

ORIGINAL

United States District Court

CENTRAL

DISTRICT OF

CALIFORNIA

In the Matter of the Seizure of
(Address or Brief description of property or premises to be seized)

THE FOLLOWING DOMAIN NAMES:

RAPGODFATHERS.COM,
TORRENT-FINDER.COM,
RMX4U.COM,
DAJAZI.COM, and
ONSMASH.COM

APPLICATION AND AFFIDAVIT
FOR SEIZURE WARRANT

CASE NUMBER **10-2822M**

I, ANDREW REYNOLDS, being duly sworn depose and say:

I am a Special Agent with the Homeland Security Investigations, Immigration and Customs Enforcement and have reason to believe that in the CENTRAL District of CALIFORNIA there is now concealed a certain person or property, namely the following Internet domain names: (describe the person or property to be seized)

LOGGED

RAPGODFATHERS.COM, registered with Enom, Inc., which has its headquarters at 15801 NE 24th Street, Bellevue, Washington 98008;

TORRENT-FINDER.COM registered with Blue Razor Domains, Inc., which has its headquarters at 14455 North Hayden Road, Suite 226, Scottsdale, Arizona 85260;

RMX4U.COM registered with Enom, Inc. which has its headquarters at 15801 NE 24th Street, Bellevue, Washington 98008;

DAJAZI.COM registered with Fast Domain, Inc., which has its headquarters at 1958 South 950 East, Provo, Utah 84606; and

ONSMASH.COM registered with Godaddy.com, Inc., which has its headquarters at 14455 N. Hayden Road, Suite 219, Scottsdale, Arizona 85260.

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CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

which is (state one or more bases for seizure under United States Code)

subject to seizure and civil forfeiture under 18 U.S.C. §§ 2323(a)(1)(B) and § 981(b); concerning a violation of Title 17, United States Code, Section 506(a) and Title 18, United States Code, Section 2319. The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

Continued on the attached sheet and made a part hereof. Yes No

[Signature]
Signature of Affiant **ANDREW T. REYNOLDS**
SPECIAL AGENT
IMMIGRATION AND CUSTOMS
ENFORCEMENT, HOMELAND
SECURITY INVESTIGATIONS

Sworn to before me, and subscribed in my presence

11/17/10
Date

DOCKETED ON CM at
NOV 24 2010
BY *[Signature]* 188

Los Angeles, California
City and State

Hon. Margaret A. Nagle, U.S. Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

[Handwritten mark]

A F F I D A V I T

I, Andrew Reynolds, being duly sworn, hereby state as follows:

I.

INTRODUCTION

1. I am employed as a Special Agent ("SA") with the Department of Homeland Security ("DHS"), United States Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI") and have been so employed since August 2009. I am currently assigned to the Office of the Special Agent In Charge, Los Angeles ("SAC/LA") Intellectual Property Rights ("IPR") group. While a SA with ICE HSI, I have investigated and assisted other agents in investigating numerous investigations involving violations regarding fraud and Intellectual Property Rights (IPR). Prior to my employment with ICE HSI as a SA, I served as a Student Trainee (Criminal Investigator) with ICE for approximately one year at the SAC/LA Border Enforcement Security Task Force (BEST), SAC/LA Narcotics and Smuggling groups. My duties included assisting agents in investigating narcotics trafficking and human smuggling violations. Furthermore as an ICE student trainee, I participated and assisted other state and federal agencies in a wide variety of investigations.

II.

PURPOSE OF AFFIDAVIT

2. I make this affidavit in support of the government's application, pursuant to Title 18, United States Code, Sections 2323(a)(1)(A)-(B) and 981, for warrants to seize the following property (in this case, website domains):

- a. The domain name WWW.RAPGODFATHERS.COM, registered with Enom, Inc., which has its headquarters at 15801 NE 24th Street, Bellevue, Washington 98008;
- b. The domain name WWW.TORRENT-FINDER.COM registered with Blue Razor Domains, Inc., which has its headquarters at 14455 North Hayden Road, Suite 226, Scottsdale, Arizona 85260;
- c. The domain name WWW.RMX4U.COM, registered with Enom, Inc. which has its headquarters at 15801 NE 24th Street, Bellevue, Washington 98008;
- d. The domain name WWW.DAJAZ1.COM, registered with Fast Domain, Inc., which has its headquarters at 1958 South 950 East, Provo, Utah 84606; and
- e. The domain name WWW.ONSMASH.COM, registered with Godaddy.com, Inc., which has its headquarters at 14455 N. Hayden Road, Suite 219, Scottsdale, Arizona 85260

(collectively referred to as "THE SUBJECT DOMAIN NAMES").

3. The procedure by which the government will seize the SUBJECT DOMAIN NAMES is described in Attachment A hereto and below.

4. As set forth below, there is probable cause to believe that the SUBJECT DOMAIN NAMES are property used, or intended to be used to commit or facilitate criminal copyright infringement, in violation of 18 U.S.C. § 2319 and 17 U.S.C. § 506(a), and are subject to seizure and forfeiture pursuant to 18 U.S.C. § 2323(a).

5. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information and reports obtained from other agents and individuals. This affidavit is intended to show merely that there is probable cause for the requested seizure warrants and does not purport to set forth all of my knowledge of or investigation into this matter.

III.

TECHNICAL BACKGROUND

6. Based on my training and experience and information learned from others, I am familiar with the following terms:

a. Internet Protocol Address: An Internet Protocol address (IP address) is a unique numeric address used by computers on the Internet. An IP Address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet must be assigned an IP address so that Internet traffic sent from and

directed to that computer may be directed properly from its source to its destination. An IP address acts much like a home or business street address -- it enables computers connected to the Internet to properly route traffic to each other. The assignment of IP addresses to computers connected to the Internet is controlled by ISPs.

b. Domain Name: A domain name is a simple, easy-to-remember way for humans to identify computers on the Internet, using a series of characters (e.g., letters, numbers, or other characters) that correspond with a particular IP address. For example, "usdoj.gov" and "cnn.com" are domain names.

c. Domain Name System: The domain name system ("DNS") is, among other things, a hierarchical convention for domain names. Domain names are composed of one or more parts, or "labels," that are delimited by periods, such as "www.example.com." The hierarchy of domains descends from right to left; each label to the left specifies a subdivision, or subdomain, of the domain on the right. The right-most label conveys the "top-level" domain. For example, the domain name "www.example.com" means that the computer assigned that name is in the ".com" top-level domain, and the "example" second-level domain, and that same computer is the web server.

d. Domain Name Servers: DNS servers are computers connected to the Internet that convert, or resolve, domain names into Internet Protocol ("IP") addresses. For each top-level domain (such as ".com"), there is a single company, called a "registry," that determines which second-level domain resolves to which IP address. For example, the registry for the ".com" and ".net" top-level domains is VeriSign, Inc., which has its headquarters at 21355 Ridgetop Circle, Dulles, Virginia.

e. Registrar & Registrant: Domain names may be purchased through a registrar, which acts as the intermediary between the registry and the purchasers of the domain name. The individual or business that purchases, or registers, a domain name is called a "registrant." Registrants control the IP address, and thus the computer, to which their domain name resolves. Thus, a registrant may easily move a domain name to another computer anywhere in the world. Typically a registrar will provide a registrant with the ability to change the IP address a particular IP address resolves through an online interface. Registrars typically maintain customer and billing information about the registrants who used their domain name registration services.

f. Internet Service Provider ("ISP"): Many individuals and businesses obtain access to the Internet through businesses known as Internet Service Providers ("ISPs"). ISPs provide their customers with access to the Internet using telephone or other telecommunications lines; provide Internet e-mail accounts that allow users to communicate with other Internet users by sending and receiving electronic messages through the ISP's servers; remotely store electronic files on their customers' behalf; and may provide other services unique to each particular ISP. ISPs maintain records pertaining to the individuals or businesses that have subscriber accounts with them. Those records often include identifying and billing information, account access information in the form of log files, e-mail transaction information, posting information, account application information, and other information both in computer data and written record format.

g. WhoIs query: A standardized query or method for identifying a particular computer on the Internet by obtaining information from a registry database that identifies the registrar for a particular IP address. For example, if you enter a domain name such as "microsoft.com," Whois will return the name and address of the domain's owner (in that case, Microsoft

Corporation). A "Whois" query can be found on numerous different websites, including www.domaintools.com.

h. Cam: The term "Cam" is a term used to describe multimedia video and audio content which is illegally recorded in a cinema or theater where films are shown. After the content is illegally recorded, the multimedia video and audio is then enhanced in preparation for illegal distribution.

i. Screener: A screener, also known as a work print, normally refers to a Digital Video Disc ("DVD") containing a full length motion picture that is specifically prepared for and sent to movie critics and censors for reviewing purposes before that content is available to the public. It is common practice for "screener" footage to contain watermarks or subtitles which reflect the copyright holder's ownership over the material. Screeners, however, are sometimes illegally obtained and copied or "downloaded" to digital format to allow for illegal distribution. When diverted before or during a motion picture's theatrical release, a screener DVD provides a significantly higher quality of pirated motion picture content compared to content that is obtained through the use of a camcorder in a movie theater. This level of quality is normally not available until the official release date of the motion picture's DVD,

which normally occurs between 60 days and six months after theatrical release.

j. Internet Forum: An "Internet forum," "message board," or "forum" is an online discussion webpage where people can hold conversations in the form of posted messages. They differ from chat rooms in that messages are stored on the server or computer of the website that displays them. Depending on the access level of a user and/or the forum set-up, a posted message might need to be approved by an administrator before it becomes visible to the general public. It is common for forums to require that the general public register with the website in order to become a forum "user" who is able to post messages in the forum. Forums have their own language; e.g. a single conversation is called a "thread." A forum is hierarchical or tree-like in structure: forum - subforum - topic - thread - reply.

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IV.

SUMMARY OF INVESTIGATION AND EFFECT OF INTERNET PIRACY

7. This application arises from an ongoing nation-wide investigation into websites that illegally distribute copyright-protected content, particularly movies, songs, albums and computer software, over the Internet.

8. I know from my participation in the investigation that the Motion Picture Association of America (MPAA) is an industry trade group that represents various major United States motion picture studios that own the rights to the movies that are discussed in this affidavit, and provides investigative analysis and evaluation services for products owned and maintained by their member representatives. According to statistics compiled by the MPAA for 2008, the motion picture and television production industries (the "industry") employ approximately 2.4 million people and paid over \$140 billion in total wages. Over 450,000 of those jobs are in related businesses that distribute motion pictures and television shows to consumers. The industry employs more than 95,000 businesses in all 50 states, businesses such as caterers, dry cleaners, florists, hardware and lumber suppliers, and retailers, to name a few. Approximately \$15.7 billion in federal taxes were collected in 2008 as a result of the industry's activities.

9. Based on my participation in the investigation, I have learned that there is a "domino effect" to online piracy. Online piracy deprives the industry of revenue derived from the "downstream" distribution of movies, software, music and television shows after those products are released in theaters or on television. Downstream revenue funds are used, among other things, to further investment in the industry and to fund pension and healthcare plans for unionized workers in the industry. According to the MPAA, 75% of a motion picture's revenue comes from markets after the initial theatrical release, and more than 50% of scripted television revenues are generated after the first run on television. Domestic industries lose approximately \$25.6 billion a year in revenue to piracy, the domestic economy loses nearly 375,000 jobs either directly or indirectly related to online piracy, and American workers lose more than \$16 billion in annual earnings as a result of copyright infringement.

