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FILED
11 OCT 14 AM 10:11
CLERK U.S. DISTRICT COURT
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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12)
13)
14 CELESTIAL, INC,

15 Plaintiff,

16 vs.

17 DOES 1-10,

18 Defendants
19)
20)

CASE NO. - 08512 GHK (MRWX)

) COMPLAINT

) (1) COPYRIGHT INFRINGEMENT;
) and
) (2) CONTRIBUTORY COPYRIGHT
) INFRINGEMENT;

) JURY TRIAL DEMANDED
)

21
22 JURISDICTION
23

24 1. This Court has subject matter jurisdiction over Plaintiff's claims for
25 copyright infringement pursuant to 17 U.S.C. §§ 101, *et. seq.*, and 28 U.S.C. §§
26 1331 and 1338(a).
27
28

COMPLAINT

1 2. Defendants reside in, solicit, transact, or are doing business within the
2 jurisdiction; they have committed unlawful and intentional tortuous acts both within
3 and outside the jurisdiction with the full knowledge that their acts would cause
4 injury in this jurisdiction. As such, Defendants have sufficient contacts with this
5 judicial district to permit the Court's exercise of personal jurisdiction over each.
6
7

8 3. The audiovisual file that each of the Defendants reproduced and
9 distributed clearly indicates displays within the first 11 seconds of play the title of
10 the infringed work, the name of the producer, and the California business address of
11 the producer. As each of the Defendants engaged in an intentional tort (copyright
12 infringement) against a California company, and the infringed material clearly
13 identified the name and California address of Plaintiff identifying it as the producer
14 of the movie, the Defendants knew or should have known that infringement upon
15 the copyright would cause harm and damage to Plaintiff in California.
16
17
18

19 4. Plaintiff's claims arise out of the Defendants' conduct that gives rise to
20 personal jurisdiction over Defendants. By taking the affirmative act of both
21 downloading and uploading a known California company's intellectual property,
22 Defendants engaged in intentional acts. As the Defendants knew or should have
23 known (and only could not have known through willful blindness) that the copyright
24 they infringed upon was California intellectual property, the Defendants expressly
25 aimed their acts at a California company.
26
27
28

1 10. Defendants without authorization reproduced and distributed Celestial,
2 Inc.'s motion picture. Celestial previously registered the copyright for the motion
3 picture with the United States Copyright Office. The U.S. Copyright Office
4 assigned the work the registration number PA 1-715-691. A true and complete copy
5 of the registration is attached hereto as exhibit A.¹
6
7

8 11. On November 8, 2011, Celestial Productions released and published the
9 movie at issue in this action.
10

11 12. A mere eight days later, on November 16, 2010, using BitTorrent
12 technology, Defendants acted in a collective and interdependent manner in the
13 unlawful reproduction and distribution of Plaintiff's motion picture by exchanging
14 pieces of the motion picture (bits) between themselves and other bit torrent users
15 during a less than twelve-hour period, with the first infringing action documented at
16 11:31 a.m. and the last recorded at 10:31 p.m.
17
18

19 13. Each time an individual, such as the Defendants in this matter,
20 unlawfully distributes a copy of Plaintiff's copyrighted Motion Picture to others
21 over the Internet, each recipient can then further distribute that unlawful copy to
22 others without degradation in sound or picture quality. Thus, a Defendant's
23 distribution of even a single unlawful copy of the Motion Picture can result in the
24
25
26

27 ¹ Bryan W. Ott, dba Celestial Productions originally registered the copyright, but later
28 assigned the entire copyright to Celestial, Inc.

