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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Hydentra HLP Int. Limited and Hydentra LP
10 HLP General Partner Incorporated,

11 Plaintiffs,

12 v.

13 Sagan Limited, MXN Limited, Netmedia
14 Services Incorporated, and David Koonar,

15 Defendants.

No. CV-16-01494-PHX-DGC

ORDER

16
17 Plaintiffs Hydentra HLP Int. Ltd. and Hydentra LP HLP General Partner
18 Incorporated (collectively “Plaintiffs”) are companies organized under the laws of the
19 Republic of Cyprus and the producers of pornographic material. In this case they assert
20 claims for copyright infringement against several foreign entities and one individual
21 associated with the website Porn.com. Defendants Sagan Limited; MXN Limited
22 (“Cyberweb”); Netmedia Services, Inc.; and David Koonar are residents of Seychelles,
23 Barbados, Canada, and Canada respectively. Defendants have filed three independent
24 motions to dismiss under Rule 12(b)(2) for lack of personal jurisdiction. Docs. 35, 36,
25 37. Additionally, Defendants Netmedia and Koonar move to dismiss Plaintiffs’ claims
26 under Rule 12(b)(6). Docs. 36, 37. The motions are fully briefed. Docs. 35, 36, 37, 38,
27 44, 45, 53, 60, 61. Defendants’ request for oral argument is denied because the issues
28 have been fully briefed and oral argument will not aid in the Court’s decision. *See Fed.*

1 R. Civ. P. 78(b); *Partridge v. Reich*, 141 F.3d 920, 926 (9th Cir. 1998). For the reasons
2 that follow, the Court will grant Defendants’ motions to dismiss.

3 **I. Background.**

4 The following facts are taken from Plaintiffs’ complaint and are assumed true for
5 the purposes of this motion.

6 The website Porn.com is a video streaming website that generates revenue through
7 premium memberships and advertising. Doc. 1, ¶¶ 39-40. Defendants Sagan, Cyberweb,
8 Netmedia, and David Koonar are each owners and/or operators of Porn.com. *Id.*, ¶ 38.¹

9 Porn.com receives a significant portion of its web traffic from the United States.
10 *Id.*, ¶ 47 (Plaintiffs allege 63.1 million visits per month, 21.43% of which are from the
11 United States). Defendants sell advertising space on Porn.com in several forms,
12 including banners and links in close proximity to videos, often targeted to the user’s
13 location. *Id.* ¶ 48. Defendants advertise that “HD Premium members receive ‘Stunning
14 High Definition Video,’ ‘Browse 100% Ad-Free,’ and can ‘Download videos, DVDs, and
15 pictures to keep.’ In addition, Defendants advertise that Premium Members get access to
16 the ‘best sites and studios in HD.’” *Id.*, ¶ 52.

17 Plaintiffs assert that Defendants engage in a practice called “scraping,” by which
18 entities “aggregate on their own, user information and videos from other websites, then
19 create a façade that those users exist on their own website and upload[] the videos to
20 [their] websites directly.” *Id.*, ¶¶ 58-59, 69. Scraping “allows a site to provide more high
21 quality video content to their end users while maintaining the appearance that an army of
22 third parties uploaded a vast library of professionally shot content in a concentrated
23 period.” *Id.*, ¶ 59.

24 In November 2015, Porn.com displayed four of Plaintiffs’ copyright registered
25 works over four separate Porn.com URLs. *Id.*, ¶ 65. The infringing videos were
26 purported by Defendants to have been uploaded by third party internet users. *Id.* “Three

27
28 ¹ Defendants concede that Cyberweb and Sagan are owners/operators of Porn.com,
but argue that Netmedia and David Koonar are unrelated entities with whom Cyberweb
and Sagan merely happen to have a subcontractor relationship. Docs. 35 at 4-5.

