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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

11 MALIBU MEDIA, LLC, a California  
corporation,

12 Plaintiff,

13 v.

14 JOHN DOES 1 through 10,

15 Defendants.  
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Case No. SACV12-649-JST  
COMPLAINT (MLG)

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1 Plaintiff, Malibu Media, LLC, sues John Does 1-10, and alleges:

2 **Introduction**

3 1. This matter arises under the United States Copyright Act of 1976, as  
4 amended, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”).

5 2. Through this suit, Plaintiff alleges each Defendant is liable for:

- 6 • Direct copyright infringement in violation of 17 U.S.C. §§ 106 and 501;  
7 and  
8 • Contributory copyright infringement.

9 **Jurisdiction And Venue**

10 3. This Court has subject matter jurisdiction over this action pursuant to  
11 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (patents, copyrights,  
12 trademarks and unfair competition).

13 4. As set forth on Exhibit A, each of the Defendants’ acts of copyright  
14 infringement occurred using an Internet Protocol address (“IP address”) traced to a  
15 physical address located within this District, and therefore pursuant to Cal. Civ.  
16 Proc. Code § 410.10, this Court has personal jurisdiction over each Defendant  
17 because each Defendant committed the tortious conduct alleged in this Complaint in  
18 the State of California, and (a) each Defendant resides in the State of California,  
19 and/or (b) each Defendant has engaged in continuous and systematic business  
20 activity in the State of California.

21 5. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and (c),  
22 because: (i) a substantial part of the events or omissions giving rise to the claims  
23 occurred in this District; and, (ii) a Defendant resides (and therefore can be found)  
24 in this District and all of the Defendants reside in this State; additionally, venue is  
25 proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases)  
26 because each Defendant or each Defendant’s agent resides or may be found in this  
27 District.

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**Parties**

6. Plaintiff is a corporation organized and existing under the laws of the State of California and has its principal place of business located at 31356 Broad Beach Road, Malibu, CA 90265.

7. Each Defendant is known to Plaintiff only by an IP address.

8. An IP address is a number that is assigned by an Internet Service Provider (an “ISP”) to devices, such as computers, that are connected to the Internet.

9. The ISP to which each Defendant subscribes can correlate the Defendant’s IP address to the Defendant’s true identity.

**Joinder**

10. Pursuant to Fed. R. Civ. P. 20(a)(2), each of the Defendants was properly joined because, as set forth in more detail below, Plaintiff asserts that: (a) each of the Defendants is jointly and severally liable for the infringing activities of each of the other Defendants, and (b) the infringement complained of herein by each of the Defendants was part of a series of transactions, involving the exact same torrent file containing of Plaintiff’s copyrighted Work, and was accomplished by the Defendants acting in concert with each other, and (c) there are common questions of law and fact; indeed, the claims against each of the Defendants are identical and each of the Defendants used the BitTorrent protocol to infringe Plaintiff’s copyrighted Work.

**Factual Background**

**I. Plaintiff Owns The Copyright To The Motion Picture**

11. Plaintiff is the owner of United States Copyright Registration Number PA0001762019 (the “Registration”) for the motion picture entitled “Tiffany Teenagers in Love” (the “Work”).

12. The Work was registered on or about November 20, 2011.

1 13. A copy of an internet screen shot from the U.S. Copyright Office's  
2 website, evidencing, among other things, Plaintiff's ownership of the Registration  
3 and the registration date, is attached as Exhibit B.

4 **II. Defendants Used BitTorrent To Infringe Plaintiff's Copyright**

5 14. BitTorrent is one of the most common peer-to-peer file sharing  
6 protocols (in other words, set of computer rules) used for distributing large amounts  
7 of data; indeed, it has been estimated that users using the BitTorrent protocol on the  
8 internet account for over a quarter of all internet traffic. The creators and user's of  
9 BitTorrent developed their own lexicon for use when talking about BitTorrent; a  
10 copy of the BitTorrent vocabulary list posted on [www.Wikipedia.org](http://www.Wikipedia.org) is attached as  
11 Exhibit C.

