

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 0:11-cv-60947

IO GROUP, INC.,

Plaintiff,

v.

ANTONIO ALMEIDA,

Defendant.

_____ /

COMPLAINT

1. For its complaint against defendant, plaintiff, IO GROUP, INC. alleges as follows:

INTRODUCTION

2. This is an action by IO GROUP, INC. a California corporation, d/b/a Titan Media (“Titan Media”), to recover damages arising from infringement of Titan Media’s copyrights in its creative works by Defendant ANTONIO ALMEIDA and to enjoin Defendant from future infringement. Defendant reproduced, distributed, and publicly displayed, through the P2P network “eDonkey2000” at least one Titan Media-owned audiovisual work.

THE PARTIES

3. IO GROUP, INC. is a California corporation doing business as “Titan Media,” with its principal place of business located at 69 Converse Street, San Francisco, California 94103. Titan Media produces, markets, and distributes adult entertainment products, including Internet website content, videos, DVDs, photographs, etc. Plaintiff operates and maintains a

website by and through which customers paying a monthly subscription fee may view Plaintiff's photographic and audiovisual works.

4. ANTONIO ALMEIDA is an individual who resides in Wilton Manors, Florida. Almeida used a residential Internet connection provided by Bell South to access the Internet for the purpose of engaging in the infringing activity complained of herein.

STATEMENT OF JURISDICTION AND VENUE

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

6. The Court has personal jurisdiction over Defendant in that Defendant resides in this District. In addition, a substantial part of the acts of infringement complained of herein occurred in this District.

7. Venue is proper in this District under 28 U.S.C. section 1400(a) because Defendant resides and may be found in this District.

CLAIM FOR COPYRIGHT INFRINGEMENT

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

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

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

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

12. At all times relevant hereto, Plaintiff has been the producer and owner of the audiovisual work, *Fallen Angel*, which Defendant Almeida, without authorization reproduced and distributed by and through the P2P network "eDonkey2000".

13. Plaintiff registered *Fallen Angel* with the United States Copyright Office and holds the copyright registration certificate for the work, that registration being numbered PA 871-486. A copy of the Registration Certificate is attached hereto as Exhibit A.

14. Plaintiff is informed and believes and based thereon alleges that Defendant Almeida without authorization, reproduced and distributed Plaintiff's copyright registered works

by and through the P2P network "eDonkey2000" on April 1, 2010 at 21:59:43 GMT, from the IP address 74.225.73.217.

15. Plaintiff is informed and believes and based thereon alleges that Defendant was aware that he did not have Titan Media's authorization to reproduce *Fallen Angel* or to distribute it by and through eDonkey2000.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Io Group, Inc. respectfully prays for judgment against Defendant 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 an amount to be determined

according to proof pursuant to 17 U.S.C. § 504(c)(2), for Defendant's willful infringement of Plaintiff's copyrights; and

(5) That the Court order Defendant to pay Plaintiff both the costs of this action and the reasonable attorneys' fees incurred by it in prosecuting this action pursuant to 17 U.S.C. § 504; and

(6) That the Court grant to Plaintiff such other and additional relief as is just and proper.

JURY DEMAND

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.

Dated:

Respectfully submitted,

s/Marc J. Randazza

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