1 nearly instantaneous worldwide distribution of that single copy to a limitless number
2 of people.
3

4 14. By engaging in such illegal distribution of its works, especially within
5 days of the release of the work, the Defendants deprived Plaintiff of its exclusive
6 right and its ability to sell the work in the market place at its true market value.
7

8 15. Plaintiff seeks redress for the Defendants' infringement of its exclusive
9 rights in its work and for injunctive relief to stop Defendants from continuing to
10 infringe upon Plaintiff's copyrighted work.
11

12 **THE PARTIES**
13 **THE PLAINTIFF CELESTIAL, INC.**

14 16. Celestial, Inc. is a California corporation with its principal place of
15 business located at 23248 Canzonet Street Woodland Hills CA 91367. Celestial,
16 Inc. produces, markets, and distributes adult entertainment products, including
17 Internet website content, videos, DVDs, photographs, etc.
18
19

20 **THE DEFENDANTS - DOES 1 TO 32**

21 17. The true names and capacities, whether individual, corporate, associate
22 or otherwise, of defendants DOES 1 to 32 are unknown to Plaintiff, who therefore
23 sues said Defendants by such fictitious names. Each Defendant is known to Plaintiff
24 only by the Internet Protocol ("IP") address an Internet service provider assigned to
25 the account the Defendant used to access the Internet for the purposes of engaging in
26 the described infringing activity on November 16, 2011 and possibly before. The IP
27
28

1 address of the account each Defendant used to access the Internet, together with the
2 date and time at which his or her infringing activity was observed is listed herein.
3

4 18. All of the Defendants republished and duplicated the Plaintiff's motion
5 picture. However, they did not only replicate the exact same motion picture, but all
6 of the Defendants republished, duplicated, and replicated the precise same copy and
7 same hash version (UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF). Thus, all
8 Defendants replicated and shared with one another the exact same precise file and
9 portions thereof in a completely interconnected and concerted effort to deprive
10 Plaintiff of its exclusive rights under the Copyright Act.
11
12

13
14 19. Plaintiff is informed and believes and based thereon alleges that each of
15 the Defendants, was and is the agent of the other Defendants, acting within the
16 purpose and scope of said agency. Plaintiff is further informed and believes and
17 based thereon alleges that each of the Defendants, authorized and ratified the
18 conduct herein alleged of each of the other Defendants.
19
20

21 20. Plaintiff believes that information obtained in discovery will lead to the
22 identification of each Defendants' true name and permit Plaintiff to amend this
23 Complaint to state the same. Plaintiff will amend this Complaint to include their
24 proper names and capacities when they have been determined.
25

26
27 21. Plaintiff is informed and believes, and based thereon alleges, that each
28 of the fictitiously named Defendants performed, participated in, abetted in some

1 manner, and are responsible for, the acts described in this Complaint and
2 proximately caused the damages resulting there from.
3

4 22. Each of the fictitiously named Defendants engaged in their copyright
5 infringement scheme together. They all used the same torrent-sharing website to
6 coordinate their copyright theft; they were members of the same swarm during the
7 same twelve-hour period; they all used the same tracker file; they all shared and
8 republished the same motion picture; and they all shared the precise hash file of the
9 film with each other and other individuals.
10
11

12 23. On November 16, 2010, each Defendant accessed the Internet for the
13 purpose of reproducing and distributing with the remaining defendants and other
14 peers pieces of Plaintiff's motion picture as reproduced in the file identified by the
15 hash ID UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF.
16
17

18 24. During the day of 11/16/2010 starting at least as early as 11:31:06 AM
19 Defendant DOE 1, without authorization, reproduced and distributed Plaintiff's
20 registered work motion picture by downloading bits of the digital file identified as
21 Hash UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF from various bit torrent
22 peers. As DOE 1 downloaded the pieces of the file from bit torrent peers, he made
23 those pieces available for immediate, as well as, future downloading by other bit
24 torrent peers including the other DOE Defendants.
25
26
27
28

1 25. On 11/16/2010 at 11:31:06 AM GMT, Plaintiff's investigators
2 documented that DOE 1, as a bit torrent peer, offered Hash
3 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF for other bit torrent peers to
4 download and that he or she was at that time connected to the Internet using the ip
5 address 66.177.242.26.
6
7