12 15. The BitTorrent protocol's popularity stems from its ability to distribute  
13 a large file without creating a heavy load on the source computer and network. In  
14 short, to reduce the load on the source computer, rather than downloading a file  
15 from a single source computer (one computer directly connected to another), the  
16 BitTorrent protocol allows users to join a "swarm" of host computers to download  
17 and upload from each other simultaneously (one computer connected to numerous  
18 computers).

19 **A. Each Defendant Installed a BitTorrent Client onto his or her**  
20 **Computer**

21 16. Each Defendant installed a BitTorrent Client onto his or her computer.

22 17. A BitTorrent "Client" is a software program that implements the  
23 BitTorrent protocol. There are numerous such software programs including  $\mu$ Torrent  
24 and Vuze, both of which can be directly downloaded from the internet. See  
25 [www.utorrent.com](http://www.utorrent.com) and <http://new.vuze-downloads.com/>.

26 18. Once installed on a computer, the BitTorrent "Client" serves as the  
27 user's interface during the process of uploading and downloading data using the  
28

1 BitTorrent protocol.

2 **B. The Initial Seed, Torrent, Hash and Tracker**

3 19. A BitTorrent user that wants to upload a new file, known as an “initial  
4 seeder,” starts by creating a “torrent” descriptor file using the Client he or she  
5 installed onto his or her computer.

6 20. The Client takes the target computer file, the “initial seed,” here the  
7 subject website containing the copyrighted Work, and divides it into groups of bits  
8 known as “pieces.”

9 21. The Client then gives each one of the computer file’s pieces, in this  
10 case, pieces of the copyrighted Work, a random and unique alphanumeric identifier  
11 known as a “hash” and records these hash identifiers in the torrent file.

12 22. When another peer later receives a particular piece, the hash identifier  
13 for that piece is compared to the hash identifier recorded in the torrent file for that  
14 piece to test that the piece is error-free. In this way, the hash identifier works like an  
15 electronic fingerprint to identify the source and origin of the piece and that the piece  
16 is authentic and uncorrupted.

17 23. Torrent files also have an "announce" section, which specifies the URL  
18 (Uniform Resource Locator) of a “tracker,” and an "info" section, containing  
19 (suggested) names for the files, their lengths, the piece length used, and the hash  
20 identifier for each piece, all of which are used by Clients on peer computers to  
21 verify the integrity of the data they receive.

22 24. The “tracker” is a computer or set of computers that a torrent file  
23 specifies and to which the torrent file provides peers with the URL address(es).

24 25. The tracker computer or computers direct a peer user’s computer to  
25 other peer user’s computers that have particular pieces of the file, here the  
26 copyrighted Work, on them and facilitates the exchange of data among the  
27 computers.

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1           26. Depending on the BitTorrent Client, a tracker can either be a dedicated  
2 computer (centralized tracking) or each peer can act as a tracker (decentralized  
3 tracking).

4  
5           **C. Torrent Sites**

6           27. “Torrent sites” are websites that index torrent files that are currently  
7 being made available for copying and distribution by people using the BitTorrent  
8 protocol. There are numerous torrent websites, including [www.TorrentZap.com](http://www.TorrentZap.com),  
9 [www.Btscene.com](http://www.Btscene.com), [www.ExtraTorrent.com](http://www.ExtraTorrent.com), and [www.piratebay.org](http://www.piratebay.org).

10           28. Upon information and belief, each Defendant went to a torrent site to  
11 upload and download Plaintiff’s copyrighted Work.

12           **D. Uploading and Downloading Works Through a BitTorrent Swarm**

13           29. Once the initial seeder has created a torrent and uploaded it onto a  
14 torrent site then other peers begin to download and upload the computer file to  
15 which the torrent is linked (here the copyrighted Work) using the BitTorrent  
16 protocol and BitTorrent Client that the peers installed on their computers.

17           30. The BitTorrent protocol causes the initial seed’s computer to send  
18 different pieces of the computer file, here the copyrighted Work, to the peers  
19 seeking to download the computer file.

20           31. Once a peer receives a piece of the computer file, here a piece of the  
21 Copyrighted Work, it starts transmitting that piece to the other peers.

22           32. In this way, all of the peers and seeders are working together in what is  
23 called a “swarm.”

