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14 *Attorneys for Third-Party Plaintiff:*  
15 *KILLING LINK DISTRIBUTION, LLC*

16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 KILLING LINK DISTRIBUTION, LLC,  
19  
20 Third-Party Plaintiff,  
21  
22 v.  
23 SOPHIDEA, INC.  
24  
25 Third-Party Defendant.

Case No.: 3:20-CV-3813-CRB

**THIRD-PARTY COMPLAINT FOR  
INJUNCTIVE RELIEF PER 17 U.S.C. §  
512(j)**

26 **THIRD-PARTY COMPLAINT**

27 Third-Party Plaintiff KILLING LINK DISTRIBUTION, LLC (“Plaintiff”), by and through  
28 its counsel, files this Complaint against Third-Party Defendant SOPHIDEA, INC. (“Defendant”),  
and alleges as follows:

**I. NATURE OF THE ACTION**

1. Plaintiff brings this action under: (a) the United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101, et seq. (the “Copyright Act”) and alleges that Defendant is liable for contributory copyright infringement in violation of 17 U.S.C. §§ 106 and 501.

1 **II. JURISDICTION AND VENUE**

2 2. This Court has subject matter jurisdiction over this action pursuant to 17 U.S.C.  
3 §§ 101, et. seq., (the Copyright Act), 28 U.S.C. § 1331 (federal question), and 28 U.S.C. § 1338  
4 (patents, copyrights, trademarks, and unfair competition).

5 4. Defendant solicits, transacts, or is doing business within this jurisdiction, and has  
6 committed unlawful and tortious acts both within and outside this jurisdiction with the full  
7 knowledge that such acts would cause injury in this jurisdiction.

8 5. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) - (c) because: (a)  
9 all or a substantial part of the events or omissions giving rise to the claims occurred in this District;  
10 and (c)(3) Defendant may be sued in this District. Additionally, venue is proper in this District  
11 pursuant to 28 U.S.C. § 1400(a) (venue for copyright cases), because the Defendants or  
12 Defendants’ agents reside or may be found in this District.  
13

14 6. Particularly, Defendant has entered into contractual service agreements with  
15 HURRICANE ELECTRIC, LLC (“HE”), the Plaintiff in the operating First Amended Complaint,  
16 in which, upon information and belief, Defendant agrees to personal jurisdiction and venue in this  
17 District.  
18

19 **III. PARTIES**

20 **A. The Plaintiff**

21 7. Plaintiff is a limited liability company organized under the laws of California and  
22 having its principal office in California.  
23

24 8. Plaintiff is the owner of the copyright registration numbers PAu003768455 and  
25 PAu003975781 in the screenplay and motion picture for the movie *Kill Chain* (“Work”) released  
26 in 2019.  
27

28 9. The Work features Nicholas Cage and tells the story of three strangers whose lives

1 are entangled in a conflict.

2 **B. The Defendant**

3 10. Defendant is a Corporation organized under the laws of Wyoming and, upon  
4 information and belief, having its principal place of business in San Jose, California.

5 11. Defendant is an Internet Service Provider (“ISP”) operating in California.

6 12. Defendant purchases Internet access, Internet Protocol addresses and co-location  
7 services from HE.  
8

9 **V. FACTUAL BACKGROUND**

10 ***A. The Plaintiff Owns the Copyright to the Work***

11 13. Plaintiff is the owners of the copyrights in the Work. The Work is the subject of  
12 copyright registrations, and this action is brought pursuant to 17 U.S.C. § 411.  
13

14 14. Defendant had notice of Plaintiff’s rights through at least the credits indicated in  
15 the content of the motion pictures which bore a proper copyright notice.

16 15. Defendant also had notice of Plaintiff’s rights from one or more notifications sent  
17 by Plaintiff’s agent to HE and, upon information and belief, forwarded to Defendant from HE.  
18

19 ***B. The Defendant knowingly provided network connections to its users that infringed***  
20 ***Plaintiff’s Work.***

21 16. Defendant provides a Virtual Private Network (“VPN”) service for transmitting,  
22 routing and/or or providing connections for said transmitting and routing, through a network  
23 controlled by Defendant (“providing network connections”).

24 17. Defendant provides its VPN service so that its users access the Internet using IP  
25 addresses assigned to Defendant from HE.  
26

27 18. When Defendant’s users use the VPN to access the Internet, the IP addresses  
28 assigned to Defendant from HE are publicly visible as the IP address of the users.



1           26. Plaintiff is the copyright owner of the Work which contains an original work of  
2 authorship.

3           27. Defendant had actual knowledge of its users' infringements of Plaintiff's  
4 exclusive rights under the Copyright Act.

5           28. Despite having said actual knowledge, Defendant has continued to provide  
6 Internet service to its users.

7           29. Defendant's actions of providing transmission, routing, or connections for said  
8 copies of the Work to its users are a direct and proximate cause of the infringements of Plaintiff's  
9 Work.

10           30. Defendant had actual or constructive knowledge of infringement of Plaintiff's  
11 exclusive rights under the Copyright Act by its users. Defendant knowingly and materially  
12 contributed to such infringing activity.

13           31. As a direct and proximate result of the infringement to which Defendants  
14 knowingly and materially contribute, Plaintiff is entitled to injunctive or other equitable relief as  
15 provided by 17 U.S.C. §§ 512(j)(1)(A) and (B) including but not limited to an order restraining  
16 Defendant from providing access to infringing material or activity residing at movie piracy  
17 websites including but not limited to: (a) YTS; (b) Piratebay; (c) Rarbg; (d) 1337x; (e) Fmovies;  
18 (f) Cimaclub; (g) Phinmoi; (h) Rapidgator; (i) Rutracker; (j) Torrentz2; (k) Uploaded; and (l) VK  
19 and/or taking reasonable steps to block access tp said movie piracy websites.

20           WHEREFORE, the Plaintiff respectfully requests that this Court:

21           (A) enter temporary, preliminary and permanent injunctions enjoining Defendant from  
22 continuing to provide access to infringing material or activity residing at particular online sites;  
23 and

24           (B) grant the Plaintiff any and all other and further relief that this Court deems just and  
25  
26  
27  
28

1 proper.

2 DATED Kailua-Kona, Hawaii, December 9, 2020.

3  
4 Respectfully submitted,

5 **CULPEPPER IP, LLLC**

6 /s/ Kerry S. Culpepper

7 Kerry S. Culpepper

8 *Attorney for Third-party Plaintiff*

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