

JS 44 (Rev. 09/11)

**CIVIL COVER SHEET**

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p><b>I. (a) PLAINTIFFS</b> Nu Image, Inc.</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff <u>Los Angeles, CA</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p><b>(c)</b> Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Dunlap, Grubb &amp; Weaver, PLLC; 199 Liberty Street SW, Leesburg, VA 20175; 703-777-7319</p>	<p><b>DEFENDANTS</b> John Does 1-27</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p><b>II. BASIS OF JURISDICTION</b> <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i> <i>(For Diversity Cases Only)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
			<p><b>PROPERTY RIGHTS</b></p> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<p><b>REAL PROPERTY</b></p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p><b>CIVIL RIGHTS</b></p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p><b>PRISONER PETITIONS</b></p> <input type="checkbox"/> 510 Motions to Vacate Sentence <p><b>Habeas Corpus:</b></p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<p><b>LABOR</b></p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<p><b>SOCIAL SECURITY</b></p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<p><b>IMMIGRATION</b></p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<p><b>FEDERAL TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN** *(Place an "X" in One Box Only)*

1 Original Proceeding   
 2 Removed from State Court   
 3 Remanded from Appellate Court   
 4 Reinstated or Reopened   
 5 Transferred from another district *(specify)*   
 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*  
17 U.S.C. § 101 et seq

Brief description of cause:  
Copyright Infringement

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23   
**DEMAND \$** 150,000.00   
**CHECK YES only if demanded in complaint:**  
**JURY DEMAND:**  Yes     No

**VIII. RELATED CASE(S) IF ANY** *(See instructions):*   
**JUDGE** \_\_\_\_\_   
**DOCKET NUMBER** \_\_\_\_\_

DATE: 08/16/2012

SIGNATURE OF ATTORNEY OF RECORD  


**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_   
 AMOUNT \_\_\_\_\_   
 APPLYING IFP \_\_\_\_\_   
 JUDGE \_\_\_\_\_   
 MAG. JUDGE \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

*No Image, Inc. v. John Does 1-27*

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

<u>8/16/12</u>	<u>Douglas Blecki</u>	<u>Plaintiff</u>
Date	Attorney-at-law	Attorney for
<u>(703) 777-7319</u>	<u>(703) 777-3656</u>	<u>subpoena@dglwlegal.com</u>
Telephone	FAX Number	E-Mail Address

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 6423 Wilshire Blvd., Los Angeles, CA 90048

Address of Defendant:

Place of Accident, Incident or Transaction: All infringements occurred within this District (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes No [X]

Does this case involve multidistrict litigation possibilities? Yes No [X]

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes No [X]
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes No [X]
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes No [X]
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes No [X]

CIVIL: (Place [X] in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. [X] All other Federal Question Cases (Please specify)

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Douglas Blecki, counsel of record do hereby certify: Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 8/16/12

[Signature] Attorney-at-Law

310791 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/16/12

[Signature] Attorney-at-Law

310791 Attorney I.D.#

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 6423 Wilshire Blvd., Los Angeles, CA 90048

Address of Defendant: \_\_\_\_\_

Place of Accident, Incident or Transaction: All infringements occurred within this District  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes  No

Does this case involve multidistrict litigation possibilities? Yes  No

RELATED CASE, IF ANY:  
Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes  No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes  No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes  No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes  No

CIVIL: (Place  in ONE CATEGORY ONLY)

- A. Federal Question Cases:
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  7.  Civil Rights
  8.  Habeas Corpus
  9.  Securities Act(s) Cases
  10.  Social Security Review Cases
  11.  All other Federal Question Cases  
(Please specify) \_\_\_\_\_


- B. Diversity Jurisdiction Cases:
1.  Insurance Contract and Other Contracts
  2.  Airplane Personal Injury
  3.  Assault, Defamation
  4.  Marine Personal Injury
  5.  Motor Vehicle Personal Injury
  6.  Other Personal Injury (Please specify)
  7.  Products Liability
  8.  Products Liability — Asbestos
  9.  All other Diversity Cases  
(Please specify) \_\_\_\_\_

ARBITRATION CERTIFICATION

I, Douglas Blecki, counsel of record do hereby certify:  
(Check Appropriate Category)

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;  
 Relief other than monetary damages is sought.