24           33. Here, each Defendant peer member participated in the same swarm and  
25 directly interacted and communicated with other members of that swarm through  
26 digital handshakes, the passing along of computer instructions, uploading and  
27 downloading, and by other types of transmissions.

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1           34. In this way, and by way of example only, one initial seeder can create a  
2 torrent that breaks a movie up into hundreds or thousands of pieces saved in the  
3 form of a computer file, like the Work here, upload the torrent onto a torrent site,  
4 and deliver a different piece of the copyrighted work to each of the peers. The  
5 recipient peers then automatically begin delivering the piece they just received to the  
6 other peers in the same swarm.

7           35. Once a peer, here a Defendant, has downloaded the full file, the  
8 BitTorrent Client reassembles the pieces and the peer is able to view the movie.

9           **E. Plaintiff’s Computer Investigators Identified Each of the**  
10           **Defendants’ IP Addresses as Participants in a Swarm That Was**  
11           **Distributing Plaintiff’s Copyrighted Work**

12           36. Plaintiff retained IPP, Limited (“IPP”) to identify the IP addresses that  
13 are being used by those people that are using the BitTorrent protocol and the internet  
14 to reproduce, distribute, display or perform Plaintiff’s copyrighted work.

15           37. IPP used forensic software named INTERNATIONAL IPTRACKER  
16 v1.2.1 and related technology enabling the scanning of peer-to-peer networks for the  
17 presence of infringing transactions.

18           38. IPP extracted the resulting data emanating from the investigation,  
19 reviewed the evidence logs, and isolated the transactions and the IP addresses  
20 associated therewith for the file identified by the SHA-1 hash value of  
21 E08C7D67052512D7D1CF4AC1EC3468E7D9B266BE (the “Unique Hash  
22 Number”).

23           39. The IP addresses, Unique Hash Number and hit dates contained on  
24 Exhibit A accurately reflect what is contained in the evidence logs, and show:

25           (A) Each Defendant had copied a piece of Plaintiff’s copyrighted Work  
26 identified by the Unique Hash Number; and

27           (B) Therefore, each Defendant was part of the same series of transactions.

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1 40. Through each of the transactions, each of the Defendant’s computers  
2 used their identified IP addresses to connect to the investigative server from a  
3 computer in this District in order to transmit a full copy, or a portion thereof, of a  
4 digital media file identified by the Unique Hash Number.

5 41. IPP’s agent analyzed each BitTorrent “piece” distributed by each IP  
6 address listed on Exhibit A and verified that re-assembly of the pieces using a  
7 BitTorrent Client results in a fully playable digital motion picture of the Work.

8 42. IPP’s agent viewed the Work side-by-side with the digital media file  
9 that correlates to the Unique Hash Number and determined that they were identical,  
10 strikingly similar or substantially similar.

11 **Miscellaneous**

12 43. All conditions precedent to bringing this action have occurred or been  
13 waived.

14 44. Plaintiff retained counsel to represent it in this matter and is obligated  
15 to pay said counsel a reasonable fee for its services.

16 **COUNT I**

17 **Contributory Infringement Against Does 1-10**

18 45. The allegations contained in paragraphs 1-44 are hereby re-alleged as if  
19 fully set forth herein.

20 46. Plaintiff is the owner of the Registration for the Work which contains  
21 an original work of authorship.

22 47. By using the BitTorrent protocol and a BitTorrent Client and the  
23 processes described above, each Defendant copied the constituent elements of the  
24 registered Work that are original.

25 48. Plaintiff did not authorize, permit or consent to Defendants’ copying of  
26 its Work.

27 49. As a result of the foregoing, each Defendant violated Plaintiff’s  
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1 exclusive right to:

2 (A) Reproduce the Work in copies, in violation of 17 U.S.C. §§ 106(1) and  
3 501;

4 (B) Redistribute copies of the Work to the public by sale or other transfer  
5 of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and  
6 501;

7 (C) Perform the copyrighted Work, in violation of 17 U.S.C. §§ 106(4) and  
8 501, by showing the Work's images in any sequence and/or by making the sounds  
9 accompanying the Work audible and transmitting said performance of the Work, by  
10 means of a device or process, to members of the public capable of receiving the  
11 display (as set forth in 17 U.S.C. § 101's definitions of "perform" and "publically"  
12 perform); and

13 (D) Display the copyrighted Work, in violation of 17 U.S.C. §§ 106(5) and  
14 501, by showing individual images of the Work nonsequentially and transmitting  
15 said display of the Work by means of a device or process to members of the public  
16 capable of receiving the display (as set forth in 17 U.S.C. § 101's definition of  
17 "publically" display).