1 of Plaintiffs' videos posted on Porn.com are accompanied by a user name represented to
2 be the uploader" of the video, but a search on Porn.com for these user names resulted in a
3 report that "there is 'No Such Member' or user on Porn.com." *Id.* Plaintiffs contend that
4 this report supports the allegation that Defendants engage in "scraping" and that
5 Defendants, not a purported third party, are liable for the infringing acts. *Id.*, ¶¶ 60-74,
6 90-92. Plaintiffs allege four counts: (1) copyright infringement, (2) contributory
7 copyright infringement, (3) vicarious copyright infringement, and (4) inducement of
8 copyright infringement. *Id.*, ¶¶ 75-128.

9 **II. Personal jurisdiction.**

10 "When a defendant moves to dismiss for lack of personal jurisdiction, the plaintiff
11 bears the burden of demonstrating that the court has jurisdiction over the defendant."
12 *Pebble Beach Co. v. Caddy*, 453 F.3d 1151, 1154 (9th Cir. 2006). "Where, as here, the
13 defendant's motion is based on written materials rather than an evidentiary hearing, the
14 plaintiff need only make a prima facie showing of jurisdictional facts to withstand the
15 motion to dismiss." *Mavrix Photo, Inc. v. Brand Techs., Inc.*, 647 F.3d 1218, 1223 (9th
16 Cir. 2011). "The plaintiff cannot 'simply rest on the bare allegations of its complaint,'
17 but uncontroverted allegations in the complaint must be taken as true." *Id.* (quoting
18 *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 800 (9th Cir. 2004). The
19 Court may not assume the truth of allegations in a pleading that are contradicted by an
20 affidavit, but factual disputes are resolved in Plaintiff's favor. *Id.*

21 Plaintiffs assert that each Defendant is subject to personal jurisdiction pursuant to
22 Rule 4(k)(2). Doc. 1, ¶¶ 1-24; Docs. 38 at 5, 44 at 6, 45 at 11. Rule 4(k)(2) provides that
23 a court may exercise personal jurisdiction over a defendant if (1) the claim arises under
24 federal law, (2) the defendant is not subject to jurisdiction in any state court of general
25 jurisdiction, and (3) exercising jurisdiction is consistent with the United States
26 Constitution. Fed. R. Civ. P. 4(k)(2).

27 Defendants concede that the first and second factors are satisfied. *See, e.g.*, Doc.
28 36 at 6. The first factor is satisfied because Plaintiffs assert claims of copyright

1 infringement under federal law. The second factor is satisfied because no Defendant
2 “concede[s] to jurisdiction in another state.” *Holland Am. Line Inc. v. Wartsila N. Am.,*
3 *Inc.*, 485 F.3d 450, 461 (9th Cir. 2007) (citation omitted). Thus, the Court need only
4 assess the third factor. *Id.* at 462.

5 Analysis under the third factor – the due process analysis – “is nearly identical to
6 traditional personal jurisdiction analysis with one significant difference: rather than
7 considering contacts between the [defendant] and the forum state, we consider contacts
8 with the nation as a whole.” *Id.* at 462. The question, then, is whether Defendants have
9 sufficient minimum contacts with the United States so that maintenance of the suit here
10 does not offend traditional notions of fair play and substantial justice. *Int’l Shoe Co. v.*
11 *Wash.*, 326 U.S. 310, 316 (1945). A court must consider whether (1) the defendant
12 purposely directed conduct at the forum, (2) the claim arises out of the defendant’s
13 forum-related activities, and (3) the exercise of jurisdiction comports with fair play and
14 substantial justice. *Mavrix*, 647 F.3d at 1227-28.