DATE: 8/16/12

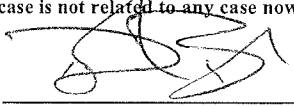
  
\_\_\_\_\_  
Attorney-at-Law

310791  
\_\_\_\_\_  
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/16/12

  
\_\_\_\_\_  
Attorney-at-Law

310791  
\_\_\_\_\_  
Attorney I.D.#

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

_____	)	
NU IMAGE, INC.	)	
6423 Wilshire Blvd.	)	
Los Angeles, CA 90048	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: _____
	)	
DOES 1 – 27	)	
	)	
Defendants.	)	
_____	)	

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiff, by its attorneys, for its complaint against Defendants, alleges:

**JURISDICTION, VENUE AND JOINDER**

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

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

3. The manner of the transfer of Plaintiff’s motion picture, “*Conan*” (also known as *Conan the Barbarian*), among the P2P network users is called a “BitTorrent protocol” or “torrent,” which is different than the standard P2P protocol used for such networks as Kazaa and Limewire. The BitTorrent protocol makes even small computers with low bandwidth capable of participating in large data transfers across a P2P network. The initial file-provider intentionally elects to share a file with a torrent network. This initial file is called a seed. Other users (“peers”) on the network connect to the seed file to download. As yet additional peers request the same file each additional user becomes a part of the network from where the file can be downloaded. However, unlike a

traditional peer-to-peer network, each new file downloader is receiving a different piece of the data from each user who has already downloaded the file that together comprises the whole. This piecemeal system with multiple pieces of data coming from peer members is usually referred to as a “swarm.” The effect of this technology makes every downloader also an uploader of the illegally transferred file(s). This means that every “node” or peer user who has a copy of the infringing copyrighted material on a torrent network must necessarily also be a source of download for that infringing file.

4. This distributed nature of BitTorrent leads to a rapid viral spreading of a file throughout peer users. As more peers join the swarm, the likelihood of a successful download increases. Because of the nature of a BitTorrent protocol, any seed peer that has downloaded a file prior to the time a subsequent peer downloads the same file is automatically a source for the subsequent peer so long as that first seed peer is online at the time the subsequent peer downloads a file. Essentially, because of the nature of the swarm downloads as described above, every infringer is *simultaneously* stealing copyrighted material from many ISPs in numerous jurisdictions around the country.

5. 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 the Plaintiff at this time, upon information and belief personal jurisdiction in this District is proper because a substantial part of the tortious acts of infringement complained of herein occurred within the Eastern District of the Commonwealth of Pennsylvania, and each Defendant: (a) may be found within the Eastern District of the Commonwealth of Pennsylvania; (b) has engaged in continuous and systematic business activity, or has contracted to supply goods or services in the Eastern District of Pennsylvania; and/or (c) knew that its tortious activities would cause significant harm to Plaintiff in the Eastern District of the Commonwealth of Pennsylvania given the fact that Plaintiff distributed its motion picture through legal distribution channels throughout the entire state. In addition, personal

jurisdiction is proper because due to the tortious acts of infringement of each Defendant within the Commonwealth of Pennsylvania, Plaintiff has suffered substantial and irreparable harm within this District because each Defendant's tortious actions have permanently compromised Plaintiff's efforts and ability to exclusively distribute its motion picture through authorized and legal distribution channels within this District and throughout the Commonwealth of Pennsylvania. Personal Jurisdiction is also proper because each Defendant contracted for services (internet access accounts) that were provided to the Defendants within the Commonwealth of Pennsylvania and which are alleged to be the instruments used to commit the infringing actions.

6. Pursuant to Fed. R. Civ. P. 20(a)(2), each Defendant is properly joined because each of the Defendant: (a) is jointly and severally liable for the infringing activities of the other Defendants; (b) the infringement complained of herein by each Defendant was part of a series of transactions, each involving the same torrent file containing Plaintiff's copyrighted motion picture, and was accomplished by the Defendants acting in concert with each other, and (c) there are common questions of law and fact.