10. As a result of statistics and yearly reports from the International Federation of the Phonographic Industry (IFPI)¹, I

¹The IFPI represents the interests of international musical artists and recording industry ("member") companies and firms. The IFPI's mission is to promote the value of recorded music by safeguarding the rights of record producers through international anti-piracy coordination, to include the submission of cease and desist (C & D) requests to violators and involved third parties.

have also learned that in 2008, the digital music business internationally grew by approximately 25 percent to \$3.7 billion. Digital platforms now account for about 20 percent of recorded music sales up from 15 percent in 2007. The recorded music industry generates a greater proportion of its revenues through digital sales than the film industry by a five to one ratio. The United States is the world leader in digital music sales, accounting for some 50 percent of the global digital music market value. Single track downloads crossed the one billion mark for the first time in 2008, totaling 1.1 billion; and digital album sales totaled 66 million. IFPI estimates that more than 40 billion files were illegally file-shared in 2008, giving a piracy rate of around 95 percent.

11. Many of the websites that are involved in the illegal distribution of copyright-protected content over the Internet may be divided into three classes: "linking" websites, "cyberlocker" websites and "Bit torrent" websites.

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12. I know from my participation in the investigation that "linking" websites generally collect and catalog links² to files on third party websites that contain illegal copies of copyrighted content, including movies, television shows, software and music.³ 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 (real-time viewing/listening) to their own computer an illegal copy of a movie, television show, software program 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.

² For purposes of this affidavit, 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."

³ I know from my participation in the investigation that illegal copies of motion pictures are frequently made by surreptitiously videotaping movies while they are being shown in theaters. These infringing copies are then quickly distributed over the Internet, sometimes within hours of a movie's initial release. Illegal copies of motion pictures are also made by illegally copying authorized DVD's of those movies.

Linking websites also often allow users to post links to infringing content. Some linking websites are "forum-based," meaning that the links to pirated content are contained in the website's Internet forum.

13. I also know from my participation in the investigation that 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 that content relatively quickly. Cyberlocker websites also may allow users to search for and download specific content directly without first going through a linking website. 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.

14. I also know from my participation in the investigation that the websites through which illegal copies of movies and television shows are shared and transferred are known as "Bit torrent" websites. A Bit torrent (referred to in short as "torrent" or "torrent file") is a files distribution system used

for transferring files across a network of people. As you download a file to your computer, Bit torrent makes what you download available for other people to download straight from your computer; when multiple people are downloading the same file at the same time, they provide (or "upload") pieces of the file to each other. Bit torrent pieces together the file you are downloading, so it does not matter whether you have the first part of the file or the last part of the file, or in what order you download it. As you continue to retrieve the file, Bit torrent also prioritizes how to connect people to one another for file sharing based on the pieces of the file they have obtained. For example, a person with 98 percent of the file done is directed to the people with the 2 percent of the file they still need. Bit torrent websites allow users to upload infringing content and often feature high-capacity files while allowing users conveniently to download or stream that content relatively quickly from large numbers of other people also downloading the file. Bit torrent websites also may allow users to search for and download Bit torrent files through a linking site. Finally, a Bit torrent website may use different servers to host its webpage, receive uploads, and handle Bit torrent content. Each computer server connected to the Internet is identified by one or more IP addresses.

15. This investigation has identified five linking, cyberlocker or Bit torrent websites that are among the most popular such websites on the Internet for distributing illegal copies of movies, television shows, software and music files. These websites are: (1) RapGodFathers.com (hereinafter "RAPGODFATHERS.COM"); (2) torrent-finder.com (hereinafter "TORRENT-FINDER.COM", (3) RMX4U.COM (hereinafter "RMX4U.COM"), (4) dajaz1.com (hereinafter "DAJAZ1.COM"), and (5) onsmash.com (hereinafter "ONSMASH.COM"). Based on the facts set forth below, I believe that each of these websites are actively facilitating the distribution of pirated content. Based on the investigation, it appears that website administrators and/or representatives from each of these five websites supply access to, and advertising for, the pirated content via their websites and/or provide access for any Internet users to download such pirated content.

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V.

PROBABLE CAUSE FOR SEIZURE AND FORFEITURE

16. During the course of this investigation, I have reviewed the below linking sites, Bit torrent sites cyberlockers using computers located in Long Beach, in Los Angeles County, California, and have used those websites to download multiple illegal copies of copyrighted motion pictures, software and music, as described below.

The RAPGODFATHERS.COM Website

A. General Description

17. Based on my review of webpages that are available at the RAPGODFATHERS.COM website, I have learned the following:

a. RAPGODFATHERS.COM is a forum-based "linking" website. According to the site's "Terms of Service" page:

The service is offered to you conditioned on your acceptance without modification of the terms, conditions, and notices contained herein. By visiting and using RapGodFathers.com or any of its affiliate sites and services, you are acknowledging your full compliance to the terms listed here. . . .

RapGodFathers.com is based on its links to third party sites. The linked sites are not under the control of RapGodFathers.com and RapGodFathers.com is not responsible for the content of any linked sites or links contained in a linked site. . . .The links are gathered automatically

We do not manually check every file for copyright issues, and therefore we do not assume any responsibility or liability for the contents of the

file, from completeness to legalities including, but not limited to copyright issues. However, RapGodFathers.com is sensitive to the rights of copyright owners. You may not use this site to distribute or download any copyrighted material in which you do not have the legal rights to do so... RapGodFathers.com user agrees that RapGodFathers.com is hereby absolved from any and all liabilities. Losses, costs and claims, including attorney's fees asserted against RapGodFathers.com, its agents, officers, employees, or associates, that may arise or result from any service provided, performed, be agreed to be performed by RapGodFathers.com.

b. Based on my participation in the investigation and my discussion with MPAA and RIAA representatives, I know that despite the disclaimer displayed in its "Terms of Service" page, the webpage still lists terms which indicate the production and distribution of pirated content.

c. On September 30, 2010 and October 5, 2010, I accessed the homepage of RAPGODFATHERS.COM and learned that the website contained several sections including: "News," "Downloads," "Singles," "RGF⁴ TV," and "Forum." As set forth in further detail below, by further searching this website, it appeared to me that the website contained links to thousands of songs and hundreds of movies.

⁴ "RGF" is apparently an acronym for RapGodFathers.

d. RAPGODFATHERS.COM also included an Internet forum, located at WWW.RAPGODFATHERS.COM/FORUM, which consisted of several subforums, topics and descriptions including the following:

Download Zone

- The Studio: Get your latest music downloads or share your links with the community.
- Other Genres: Post your pop, rock, reggae, techno or any other types of music here.
- The Lab: Download Applications, Games, TV Shows, Books, etc.
- Movie Downloads
- Champagne Room: The champagne room, otherwise known as the XXX porn room / picture room (18+ ONLY).
- Request Spot: Drop by to request anything you want. Minimum 50 posts required.

e. Upon further examination of the "Download Zone" subforum, I clicked on the link "The Lab," which consisted of the following topics and descriptions:

- Applications: Get all your applications **bootlegs** here. (Emphasis added.)
- Games: Your source for games, of course all **bootlegged**. (Emphasis added.)
- TV

f. Based on my training and experience, I know that the above-referenced terms "bootlegs" and "bootlegged" refer to pirated material, i.e. illegally copied multimedia that is copyrighted. Based on my training and experience, only website administrators and other Internet users with administrative control of the RAPGODFATHERS.COM website could have created these subsections and description titles listed on the website.

g. Advertisements appear on various portions of the website, including on pages that are accessed, as pop-up and banner advertisements. I know from my participation in the investigation that companies which place advertisements on a website typically pay a fee to the website's owner(s) based on, among other things, the number of website users who view the advertisement, as well as the number of times users click on the advertisement. Both of these figures depend on, among other things, the website's popularity and its overall number of users.

B. Pirated Songs via RAPGODFATHERS.COM

18. Upon further examination of the "Downloads" section of the homepage, it contained a directory of copyrighted music albums which users could browse and download, listed in date order when they were uploaded to the website. (The most recent ones are first on the list.) For example, on November 9, 2010, the first five album titles listed on the RAPGODFATHERS.COM

website were: (1) Nelly - "5.0," (2) Kanye West - "My Beautiful Dark Twisted Fantasy," (3) Rihanna - "Loud," (4) Trey Songz - "Trigga Trey," and (5) Lil B - "Red Flame."

a. Each album selection was linked to a corresponding web page which contained the album's title, a photograph of the album cover or artist, and a track list of all the song titles contained in the album. Below the track list was a download link that transferred the user to a cyberlocker website where the user could illegally download the corresponding album. The cyberlocker listed the size of the file, the user who uploaded the file to the cyberlocker, the date the file was uploaded, the number of times the file was downloaded by others, and a description of the file. On November 14, 2010, the directory contained in the "Downloads" section of RAPGODFATHERS.COM was 93 pages long, with 50 links per page, meaning that the website appeared to contain more than 4,600 albums available for download in its directory.

b. Based on my review of public records listings, as well as my conversations with representatives of the Recording Industry Association of America (RIAA)⁵ and my review of public

⁵ The RIAA represents large companies that oversee the recording and distribution of music in the US. The RIAA protects the copyrighted content of the above-referenced music recording and distribution share-holders by working with law enforcement to

recordings listings and release dates, I know that several of the above-referenced albums were yet to be released, were copyrighted, and that the copyright holders did not authorize their third party distribution over the Internet by RAPGODFATHERS.COM or any other website.

C. Pirated Movies via RAPGODFATHERS.COM

19. On October 15, 2010, I viewed the RAPGODFATHERS.COM forum and explored the subforum "Movie Downloads," focusing on the topic titled "DVDScr/R5/Screener"⁶ (emphasis added).

20. I viewed the "DVDScr/R5/Screener" topic, which appeared to contain hundreds of movies available for download, and located a number of forum threads which were isolated from the other threads in the forum. (A screen shot of this page, as it existed on October 15, 2010, is attached hereto as Exhibit A.) These isolated threads were marked with the word "sticky," a term used to differentiate threads which are set apart at the top of the forum and do not defer to newly posted threads or postings.⁷

promote copyright protection and disruption of internet piracy organizations.

⁶ Again, as noted above, based on my training and experience, only website administrators and other Internet users with administrative control of the RAPGODFATHERS.COM website could have created this forum and its description title.

⁷ Normally, in the context of website forums, as new posts are made, they are posted above older posts, in reverse chronological order, based on the date the posts are created. In other words,

Administrative access is required to designate a forum post or thread as "sticky," and six out of seven of the isolated threads marked "sticky" had been created by the forum user "T." Below the name "T" was the title "v.i.p." highlighted in orange, unlike the titles of normal users which are not highlighted in color and are not denoted "v.i.p." The "signature"⁸ of each post by "T" contained the phrase "will get you banned" in red and depicted a post by the forum user "JrRyder88" in which "JrRyder88" had posted the gibberish "sadsadf" as a substitute for the "thanks" required to view download links. Under the name "JrRyder88" was the word "Banned" indicating that user JrRyder88 had, in fact, been banned from that web forum. Administrative access is required in order to "ban" forum users.

as a new post is made, the older posts "defer" to the new post and move downward on the page. However, if a post is marked "sticky," it does not move and remains at the top of the page. Only an administrator of the website forum or an Internet user with administrative control of the website forum can designate a post as "sticky."

⁸ This is similar to the "signature" of an email user, in which every time the person writes an email, his or her name, title and contact information is displayed at the bottom of the email. But here, the signature of "T" is not his contact information, but rather, a copy of another user's post, JrRyder88, in which JrRyder88 didn't follow the rules of RAPGODFATHERS.COM by saying "thanks" and thus, he was banned from the website, thus explaining the top of the signature stating, "Will get you banned." Administrative access is required in order to ban users of the website's forums.

21. The access capabilities of the forum user "T," specifically, that he placed a "sticky" on multiple forum threads that he posted, that he banned a web forum user, and his title reflected as "v.i.p." reflected the capacity of a forum administrator, or a user which represents and acts on behalf of the website RAPGODFATHERS.COM. Thus, I believe that forum user "T" is a RAPGODFATHERS.COM administrator and/or representative who is directly making pirated content available for download on the website's Internet forum.