15 In a previous case before this Court, involving the same plaintiffs’ counsel and
16 Defendants, the Court conducted this Rule 4(k)(2) jurisdictional analysis as to Defendant
17 Sagan. *AMA Multimedia LLC v. Sagan Ltd.*, No. CV-16-01269-PHX-DGC, 2016 WL
18 5946051, at *3-8 (D. Ariz. Oct. 13, 2016) (“*AMA*”). The Court found that Sagan engaged
19 in purposeful direction at the United States, and that the Court’s exercise of personal
20 jurisdiction over Sagan was reasonable. *Id.* In their motion, Defendants directly address
21 the *AMA* decision, and contend that in this instance, “different facts, additional facts, and
22 a different Plaintiff compel a different result.” Doc. 35 at 14. Plaintiffs argue that
23 “Defendants’ Motion is in bad faith, as this very Court already asserted personal
24 jurisdiction over Porn.com owners/operators in [the *AMA* decision].” Doc. 38 at 2.

25 **A. Purposeful Direction.**

26 The first required element of specific jurisdiction, “purposeful direction,” is
27 satisfied when a defendant (1) commits an intentional act, (2) expressly aimed at the
28 forum, (3) which causes foreseeable harm in the forum. *Mavrix*, 647 F.3d at 1227-28.

1 This test is sometimes referred to as the “effects test.” *Id.* The effects test does not
2 “stand for the broad proposition that a foreign act with foreseeable effects in the forum
3 state always gives rise to specific jurisdiction.” *Wash. Shoe Co. v. A-Z Sporting Goods*
4 *Inc.*, 704 F.3d 668, 675 (9th Cir. 2012) (citation and quotation marks omitted). Nor does
5 the effects test mean that specific jurisdiction may be based solely on a defendant’s
6 knowledge that the subject of his tortious activity resides in a particular state. *See*
7 *Walden v. Fiore*, 134 S. Ct. 1115, 1125 (2014). The Court must always focus on the
8 “relationship among the defendant, the forum, and the litigation [which] is the essential
9 foundation of in personam jurisdiction.” *Helicopteros Nacionales de Colombia, S.A. v.*
10 *Hall*, 466 U.S. 408, 414 (1984) (citation omitted). “The proper question is not where the
11 plaintiff experienced a particular injury or effect but whether the defendant’s conduct
12 connects him to the forum in a meaningful way.” *Walden*, 134 S. Ct. at 1125.

13 **1. Intentional Act.**

14 Plaintiffs must show that Defendants committed an intentional act. Plaintiffs
15 allege that the operators of Porn.com engaged in the “improper collection and distribution
16 of Plaintiffs’ copyrighted works” and “actively uploaded and/or distributed pirated
17 copyrighted files and/or embedded code, enabling users of Porn.com to view copyrighted
18 videos and images for free.” Doc. 1, ¶¶ 84, 86. Plaintiffs allege that Defendants engaged
19 in the process of “scraping” to conceal their nefarious acts. *Id.*, ¶¶ 58-70. Plaintiffs cite
20 the following specific instance in support of their claims:

21 One of Plaintiff’s videos posted on Porn.com displays a user name that
22 appears to be a member of Porn.com, complete with a dedicated profile
23 page that includes a date of birth, and date the user joined Porn.com.
24 Curiously, *the Porn.com User has identical information found on a*
25 *dedicated profile page on the website Xvideos.com. This information*
includes the same signup date to each site, and identical geographic
location, and videos in identical order of presentation. Attached hereto as
Exhibit C is a summary list of the Porn.com member and the comparative
on Xvideos.com.

26 *Id.*, ¶ 70 (emphasis in original).

27 Unlike in *AMA*, where Sagan made no express argument denying that it engaged
28 in the act of uploading of *AMA*’s pirated videos, Defendants categorically deny

1 Plaintiffs’ allegations and insist that no such conduct has occurred. *See, e.g.*, Docs. 35 at
2 7, 36 at 4, 37 at 4. Defendants attempt to show that the instance Plaintiffs describe –
3 where the same user seemingly posted the same video on multiple sites on the same day –
4 is not suspicious at all, asserting that “there exist services on the internet that create
5 profiles on many tube sites at once and upload the same video to all those websites at the
6 same time, which would explain Plaintiffs’ allegations.” Doc. 35 at 10. Defendants may
7 well be correct, but that is a factual question premature for a decision.