8 26. Plaintiff is informed and believes and based thereon alleges that
9 Defendant continued to make pieces of the file available to other bit torrent peers for
10 *at least*, but not limited to, the next 1.2 minutes, thereby making the motion picture
11 or pieces thereof available for Defendant Doe Number 2 and other swarm members,
12 including the remaining Defendants, to download and further distribute.
13
14

15 27. During the day of 11/16/2010 starting at least as early as 11:32:26 AM,
16 Defendant DOE 2, without authorization, reproduced and distributed Plaintiff's
17 registered motion picture by downloading bits of the digital file identified as Hash
18 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF from various bit torrent peers
19 who were seeding the file at that time including Doe 1. As DOE 2 downloaded the
20 pieces of the file, he or she made those pieces available for immediate, as well as,
21 future downloading by other bit torrent peers including the remaining DOE
22 Defendants.
23
24
25

26 28. On 11/16/2010 at 11:32:26 AM GMT, Plaintiff's investigators
27 documented that DOE 2, as a bit torrent peer, offered Hash
28

1 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF for other bit torrent peers to
2 download and that he or she was connected to the Internet at that time using the ip
3 address 98.17.92.127.
4

5 29. Plaintiff is informed and believes and based thereon alleges that DOE 2
6 continued to make pieces of the file available to other bit torrent peers for *at least*,
7 but not limited to, the next .5 of a second, thereby making it available for Defendant
8 Doe Number 3 and other swarm members, including the remaining Defendants, to
9 download and further distribute.
10
11

12 30. The remaining Doe Defendants acted in an identical fashion, first
13 accessing the Internet to download pieces of file hash
14 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF from members of the same
15 swarm, including previously mentioned Doe Defendants, and then further
16 distributing those pieces to other members of the swarm, including the other Doe
17 Defendants.
18
19
20

21 31. Plaintiff's investigators documented those Defendants accessing the
22 Internet at the times set for in below. How long each Defendant participated in the
23 swarm prior to and subsequent to the time recorded by Plaintiff's investigators can
24 only be determined upon the taking of discovery.
25

26 32. On 11/16/2010 at 11:32:31 AM and for some time prior to and after
27 that precise moment, DOE 3 accessed the Internet to offer pieces of hash
28

1 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
2 76.127.220.96.
3

4 33. On 11/16/2010 at 11:33:06 AM and for some time prior to and after
5 that precise moment, DOE 4 accessed the Internet to offer pieces of hash
6 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
7 24.218.174.211.
8

9 34. On 11/16/2010 at 11:33:26 AM and for some time prior to and after
10 that precise moment, DOE 5 accessed the Internet to offer pieces of hash
11 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
12 96.251.63.181.
13
14

15 35. On 11/16/2010 at 11:34:32 AM and for some time prior to and after
16 that precise moment, DOE 6 accessed the Internet to offer pieces of hash
17 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
18 74.44.83.106.
19
20

21 36. On 11/16/2010 at 11:35:44 AM and for some time prior to and after
22 that precise moment, DOE 7 accessed the Internet to offer pieces of hash
23 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
24 98.210.126.84.
25

26 37. On 11/16/2010 at 11:36:48 AM and for some time prior to and after
27 that precise moment, DOE 8 accessed the Internet to offer pieces of hash
28

1 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
2 70.160.191.231
3

4 38. On 11/16/2010 at 11:14:18 AM and for some time prior to and after
5 that precise moment, DOE 9 accessed the Internet to offer pieces of hash
6 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
7 75.84.99.124.
8

9 39. On 11/16/2010 at 11:45:17 AM and for some time prior to and after
10 that precise moment, DOE 10 accessed the Internet to offer pieces of hash
11 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
12 71.239.67.60.
13
14

15 40. On 11/16/2010 at 11:59:31 AM and for some time prior to and after
16 that precise moment, DOE 11 accessed the Internet to offer pieces of hash
17 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
18 174.49.59.10.
19
20

