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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PARAMOUNT PICTURES CORPORATION and
TWENTIETH CENTURY FOX FILM CORPORATION

03 CV

No. **7316**

Plaintiffs,

- against -

COMPLAINT

TRITON TECHNOLOGIES, INC.;
WORLD REACH L.L.C.;
OOI L.L.C.; and PROTO VENTURES, INC.,

Defendants.

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Plaintiffs Paramount Pictures Corporation and Twentieth Century Fox Film

Corporation aver and allege as follows:

NATURE OF THE COMPLAINT

1. Plaintiffs are major motion picture studios that own some of the world's best-known filmed entertainment and regularly distribute copyrighted content on encrypted and copy-protected digital versatile discs ("DVDs"). In this action, Plaintiffs seek injunctive and other relief against entities that, in violation of the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. § 1201, *et seq.*, traffic in software designed to circumvent the copy-control and access-control measures that protect the content on DVDs from digital piracy.

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JAN 11 2007
CLERK

JURISDICTION AND VENUE

2. As this case arises under the Copyright Act, 17 U.S.C. § 101, *et seq.*, jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over the Defendants in that each of them has had continuous and ongoing business contacts with residents of New York and has intentionally engaged in acts targeted at New York that have caused harm to Plaintiffs in this State.

4. A substantial part of the events and omissions giving rise to the claims herein occurred within this judicial District; venue therefore lies in this District under 28 U.S.C. §§ 1400(a) and 1391(b).

THE PLAINTIFFS AND THEIR WORKS

5. Plaintiff Paramount Pictures Corporation is a Delaware corporation, with a principal place of business in California.

6. Plaintiff Twentieth Century Fox Film Corporation is a Delaware corporation, with a principal place of business in California.

7. Plaintiffs are among the world's preeminent creators, producers, and distributors of motion pictures and other filmed content. Each Plaintiff owns and/or possesses the exclusive reproduction, adaptation, and/or distribution rights under United States copyright in a very large number of motion pictures and other filmed entertainment.

8. Plaintiffs and their affiliates distribute these copyrighted works through a variety of channels, including theatrical release, pay-per-view, and, most significant for the purposes of this Complaint, on DVDs made available to the public for rent or sale.

9. DVDs hold full-length motion pictures (commonly along with other, related content) in digital format. DVDs are designed primarily for home viewing, to be played through the use of either a free-standing, licensed DVD player or a personal computer configured with a licensed DVD drive and related software. Unlike videocassettes, which contain motion pictures or other works in analog form, the works contained on DVDs are digitally formatted and as a result provide viewers with significantly improved audio and video fidelity.

10. By distributing their copyrighted works in this digital format, however, Plaintiffs expose themselves to a heightened risk of copyright piracy. Unlike the material on analog media such as videocassettes, works stored on DVDs can be copied without degradation to either a CD-R, writable DVD, or a computer hard drive. And once copied, the content can be distributed virtually instantaneously over the Internet to millions of people. Thus, absent access- and copy-control protections, works contained on DVDs would be subject to a form of digital piracy that is global in scale and viral in nature. Where the average motion picture now costs more than \$80 million to make, market, and distribute, and where films are being issued on DVD at the rate of more than 40 new titles per month, the risk of injury to motion picture copyright owners is grave.

11. Before proceeding with plans to release their copyrighted works in the DVD format, Plaintiffs and others adopted a copy-protection and access-control system for DVDs called the "Content Scramble System," or "CSS." CSS is a technological measure that (a) effectively controls access to works protected by the Copyright Act, and (b) effectively protects rights of copyright owners to control whether an end user can reproduce and/or distribute unauthorized copies of their copyrighted works, or portions thereof.

THE DEFENDANTS AND THEIR WRONGFUL CONDUCT

12. Defendants are various individuals and entities that traffic in, provide, and offer to the public various computer programs designed to circumvent CSS, without the authorization of the copyright holders, in order to copy the works contained on DVDs.

13. Defendant QOJ L.L.C. is a New York limited liability company. QOJ operates the website www.copiesanything.com, through which it offers to the public, provides, and otherwise traffics in (in New York and elsewhere) the DVD-copying software "Copies Anything." This software, or a part thereof, is primarily designed and produced for the purpose of circumventing CSS, is marketed for the purpose of circumventing CSS, and has limited, if any, commercially significant purpose or use other than to circumvent CSS.

14. Defendant Tritton Technologies, Inc. is a California corporation that manufactures, provides, and through its agents distributes and otherwise traffics in (in New York and elsewhere) the DVD-copying software "DVD CopyWare." This software, or a part thereof, is primarily designed and produced for the purpose of circumventing CSS, is marketed for the purpose of circumventing CSS, and has limited, if any, commercially significant purpose or use other than to circumvent CSS.

