

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No. <u>3:12-cv-03211-SEM-BGC</u>
)	
v.)	
)	
PHAY LINTHAKHANH,)	
)	
Defendants.)	
_____)	

SECOND AMENDED COMPLAINT

Plaintiff, Malibu Media, LLC, sues Phay Linthakhanh, and alleges:

Introduction

1. This matter arises under the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the "Copyright Act").
2. Through this suit, Plaintiff alleges Defendant is liable for:
 - Direct copyright infringement in violation of 17 U.S.C. §§ 106 and 501; and
 - Contributory copyright infringement.

Jurisdiction And Venue

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (patents, copyrights, trademarks and unfair competition).
4. As set forth on Exhibit A, Defendant's acts of copyright infringement occurred using an Internet Protocol address ("IP address") traced to a physical address located within this District, and therefore this Court has personal jurisdiction over Defendant because Defendant committed the tortious conduct alleged in this Complaint in the Central District of Illinois, and

(a) Defendant resides in the Central District of Illinois, and/or (b) Defendant has engaged in continuous and systematic business activity, or has contracted to supply goods or services in the Central District of Illinois.

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

Parties

6. Plaintiff is a limited liability company organized and existing under the laws of the State of California and has its principal place of business located at 409 W. Olympic Boulevard, Suite 501, Los Angeles, CA 90015.

7. Phay Linthakhanh is an individual residing at 1525 Hosta Street, Springfield, IL 62712.

Factual Background

8. Plaintiff is the owner of United States Copyright Registrations (the "Registrations") collectively the "Works" attached hereto as Exhibit "A".

9. A copy of an internet screen shot from the U.S. Copyright Office's website evidencing, among other things, Plaintiff's ownership of the Registrations and the registrations dates is attached as Exhibit B.

II. Defendant Used BitTorrent To Infringe Plaintiff's Copyrights

10. BitTorrent is one of the most common peer-to-peer file sharing protocols (in

other words, set of computer rules) used for distributing large amounts of data; indeed, it has been estimated that users using the BitTorrent protocol on the internet account for over a quarter of all internet traffic. The creators and user's of BitTorrent developed their own lexicon for use when talking about BitTorrent; a copy of the BitTorrent vocabulary list posted on www.Wikipedia.com is attached as Exhibit C.

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

A. Defendant Installed a BitTorrent Client onto his or her Computer

12. Defendant installed a BitTorrent Client onto his or her computer.

13. A BitTorrent "Client" is a software program that implements the BitTorrent protocol. There are numerous such software programs including μ Torrent and Vuze, both of which can be directly downloaded from the internet. See www.utorrent.com and <http://new.vuze-downloads.com/>.

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

B. The Initial Seed, Torrent, Hash and Tracker

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

16. The Client takes the target computer file, the "initial seed," here the copyrighted Works, and divides it into identically sized groups of bits known as "pieces."

17. The Client then gives each one of the computer file's pieces, in this case, pieces of the copyrighted Works, a random and unique alphanumeric identifier known as a "hash" and records these hash identifiers in the torrent file.

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

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

20. The "tracker" is a computer or set of computers that a torrent file specifies and to which the torrent file provides peers with the URL address(es).

21. The tracker computer or computers direct a peer user's computer to other peer user's computers that have particular pieces of the file, here the copyrighted Works, on them and facilitates the exchange of data among the computers.

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

C. Torrent Sites

23. "Torrent sites" are websites that index torrent files that are currently being made available for copying and distribution by people using the BitTorrent protocol. There are

numerous torrent websites, including www.TorrentZap.com, www.Btscene.com, and www.ExtraTorrent.com.

24. Upon information and belief, Defendant went to a torrent site to upload and download Plaintiff's copyrighted Works.

D. Uploading and Downloading a Work Through a BitTorrent Swarm

25. Once the initial seeder has created a torrent and uploaded it onto one or more torrent sites then other peers begin to download and upload the computer file to which the torrent is linked (here the copyrighted Works) using the BitTorrent protocol and BitTorrent Client that the peers installed on their computers.

