

4. 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).

5. The 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 the Defendant because (a) Defendant committed the tortious conduct alleged in this Complaint in this State, and (i) Defendant resides in this State and/or (ii) Defendant has engaged in substantial and not isolated business activity in this State.

6. 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) the Defendant resides (and therefore can be found) in this District and resides in this State; additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because each Defendant or Defendant's agent resides or may be found in this District.

Parties

7. Plaintiff, Malibu Media, LLC, 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 Blvd., Suite 501, Los Angeles, CA, 90015.

8. Plaintiff only knows Defendant by his, her or its IP Address. Defendant's IP address is set forth on Exhibit A.

9. Defendant's Internet Service Provider can identify the Defendant.

Factual Background

I. *Defendant Used the BitTorrent File Distribution Network To Infringe Plaintiff's Copyrights*

10. The BitTorrent file distribution network (“BitTorrent”) is one of the most common peer-to-peer file sharing venues used for distributing large amounts of data, including, but not limited to, digital movie files.

11. BitTorrent’s popularity stems from the ability of users to directly interact with each other in order to distribute a large file without creating a heavy load on any individual source computer and/or network. The methodology of BitTorrent allows users to interact directly with each other, thus avoiding the need for intermediary host websites which are subject to DMCA take down notices and potential regulatory enforcement actions.

12. In order to distribute a large file, the BitTorrent protocol breaks a file into many small pieces called bits. Users then exchange these small bits amongst each other instead of attempting to distribute a much larger digital file.

13. After the infringer receives all of the bits of a digital media file, the infringer’s BitTorrent client software reassembles the bits so that the file may be opened and utilized.

14. Each bit of a BitTorrent file is assigned a unique cryptographic hash value.

15. The cryptographic hash value of the bit (“bit hash”) acts as that bit’s unique digital fingerprint. Every digital file has one single possible cryptographic hash value correlating to it. The BitTorrent protocol utilizes cryptographic hash values to ensure each bit is properly routed amongst BitTorrent users as they engage in file sharing.

16. The entirety of the digital media file also has a unique cryptographic hash value (“file hash”), which acts as a digital fingerprint identifying the digital media file (e.g. a movie). Once infringers complete downloading all bits which comprise a digital media file, the

BitTorrent software uses the file hash to determine that the file is complete and accurate.

17. Plaintiff's investigator, IPP Limited, established a direct TCP/IP connection with the Defendant's IP address as set forth on Exhibit A.

18. IPP Limited downloaded from Defendant one or more bits of each of the digital movie files identified by the file hashes on Exhibit A.

19. Each of the cryptographic file hashes as set forth on Exhibit A correlates to copyrighted movies owned by Plaintiff as identified on Exhibit B.

20. IPP Limited downloaded from Defendant one or more bits of each file has listed in Exhibit A. IPP Limited further downloaded a full copy of each file hash from the BitTorrent file distribution network and confirmed through independent calculation that the file hash matched what is listed on Exhibit A. IPP Limited then verified that the digital media file correlating to each file hash listed on Exhibit A contained a copy of a movie which is identical (or alternatively, strikingly similar or substantially similar) to the movie associated with that file hash on Exhibit A. At no time did IPP Limited upload Plaintiff's copyrighted content to any other BitTorrent user.

21. IPP Limited downloaded from Defendant one or more bits of each digital media file as identified by its hash value on Exhibit A. The most recent TCP/IP connection between IPP and the Defendant's IP address for each file hash listed on Exhibit A is included within the column labeled Hit Date UTC. UTC refers to Universal Time which is utilized for air traffic control as well as computer forensic purposes.

22. An overview of the Copyrights-in-Suit, including each hit date, date of first publication, registration date, and registration number issued by the United States Copyright Office is set forth on Exhibit B.

23. IPP Limited has also engaged in enhanced surveillance of other digital media files being distributed by Defendant. The results of this more intensive surveillance are outlined in Exhibit C. The Copyrights-in-Suit are solely limited to content owned by Plaintiff as outlined in Exhibit B. Exhibit C is provided for evidentiary purposes only.

24. As the subscriber in control of the IP address being used to distribute Plaintiff's copyrighted movies, Defendant is the most likely infringer. Consequently, Plaintiff hereby alleges Defendant is the infringer. Plaintiff has included as Exhibit D a solicitation of exculpatory evidence in the event that Defendant chooses to deny the allegations.

25. Defendant is the only person who can be identified as the infringer at this time.

Miscellaneous

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

27. Plaintiff has retained counsel and is obligated to pay said counsel a reasonable fee for its services.

COUNT I
Direct Infringement Against Defendant

28. The allegations contained in paragraphs 1-27 are hereby re-alleged as if fully set forth herein.

29. Plaintiff is the owner of the Copyrights-in-Suit, as outlined in Exhibit B, each of which covers an original work of authorship.

