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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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10 TWENTIETH CENTURY FOX; COLUMBIA PICTURES;
PARAMOUNT PICTURES; WARNER BROS.; COLUMBIA
11 TRISTAR HOME ENTERTAINMENT; and NEW LINE
PRODUCTIONS

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

E-filing
WHA

16 TWENTIETH CENTURY FOX FILM
17 CORPORATION, a Delaware
18 corporation; COLUMBIA PICTURES
INDUSTRIES, INC., a Delaware
19 corporation; PARAMOUNT PICTURES
CORPORATION, a Delaware
20 corporation; WARNER BROS.
ENTERTAINMENT INC., a Delaware
21 corporation; COLUMBIA TRISTAR HOME
22 ENTERTAINMENT, INC., a Delaware
23 corporation; and NEW LINE
PRODUCTIONS, INC., a Delaware
corporation,

C 04 4862
Case No.:

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

24 Plaintiffs,

25 vs.

26 DOES 1 - 12,

27 Defendants.
28

1 (collectively, the "Plaintiffs") are among the world's leading
2 creators and distributors of motion pictures. Plaintiffs bring
3 this action to stop Defendants from copying and distributing to
4 others over the Internet unauthorized copies of the Plaintiffs'
5 copyrighted motion pictures. Defendants' infringements allow
6 them and others unlawfully to obtain and distribute for free
7 unauthorized copyrighted works that the Plaintiffs spend
8 millions of dollars to create and/or distribute. Each time a
9 Defendant unlawfully distributes a free copy of one of the
10 Plaintiffs' copyrighted motion pictures to others over the
11 Internet, each person who copies that motion picture can then
12 distribute that unlawful copy to others without any significant
13 degradation in sound and picture quality. Thus, a Defendant's
14 distribution of even one unlawful copy of a motion picture can
15 result in the nearly instantaneous worldwide distribution of
16 that single copy to a limitless number of people. The
17 Plaintiffs now seek redress for this rampant infringement of
18 their exclusive rights.

19 5. Plaintiff Twentieth Century Fox Film Corporation is a
20 Delaware corporation, with its principal place of business at
21 10201 West Pico Boulevard, Los Angeles, California. Twentieth
22 Century Fox Film Corporation ("Fox") is engaged in the
23 production, acquisition and distribution of motion pictures for
24 theatrical exhibition, home entertainment and other forms of
25 distribution. Fox is the owner of the copyrights and/or the
26 pertinent exclusive rights under copyright in the United States
27 in motion pictures, including those indicated on Exhibit A,
28

1 which have been unlawfully distributed over the Internet by the
2 Defendants.

3 6. Plaintiff Columbia Pictures Industries, Inc. is a
4 Delaware corporation, with its principal place of business at
5 10202 West Washington Boulevard, Culver City, California.
6 Columbia Pictures Industries, Inc. ("Columbia") is engaged in
7 the production, acquisition and distribution of motion pictures
8 for theatrical exhibition, home entertainment and other forms of
9 distribution. Columbia is the owner of the copyrights and/or
10 the pertinent exclusive rights under copyright in the United
11 States in motion pictures, including those indicated on Exhibit
12 A, which have been unlawfully distributed over the Internet by
13 the Defendants.

14 7. Plaintiff Paramount Pictures Corporation is a Delaware
15 corporation, with its principal place of business at 5555
16 Melrose Avenue, Los Angeles, California. Paramount Pictures
17 Corporation ("Paramount") is engaged in the production,
18 acquisition and distribution of motion pictures for theatrical
19 exhibition, home entertainment and other forms of distribution.
20 Paramount is the owner of the copyrights and/or the pertinent
21 exclusive rights under copyright in the United States in motion
22 pictures, including those indicated on Exhibit A, which have
23 been unlawfully distributed over the Internet by the Defendants.

24 8. Plaintiff Warner Bros. Entertainment Inc. is a
25 Delaware corporation, with its principal place of business at
26 4000 Warner Boulevard, Burbank, California. Warner Bros.
27 Entertainment Inc. ("Warner") is engaged in the production,
28 acquisition and distribution of motion pictures for theatrical

1 exhibition, home entertainment and other forms of distribution.
2 Warner is the owner of the copyrights and/or the pertinent
3 exclusive rights under copyright in the United States in motion
4 pictures, including those indicated on Exhibit A, which have
5 been unlawfully distributed over the Internet by the Defendants.

6 9. Plaintiff Columbia TriStar Home Entertainment, Inc. is
7 a Delaware corporation, with its principal place of business at
8 10202 West Washington Boulevard, Culver City, California.
9 Columbia TriStar Home Entertainment, Inc. ("Columbia TriStar")
10 is engaged in the production, acquisition and distribution of
11 motion pictures for theatrical exhibition, home entertainment
12 and other forms of distribution. Columbia TriStar is the owner
13 of the copyrights and/or the pertinent exclusive rights under
14 copyright in the United States in motion pictures, including
15 those indicated on Exhibit A, which have been unlawfully
16 distributed over the Internet by the Defendants.