8 Because factual disputes are resolved in Plaintiffs’ favor in this Rule 12(b)(2)
9 motion, the Court will assume for purposes of this order that Defendants engaged in
10 scraping to upload at least one of the infringing videos. This is a sufficient intentional
11 act. *See Mavrix*, 647 F.3d at 1223.

12 **2. Expressly Aimed at the Forum.**

13 Plaintiffs must make a prima facie showing that the conduct of Defendants, as
14 operators of Porn.com, is expressly aimed at the forum. In this instance, under a
15 Rule 4(k)(2) analysis, the forum is the United States as a whole. *See Holland*, 485 F.3d
16 at 461.

17 Courts “have struggled with the question whether tortious conduct on a nationally
18 accessible website is expressly aimed at any, or all, of the forums in which the website
19 can be viewed.” *Mavrix*, 647 F.3d at 1229. “[M]aintenance of a passive website alone
20 cannot satisfy the express aiming prong.” *Id.* But “operating a passive website in
21 conjunction with ‘something more’ – conduct directly targeting the forum – is sufficient.”
22 *Id.* In determining whether “something more” exists, the Ninth Circuit considers a
23 number of factors, including the “interactivity of the defendant’s website,” “the
24 geographic scope of the defendant’s commercial ambitions,” and “whether the defendant
25 ‘individually targeted’ a plaintiff known to be a forum resident.” *Id.*

26 A defendant expressly aims at a forum when he engages in conduct to exploit the
27 forum market for commercial gain. *See Id.* In *Mavrix*, the Ninth Circuit conducted a
28 purposeful direction analysis to evaluate whether the operator of a celebrity website

1 established sufficient contacts with the state of California when it published copyrighted
2 celebrity photos online. *Id.* at 1228-1232. The court found that the website operator had
3 engaged in express aiming at California. *Id.* The court noted that the website sold
4 advertising space to third-party advertisers who targeted California and that a substantial
5 number of hits to the website came from California. *Id.* The “most salient” fact in favor
6 of express aiming was “that [the website] featured [the plaintiff’s] copyrighted photos as
7 part of its exploitation of the California market for its own commercial gain.” *Id.* at
8 1230.

9 Like the website operator in *Mavrix*, whose expressly-aimed conduct included
10 making money based on advertising and website traffic from users in California,
11 Defendants earn revenue based on advertising and website traffic in the United States. In
12 fact, Plaintiffs allege that between January 2016 and June 2016, United States residents
13 were the largest source of Porn.com users, comprising 23.26% of Porn.com’s viewers.
14 Doc. 38-1 at 7, 53. German residents made up the second largest source at 7.99%. *Id.*
15 Additionally, at the time of the alleged infringement, Porn.com was hosted by a
16 Massachusetts company, Reflected Networks, and utilized a Content Delivery Network
17 (“CDN”) comprised of servers located in Arizona and throughout the United States. *Id.*
18 Plaintiffs also allege that Porn.com claims relationships with at least eleven United States
19 content producers through its Content Partnership Program, including three Arizona-
20 based companies – Oppenheim, LLC; XFC, Inc.; and Nomad Media, Inc. *Id.*; Doc. 32-5 at
21 6, ¶ 28. Furthermore, Plaintiffs allege Porn.com that contracts with United States
22 advertisers to reach United States users with geo-targeted advertisements. *Id.*

23 Defendants argue that a number of facts distinguish this case from *AMA*.
24 Defendants assert that (1) maintenance of a website is not sufficient to establish express
25 aiming at a forum; (2) Defendants do not engage in contracts with U.S. advertisers or
26 advertising brokers and do not engage in “geolocation”; (3) only one Defendant, Sagan,
27 contracts with a third party for server space for the Porn.com website, and that contract is
28 with a company located in the Netherlands, not the United States; and (4) “to the extent

1 there are ‘content partners’ who provide videos that appear on the Porn.com website, it is
2 not as a result of Defendants entering into agreements with such content partners, but
3 rather the result of those content providers entering into agreements with [GIM].”
4 Doc. 35 at 15-24. Defendants also contend that, to the extent the Court considered the
5 fact that Porn.com has a registered agent for the receipt of takedown notices with the
6 United States Copyright Office, such consideration was improper. *Id.* at 24-27.

