

bandwidth capable of participating in large data transfers for copying large files such as movies. The initial file-provider intentionally elects to share a file with a torrent network. This initial file is called a seed. Other users ("peers") and the network connect to the seed file to download a movie. As additional peers request the same file, each additional user knowingly becomes a part of the network from which the file can be downloaded. Each new file downloader receives 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 intentionally also becomes 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 a subsequent peer.

5. On information and belief, personal jurisdiction in this District is proper because each Defendant, without consent or permission of Plaintiff as exclusive rights owner, within this District, reproduced, distributed and offered to distribute among other Defendants over the Internet the copyrighted MOVIE for which Plaintiff has exclusive rights. Geolocation technology has been used to trace the Internet Protocol ("IP") addresses of each Defendant to a point of origin within this District. On information and belief, each Defendant has an IP address based in this District and resides in or committed copyright infringement in this District.

6. 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 Plaintiff at this time, on information and belief, Defendants reside in this District, may be found in this District and/or a substantial part of the acts of infringement complained of herein occurred in this District.

THE PARTIES

7. Plaintiff brings this action to stop Defendants from copying and distributing to others over the Internet unauthorized copies of Plaintiff's copyrighted MOVIE. Defendants' infringements allow them and others unlawfully to obtain and distribute an unauthorized copy of the MOVIE for free. Each time a Defendant unlawfully distributes a free copy of Plaintiff's copyrighted MOVIE to others over the Internet, each person who copies the MOVIE then distributes the 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. Plaintiff now seeks redress for this infringement of its exclusive rights.

8. Plaintiff is the owner of the copyright and/or the pertinent exclusive rights under copyright in the United States in the MOVIE that has been unlawfully distributed over the Internet by Defendants.

9. The true names of Defendants are unknown to Plaintiff at this time. Each Defendant is known to Plaintiff only by the Internet Protocol ("IP") address assigned to that Defendant by his or her Internet Service Provider and the date and the time at which the infringing activity of each Defendant was observed. Plaintiff believes that information obtained in discovery will lead to the identification of each Defendant's true name and will 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
COPYRIGHT INFRINGEMENT**

10. The MOVIE has significant value and has been produced and created at considerable expense.

11. At all relevant times, Plaintiff has been the holder of the pertinent exclusive rights infringed by Defendants, as alleged hereunder, including but not limited to the copyrighted MOVIE, including derivative works. The Copyrighted MOVIE is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights. (Exhibit A)

12. The Copyrighted MOVIE includes a copyright notice advising the viewer that the motion picture is protected by the Copyright Laws.

13. Each Defendant, without the permission or consent of 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 MOVIE. Plaintiff has identified each Defendant by the IP address assigned to that Defendant by his or her ISP and the date and the time at which the infringing activity of each Defendant was observed. (Exhibit B). Each Defendant has violated Plaintiff's exclusive rights of reproduction and distribution. Each Defendant's actions constitute infringement of Plaintiff's exclusive rights protected under the Copyright Act (17 U.S.C. §101 *et seq.*).

14. On information and belief, each Defendant deliberately participated in a swarm and/or reproduced and/or distributed the same seed file of Plaintiff's Copyrighted MOVIE in digital form with other Defendants. In particular, on information and belief, Defendants participated in a

collective and interdependent manner with other Defendants via the Internet for the unlawful purpose of reproducing, exchanging and distributing copyrighted material unique to the swarm.

15. The foregoing acts of infringement constitute a collective enterprise of shared, overlapping facts and have been willful, intentional, and in disregard of and with indifference to the rights of Plaintiff.

16. As a result of each Defendant's infringement of Plaintiff's exclusive rights under copyright, 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 Plaintiff great and irreparable injury that cannot fully be compensated or measured in money. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §§502 and 503, Plaintiff is entitled to injunctive relief prohibiting each Defendant from further infringing Plaintiff's copyright and ordering that each Defendant destroy all unauthorized copies of the Copyrighted MOVIE.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against each Defendant and relief as

follows:

1. For entry of permanent injunctions providing that each Defendant shall be enjoined from directly or indirectly infringing Plaintiff's rights in the Copyrighted MOVIE, including without limitation by using the Internet to reproduce or copy Plaintiff's MOVIE, to distribute Plaintiff's MOVIE, or to make Plaintiff's MOVIE available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiff. Each Defendant also shall

destroy all copies of Plaintiff's MOVIE that Defendant has downloaded onto any computer hard drive or server without Plaintiff's authorization and (subject to the Order of Impoundment prayed for below) shall serve up all copies of the downloaded MOVIE transferred onto any physical medium or device in each Defendant's possession, custody or control.

