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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LHF PRODUCTIONS, INC.,

Plaintiff,

v.

DOES 1-4,

Defendants.

Civil Action No. 17-cv-782

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

JURY TRIAL REQUESTED

Plaintiff alleges the following causes of action against Defendants:

I. INTRODUCTION

1. Plaintiff brings this action in an effort to stop Defendants and others from copying and distributing to others unauthorized copies of the Plaintiff’s copyrighted motion picture through the BitTorrent file sharing protocol. Defendants’ infringements allow them and others to unlawfully obtain and distribute unauthorized copyrighted works that the Plaintiff expended significant resources to create. Each time a Defendant unlawfully distributes an unauthorized 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 a part of an unlawful copy of a motion picture can further the nearly instantaneous worldwide distribution of

1 that single copy to an unlimited number of people. Further, Defendants acts of distributing
2 Plaintiff's motion picture support, maintain and further a for-profit exploitation of the works of
3 Plaintiff and others. The Plaintiff now seeks redress for this rampant infringement of its
4 exclusive rights.

5 II. JURISDICTION AND VENUE

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

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

10 4. Venue in this District is proper under 28 U.S.C. § 1391(b) and/or
11 28 U.S.C. §1400(a). Although the true identity of each Defendant is unknown to Plaintiff at this
12 time, on information and belief each Defendant may be found in this District and/or a substantial
13 part of the acts of infringement complained of herein occurred in this District. On information
14 and belief, personal jurisdiction in this District is proper because each Defendant, without
15 consent or permission of Plaintiff as exclusive rights owner, distributed and offered to distribute
16 over the Internet copyrighted works for which Plaintiff has exclusive rights.

17 III. PARTIES

18 A. PLAINTIFF LHF PRODUCTIONS, INC. AND ITS COPYRIGHT

19 5. Plaintiff is a developer and producer of the motion picture *London Has Fallen* for
20 theatrical exhibition, home entertainment and other forms of distribution. The motion picture was
21 first published March 4, 2016.

22 6. The motion picture is protected by the Copyright Act in motion picture
23 Registration No. PA 1-982-831, effective March 14, 2016. (Exhibit A)

24 7. Under the Copyright Act, Plaintiff is the proprietor of all right, title and interest in
25 the motion picture, including the exclusive rights to reproduce and distribute to the public as well
26 as the right to sue for past infringement.

1 8. The motion picture contains wholly original material that is copyrightable subject
2 matter under the laws of the United States. It is an action thriller directed by Babak Najafi and
3 stars Gerald Butler, Morgan Freeman and Aaron Eckhart, among others. It is easily discernible
4 as a professional work as it was created using professional performers, directors,
5 cinematographers, lighting technicians, set designers and editors and with professional-grade
6 cameras, lighting and editing equipment. It has significant value and has been created, produced
7 and lawfully distributed at considerable expense. The motion picture is currently offered for sale
8 in commerce, playing in theaters and available for rental and/or purchase from Amazon, iTunes
9 and Netflix, among others.

10 9. Defendants have notice of Plaintiff's rights through general publication and
11 advertising and more specifically as identified in the content of the motion picture, advertising
12 associated with the motion picture, and all packaging and copies, each of which bore a proper
13 copyright notice.

14 **B. DEFENDANTS**

15 10. Upon information and belief, each Defendant copied and distributed Plaintiff's
16 copyrighted motion picture. The true names of Defendants are unknown to Plaintiff at this time.
17 Each Defendant is known to Plaintiff only by the Internet Protocol ("IP") address assigned by an
18 Internet Service Provider ("ISP") and the date and at the time at which the infringing activity of
19 each Defendant was observed, as explained in detail below. Through geolocation, the IP address
20 used by each Defendant has been traced to the Western District of Washington. Plaintiff believes
21 that information obtained in discovery will lead to the identification of each Defendant's true
22 name and location and permit Plaintiff to amend the complaint to state the same.

23 11. In addition, each IP address has also been observed and associated with
24 significant infringing activity and associated with the exchange of other titles on peer-to-peer
25 networks. The volume, titles and persistent observed activity associated with each Defendant's
26 IP address indicates that each Defendant is not a transitory or occasional guest, but is either the

1 primary subscriber of the IP address or someone who resides with the subscriber and/or is an
2 authorized user of the IP address. The volume of the activity associated with each Defendant's IP
3 address further indicates that anyone using or observing activity on the IP address would likely
4 be aware of the conduct of Defendant. Also, the volume and titles of the activity associated with
5 each Defendant's IP address indicates that each Defendant is not a child, but an adult, often with
6 mature distinct tastes.