7 Defendants’ arguments are largely unpersuasive. Defendants’ contentions (2), (3),
8 and (4) – which claim that no Defendant contracts directly with United States entities –
9 present factual arguments, not legal ones. While the Court “may not assume the truth of
10 allegations in a pleading which are contradicted by affidavit,” *Data Disc, Inc. v. Sys.*
11 *Tech. Assocs., Inc.*, 557 F.2d 1280, 1284 (9th Cir. 1977), factual disputes are resolved in
12 the plaintiff’s favor, *Pebble Beach Co. v. Caddy*, 453 F.3d 1151, 1154 (9th Cir. 2006).
13 Plaintiffs allege that Porn.com’s servers are hosted in the United States (Doc. 38 at 9-10),
14 that Porn.com contracts directly and through brokers with United States advertisers who
15 tailor their ads to the end user’s geographic location in the United States (Doc. 1, ¶ 15),
16 and that the United States market makes up a substantial portion of Porn.com’s traffic
17 (Doc. 38 at 9-10; Doc. 38-1 at 7, ¶ 32), and these factual arguments must be settled in
18 Plaintiffs favor at this stage.

19 Defendants’ first and fifth contentions, on the other hand, assert legal arguments.
20 *See* Doc. 35 at 15-21, 24-27. Defendants first argue that maintenance of a website is
21 insufficient to establish express aiming at a forum. *Id.* at 15. Defendants are correct. It
22 is well settled law that maintenance of a website alone is not sufficient. *See, e.g.*,
23 *Panavision Intern., L.P. v. Toeppen*, 141 F.3d 1316, 1322 (9th Cir. 1998); *Cybershell,*
24 *Inc. v. Cybershell, Inc.*, 130 F.3d 414, 418-20 (9th Cir. 1997). But the Ninth Circuit’s
25 decision in *Mavrix* makes clear that “operating a passive website in conjunction with
26 ‘something more’ – conduct directly targeting the forum – is sufficient.” 647 F.3d at
27 1229. Defendants do not address the factors in *Mavrix* that the Court considers when
28 determining if “something more” exists, including the interactivity of the defendant’s

1 website, the geographic scope of the defendant’s commercial ambitions, and whether the
2 defendant individually targeted a plaintiff known to be a forum resident. *Id.* Nor do
3 Defendants address how the Court should step around the fact that the “most salient”
4 factor is “the fact that [the owner/operators of Porn.com] used [Plaintiffs’] copyrighted
5 [content] as part of its exploitation of the [United States] market for its own commercial
6 gain.” *Id.*

7 Instead, Defendants cite to numerous out-of-circuit decisions applying different
8 rules and ultimately reach a different conclusion. These decisions are not relevant in
9 light of the Ninth Circuit decision in *Mavrix*. *See* Doc. 35 at 15-21.

10 Defendants final argument is well taken. The fact a DMCA agent is registered in
11 the United States should not be considered when evaluating contacts for personal
12 jurisdiction. *See Chipman, Ltd. v. Thomas B. Jeffery Co.*, 251 U.S. 373, 379 (1920)
13 (holding that “[u]nless a foreign corporation is engaged in business with the state, it is not
14 brought within the state by the presence of its agents.”); *King v. Am. Fam. Mut. Ins. Co.*,
15 632 F.3d 570, 576 (9th Cir. 2011) (“[I]t is the corporate activities of the defendant, not
16 just the mere designation of a statutory agent, that is helpful in determining whether the
17 court has personal jurisdiction over the defendant,” and “the degree to which a defendant
18 is present in the forum is an important factor in determining personal jurisdiction. The
19 simple act of appointing a statutory agent is not, nor has it ever been, a magical litmus
20 test.”). Even absent consideration of Porn.com’s DMCA agent in Michigan, however,
21 the other contacts with the United States alleged by Plaintiffs are sufficient to establish
22 expressing aiming at the forum by the operators of Porn.com. *See Mavrix*, 647 F.3d at
23 1229.