26. The BitTorrent protocol causes the initial seed's computer to send different pieces of the computer file, here the copyrighted Works, to the peers seeking to download the computer file.

27. Once a peer receives a piece of the computer file, here a piece of the Copyrighted Works, it starts transmitting that piece to the other peers.

28. In this way, all of the peers and seeders are working together in what is called a "swarm."

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

30. In this way, and by way of example only, one initial seeder can create a torrent that breaks a movie up into hundreds or thousands of pieces saved in the form of a computer file, like the Works here, upload the torrent onto a torrent site, and deliver a different piece of the

copyrighted Work to each of the peers. The recipient peers then automatically begin delivering the piece they just received to the other peers in the same swarm.

31. Once a peer, here Defendant, has downloaded the full file, the BitTorrent Client reassembles the pieces and the peer is able to view the movie. Also, once a peer has downloaded the full file, that peer becomes known as “an additional seed” because it continues to distribute the torrent file, here the copyrighted Works.

E. Plaintiff's Computer Investigators Identified Defendant's IP Address as Participants in a Swarm That Was Distributing Plaintiff's Copyrighted Works

32. Plaintiff retained IPP, Limited (“IPP”) to identify the IP addresses that are being used by those people that are using the BitTorrent protocol and the internet to reproduce, distribute, display or perform Plaintiffs’ copyrighted works.

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

34. IPP extracted the resulting data emanating from the investigation, reviewed the evidence logs, and isolated the transactions and the IP address associated therewith for the file identified by the SHA-1 hash values set forth on Exhibit A (the “Unique Hash Numbers”).

35. The IP address, Unique Hash Numbers, and hit dates contained on Exhibit A accurately reflect what is contained in the evidence logs, and show:

- (A) Defendant had copied pieces of Plaintiff’s copyrighted Works identified by the Unique Hash Numbers; and
- (B) Therefore, Defendant was part of the same series of transactions.

36. Through each of the transactions, Defendant’s computer used their identified IP address to connect to the investigative server from a computer in this District in order to transmit

a full copy, or a portion thereof, of a digital media file identified by the Unique Hash Numbers.

37. IPP's agent analyzed each BitTorrent "piece" distributed by the IP address listed on Exhibit A and verified that re-assembly of the pieces using a BitTorrent Client results in fully playable digital motion pictures of the Works.

38. IPP's agent viewed the Works side-by-side with the digital media files that correlate to the Unique Hash Numbers and determined that they were identical, strikingly similar or substantially similar.

Miscellaneous

39. All conditions precedent to bringing this action have occurred or been waived.

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

COUNT I

Direct Infringement Against Phay Linthakhanh

41. The allegations contained in paragraphs 1-40 are hereby re-alleged as if fully set forth herein.

42. Plaintiff is the owner of the Registrations for the Works, each of which contains an original work of authorship.

43. By using the BitTorrent protocol and a BitTorrent Client and the processes described above, Defendant copied the constituent elements of the registered Works that are original.

44. Plaintiff did not authorize, permit or consent to Defendant copying of its Works.

45. As a result of the foregoing, Defendant violated Plaintiff's exclusive right to:

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

(B) Redistribute copies of the Works to the public by sale or other transfer of

ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and 501;

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

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

46. Defendant's infringements was committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

47. Plaintiff has suffered actual damages that were proximately caused by Defendant including lost sales, price erosion and a diminution of the value of its copyrights.

WHEREFORE, Plaintiff respectfully requests that the Court:

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

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

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

(D) Award Plaintiff the greater of: (i) statutory damages in the amount of \$150,000,

per Work infringed, pursuant to 17 U.S.C. § 504-(a) and (c), or (ii) Plaintiff's actual damages and any additional profits of Defendant pursuant to 17 U.S.C. § 504-(a)-(b);

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

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

COUNT II

Contributory Infringement Against Phay Linthakhanh

48. The allegations contained in paragraphs 1-40 are hereby re-alleged as if fully set forth herein.

49. Plaintiff is the owner of the Registrations for the Works, each of which contains an original work of authorship.

50. By using the BitTorrent protocol and a BitTorrent Client and the processes described above, Defendant copied the constituent elements of the registered Works that are original.