D. Pirated Computer Software via RAPGODFATHERS.COM

22. On or about October 12, 2010, I accessed the above-referenced forum topic titled "Applications" and located a post titled "Windows Essential Applications," which had been created on or about September 19, 2010 by the forum user "/|GunMetaLGr3G|\\". Based on the description below the user's avatar, the user "/|GunMetaLGr3G|\\" had created approximately 535 forum posts since "joining" or registering with the website forum on or about September of 2009. (A screen shot of this page on RapGodFather.com as it appeared on October 12, 2010, is attached hereto as Exhibit B.)

23. In order for the general public to be able to view the download links posted by forum users, a person is required to register with the Internet forum on RAPGODFATHERS.COM. After

completing the registration process, that person is also required to post a "thank you" message to view any download links. Based on my training and experience, I know that requiring the general public to register with an Internet forum in order to post thank you messages increases the amount of "views" or website traffic and consequently increases the website's popularity.

24. After registering as a forum user and posting a thank you message, I was able to view the links to the "bootleg" (pirated) computer software, which included, in part, the following:

- Sony "Vegas HD Platinum 10 3D Edition"
- Google "SketchUp Pro"
- Adobe "Photoshop CS5"

25. When I clicked on the download links for the above bootleg computer software, however, I was forwarded to a cyberlocker which indicated that the downloads were no longer available. Thus, I was unable to obtain any of the above-referenced pirated computer software.

E. Downloads of Infringing Content via RAPGODFATHERS.COM

26. On or about October 14, 2010, I used the uppermost thread which forum user "T" (as noted above, who I believe is an administrator or representative of the website) had created on or

about October 14, 2010, titled "Red.2010.DVDSCR" to link to the cyberlocker megaupload.com. On or about the date listed in the chart below, I clicked on the links for the below-listed movie on the RAPGODFATHERS.COM website, selected the link <http://www.megaupload.com/?d=HP3R636U> to download the movie from the below-mentioned cyberlocker site, and downloaded a copy of the movie "Red" from the relevant cyberlocker in a manner that indicated that the entire movie had been uploaded and made available to RAPGODFATHERS.COM forum users ("the Red movie file").⁹

Date	Movie	File Name	Download link
10/15/2010	RED (2010)	Red.2010.DVDsc.JEKYLL.avi	http://www.megaupload.com/?d=HP3R636U

27. While downloading the Red movie file, I noticed the "File description" on the megaupload.com cyberlocker was "<http://www.rapgodfathers.com/forum>." Based on my training and experience, I know that at the time a file is uploaded, the uploader is able to input a file description for the referenced file download. Whenever someone downloads the file, the "file description" listed will show the website "URL" <http://rapgodfathers.com/forum>". If the downloader were to follow this "URL," it would lead to the RAPGODFATHERS.COM forum.

⁹ I downloaded the entire movie, at the beginning, middle, and end to ascertain whether the uploaded content was the complete theatrical production.

28. Upon viewing the Red movie file, I noticed the subtitle "Property of Summit Entertainment" in white lettering at the top of the footage. Based on my training and experience, I know that such white lettering reflects that the Red movie file is a screener and is not intended for public or Internet release. On or about October 18, 2010, I submitted a sample of the Red movie file for evaluation to Michael Radziewicz, an MPAA investigator.

29. Based on my review of public movie listings, the evaluation of examination by investigator Radziewicz, as well as conversations with representatives of the MPAA and other movie studios, I know that as of October 15, 2010, the above-referenced movie "Red" was playing in theaters, was copyrighted, was confirmed to be a screener, and that the copyright holders did not authorize its third party distribution over the Internet by RAPGODFATHERS.COM or any other website.

30. On or about November 15, 2010, I also used the RAPGODFATHERS.COM website to link to cyberlockers and download illegal copies of pirated albums. On or about the dates listed in the chart below, I clicked on links for the below-listed songs on the RAPGODFATHERS.COM website and downloaded the albums from the below-listed cyberlocker sites. Beneath each of the download links for the below-referenced albums was listed a link to the RAPGODFATHERS.COM forum, titled "More Downloads on RGF Forum."

Date	Album Title	Artist	Cyberlocker	Date Listed as Uploaded on RapGodFathers.com	Date listed as released for sale to the public.
11/15/2010	My Beautiful Dark Twisted Fantasy	Kanye West	Fileserve.com	11/11/2010	11/22/2010
11/15/2010	Nelly 5.0	Nelly	Zshare.net	11/09/2010	11/12/2010
11/15/2010	Loud	Rihanna	Mediafire.com	11/09/2010	11/12/2010

31. On or about November 15, 2010 I reviewed the above-referenced downloaded albums and successfully listened to each of the songs which they contained. Based on my review of public records listings, as well as conversations with representatives of the RIAA, I know that all of the above-referenced songs were determined to be "pre-release" (i.e. not yet released for purchase to the general public) at the time they were uploaded on the RAPGODFATHERS.COM website, were copyrighted, and the copyright holders did not authorize their third party distribution over the Internet by RAPGODFATHERS.COM or any other website.

F. ISP Representative's Statements Relating to RAPGODFATHERS.COM

32. On or about October 18, 2010, I emailed Colocate USA¹⁰ at its email address of company@colocateusa.net to request a point of contact in connection with this investigation; I did not provide details of the investigation. On or about October 20, 2010, I received a phone call from Colocate USA Director of Sales Ray Womack, who requested that I call him back at telephone number xxx-xxx-5010.

33. On or about October 22, 2010, at approximately 8:43 a.m., I called Womack at the number he gave me and spoke with him. During our conversation, and without me giving him any information regarding which website was the focus of our investigation, Womack made the following spontaneous statements:

a. "Just tell me who you're serving... is it rapgodfathers?"

b. "Between you, me and the fifth folks¹¹, who are you going to serve?"

c. "We can cut a lot of the bullshit out if you just tell me who it is because. . . looking at paperwork, I am

¹⁰ Colocate USA is an Internet Service Provider (ISP) owned and operated in Texas, which serves as the hosting ISP for RAPGODFATHERS.COM.

¹¹ By mentioning "the fifth folks," Womack was apparently referring to the Fifth Amendment.

probably sure it's rapgodfather. It's the only IP complaint that we have on our books and we try in our due diligence to work with those clients. To forewarn them and to work with them."

G. The RAPGODFATHERS.COM Domain

34. According to valuethewebsite.com, as of on or about November 12, 2010:

a. The Alexa.com¹² ranking for RAPGODFATHERS.COM shows it was the 15,150th most popular website in the United States;

b. RAPGODFATHERS.COM had 24,708 daily page views;

c. RAPGODFATHERS.COM had an estimated worth of \$ 129,652.00

35. A search of publicly available WhoIs domain name registration records revealed that the RAPGODFATHERS.COM domain was registered on or about April 13, 2005 through the registrar Enom, Inc. which has its headquarters at 15801 NE 24th Street, Bellevue, Washington 98008. The publicly available WHOIS database lists the registrant of the RAPGODFATHERS.COM as

¹² Alexa.com is a "web traffic metric service," meaning that it performs a function similar to the traditional Nielsen television ratings service. Among other things, Alexa.com measures the amount of visitors to a particular website relative to other websites on the Internet, provides an overall ranking of the website's popularity, and collects other information relating to the website, including the number of other websites that link to it.

WhoisGuard.com, a company which protects the identity of domain registrants by placing their information in WHOIS and providing an option to redirect email and regular mail to the customer's real address.

36. Publicly available WHOIS records also revealed that the RAPGODFATHERS.COM site is hosted on a computer assigned IP address 67.216.80.3, which is owned by ColocateUSA, located at 2327 Wise Road, Grand Prairie, Texas 75052.

The TORRENT-FINDER.COM Website

A. General Description

37. Based on my review of web pages that are available at the TORRENT-FINDER.COM website, I have learned the following:

a. TORRENT-FINDER.COM is a linking and Bit torrent website. According to a disclaimer located at the bottom of the site's web pages, "Torrent Finder is a 100% legal website, in strict compliance with all local laws and copyright agreements." The website's home page also explains that "Torrent Finder is a Bit Torrent Multi Search Engine which searches 165 torrent sites and trackers from one page. . . Protect yourself from your ISP, Hide your personal activity while downloading torrents."

b. Based on my participation in the investigation and my discussion with MPAA representatives, I know that despite this disclaimer, the webpage still lists terms which indicate the

production and distribution of pirated content as well as the concealment of the user's identity while downloading pirated content.

c. On or about October 15, 2010, the website's homepage displayed several "High Speed Downloads," the first of which was titled "Secretariat Ripped." Based on my training and experience, queries of public movie listings and my discussion with MPAA representatives, I know that "Secretariat" is a first-run movie that was released in theaters on or about October 8, 2010 and was not yet released to the general public for home-viewing. I also know that in the above-referenced context, the term "Ripped" refers to a pirated copy of a movie which was created - i.e. ripped from - the original digital source material, often after the security protection on the original digital source is removed.

d. The top of the site's home page includes the logos and titles of other torrent websites which are links available through TORRENT-FINDER.COM. The titles of these torrent websites included the following: "PSP Pirates," "Pirateeuropa," "ThePirateBay," "Kick Ass Torrents," "FileMP3.org," "OpenSharing," and "MoviesDVDR."" (Emphasis added.)

e. The first page a user sees when accessing the site

contains a search text-box, in which a user is able to enter any keyword or phrase to initiate a search of links available on TORRENT-FINDER.COM which lead to downloadable content.

B. Pirated Movies via TORRENT-FINDER.COM

38. On or about November 10, 2010, I used the above-referenced search text-box to search for download links which contain the keyword "Cam" in the file title. (As explained in the technical definition section above, "Cam" refers to movies that have been recorded with camcorders while the movie is playing in theaters. Movie files created in this way frequently have the term "cam" in the file title.) The result of my search consisted of 1,000 pages with 30 download links per page, equaling 30,000 links. The results were listed beginning with the most popular links which contained the keyword "Cam;" the listings also showed how many computers were currently accessing ("Seeding" or "leeching") the torrent file and whether or not the links were "verified torrents"¹³:

¹³ In the above-referenced context to Bit torrent files, a "seed" is a computer that has an entire copy of the torrent and offers it for upload. The more seeders there are, the better the chances of getting a higher download speed. If the seeder seeds the whole copy of the download they should get faster downloads. A "leech" is a computer that either does not have 100 percent of the data or who has a negative effect on the download speed by downloading much more of the file than they upload. A "verified" Bit torrent file is a file that has been checked and approved by the evaluators of the website (which can either be people or an

- Paranormal Activity 2 2010 CAM Xvid-REVIVE [verified], [approximately 3,840 seeds / leeches]
- Inception.2010.CAM.XviD-TA(FULL MOVIE) [verified], [approximately 3,738 seeds / leeches]
- Jackass 3D 2010 Cam H264 Feel-Free [verified], [approximately 3,531 seeds / leeches]
- The Social Network CAM XViD - IMAGiNE [verified], [approximately 3,178 seeds / leeches]
- DUE DATE 2010 Cam XviD Feel-Free [verified] [approximately 3,597 seeds / leeches]
- Megamind 2010 Cam-CLASSiFiED [verified] [approximately 2,311 seeds / leeches]

39. I know that once a user selects a movie and clicks on the corresponding link, a new webpage listing numerous details about the movie file¹⁴ as well as links to download the movie file from cyberlocker websites or as a Bit torrent file appears. A user can then click on one of the links to download the movie from the relevant website.

40. Based on my participation in the investigation, review of public movie listings and my discussions with MPAA representatives, I know that the above-referenced titles reflect several movies which are currently unreleased on DVD, unavailable

automated computer function) which attaches the term to the Bit torrent file link.

