of the cast members of *The Room*, titled "The Disaster Artist". The Disaster Artist was based on the events that took place during the creation of *The Room*. The film adaptation of the same title is scheduled to be released in 2017. In both instances, the Plaintiffs have entered into agreements to licence the copyright in *The Room* and the image rights of Mr. Wiseau.

(c) Plaintiffs' Brand and Goodwill

24. The Plaintiffs engage in advertising and promotion of *The Room*, including, (i) websites, which are routinely updated with screening dates and locations; (ii) social media that promote screenings, fan memes (usually humorous images/video/text copied and spread rapidly online, often with slight variations) and dialogue about *The Room*; (iii) print advertising, including posters and billboards; and (iv) promotional events.
25. The Plaintiffs engage in merchandising of *The Room*, including, DVDs, movie posters, ties, t-shirts, jackets, watches, bobble-heads, backpacks, and TOMMY WISEAU-branded undergarments. The Plaintiffs operate the <http://www.theroommovie.com/> website, The Room Facebook page, and TheRoomMovie Twitter page. Mr. Wiseau also operates the <http://www.tommywiseau.com> website.
26. The Room Facebook page has over 130,000 individual profiles that "like" it, while TheRoomMovie Twitter page has more than 5,300 followers.

27. Wiseau-Films is the owner of U.S. trademark registration no. 86155254 for TOMMY WISEAU.
28. This trademark is also used in Canada by the Plaintiffs to sell TOMMY WISEAU-branded merchandise, and through extensive and continuous use for nearly a decade has acquired significant reputation and valuable goodwill, throughout Canada. The merchandise is sold through the <http://www.tommywiseau.com> website.

The Defendants and their Wrongful Acts

29. In 2011, Mr. Wiseau was approached by Mr. Harper and Mr. Forero McGrath, who claimed to be fans of *The Room*, at a promotional event in Ottawa.
30. Shortly thereafter at a screening of *The Room* in Toronto, Mr. Harper met with Mr. Wiseau to present him with Mr. Harper's idea for a documentary film about fans of *The Room*. Mr. Harper represented that the focus of the documentary would be the fans of *The Room* and what makes *The Room* an iconic cult classic film.
31. At the Toronto meeting, Mr. Wiseau agreed to work with the Defendants, relying on the undertaking and representations made by Mr. Harper that he would portray Mr. Wiseau in a positive light and the documentary would be about fans of *The Room*. Mr. Wiseau advised the Defendants that his involvement and authorization would be subject to his approval of how *The Room* and he were presented, what and how much of the Plaintiffs' works, particularly *The Room*, would be included in the documentary, and that then a licence agreement would have to be reached. Mr. Wiseau also required that he have approval of the final product.
32. Mr. Harper agreed to these terms at the meeting, and consequently Mr. Wiseau allowed the Defendants to film him privately for use in the documentary, as well as during various promotional events, including screenings of *The Room* in Toronto and New York City in 2011.

33. Mr. Wiseau asked the Defendants to provide him with the footage from the draft documentary content for review and approval. However, Mr. Wiseau did not hear from the Defendants until 2015.
34. In early 2015, Mr. Wiseau discovered that the Defendants started a Kickstarter.com campaign to raise funds for their documentary, which they called "Room Full of Spoons". As part of the fundraising campaign that ran from February 20 to March 22, 2015, the Defendants used Mr. Wiseau's image and copyrighted material from *The Room* to solicit funds.
35. Mr. Wiseau requested that the Defendants take down his images and remove the Plaintiffs' copyrighted content from the Kickstarter.com page.
36. On March 4, 2015, Mr. Harper emailed an employee of Wiseau-Films requesting clips from *The Room* for use in the documentary, and misrepresented to the Plaintiffs that he and the other Defendants would respect Mr. Wiseau's private life in order to try to secure a licence for the Plaintiffs' works.
37. In fact, the Defendants were fundraising on Kickstarter.com to go to Europe and film scenes that intentionally invaded Mr. Wiseau's privacy.
38. The Kickstarter.com campaign ultimately had 476 backers who pledged at least \$26,101.
39. The Plaintiffs, unaware of the Defendants' true intentions and activities, engaged in licencing discussions with them, and an agreement in principle was reached. However, instead of executing the agreement, the Defendants ended communication and used the Plaintiffs' works without consent.
40. In early 2016, Mr. Wiseau learned that the Defendants had completed Room Full of Spoons, and without the Plaintiffs' authorization, were attempting to screen it. The Plaintiffs objected to the Defendants and the theatres they knew of that were to screen the documentary. Proposed