18 50. Each of the Defendants' infringements was committed "willfully"  
19 within the meaning of 17 U.S.C. § 504(c)(2).

20 51. Plaintiff has suffered actual damages that were proximately caused by  
21 each of the Defendants including lost sales, price erosion and a diminution of the  
22 value of its copyright.

23 WHEREFORE, Plaintiff respectfully requests that the Court:

24 (A) Permanently enjoin each Defendant and all other persons who are in  
25 active concert or participation with each Defendant from continuing to infringe  
26 Plaintiff's copyrighted Work;

27 (B) Order that each Defendant delete and permanently remove the torrent  
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1 file relating to Plaintiff's copyrighted Work from each of the computers under each  
2 such Defendant's possession, custody or control;

3 (C) Order that each Defendant delete and permanently remove the copy of  
4 the Work each Defendant has on the computers under Defendant's possession,  
5 custody or control;

6 (D) Award Plaintiff the greater of: (i) statutory damages in the amount of  
7 \$150,000 per Defendant, pursuant to 17 U.S.C. § 504-(a) and (c), or (ii) Plaintiff's  
8 actual damages and any additional profits of the Defendant pursuant to 17 U.S.C. §  
9 504-(a)-(b);

10 (E) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17  
11 U.S.C. § 505; and

12 (F) Grant Plaintiff any other and further relief this Court deems just and  
13 proper.

## 14 **COUNT II**

### 15 **Contributory Infringement Against Does 1-10**

16 52. The allegations contained in paragraphs 1-44 are hereby re-alleged as if  
17 fully set forth herein.

18 53. Plaintiff is the owner of the Registration for the Work which contains  
19 an original work of authorship.

20 54. By using the BitTorrent protocol and a BitTorrent Client and the  
21 processes described above, each Defendant copied the constituent elements of each  
22 of the registered Work that are original.

23 55. By participating in the BitTorrent swarm with the other Defendants,  
24 each Defendant induced, caused or materially contributed to the infringing conduct  
25 of each other Defendant.

26 56. Plaintiff did not authorize, permit or consent to Defendants' inducing,  
27 causing or materially contributing to the infringing conduct of each other Defendant.

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1           57. Each Defendant knew or should have known that other BitTorrent  
2 users, here the other Defendants, would become members of a swarm with  
3 Defendant.

4           58. Each Defendant knew or should have known that other BitTorrent users  
5 in a swarm with it, here the other Defendants, were directly infringing Plaintiff's  
6 copyrighted Work by copying constituent elements of the Work that are original.

7           59. Indeed, each Defendant directly participated in and therefore materially  
8 contributed to each other Defendant's infringing activities.

9           60. Each of the Defendants' contributory infringements were committed  
10 "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

11           61. Plaintiff has suffered actual damages that were proximately caused by  
12 each of the Defendants including lost sales, price erosion, and a diminution of the  
13 value of its copyright.

14           WHEREFORE, Plaintiff respectfully requests that the Court:

15           (A) Permanently enjoin each Defendant and all other persons who are in  
16 active concert or participation with each Defendant from continuing to infringe  
17 Plaintiff's copyrighted Work;

18           (B) Order that each Defendant delete and permanently remove the torrent  
19 file relating to Plaintiff's copyrighted Work from each of the computers under each  
20 such Defendant's possession, custody or control;

21           (C) Order that each Defendant delete and permanently remove the copy of  
22 the Work each Defendant has on the computers under Defendant's possession,  
23 custody or control;

24           (D) Find that each Defendant is jointly and severally liable for the direct  
25 infringement of each other Defendant;

26           (E) Award Plaintiff the greater of: (i) statutory damages in the amount of  
27 \$150,000 per Defendant, pursuant to 17 U.S.C. § 504-(a) and (c), or (ii) Plaintiff's  
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1 actual damages and any additional profits of the Defendant pursuant to 17 U.S.C. §  
2 504-(a)-(b);

3 (F) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17  
4 U.S.C. § 505; and

5 (E) Grant Plaintiff any other and further relief this Court deems just and  
6 proper.

