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3 Attorney for Plaintiff, IO GROUP, INC.
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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 CV11 03454CAS VBKx

12 IO GROUP, INC. d/b/a TITAN
13 MEDIA, a California corporation,

) CASE NO.:

14 Plaintiff,

) COMPLAINT:

15 vs.

) COPYRIGHT INFRINGEMENT

16 Anthony Uy, a resident of California,

) JURY TRIAL DEMANDED

17 Defendant.
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21 INTRODUCTION

22 1. This is an action by IO GROUP, INC. a California corporation, d/b/a
23 Titan Media ("Titan Media"), to recover damages arising from infringement of Io
24 Group's copyrights in its creative works by Defendant Anthony Uy and to enjoin
25 Defendant from future infringement. Defendant reproduced, distributed, and
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1 publicly displayed, through the P2P network "eDonkey2000" at least one Io Group-
2 owned audiovisual works.

3 4 THE PARTIES

5 2. Io Group, Inc. is a California corporation doing business as "Titan
6 Media," with its principal place of business located at 69 Converse Street, San
7 Francisco, California 94103. Titan Media produces, markets, and distributes adult
8 entertainment products, including Internet website content, videos, DVDs,
9 photographs, etc. Plaintiff operates and maintains a website by and through which
10 customers paying a monthly subscription fee may view Plaintiff's photographic and
11 audiovisual works.
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15 3. Anthony Uy is an individual who resides in Torrance California. Uy
16 used an Internet connection provided by Verizon Online, LLC to access the Internet
17 for the purpose of engaging in the infringing activity complained of herein.
18

19 JURISDICTION

20 4. This Court has subject matter jurisdiction over Plaintiff's claims for
21 copyright infringement and related claims pursuant to 17 U.S.C. §§ 101, *et. seq.*, and
22 28 U.S.C. §§ 1331 and 1338(a).
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25 5. The Court has personal jurisdiction over Defendant. Defendant resides
26 in the state of California and has committed unlawful and tortuous acts knowing his
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1 acts would cause injury in California. Plaintiff's claims arise out of the conduct that
2 gives rise to personal jurisdiction over Defendant.

3 4 VENUE

5 6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and
6 1400(a).

7 8 CLAIM FOR COPYRIGHT INFRINGEMENT

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

16 8. Plaintiff has won numerous awards for its high-quality work beginning with
17 an award for Best Gay Video in its first year in existence (1995). Since then Plaintiff has
18 won awards nearly every year including awards for Best Art Direction, Best Videography,
19 Best Packaging, Best DVD Extras, Best Cinematography, and Best Editing. Competitors
20 and consumers alike recognize Plaintiff as one of the highest quality producers of gay
21 erotica.

22 9. *Toolbox*, the audiovisual work at issue in this action, is of obvious high
23 production values and is easily discernable as a professional work. Plaintiff created the
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1 works using professional performers, directors, cinematographers, lighting technicians, set
2 designers and editors. Plaintiff created each work with professional-grade cameras,
3 lighting, and editing equipment.

4
5 10. The work was marked with Plaintiff's trademark, a copyright notice, a
6 warning that unauthorized copying is illegal and will be prosecuted, and a statement as
7 required by 18 U.S.C. §2257 that age verification records for all individuals appearing in
8 the works are maintained at corporate offices in San Francisco, California.

9
10 11. At all times relevant hereto, Plaintiff has been the producer and owner of the
11 audiovisual work, *ToolBox*, which Defendant Uy, without authorization reproduced and
12 distributed by and through the P2P network "eDonkey2000".

13
14 12. Plaintiff registered Toolbox with the United States Copyright Office and
15 holds the copyright registration certificate for the work, that registration being numbered
16 PA 1-674-023. A copy of the Registration Certificate is attached hereto as Exhibit A.

17
18 13. Plaintiff is informed and believes and based thereon alleges that Defendant
19 Uy without authorization, reproduced and distributed Plaintiff's copyright registered works
20 by and through the P2P network "eDonkey2000" on 5/20/2010 at 02:17:19 GMT, from the
21 IP address 71.254.185.101.