¹⁴ Details to include pictures, cover art, cast, screenshots, descriptions and reviews.

for public home-viewing and the copyright holders did not authorize their third party distribution over the Internet by TORRENT-FINDER.COM or any other website.

41. On November 15, 2010, I did the same search for keyword "cam" and the result again consisted of 1,000 pages containing 30 links per page, equaling 30,000 matches. This time, I reviewed the first 10 pages of results and it appeared that approximately 80% of the results on those 10 pages contained movies with the term "cam" in the digital file title.¹⁵ Some of the movie titles listed on the first page (hence, the most popular downloaded movies) were the following:

- Due Date 2010 Cam XviD Feel-Free [verified], [approximately 5,860 seeds / leeches]
- Paranormal Activity 2 2010 CAM-XviD-REViVE [verified], [approximately 4,719 seeds / leeches]
- Megamind 2010 Cam-CLASSiFiED [verified] [approximately 2,627 seeds / leeches]
- The Social Network CAM XviD - IMAGiNE [verified] [approx 2,517 seeds / leeches]
- Saw 7 2010 CAM XviD - danytheone (NEWVIDEOSOURCE) [verified] [approximately 3,041 seeds / leeches]

¹⁵ The other approximately 20% of the results contained "cam" in the file title for some other reason, such as the actress Cameron Diaz being listed in the file title.

C. TORRENT-FINDER.COM Forum Posts by Forum User "Torrent Finder"

42. Users of the torrent-finder.com website can click tabs at the top of each webpage to browse categories such as "Search" "Forums," and "News." On October 26, 2010, I accessed the portion of the website called "Forums" which allowed users to post comments about movies, software, video games, music, participate in forum discussions with other users, and create messages which link to other Bit torrent websites.

43. I was able to view several posts by the user "Torrent Finder," including "Top 10 Most Pirated Movies on BitTorrent," "Piracy in the Music Industry," "Piracy Can Boost Book Sales Tremendously," "The First Episode of 'The Walking Dead' Leaks to BitTorrent," and "Piracy domain seizure bill gains support."

44. From reviewing these posts by the user "Torrent Finder," I learned that the above-referenced postings contained links and information to pirated movies including "Wall Street: Money Never Sleeps," "The Social Network," "Red," and other movies. (A screen shot, as it existed on October 26, 2010, is attached hereto as Exhibit C.) Based on my conversations with MPAA representatives and my review of public movie listings, I learned that as of October 26, 2010, these movies were playing in theaters and the copyright holders did not authorize their third

party distribution over the Internet by TORRENT-FINDER.COM or any other website.

45. During my investigation, I further concluded that the user "Torrent Finder" is an Administrator and representative of TORRENT-FINDER.COM. I came to this conclusion based on two significant facts. First, the title "Admin" is located below the user's name. Based on my training and experience, I know that a forum user's title can only be created by the website, not the user. Second, the words "Torrent Finder Admin" and the Torrent Finder.com logo are listed in the user's "signature."¹⁶

D. Downloads of Infringing Content via TORRENT-FINDER.COM

46. On October 15, 2010, I searched TORRENT-FINDER.COM for the movie "The Town" and received four results which contained the word "Cam" in the file title. At the time of this search, the movie "The Town" was still playing in theaters and was not yet released to the general public for home viewing. I clicked on the link to the torrent file listed as "The Town CAM AC3 XViD {READ NFO} - IMAGINE - {GalaxyRelease}" (hereinafter "The Town movie file") which displayed the torrent file hosting website

¹⁶ In the above-referenced context to Internet forums, the term "signature" refers to the signature block or block of text automatically appended at the bottom of an email message, forum post or other Internet-based discussion.

"Kick Ass Torrents." At this point, I was still on the Torrent Finder website, but was able to see a page of the Kick Ass Torrents website associated with The Town movie file. The page contained a detailed description of The Town movie file which included a copy of an advertising poster for "The Town" film, screenshots of The Town movie file, an Internet Movie Database (IMDb)¹⁷ link and description, cast listings, the term "Cam" listed under "Detected Quality" as well as a list of the files stored within the torrent file.

47. Towards the bottom of the webpage, under a text box labeled "IMAGiNE NOTES," were listed the following comments:

VIDEO: Thanks to a very good friend. . . . :)

AUDIO: Thanks to a very good friend. . . . :)

Video on this was pretty good other than the odd auto focus issues. First was the colors, we messed about with the . . . colors and also brightened it up a bit, . . . and . . . dulled the real bright spots . . . sounds fairly good for cam audio. You can hear the odd laughing and such, but not bad at all. Sample was made so you could hear the laughter at one certain spot. . .

48. Based on my training and experience, the above comments

¹⁷ The Internet Movie Database (IMDb) is an online database of information related to movies, actors, television shows, production crew personnel, video games, and fictional characters featured in visual entertainment media.

refer to the fact that the movie was videotaped with a camcorder and that you could hear the laughter of the movie audience in the theater where the film was illegally recorded. While initiating the download, I was provided with the following two options to download the movie: (1) "Download Torrent" (from a Bit torrent site), and (2) "Download Movie" (a direct download from a cyber locker).

49. I clicked on the "Download Movie" option and it took me to a page contained on the "Kick Ass Movz" website which contained a download link to download The Town movie file. After attempting to download the movie, it required that I register and pay a fee to Kick Ass Movz, so I instead returned to Torrent Finder.com and clicked on the option listed as "Download Torrent." This allowed me to download the Bit torrent file and as a result, I was ultimately able to download a copy of the following file:

Date	Movie	Linking website	Bit torrent website	File Name
10/15/2010	The Town	www.torren t- finder.com	"KICK ASS Torrents"	The Town CAM AC3 XViD - IMAGiNE

50. On October 18, 2010, I submitted a sample of the Town movie file to MPAA investigator Michael Radziewicz.

51. On or about October 28, 2010, MPAA representatives examined a copy of The Town movie file that I obtained via TORRENT-FINDER.COM. I was informed by MPAA investigator Radziewicz that The Town movie file was an unauthorized release of the movie "The Town," a movie owned by Summit Entertainment, LLC. I later reviewed a copy of the copyright application for The Town and learned that the film was copyrighted based on the following Claim Details:

Claim Id	Case #	Title of Work	Type of Work	Authors	Claimant
1-81XK55	1-486974771	The Town	Motion Picture	Warner Bros. Entertainment Inc.	Warner Bros. Entertainment Inc.

52. Radziewicz also informed me that the Town movie file was a "cam," meaning that it had been illegally copied in the theater with a camcorder.

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E. Advertising Revenue Paid to TORRENT-FINDER.COM

53. Advertisements appear on various portions of the TORRENT-FINDER.COM website, including on pages that include download links to movies, music, and computer software. As noted above, I also know from my participation in the investigation and as a result of information obtained from, and my discussions with, representatives of Value Click,¹⁸ that companies which place advertisements on websites typically pay a fee to the website's owner based on, among other things, the number of website users who view the advertisement as well as the number of times users click on the advertisement.

54. Based upon information I received from Value Click, the following chart reflects advertising revenues that Value Click paid to the owners of the TORRENT-FINDER.COM website for advertisements appearing on various portions of the TORRENT-FINDER.COM website, corresponding to the number of people that view and interact with the website¹⁹:

¹⁸ ValueClick, based in Westlake Village, California, is an online advertising company which provides online advertising campaigns and programs for advertisers and advertising agency customers in the United States and internationally.

¹⁹ It is significant to note that ValueClick is only one of multiple online advertising companies that TORRENT-FINDER.COM uses on its website and thus is not the only advertising company which provides revenue to the TORRENT-FINDER.COM website owners. Thus, the above advertising revenues reflect only a portion of

Website listed on Account	Amount	Date Sent	Method
www.torrent- finder.com	\$345.00 USD	2/23/2009	Direct Deposit
www.torrent- finder.com	\$89.00 USD	1/16/2009	Direct Deposit
www.torrent- finder.com	\$1,469.85 USD	12/18/2008	Direct Deposit
www.torrent- finder.com	\$1,527.85 USD	11/25/2008	Direct Deposit
www.torrent- finder.com	\$2,111.15 USD	10/24/2008	Direct Deposit
www.torrent- finder.com	\$4,265.20 USD	8/19/2008	Direct Deposit
www.torrent- finder.com	\$2,845.25 USD	7/18/2008	Direct Deposit
www.torrent- finder.com	\$565.80 USD	6/19/2008	Direct Deposit
www.torrent- finder.com	\$640.80 USD	5/19/2008	Direct Deposit
www.torrent- finder.com	\$568.45 USD	4/21/2008	Direct Deposit
www.torrent- finder.com	\$631.90 USD	3/20/2008	Direct Deposit

the advertising profits that the owners of TORRENT-FINDER.COM are receiving.

F. The TORRENT-FINDER.COM Domain

55. According to valuethewebsite.com, as of on or about November 12, 2010:

a. The Alexa.com ranking for TORRENT-FINDER.COM shows it was the 4,980th most popular website in the United States;

b. TORRENT-FINDER.COM had 103,978 daily page views;

c. TORRENT-FINDER.COM had an estimated worth of \$ 373,678.00

56. A search of publicly available WhoIs domain name registration records revealed that the TORRENT-FINDER.COM domain was registered on or about August 22, 2004 through the registrar Blue Razor Domains, Inc. which has its headquarters at 14455 North Hayden Road, Suite 226, Scottsdale, Arizona 85260. The publicly available WhoIs database lists the registrant of the TORRENT-FINDER.COM as W7 Media, a company which protects the identity of domain registrants by placing their information in WhoIs, providing an option to redirect email and regular mail to the customer's real address as well as providing a number of IP related services to its clients.

57. Publicly available WhoIs records also revealed that the TORRENT-FINDER.COM site is hosted on a computer assigned IP address 208.87.34.18, which is owned by Secure Hosting, located at Robinson & Marathon Roads, P.O. Box CB13862, Nassau, Bahamas.

The RMX4U.COM Website

A. General Description

58. Based on my review of webpages that are available at the RMX4U.COM website, I have learned the following:

a. RMX4U.COM is a German Internet forum-based "linking" website. The site's homepage displays album covers and links to several different subforums and topics.²⁰ (A screen shot as it existed on October 25, 2010 is attached hereto as Exhibit D.) Upon clicking on one of the topics, such as "GFX Resources / Appz / Help"²¹, the user is directed to a new page containing a list of threads created by forum users which are organized in reverse chronological order corresponding to the date and time the thread was created. (A screen shot as it existed on October 25, 2010 is attached hereto as Exhibit E.)

b. The RMX4U.COM subforum "Music Zone" was organized into topics in which each topic corresponded to a specific genre of music: "RnB Tracks," "Electronical Tracks/Mixes 2010," "German Tracks/Remixes," "Music Clips Request" and others. Within each

²⁰ The subforums were called "zones," and contained several topics in which registered forum users were able to post threads and messages.

²¹ The acronym GFX, as used in the above-referenced context, refers to the term "graphics" which corresponds to photo editing software such as Adobe Photoshop.

of these topics, a registered forum user is able to create new threads as well as post replies to already created threads or posts.

B. Pirated Music Albums via RMX4U.COM

59. Based on my review of the RMX4U.COM forum, I discovered that the forum provided registered users with the ability to obtain or distribute music files through the above-referenced forum threads.