30. By using BitTorrent, Defendant copied and distributed the constituent elements of each of the original works covered by the Copyrights-in-Suit.

31. Plaintiff did not authorize, permit or consent to Defendant's distribution of its works.

32. 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).

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

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 digital media files relating to Plaintiff's works from each of the computers under Defendant's possession, custody or control;

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

(D) Award Plaintiff statutory damages in the amount of \$150,000 per infringed Work pursuant to 17 U.S.C. § 504-(a) and (c);

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

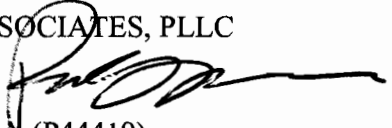
(F) Grant Plaintiff any other and further relief this Court deems just and proper.

DEMAND FOR A JURY TRIAL

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

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

By: /s/ Paul J. Nicoletti 
Paul J. Nicoletti, Esq. (P44419)
36880 Woodward Ave, Suite 100
Bloomfield Hills, MI 48304
Tel: (248) 203-7800
Fax: (248) 203-7801
E-Fax: (248) 928-7051
Email: paul@nicoletti-associates.com
Attorneys for Plaintiff

File Hashes for IP Address 71.194.56.83

ISP: Comcast Cable

Physical Location: Valparaiso, IN

Hit Date UTC	File Hash	Title
03/03/2013 00:17:12	E52F3EF3AE1909D8846DDA073D524E5EC7519895	Mad Passion
02/18/2013 14:10:22	7E1C2F79E25F5A28C749991023A5ABD74D73C24E	Apartment in Madrid
02/07/2013 16:38:40	728CAE61541054A512F692033D7A5325A6C3DCBC	Deep Longing
01/22/2013 21:01:29	3E60B49558C53CC04D6336A30107A263AF5D75EF	A Little Rain Must Fall
01/16/2013 15:09:15	8987EE538A06DBFF5E27723DB4E8BB4B74997333	Then They Were Three
01/11/2013 15:08:25	A3D2E44E922CAF5F39268A88B58B47905B81AD19	Warm Inside
01/08/2013 18:04:41	1626178413A7D698307C5F8A2661A60FCAAF8	Sweetest Dreams
01/07/2013 17:35:40	1B180F54C8FC18A8A278856A812342B90CCEEB6A	Spur of the Moment
12/26/2012 19:40:18	AC44BD2FC75996D6918F94E9E85828A7A01BF5B8	Naughty and Nice
12/14/2012 01:01:12	3275AC7BCF3A4A75069F663ED5D84BF1D2E3882D	Unforgettable View #2
11/28/2012 18:47:27	2F73EB7A20893FCF0B3C8E50C4775048B6D46F38	Introducing Angelica
11/03/2012 12:16:58	F0AFDBC7DD17E26F0B9C61F5152655F428C05D55	Still With Me
10/31/2012 13:35:25	1FA2BFA906342B360BBB52CB645F94CD19B3FF4E	Black Lingerie Bliss
10/28/2012 23:38:37	BC2FB2F0B4C21041E44FF3ED68364E5365D0856D	Wild Things
10/27/2012 00:18:21	F16068977477F8D04C729B0B4B897426D5E5F995	Kristen Girl Next Door
10/27/2012 00:12:42	54BBEB2E485E8FA60FED3C4503A772B3BB18DE65	A Day to Remember
10/21/2012 22:22:09	7753482258D4E58CFB5F06C59DB6445C826B279A	Flexible Beauty
10/05/2012 22:09:11	56A5F3D75B521CB25E640A4D62E9AEF18B4BE7A3	Daddys Office
10/01/2012 04:50:18	5D078FC4F665E7B3E7D80C47845956542379750F	Transcendence
10/01/2012 04:44:38	190564E192360B118131350CB392AAA6574FA2C6	Tiffany Sex with a Supermodel
09/30/2012 01:21:45	DF55C4415BD1DDB2DAE91139804053B35B33BBA1	Morning Memories
09/28/2012 14:29:28	E618831736A16B827DF5D93C5167A8989E864F36	First Love

EXHIBIT A

NIN21

Hit Date UTC	File Hash	Title
09/07/2012 01:07:42	5BFE0261FD5315EBD491ABB EF7279DE9EE30E377	Side by Side

