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JULIE GREER (State Bar No. 200479)  
NORTHERN DISTRICT COURT  
SAN FRANCISCO, CALIFORNIA

1 JEFFREY G. KNOWLES (State Bar No. 129754)  
2 JULIE GREER (State Bar No. 200479)  
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E-filing

9 Attorneys for Plaintiffs  
10 ARISTA RECORDS, INC.; WARNER BROS. RECORDS  
11 INC.; UMG RECORDINGS, INC.; CAPITOL  
12 RECORDS, INC.; VIRGIN RECORDS AMERICA,  
13 INC.; SONY MUSIC ENTERTAINMENT INC.;  
14 INTERSCOPE RECORDS; and ELEKTRA  
15 ENTERTAINMENT GROUP INC.

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION

19 ARISTA RECORDS, INC., a Delaware  
20 corporation; WARNER BROS. RECORDS  
21 INC., a Delaware corporation; UMG  
22 RECORDINGS, INC., a Delaware  
23 corporation; CAPITOL RECORDS, INC.,  
24 a Delaware corporation; VIRGIN  
25 RECORDS AMERICA, INC., a California  
26 corporation; SONY MUSIC  
27 ENTERTAINMENT INC., a Delaware  
28 corporation; INTERSCOPE RECORDS, a  
California general partnership; and  
ELEKTRA ENTERTAINMENT GROUP INC., a  
Delaware corporation,

Plaintiffs,

vs.

JOHN DOE,

Defendant.

C 04 1134  
Case No. 1  
COMPLAINT FOR COPYRIGHT  
INFRINGEMENT  
JL

JURISDICTION AND VENUE

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

7 2. This Court has jurisdiction under 17 U.S.C. § 101 et  
8 seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. §  
9 1338(a) (copyright).  
10

11 3. **Intradistrict Assignment:** Venue in this District is  
12 proper under 28 U.S.C. § 1391(b) and/or 28 U.S.C. § 1400(a).  
13 Although the true identity of Defendant is unknown to Plaintiffs  
14 at this time, on information and belief, Defendant may be found  
15 in this District and/or a substantial part of the acts of  
16 infringement complained of herein occurred in this District. On  
17 information and belief, personal jurisdiction in this District  
18 is proper because Defendant, without consent or permission of  
19 the copyright owner, disseminated over the Internet copyrighted  
20 works owned and/or controlled by the Plaintiffs. On information  
21 and belief, such illegal dissemination occurred in every  
22 jurisdiction in the United States, including this one. In  
23 addition, Defendant uses an online service provider found in  
24 this District to access the Internet, which facilitated  
25 Defendant's infringing activities.  
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**PARTIES**

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4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

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.



1 (collectively, these copyrighted sound recordings shall be  
2 identified as the "Copyrighted Recordings"). Each of the  
3 Copyrighted Recordings is the subject of a valid Certificate of  
4 Copyright Registration issued by the Register of Copyrights to  
5 each Plaintiff as specified on each page of Exhibit A.

6  
7 15. Among the exclusive rights granted to each Plaintiff  
8 under the Copyright Act are the exclusive rights to reproduce  
9 the Copyrighted Recordings and to distribute the Copyrighted  
10 Recordings to the public.

11  
12 16. Plaintiffs are informed and believe that Defendant,  
13 without the permission or consent of Plaintiffs, has used, and  
14 continues to use, an online media distribution system to  
15 download, distribute to the public, and/or make available for  
16 distribution to others, certain of the Copyrighted Recordings.  
17 Exhibit A is a list of copyrighted recordings that Defendant  
18 has, without the permission or consent of Plaintiffs,  
19 downloaded, distributed to the public, and/or made available for  
20 distribution to others. In doing so, Defendant has violated  
21 Plaintiffs' exclusive rights of reproduction and distribution.  
22 Defendant's actions constitute infringement of Plaintiffs'  
23 copyrights and/or exclusive rights under copyright. (In  
24 addition to the sound recordings listed for Defendant on Exhibit  
25 A, Plaintiffs are informed and believe that Defendant has,  
26 without the permission or consent of Plaintiffs, downloaded,  
27 distributed to the public, and/or made available for  
28 distribution to others additional sound recordings owned by or

1 exclusively licensed to the Plaintiffs or Plaintiffs' affiliate  
2 record labels.)