60. On or about October 26, 2010, I viewed a thread titled "Joe Discography" within the subforum "Black Zone" and the topic "Old But Gold Alben." The initial post contained several album titles beneath which was a picture of the album cover, a description of the album, a track list for the album and one or more download links to obtain the pirated album files. The download link transferred the user to a cyberlocker hosting website at which the user could illegally download the corresponding file:

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Album Title	Artist	Label	Cyberlocker
Everything (1993)	Joe	Mercury	http://ul.to
All That I Am (1997)	Joe	Jive	http://ul.to
My Name Is Joe (2000)	Joe	Zomba Records Singapore/ BMG Records	http://ul.to
Better Days (2001)	Joe	Jive/Zomba	http://ul.to
And Then... (2003)	Joe	Jive	http://ul.to
And Then (Dutch Bonus Tracks)	Joe	Jive Records	http://ul.to
The Best of Joe (2006)	Joe	N/A	http://ul.to
Ain't Nothin' Like Me (2007)	Joe	RCA	http://ul.to
Joe Thomas New Man (2008)	Joe	Kedar Ent.	http://ul.to

61. Several of the pirated album files went so far as to list the "Ripper" as well as the "Supplier" of the original album's content.²²

62. Based on my review of public record listings, as well as conversations with representatives of the RIAA, I know that as of October 26, 2010, the above-referenced albums were copyrighted, and that the copyright holders did not authorize their third party distribution over the Internet by RMX4U.COM or any other websites.

²² Based on the above-referenced context, the term "Ripper" refers to the person who "ripped" or illegally copied the album or CD. The term "supplier" refers to the source from which the original album was obtained.

C. Pirated Computer Software Programs via RMX4U.COM

63. On or about October 25, 2010, I accessed the RMX4U.COM website and explored the subforum titled "Photoshop Zone," specifically targeting the topic "GFX Resources / Appz / Help." I know that the term "Appz" refers to the word applications, which often include software and other related computer programs in the above-referenced context of graphics ("GFX").

64. Upon further examination, I observed several threads whose titles reflected photo editing software owned and maintained by the company Adobe, including the following:

- "Adobe Photoshop Lightroom 3.2.0 Finals"
- "Adobe Illustrator v10.0.128.0.00"
- "Adobe Photoshop CS5 Extended v12.0 Final + Portables"
- "Adobe Flash Professional CS4 v10.0.0"
- "Photoshop CS5 Portable Plus Topaz Plug-In Bundles"

65. I clicked on the thread titled "Adobe Illustrator v10.0.128.0.00," which had been created on or about October 17, 2010 by the forum user "yoann102." I noticed that the user's name had been crossed out by a line and was described by the word "Banned" which was depicted beneath the user's name. The post

included a picture of the Adobe Illustrator computer software cover which clearly depicted the registered mark Adobe²³ beneath a red and white triangle which is characterized to resemble the letter "A."²⁴

D. Downloads of Infringing Content via RMX4U.COM

66. On or about the date listed in the chart below, I clicked the link for the below-listed file on the RMX4U.COM website, selected the link to download the file from the below-listed cyberlocker site, and downloaded a copy of the file comprising the below listed computer software.

Date	Computer Software Title	Filename	Cyberlocker
10/25/2010	Adobe Illustrator	Portable.Adobe.Illustrator.v10.0.128.0.rar	Fileserve.com

67. On or about October 26, 2010, I returned to the "GFX

²³ According to the United States Patent and Trademark Office (USPTO), the certification typed drawing word mark "Adobe" is a registered trademark assigned to the registrant Adobe Systems Incorporated, Corporation California, 345 Park Avenue Legal Department San Jose California 95110. The serial number of the mark is 1475793; the mark was registered on or about February 9, 1988 and the mark is active and live.

²⁴ According to the USPTO, the certification mark "A" (rectangles as single or multiple line borders which is characterized to consist of a stylized letter "A") is a registered trademark assigned to the registrant Adobe Systems Incorporated, Corporation Delaware Legal Department, 345 Park Avenue San Jose California 95110. The serial number of the mark is 78542134; the mark was registered on or about December 20, 2005 and the mark is active and live.

Resources / Appz / Help" topic of RMX4U.COM and selected the thread titled "Adobe Photoshop CS5 Extended v12.0 Final + Portables," which had been created on or about October 17, 2010 by the user yoann102. I noticed that the user's name had been crossed out by a line and was described by the word "Banned" which was depicted beneath the user's name. Upon further examination, I noticed the following text at the end of the post: "Geändert von .soulvocals (26:10:2010 um 18:18 Uhr) Grund: icon added." The text indicated that the post had been adjusted, changed or modified on or about October 26, 2010 by the Internet user represented by the username "soulvocals." Based on my training and experience, I know that Administrative user access is required in order for a forum user to modify a post created by another forum user.

68. On or about the dates listed in the chart below, I clicked the links for the below-listed files on the RMX4U.COM website, selected the links to download the files from the below-listed cyberlocker sites, and downloaded copies of the files comprising the below-listed computer software.

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Date	Computer Software Title	Filename	Cyberlocker
10/26/2010	Adobe Photoshop CS5 Extended	EDK_Adobe.Photoshop.CS5.Extended.Full. Keymaker_UDS	Fileserve.com
10/26/2010	Adobe Photoshop CS5 Extended	EDK_Adobe.Photoshop.CS5.Extended.Full. Keymaker_UDS	Fileserve.com
10/26/2010	Adobe Photoshop CS5 Extended	EDK_Adobe.Photoshop.CS5.Extended.Full. Keymaker_UDS	Fileserve.com
10/26/2010	Adobe Photoshop CS5 Extended	EDK_Adobe.Photoshop.CS5.Extended.Full. Keymaker_UDS	Fileserve.com
10/26/2010	Adobe Photoshop CS5 Extended	EDK_Adobe.Photoshop.CS5.Extended.Full. Keymaker_UDS	Fileserve.com
10/26/2010	Adobe Photoshop CS5 Extended	EDK_Adobe.Photoshop.CS5.Extended.Full. Keymaker_UDS	Fileserve.com
10/26/2010	Adobe Photoshop CS5 Extended	EDK_Adobe.Photoshop.CS5.Extended.Full. Keymaker_UDS	Fileserve.com
10/26/2010	Adobe Photoshop CS5 Extended	EDK_Adobe.Photoshop.CS5.Extended.Full. Keymaker_UDS	Fileserve.com
10/26/2010	Adobe Photoshop CS5 Extended	EDK_Adobe.Photoshop.CS5.Extended.Full. Keymaker_UDS	Fileserve.com

69. On October 27, 2010, I submitted a sample of the above-listed computer software files on a recordable DVD (DVD-R) to Adobe Systems Inc. Anti-Piracy Enforcement Manager Chris Stickle for evaluation.

70. On or about November 3, 2010, Stickle examined samples of the above-referenced pirated computer software that I downloaded from RMX4U.COM. Stickle informed me that the downloaded program files were fully functioning versions of the Adobe computer software and Adobe did not authorize their third party distribution over the Internet by RMX4U.COM or any other website. Stickle additionally informed me that the pirated computer program file titled "Photoshop CS5 Extended" contained counterfeit Adobe serial number 1325-1558-5864-4422-1094-1126. Finally, Stickle informed me that the MSRP (Manufacturer's Suggested Retail Price) for "Illustrator 10" is \$399.00 and "Photoshop CS5 Extended" is \$999.00.

E. Forum Posts by Forum User "soulvocals" on RMX4U.COM

71. During the course of the EDK_Adobe.Photoshop.CS5.Extended.Full.Keymaker_UDS.part05.rar file download, I searched the RMX4U.COM Internet forum for the username "soulvocals" and clicked on the above-referenced forum thread titled "Joe Discography"; a message which depicted download links for several pirated MP3²⁵ files, including "Joe-

²⁵ MP3 is an acronym for the term MPEG-1 Audio Layer 3, an audio file format commonly used for mobile audio / music listening devices.

The_Best_Of_Joe_(Mixed_by_DJ_Finesse)-Bootleg-2006"²⁶. (Emphasis added.) The forum user represented by the username "soulvocals" posted the following reply to the above-referenced message on or about "06.07.2009" and at approximately "11:15": "wuhuu.danke dir !"²⁷

72. I noticed that the "soulvocals" user's name had been highlighted in blue and was described by the word "Moderatorin"²⁸ which was depicted beneath the user's name. During my investigation, I concluded that the user "soulvocals" is an Administrator and representative of RMX4U.COM. I came to this conclusion based on two significant facts. First, "soulvocals" reviewed and modified the message titled "Adobe Photoshop CS5 Extended v12.0 Final + Portables" which later contained pirated computer software files of the pirated copyrighted computer program "Adobe Photoshop CS5 Extended." Based on my training and experience, I know that Administrative user access is required in

²⁶ As noted earlier, the term "bootleg" refers to something, such as a recording, which is made, reproduced, or sold illegally or without authorization.

²⁷ In the above-referenced context, the phrase "danke dir" is German for "thank you."

²⁸ In the above-referenced context, the phrase "Moderatorin" is German for "Moderator." Based on my training and experience, I am aware that the term "Moderator" refers to the person who controls an Internet forum.

order for a forum user to modify a post created by another forum user. Second, I noticed that the "soulvocals" username had been highlighted in blue and was described by the word "Moderatorin," meaning "Moderator," which was depicted beneath the user's name. Based on my training and experience, I know that a forum user's title can only be created by the website, not the user. Since the title listed below "soulvocals" means "Moderator" and since a Moderator controls an Internet forum, I believe that the user "soulvocals" is an administrator or representative of the website.

F. The RMX4U.COM Domain

73. According to valuethewebsite.com, as of on or about November 12, 2010:

- a. The Alexa.com ranking for RMX4U.COM shows it was the 57,948th most popular website in the United States;
- b. RMX4U.COM had 4,358 daily page views;
- c. RMX4U.COM had an estimated worth of \$ 31,753.00.

74. A search of publicly available WhoIs domain name registration records revealed that the RMX4U.COM domain was registered on or about December 17, 2006 through the registrar Enom, Inc. which has its headquarters at 15801 NE 24TH Street, Bellevue, Washington 98008. The publicly available WHOIS

database lists the registrant of the RMX4U.COM as WhoisGuard.com, a company which protects the identity of domain registrants by placing their information in WhoIs and providing an option to redirect email and regular mail to the customer's real address.

75. Publicly available WhoIs records also revealed that the RMX4U.COM site is hosted on a computer assigned IP address 212.117.166.2, which is owned by "root SA," located at 35, Rue John F. Kennedy, 7327 Steinsel, Luxembourg.

The DAJAZ1.COM Website

A. General Description

76. Based on my review of webpages that are available at the DAJAZ1.COM website, I have learned the following:

a. DAJAZ1.COM is a linking website. The site's homepage displays album covers and recording artist photographs, short descriptions, and links for numerous pirated songs. For example, on or about October 26, 2010, the DAJAZ1.COM homepage displayed album covers and recording artist photographs, descriptions and links for, among other songs, "Jamie Foxx ft. Drake- Fall For Your Type," "High Off Life - Cassidy feat Jr. Reid," "I Can't Help It - T.I. feat Rocko," and "Purified Thoughts - Ghostface." I was also able to click on a link titled "Older Entries" which allowed me to individually view prior home

pages from the website; these home pages, taken together, included what appeared to be hundreds of links to pirated songs.

b. On the initial DAJAZ1.COM homepage is a section titled "About Me" which contained the (alleged) website administrator's contact information:

Location: Queens, New York, United States
DAJAZ1.COM (DUH-JAZZ-ONE)
Twitter - @splash_dajaz1
Bigsplash1024@aol.com
Splashmixtapes@tmail.com
Splash.Dajaz1@gmail.com
MYSFACE.COM/MIXTAPESPLASH

c. The DAJAZ1.COM website homepage contained a link titled "MP3 Downloads." Upon clicking the "MP3 Downloads" link, the user is directed to a new page which displays additional album covers and recording artist photographs, short descriptions, and links for numerous pirated songs. For example, on or about October 26, 2010, the DAJAZ1.COM "MP3 Downloads" web page displayed album covers and recording artist photographs, descriptions and links for, among other songs, "Jamie Foxx ft. Drake- Fall For Your Type," "Long Gone - Nelly feat Chris Brown and Plies," "Making a Movie - Ne-Yo," and "T.I. - Ya Hear Me."