screenings, including in Philadelphia, Australia, the United Kingdom, and Ottawa, were cancelled as a result.

41. Mr. Harper again contacted Mr. Wiseau to discuss a licence. Mr. Wiseau reiterated that before a licence could be agreed upon, Mr. Wiseau needed to review and approve Room Full of Spoons.
42. The Defendants provided the Plaintiffs with a copy of Room Full of Spoons to review for that purpose.
43. Room Full of Spoons contains more than seven (7) minutes of the Plaintiffs' works and other copyrighted materials. It is not about fans of *The Room*; it mocks the film and Mr. Wiseau, and makes unsubstantiated allegations about his private life and the creation of *The Room*. The Plaintiffs refused to approve or licence Room Full of Spoons unless such content was removed.
44. In March 2017, the Defendants publicly announced that they intended to release Room Full of Spoons direct to the public on June 1, 2017.
45. In April 2017, despite the Plaintiffs' request that CineCycle theatre in Toronto cancel a proposed screening of Room Full of Spoons, the Defendants proceeded with the screening to an audience of about 20 people and solicited donations.
46. The Defendants breached their agreement with the Plaintiffs to obtain the Plaintiffs approval for the documentary and to secure a licence. Instead, they proceeded to reproduce the Plaintiffs' works in their documentary without a licence to do so.
47. The Defendants have subsequently deferred the release date to "late June".
48. The Defendants have thereby infringed the copyright in the Plaintiffs' works, contrary to sections 3, 15, 18 and 27(1) of the *Copyright Act*. Further, the Defendants by their actions have infringed the moral rights of Mr. Wiseau, contrary to sections 14.1 and 28.1 of the *Copyright Act*.

49. The Plaintiffs will suffer loss and damages, because of the Defendants' activities, in particular loss of their business, honour and reputation, if the documentary is released. If it is released, the Defendants will profit from their high-handed and oppressive actions.
50. The Plaintiffs have complained numerous times to the Defendants of the aforesaid activities. The Defendants have persisted regardless, and have even claimed their activities constitute fair dealing under the *Copyright Act*, which they do not.
51. To promote their documentary, the Defendants have appropriated Mr. Wiseau's image and used the Plaintiffs' works and copyrighted material, including promotional material that was created for *The Room*. The Defendants have therefore adopted in connection with their business a trademark consisting of, or so nearly resembling it as to be likely to be mistaken for, Tommy Wiseau's image, personality and/or portrait to falsely suggest a connection with Tommy Wiseau, contrary to sections 9(1)(k) and (l) of the *Trade-marks Act*.
52. The Defendants are passing off Room Full of Spoons to create the false impression that it is approved, authorized or endorsed by the Plaintiffs, or that there is some business connection between the Defendants and the Plaintiffs, contrary to section 7(b) and 7(c) of the *Trade-marks Act* and the common law.
53. The Defendants appropriated Mr. Wiseau's personality by using his image, name and likeness to gain economic benefit. The Defendants intentionally used and continue to use Mr. Wiseau's image, name and likeness in Room Full of Spoons and for promoting their business. The Defendants' appropriated Mr. Wiseau's personality for commercial or other gain, infringing Mr. Wiseau's exclusive proprietary right to market and control his personality, contrary to common law.
54. The Defendants committed the tort of intrusion upon seclusion by intentionally disclosing alleged details of Mr. Wiseau's private life and

concerns in Room Full of Spoons, without lawful justification and with the full knowledge that this information would cause Mr. Wiseau distress, humiliation and anguish, particularly as many details are false. The information disclosed in Room Full of Spoons deliberately casts Mr. Wiseau in a negative light publicly, thereby causing harm to the Plaintiffs' reputations and business. A reasonable person would regard such an invasion of privacy highly offensive. As such, the Defendants' activities violate Mr. Wiseau's privacy rights, contrary to common law.

