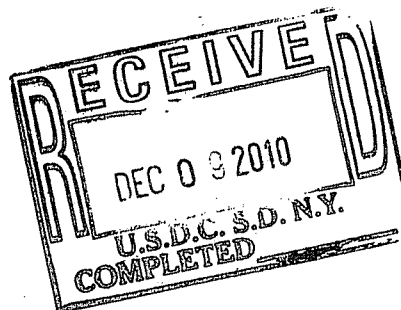


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PREET BHARARA  
United States Attorney for  
the Southern District of New York  
By: JASON P. HERNANDEZ  
THOMAS G.A. BROWN  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, New York 10007  
Tel. (212) 637-1024/2194



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

VERIFIED COMPLAINT

10 Civ.

-v.-

THE FOLLOWING DOMAIN NAMES:

TVSHACK.NET,  
MOVIES-LINKS.TV,  
ZML.COM,  
NOW-MOVIES.COM,  
THEPIRATECITY.ORG,  
PLANETMOVIEZ.COM, AND  
FILES PUMP.COM,

Defendants-in-rem.

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Plaintiff United States of America, by its attorney,  
Preet Bharara, United States Attorney for the Southern District of  
New York, for its verified complaint alleges, upon information and  
belief, as follows:

I. JURISDICTION AND VENUE

1. This action is brought by the United States of  
America pursuant to Title 18, United States Code, Section 2323  
seeking the forfeiture of the following domain names:

TVShack.net, Movies-Links.tv, ZML.com, Now-Movies.com,

ThePirateCity.org, PlanetMoviez.com, and FilesPump.com, (collectively the "Defendant Websites") seized on or about June 30, 2010.

2. This Court has jurisdiction pursuant to Title 28, United States Code, Sections 1345 and 1355.

3. Venue is proper under Title 28, United States Code, Section 1355(b)(1)(A) because the acts and omissions giving rise to the forfeiture took place in the Southern District of New York and the Defendant Websites were all accessed using computers within the Southern District of New York.

4. The Defendant Websites were seized by the Department of Homeland Security, Bureau of Immigration and Customs Enforcement.

## II. THE DEFENDANT WEBSITES ARE FORFEITABLE PROPERTY

5. In 2010, members of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE") conducted an investigation into websites that illegally distributed copyright-protected content, particularly, first-run movies, over the Internet.

6. During the course of the investigation, ICE agents discovered that many of the websites that are involved in the illegal distribution of copyright-protected content over the Internet may be divided into two classes: "linking" websites and "cyberlocker" websites.

7. "Linking" websites generally collect and catalog links<sup>1</sup> to files on third party websites that contain illegal copies of copyrighted content, including movies, television shows, and music. Linking websites organize these links by, for example, movie title or genre, to make them easily accessible. Users simply click on a link to begin the process of downloading or streaming to their own computer an illegal copy of a movie, television show, or music file from the third party website at which it is stored. Linking websites are popular because they allow users to quickly browse content and locate illegal copies that would otherwise be more difficult to find through manual searches of the Internet. Linking websites also often allow users to post links to infringing content.

8. The third party websites on which the illegal copies of movies and television shows are stored for later downloading or streaming are sometimes referred to as "cyberlocker" websites. Cyberlockers allow users to upload infringing content and often feature high-capacity data connections that allow users conveniently to download or stream

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<sup>1</sup> For purposes of this Complaint, a "link" is code which specifies a particular webpage or file on the Internet. If clicked on by a user, a link can, for example, bring up the relevant web page in an Internet browser or run a program. For example, "<http://movies.nytimes.com/2010/06/18/movies/18toy.html?scp=1&sq=toy%20story%203&st=cse>" is a link to a webpage containing the New York Times' review of the movie "Toy Story 3." A "link" may also be referred to as a "Uniform Resource Locator" or "URL."

that content relatively quickly. Cyberlocker websites also may allow users to search for and download specific content directly without first going through a linking site. Finally, a cyberlocker may use different servers to host its webpage, receive uploads, and handle downloading or streaming content. Each computer server connected to the Internet is identified by one or more IP addresses.

9. During the course of this investigation, ICE agents learned that the Defendant Websites include linking and cyberlocker websites that are among the most popular such websites on the Internet for distributing illegal copies of movies, television shows and music files.

10. During the course of the investigation, ICE agents monitored the Defendant Websites, using computers located in the Southern District of New York. On multiple occasions, while monitoring the Defendant Websites, the agents were able to stream and/or download multiple illegal copies of copyrighted or first-run motion pictures.

**A. TVShack.net**

11. At all times relevant to this Verified Complaint, TVShack.net was a "linking" website that is hosted on a computer assigned the IP address 84.22.98.3, which is located at an Internet Service Provider in the Netherlands.

