

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Ilyon Dynamics Ltd. d/b/a Ilyon Games v. Kings Fortune Pte. Ltd.

No. 24-cv-04581-NC (N.D. Cal. Feb. 25, 2025) · No. 24-cv-04581-NC · Decided February 25, 2025

SUMMARY

The United States District Court for the Northern District of California denied Kings Fortune Pte. Ltd.’s motion to dismiss copyright, trademark infringement, and false designation of origin and unfair competition claims brought by Ilyon Dynamics Ltd. and BoomBox Games Ltd. The court held that BoomBox plausibly alleged ownership of a valid copyright and copying of protectable audiovisual elements in its mobile game, Triple Match 3D. The court also found that Ilyon adequately pleaded a likelihood of consumer confusion based on the alleged use of its trademarks in Kings Fortune’s competing game.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Nathanael M. Cousins
JURISDICTION	United States District Court for the Northern District of California
DECIDED	February 25, 2025
DOCKET	24-cv-04581-NC
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss three federal claims for failure to state a claim and also sought dismissal or striking of the plaintiffs' damages and punitive-damages requests. The court denied the motion.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in favor of the nonmoving party, disregards conclusory allegations and unreasonable inferences, and asks whether the complaint states a facially plausible claim for relief.
PRECEDENTIAL VALUE	unpublished and nonprecedential district-court order
PARTIES	Ilyon Dynamics Ltd. d/b/a Ilyon Games, BoomBox Games Ltd. v. Kings Fortune Pte. Ltd.

TOPICS

copyright infringement

trademark infringement

motions to dismiss

pleadings

civil procedure

PRACTICE AREAS

intellectual property

copyright

trademark

civil procedure

commercial litigation

QUESTIONS PRESENTED

1. Whether BoomBox plausibly alleged ownership of a valid copyright despite an alleged discrepancy between the copyright registration certificate and the complaint regarding the work's completion date.
2. Whether BoomBox plausibly alleged copying of protectable expression, including access and substantial similarity, sufficient to state a copyright-infringement claim.
3. Whether Ilyon plausibly alleged a likelihood of consumer confusion sufficient to state claims for trademark infringement and false designation of origin and unfair competition under the Lanham Act.
4. Whether Defendant's motion adequately supported dismissal or striking of Plaintiffs' requests for damages and punitive damages.

HOLDINGS

1. An alleged inaccurate completion date on a copyright registration certificate, without allegations establishing that the inaccurate information was knowingly included in the application and would have caused the Register of Copyrights to refuse registration, did not defeat BoomBox's plausible allegation of copyright ownership at the pleading stage.
2. BoomBox plausibly alleged copyright copying by alleging access to Triple Match 3D and substantial similarity in protectable visual and audiovisual expression, including graphic assets, color schemes, and interfaces; the claim could not be dismissed at the pleading stage merely because game mechanics and procedures themselves are unprotectable.
3. Ilyon plausibly alleged trademark infringement under 15 U.S.C. § 1114 and false designation of origin and unfair competition under 15 U.S.C. § 1125(a) by alleging unauthorized use of identical marks on a substantially similar competing game distributed through the same channels and likely to cause consumer confusion.
4. Defendant's requests to dismiss or strike Plaintiffs' damages and punitive-damages prayer were denied because the motion did not adequately present or apply the governing Rule 12(f) standard, and arguments raised for the first time in reply were disregarded.

KEY QUOTATIONS

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” (Order at 2)

“Copyright protection extends only to expression, “not the idea underlying that expression.”” (Order at 8)

“Substantial similarity is usually an extremely close issue of fact.” (Order at 10)

“Likelihood of confusion is typically a question of fact.” (Order at 12)

FACTUAL BACKGROUND

Ilyon owns two federally registered trademarks, and its subsidiary BoomBox owns a copyright in the mobile game Triple Match 3D. Plaintiffs alleged that Kings Fortune published Happy Match Café, a mobile three-dimensional object-matching game containing objects, graphics, interfaces, color schemes, and other visual features similar to those in Triple Match 3D, including a mug displaying Ilyon's logo. Plaintiffs alleged that both games were distributed through the Google Play and Apple App Stores and that Defendant's use of the marks was likely to cause consumers to believe that its game was affiliated with, sponsored, or authorized by Ilyon.