### **PARTIES**

7. Plaintiff Nu Image, Inc. (the "Plaintiff") is a developer, producer, and distributor of motion pictures and television shows. Plaintiff brings this action to stop Defendants from copying and distributing to others over the Internet unauthorized copies of the Plaintiff's copyrighted motion picture. Defendants' infringements allow them and others unlawfully to obtain and distribute for free unauthorized copyrighted works that the Plaintiff spends millions of dollars to create and/or distribute. Each time a Defendant unlawfully distributes a free copy of the Plaintiff's copyrighted motion picture to others over the Internet, each person who copies that motion picture can then distribute that unlawful copy to others without any significant degradation in sound and picture

quality. Thus, a Defendant's distribution of even one unlawful copy of a motion picture can result in the nearly instantaneous worldwide distribution of that single copy to a limitless number of people. The Plaintiff now seeks redress for this rampant infringement of its exclusive rights.

8. Plaintiff Nu Image, Inc. is a California Corporation with its principal place of business at 6423 Wilshire Blvd., Los Angeles, CA 90048. Plaintiff is engaged in the production and distribution of motion pictures and television shows for theatrical exhibition, home entertainment, and other forms of distribution. Plaintiff is the owner of the copyrights and/or the pertinent exclusive rights under copyright in the United States in the motion picture that has been unlawfully distributed over the Internet by the Defendants.

9. The true names of Defendants are unknown to the Plaintiff at this time. Each Defendant is known to the Plaintiff only by the Internet Protocol ("IP") address assigned to that Defendant by his or her Internet Service Provider on the date and at the time at which the infringing activity of each Defendant was observed. The IP address of each Defendant thus far identified, together with the date and time at which his or her infringing activity was observed, is included on Exhibit A hereto. Plaintiff believes that information obtained in discovery will lead to the identification of each Defendant's true name and permit Plaintiff to amend this Complaint to state the same. Plaintiff further believes that additional information obtained will lead to the identification of additional infringing parties, as monitoring of online infringement of Plaintiff's motion picture is ongoing.

**COUNT I  
INFRINGEMENT OF COPYRIGHTS**

10. Plaintiff incorporates by reference as though expressly set forth herein the allegations and averments stated in Paragraphs 1 through 22 to this Complaint

11. Plaintiff was responsible for the production of the commercially released motion picture titled "*Conan*" (also known as *Conan the Barbarian*) that has significant value and has been



produced and created at considerable expense. Plaintiff incorporates by reference as though expressly set forth herein the allegations and averments stated in Paragraphs 1 through 22 to this Complaint

12. At all relevant times the Plaintiff has been the holder of the pertinent exclusive rights infringed by Defendants, as alleged hereunder, for certain copyrighted motion pictures, including but not limited to the copyrighted motion picture "*Conan*" (also known as *Conan the Barbarian*) ("Copyrighted Motion Picture," including derivative works). The Copyrighted Motion Picture is the subject of a valid Certificate of Copyright Registration # PA 1-760-541 ("Registration") issued by the Register of Copyrights.

13. The Copyrighted Motion Picture contains a copyright notice advising the viewer that the motion picture is protected by the copyright laws.

14. The Plaintiff is informed and believes that each Defendant, without the permission or consent of the Plaintiff, has used, and continues to use, an online media distribution system to reproduce and distribute to the public, including by making available for distribution to others, the Copyrighted Motion Picture. The Plaintiff has identified each Defendant by the IP address assigned to that Defendant by his or her ISP on the date and at the time at which the infringing activity of each Defendant was observed. In doing so, each Defendant has violated the Plaintiff's exclusive rights of reproduction and distribution. Each Defendant's actions constitute infringement of the Plaintiff's exclusive rights protected under the Copyright Act of 1976 (17 U.S.C. § 101 *et seq.*). On information and belief, each Defendant participated in a swarm and/or reproduced and/or distributed the same seed file of Plaintiff's Copyrighted Motion Picture in digital form with each other. More specifically, the particular swarm is associated with the unique file hash identified as SHA1: 0D7A2A89BBFD09360DEC265C65530203DB5027CA. The file hash is an identifier generated by

an algorithm developed by the National Security Agency. The file name associated with this particular swarm is Conan the Barbarian (2011) DVDRip XviD-MAXSPEED.