7 **DEMAND FOR A JURY TRIAL**

8 Plaintiff hereby demands a trial by jury on all triable issues.

9  
10 DATED: April 24, 2012

KUSHNER LAW GROUP

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13 By: 

Leemore L. Kushner

Attorneys for Plaintiff Malibu Media, LLC

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# **EXHIBIT A**

SHA-1 Hash: E08C7D67052512D7D1CF4AC1EC3468E7D9B266BE

Title Tiffany Teenagers in Love  
Rights Owner: Malibu Media

DOE#	IP	Hit date (UTC)	City	State	ISP	Network
1	24.205.53.96	3/31/2012 8:01	Burbank	CA	Charter Communications	BitTorrent
2	97.90.139.39	4/8/2012 10:50	Alhambra	CA	Charter Communications	BitTorrent
3	97.93.61.45	3/12/2012 21:29	Cerritos	CA	Charter Communications	BitTorrent
4	68.106.220.168	4/11/2012 7:06	Aliso Viejo	CA	Cox Communications	BitTorrent
5	68.231.210.67	4/9/2012 23:20	Mission Viejo	CA	Cox Communications	BitTorrent
6	68.6.47.183	2/12/2012 0:54	Santa Barbara	CA	Cox Communications	BitTorrent
7	98.164.233.237	2/10/2012 13:42	Capistrano Beach	CA	Cox Communications	BitTorrent
8	173.60.166.198	4/7/2012 22:14	Cerritos	CA	Verizon Internet Services	BitTorrent
9	96.251.5.224	4/11/2012 23:29	Cerritos	CA	Verizon Internet Services	BitTorrent
10	98.108.249.160	4/11/2012 0:12	Santa Maria	CA	Verizon Internet Services	BitTorrent

EXHIBIT A

CCA23

# **EXHIBIT B**

# Copyright

United States Copyright Office

[Help](#)

[Search](#)

[History](#)

[Titles](#)

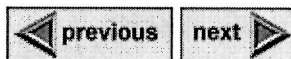
[Start Over](#)

## Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = tiffany teenagers in love

Search Results: Displaying 1 of 1 entries



Labeled View

### *Tiffany Teenagers In Love.*

**Type of Work:** Motion Picture

**Registration Number / Date:** PA0001762019 / 2011-11-20

**Application Title:** Tiffany Teenagers In Love.

**Title:** Tiffany Teenagers In Love.

**Description:** Electronic file (eService)

**Copyright Claimant:** Malibu Media LLC. Address: 31356 Broad Beach Rd, Malibu, CA, 90265.

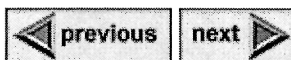
**Date of Creation:** 2010

**Date of Publication:** 2010-12-29

**Nation of First Publication:** United States

**Authorship on Application:** Malibu Media LLC, employer for hire; Domicile: United States; Citizenship: United States.  
Authorship: entire motion picture.

**Names:** Malibu Media LLC



#### Save, Print and Email (Help Page)

Select Download Format Full Record

Enter your email address:

## EXHIBIT B

[Contact Us](#) | [Request Copies](#) | [FAQs\) about Copyright](#) | [Copyright Office Home Page](#) | [Library of Congress Home Page](#)



# **EXHIBIT C**

# BitTorrent vocabulary

From Wikipedia, the free encyclopedia  
(Redirected from Terminology of BitTorrent)

This list explains terms used when discussing **BitTorrent clients**, and in particular the BitTorrent protocol used by these clients.

## Common BitTorrent terms

### Announce

Same as "scrape" (see below), but a client also announces that it wants to join the swarm and that the server should add it to the list of peers in that swarm.

### Availability

(Also known as distributed copies.) The number of full copies of the file available to the client. Each seed adds 1.0 to this number, as they have one complete copy of the file. A connected peer with a fraction of the file available adds that fraction to the availability, if no other peer has this part of the file.

*Example:* a peer with 65.3% of the file downloaded increases the availability by 0.653. However, if two peers both have the same portion of the file downloaded - say 50% - and there is only one seeder, the availability is 1.5.