55. Moreover, the Defendants have acted oppressively and callously, by deliberately misrepresenting that they would not include any information about Mr. Wiseau's private life in the documentary, and that he would have final approval of Room Full of Spoons.
56. As set forth above, the Plaintiffs have complained to the Defendants regarding the aforesaid activities. Despite this knowledge, the Defendants willfully and deliberately and without licence or consent of the Plaintiffs continue with the activities complained of, and threaten to continue such activities unless retrained by Order of this Honourable Court.
57. In the aforesaid acts the Defendants have acted in concert. Accordingly, the Defendants are jointly and severally liable for the aforesaid activities.
58. The full nature and extent of the Defendants' activities in co-marketing Room Full of Spoons are unknown to the Plaintiffs, and they see relief in relation to all such activities.
59. The Defendants' unlawful conduct will cause the Plaintiffs loss and deprivation of profits as a result of copyright infringement, passing off and unlawful appropriation of Mr. Wiseau's personality and breach of privacy. The Plaintiffs will, as a consequence of the Defendants' activities, suffer harm and damages, and in particular, loss of business, reputation and honour, unless the release of Room Full of Spoons and the activities of the Defendants are enjoined by this Honourable Court.

60. The Defendants' conduct amounts to a knowingly high-handed and callous disregard of the Plaintiffs' rights. The Plaintiffs are entitled to an award of exemplary or punitive damages.
61. The Defendants' unlawful conduct will cause irreparable harm to the Plaintiffs, which cannot be compensated by monetary damages.
62. As a result of the Defendants' infringing activities, the Plaintiffs are entitled to all remedies by way of injunction, damages, account of profits, crowd-funding proceeds, delivery up and otherwise that are or may be conferred by law for an infringement of the Plaintiff's rights pursuant to sections 34, 39 and 39.1 of the *Copyright Act*; sections 7(b), 7(c), 9(1)(k), 9(1)(l) and 53.2 of the *Trade-marks Act* and common law.
63. In the alternative, as a result of the Defendants' copyright infringement, the Plaintiffs are entitled, at any time before final judgement is rendered, to elect statutory damages for infringement of each individual copyrighted work pursuant to section 38.1 of the *Copyright Act*.

Service Outside of Ontario Pursuant to Rule 17.02

64. The Plaintiffs state that the Statement of Claim may be served outside of Ontario without leave pursuant to Rule 17.02 of the *Rules of Civil Procedure* because the action consists of a claim or claims;
 - (a) in respect of a tort committed in Ontario [Rule 17.02(g)];
 - (b) in respect of a contract made in Ontario [Rule 17.02(f)(i)];
 - (c) for an injunction ordering a party to do, or refrain from doing, anything in Ontario or affecting real or personal property in Ontario [Rule 17.02(i)];
 - (d) against a person ordinarily resident or carrying on business in Ontario [Rule 17.02(p)].

Venue

65. The Plaintiffs propose that this action be tried in Toronto, Ontario.

Date: June 13, 2017

BERESKIN & PARR LLP/S.E.N.C.R.L., s.r.l.

