

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED FEB 7 2014
LUTHER D. THOMAS, Clerk
By: *[Signature]* Deputy Clerk

MOTOWN RECORD COMPANY,
L.P., a California limited partnership;
FONOVISA, INC., a California
corporation; PRIORITY RECORDS
LLC, a California limited liability
company; LONDON-SIRE RECORDS
INC., a Delaware corporation;
ATLANTIC RECORDING
CORPORATION, a Delaware
corporation; ELEKTRA
ENTERTAINMENT GROUP INC., a
Delaware corporation; WARNER
BROS. RECORDS INC., a Delaware
corporation; UMG RECORDINGS,
INC., a Delaware corporation; LOUD
RECORDS, LLC, a Delaware
corporation; BMG MUSIC, a New York
general partnership; CAPITOL
RECORDS, INC., a Delaware
corporation; ARISTA RECORDS,
INC., a Delaware corporation;
INTERSCOPE RECORDS, a California
general partnership; MAVERICK
RECORDING COMPANY, a
California joint venture; SONY MUSIC
ENTERTAINMENT INC., a Delaware
corporation; and VIRGIN RECORDS
AMERICA, INC., a California
corporation,

Plaintiffs,

v.

DOES 1 - 252,

Defendants.

CIVIL ACTION FILE

No. _____

1:04-CV-0439

COMPLAINT FOR COPYRIGHT INFRINGEMENT

JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).

2. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).

3. Venue in this District is proper under 28 U.S.C. § 1391(b) and/or 28 U.S.C. § 1400(a). Although the true identity of each Defendant is unknown to Plaintiffs at this time, on information and belief, each Defendant may be found in this District and/or a substantial part of the acts of infringement complained of herein occurred in this District. On information and belief, personal jurisdiction in this District is proper because each Defendant, without consent or permission of the copyright owner, disseminated over the Internet copyrighted works owned and/or controlled by the Plaintiffs. On information and belief, such illegal dissemination occurred in every jurisdiction in the United States, including this one. In addition, each Defendant contracted with an Internet Service Provider found in this District to provide each Defendant with the access to the Internet which facilitated Defendants' infringing activities.

PARTIES

4. Plaintiff Motown Record Company, L.P. is a limited partnership duly organized and existing under the laws of the State of California, with its principal place of business in the State of New York.

5. Plaintiff Fonovisa, Inc. is a corporation duly organized and existing under the laws of the State of California, with its principal place of business in the State of California.

6. Plaintiff Priority Records LLC is a limited liability company with its principal place of business in the State of California.

7. Plaintiff London-Sire Records Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

8. Plaintiff Atlantic Recording Corporation is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

9. Plaintiff Elektra Entertainment Group Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

10. Plaintiff Warner Bros. Records Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

11. Plaintiff UMG Recordings, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of California.

12. Plaintiff Loud Records, LLC is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

13. Plaintiff BMG Music is a general partnership duly organized and existing under the laws of the State of New York, with its principal place of business in the State of New York.

14. Plaintiff Capitol Records, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

15. Plaintiff Arista Records, Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

16. Plaintiff Interscope Records is a California general partnership, with its principal place of business in the State of California.

17. Plaintiff Maverick Recording Company is a joint venture between Maverick Records and Warner Bros. Records Inc., organized and existing under the laws of the State of California, with its principal place of business in the State of California.

18. Plaintiff Sony Music Entertainment Inc. is a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business in the State of New York.

19. Plaintiff Virgin Records America, Inc. is a corporation duly organized and existing under the laws of the State of California, with its principal place of business in the State of New York.

20. The true names and capacities of the Defendants are unknown to Plaintiffs at this time. Each Defendant is known to Plaintiffs only by the Internet Protocol (“IP”) address assigned to that Defendant by his or her ISP on the date

and time at which the infringing activity of each Defendant was observed. See Exhibit A. Plaintiffs believe that information obtained in discovery will lead to the identification of each Defendant's true name.

COUNT I
INFRINGEMENT OF COPYRIGHTS

21. Plaintiffs incorporate herein by this reference each and every allegation contained in each paragraph above.

22. Plaintiffs are, and at all relevant times have been, the copyright owners or licensees of exclusive rights under United States copyright law with respect to certain copyrighted sound recordings, including, but not limited to, all of the copyrighted sound recordings on Exhibit A to this Complaint (collectively, these copyrighted sound recordings shall be identified as the “Copyrighted Recordings”). Each of the Copyrighted Recordings is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights to each Plaintiff as specified on each page of Exhibit A.

23. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Copyrighted Recordings and to distribute the Copyrighted Recordings to the public.