PROCEDURAL HISTORY

Plaintiffs filed a complaint alleging copyright infringement, trademark infringement, and false designation of origin and unfair competition arising from alleged copying of elements of the mobile game Triple Match 3D in Defendant's game Happy Match Café. Defendant moved to dismiss. After briefing, and with the parties' consent to magistrate-judge jurisdiction under 28 U.S.C. § 636(c), the court denied the motion and ordered Defendant to answer by March 11, 2025.

DISPOSITION

other

CASES CITED

- Navarro v. Block, 250 F.3d 729, 732 (9th Cir. 2001)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Retail Property Trust v. United Board of Carpenters & Joiners of America, 768 F.3d 938, 945 (9th Cir. 2014)
- In re Gilead Sciences Securities Litigation, 536 F.3d 1049, 1055 (9th Cir. 2008)
- Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir. 2000)
- Unicolors, Inc. v. Urban Outfitters, Inc., 853 F.3d 980, 984-85 (9th Cir. 2017)
- S.O.S., Inc. v. Payday, Inc., 886 F.2d 1081, 1086 (9th Cir. 1989)
- Yellowcake, Inc. v. Morena Music, Inc., 522 F. Supp. 3d 747, 779 (E.D. Cal. 2021)
- Unicolors, Inc. v. H&M Hennes & Mauritz, L.P., 595 U.S. 178, 185, 187-88 (2022)
- Skidmore as Trustee for Randy Craig Wolfe Trust v. Led Zeppelin, 952 F.3d 1051, 1064 (9th Cir. 2020)
- Hanagami v. Epic Games, Inc., 85 F.4th 931, 935, 941, 945 (9th Cir. 2023)
- Oracle America, Inc. v. Google Inc., 750 F.3d 1339, 1355-57 (Fed. Cir. 2014)
- DaVinci Editrice S.R.L. v. ZiKo Games, LLC, 183 F. Supp. 3d 820, 830 (S.D. Tex. 2016)
- Tetris Holding, LLC v. Xio Interactive, Inc., 863 F. Supp. 2d 394, 404-05 (D.N.J. 2012)
- Petrie v. Electronic Game Card, Inc., 761 F.3d 959, 964 n.6 (9th Cir. 2014)
- Padilla v. State of California, 509 F. Supp. 3d 1167, 1180 (N.D. Cal. 2020)
- Network Automation, Inc. v. Advanced Systems Concepts, Inc., 638 F.3d 1137, 1144-46 (9th Cir. 2011)

- Freecycle Network, Inc. v. Oey, 505 F.3d 898, 902 (9th Cir. 2007)
- Brookfield Communications, Inc. v. West Coast Entertainment Corp., 174 F.3d 1036, 1046 (9th Cir. 1999)
- Punchbowl, Inc. v. AJ Press, LLC, 90 F.4th 1022, 1027 (9th Cir. 2024)
- AMF Inc. v. Sleekcraft Boats, 599 F.2d 341 (9th Cir. 1979)
- Mattel, Inc. v. Walking Mountain Productions, 353 F.3d 792, 810 n.19 (9th Cir. 2003)
- Yelp, Inc. v. ReviewVio, Inc., No. 23-cv-06508-WHA, 2024 WL 2883668, at *6 (N.D. Cal. June 6, 2024)
- Automated Pet Care Products, LLC v. PurLife Brands, Inc., 670 F. Supp. 3d 946, 950-52 (N.D. Cal. 2023)
- LegalForce Rapc Worldwide P.C. v. MH Sub I, LLC, No. 24-cv-00669-WHA, 2024 WL 3238124, at *2, *4 (N.D. Cal. June 27, 2024)
- Adobe Systems Inc. v. Blue Source Group, Inc., 125 F. Supp. 3d 945, 966-67 (N.D. Cal. 2015)

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