Barristers & Solicitors
Scotia Plaza, 40th Floor
40 King Street West
Toronto, Ontario M5H 3Y2

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Tel: 416-364-7311
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Lawyers for the Plaintiffs

Schedule "A"



Certificat d'enregistrement du
Droit d'auteur

Certificate of Registration of
Copyright

Ce certificat d'enregistrement est émis conformément aux articles 49 et 53 de la Loi sur le droit d'auteur. Le droit d'auteur sur l'œuvre décrite ci-dessous, a été enregistré à la date d'enregistrement comme suit :

This Certificate of Registration is issued pursuant to sections 49 and 53 of the Copyright Act. The copyright in the work described below was registered on the date of registration as follows:

Date d'enregistrement - Date of Registration : **April 20, 2017**

Numéro d'enregistrement - Registration No. : **1139803**

Première publication - First Publication : **February 22, 1999**
Los Angeles , California, United States of America

Titre - Title : **The Room Original Script By Tommy Wiseau**

Catégorie - Category : **Dramatic**

Titulaire(s) - Owner(s) : **WISEAU-FILMS**
P.O. Box 46189
Los Angeles ,, California
United States of America, 90046

Auteur(s) - Author(s) : **Tommy Wiseau**

Date d'émission du certificat - Date of Issuance of Certificate : **April 20, 2017**

Commissaire aux brevets Commissioner of Patents



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Date d'enregistrement - Date of Registration : **April 20, 2017**

Numéro d'enregistrement - Registration No. : **1139802**

Première publication - First Publication : **June 26, 2003**
Los Angeles , California, United States of America

Titre - Title : **The Room Photo Gallery By Wiseau-Films**

Catégorie - Category : **Literary**

Titulaire(s) - Owner(s) : **WISEAU-FILMS**
P.O. Box 46189
Los Angeles ,, California
United States of America, 90046

Auteur(s) - Author(s) : **Tommy Wiseau**

Date d'émission du certificat - Date of Issuance of Certificate : **April 20, 2017**

Commissaire aux brevets Commissioner of Patents



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This Certificate of Registration is issued pursuant to sections 49 and 53 of the Copyright Act. The copyright in the work described below was registered on the date of registration as follows:

Date d'enregistrement - Date of Registration : **April 20, 2017**

Numéro d'enregistrement - Registration No. : **1139800**

Titre - Title : **The Room - ORIGINAL MOTION
PICTURE SOUNDTRACK By Mladen &
Tommy Wiseau**

Objet - Subject-matter : **Sound Recording**

Première fixation : **June 27, 2003**
First Fixation :

Titulaire(s) - Owner(s) : **WISEAU-FILMS
P.O.Box 46189
Los Angeles ,, California
United States of America, 90046**

Date d'émission du certificat - Date of Issuance of Certificate : **April 20, 2017**

Commissaire aux brevets Commissioner of Patents



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Date d'enregistrement - Date of Registration : **April 20, 2017**

Numéro d'enregistrement - Registration No. : **1139799**

Titre - Title : **The Room -AUDIENCE REACTIONS
DOCUMENTARY By Tommy Wiseau**

Objet - Subject-matter : **Performer's Performance**

*Première exécution ou première fixation :
First Performance or First Fixation :* **February 18, 2013**

Titulaire(s) - Owner(s) : **WISEAU-FILMS
P.O.Box 46189
Los Angeles ,, California
United States of America, 90046**

Date d'émission du certificat - Date of Issuance of Certificate : **April 20, 2017**

Commissaire aux brevets Commissioner of Patents



Certificat d'enregistrement du

Droit d'auteur

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Copyright

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This Certificate of Registration is issued pursuant to sections 49 and 53 of the Copyright Act. The copyright in the work described below was registered on the date of registration as follows:

Date d'enregistrement - Date of Registration : **April 20, 2017**

Numéro d'enregistrement - Registration No. : **1139798**

Titre - Title : **The Room Blu-ray by Tommy Wiseau**

Objet - Subject-matter : **Communication Signal**

*Première émission :
First Broadcast :* **June 26, 2003**

Titulaire(s) - Owner(s) : **WISEAU-FILMS
P.O. Box 46189
Los Angeles ,, California
United States of America, 90046**

Date d'émission du certificat - Date of Issuance of Certificate : **April 20, 2017**