24. Plaintiffs are informed and believe that each Defendant, without the permission or consent of Plaintiffs, has used, and continues to use, an online media distribution system to download, distribute to the public, and/or make available for distribution to others, certain of the Copyrighted Recordings. Exhibit A identifies on a Defendant-by-Defendant basis (one Defendant per page) a list of copyrighted recordings that each Defendant has, without the permission or consent of Plaintiffs, downloaded, distributed to the public, and/or made available for distribution to others. In doing so, each Defendant has violated Plaintiffs' exclusive rights of reproduction and distribution. Each Defendant's actions constitute infringement of Plaintiffs' copyrights and/or exclusive rights under copyright. (In addition to the sound recordings listed for each Defendant on Exhibit A, Plaintiffs are informed and believe that each Defendant has, without the permission or consent of Plaintiffs, downloaded, distributed to the public, and/or made available for distribution to others additional sound recordings owned by or exclusively licensed to the Plaintiffs or Plaintiffs' affiliate record labels.)

25. Plaintiffs are informed and believe that the foregoing acts of infringement have been willful, intentional, and in disregard of and with indifference to the rights of Plaintiffs.

26. As a result of each Defendant's infringement of Plaintiffs' copyrights and exclusive rights under copyright, Plaintiffs are entitled to statutory damages

pursuant to 17 U.S.C. § 504(c) against each Defendant for each infringement by the Defendant of each copyrighted recording. Plaintiffs further are entitled to their attorneys' fees and costs pursuant to 17 U.S.C. § 505.

27. The conduct of each Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiffs are entitled to injunctive relief prohibiting each Defendant from further infringing Plaintiffs' copyrights, and ordering that each Defendant destroy all copies of copyrighted sound recordings made in violation of Plaintiffs' exclusive rights.

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

1. For an injunction providing:

"Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiffs (or any parent,

subsidiary, or affiliate record label of Plaintiffs) (“Plaintiffs’ Recordings”), including without limitation by using the Internet or any online media distribution system to reproduce (*i.e.*, download) any of Plaintiffs’ Recordings, to distribute (*i.e.*, upload) any of Plaintiffs’ Recordings, or to make any of Plaintiffs’ Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs’ Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs’ authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant’s possession, custody, or control.”

2. For statutory damages for each infringement of each Copyrighted Recording pursuant to 17 U.S.C. § 504.

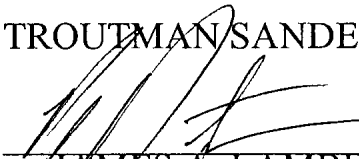
3. For Plaintiffs’ costs in this action.

4. For Plaintiffs' reasonable attorneys' fees incurred herein.

5. For such other and further relief as the Court may deem just and proper.

This 17th day of FEBRUARY, 2004

TROUTMAN SANDERS LLP




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ENTERTAINMENT GROUP INC.;
WARNER BROS. RECORDS INC.;
UMG RECORDINGS, INC.; LOUD
RECORDS, LLC; BMG MUSIC;
CAPITOL RECORDS, INC.;
ARISTA RECORDS, INC.;
INTERSCOPE RECORDS;
MAVERICK RECORDING CO.;
SONY MUSIC ENTERTAINMENT
INC.; and VIRGIN RECORDS
AMERICA, INC.

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1(B)

I hereby certify that the foregoing Complaint has been prepared in a Times New Roman 14 point font, one of the font and point selections approved by the Court in Local Rule 5.1(B).



JAMES A. LAMBERTH
Georgia Bar No. 431851
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Georgia Bar No. 232305

Exhibit A

Doc #1 (68.13.157.232 2003-11-29 13:59:45 (EST))

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Sony Music Entertainment Inc.	Mary Chapin Carpenter	The Bug	Come On Come On	145-470
Sony Music Entertainment Inc.	Billy Joel	I Don't Want To Be Alone	Glass Houses	17-630
Capitol Records, Inc.	Billy Idol	Rebel Yell	Rebel Yell	52-131
Sony Music Entertainment Inc.	Savage Garden	Carry On Dancing	Savage Garden	299-097
Atlantic Recording Corporation	Jewel	Who Will Save Your Soul	Pieces of You	198-481
Elektra Entertainment Group Inc.	Eagles	Life in the Fast Lane	Hotel California	N38950
Warner Bros. Records Inc.	Fleetwood Mac	Go Your Own Way	Rumours	N39857
Arista Records, Inc.	Whitney Houston	I Believe In You And Me	Preacher's Wife Soundtrack	242-260
UMG Recordings, Inc.	George Strait	I Cross My Heart	Pure Country	146-421
UMG Recordings, Inc.	Elton John	Blessed	Made In England	198-748