### Choked

Describes a peer to whom the client refuses to send file pieces. A client *chokes* another client in several situations:

- The second client is a *seed*, in which case it does not want any pieces (i.e., it is completely *uninterested*)
- The client is already uploading at its full capacity (it has reached the value of `max_uploads`)
- The second client has been blacklisted for being abusive or is using a blacklisted BitTorrent client.

### Client

The program that enables p2p file sharing via the BitTorrent protocol. Examples of clients include  $\mu$ Torrent and Vuze.

### Downloader

A *downloader* is any peer that does not have the entire file and is downloading the file. This term, used in Bram Cohen's Python implementation, lacks the negative connotation attributed to *leech*. Bram prefers *downloader* to *leech* because BitTorrent's tit-for-tat ensures downloaders also unload and thus do not unfairly qualify as *leeches*.

EXHIBIT D

## End Game

Bittorrent has a couple of download strategies for initializing a download, downloading normally among the middle of the torrent, and downloading the last few pieces (see below) of a torrent. Typically, the last download pieces arrive more slowly than the others since the faster and more easily accessible pieces should have already been obtained, so to prevent this, the BitTorrent client attempts to get the last missing pieces from all of its peers. Upon receiving a piece, a cancel request command is sent to other peers.

## Fake

A fake torrent is a torrent that does not contain what is specified in its name or description (i.e. a torrent is said to contain a video, but it contains only a snapshot of a moment in the video, or in some cases a virus).

## Hash

The hash is a string of alphanumeric characters in the .torrent file that the client uses to verify the data that is being transferred. It contains information like the file list, sizes, pieces, etc. Every piece received is first checked against the hash. If it fails verification, the data is discarded and requested again. The 'Hash Fails' field in the torrent's General tab shows the number of these hash fails.

Hash checks greatly reduce the chance that invalid data is incorrectly identified as valid by the BitTorrent client, but it is still possible for invalid data to have the same hash value as the valid data and be treated as such. This is known as a hash collision.

## Health

Health is shown in a bar or in % usually next to the torrents name and size, on the site where the .torrent file is hosted. It shows if all pieces of the torrent are available to download (i.e. 50% means that only half of the torrent is available).

## Index

An *index* is a list of .torrent files (usually including descriptions and other information) managed by a website and available for searches. An *index* website can also be a *tracker*.

## Interested

Describes a downloader who wishes to obtain pieces of a file the client has. For example, the uploading client would flag a downloading client as 'interested' if that client did not possess a piece that it did, and wished to obtain it.

## Leech

A *leech* is a term with two meanings. Usually it is used to refer a *peer* who has a negative effect on the swarm by having a very poor share ratio (downloading much more than they upload). Most leeches are users on asymmetric internet connections and do not leave their BitTorrent client open

to seed the file after their download has completed. However, some leeches intentionally avoid uploading by using modified clients or excessively limiting their upload speed.

The often used second meaning of *leech* is synonymous with *downloader* (see above): used simply to describe a *peer* or any client that does not have 100% of the data. This alternative meaning was mainly introduced by most BitTorrent tracker sites.

## Lurker

A *lurker* is a user that only downloads files from the group but does not add new content. It does not necessarily mean that the lurker will not seed. Not to be confused with a *leecher*.

## p2p

Stands for "peer to peer", which is the technology used for file sharing among computer users over the internet. In a p2p network, each node (or computer on the network) acts as both a client and a server. In other words, each computer is capable of both sending and receiving data.

## Peer

A *peer* is one instance of a BitTorrent client running on a computer on the Internet to which other clients connect and transfer data. Usually a *peer* does not have the complete file, but only parts of it. However, in the colloquial definition, "peer" can be used to refer to any participant in the swarm (in this case, it's synonymous with "client").

## Piece

This refers to the torrented files being divided up into equal specific sized pieces (e.g. 512Kb, 1Mb). The pieces are distributed in a random fashion among peers in order to optimize trading efficiency.

## Ratio credit

A *ratio credit*, also known as *upload credit* or *ratio economy*, is a currency system used on a number of private trackers to provide an incentive for higher upload/download ratios among member file-sharers. In such a system, those users who have greater amounts of bandwidth, hard drive space (particularly seedboxes) or idle computer uptime are at a greater advantage to accumulate ratio credits versus those who are lacking in any one or more of the same resources.