77. Upon clicking a link for one of the songs, the user is directed to a new page containing the title of the song, the artist(s) who produced it, a description, the date which it was posted on the website, a photograph of the artist or album which

featured the song, the administrative user responsible for uploading the file or message and multiple download links.

78. On or about October 26, 2010, I noted that approximately 14 administrative message postings had been created by the website administrator with the username "Splash." During my investigation, I concluded that the user "Splash" is an Administrator and representative of DAJAZ1.COM. I came to this conclusion based on two significant facts. First, "Splash" created the above-referenced DAJAZ1.COM message postings which later contained pirated song files. Based on my training and experience, I know that Administrative user access is required in order for a message to be created and viewable on the DAJAZ1.COM homepage and "MP3 Downloads" webpage. Secondly, I noticed that the "Splash" username matched the name listed in the "About Me" section of the DAJAZ1.COM homepage and was further contained in several of the email addresses listed on the DAJAZ1.COM homepage. Based on my training and experience, I know that administrator access is required to create and modify sections of websites and webpages, such as the above-referenced "About Me" section.

B. Downloads of Infringing Content via DAJAZ1.COM

79. I used the DAJAZ1.COM website to link to cyberlockers and stream and/or download illegal copies of songs. On or about the dates listed in the chart below, I clicked on links for the

below listed songs on the DAJAZ1.COM website and streamed and/or downloaded the songs from the below-listed cyberlocker sites.

Where indicated in the below chart, one or more of the available download links had been removed on the designated cyberlocker websites, replaced by the message "This file is either removed due to Copyright Claim, has Expired or is deleted by the uploader." The "Reason for deletion" was described as "International Federation of the Phonographic Industry (IFPI)".

Date	Song Title	Artist	Cyberlocker	One or More Links contained IFPI message
10/26/2010	Fall For Your Type	Jamie Foxx	usershare.net	No
10/26/2010	Dueces	Chris Brown	Filezee.com	Yes
10/26/2010	Long Gone	Nelly	Filezee.com	Yes
10/26/2010	Mechanics	Reek Da Villian	Usershare.net	No

80. Based on my review of public records listings, as well as conversations with RIAA representatives, I know that as of October 26, 2010, all of the above-referenced songs were determined to be "Pre-release" or not yet released for purchase to the general public, three were copyrighted, and the copyright holders did not authorize their third party distribution over the Internet by DAJAZ1.COM or any other website.

81. On October 27, 2010, ICE agents submitted samples of the above-referenced multimedia files to RIAA Vice President of Anti-Piracy Legal Affairs Carlos Linares.

82. On or about October 28, 2010, Linares examined samples of the pirated songs that I obtained from DAJAZ1.COM. Linares informed me that the pirated songs were unauthorized copies of rights holder's works.

C. Advertisements on DAJAZ1.COM

83. Advertisements appear on various portions of the DAJAZ1.COM website, including on pages that include download links to pirated music.

84. On or about October 28, 2010, I obtained information from ValueClick, Inc. indicating that an account had been created for the DAJAZ1.COM website. The account was established on or about September 24, 2010 but "no money [had been] earned yet." According to documents produced by ValueClick, bigsplash1024@aol.com was the contact email address for the account listed under "Account Information" and held the status of "Superuser" and the title of "Owner".²⁹ The information obtained from Value Click indicates that while DAJAZ1.COM had not yet earned any advertising revenue because its account was recently

²⁹ Bigsplash1024@aol.com contained the above referenced DAJAZ1.COM administrative username "Splash" and is one of the email addresses listed under the "About Me" section of the DAJAZ1.COM homepage.

opened, the website is set up to earn advertising revenue from ValueClick in the future.

D. The DAJAZ1.COM Domain

85. According to valuethewebsite.com, as of on or about November 12, 2010:

a. The Alexa.com ranking for DAJAZ1.com shows it was the 71,024th most popular website in the United States;

b. DAJAZ1.com had 3,555 daily page views;

c. DAJAZ1.com had an estimated worth of \$ 25,907.00.

86. A search of publicly available WhoIs domain name registration records revealed that the DAJAZ1.COM domain was registered on or about February 29, 2008 through the registrar Fast Domain, Inc. which has its headquarters at 1958 South 950 East, Provo, Utah 84606. The publicly available WHOIS database lists the registrant of the DAJAZ1.COM site as HostMonster.Com, a company which protects the identity of domain registrants by placing their information in WhoIs and providing an option to redirect email and regular mail to the customer's real address.

87. Publicly available WhoIs records also revealed that the DAJAZ1.COM site is hosted on a computer assigned IP address 74.220.215.217, which is owned by Bluehost, Inc. located at 1958 South 950 East, Provo, Utah 84606.

The ONSMASH.COM Website

A. General Description

88. Based on my review of webpages available at the ONSMASH.COM website on October 12 and October 26, 2010, I have learned the following:

a. ONSMASH.COM is a linking website. The site's homepage displays album covers and recording artist photographs, short descriptions, and links for numerous pirated songs.

b. The ONSMASH.COM website homepage contained a link titled "Music." Upon clicking the Music link, the user is directed to a new page which displays additional album covers and recording artist photographs, short descriptions, and links for numerous pirated songs. For example, on or about October 26, 2010, the ONSMASH.COM "Music" webpage displayed album covers and recording artist photographs, descriptions and links for, among other songs, "CASSIDY - HIGH OFF LIFE (FEAT. JUNIOR REID)," "JAMIE FOXX - FALL FOR YOUR TYPE (FEAT. DRAKE)," and "KID CUDI - MR. RAGER." I was also able to click on a link titled "Next Page" which allowed me to individually view prior home pages from the website; these home pages, taken together, included what appeared to be hundreds of links to pirated songs.

c. Upon clicking a link for one of the songs, the

user is directed to a new page containing the title of the song, the artist(s) who produced it, a description, the date which it was posted on the website, a photograph of the artist or album which featured the song, the administrative user responsible for uploading the file or message and multiple streaming and/or download links.

d. On or about October 26, 2010, I noted that approximately 12 administrative message postings had been created, by the website administrator with the username "thekidLEGEND."

e. During my investigation, I concluded that the user "thekidLEGEND" is an administrator and/or representative of ONSMASH.COM. I came to this conclusion based on the significant fact that "thekidLEGEND" created the aforementioned ONSMASH.COM message postings which later contained pirated song files. Based on my training and experience, I know that administrative user access is required in order for a message to be created and viewable on the ONSMASH.COM homepage and "Music" webpage.

f. When a user clicks on the link for the particular song file, for example "KiD CuDi - Mr. Rager", the user is directed to a webpage that features more descriptions by the administrator "thekidLEGEND." The message which was posted beneath the album cover and above the download link for the

above-referenced "KiD CuDi" song contained the following information:

This track actually leaked a couple months back, back when a couple CuDi songs were hitting the nets a bit early but this is the final version of the title track from *Man On The Moon II: The Legend of Mr. Rager*. We must have to say, this might be one of the more anticipated albums we're looking forward to in the 4th quarter... You can pre-order the album on iTunes tomorrow & receive a bonus track on the day of release.³⁰

89. A picture of the cover art for the "Man On The Moon II: The Legend of Mr. Rager" album was included above the above-referenced description and depicted the registered certification mark "PARENTAL ADVISORY EXPLICIT CONTENT".³¹

B. Downloads of Infringing Content via ONSMASH.COM

90. I used the ONSMASH.COM website to link to cyberlockers and stream and/or download illegal copies of songs. On or about the dates listed in the chart below, I clicked on links for the below listed songs on the ONSMASH.COM website and streamed and/or downloaded the songs from the below-listed cyberlocker sites.

³⁰ The term "Leaked," as used in the above description, refers to the unauthorized disclosure of copyrighted multimedia content.

³¹ According to the USPTO, the certification mark PARENTAL ADVISORY EXPLICIT CONTENT is a registered trademark assigned to the registrant Recording Industry Association of America, Inc. Corporation New York 1025 F Street, N.W., 10th Floor, Washington D.C. 20004. The serial number of the mark is 78142196, the mark was registered on or about January 6, 2004 and the mark is active and live.

Date	Song Title	Artist	Label	Cyberlocker
10/21/2010	Last Wish	Ray J	SRC Records	Mediafire.com
10/21/2010	In for the	La Rouxe ft.	Interscope	Mediafire.com
	Kill (remix)	Kanye West		
10/21/2010	Wet Wet	Ace Hood	Island Def Jam	Mediafire.com
10/21/2010	Dollar Signs	Three 6 Mafia	Columbia	Mediafire.com
10/21/2010	Wallstreet	Romeo	No Limit Records	Mediafire.com
10/21/2010	Alphabet Boys	Consequence	Motown	Mediafire.com
10/21/2010	Today My Life	Bruno Mars	Elektra	Mediafire.com
	Begins			
10/21/2010	The Bizness	Ca\$his	Shady Aftermath	Mediafire.com
10/26/2010	Fall For Your	Jamie Foxx	RCA	Hulkshare.com
	Type			
10/26/2010	Mr. Rager	Kid Cudi	UMG	Hulkshare.com

91. Based on my review of public records listings, as well as conversations with representatives of the RIAA, I know that as of October 26, 2010, all except one of the above-referenced songs were determined to be "Pre-release" or not yet released for purchase to the general public, all were copyrighted, and the copyright holders did not authorize their third party distribution over the Internet by ONSMASH.COM or any other website.

92. On October 27, 2010, ICE agents submitted samples of the above-referenced multimedia files to RIAA Vice President of Anti-Piracy Legal Affairs Carlos Linares.

93. On or about October 28, 2010, Linares examined samples

of the pirated songs that I obtained from ONSMASH.COM. Linares informed me that the pirated songs were unauthorized copies of rights holder's works.

C. Advertisements on DAJAZ1.COM

94. Advertisements appear on various portions of the ONSMASH.COM website, including on pages that include download links to pirated music.

95. On or about October 28, 2010, I received information from ValueClick, Inc. indicating that an account had been created for the ONSMASH.COM website. The account was established on or about January 10, 2008 and "makes \$200-\$400 [per] month". According to documents produced by ValueClick, Complex Magazine was the name listed for the account listed under "Account Information" and held the status of "Superuser," and the title of "Operator". Information returns from Value Click indicated the following information reflecting advertising revenues being paid to the owners of ONSMASH.COM for advertisements appearing on various portions of the ONSMASH.COM website, corresponding to the number of people that view and interact with the website.³²

³² It should be noted that ValueClick is only one of multiple online advertising companies that ONSMASH.COM uses on its website and thus is not the only advertising company which provides revenue to the ONSMASH.COM website owners. Thus the above advertising revenues reflect only a portion of the advertising profits that the owners of ONSMASH.COM are receiving.

Website listed on Account	Amount	Date Sent	Method
www.onsmash.com	\$407.34 USD	10/18/2010	Check
www.onsmash.com	\$289.58 USD	9/15/2010	Check
www.onsmash.com	\$223.10 USD	8/16/2010	Check
www.onsmash.com	\$221.28 USD	7/15/2010	Check
www.onsmash.com	\$221.17 USD	6/15/2010	Check
www.onsmash.com	\$133.42 USD	4/19/2010	Check
www.onsmash.com	\$215.14 USD	2/17/2010	Check
www.onsmash.com	\$148.09 USD	10/28/2009	Check
www.onsmash.com	\$127.43 USD	9/17/2009	Check
www.onsmash.com	\$180.65 USD	7/16/2009	Check
www.onsmash.com	\$319.37 USD	6/16/2009	Check

D. THE ONSMASH.COM DOMAIN

96. According to valuethewebsite.com, as of on or about November 12, 2010:

- a. The Alexa.com ranking for Onsmash.com shows it was the 9,520th most popular website in the United States;
- b. Onsmash.com had 54,392 daily page views;
- c. Onsmash.com had an estimated worth of \$ 225,477.00.