12. Between June 17, 2010 and June 24, 2010, ICE agents were able to access the TVShack.net website and link to cyberlockers and stream and/or download illegal copies of movies. In order to stream and/or download illegal copies of movies, the agents clicked on links for the below-listed movies on the TVShack.net website, selected links to stream and/or download the movies from the below-listed cyberlocker sites, and streamed and/or downloaded copies of the selected movies from the relevant cyberlockers in a manner that indicated that the entire movie had been uploaded and made available to users. The agents either streamed and/or downloaded the entire movie, or they streamed/downloaded portions of the movie at the beginning, middle, and end to ascertain whether the uploaded content was the complete theatrical production, a preview, or a clip from the movie or television show.

13. The following chart details the exact dates that the agents were able to stream and/or download illegal copies of movies from TVShack.net:

Date	Movie	Cyberlocker
6/17/10	The Karate Kid (2010)	Zshare.net
6/17/10	The Prince of Persia: The Sands of Time (2010)	DivxDen.com
6/17/10	The A-Team (2010)	DivxDen.com
6/21/10	Toy Story 3 (2010)	NovaMov.com
6/24/10	Toy Story 3 (2010)	NovaMov.com

14. After reviewing public movie listings and speaking with members of the Motion Picture Association of America (the "MPAA") and other movie studios, ICE agents confirmed that, as of June 24, 2010, all of the aforementioned movies were playing in theaters, all were copyrighted, and that the copyright holders did not authorize their third party distribution over the Internet by TVShack.net or any other website.

15. During the ICE agents' review of TVShack.net, they learned that TVShack.net offered hundreds of other motion pictures and television shows for users to download and/or stream that, upon information and belief, TVShack.net was not authorized to release to third parties over the Internet.

#### **B. Movies-Links.tv**

16. At all times relevant to this Verified Complaint, Movies-Links.tv was a "linking" website that is hosted on a computer assigned the IP address 82.98.86.163, which is located at an Internet Service Provider in Germany.

17. Between June 14, 2010 and June 24, 2010, ICE agents were able to access the Movies-Links.tv website and link to cyberlockers and stream illegal copies of movies. In order to stream illegal copies of the movies, the agents, clicked on links for the below-listed movies on the Movies-Links.tv website, selected links to stream the movie from the below-listed cyberlocker sites, and streamed and/or downloaded copies of the

selected movies from the relevant cyberlockers in the above-discussed manner that indicated that the entire movie had been uploaded and made available to users.

18. The following chart details the exact dates that the agents were able to stream and/or download illegal copies of movies from Movies-Links.tv:

Date	Movie	Cyberlocker
6/14/10	Get Him to the Greek	Loombo.com
6/15/10	Letters to Juliet	Stillex.com
6/17/10	Killers	FairyShare.com
6/22/10	Toy Story 3	MetaDivx.com
6/24/10	Toy Story 3	FairyShare.com
6/24/10	Toy Story 3	Stillex.com
6/24/10	Toy Story 3	Vidreel.com

19. After reviewing public movie listings and speaking with members of the MPAA and other movie studios, ICE agents confirmed that, as of June 15, 2010, "Get Him to the Greek," "Killers," and "Toy Story 3" were playing in theaters, all were copyrighted, and that the copyright holders did not authorize their third party distribution over the Internet by Movies-Links.tv or any other website.

20. During the ICE agents' review of Movies-Links.tv, they learned that Movies-Links.tv offered hundreds of other motion pictures and television shows for users to download and/or

stream that, upon information and belief, Movies-Links.tv was not authorized to release to third parties over the Internet.

C. ZML.com

21. At all times relevant to this Verified Complaint, ZML.com was a cyberlocker site that allows users to download movies and television shows directly from it. ZML.com is hosted on a computer server assigned IP address 96.31.66.11, which is hosted at an Internet Service Provider in Florida.

22. Between June 15, 2010 and June 24, 2010, ICE agents were able to access the ZML.com website and download illegal copies of movies. The agents would do so by clicking on links for the below-listed movies on the ZML.com website and obtaining a link which they then used to stream and/or download the movie directly from the ZML.com website.

23. The following chart details the exact dates that the agents were able to stream and/or download illegal copies of movies from ZML.com:

Date	Movie
6/15/10	Avatar
6/21/10	Shrek Forever After
6/24/10	Johan Hex

24. After reviewing public movie listings and speaking with members of the MPAA and other movie studios, ICE agents



confirmed that, as of June 24, 2010, "Shrek Forever After" and "Johan Hex" were playing in theaters, all were copyrighted, and that the copyright holders did not authorize their third party distribution over the Internet by ZML.com or any other website.