## Scrape

This is when a client sends a request to the tracking server for information about the statistics of the torrent, such as with whom to share the file and how well those other users are sharing.

## Seeder

A *seeder* is a *peer* that has an entire copy of the torrent and offers it for upload. The more *seeders* there are, the better the chances of getting a higher download speed. If the seeder seeds the whole copy of the download, they should get faster downloads.

## Share ratio

A user's share ratio for any individual torrent is a number determined by dividing the amount of data that user has uploaded by the amount of data they have downloaded. Final share ratios over 1 carry a positive connotation in the BitTorrent community, because they indicate that the user has sent more data to other users than they received. Likewise, share ratios under 1 have negative connotation.

## Snubbed

An uploading client is flagged as *snubbed* if the downloading client has not received any data from it in over 60 seconds.

## Super-seeding

When a file is new, much time can be wasted because the seeding client might send the same file piece to many different peers, while other pieces have not yet been downloaded at all. Some clients, like ABC, Vuze, BitTornado, TorrentStorm, and µTorrent have a "super-seed" mode, where they try to only send out pieces that have never been sent out before, theoretically making the initial propagation of the file much faster. However the super-seeding becomes substantially less effective and may even reduce performance compared to the normal "rarest first" model in cases where some peers have poor or limited connectivity. This mode is generally used only for a new torrent, or one which must be re-seeded because no other seeds are available.

## Swarm

*Main article: segmented downloading*

Together, all *peers* (including *seeders*) sharing a *torrent* are called a *swarm*. For example, six ordinary *peers* and two *seeders* make a *swarm* of eight.

## Torrent

A *torrent* can mean either a *.torrent* metadata file or all files described by it, depending on context. The *torrent file* contains metadata about all the files it makes downloadable, including their names and sizes and checksums of all pieces in the *torrent*. It also contains the address of a *tracker* that coordinates communication between the peers in the swarm.

## Tracker

A *tracker* is a server that keeps track of which seeds and peers are in the swarm. Clients report information to the tracker periodically and in exchange, receive information about other clients to which they can connect. The tracker is not directly involved in the data transfer and does not have a copy of the file.

## See also

Retrieved from "[http://en.wikipedia.org/wiki/BitTorrent\\_vocabulary](http://en.wikipedia.org/wiki/BitTorrent_vocabulary)"  
Categories: BitTorrent | Lexis.

- 
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**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 Josephine Tucker and the assigned discovery Magistrate Judge is Marc Goldman.

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

**SACV12- 649 JST (MLGx)**

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.



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) MALIBU MEDIA, LLC	<b>DEFENDANTS</b> JOHN DOES 1-10
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Kushner Law Group, 801 North Citrus Avenue Los Angeles, CA 90038, (323)515-7894	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)

1 Original Proceeding    
  2 Removed from State Court    
  3 Remanded from Appellate Court    
  4 Reinstated or Reopened    
  5 Transferred from another district (specify):    
  6 Multi-District Litigation    
  7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:**  Yes      No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:**  Yes      No     **MONEY DEMANDED IN COMPLAINT:** \$ 150,000, per Defendant

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

17 U.S.C. § 101 - Copyright Infringement

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionalality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Rct. Inc. Security Act <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DJWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes  
If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
See attachment	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
See attachment	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
**Note: In land condemnation cases, use the location of the tract of land involved**

X. SIGNATURE OF ATTORNEY (OR PRO PER): *Jenna Kushner* Date 4/24/12

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

(b) List the County in the District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH named** defendant resides.

<b>DOE#</b>	<b>City</b>	<b>State</b>	<b>County</b>
1	Burbank	CA	Los Angeles
2	Alhambra	CA	Los Angeles
3	Cerritos	CA	Los Angeles
4	Aliso Viejo	CA	Orange
5	Mission Viejo	CA	Orange
6	Santa Barbara	CA	Santa Barbara
7	Capistrano Beach	CA	Orange
8	Cerritos	CA	Los Angeles
9	Cerritos	CA	Los Angeles
10	Santa Maria	CA	Santa Barbara