21 41. On 11/16/2010 at 11:59:51 AM and for some time prior to and after
22 that precise moment, DOE 12 accessed the Internet to offer pieces of hash
23 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
24 71.251.171.170.
25

26 42. On 11/16/2010 at 12:01:52 PM and for some time prior to and after that
27 precise moment, DOE 13 accessed the Internet to offer pieces of hash
28

1 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
2 68.192.89.218.
3

4 43. On 11/16/2010 at 12:04:58 PM and for some time prior to and after that
5 precise moment, DOE 14 accessed the Internet to offer pieces of hash
6 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
7 99.50.233.118.
8

9 44. On 11/16/2010 at 12:39:23 PM and for some time prior to and after that
10 precise moment, DOE 15 accessed the Internet to offer pieces of hash
11 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
12 76.120.181.238.
13
14

15 45. On 11/16/2010 at 12:42:31 PM and for some time prior to and after that
16 precise moment, DOE 16 accessed the Internet to offer pieces of hash
17 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
18 24.225.39.101.
19
20

21 46. On 11/16/2010 at 12:49:27 PM and for some time prior to and after that
22 precise moment, DOE 17 accessed the Internet to offer pieces of hash
23 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
24 71.108.18.114.
25

26 47. On 11/16/2010 at 01:10:07 PM and for some time prior to and after that
27 precise moment, DOE 18 accessed the Internet to offer pieces of hash
28

1 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
2 68.91.130.58.
3

4 48. On 11/16/2010 at 03:07:55 PM and for some time prior to and after that
5 precise moment, DOE 19 accessed the Internet to offer pieces of hash
6 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
7 71.79.191.153.
8

9 49. On 11/16/2010 at 03:11:22 PM and for some time prior to and after that
10 precise moment, DOE 20 accessed the Internet to offer pieces of hash
11 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
12 76.101.150.131.
13
14

15 50. On 11/16/2010 at 03:40:47 PM and for some time prior to and after that
16 precise moment, DOE 21 accessed the Internet to offer pieces of hash
17 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
18 74.65.23.124.
19
20

21 51. On 11/16/2010 at 03:41:20 PM and for some time prior to and after that
22 precise moment, DOE 22 accessed the Internet to offer pieces of hash
23 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
24 71.23.84.184.
25

26 52. On 11/16/2010 at 03:49:50 PM and for some time prior to and after that
27 precise moment, DOE 23 accessed the Internet to offer pieces of hash
28

1 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
2 71.15.30.218.
3

4 53. On 11/16/2010 at 05:02:59 PM and for some time prior to and after that
5 precise moment, DOE 24 accessed the Internet to offer pieces of hash
6 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
7 108.21.195.149.
8

9 54. On 11/16/2010 at 05:23:53 PM and for some time prior to and after that
10 precise moment, DOE 25 accessed the Internet to offer pieces of hash
11 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
12 98.74.188.178.
13
14

15 55. On 11/16/2010 at 06:26:58 PM and for some time prior to and after that
16 precise moment, DOE 26 accessed the Internet to offer pieces of hash
17 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
18 98.218.164.136.
19
20

21 56. On 11/16/2010 at 06:43:32 PM and for some time prior to and after that
22 precise moment, DOE 27 accessed the Internet to offer pieces of hash
23 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
24 69.206.65.191.
25

26 57. On 11/16/2010 at 07:11:22 PM and for some time prior to and after that
27 precise moment, DOE 28 accessed the Internet to offer pieces of hash
28

1 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
2 71.196.159.137.
3

4 58. On 11/16/2010 at 07:46:53 PM and for some time prior to and after that
5 precise moment, DOE 29 accessed the Internet to offer pieces of hash
6 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
7 96.41.117.96.
8

9 59. On 11/16/2010 at 08:16:57 PM and for some time prior to and after that
10 precise moment, DOE 30 accessed the Internet to offer pieces of hash
11 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
12 75.22.119.229.
13
14