7 **IV. PEER-TO-PEER NETWORKS AND THE BITTORRENT PROTOCOL**

8 12. Defendants are each a participant in a peer-to-peer ("P2P") network using the
9 BitTorrent protocol. The BitTorrent protocol makes even small computers with low bandwidth
10 capable of participating in large data transfers across a P2P network. To begin an exchange, the
11 initial file-provider intentionally elects to share a file with a torrent network. This initial file is
12 called a seed. Other users ("peers") connect to the network and connect to the seed file to
13 download. As yet additional peers request the same file each additional user becomes a part of
14 the network from where the file can be downloaded. However, unlike a traditional peer-to-peer
15 network, each new file downloader is receiving a different piece of the data from users who have
16 already downloaded the file that together comprises the whole. This piecemeal system with
17 multiple pieces of data coming from peer members is usually referred to as a "swarm." The
18 effect of this technology makes every downloader also an uploader of the illegally transferred
19 file(s). This means that every "node" or peer user who has a copy of the infringing copyrighted
20 material on a torrent network can also be a source of download, and thus distributor for that
21 infringing file.

22 13. This distributed nature of BitTorrent leads to a rapid viral spreading of a file
23 throughout peer users. As more peers join the swarm, the likelihood of a successful download
24 increases. Essentially, because of the nature of the swarm downloads as described above, every
25 infringer is sharing copyrighted material with other infringers.
26

1 14. Defendants actions are part of a common design, intention and purpose to hide
2 behind the apparent anonymity provided by the Internet and the BitTorrent technology to
3 download pieces of the copyrighted motion picture in a manner that, but for the investigative
4 technology used by Plaintiff, would be untraceable, leaving the Plaintiff without the ability to
5 enforce its copyright rights. By participating in the “swarm” to download Plaintiff’s copyright
6 motion picture, the Defendants agreed with one another to use the Internet and BitTorrent
7 technology to engage in violation of federal statute to accomplish and unlawful objective.

8 **V. COMPUTER FORENSIC IDENTIFICATION OF BITTORRENT INFRINGEMENT**

9 15. Plaintiff has identified each Defendant by the IP address assigned by the ISP used
10 by each Defendant and the date and at the time at which the infringing activity of each Defendant
11 was observed. This is accomplished using forensic software to collect, identify and record the IP
12 addresses in use by those people that employ the BitTorrent protocol to share, copy, reproduce
13 and distribute copyrighted works.

14 16. More specifically, forensic software is used to scan peer-to-peer networks for the
15 presence of infringing transactions with respect to a particular audiovisual work. Any digital
16 copy of an audiovisual work may be uniquely identified by a unique, coded, string of characters
17 called a “hash checksum.” The hash checksum is a string of alphanumeric characters generated
18 by a mathematical algorithm known as US Secure Hash Algorithm 1 or “SHA-1.” This software
19 facilitates the identification of computers that are used to transmit a copy or a part of a copy of a
20 digital media file identified by a particular hash value by their IP address at a particular date and
21 time. To overcome concerns with spoofing or the like, a direct TCP connection is made to each
22 defendant’s computer. Additional software using geolocation functionality is then used to
23 confirm the geographical location of the computer used in the infringement. Though an IP
24 address alone does not reveal the name or contact information of the account holder, in this case
25 the Doe Defendant, it does reveal the likely general location of the Defendant. IP addresses are
26 distributed to ISPs by public, nonprofit organizations called Regional Internet Registries. These

1 registries assign blocks of IP addresses to ISPs by geographic region. In the United States, these
2 blocks are assigned and tracked by the American Registry of Internet Numbers. Master tables
3 correlating the IP addresses with local regions are maintained by these organizations in a
4 publicly available and searchable format. An IP address' geographic location can be further
5 narrowed by cross-referencing this information with secondary sources such as data contributed
6 to commercial databases by ISPs.

7 17. The end result are evidence logs of infringing transactions and the IP addresses of
8 the users responsible for copying and distributing the audiovisual work. The IP addresses, hash
9 value, dates and times, ISP and geolocation contained in Exhibit B correctly reflect the
10 subscribers using the IP addresses and that they were all part of a "swarm" of users that were
11 reproducing, distributing, displaying or performing the copyrighted work.¹

12 VI. JOINDER

13 18. Each Defendant is alleged to have committed separate violations of
14 17 U.S.C. § 101 *et. seq.* within the same series of transactions or occurrences (e.g. downloading
15 and distribution of the same copyrighted motion picture owned by Plaintiff) and by using the
16 same means (BitTorrent network). The infringed work was included in one file related to the
17 torrent file; in other words, all the infringements alleged in this lawsuit arise from the exact same
18 unique copy of Plaintiff's movie as evidenced by the cryptographic hash value. The Defendants
19 are all part of the exact same "swarm." Defendants' acts occurred in the same series of
20 transactions because each Defendant downloaded and/or distributed, or offered to distribute the
21 motion picture to other infringers on the network, including the Doe Defendants and/or other
22