24 **3. Harm in the Forum.**

25 This is where Plaintiffs’ personal jurisdiction argument fails. To establish
26 purposeful direction, Plaintiffs must show that Defendants knew they were causing harm
27 likely to be suffered in the United States. This “element is satisfied when defendant’s
28 intentional act has ‘foreseeable effects’ in the forum,” and can even be established if “the

1 bulk of the harm occurs outside of the forum.” *Brayton Purcell LLP v. Recordon &*
2 *Recordon*, 606 F.3d 1124, 1131 (9th Cir. 2010). “In order to establish specific
3 jurisdiction, a plaintiff must also show that jurisdictionally significant harm was suffered
4 in the forum state.” *Mavrix*, 647 F.3d at 1231.

5 Plaintiffs devote a mere five sentences to this issue:

6 While Hydentra is formed as a company in Cyprus, it operates from the
7 U.S., employs U.S. citizens located in the U.S., pays U.S. taxes, and has
8 registered its works with the U.S. Copyright Officer. *See, Exhibit B* at
9 ¶¶9-13. Hydentra specifically and intentionally markets its paid
10 membership web sites to U.S. viewers. *Id.* In fact, a majority of
Hydentra’s revenue is generated through U.S. members. *Id.* Hydentra’s
videos infringed on Porn.com were displayed in the U.S. for free – which
obviously deters viewers from paying Hydentra’s membership fees. *Id.*

11 Doc. 38-1 at 15. Plaintiffs cite no authority in support of their argument that such
12 contacts are sufficient to show that they, as Cyprus corporations, were harmed in the
13 United States, much less that harm to them in this country was foreseeable. Plaintiffs cite
14 to a declaration of Jon Krogman, who identifies himself as the president of Plaintiffs, but
15 his declaration similarly lacks detail. He asserts without elaboration and without citation
16 to any supporting source that Plaintiffs operate predominantly in California, employ
17 United States citizens, pay taxes in the United States, actively promote their membership
18 in the United States, and generate most of their revenue from this country. Doc. 38-2.
19 Absolutely no details are provided.

20 Because this motion is decided on the papers, Plaintiffs need make only a prima
21 facie showing of jurisdictional facts. Even still, the Ninth Circuit has explained that
22 “mere ‘bare bones’ assertions of minimum contacts with the forum or legal conclusions
23 unsupported by specific factual allegations will not satisfy a plaintiff’s pleading burden.”
24 *See Swartz v. KPMG LLP*, 476 F.3d 756, 766 (9th Cir. 2007); *see also Alperin v. Vatican*
25 *Bank*, 410 F.3d 532, 539 n.1 (9th Cir. 2005) (“Even though a plaintiff need make only a
26 prima facie showing of jurisdiction at this stage in a litigation, the Holocaust Survivors’
27 bare-bones assertions that the Croatian Liberation Movement has been ‘active’ within the
28 United States at some point and at least a few members have ties to this country are

1 insufficient for us to conclude that the exercise of jurisdiction does not offend traditional
2 notions of fair play and substantial justice.”) (quotation marks and citations omitted);
3 *Butcher’s Union Local No. 498, United Food and Commercial Workers v. SDC Inv., Inc.*,
4 788 F.2d 535, 540 (9th Cir. 1986) (“nonspecific conclusory statement” not enough to
5 show minimum contacts). Plaintiffs provide only bare bones assertions of their business
6 activities in the United States. Doc. 38-2.