15 60. On 11/16/2010 at 09:17:18 PM and for some time prior to and after that
16 precise moment, DOE 31 accessed the Internet to offer pieces of hash
17 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
18 99.91.255.79.
19
20

21 61. On 11/16/2010 at 10:31:22 PM and for some time prior to and after that
22 precise moment, DOE 32 accessed the Internet to offer pieces of hash
23 UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF using the ip address
24 97.106.189.117.
25

26 62. Plaintiff intends to subpoena Internet service providers in order to learn
27 the identity of the account holder's for the accounts used by Defendant Does 1-32 to
28

1 access the Internet and engage in the described infringing activity. From there
2 Plaintiff will further investigate to discover who actually used the subscriber's
3 Internet connection to engage in the infringing activity and for how much time they
4 participated in the swarm prior to and subsequent to the investigators'
5 documentation.
6
7

8 **FACTS COMMON TO ALL CLAIMS**

9
10 63. Technological advances have made it increasingly possible to transfer
11 large amounts of data, including digital video files, by and through the Internet. As
12 Congress and the courts clarify the law and close legal loopholes in order to hold
13 infringers liable for their actions, would-be infringers develop new and often
14 increasingly complex means of engaging in piracy, hoping that the complexity of
15 their systems will help them avoid detection, identification, and prosecution.
16 Defendants' infringement represents one of these manifestations of on-line digital
17 piracy.
18
19
20

21 64. BitTorrent is a peer-to-peer file sharing protocol used for distributing
22 and sharing data on the Internet, including motion pictures. Rather than
23 downloading a file from a single source, the BitTorrent protocol allows users to join
24 a "swarm," or group, of hosts to download and upload from each other
25 simultaneously.
26
27
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1 65. First, a user goes to a BitTorrent tracking website. The user cannot
2 download the file from this website, rather the user downloads a pointer file that will
3 keep track of all the other peers that are seeding either this entire file or pieces of the
4 file.
5

6 66. The downloaded file contains a unique hash code known as the SHA-1
7 hash – a unique identifier generated by a mathematical algorithm developed by the
8 National Security Agency. This hash serves as a roadmap to a BitTorrent program
9 to download all the pieces of a file such as a motion picture or music file.
10

11 67. Next, the user places the torrent file into a BitTorrent program on their
12 computer, also known as a BitTorrent “client” application. This program connects
13 uploaders (seeders) of the file (i.e. those that are distributing the content) with
14 downloaders of the file (i.e. those who are copying the content). During this
15 process, the torrent tracker directs the BitTorrent user’s computer to other users who
16 have an exact copy of the file, and then facilitates the download process from those
17 users.
18

19 68. Files obtained by this method are downloaded in hundreds of individual
20 pieces (bits). In turn, each downloaded piece is immediately available for
21 distribution to other users seeking the same file. The effect of this technology
22 makes every downloader also an uploader of the content. This means that every
23
24
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1 user who has a copy of the infringing material on a torrent network must necessarily
2 also be a source of download for that material.
3

4 69. The total number of users participating in a swarm at a given time
5 increases the overall speed and efficiency at which all the other swarm members can
6 download the entire file. Thus, each user relies on the other swarm members for not
7 only specific bits and pieces of the audiovisual file he exchanges to or from specific
8 users, but also he relies on *all* the other swarm members to increase the speed at
9 which he is able to download the file. Each peer that is a member of the swarm at
10 the time he is downloading an infringing file materially contributes to his infringing
11 acts.
12
13
14

15 70. The motion picture at issue in this action is of obvious high production
16 values and is easily discernable as a professional work. Plaintiff created the work
17 using professional performers, directors, cinematographers, lighting technicians, set
18 designers and editors. Plaintiff created each work with professional-grade cameras,
19 lighting, and editing equipment. The audiovisual file begins by displaying a
20 standard warning against copyright infringement and within ten seconds displays the
21 name of the production, the name of the production company, and the California
22 address of the production company.
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71. As set forth specifically in the “Parties” section above, Plaintiff has recorded each Defendant herein reproducing and distributing the motion picture by and through the Internet using BitTorrent technology.