97. A search of publicly available WHOIS domain name registration records revealed that the ONSMASH.COM domain was registered on or about May 27, 1999 through the registrar Godaddy.com, Inc. which has its headquarters at 14455 N. Hayden Road, Suite 219, Scottsdale, Arizona 85260. The publicly available WhoIs database lists the registrant of the ONSMASH.COM site as Private, Registration Domains by Proxy, Inc., a company which protects the identity of domain registrants by placing

their information in WhoIs and providing an option to redirect email and regular mail to the customer's real address.

Publicly available WhoIs records also revealed that the ONSMASH.COM site is hosted on a computer assigned IP address 207.58.138.102, which is owned by ServInt located at 6861 Elm Street 4th Floor, McLean, Virginia 22101.

VI.

STATUTORY BASIS FOR SEIZURE AND FORFEITURE

98. Title 18, United States Code, Section 2323(a)(1)(A) and (B) provide, in relevant part, that any property used, or intended to be used to commit or facilitate criminal copyright infringement (18 U.S.C. § 2319; 17 U.S.C. § 506(a)), or constituting or derived from proceeds obtained directly or indirectly from the violation of Title 18, United States Code, Section 2319 and/or Title 18, United States Code, Section 2319(d)(1) are subject to both civil and criminal forfeiture to the United States government.

99. Title 18, United States Code, Section 2323(a)(2) provides that the procedures set forth in Chapter 46 of Title 18 (18 U.S.C. § 981, et seq.) shall extend to civil forfeitures under Section 2323(a). Title 18, United States Code, Section 981(b)(1) authorizes seizure of property subject to civil forfeiture based upon a warrant supported by probable cause.

Title 18, United States Code, Section 981(b)(3) permits the issuance of a seizure warrant by a judicial officer in any district in which a forfeiture action against the property may be filed and may be executed in any district in which the property is found.

100. Neither a restraining order nor an injunction is sufficient to guarantee the availability of the SUBJECT DOMAIN NAMES for forfeiture. By seizing the SUBJECT DOMAIN NAMES and redirecting them to another website, the Government will prevent third parties from acquiring the names and using them to commit additional crimes. Furthermore, seizure of the SUBJECT DOMAIN NAMES will prevent third parties from continuing to access the five websites listed above.

101. As set forth above, there is probable cause to believe that the SUBJECT DOMAIN NAMES are subject to both civil and criminal forfeiture because they were used in the commission of criminal copyright infringement and conspiracy to commit criminal copyright infringement.

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VII.

SEIZURE AND FORFEITURE PROCEDURE

102. As detailed in Attachment A, upon execution of the seizure warrant, the registry for the ".net" and ".com" top-level domains, Verisign, Inc., headquartered at 21355 Ridgetop Circle, Lakeside III, Dulles, Virginia 20166 ("Verisign"), shall be directed to restrain and lock the SUBJECT DOMAIN NAMES pending transfer of all right, title, and interest in the SUBJECT DOMAIN NAMES to the United States upon completion of forfeiture proceedings, to ensure that changes to the SUBJECT DOMAIN NAMES cannot be made absent court order or, if forfeited to the United States, without prior consultation with ICE.

103. In addition, upon seizure of the SUBJECT DOMAIN NAMES by ICE, Verisign will be directed to point the SUBJECT DOMAIN NAMES to a particular IP address, which will display a web page notifying users, including the registrants, of the seizure of the SUBJECT DOMAIN NAMES.

104. Registrars also maintain certain records relating to the owner of each domain name for which it is the top-level registry, including the SUBJECT DOMAIN NAMES (the "Domain Name Records"). Certain of these records are available to the public through a "Whois" lookup through a web browser, among other means. At the time the SUBJECT DOMAIN NAMES are seized, the

relevant registrars will be directed to change the "Technical Contact" and "Administrative Contact" fields of the Domain Name Records for the SUBJECT DOMAIN NAMES to contact information relating to ICE to reflect the fact that the SUBJECT DOMAIN NAMES have been seized; and to change the name server fields of the Domain Name Records to effect the forgoing changes. All other fields will be changed so that they do not reflect any individual or entity.

105. Upon completion of forfeiture proceedings, all Domain Name Records for the SUBJECT DOMAIN NAMES will be changed to reflect the transfer of ownership to the United States.

VIII.

CONCLUSION

106. Based on the information contained in this affidavit there is probable cause to believe that the SUBJECT DOMAIN NAMES are property that has been used, or are intended to be used to commit or facilitate criminal copyright infringement.

Accordingly, the SUBJECT DOMAIN NAMES are subject to civil forfeiture under 18 U.S.C. § 2323(a) and seizure pursuant to 18 U.S.C. § 981(b).

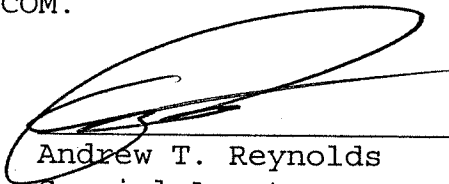
//

//

//

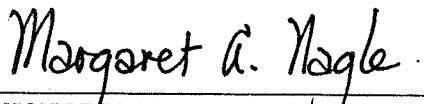
Accordingly, it is requested that the seizure warrants be issued for the following SUBJECT DOMAIN NAMES:

RAPGODFATHERS.COM,
TORRENT-FINDER.COM,
RMX4U.COM,
DAJAZ1.COM, and
ONSMASH.COM.



Andrew T. Reynolds
Special Agent
Immigration and Customs Enforcement,
Homeland Security Investigations

Subscribed and sworn to before
me on this 17th day of November 2010.



THE HONORABLE MARGARET A. NAGLE
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

I. Seizure Procedure

A. The seizure warrant will be presented in person or transmitted via facsimile or email to personnel of the domain name registry listed in Section II ("Subject Registry") and the domain name registrars listed in Section III ("Subject Registrars") who will be directed, for the domain names listed in Section IV ("Subject Domain Names") for which it serves as the top-level domain registry, to make any changes necessary to restrain and lock the domain names pending transfer of all rights, title, and interest in the Subject Domain Names to the United States upon completion of forfeiture proceedings.

B. Upon seizure of the Subject Domain Names, the Subject Registry shall point the Subject Domain Names to IP address 74.81.170.110, at which the Government will display a web page with the following notice:

This domain name has been seized by ICE - Homeland Security Investigations, pursuant to a seizure warrant issued by a United States District Court under the authority of 18 U.S.C. §§ 981 and 2323.

Willful copyright infringement is a federal crime that carries penalties for first time offenders of up to five years in federal prison, a \$250,000 fine, forfeiture and restitution (17 U.S.C § 506, 18 U.S.C. § 2319). Intentionally and knowingly trafficking in counterfeit goods is a federal crime that carries penalties for first time offenders of up to ten years in federal prison, a \$2,000,000 fine, forfeiture and restitution (18 U.S.C. § 2320).

C. Upon seizure of the Subject Domain Names, the Subject Registry shall take all steps necessary to restrain and lock the domain at the registry level to ensure that changes to the Subject Domain Names cannot be made absent a court order or, if forfeited to the United States government, without prior consultation with United States Immigration and Customs Enforcement. The DNS record should be altered to remove any applicable name servers.

D. Upon seizure of the Subject Domain Names, the Subject Registrars shall modify any records, databases, tables, or documents that are used by the Subject Registrars to identify the owner of the Subject Domain Names to reflect the seizure of the Subject Domain Names. These changes relate to the following records, if they exist:

1. The "Technical Contact" and "Administrative Contact" fields will reflect the following information:

- a. Name: U.S. Immigration and Customs Enforcement
- b. Address: National Intellectual Property Rights
500 12th Street SW
Washington, DC 20024
- c. Country: USA
- d. Telephone: 1-866-IPR-2060 (477-2060)
- e. Email: IPRCenter@dhs.gov
- f. Fax: 202-307-2127

2. Any remaining fields will be changed so they do not reflect any individual or entity.

E. The Subject Registry shall take any steps required to propagate the changes detailed in Section D to any applicable DNS servers.

II. Subject Registry

Verisign, Inc.
21355 Ridgetop Circle
Dulles, Virginia 20166

III. Subject Registrars

Enom, Inc.,
15801 NE 24th Street
Bellevue, Washington 98008

Blue Razor Domains, Inc.
14455 North Hayden Road, Suite 226
Scottsdale, Arizona 85260

Godaddy.com, Inc.
14455 N. Hayden Road, Suite 219
Scottsdale, Arizona 85260

Fast Domain, Inc.
1958 South 950 East
Provo, Utah 84606

IV. Subject Domain Names

RAPGODFATHERS.COM,
TORRENT-FINDER.COM,
RMX4U.COM,
DAJAZ1.COM, and
ONSMASH.COM



Hide Hack is now enabled in the [Moderator](#) section. Please use it to protect your links. For more info check out the [announcement](#).

New Thread

Page 1 of 4

Threads in Forum : OldGodFathers/Screener

Forum Tools - Search this Forum -

15 of 25 items displayed, showing threads 1 through 15.

Thread	Author	Replies	Views
What's the deal with the new screenshots?	DVCSurfer/Screener	0	12
Can anyone help me with my profile picture?	DVCSurfer/Screener	0	8
Help with my profile picture	DVCSurfer/Screener	0	5
Help with my profile picture	DVCSurfer/Screener	0	5
Help with my profile picture	DVCSurfer/Screener	0	5
Help with my profile picture	DVCSurfer/Screener	0	5
Help with my profile picture	DVCSurfer/Screener	0	5
Help with my profile picture	DVCSurfer/Screener	0	5
Help with my profile picture	DVCSurfer/Screener	0	5
Help with my profile picture	DVCSurfer/Screener	0	5
Help with my profile picture	DVCSurfer/Screener	0	5
Help with my profile picture	DVCSurfer/Screener	0	5
Help with my profile picture	DVCSurfer/Screener	0	5
Help with my profile picture	DVCSurfer/Screener	0	5
Help with my profile picture	DVCSurfer/Screener	0	5

New thread

Page 1 of 4

Display Options
15 of 25 items displayed, showing threads 1 through 15.

Moderators

Page 1 of 4

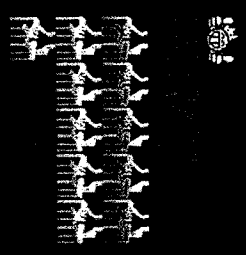
EXA

Pop-up blocked. Also, to help protect your security, Internet Explorer blocked other content from this site. Click here for options...

Post Reply

Thread Tools Search this Thread Rate Thread Display Modes

=1 (permalink)



Unhidden Content

Activatus/Malware/Spyware Software
Get Soft Security and Activatus+Troj
Malware and Malware V1.0
for Activatus V1.0

Audio/Video Tools

WMA to MP3 Converter
MP3 to WMA Converter
MP3 to WAV Converter
WAV to MP3 Converter
MP3 to AAC Converter
AAC to MP3 Converter
MP3 to OGG Converter
OGG to MP3 Converter
MP3 to M4A Converter
M4A to MP3 Converter
MP3 to M4R Converter
M4R to MP3 Converter
MP3 to M4V Converter
M4V to MP3 Converter
MP3 to M4P Converter
M4P to MP3 Converter
MP3 to M4B Converter
M4B to MP3 Converter
MP3 to M4S Converter
M4S to MP3 Converter
MP3 to M4U Converter
M4U to MP3 Converter
MP3 to M4R Converter
M4R to MP3 Converter
MP3 to M4V Converter
M4V to MP3 Converter
MP3 to M4P Converter
M4P to MP3 Converter
MP3 to M4B Converter
M4B to MP3 Converter
MP3 to M4S Converter
M4S to MP3 Converter
MP3 to M4U Converter
M4U to MP3 Converter

Browsers

Google Chrome
Mozilla Firefox 3.6
Opera 9.64

Download Managers

Internet Download Manager 5.19
uTorrent

Google Earth

Google Earth 5.0 Pro 2008 3rd Flight Simulator

Google SketchUp Pro 8.0.3117

Google SketchUp

Photo Editing Tools

Adobe Photoshop CS3

Handwritten text: B, X

Top 10 Most Pirated Movies on BitTorrent

Ernesto

The top 10 most downloaded movies on BitTorrent, 'Wall Street: Money Never Sleeps' tops the chart this week, followed by 'Resident Evil: Afterlife'. 'Red' completes the top three.