25. During the ICE agents' review of ZML.com, they learned that ZML.com offered hundreds of other motion pictures and television shows for users to download and/or stream that, upon information and belief, ZML.com was not authorized to release to third parties over the Internet.

**D. Now-Movies.com**

26. At all times relevant to this Verified Complaint, Now-Movies.com was a "linking" website that is hosted on a computer assigned the IP address 76.73.27.77, which is hosted at an Internet Service Provider in Colorado.

27. Between June 22, 2010 and June 23, 2010, ICE agents were able to access the Now-Movies.com website and link to cyberlockers and stream illegal copies of movies. They did so by clicking on links for the below-listed movies on the Now-Movies.com website, selecting links to stream the movies from the below-listed cyberlocker sites, and then streaming and/or downloading copies of the selected movies from the relevant cyberlockers in the above-discussed manner that indicated that the entire movie had been uploaded and made available to users.

28. The following chart details the exact dates that the agents were able to stream and/or download illegal copies of movies from Now-Movies.com:

Date	Movie	Cyberlocker
6/22/10	Toy Story 3	Loombo.com
6/23/10	Marmaduke	DivxDen.com
6/23/10	Toy Story 3	Loombo.com
6/23/10	Jonah Hex	ZShare.net

29. After reviewing public movie listings and speaking with members of the MPAA and other movie studios, ICE agents confirmed that, as of June 23, 2010, all of the aforementioned movies were playing in theaters, all were copyrighted, and that the copyright holders did not authorize their third party distribution over the Internet by Now-Movies.com or any other website.

30. During the ICE agents' review of Now-Movies.com, they learned that Now-Movies.com offered hundreds of other motion pictures and television shows for users to download and/or stream that, upon information and belief, Now-Movies.com was not authorized to release to third parties over the Internet.

**E. ThePirateCity.org**

31. At all times relevant to this Verified Complaint, ThePirateCity.org was a "linking" website that is hosted on a computer assigned the IP address 89.185.228.192, which is hosted at an Internet Service Provider in the Czech Republic.

32. Between June 19, 2010 and June 24, 2010, ICE agents were able to access the ThePirateCity.org website and link to cyberlockers and stream and/or download illegal copies of movies. They did so by clicking on links for the below-listed movies on ThePirateCity.org website, selecting links to stream the movie from the below-listed cyberlocker sites, and streaming and/or downloading copies of the selected movies from the relevant cyberlockers in the above-discussed manner that indicated that the entire movie had been uploaded and made available to users.

33. The following chart details the exact dates that the agents were able to stream and/or download illegal copies of movies from ThePirateCity.org:

Date	Movie	Cyberlocker
6/19/10	Obsessed	ZShare.net
6/11/10	Alice in Wonderland	ZShare.net
6/24/10	Toy Story 3	DivxStage.net

34. After reviewing public movie listings and speaking with members of the MPAA, ICE agents confirmed that, as of June 15, 2010, "Toy Story 3" was playing in theaters, all were copyrighted, and that the copyright holders did not authorize their third party distribution over the Internet by Now-Movies.com or any other website.

35. During the ICE agents' review of ThePirateCity.org, they learned that ThePirateCity.org offered

hundreds of other motion pictures and television shows for users to download and/or stream that, upon information and belief, ThePirateCity.org was not authorized to release to third parties over the Internet.

F. PlanetMoviez.com

36. At all times relevant to this Verified Complaint, PlanetMoviez.com was a "linking" website that is hosted on a computer assigned the IP address 96.30.9.104, which is hosted at an Internet Service Provider in Illinois.

37. On June 28, 2010, ICE agents were able to access the PlanetMoviez.com website and link to cyberlockers and stream and/or download illegal copies of movies. They did so by clicking on links for the below listed movies on the PlanetMoviez.com website and streaming and/or downloading the movies from the below-listed cyberlocker sites in the above-described manner that indicated that the entire movie had been uploaded and made available to users.

38. The following chart details the exact dates that the agents were able to stream and/or download illegal copies of movies from PlanetMoviez.com:

Date	Movie	Cyberlocker
6/28/10	The Karate Kid (2010)	DivxDen.com
6/28/10	Get Him to the Greek	DivxDen.com
6/28/10	Sex and the City 2	DivxDen.com

6/28/10	Marmaduke	DivxDen.com
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39. After reviewing public movie listings and speaking with members of the MPAA, ICE agents confirmed that, as of June 28, 2010, all of the aforementioned movies were playing in theaters, all were copyrighted, and that the copyright holders did not authorize their third party distribution over the Internet by PlanetMoviez.com or any other website.

40. During the ICE agents' review of PlanetMoviez.com, they learned that PlanetMoviez.com offered hundreds of other motion pictures and television shows for users to download and/or stream that, upon information and belief, PlanetMoviez.com was not authorized to release to third parties over the Internet.

