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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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

Plaintiffs,

v.

DOES 1 - 7,

Defendants.

CIVIL ACTION  
Case No.:

**PLAINTIFFS' COMPLAINT FOR  
COPYRIGHT INFRINGEMENT**

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Plaintiffs, by and through their undersigned attorneys, aver as follows:

## **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 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.

5. 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.

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

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

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

16. 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.

17. 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**

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

19. 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.

20. 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.

21. 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.)

22. 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.

23. 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.

24. 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.

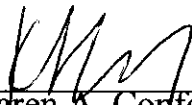
3. For Plaintiffs’ costs in this action.

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

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

**STERNS & WEINROTH, P.C.**

By:

  
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Karen A. Confoy  
Attorneys for Plaintiffs

# EXHIBIT A

**Exhibit A**

**Doe #1 (216.15.109.54 2003-11-18 07:07:35 (EST))**

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Motown Record Company, L.P.	Diana Ross	I'm Coming Out	Diana	17-850
Capitol Records, Inc.	Norah Jones	Don't Know Why	Come Away With Me	320-120
Atlantic Recording Corporation	Genesis	Invisible Touch	Invisible Touch	73-982
Atlantic Recording Corporation	Rod Stewart	Don't Come Around Here	Human	300-512
UMG Recordings, Inc.	U2	Where The Streets Have No Name	The Joshua Tree	78-949
Warner Bros. Records Inc.	Leo Sayer	When I Need You	Endless Flight	N37784
Sony Music Entertainment Inc.	Dixie Chicks	Goodbye Earl	Fly	275-086

## Exhibit A

**Doe #2 (24.148.38.59 2003-08-05 03:03:37 (EDT))**

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Arista Records, Inc.	Pink	Can't Take Me Home	Can't Take Me Home	279-958
Elektra Entertainment Group Inc.	The Cure	Close to Me	The Head on the Door	65-872
Warner Bros. Records Inc.	Madonna	Don't Tell Me	Music	285-828
Sony Music Entertainment Inc.	Destiny's Child	Fancy	Survivor	289-199
UMG Recordings, Inc.	Shania Twain	From This Moment On	Come On Over	243-502
Sony Music Entertainment Inc.	Journey	Open Arms	Escape	30-088
Capitol Records, Inc.	Billy Idol	Rebel Yell	Rebel Yell	52-131
UMG Recordings, Inc.	Vanessa Williams	Save the Best for Last	Comfort Zone	141-365

**Exhibit A**

**Doe #3 (24.148.41.122 2003-07-18 21:13:21 (EDT))**

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Virgin Records America, Inc.	Janet Jackson	That's The Way Love Goes	Janet	174-392
Arista Records, Inc.	Ace of Base	Cruel Summer	Cruel Summer	189-302
Atlantic Recording Corporation	Deborah Morgan	Dance With Me	Dance With Me	303-745
Priority Records LLC	Ice Cube	Hello	War & Peace: Vol. 2	287-151
Sony Music Entertainment Inc.	Marc Anthony	I Need To Know	Marc Anthony	284-194
Sony Music Entertainment Inc.	Jennifer Lopez	No Me Ames (Tropical Mix) duet w/Marc Anthony	On The 6	267-571
Warner Bros. Records Inc.	Linkin Park	One Step Closer	Hybrid Theory	288-402
UMG Recordings, Inc.	Guns N Roses	Paradise City	Appetite for Destruction	85-358

**Exhibit A**

**Doe #4 (207.237.75.165 2003-09-07 19:52:57 (EDT))**

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Sony Music Entertainment Inc.	Michael Jackson	Billie Jean	Thriller	41-965
Warner Bros. Records Inc.	Fleetwood Mac	Dreams	Rumours	N39857
Sony Music Entertainment Inc.	Pearl Jam	Elderly Woman Behind the Counter in a Small Town	Vs.	207-219
Capitol Records, Inc.	Duran Duran	Hungry Like the Wolf	Rio	38-444
BMG Music	SWV	Right Here	It's About Time	146-905

**Exhibit A**

**Doe #5 (207.172.230.101 2003-10-25 07:51:32 (EDT))**

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Sony Music Entertainment Inc.	Korn	Freak On a Leash	Follow the Leader	263-749
Interscope Records	No Doubt	Don't Speak	Tragic Kingdom	206-724
Maverick Recording Company	Michelle Branch	All You Wanted	The Spirit Room	303-732
Sony Music Entertainment Inc.	Michael Jackson	Man In The Mirror	Bad	84-256
UMG Recordings, Inc.	Sublime	What I Got (Reprise)	Sublime	224-105
Warner Bros. Records Inc.	Green Day	Basket Case	Dookie	185-457

**Exhibit A**

**Doe #6 (24.136.8.95 2003-06-28 06:02:00 (EDT))**

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Sony Music Entertainment Inc.	Wyclef Jean	Guantanamera	Wyclef Jean Presents The Carnival Featuring Refugee Allstars	251-493
Warner Bros. Records Inc.	Madonna	Like a Virgin	Like a Virgin	59-442
BMG Music	Clint Black	Love She Can't Live Without	D' Lectrified	270-778
Interscope Records	No Doubt	Rock Steady	Rock Steady	305-872
BMG Music	Clint Black	Summer's Coming	One Emotion	200-112
UMG Recordings, Inc.	U2	Sunday Bloody Sunday	War	42-944
Priority Records LLC	Ice Cube	You Know How We Do It	Lethal Injection	198-283
Sony Music Entertainment Inc.	Dead or Alive	You Spin Me 'Round (Like a Record)	Youthquake	68-224

## Exhibit A

**Doe #7 (24.148.37.188 2003-06-28 15:14:01 (EDT))**

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Capitol Records, Inc.	Norah Jones	Don't Know Why	Come Away With Me	320-120
Arista Records, Inc.	Adema	Freaking Out	Adema	302-233
Motown Record Company, L.P.	Marvin Gaye	Let's Get It On	Let's Get It On	N8961
Warner Bros. Records Inc.	Fleetwood Mac	Never Going Back Again	Rumours	N39857
Sony Music Entertainment Inc.	Sade	Smooth Operator	Diamond Life	69-105
BMG Music	George Winston	Thanksgiving	December	42-427
Atlantic Recording Corporation	Sister Sledge	We Are Family	We Are Family	6-182
UMG Recordings, Inc.	U2	Where The Streets Have No Name	The Joshua Tree	78-949