51. By participating in the BitTorrent swarm Defendant induced, caused or materially contributed to the infringing conduct of Defendant.

52. Plaintiff did not authorize, permit or consent to Defendant inducing, causing or materially contributing to the infringing conduct of Defendant.

53. Defendant knew or should have known that other BitTorrent users, would become members of a swarm with Defendant.

54. Defendant knew or should have known that other BitTorrent users in a swarm with it, were directly infringing Plaintiff's copyrighted Works by copying constituent elements of the registered Works that are original.

55. Indeed, Defendant directly participated in and therefore materially contributed to

Defendant's infringing activities.

56. Defendant's contributory infringements were committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

57. Plaintiff has suffered actual damages that were proximately caused by Defendant including lost sales, price erosion, and a diminution of the value of its copyright.

WHEREFORE, Plaintiff respectfully requests that the Court:

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

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

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

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

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

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

(G) Grant Plaintiff any other and further relief this Court deems just and proper.

DEMAND FOR A JURY TRIAL

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

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul J. Nicoletti

Defendant #1: Phay Linthakhanh

IP: 69.243.133.169
 ISP: Comcast Cable
 Location: Springfield, IL

Title	Hash	Date First Pub	Regis Date	Hit Date
Leila Last Night	08987B0E347D381B9C1A1CD524B1BBFFA8CD06FF	02/01/2012	02/17/2012	02/07/2012 00:00
Carmen An Afternoon to Remember	56CE512C0B0AD8028A6DA534A824692BE3229864	02/13/2012	02/17/2012	02/20/2012 01:31
Blonde Ambition	7B4D84457DFC62C0D465D0CE0E241FF4112AC576	03/05/2012	03/06/2012	03/06/2012 00:09
California Dreams	60567C055488DA4CD652E546EE7BF50E19E1ABBD	03/12/2012	03/12/2012	03/13/2012 22:18
Lunchtime Fantasy	0A8DA11F1850900EB9E62087FAAFF27ADA304282	03/19/2012	03/19/2012	03/21/2012 02:45
Evening at Home Part #2	A370D17B424BFF12F33CD4A438ADB0A1F61D9AD1	04/04/2012	04/04/2012	04/06/2012 00:30
Wild at Heart	59F4D88306842C1EFAE402F4646F6A125E018CD9	04/08/2012	04/09/2012	04/09/2012 23:31
Breakfast in Bed	3275BA2215B226E3ABEE1AFF076EF7CD0566BAB7	04/16/2012	04/17/2012	04/17/2012 17:14
Little Lover	E1129C1FEC811992449105DF5B71D3720E3204B7	04/30/2012	05/02/2012	04/30/2012 22:16
One Night Stand	0C78A9AE61C6D63E26AD7965EBD7CB1021297FA2	05/02/2012	05/02/2012	05/02/2012 21:24
Pretty Back Door Baby	C14EE70A7C85131AF0A6438934259D9BFE10ECCC	05/08/2012	05/10/2012	05/19/2012 22:34
Sneak N Peek	21629FC4676869D8336961DB2AE8F2EC14770F19	06/01/2012	06/01/2012	06/02/2012 12:43
Young and Hot	9F82F4FC8A7ED2D93D4018E6CE9BEC78DDE51E6A	06/06/2012	06/08/2012	06/10/2012 00:27
Foot Fetish	A9AF4076474323A9C1C7BD5137F39BCF5D44C7EF	06/20/2012	06/21/2012	06/21/2012 01:38
Happy Couple	F4D7A6FEF4CF47C0073E29D4EA31DDBC27A997BD	06/25/2012	06/25/2012	06/26/2012 00:43
Yoga in the Sky	59DFFA8F94AAF5D1F41B78FA691922726C24AF8F	06/27/2012	06/29/2012	06/27/2012 21:21
Pure Grace	7E0D02A27049B9D62A44C76C072E147DFE87437C	07/11/2012	07/12/2012	07/13/2012 17:39
Wet Dream	1E1888B4C8CAAD426E92FC980B348E8C8A89520B	07/20/2012	07/20/2012	07/25/2012 19:48
Morning Tryst	DED0B0060B9C5D1D3A403E407AAD82AF57A830C9	07/24/2012	07/25/2012	08/03/2012 20:57