2. For Judgment in favor of Plaintiff against Defendants that they have: a) willfully infringed Plaintiff's rights in its federally registered copyright pursuant to 17 U.S.C. §501; and b) otherwise injured the business reputation and business of Plaintiff by Defendants' acts and conduct set forth in this Complaint.

3. For Judgment in favor of Plaintiff against Defendants for actual damages or statutory damages pursuant to 17 U.S.C. §504, at the election of Plaintiff, in an amount to be determined at trial.

4. For an Order of Impoundment under 17 U.S.C. §§503 and 509(a) impounding all infringing copies of Plaintiff's MOVIE which are in Defendants' possession or under their control.

5. For Judgment in favor of Plaintiff and against Defendants awarding Plaintiff attorneys' fees, litigation expenses (including fees and costs of expert witnesses) and other costs of this action.

6. For Judgment in favor of Plaintiff against Defendants, awarding Plaintiff such further declaratory and injunctive relief as may be just and proper under the circumstances.

JURY DEMAND

Plaintiff demands trial by jury on all issues so triable.

DATED: September 9, 2013

Respectfully submitted,

TCYK LLC

By:



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Attorney for Plaintiff

Certificate of Registration

EXHIBIT A



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
PAu 3-660-935

Effective date of registration:
October 17, 2012

Title _____

Title of Work: The Company You Keep
Nature of Work: Motion Picture

Completion/Publication _____

Year of Completion: 2012

Author _____

- **Author:** TCYK, LLC
- Author Created:** Producer of Motion Picture
- Work made for hire:** Yes
- Domiciled in:** United States
- Anonymous:** No **Pseudonymous:** No

Copyright claimant _____

Copyright Claimant: TCYK, LLC
6360 Deep Dell Pl, Los Angeles, CA, 90068
Transfer Statement: By Written Agreement

Limitation of copyright claim _____

Material excluded from this claim: A Novel; A Screenplay
Previously registered: No
Previous registration and year: PAu 3 578-816 2011
Basis of current registration: This is a changed version of the work.
New material included in claim: Added Principal Photography, Music, Effects, Etc.

Certification _____

Name: Nicholas Chartier
Date: October 17, 2012

Registration #: PAU003660935

Service Request #: 1-847741472



TCYK, LLC
662 N. Crescent Heights Blvd
Los Angeles, CA 90048

Exhibit B

No	IP	HitDate UTC (mm/dd/yyyy)	File Hash	ISP	City	Province
1	50.158.170.39	9/1/13 04:33:05 AM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Portage	Porter
2	50.148.53.86	8/26/13 11:58:11 PM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Hammond	Lake
3	67.162.5.164	8/23/13 04:42:14 PM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Gary	Lake
4	67.165.131.38	8/22/13 06:57:37 PM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Crown Point	Lake
5	68.57.220.232	8/21/13 01:36:45 AM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Valparaiso	Porter
6	98.220.152.188	8/20/13 02:28:47 AM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Hobart	Lake
7	98.213.171.21	8/19/13 11:28:23 PM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Portage	Porter
8	50.158.170.25	8/19/13 08:57:08 PM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Portage	Porter
9	98.226.100.191	8/19/13 03:40:18 PM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Merrillville	Lake
10	76.29.2.152	8/19/13 05:30:15 AM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Hobart	Lake
11	50.158.211.156	8/19/13 04:19:10 AM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Crown Point	Lake
12	67.176.254.195	8/18/13 07:09:42 PM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Gary	Lake
13	68.58.103.222	8/17/13 10:34:07 PM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Munster	Lake
14	71.194.57.45	8/16/13 10:46:17 PM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Valparaiso	Porter
15	67.162.121.112	8/14/13 05:47:53 PM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Crown Point	Lake
16	24.12.43.5	8/11/13 07:16:15 PM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Valparaiso	Porter
17	50.129.57.62	7/22/13 01:48:11 AM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Hobart	Lake
18	24.15.209.26	7/13/13 04:05:01 AM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Cedar Lake	Lake
19	50.129.22.177	7/1/13 11:47:08 PM	SHA1: A87AD6F4AF7E2DC63B4A8C37AFCC2B5FEDE1BF80	Comcast Cable	Hammond	Lake