23 ¹ In logs kept in the ordinary course of business, ISPs keep track of the IP addresses assigned to their
24 subscribers. Once provided with an IP address, plus the date and time of the detected and documented infringing
25 activity, ISPs can use their subscriber logs to identify the subscriber with more specificity. Only the ISP to whom a
26 particular IP address has been assigned for use by its subscribers can correlate that IP address to a particular
subscriber. From time to time, a subscriber of Internet services may be assigned different IP addresses from their
ISP. Thus, to correlate a subscriber with an IP address, the ISP also needs to know when the IP address was being
used. Unfortunately, many ISPs only retain for a very limited amount of time the information necessary to correlate
an IP address to a particular subscriber, making early discovery important.

1 network users, who in turn downloaded and/or distributed the motion picture. The temporal
2 proximity of the observed acts of each Defendant, together with the known propensity of
3 BitTorrent participants to actively exchange files continuously for hours and even days, makes it
4 possible that Defendants either directly exchanged the motion picture with each other, or did so
5 through intermediaries and each shared in the distribution of the motion picture to others.
6 Therefore, Defendants each conspired with other infringers on the BitTorrent network to copy
7 and/or distribute the motion picture, either in the same transaction or occurrence or a series of
8 transactions or occurrences.

9 19. To use BitTorrent, a user intentionally downloads a program that they then install
10 on their computer called a “client.” The BitTorrent client is the user’s interface during the
11 downloading/uploading process. The client may be free, supported by advertising, offer upgrades
12 or add on services for a fee, or a combination of several options. Users then intentionally visit a
13 “torrent site” or network site to find media or content available for download, often using a
14 standard web browser. A torrent site is often advertising revenue or subscription supported index
15 of media or content being made available by other users on the network and maintains a listing
16 of movies and television programs among other protected content. A user then uses the torrent
17 site to connect with other users and exchange or “share” content though the BitTorrent protocol
18 often with many users at the same time.

19 20. Internet piracy, and in particular BitTorrent piracy, though known as peer-to-peer
20 file sharing, is often a for-profit business as many software clients, torrent sites and networks
21 generate millions of dollars in revenue through sales and advertising. To increase the value of the
22 advertising and sometimes subscription access sold by torrent sites, many torrent sites work to
23 expand the pool of available titles and speed of downloads through increasing the number of
24 member peers and thus the desirability of their clients and networks. To accomplish this, they
25 reward participants who contribute by giving them faster download speeds, greater access, or
26 other benefits.

1 21. A significant element of the BitTorrent economic model is that those who
2 participate and download movies not only share and upload movies with others, but participants
3 are often rewarded through various means based on the volume and availability of content
4 participants in turn provide the network. In sum, there is a feedback incentive for participants as
5 they obtain not only the benefit of their pirated copy of a movie, but they obtain other benefits by
6 increasing the availability of pirated content to others. As such there are a growing number of
7 users that participate in peer-to-peer networks and receive personal gain or compensation in that
8 the networks they use reward those who provide large numbers of files for upload to others.

9 22. The use of BitTorrent does more than cause harm through the theft of intellectual
10 property. The BitTorrent distribution of pirated files is a model of business that profits from theft
11 through sales and advertising and a system of rewards and compensation to the participants, each
12 of whom contribute to and further the enterprise. Each Defendant is a participant in the
13 BitTorrent distribution of pirated files and the substantially similar conduct of each Defendant
14 furthered a model of business that profits from theft of intellectual property including Plaintiff's
15 motion picture.

16 23. Accordingly, pursuant to Fed.R.Civ.P. 20(a)(2) each of the Defendants is
17 therefore properly joined at least because: (a) the infringement complained of herein by each of
18 the Defendants was part of a series of transactions involving an identical copy of Plaintiff's
19 copyrighted work; (b) the conduct of each Defendant supported and advanced an economic
20 business model of profiting from the piracy of Plaintiff's copyrighted work; (c) there are
21 common questions of law and fact; and (c) each Defendant knowingly and actively participated
22 in a conspiracy to perform an illegal act and/or injure Plaintiff through use of the BitTorrent
23 protocol to infringe Plaintiff's copyrighted work.

24 24. Permissive joinder in the instant case is to permit a more efficient management of
25 Plaintiff's claims against the several Defendants and to reduce the costs to Plaintiff and
26 Defendants and to reduce the costs and burdens on the Court. Notice is provided, that on being

1 specifically identified and on request from an identified Defendant, Plaintiff agrees to sever any
2 Defendant that claims prejudice in being joined in this matter and to proceed against each such
3 Defendant individually.

4 **VII. CAUSE OF ACTION—COPYRIGHT INFRINGEMENT**

5 25. Plaintiff realleges the substance of the prior paragraphs.