Total Statutory Claims Against Defendant: 23

EXHIBIT A

NIN21

Copyrights-In-Suit for IP Address 71.194.56.83

ISP: Comcast Cable
Location: Valparaiso, IN

Title	Registration Number	Date of First Publication	Registration Date	Most Recent Hit UTC
A Day to Remember	PA0001811850	10/22/2012	10/26/2012	10/27/2012
A Little Rain Must Fall	PA0001822653	01/23/2013	01/27/2013	01/22/2013
Apartment in Madrid	PA0001826992	02/16/2013	02/18/2013	02/18/2013
Black Lingerie Bliss	PA0001806468	09/19/2012	09/19/2012	10/31/2012
Daddys Office	PA0001776838	11/12/2010	02/21/2012	10/05/2012
Deep Longing	PA0001825722	02/05/2013	02/15/2013	02/07/2013
First Love	PA0001806476	09/05/2012	09/25/2012	09/28/2012
Flexible Beauty	PA0001811853	10/19/2012	10/26/2012	10/21/2012
Introducing Angelica	PA0001818283	11/28/2012	12/13/2012	11/28/2012
Kristen Girl Next Door	PA0001762076	08/25/2010	11/18/2011	10/27/2012
Mad Passion	PENDING	03/01/2013	03/07/2013	03/03/2013
Morning Memories	PA0001806469	09/10/2012	09/19/2012	09/30/2012
Naughty and Nice	PA0001819290	12/25/2012	12/31/2012	12/26/2012
Side by Side	PA0001805261	09/03/2012	09/19/2012	09/07/2012
Spur of the Moment	PA0001820192	01/07/2013	01/08/2013	01/07/2013
Still With Me	PA0001813360	11/02/2012	11/19/2012	11/03/2012
Sweetest Dreams	PA0001820194	01/04/2013	01/08/2013	01/08/2013
Then They Were Three	PA0001817761	12/09/2012	12/16/2012	01/16/2013
Tiffany Sex with a Supermodel	PA0001762022	02/23/2011	11/21/2011	10/01/2012
Transcendence	PA0001799577	07/30/2012	07/31/2012	10/01/2012
Unforgettable View #2	PA0001817765	12/13/2012	12/16/2012	12/14/2012

EXHIBIT B

NIN21

Title	Registration Number	Date of First Publication	Registration Date	Most Recent Hit UTC
Warm Inside	PA0001820856	01/11/2013	01/13/2013	01/11/2013
Wild Things	PA0001809287	10/05/2012	10/07/2012	10/28/2012

Total Malibu Media, LLC Copyrights Infringed: 23

EXHIBIT B

NIN21

Expanded Surveillance of IP Address 71.194.56.83

ISP: Comcast Cable

Location: Valparaiso, IN

Hit Date UTC	Filename
02/20/2013	Skyfall (2012) [1080p]
02/18/2013	x-art_kaylee_apartment_in_madrid_540-chkm8te.mp4
02/07/2013	X-Art - Deep Longing - Eufrat, Angelica [720p].wmv
02/01/2013	x-art_kristen_working_out_together_720.wmv
01/31/2013	Earth Wind and Fire - Greatest Hits.rar
01/27/2013	YoungLegalPorn - An Ardent Interconnection - Anjelica [720p].mp4
01/22/2013	X-Art - A Little Rain Must Fall - Angelica [1080p].mov
01/22/2013	Mastering the Art of French Cooking.pdf
01/22/2013	x-art_angelica_a_little_rain_must_fall_1080.mov
01/22/2013	Hi-Fidelity Dub Sessions, Vol. 5
01/20/2013	Dredd (2012) [1080p]
01/16/2013	IORRT 3.5.cmd
01/13/2013	prnfile665x.avi
01/08/2013	X ART SWEETEST DREAMS
01/08/2013	VA - Dro Atlantic 11 (Promo 2006) - Pop [www.torrentazos.com].rar
01/02/2013	The Walking Dead Season 3 Complete(Ep 1-8) HDTV x264 [Vector]
12/31/2012	x-art_angie_morning_desires_720.wmv
12/28/2012	White Collar Season 4
12/11/2012	x-art_ivana_miss_me_not_1080.mov
12/09/2012	x-art_baby_susie_then_they_were_three_1080.mov
12/08/2012	Bride Wars (2009)