FilesPump.com

41. At all times relevant to this Verified Complaint, FilesPump.com was a "linking" website that is hosted on a computer assigned the IP address 213.174.143.21, which is hosted at an Internet Service Provider in the United Kingdom.

42. On June 28, 2010, ICE agents were able to access the FilesPump.com website and link to cyberlockers and stream and/or download illegal copies of movies. The agents did so by clicking on links to stream and/or download the movies from the below-listed cyberlocker sites, and streaming and/or downloading copies of the selected movies from selected movies from the

relevant cyberlockers in the above-described manner that indicated that the entire movie had been uploaded and made available to users.

43. The following chart details the exact dates that the agents were able to stream and/or download illegal copies of movies from FilesPump.com:

Date	Movie	Cyberlocker
6/28/10	The A-Team	DepositFiles.com
6/28/10	Sex and the City 2	HotFile.com
6/28/10	Toy Story 3	RapidShare.com
6/28/10	The Karate Kid	DepositFiles.com

44. After reviewing public movie listings and speaking with members of the MPAA, ICE agents confirmed that, as of June 28, 2010, all of the aforementioned movies were playing in theaters, all were copyrighted, and that the copyright holders did not authorize their third party distribution over the Internet by FilesPump.com or any other website.

45. During the ICE agents' review of FilesPump.com, they learned that FilesPump.com offered hundreds of other motion pictures and television shows for users to download and/or stream that, upon information and belief, FilesPump.com was not authorized to release to third parties over the Internet.

### III. CLAIM FOR FORFEITURE

46. Incorporated herein are the allegations contained in paragraphs one through forty-five of this Verified Complaint.

47. Pursuant to Title 18, United States Code, Section 2323(a)(1)(A) the following property is subject to forfeiture: "[a]ny article, the making or trafficking of which, is prohibited under section . . . 2319 . . . [or] 2319B."

48. Furthermore, 18 U.S.C. § 2323(a)(1)(B) subjects to forfeiture "[a]ny property used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense referred to in subparagraph (A)."

49. The Defendant Websites are subject to forfeiture pursuant to Title 18, United States Code, Sections 2323(a)(1)(A)-(B) because they constitute property used or intended to be used to willfully infringe a copyright in violation of 18 U.S.C. § 2319 and/or unlawfully transmit copyrighted motion pictures in violation of 18 U.S.C. § 2319B.

50. By reason of the above, the Defendant Websites became, and is, subject to forfeiture to the United States of America, pursuant to Title 18, United States Code, Sections 2323(a)(1)(A)-(B).

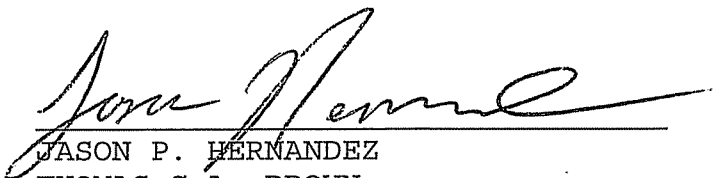
WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the Defendant Websites and that all persons having an interest in the Defendant

Websites be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the Defendant Websites to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York  
December 8, 2010

PREET BHARARA  
United States Attorney for  
the Southern District of New York  
Attorney for the Plaintiff  
United States of America

By:



JASON P. HERNANDEZ  
THOMAS G.A. BROWN  
Assistant United States Attorneys  
One St. Andrew's Plaza  
New York, New York 10007  
Telephone: (212) 637-1024/2194



VERIFICATION

STATE OF NEW YORK )  
COUNTY OF NEW YORK :  
SOUTHERN DISTRICT OF NEW YORK )

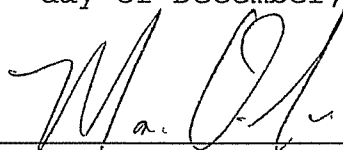
MARCELLO DILAURA, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Bureau of Immigration and Customs Enforcement, and as such has responsibility for the within action; that he has read the foregoing complaint and knows the contents thereof, and that the same is true to the best of his own knowledge, information and belief.

The sources of deponent's information and the ground of his belief are conversations with other law enforcement officers and others, official records and files of the Bureau of Immigration and Customs Enforcement, and the United States Government, and information obtained directly by deponent during an investigation of alleged violations of Title 18, United States Code.



MARCELLO DILAURA  
Special Agent  
Bureau of Immigration and  
Customs Enforcement

Sworn to before me this  
8<sup>th</sup> day of December, 2010

  
\_\_\_\_\_  
NOTARY PUBLIC

MARCO DASILVA  
Notary Public, State of New York  
No. 01DA6145603  
Qualified in Nassau County  
My Commission Expires May 8, 2014