6 26. Plaintiff owns the exclusive rights to the commercially released motion picture,
7 which has significant value and has been acquired, produced and created at considerable
8 expense.

9 27. At all relevant times Plaintiff has been the holder of the pertinent exclusive rights
10 infringed by Defendants to the copyrighted motion picture. The motion picture is the subject of a
11 valid application for and/or Certificate of Copyright Registration.

12 28. Plaintiff is informed and believes that each Defendant, without the permission or
13 consent of Plaintiff, has used, and continues to use, an online media distribution system to
14 wrongfully misappropriate, reproduce and distribute to the public, including by making available
15 for distribution to others the motion picture. On information and belief, each Defendant
16 participated in a swarm and/or reproduced and/or distributed the same seed file of the motion
17 picture in digital form either directly with each other. Plaintiff has identified each Defendant by
18 the IP address assigned to that Defendant by his or her ISP and the date and at the time at which
19 the infringing activity of each Defendant was observed.

20 29. In addition, or in the alternative, Defendants obtained Internet access through an
21 ISP and permitted, facilitated and materially contributed to the extensive use of the Internet
22 through his ISP for infringing Plaintiff's exclusive rights under The Copyright Act by others.
23 Defendants, with knowledge of the infringing conduct, failed to reasonably secure, police and
24 protect the use of his Internet service against use for improper purposes such as piracy, including
25 the downloading and sharing of Plaintiff's motion picture by others. Defendants had the right
26 and ability to supervise and control the activity constituting the infringement.

1 30. In doing so, each Defendant has directly, indirectly and/or contributorily violated
2 Plaintiff's exclusive rights of at least reproduction, preparation derivative works and distribution.
3 Each Defendant's actions constitute infringement of Plaintiff's exclusive rights protected under
4 17 U.S.C. § 101 et seq.

5 31. The motion picture contains a copyright notice advising the viewer that the
6 motion picture is protected by the copyright laws. Each of the Defendants' actions with respect
7 to copyright infringement and other acts described herein were made with full knowledge of
8 Plaintiff's ownership of the copyrights in the motion picture.

9 32. The conduct of each Defendant is causing and, unless enjoined and restrained by
10 this Court, will continue to cause the Plaintiff great and irreparable injury that cannot fully be
11 compensated or measured in money. The Plaintiff has no adequate remedy at law. Pursuant to
12 17 U.S.C. §§ 502 and 503, the Plaintiff is entitled to injunctive relief prohibiting each Defendant
13 from further infringing the Plaintiff's copyright and ordering that each Defendant destroy all
14 copies of the copyrighted motion picture made in violation of the Plaintiff's copyrights.

15 33. By reason of the foregoing acts, if such remedy is elected at trial, Plaintiff is
16 entitled to statutory damages from each Defendant pursuant to 17 USC §504, *et seq.*
17 Alternatively, at Plaintiff's election, Plaintiff is entitled to its actual damages incurred as a result
18 of each Defendant's acts of infringement plus any profits of each Defendant attributable to the
19 infringements.

20 34. The foregoing acts of infringement by each Defendant have been willful,
21 intentional, and in disregard of and with indifference to the rights of Plaintiff.

22 35. As a result of each Defendant's infringement of Plaintiff's exclusive rights under
23 copyright, Plaintiff is entitled to its attorneys' fees and costs pursuant to 17 U.S.C. § 505.
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VIII. PRAYER FOR RELIEF

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

- A. Pursuant to 17 U.S.C. §502, an order preliminarily and permanently enjoining each Defendant from directly or indirectly infringing Plaintiff's rights in any motion picture, whether now in existence or later created, that is owned or controlled by Plaintiff, including without limitation by using the Internet to reproduce or copy, distribute or otherwise make available for distribution to the public Plaintiff's motion pictures, except pursuant to a lawful license or with the express authority of Plaintiff.
- B. Pursuant to 17 U.S.C. § 503, an order that each Defendant destroy all copies of Plaintiff's motion pictures that Defendant has downloaded onto any computer hard drive or server without Plaintiff's authorization and shall destroy all copies of those motion pictures transferred onto any physical medium or device in each Defendant's possession, custody, or control.
- C. An order that each Defendant file with this Court and serve on Plaintiff, within 30 days of service of this order, a report in writing under oath setting forth in detail the manner and form in which Defendants have complied with the terms of the ordered relief.
- D. Pursuant to 17 U.S.C. § 504 or other applicable provision, for actual or statutory damages from each separate Defendant, at the election of Plaintiff, and a finding of willful infringement.
- E. Pursuant to 17 U.S.C. § 505, for Plaintiff's reasonable attorney's fees and costs against each separate Defendant.
- F. For such other and further relief as the Court deems proper.

RESPECTFULLY SUBMITTED this 19th day of May, 2017.

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