17 10. Plaintiff New Line Productions, Inc. is a Delaware
18 corporation, with its principal place of business at 116 N.
19 Robertson Boulevard, Los Angeles, California. New Line
20 Productions, Inc. ("New Line") is engaged in the production,
21 acquisition and distribution of motion pictures for theatrical
22 exhibition, home entertainment and other forms of distribution.
23 New Line is the owner of the copyrights and/or the pertinent
24 exclusive rights under copyright in the United States in motion
25 pictures, including those indicated on Exhibit A, which have
26 been unlawfully distributed over the Internet by the Defendants.

27 11. The true names of Defendants are unknown to the
28 Plaintiffs at this time. Each Defendant is known to the

1 Plaintiffs only by the Internet Protocol ("IP") address assigned
2 to that Defendant by his or her Internet Service Provider on the
3 date and at the time at which the infringing activity of each
4 Defendant was observed. The IP address of each Defendant,
5 together with the date and time at which his or her infringing
6 activity was observed, is included on Exhibit A hereto. The
7 Plaintiffs believe that information obtained in discovery will
8 lead to the identification of each Defendant's true name and
9 permit the Plaintiffs to amend this Complaint to state the same.

10 **COUNT I**

11 **INFRINGEMENT OF COPYRIGHTS**

12 12. The Plaintiffs are responsible for the creation,
13 development, production and distribution of numerous
14 commercially released motion pictures.

15 13. At all relevant times the Plaintiffs have been the
16 holders of the pertinent exclusive rights infringed by
17 Defendants, as alleged hereunder, for certain copyrighted motion
18 pictures, including but not limited to the copyrighted motion
19 pictures listed on Exhibit A to this Complaint (collectively,
20 the "Copyrighted Motion Pictures"). Each of the Copyrighted
21 Motion Pictures is the subject of a valid Certificate of
22 Copyright Registration issued by the Register of Copyrights as
23 specified on Exhibit A.

24 14. Each of the Copyrighted Motion Pictures contains a
25 copyright notice advising the viewer that the motion picture is
26 protected by the copyright laws.

27 15. The Plaintiffs are informed and believe that each
28 Defendant, without the permission or consent of the Plaintiffs,

1 has used, and continues to use, an online media distribution
2 system to distribute to the public, including by making
3 available for distribution to others, certain of the Copyrighted
4 Motion Pictures. Exhibit A identifies on a Defendant-by-
5 Defendant basis (one Defendant per page) the Copyrighted Motion
6 Pictures that each Defendant has, without the permission or
7 consent of the Plaintiffs, distributed to the public, including
8 by making available for distribution to others. In doing so,
9 each Defendant has violated the Plaintiffs' exclusive rights of
10 reproduction and distribution. Each Defendant's actions
11 constitute infringement of the Plaintiffs' exclusive rights
12 protected under the Copyright Act of 1976 (17 U.S.C. § 101 et
13 seq.).

14 16. The foregoing acts of infringement have been willful,
15 intentional, and in disregard of and with indifference to the
16 rights of the Plaintiffs.

17 17. As a result of each Defendant's infringement of the
18 Plaintiffs' exclusive rights under copyright, the Plaintiffs are
19 entitled to relief pursuant to 17 U.S.C. § 504, and to their
20 attorneys' fees and costs pursuant to 17 U.S.C. § 505.

21 18. The conduct of each Defendant is causing and, unless
22 enjoined and restrained by this Court will continue to cause,
23 the Plaintiffs great and irreparable injury that cannot fully be
24 compensated or measured in money. The Plaintiffs have no
25 adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503,
26 the Plaintiffs are entitled to injunctive relief prohibiting
27 each Defendant from further infringing the Plaintiffs'
28 copyrights and ordering that each Defendant destroy all copies

1 of Copyrighted Motion Pictures made in violation of the
2 Plaintiffs' copyrights.

3 WHEREFORE, the Plaintiffs pray for judgment against each
4 Defendant as follows:

5 1. For entry of preliminary and permanent injunctions
6 providing that Defendant shall be enjoined from directly or
7 indirectly infringing the Plaintiffs' rights in the Copyrighted
8 Motion Pictures and any motion picture, whether now in existence
9 or later created, that is owned or controlled by the Plaintiffs
10 ("the Plaintiffs' Motion Pictures"), including without
11 limitation by using the Internet to reproduce or copy any of the
12 Plaintiffs' Motion Pictures, to distribute any of the
13 Plaintiffs' Motion Pictures, or to make any of the Plaintiffs'
14 Motion Pictures available for distribution to the public, except
15 pursuant to a lawful license or with the express authority of
16 the Plaintiffs. Defendant also shall destroy all copies of the
17 Plaintiffs' Motion Pictures that Defendant has downloaded onto
18 any computer hard drive or server without the Plaintiffs'
19 authorization and shall destroy all copies of those downloaded
20 motion pictures transferred onto any physical medium or device
21 in Defendant's possession, custody, or control.