EXHIBIT A

CIL8

Title	Hash	Date First Pub	Regis Date	Hit Date
Farewell	F7F3D256F23771D0AF985F28EB99B14553ED4960	08/03/2012	08/07/2012	08/07/2012 10:29
Threes Company	902E1577C97087FFAF7E18F4A2F1E97F8AF9AB4B	08/17/2012	08/15/2012	08/16/2012 13:32
This Side of Paradise	7A0DE61FAC3ADA9CE6CADDAAEE3948EC73C9A43D0	08/19/2012	08/21/2012	08/21/2012 00:21
Side by Side	5BFE0261FD5315EBD491ABBEF7279DE9EE30E377	09/03/2012	09/19/2012	09/04/2012 23:37
First Love	B1431D85778B133C46F3522891D5920AF04F370A	09/05/2012	09/25/2012	09/06/2012 21:53

Total Statutory Copyright Infringements for Defendant #1 Phay Linthakhanh: 24

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Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = Leila Last Night

Search Results: Displaying 1 of 1 entries



Labeled View

Leila Last Night.

Type of Work: Motion Picture

Registration Number / Date: PA0001775906 / 2012-02-17

Application Title: Leila Last Night.

Title: Leila Last Night.

Description: Electronic file (eService)

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

Date of Creation: 2012

Date of Publication: 2012-02-01

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](#)



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Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = CARMEN AN AFTERNOON TO REMEMBER

Search Results: Displaying 1 of 1 entries



Labeled View

Carmen An Afternoon to Remember.

Type of Work: Motion Picture**Registration Number / Date:** PA0001775902 / 2012-02-17**Application Title:** Carmen An Afternoon to Remember.**Title:** Carmen An Afternoon to Remember.**Description:** Electronic file (eService)**Copyright Claimant:** Malibu Media LLC. Address: 31356 Broad Beach Rd, Malibu, CA, 90265.**Date of Creation:** 2012**Date of Publication:** 2012-02-13**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](#)

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California Dreams.

Type of Work: Motion Picture

Registration Number / Date: PA0001780564 / 2012-03-12

Application Title: California Dreams.

Title: California Dreams.

Description: Electronic file (eService)

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

Date of Creation: 2012

Date of Publication: 2012-03-12

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



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Copyright Catalog (1978 to present)

Search Request: Left Anchored Name = malibu media

Search Results: Displaying 50 of 78 entries



Labeled View

Lunchtime Fantasy.

Type of Work: Motion Picture**Registration Number / Date:** PA0001781702 / 2012-03-19**Application Title:** Lunchtime Fantasy.**Title:** Lunchtime Fantasy.**Description:** Electronic file (eService)**Copyright Claimant:** Malibu Media LLC. Address: 31356 Broad Beach Rd, Malibu, CA, 90265.**Date of Creation:** 2012**Date of Publication:** 2012-03-19**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](#)

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Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = evening at home

Search Results: Displaying 3 of 3 entries

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Evening at Home Part 2.