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

16. As a result of each Defendant's infringement of the Plaintiff's exclusive rights under copyright, the Plaintiff is entitled to relief pursuant to 17 U.S.C. § 504 and to its attorneys' fees and costs pursuant to 17 U.S.C. § 505.

17. The conduct of each Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause the Plaintiff great and irreparable injury that cannot fully be compensated or measured in money. The Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, the Plaintiff is entitled to injunctive relief prohibiting each Defendant from further infringing the Plaintiff's copyright and ordering that each Defendant destroy all copies of Copyrighted Motion Picture made in violation of the Plaintiff's copyrights.

## **COUNT II CONTRIBUTORY INFRINGEMENT**

18. Plaintiff incorporates by reference as though expressly set forth herein the allegations and averments stated in Paragraphs 1 through 22 to this Complaint

19. Plaintiff is the owner of the Registration for the Copyrighted Motion Picture, which is an original work of authorship.

20. Each Defendant copied and/or distributed seed files of the Copyrighted Motion Picture using the BitTorrent protocol, and by participating in the swarm with the other Defendants, each Defendant induced, caused, or materially contributed to the infringing conduct of each other Defendant.

21. Plaintiff did not authorize, permit or consent to Defendants' inducing, causing or materially contributing to the infringing conduct of each other Defendant.

22. Each Defendant knew or should have known that other BitTorrent users, specifically the other Defendants, would become members of a swarm with Defendant.

23. Each Defendant knew or should have known that other BitTorrent users, specifically the other Defendants, participated in a swarm with that Defendant and were directly infringing Plaintiff's Copyrighted Motion Picture by copying original constituent elements of the Copyrighted Motion Picture. Each Defendant directly participated in and therefore materially contributed to each other Defendant's infringing activities.

24. The foregoing acts of infringement have been willful, intentional, and in disregard of and with indifference to the rights of the Plaintiff.

25. As a result of each Defendant's infringement of the Plaintiff's exclusive rights under copyright, the Plaintiff is entitled to relief pursuant to 17 U.S.C. § 504 and to its attorneys' fees and costs pursuant to 17 U.S.C. § 505.

26. The conduct of each Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause the Plaintiff great and irreparable injury that cannot fully be compensated or measured in money. The Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, the Plaintiff is entitled to injunctive relief prohibiting each Defendant from further infringing the Plaintiff's copyright and ordering that each Defendant destroy all copies of Copyrighted Motion Picture made in violation of the Plaintiff's copyrights.

**WHEREFORE**, the Plaintiff prays for judgment against each Defendant as follows:

1. For entry of permanent injunctions providing that each Defendant shall be enjoined from directly or indirectly infringing the Plaintiff's rights in the Copyrighted Motion Picture and any

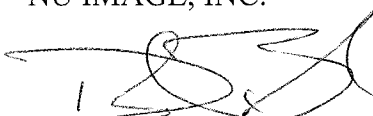
motion picture, whether now in existence or later created, that is owned or controlled by the Plaintiff (“the Plaintiff’s Motion Pictures”), including without limitation by using the Internet to reproduce or copy the Plaintiff’s Motion Pictures, to distribute the Plaintiff’s Motion Pictures, or to make the Plaintiff’s Motion Pictures available for distribution to the public, except pursuant to a lawful license or with the express authority of the Plaintiff. Each Defendant also shall destroy all copies of the Plaintiff’s Motion Pictures that Defendant has downloaded onto any computer hard drive or server without the Plaintiff’s authorization and shall destroy all copies of those downloaded motion pictures transferred onto any physical medium or device in each Defendant’s possession, custody, or control.

2. For actual damages or statutory damages pursuant to 17 U.S.C. § 504, at the election of the Plaintiff.
3. For the Plaintiff’s costs.
4. For the Plaintiff’s reasonable attorneys’ fees.
5. For such other and further relief as the Court deems proper.

Respectfully submitted,  
NU IMAGE, INC.