FIRST CLAIM

COPYRIGHT INFRINGEMENT – 17 U.S.C. §501

Plaintiff Owns a Federally Registered Copyright of the Infringed Movie

72. Plaintiff repeats and incorporates by this reference the allegations set forth in all previous paragraphs.

73. At all times relevant hereto, Plaintiff has been the producer and owner of the audiovisual work *Big Dick Glory Holes*, vol. 6, which Defendants reproduced and distributed by and through the Internet using BitTorrent technology.

74. Plaintiff holds a copyright registration certificate from the United States Copyright Office for the motion picture. The registration certificate number is PA 1-715-691.

Defendants Willfully Infringed Plaintiff’s Registered Copyrights

75. Plaintiff is informed and believes and based thereon alleges that Defendants without authorization, reproduced and distributed Plaintiff’s copyright registered motion picture by and through the Internet using BitTorrent technology.

76. Defendants knew or should have known that they were not authorized to reproduce or distribute Plaintiff’s motion picture. During the very first second of play of the audiovisual file, it displays a warning stating that “FEDERAL LAW

1 PROVIDES FOR CIVIL AND CRIMINAL PENALTIES FOR THE
2 UNAUTHORIZED REPRODUCTION, DISTRIBUTION, OR EXHIBITION OF
3 COPYRIGHTED MOTION PICTURES, VIDEO TAPES, AND VIDEO DISCS”
4 and cites the relevant U.S. statutes.
5

6
7 **SECOND CLAIM**
8 **CONTRIBUTORY COPYRIGHT INFRINGEMENT**

9 77. Plaintiff repeats and incorporates by this reference the allegations set
10 forth in all previous paragraphs.
11

12 78. Each Defendant has directly engaged in the unauthorized reproduction
13 and distribution of Plaintiff’s copyright registered work as set forth above.
14

15 79. Each Defendant materially contributed to the direct infringement of the
16 subsequently named Doe Defendants by providing pieces of Plaintiff’s copyright
17 registered work to those Doe Defendants directly and/or by allowing those Doe
18 Defendants to download the infringing copies from other peers more quickly and
19 more efficiently by adding to the overall efficiency of the swarm on the date in
20 question.
21

22 80. Defendants knew they were infringing Plaintiff’s copyright and knew
23 the other swarm participates, including the other Doe Defendants, also were
24 infringing Plaintiff’s work.
25
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1 81. It is helpful to think of the process of transferring files using BitTorrent
2 technology in the context of a constructed puzzle. In furtherance of sharing this
3 puzzle, it is deconstructed into tiny pieces. These pieces are then uploaded and
4 distributed among one or more peers. Once a peer identifies a file he wants to
5 download, the Network locates all the peers currently on line and offering for
6 distribution the identical file as identified by the unique HASH ID. The
7 technology, in conjunction with software residing on tracking servers, is capable of
8 locating all the unique corresponding pieces that make up the original file. The
9 software then downloads pieces of the file from various peers, always seeking the
10 pieces that will download the fastest. Once all the pieces are located and
11 downloaded, the software places the pieces into the original order thereby
12 reconstructing the entire original copyrighted file.