7 The Court may, however, consider facts submitted by Defendants if they are
8 uncontroverted. *Conn v. Zakharov*, 667 F.3d 705, 711 (6th Cir. 2012) (“we may consider
9 the defendant’s undisputed factual assertions”); *Astro-Med, Inc. v. Nihon Kohden Am.,*
10 *Inc.*, 591 F.3d 1, 8 (1st Cir. 2009) (“facts put forward by the defendant become part of the
11 mix only to the extent that they are uncontradicted”) (quotation marks and citation
12 omitted). Here, Defendants present unrebutted evidence that seriously undermines
13 Plaintiffs’ assertions of significant business operations in the United States. The address
14 Plaintiffs provide on their United States Copyright Registration – 18034 Ventura Blvd.,
15 Suite 181, Encino, California – is nothing more than a mail drop belonging to “Encino
16 Mail & More.” See Doc. 53 at 11; Doc. 53-3 at 2-9. Further, the California Secretary of
17 State does not list any domestic or foreign entity in California operating under the name
18 Hydentra. See Doc. 53-3 at 11-17. Nor is Hydentra registered as an entity in Arizona or
19 Nevada. *Id.* And while Plaintiffs claim to pay U.S. taxes, Hydentra has had its
20 registrations cancelled at least twice for failure to pay taxes. Its Texas registration was
21 cancelled in 2010 for failing to pay taxes, and its Delaware registration was cancelled in
22 2011 for the same reason. See Doc. 53-3 at 19-23.

23 What is more, as noted above, “a plaintiff must also show that jurisdictionally
24 significant harm was suffered in the forum state.” *Mavrix*, 647 F.3d at 1231. Plaintiffs
25 say nothing of this requirement. They make no attempt to show the significance of the
26 harm to them in the United States. This case concerns four of Plaintiffs’ videos shown in
27 November 2015. Doc. 1, ¶ 65. The Court cannot conclude, however, that this constitutes
28 jurisdictionally significant harm. Porn.com hosts some 500,000 videos. Doc. 35 at 3 n.4.

1 Plaintiffs do not provide a number for the videos they produce regularly, but note that
2 they “produce new films monthly.” Doc. 38-2, ¶ 5. Without any further evidence, the
3 Court cannot conclude that Plaintiffs have shown that Defendants’ alleged actions
4 foreseeably caused them jurisdictionally significant harm. *Mavrix*, 647 F.3d at 1231.

5 In short, unlike the plaintiff in *AMA*, which was a United States corporation based
6 in Nevada, Plaintiffs are foreign corporations based in Cyprus. *See* Doc. 1. Plaintiffs
7 have provided no more than bare bones assertions to support of the claim that they have
8 operations in the United States or that the foreseeable harm to them in the United States
9 was jurisdictionally significant. Accordingly, the Court finds that, even assuming that the
10 operators of Porn.com intentionally acted in a manner targeting the United States,
11 Plaintiffs have not sufficiently shown that foreseeable harm occurred to them in the
12 forum. *See Brayton*, 606 F.3d at 1131.

13 **B. Summary.**

14 Plaintiffs have failed to show that foreseeable harm occurred in the forum as a
15 result of Defendants’ conduct giving rise to this suit, and therefore have failed to satisfy
16 the purposeful direction element of personal jurisdiction analysis. *See Mavrix*, 647 F.3d
17 at 1227-28. Accordingly, the Court lacks personal jurisdiction over all Defendants and
18 will grant the motions to dismiss. The Court need not address arguments that Netmedia
19 and Koonar are not owners or operators of Porn.com, nor that Plaintiffs’ complaint fails
20 to state a claim against them.

21 **IT IS ORDERED:**

22 1. Defendants’ motions to dismiss (Docs. 35, 36, 37) for lack of personal
23 jurisdiction are **granted**.

24 2. The clerk is directed to terminate this case.

25 Dated this 17th day of July, 2017.

26
27 

28

David G. Campbell
United States District Judge