Type of Work: Motion Picture**Registration Number / Date:** PA0001785204 / 2012-04-04**Application Title:** Evening at Home Part 2.**Title:** Evening at Home Part 2.**Description:** Electronic file (eService)**Copyright Claimant:** Malibu Media LLC. Address: 31356 Broad Beach Rd, Malibu, CA, 90265.**Date of Creation:** 2012**Date of Publication:** 2012-04-04**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](#)

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Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Name = malibu media

Search Results: Displaying 112 of 114 entries



Labeled View

Wild at Heart.

Type of Work: Motion Picture**Registration Number / Date:** PA0001785969 / 2012-04-09**Application Title:** Wild at Heart.**Title:** Wild at Heart.**Description:** Electronic file (eService)**Copyright Claimant:** Malibu Media LLC. Address: 31356 Broad Beach Rd, Malibu, CA, 90265.**Date of Creation:** 2012**Date of Publication:** 2012-04-08**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](#)

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Copyright Catalog (1978 to present)

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Breakfast in Bed.

Type of Work: Motion Picture**Registration Number / Date:** PA0001787253 / 2012-04-17**Application Title:** Breakfast in Bed.**Title:** Breakfast in Bed.**Description:** Electronic file (eService)**Copyright Claimant:** Malibu Media LLC. Address: 31356 Broad Beach Rd, Malibu, CA, 90265.**Date of Creation:** 2012**Date of Publication:** 2012-04-16**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](#)

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Copyright Catalog (1978 to present)

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Little Lover.

Type of Work: Motion Picture

Registration Number / Date: PA0001794976 / 2012-05-02

Application Title: Little Lover.

Title: Little Lover.

Description: Electronic file (eService)

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

Date of Creation: 2012

Date of Publication: 2012-04-30

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](#)



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[◀ previous](#) [next ▶](#)

[Label View](#)

One Night Stand.

Type of Work: Motion Picture

Registration Number / Date: PA0001794973 / 2012-05-02

Application Title: One Night Stand.

Title: One Night Stand.

Description: Electronic file (eService)

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

Date of Creation: 2012

Date of Publication: 2012-05-02

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](#)

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Search Results: Displaying 76 of 102 entries



Pretty Back Door Baby.

Type of Work: Motion Picture

Registration Number / Date: PA0001789427 / 2012-05-10

Application Title: Pretty Back Door Baby.

Title: Pretty Back Door Baby.

Description: Electronic file (eService)

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

Date of Creation: 2012

Date of Publication: 2012-05-08

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



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Sneak n Peek.

Type of Work: Motion Picture**Registration Number / Date:** PA0001791522 / 2012-06-01**Application Title:** Sneak n Peek.**Title:** Sneak n Peek.**Description:** Electronic file (eService)**Copyright Claimant:** Malibu Media LLC. Address: 31356 Broad Beach Rd, Malibu, CA, 90265.**Date of Creation:** 2012**Date of Publication:** 2012-06-01**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

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Search Results: Displaying 114 of 114 entries



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Young & Hot.

Type of Work: Motion Picture**Registration Number / Date:** PA0001794969 / 2012-06-08**Application Title:** Young & Hot.**Title:** Young & Hot.**Description:** Electronic file (eService)**Copyright Claimant:** Malibu Media LLC. Address: 31356 Broad Beach Rd, Malibu, CA, 90265.**Date of Creation:** 2012**Date of Publication:** 2012-06-06**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

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Search Results: Displaying 50 of 180 entries



Foot Fetish.

Type of Work: Motion Picture

Registration Number / Date: PA0001793970 / 2012-06-21

Application Title: Foot Fetish.

Title: Foot Fetish.

Description: Electronic file (eService)

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

Date of Creation: 2012

Date of Publication: 2012-06-20

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



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Happy Couple.

Type of Work: Motion Picture**Registration Number / Date:** PA0001794461 / 2012-06-25**Application Title:** Happy Couple.**Title:** Happy Couple.**Description:** Electronic file (eService)**Copyright Claimant:** Malibu Media LLC. Address: 31356 Broad Beach Rd, Malibu, CA, 90265.**Date of Creation:** 2012**Date of Publication:** 2012-06-25**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](#)

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Labeled View

Yoga in the Sky.