Commissaire aux brevets Commissioner of Patents



*Certificat d'enregistrement du
Droit d'auteur*

*Certificate of Registration of
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This Certificate of Registration is issued pursuant to sections 49 and 53 of the Copyright Act. The copyright in the work described below was registered on the date of registration as follows:

Date d'enregistrement - Date of Registration : **April 20, 2017**

Numéro d'enregistrement - Registration No. : **1139794**

Première publication - First Publication : **June 26, 2003**
Los Angeles , California, United States of America

Titre - Title : **The Room By Tommy Wiseau**

Catégorie - Category : **Dramatic**

Titulaire(s) - Owner(s) : **WISEAU-FILMS**
P.O. Box 46189
Los Angeles ,, California
United States of America, 90046

Auteur(s) - Author(s) : **Tommy Wiseau**

Date d'émission du certificat - Date of Issuance of Certificate : **April 20, 2017**

Commissaire aux brevets Commissioner of Patents



Certificat d'enregistrement du

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This Certificate of Registration is issued pursuant to sections 49 and 53 of the Copyright Act. The copyright in the work described below was registered on the date of registration as follows:

Date d'enregistrement - Date of Registration : **April 20, 2017**

Numéro d'enregistrement - Registration No. : **1139801**

Titre - Title :

The Neighbors DVD (The Complete Season One - Six Episodes & "TO BE OR NOT TO BE" VIDEO, MUSIC VIDEO DIRECTED BY TOMMY WISEAU & "SHAME ON YOU" BY TOMMY WISEAU

Objet - Subject-matter :

Performer's Performance

*Première exécution ou première fixation :
First Performance or First Fixation :*

February 18, 2007

Titulaire(s) - Owner(s) :

**WISEAU-FILMS
P.O. BOX 46189
Los Angeles ,, California
United States of America, 90046**



Date d'émission du certificat - Date of Issuance of Certificate :

April 20, 2017

Commissaire aux brevets Commissioner of Patents



Certificat d'enregistrement du

Droit d'auteur

Certificate of Registration of

Copyright

Ce certificat d'enregistrement est émis conformément aux articles 49 et 53 de la Loi sur le droit d'auteur. Le droit d'auteur sur l'œuvre décrite ci-dessous, a été enregistré à la date d'enregistrement comme suit :

This Certificate of Registration is issued pursuant to sections 49 and 53 of the Copyright Act. The copyright in the work described below was registered on the date of registration as follows:

Date d'enregistrement - Date of Registration : April 19, 2017

Numéro d'enregistrement - Registration No. : 1139683

Titre - Title : The Room (DVD, Deleted Scenes, Interview with TW, Behind the Scenes, Still Photo Gallery, 99 Minutes "THE ROOM" movie) By Tommy Wiseau

Objet - Subject-matter : Sound Recording

Première fixation : June 27, 2003
First Fixation :

Titulaire(s) - Owner(s) : WISEAU-FILMS
P.O. Box 46189
Los Angeles , California
United States of America, 90046



Date d'émission du certificat - Date of Issuance of Certificate :

April 19, 2017

Commissaire aux brevets Commissioner of Patents

Schedule "B"

1. <https://youtu.be/Fz866yeYKG8>
2. <https://www.facebook.com/roomfullofspoons/videos/1848864978663635/>
3. <https://www.youtube.com/watch?v=Y1aZxFbq8HU>
4. <https://t.co/omdkRf9EVs>
5. <https://www.youtube.com/watch?v=nhg3wBjEG7s>
6. <https://t.co/qmfdlUropd>
7. <https://t.co/jCiVMDh3zY>
8. <https://t.co/3GN3fJfhB4>
9. <https://www.facebook.com/roomfullofspoons/posts/1675522209331247:0>

WISEAU et al

Plaintiffs

- and -

HARPER et al
Defendants

Court File No. *CV17-577020*

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at Toronto

STATEMENT OF CLAIM

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