22 2. For actual damages or statutory damages pursuant to 17
23 U.S.C. § 504, at the election of the Plaintiffs.

24 3. For the Plaintiffs' costs.

25 4. For the Plaintiffs' reasonable attorneys' fees.

26 5. For such other and further relief as the Court deems
27 proper.

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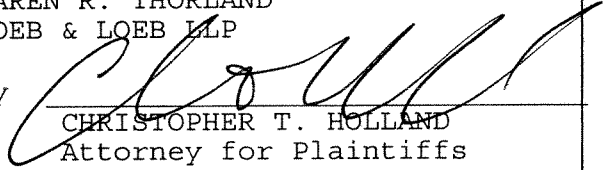
1 Plaintiffs' Certification of Interested Entities or Persons
2 is separately filed concurrently herewith as required by Civil
3 L.R. 3-16.

4 Dated: November 15, 2004

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ENTERTAINMENT; and NEW LINE
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Exhibit A

Doe #1 (69.108.234.232 2004-09-22 11:22:07 (EDT))

PLAINTIFF	MOVIE TITLE	REG#
Warner Bros. Entertainment Inc.	Troy	PA 1-220-571
Columbia Pictures Industries, Inc.	Spider-Man 2	PA 1-222-519

Exhibit A

Doe #2 (69.106.189.162 2004-10-01 11:12:14 (EDT))

PLAINTIFF	MOVIE TITLE	REG#
Twentieth Century Fox Film Corporation	Napoleon Dynamite	PA 1-222-516
Columbia TriStar Home Entertainment, Inc.	Resident Evil	PA 1-075-844

Exhibit A

Doe #3 (63.200.124.17 2004-10-18 08:46:24 (EDT))

PLAINTIFF	MOVIE TITLE	REG#
Paramount Pictures Corporation	Suspect Zero	PA 1-238-106
New Line Productions, Inc.	The Butterfly Effect	PA 1-202-063

Exhibit A

Doe #4 (206.171.170.139 2004-10-18 07:15:02 (EDT))

PLAINTIFF

MOVIE TITLE

REG#

Warner Bros. Entertainment Inc.

Harry Potter And The Prisoner Of
Azkaban

PA 1-222-542

Exhibit A

Doe #5 (64.165.10.104 2004-09-23 02:27:38 (EDT))

PLAINTIFF

MOVIE TITLE

REG#

**Twentieth Century Fox Film
Corporation**

Napoleon Dynamite

PA 1-222-516

Exhibit A

Doe #6 (67.121.194.141 2004-09-25 11:08:54 (EDT))

PLAINTIFF

MOVIE TITLE

REG#

Twentieth Century Fox Film
Corporation

Napoleon Dynamite

PA 1-222-516

Exhibit A

Doe #7 (67.123.19.140 2004-10-21 03:51:58 (EDT))

PLAINTIFF	MOVIE TITLE	REG#
Columbia Pictures Industries, Inc.	White Chicks	PA 1-222-517
Columbia Pictures Industries, Inc.	Spider-Man 2	PA 1-222-519

Exhibit A

Doe #8 (67.126.6.36 2004-10-29 07:30:11 (EDT))

PLAINTIFF

MOVIE TITLE

REG#

Twentieth Century Fox Film
Corporation

Taxi

PA 1-241-873

Exhibit A

Doe #9 (68.126.104.227 2004-09-20 22:44:08 (EDT))

PLAINTIFF	MOVIE TITLE	REG#
Twentieth Century Fox Film Corporation	Alien vs. Predator	PA 1-220-615
Columbia Pictures Industries, Inc.	Hellboy	PA 1-204-679

Exhibit A

Doe #10 (68.127.126.159 2004-10-21 06:37:46 (EDT))

PLAINTIFF

MOVIE TITLE

REG#

Paramount Pictures Corporation

The Manchurian Candidate

PA 1-238-111

Exhibit A

Doe #11 (68.127.160.230 2004-09-23 12:47:12 (EDT))

PLAINTIFF

MOVIE TITLE

REG#

Warner Bros. Entertainment Inc.

Harry Potter And The Prisoner Of
Azkaban

PA 1-222-542

Exhibit A

Doe #12 (69.104.246.153 2004-09-25 11:59:20 (EDT))

PLAINTIFF

MOVIE TITLE

REG#

Paramount Pictures Corporation

Suspect Zero

PA 1-238-106