DATED: August 16, 2012

By:



\_\_\_\_\_  
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Pennsylvania Bar No. 310791  
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*Counsel for the Plaintiff*

No	IP Address	Hit Date (UTC)	Title	ISP
1	174.131.44.80	4/2/12 08:32:27 PM	Conan the Barbarian (2011)	Windstream Communications
2	75.90.57.149	4/8/12 10:53:46 PM	Conan the Barbarian (2011)	Windstream Communications
3	98.18.224.27	4/10/12 02:15:29 AM	Conan the Barbarian (2011)	Windstream Communications
4	75.91.86.145	4/15/12 02:59:13 PM	Conan the Barbarian (2011)	Windstream Communications
5	75.90.62.69	4/16/12 02:19:43 AM	Conan the Barbarian (2011)	Windstream Communications
6	67.140.239.193	5/3/12 10:20:39 PM	Conan the Barbarian (2011)	Windstream Communications
7	75.91.15.208	5/4/12 01:55:31 AM	Conan the Barbarian (2011)	Windstream Communications
8	174.131.21.60	5/7/12 03:14:20 AM	Conan the Barbarian (2011)	Windstream Communications
9	98.18.80.7	5/7/12 05:06:25 AM	Conan the Barbarian (2011)	Windstream Communications
10	98.16.178.194	5/10/12 03:41:30 AM	Conan the Barbarian (2011)	Windstream Communications
11	162.40.215.35	6/8/12 07:57:29 PM	Conan the Barbarian (2011)	Windstream Communications
12	75.90.23.122	6/13/12 02:05:33 AM	Conan the Barbarian (2011)	Windstream Communications
13	174.131.79.196	6/14/12 03:39:33 AM	Conan the Barbarian (2011)	Windstream Communications
14	75.90.48.179	6/17/12 12:59:00 AM	Conan the Barbarian (2011)	Windstream Communications
15	174.131.37.57	6/17/12 08:02:07 AM	Conan the Barbarian (2011)	Windstream Communications
16	174.131.118.40	6/28/12 10:12:57 PM	Conan the Barbarian (2011)	Windstream Communications
17	98.22.108.78	6/28/12 12:15:56 AM	Conan the Barbarian (2011)	Windstream Communications
18	75.91.96.221	6/30/12 10:06:49 PM	Conan the Barbarian (2011)	Windstream Communications
19	71.31.50.15	7/3/12 10:30:45 AM	Conan the Barbarian (2011)	Windstream Communications
20	174.131.52.5	7/3/12 09:38:02 PM	Conan the Barbarian (2011)	Windstream Communications
21	174.131.35.64	7/3/12 11:42:09 PM	Conan the Barbarian (2011)	Windstream Communications
22	174.131.56.19	7/4/12 04:14:44 AM	Conan the Barbarian (2011)	Windstream Communications
23	75.90.62.8	7/7/12 05:51:05 AM	Conan the Barbarian (2011)	Windstream Communications
24	75.90.233.63	7/11/12 05:38:28 AM	Conan the Barbarian (2011)	Windstream Communications
25	98.19.30.7	7/13/12 08:50:45 PM	Conan the Barbarian (2011)	Windstream Communications
26	173.191.204.86	7/15/12 02:15:46 AM	Conan the Barbarian (2011)	Windstream Communications
27	174.131.59.155	7/15/12 02:31:13 AM	Conan the Barbarian (2011)	Windstream Communications

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA


_____	)	
NU IMAGE, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: _____
	)	
DOES 1 – 27	)	
	)	
Defendants.	)	
_____	)	

**FINANCIAL INTEREST DISCLOSURE STATEMENT**

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and to enable Judges and Magistrate Judges to evaluate possible disqualification or recusal, the undersigned counsel for NU IMAGE, INC. in the above captioned action, states that there is nothing to report under Rule 7.1 in that there are no parents, subsidiaries, and/or affiliate entities (corporate or otherwise) of Plaintiff that have issued stock or debt securities to the public and no publicly held entity (corporate or otherwise) owns 10% or more of Plaintiff's stock.

Respectfully submitted,  
NU IMAGE, INC.

DATED: August 16, 2012

By:  \_\_\_\_\_

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