This week there are three newcomers in the list including a Cam of The social Network. Wall Street: Money Never Sleeps is the most downloaded movie on BitTorrent this week.



The data for our weekly download chart is collected by TorrentFreak, and is for informational and educational reference only. All the movies in the list are DVDRips unless stated otherwise.

[RSS feed](#) for the weekly movie download chart.

Week ending October 24, 2010

Ranking		Movie	Rating / Trailer
1	(...)	Wall Street: Money Never Sleeps (R5)	6.7 / trailer
2	(2)	Resident Evil: Afterlife (R5)	6.4 / trailer
3	(1)	Red (DVDscr)	7.6 / trailer
4	(3)	Jonah Hex	4.4 / trailer
5	(4)	Get Him To The Greek	6.9 / trailer
6	(...)	The Switch (R5)	5.9 / trailer
7	(5)	Machete (R5)	7.5 / trailer
8	(9)	Knight and Day (R5)	6.6 / trailer
9	(...)	The Social Network (Cam)	8.4 / trailer
10	(10)	Piranha (R5)	6.5 / trailer

[TorrentFreak.com](#)
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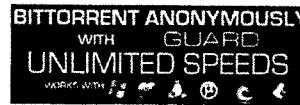
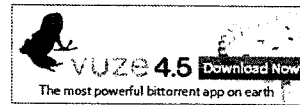
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Hilfe Kalender Abbonen v Beliebte Links v

Forum

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Community Discussion Zone

Please read and accept the board rules. Staff posts only.

Intro

Welcome to RMX4U - Neue Mitglieder können sich hier vorstellen.
Welcome to RMX4U - Here you can introduce yourself.

General Talk

- * Off Topic*
- * Music News*
- * Board Games & Spam*
- * Fun Area*
- * Help Area*

Music Zone

Hall Of Fame

Boardregeln (deutsch) - von trey17
Themen: 9
Beiträge: 3,000
23.10.2010, 18:51

Hello* von Ida
Themen: 1,075
Beiträge: 6,971
23.10.2010, 13:38

Usher "OMG Tour" 2011... von RMX4U | Powell
Themen: 4,494
Beiträge: 81,249
25.10.2010, 09:44

Electric Dream Presents... von Bollo
Themen: 202
Beiträge: 9,906

Themen: 115,184 Beiträge: 897,249	
Themen: 22,679 Beiträge: 83,220	
Themen: 7,632 Beiträge: 31,630	
Themen: 2,033 Beiträge: 4,956	
Themen: 357 Beiträge: 1,280	
Themen: 402 Beiträge: 2,538	
Themen: 594 Beiträge: 10,023	
Themen: 1,261 Beiträge: 8,087	
Themen: 1,441 Beiträge: 7,725	
Themen: 434 Beiträge: 7,263	
Themen: 1,106 Beiträge: 3,034	
Themen: 8	

- *Specials*
- Black Zone ••
- *RnB Tracks*
- *Old But Gold*
- *Hip-Hop & Rap Tracks*
- *Black Remixes*
- *Black Mixtapes / Packs*
- *Black Samples/Alben*
- *Black-Request*
- Electronicl Zone ••
- *Electronical Tracks/Mixes 2010*
- *Old But Gold Electro*
- *Electronical Alben/Mixtapes*
- *Electronical Request*
- German Zone ••
- *German Tracks/Remixes*
- *German Alben/Mixtapes*
- *German Request*
- ALL Other Zone ••
- *ALL-Other Tracks/Remixes*
- *ALL-Other Alben/Mixtapes*
- *ALL-Other Request*
- Music Clips ••
- * Music Clips Request ••
- DJ Zone ••
- *Talk about*
- Du kannst dich hier über Works/Plugins/Tutorials unterhalten.
here you can talk about works/plugins/tutorials.
- *Acapellas*
- Tausche deine Lieblings-Acapellas hier.
Share here your favorite acapellas.
- *Instrumentals*
- Tausche deine Lieblings-Instrumentaltücke hier.
Share here your favorite instrumentals.
- *Selfmade-Beats*
- Tausche Deine eigenen Beats hier.
Share here your own beats.
- *DJ Appz & Tools*
- Tausche deine Lieblings-DJ Appz & Tools hier.
Share here your favorite DJ Appz & Tools.
- *DJ Request*
- Du suchst DJ Stuff? Hier bekommst du Hilfe.
If you're looking for DJ stuff.
- Photoshop Zone ••
- *GFX Tutorials*

*** Showroom/PickUp ***
Zeig hier deine GFX Werke oder hol dir bezaubernde Werke ab.
Release your gfx works here and you're able to pick up your ordered works here

Battlesection & SOTW
Hier ist unsere Hal of Fame, so wie hier zum Erinnern der "big of the week"
Here you can find our "Hall of Fame" and the winners for "big of the week"
• **Battlesection & SOTW Archiv**

GFX Resources / Appz / Help
Hier findet ihr alle Scripts, Fonts und alle was dazu gehört mit anderen Usern teilen und
auch alle Plugins und GFXen generell austauschen

Photoshop Request
Du brauchst eine neue Signatur oder einen neuen Avatar? Frag hier.
Need a new Signa, Avatar Here you can ask for it.
• **Photoshop request Archiv**

Team Support Zone
• **Support & Feedback**
Hier könnt ihr euer Anliegen bezüglich des kompletten RMX4U Boardes loswerden.
Verbeserungsvorschläge, Konstruktive Kritik, Fragen, etc. Bitte hier posten.

Improvements

Alle Foren als gelesen markieren | Forum-Mitarbeiter anzeigen

Aktuelle Informationen

RmX4U Statistiken

Themen: 249 536 Beiträge: 1.586.302 Benutzer: 146.664
Wir begrüßen unseren neuesten Benutzer, **TheKidD57**.
Blogs: 209 Blog-Einträge: 927 Blog-Einträge der letzten 24 Stunden: 0
Neuester Blog-Eintrag: **DI Kamel - Funky Vibes Vol.12 von nowotz22**

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Forum > * Photoshop Zone > * GFX Resources / Appz / Help *

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Ankündigung: **WICHTIG: NEUER HIDE HACK**
PimpSpace 1017

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Forum: *GFX Resources / Appz / Help*
Hier könnt ihr eure Sticks, Fants und alles was dazu gehört mit anderen Usern teilen und euch über Probleme und GFXen generell austauschen.

01.10.2010
Pages: 1, 2, 5

Zeige Themen 1 bis 46 von 46

Titel / Autor
Sticky Threads

Antworten / Hits

Letzter Beitrag von

»Other Graffiti Font Packs X 4
 Erstellt von 2888 Ent., 24.04.2010 11:04 Uhr

»Resource Shutter(Stock)_Babies
 Erstellt von 2888 Ent., 24.04.2010 19:29 Uhr

»Other Casino (vector) elements | 6 EPS | 2 MB
 Erstellt von 2888 Ent., 24.04.2010 19:22 Uhr

»Resource Texturama 1000 Seamless Textures
 Erstellt von 2888 Ent., 24.04.2010 19:14 Uhr

»Resource Hemera 100,000 Stock Photo Clip Art 7CD
 Erstellt von 2888 Ent., 24.04.2010 19:09 Uhr

»Resource Rons Brush Collection for Adobe Photoshop
 Erstellt von 2888 Ent., 24.04.2010 19:06 Uhr

»Resource PINSTRIPING Brushes For Photoshop
 Erstellt von 2888 Ent., 24.04.2010 19:03 Uhr

»Other Gold Vector Icons
 Erstellt von 2888 Ent., 24.04.2010 18:59 Uhr

»Resource 15,300 Best Avatar Packs
 Erstellt von 2888 Ent., 24.04.2010 18:58 Uhr

»Resource HQ Burning + Smoking Letters of the Alphabet. (Complete A-Z)
 Erstellt von 2888 Ent., 24.04.2010 18:52 Uhr

»Resource Ornaments GRAPHICS
 Erstellt von 2888 Ent., 24.04.2010 18:55 Uhr

»Tutorial CGArena Apr - May 10 Issue
 Erstellt von SeverNaya, 11.04.2010 06:14 Uhr

»Resource 6000 Photoshop Gradients/Verlaufe !
 Erstellt von gemj_sbr_glx, 03.04.2010 20:13 Uhr

»Resource 107 Manga Piez
 Erstellt von Flurim, 14.03.2010 18:03 Uhr

»Other Flyer Psd qualite 300x pi
 Erstellt von DLB, 01.03.2010 17:30 Uhr

»Resource RB Stock Pack Vol.5
 Erstellt von Djaneh, 21.02.2010 20:46 Uhr

»Resource RB Stock Pack Vol.4
 Erstellt von Djaneh, 21.02.2010 17:59 Uhr

»Resource -UNIQUE- sein Jahmarkt
 Erstellt von Julkaque, 05.01.2010 19:33 Uhr

»Resource Hip Hoper Render
 Erstellt von ...| Kingzsection |...|, 12.01.2010 14:28 Uhr

MEGA TEXTURES
 Erstellt von HEADBUCKER || CAN, 15.06.2009 21:38 Uhr

Vector Skulls 2009 Series I
 Erstellt von I'm Rick James Bitch, 15.06.2009 01:31 Uhr

Feminine Beauty
 Erstellt von I'm Rick James Bitch, 15.06.2009 01:25 Uhr

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 Hits: 139

Antworten: 2
 Hits: 53

Antworten: 0

Dj FreakStyle
 24.03.2010 18:00

2888 Ent.
 24.04.2010 18:08

2888 Ent.
 24.04.2010 18:00

Marques Houston
 25.03.2010 18:17

2888 Ent.
 24.04.2010 18:05

MeLil 2K7
 17.03.2010 14:13

Marques Houston
 05.06.2010 18:35

2888 Ent.
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Karikani
 05.08.2010 17:07

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 11.04.2010 06:14

Karikani
 09.03.2010 15:51

Flurim
 14.03.2010 18:03

Rmx-4-u(S)
 18.05.2010 10:01

StayO
 15.04.2010 14:12

Lilsean
 23.02.2010 14:40

-Stereolove-
 20.02.2010 12:48

...| Kingzsection |...|
 12.01.2010 14:28

~FamousGraphix
 01.11.2009 16:30

I'm Rick James Bitch
 15.06.2009 01:25

I'm Rick James Bitch

	Shutterstocks Erstellt von Im Rick James Stich, 29.05.2009 19:58 Uhr	Antworten: 6 HTS: 93	HEADFUCKERZ CAN 29.05.2009 19:59
	EXCLUSIV Chris Brown AND Rihanna Erstellt von mcINet, 17.06.2008 11:27 Uhr	Antworten: 2 HTS: 105	HandSome 17.06.2008 14:06
	Tutorial Thread Erstellt von mcINet, 21.01.2006 14:12 Uhr	Antworten: 11 HTS: 131	INeedMoney, 21.01.2009 17:41
	Stocks Erstellt von HEADFUCKERZ NEED, 31.07.2008 13:07 Uhr	Antworten: 7 HTS: 229	Darvan 31.07.2008 19:37

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