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18 82. When users possess the same infringing file as identified by the unique
19 hash value (as in this case), it is because each infringer possesses an exact digital
20 copy containing the exact pieces unique to that file. Returning to the puzzle
21 analogy, other puzzles may be created out of the same motion picture, but those
22 pieces will not fit together with the pieces from another puzzle, even if made from
23 the same motion picture. Only pieces from the puzzle identified by the unique hash
24 i.d. will fit together. Thus, the BitTorrent users rely on other users that are working
25 with the same version of the puzzle at the same time.
26
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1 83. Each of the Defendants downloaded, uploaded, and distributed the
2 precise same hash file - UOUXFRBA3KUQZTX5ZUWO2ZT6ZMJ6DXDF.
3

4 84. Because it is the exact same motion picture, using the exact same hash,
5 during the same twelve-hour period, and because each Defendant then materially
6 contributed to the infringing acts of the subsequently named Defendants the
7 transaction of events at issue in this Complaint is common to all Defendants, thus
8 rendering the Defendants properly joined in this action.
9
10

11 85. Each of the peers who illegally downloaded the movie derived portions
12 of their illegal replication of the file from multiple peers including the other
13 Defendants. At the same time, each Defendant offered pieces of the file to help
14 other peers, including the remaining Defendants, replicate and compile new copies
15 of the file.
16
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18 86. Each Defendant assisted any other Defendant who was part of the
19 swarm during overlapping times, by either exchanging pieces with that user directly
20 or by providing an alternative source for peers thereby making the swarm work
21 more efficiently and increasing the speed in which each other Defendant was able to
22 download the entire audiovisual file.
23
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25 87. The Defendants were conscious of their own infringement and of the
26 fact that multiple other persons derivatively downloaded from them the file
27 containing Plaintiff's motion picture.
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88. The infringement by other BitTorrent users could not have occurred but for the Defendants’ participation in uploading the Plaintiff’s protected work. As such, the Defendants’ participation in the infringing activities of others is substantial.

89. Each Defendant is contributory liable for the infringing acts of the subsequently named Doe Defendants.

90. Each Defendant is jointly and severally liable for the harm Plaintiff suffered as a result of the Defendants contribution in the infringement of its copyright registered work.

JURY DEMAND

91. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury of all issues properly triable by a jury in this action.

PRAYER

WHEREFORE, Plaintiff Celestial, Inc. respectfully requests judgment as follows:

- (1) That the Court enter a judgment against all Defendants that they have:
 - a) willfully infringed Plaintiff’s rights in federally registered copyrights under 17 U.S.C. § 501; and b) otherwise injured the business reputation and business of Plaintiff by all Defendants’ acts and conduct set forth in this Complaint.

1 (2) That the Court issue injunctive relief against all Defendants, and that all
2 Defendants, their agents, representatives, servants, employees, attorneys, successors
3 and assigns, and all others in active concert or participation with them, be enjoined
4 and restrained from copying, posting or making any other infringing use or
5 infringing distribution of audiovisual works, photographs or other materials owned
6 by or registered to Plaintiff;
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9 (3) That the Court enter an order of impoundment pursuant to 17 U.S.C. §§
10 503 and 509(a) impounding all infringing copies of Plaintiff's audiovisual works,
11 photographs or other materials, which are in Defendants' possession or under their
12 control;
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15 (4) That the Court order all Defendants to pay Plaintiff's general, special,
16 actual and statutory damages as follows: Plaintiff's damages and Defendants' profits
17 pursuant to 17 U.S.C. § 504(b), or in the alternative, enhanced statutory damages in
18 the amount of one hundred fifty thousand dollars (\$150,000.00) per infringed work,
19 pursuant to 17 U.S.C. § 504(c)(2), for Defendants' willful infringement of Plaintiff's
20 copyrights;
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23 (5) That the Court order all Defendants to pay Plaintiff both the costs of
24 this action and the reasonable attorney's fees incurred by it in prosecuting this action
25 pursuant to 17 U.S.C. § 504; and
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(6) That the Court grant to Plaintiff such other and additional relief as is just and proper.

Dated: 10.7.2011

Respectfully submitted,


D. GILL SPERLEIN
THE LAW OFFICE OF D. GILL SPERLEIN
Attorney for Plaintiff, Celestial, Inc.

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

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George King and the assigned discovery Magistrate Judge is Michael Wilner.

The case number on all documents filed with the Court should read as follows:

CV11- 8512 GHK (MRWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.