22
23 14. Plaintiff is informed and believes and based thereon alleges that Defendant
24 was aware that he did not have Io Group's authorization to reproduce *Toolbox* or to
25 distribute it by and through eDonkey2000.
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JURY DEMAND

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

PRAYER

WHEREFORE, Plaintiff Io Group, Inc. respectfully requests judgment as follows:

(1) That the Court enter a judgment against Defendant that he has: a) willfully infringed Plaintiff's rights in its federally registered copyright under 17 U.S.C. § 501; and b) otherwise injured the business reputation and business of Plaintiff by his acts and conduct set forth in this Complaint.

(2) That the Court issue injunctive relief against Defendant, and that Defendant, his agents, representatives, servants, employees, attorneys, successors and assigns, and all others in active concert or participation with them, be enjoined and restrained from copying, posting or making any other infringing use or infringing distribution of audiovisual works, photographs or other materials owned by or registered to Plaintiff;

(3) That the Court enter an order of impoundment pursuant to 17 U.S.C. §§ 503 and 509(a) impounding all infringing copies of Plaintiff's audiovisual works, photographs or other materials, which are in Defendant's possession or under his control;

(4) That the Court order Defendant to pay Plaintiff's general, special, actual and statutory damages as follows: Plaintiff's damages and Defendant's profits pursuant to 17 U.S.C. § 504(b), or in the alternative, enhanced statutory damages in the amount of one hundred fifty thousand dollars (\$150,000.00), pursuant to 17 U.S.C. § 504(c)(2), for Defendant's willful infringement of Plaintiff's copyrights; and

1 (5) That the Court order Defendant to pay Plaintiff both the costs of this action
2 and the reasonable attorney's fees incurred by it in prosecuting this action pursuant to 17
3 U.S.C. § 504; and
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5 (6) That the Court grant to Plaintiff such other and additional relief as is just and
6 proper.
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9 Dated: 4/20/2011

Respectfully submitted,

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14 D. GILL SPERLEIN
15 THE LAW OFFICE OF D. GILL SPERLEIN
16 Attorney for Plaintiff, IO GROUP, INC.
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Exhibit A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number
PA 1-674-023

Effective date of
registration:

February 18, 2010

Title

Title of Work: Toolbox

Completion/ Publication

Year of Completion: 2009

Date of 1st Publication: January 19, 2010

Nation of 1st Publication: United States

Author

■ Author: Io Group, Inc., dba Titan Media

Author Created: entire motion picture

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: Io Group, Inc., dba Titan Media

69 Converse Street, San Francisco, CA, 94103

Rights and Permissions

Organization Name: Titan Media

Telephone: 415-487-1211

Address: 69 Converse Street

San Francisco, CA 94103

Certification

Name: Eric Burford

Date: February 11, 2010

D. GILL SPERLEIN
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 San Francisco, California 94114
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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

IO GROUP, INC. d/b/a TITAN MEDIA, a California
 corporation,

PLAINTIFF(S)

v.

Anthony Uy, a resident of California,

DEFENDANT(S).

CASE NUMBER

CV11 03454 CAS VBKx

SUMMONS

TO: DEFENDANT(S): Anthony UY

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, D. Gill Sperlein, whose address is 584 Castro Street, Suite 879, San Francisco, CA 94114, gill@sperleinlaw.com. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

APR 22 2011

Clerk, U.S. District Court

Dated: _____

By: _____

CHRISTOPHER POWERS
 Deputy Clerk
 (Seal of the Court)

1181

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) IO GROUP, INC.	DEFENDANTS ANTHONY UY
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) D. GILL SPERLEIN (172887) gill@sperleinlaw.com 584 Castro Street, Suite 879 P: 415-404-6615 San Francisco, California 94114 F: 415-404-6616	Attorneys (If Known)

II. BASIS OF JURISDICTION (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)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	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
	PTF	DEF		PTF	DEF																				
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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.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)	CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ 150,000.00
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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 USC 101 et seq. Copyright Infringement
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VII. NATURE OF SUIT (Place an X in one box only.)
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OTHER STATUTES <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 Constitutionality of State Statutes	CONTRACT <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 REAL PROPERTY <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	TORTS PERSONAL INJURY <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 IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <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 BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <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	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 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 FORFEITURE / PENALTY <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	LABOR <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. Ret. Inc. Security Act PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**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
	San Francisco County, California

- (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
Los Angeles County, California	

- (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
	San Francisco County, California

* 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):  **Date** 4/20/2011

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))