Type of Work: Motion Picture**Registration Number / Date:** PA0001794715 / 2012-06-29**Application Title:** Yoga in the Sky.**Title:** Yoga in the Sky.**Description:** Electronic file (eService)**Copyright Claimant:** Malibu Media LLC. Address: 31356 Broad Beach Rd, Malibu, CA, 90265.**Date of Creation:** 2012**Date of Publication:** 2012-06-27**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](#)

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[Titles](#)

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[◀ previous](#) [next ▶](#)

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Pure Grace.

Type of Work: Motion Picture

Registration Number / Date: PA0001800484 / 2012-07-12

Application Title: Pure Grace.

Title: Pure Grace.

Description: Electronic file (eService)

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

Date of Creation: 2012

Date of Publication: 2012-07-11

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](#)

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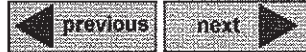
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Search Request: Left Anchored Name = Malibu Media

Search Results: Displaying 174 of 180 entries



Labeled View

Wet Dream.

Type of Work: Motion Picture

Registration Number / Date: PA0001800357 / 2012-07-20

Application Title: Wet Dream.

Title: Wet Dream.

Description: Electronic file (eService)

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

Date of Creation: 2012

Date of Publication: 2012-07-20

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



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9/7/12

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Search Request: Left Anchored Title = morning tryst

Search Results: Displaying 1 of 2 entries

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Morning Tryst.

Type of Work: Motion Picture**Registration Number / Date:** PA0001800355 / 2012-07-25**Application Title:** Morning Tryst.**Title:** Morning Tryst.**Description:** Electronic file (eService)**Copyright Claimant:** Malibu Media LLC. Address: 31356 Broad Beach Rd, Malibu, CA, 90265.**Date of Creation:** 2012**Date of Publication:** 2012-07-24**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](#)

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[Titles](#)

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Search Request: Left Anchored Name = Malibu Media

Search Results: Displaying 45 of 180 entries



[Labeled View](#)

Farewell.

Type of Work: Motion Picture

Registration Number / Date: PA0001800473 / 2012-08-07

Application Title: Farewell.

Title: Farewell.

Description: Electronic file (eService)

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

Date of Creation: 2012

Date of Publication: 2012-08-03

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](#)



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[Titles](#)

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Threes Company.

Type of Work: Motion Picture

Registration Number / Date: PA0001804939 / 2012-08-21

Application Title: Threes Company.

Title: Threes Company.

Description: Electronic file (eService)

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

Date of Creation: 2012

Date of Publication: 2012-08-15

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



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Labelled View

This Side of Paradise.

Type of Work: Motion Picture

Registration Number / Date: PA0001802603 / 2012-08-21

Application Title: This Side of Paradise.

Title: This Side of Paradise.

Description: Electronic file (eService)

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

Date of Creation: 2012

Date of Publication: 2012-08-19

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



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Labelled View

Side By Side.

Type of Work: Motion Picture

Registration Number / Date: PA0001805261 / 2012-09-19

Application Title: Side By Side.

Title: Side By Side.

Description: Electronic file (eService)

Copyright Claimant: Malibu Media LLC. Address: 409 W. Olympic Blvd., Suite 501, Los Angeles, CA, 90015.

Date of Creation: 2012

Date of Publication: 2012-09-03

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



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[Labeled View](#)

First Love.

Type of Work: Motion Picture

Registration Number / Date: PA0001806476 / 2012-09-25

Application Title: First Love.

Title: First Love.

Description: Electronic file (eService)

Copyright Claimant: Malibu Media LLC. Address: 409 W. Olympic Blvd., Suite 501, Los Angeles, CA, 90015.

Date of Creation: 2012

Date of Publication: 2012-09-05

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](#)



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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 μ 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 upload and thus do not unfairly qualify as *leeches*.

EXHIBIT C

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 tormented 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

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