EXHIBIT C

NIN21

Hit Date UTC	Filename
11/18/2012	X-Art - Formidable Beauty - Beatrice [1080p].mp4
10/31/2012	X-Art - Casual Sex - Caprice, Ivana [720p].mov
10/28/2012	X-Art - Wild Things - Silvie, Grace [1080p].mov
10/25/2012	Kendrick_Lamar-Good_Kid_M.A.A.D_City-(Deluxe_Edition)-(RapGodFathers.info)
10/25/2012	Covert.Affairs.S03E12.HDTV.x264-2HD.mp4
10/23/2012	X-Art - A Day to Remember - Baby [720p].wmv
10/22/2012	X-Art - Flexible Beauty - Mira aka Diana G [1080p].mov
10/20/2012	The Five Year Engagement (2012)
10/20/2012	Covert.Affairs.S03E11.REPACK.HDTV.x264-2HD.mp4
10/19/2012	Thats My Boy (2012) [1080p]
10/17/2012	X-Art - Young Passion - Baby [720p].mp4
10/15/2012	X-Art - Daydream - Diana [1080p].wmv
10/09/2012	x-art_jasmine_dangerous_game_720.wmv
10/01/2012	The Avengers (2012) [1080p]
09/28/2012	X-Art - Morning Memories - Cindy [720p].wmv
09/28/2012	x-art_kaylee_ian_first_love_540.mov
09/25/2012	[www.Torrenting.com] - The.Avengers.2012.DVDRip.XviD-NYDIC
09/22/2012	Prometheus.2012.DVDRip.XViD.AC3-REFILL
09/21/2012	x-art_kristen_happy_couple_540.wmv
09/13/2012	Wanted (2008)
09/12/2012	Contraband (2012) [1080p]
09/12/2012	Covert.Affairs.S03E09.HDTV.x264-ASAP.mp4
09/09/2012	Covert.Affairs.S03E06.HDTV.x264-EVOLVE.mp4
09/08/2012	[www.Torrenting.com] - Headhunters (2012) DVDRip.XVID.AC3-DQ1
09/08/2012	Headhunters.avi

EXHIBIT C

NIN21

Hit Date UTC	Filename
09/07/2012	X-Art - Side by Side - Leila, Ivy [1080p].wmv
09/07/2012	Heroes.S01E18.HDTV.XviD-LOL
09/06/2012	Californication Season 5 complete 720p
09/05/2012	Californication Season 4 (2011) COMPLETE ALL 12 Episodes by vladtepes3176
08/31/2012	Ransom (Mel Gibson) Xvid.avi
08/31/2012	X-Art - Unbelievably Beautiful - Silvie [1080p].mov
08/26/2012	The Avengers.mp4
08/10/2012	Covert.Affairs.S03E04.HDTV.x264-EVOLVE.mp4
07/29/2012	Covert.Affairs.S03E03.The.Last.Thing.You.Should.Do.HDTV.x264-FQM.mp4

EXHIBIT C

NIN21

EXCULPATORY EVIDENCE REQUEST

Subscriber Name:

Subscriber Address:

Attorney Name/Contact:

1. List all authorized users (including household members) of any IP Address assigned to the Defendant.

Authorized User Name/Relationship

A. _____

- Adult Child
- Domestic Partner
- Minor Child
- Roommate
- Spouse
- Tenant
- Unrelated adult

B. _____

- Adult Child
- Domestic Partner
- Minor Child
- Roommate
- Spouse
- Tenant
- Unrelated adult

C. _____

- Adult Child
- Domestic Partner
- Minor Child
- Roommate
- Spouse
- Tenant
- Unrelated adult

EXHIBIT D

D. _____

- Adult Child
- Domestic Partner
- Minor Child
- Roommate
- Spouse
- Tenant
- Unrelated adult

2. Has a WI-FI enabled device been used to effectuate a connection to an IP Address assigned to the Defendant?

YES NO

3. If #2 is yes, please provide make, model and serial number of all such WI-FI modems and/or routers:

4. Has a Bittorrent Client been installed on any electronic device used by the Defendant and/or other Authorized Users used to access the Internet via an IP Address assigned to the Defendant?

YES NO

5. What is the distance from the Defendant's residence to the closest neighbor?

_____ Yards.

EXHIBIT D

NIN21

6. Has the Defendant and/or Authorized Users as listed in #1 above ever legally purchased Plaintiff's material or visited their website?

YES NO

7. Has the Defendant and/or Authorized Users as listed in #1 above ever visited any website containing Torrent Magnet Links?

YES NO

8. Has the Defendant and/or Authorized Users as listed in #1 above ever used Google, Bing, Yahoo or any other Internet Search Engine to search for information on Torrent files and/or websites?

YES NO

9. Has the Defendant and/or Authorized Users as listed in #1 above ever visited a streaming media site containing unauthorized copies of Plaintiff's works?

YES NO

10. Has the Defendant and/or any Authorized User as listed in #1 received a notice of copyright infringement from their Internet Service Provider, from the Center for Copyright Information, or from any other private intellectual property owner?

YES NO

Signed

Date

EXHIBIT D

NIN21