15. Defendant World Reach L.L.C. is a Georgia limited liability company. World Reach operates the websites www.gototracker.com, www.gototracking.com, www.dvdfastcopy.com, www.copydvcd.com, and www.copydvd80.com. Through these websites, World Reach offers to the public, provides, and otherwise traffics in (in New York and elsewhere) the DVD-copying software referred to as "Copy DVD 8.0," "Copy DVDCD," and "DVD Fast Copy" and "DVD X One." World Reach previously offered to the public, provided, and trafficked in the DVD-copying software "Replicant." Each of these software products, or a

part thereof, is primarily designed and produced for the purpose of circumventing CSS, is marketed for the purpose of circumventing CSS, and has limited, if any, commercially significant purpose or use other than to circumvent CSS. World Reach distributes at least one of these software products through a network server located in New York, New York.

16. Proto Ventures, Inc. is an Oregon corporation that operated the website www.y2k89a.com, through which it offered to the public, provided, and otherwise trafficked in (in New York and elsewhere) the DVD-copying software "DVD Wizard Pro." This software, or a part thereof, is primarily designed and produced for the purpose of circumventing CSS, is marketed for the purpose of circumventing CSS, and has limited, if any, commercially significant purpose or use other than to circumvent CSS.

CLAIM FOR RELIEF

(Violation of 17 U.S.C. § 1201)

17. Plaintiffs repeat and reallege every allegation contained in paragraphs 1 through 16 as if fully set forth herein.

18. Defendants offer to the public, provide or otherwise traffic in software products and services, or parts thereof, that (a) are primarily designed for the purpose of circumventing CSS or the protection afforded by CSS, (b) have only limited (if any) commercially significant purpose or use other than to circumvent CSS or the protection offered by CSS, and/or (c) are marketed and sold by Defendants and/or others working in concert with them with Defendants' knowledge for use in circumventing protection afforded by CSS.

19. By offering to the public, providing, or otherwise trafficking in their DVD-copying software products and services, Defendants have violated two separate provisions

governing circumvention of copyright protection systems set forth in the Copyright Act, 17 U.S.C. § 1201(a)(2) and 17 U.S.C. § 1201(b)(1).

20. The conduct of Defendants has caused and is causing, and unless enjoined and restrained by the Court will continue to cause Plaintiffs grave and irreparable injury. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. § 1203, Plaintiffs are entitled to a permanent injunction prohibiting further violations of § 1201.

21. As a direct and proximate result of Defendants' conduct, Plaintiffs, pursuant to 17 U.S.C. § 1203(c), are entitled to Defendants' profits attributable to their violations of 17 U.S.C. § 1201.

22. Plaintiffs are further entitled to their attorney's fees and full costs pursuant to 17 U.S.C. § 1203(b).

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

1. For a preliminary and permanent injunction enjoining Defendants and their respective agents, servants, employees, officers, attorneys, successors, licensees, partners, and assigns, and all persons acting in concert with each or any of them, from:

- (a) manufacturing, importing, offering to the public, providing or otherwise trafficking in Copies Anything, Copy DVD 8.0, Copy DVDCD, DVD Fast Copy, DVD X One, DVD CopyWare, DVD Wizard Pro, SmartRipper, CladDVD, or DeCSS, or similar products;
- (b) manufacturing, importing, offering to the public, providing, or otherwise trafficking in, any other technology, service, product, device, component, or part thereof, that:

- (i) is primarily designed or produced for the purpose of circumventing, or to circumvent the protection afforded by, CSS or any other technological measures adopted by Plaintiffs that effectively control access to Plaintiffs' copyrighted works or effectively protect Plaintiffs' rights to control whether an end user can reproduce, manufacture, publicly perform and/or distribute unauthorized copies of their copyrighted works or portions thereof;
- (ii) has only limited commercially significant purposes or uses other than to circumvent, or to circumvent the protection afforded by, CSS or any other technological measure adopted by Plaintiffs that effectively controls access to Plaintiffs' copyrighted works or effectively protects Plaintiffs' rights to control whether an end user can reproduce, manufacture, publicly perform and/or distribute unauthorized copies of their copyrighted works or portions thereof; or
- (iii) is marketed by Defendants and/or others acting in concert with them with their knowledge, for use in circumventing, or in circumventing the protection afforded by, CSS, or any other technological measure adopted by Plaintiffs that effectively controls access to Plaintiffs' copyrighted works or effectively protects Plaintiffs' rights to control whether an end user can reproduce, manufacture, publicly perform

and/or distribute unauthorized copies of their copyrighted works or portions thereof.

2. For an order requiring Defendants to deliver up on oath, to be surrendered to Plaintiffs or to be destroyed, all computer discs, computer drives, and other physical objects embodying all or any part of the computer software that comprises the products known as Copies Anything, Copy DVD 8.0, Copy DVDCD, DVD Fast Copy, DVD X One, DVD CopyWare, DVD Wizard Pro, SmartRipper, CladDVD, or DeCSS or similar products, that are in the possession, custody, or control of Defendants and/or their agents or representatives.
3. For Defendants' profits in such amount as may be found.
4. For prejudgment interest according to law.
5. For Plaintiffs' attorneys' fees, full costs, and disbursements in this action.
6. For such other and further relief as the Court may deem proper and just.

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