3

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

7

8 18. As a result of Defendant's infringement of Plaintiffs'  
9 copyrights and exclusive rights under copyright, Plaintiffs are  
10 entitled to statutory damages pursuant to 17 U.S.C. § 504(c)  
11 against Defendant for each infringement by Defendant of each  
12 copyrighted recording. Plaintiffs further are entitled to their  
13 attorneys' fees and costs pursuant to 17 U.S.C. § 505.

14

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

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25 20. WHEREFORE, Plaintiffs pray for judgment against  
26 Defendant as follows:

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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."

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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.

Dated: March 22, 2004

JEFFREY G. KNOWLES  
JULIE GREER  
ZUZANA SVIHRA  
COBLENTZ, PATCH, DUFFY & BASS LLP

By Zuzana Svihra / [Signature]  
Zuzana Svihra  
Attorney for Plaintiffs  
ARISTA RECORDS, INC.; WARNER  
BROS. RECORDS INC.; UMG  
RECORDINGS, INC.; CAPITOL  
RECORDS, INC.; VIRGIN RECORDS  
AMERICA, INC.; SONY MUSIC  
ENTERTAINMENT INC.;  
INTERSCOPE RECORDS; and  
ELEKTRA ENTERTAINMENT GROUP  
INC.



1 Plaintiff SONY MUSIC ENTERTAINMENT INC.'s parent company is  
2 Sony Corporation of America, which is publicly traded in the  
3 United States.

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5 Plaintiff INTERSCOPE RECORDS is a subsidiary of Vivendi  
6 Universal, S.A., which is publicly traded in the United States.

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8 Plaintiff ELEKTRA ENTERTAINMENT GROUP INC.'s parent  
9 corporation is WMG Parent Corp., which is not publicly traded.

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Dated: March 22, 2004

JEFFREY G. KNOWLES  
JULIE GREER  
ZUZANA SVIHRA  
COBLENTZ, PATCH, DUFFY & BASS LLP

By Zuzana Svihra  
Zuzana Svihra  
Attorney for Plaintiffs  
ARISTA RECORDS, INC.; WARNER  
BROS. RECORDS INC.; UMG  
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ENTERTAINMENT INC.;  
INTERSCOPE RECORDS; and  
ELEKTRA ENTERTAINMENT GROUP  
INC.

Exhibit A

Doe #1 (199.75.211.62 2003-11-21 21:32:54 (EST))

COPYRIGHT OWNER	ARTIST	RECORDING TITLE	ALBUM TITLE	SR#
Sony Music Entertainment Inc.	Mariah Carey	Dreamlover	Music Box	178-631
Warner Bros. Records Inc.	Red Hot Chili Peppers	Californication	Californication	174-922
Interscope Records	Eve	Let Me Blow Ya Mind	Scorpion	293-364
Elektra Entertainment Group Inc.	10,000 Maniacs	These Are Days	Our Time in Eden	146-746
Arista Records, Inc.	Outkast	Ms. Jackson	Stankonia	306-741
UMG Recordings, Inc.	U2	With or Without You	The Joshua Tree	78-949
Virgin Records America, Inc.	Smashing Pumpkins	Bullet With Butterfly Wings	Mellon Collie and the Infinite Sadness	183-904
Sony Music Entertainment Inc.	Pearl Jam	Wishlist	Yield	255-869
Virgin Records America, Inc.	Smashing Pumpkins	Perfect	Adore	261-479
Capitol Records, Inc.	Duran Duran	Hungry Like the Wolf	Rio	38-444
Arista Records, Inc.	Whitney Houston	It's Not Right But It's Okay	My Love is Your Love	298-453