

UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

APR 06 2006

SAN JOSE DIVISION

RICHARD W. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

THE UNITED STATES OF AMERICA

vs.

ALLEN SOARES,
SHON PETERMAN,
JOSH MCALEER,
TOM LEUNG,
RAY MORADA.

5/ know

INDICTMENT

Count One: 18 U.S.C. § 371 - Conspiracy to Commit Criminal Copyright Infringement, Infringement By Electronic Means, Infringement By Distributing A Commercial Distribution Work, Traffic in Devices to Circumvent a Technological Measure that Protects a Copyright Work, Circumvent a Technological Measure that Protects a Copyright Work, and Use Audiovisual Recording Devices to Make Unauthorized Copies of Audiovisual Works;

Counts Two through Four: 17 U.S.C. § 506(a)(1)(B), 18 U.S.C. §§ 2319(c)(1) and 2 - Criminal Copyright Infringement By Electronic Means, and Aiding and Abetting;

FORFEITURE ALLEGATIONS: 17 U.S.C. §§ 506(b) and 509(a) - Criminal Forfeiture and Destruction.

A true bill. (17)

Alfred E. Burchett

3rd Foreperson

Filed in open court this 6 day of April
A.D. 2006

Patricia V. Trumbull

United States Magistrate Judge

Bail. \$ summons 5/11/06 2:00pm RS

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FILED

APR 06 2006

RICHARD W. WELKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 KEVIN V. RYAN (CASBN 118321)
United States Attorney

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLEN SOARES,
a/k/a beemer,
SHON PETERMAN,
a/k/a skrote,
a/k/a push0r,
JOSH MCALEER,
TOM LEUNG,
a/k/a parot3,
RAY MORADA,
a/k/a rc51,

Defendants.

CR No. CR 06 00246

VIOLATIONS: 18 U.S.C. § 371 -
Conspiracy to Commit Criminal Copyright
Infringement, Infringement By Electronic
Means, Infringement By Distributing A
Commercial Distribution Work, Traffic in
Devices to Circumvent a Technological
Measure that Protects a Copyright Work,
Circumvent a Technological Measure that
Protects a Copyright Work, and Use
Audiovisual Recording Devices to Make
Unauthorized Copies Of Audiovisual
Works; 17 U.S.C. § 506(a)(1)(B), 18 U.S.C.
§ 2319(c)(1) – Criminal Copyright
Infringement By Electronic Means; 18
U.S.C. § 2 - Aiding and Abetting; 17 U.S.C.
§§ 506(b) and 509(a) - Criminal Forfeiture
and Destruction

RMW
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SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

A. INTRODUCTION

At all times relevant to this Indictment:

1 1. Defendants conspired and were knowingly and willfully engaged in the
2 unauthorized reproduction and duplication of copyrighted movies, games, music, and software in
3 violation of federal copyright laws. The defendants participated in a “warez conspiracy” – that
4 is, individuals and organized groups of individuals who engaged in the duplication, modification,
5 reproduction, and distribution of copyrighted software over the Internet, in violation of federal
6 law. “Warez” typically includes software that has been cracked, or stripped of its copy
7 protection, and made freely available for downloading in violation of its copyright license.
8 “Warez site” refers to an online presence used by warez conspirators to upload and download
9 copyrighted works without permission of the copyright holders and for other warez
10 communications.

11 Distinct Warez Conspiracy Roles

12 2. The “warez conspiracy” consisted of a highly structured, hierarchal organizations
13 of individuals organized for the purpose of reproducing and distributing copyrighted movies,
14 games, and software in violation of federal copyright law. The conspirators fulfilled distinct
15 roles and contributions to promote the success of the warez conspiracy. While some members
16 held multiple roles, other members were responsible for one role each. Some of the distinct roles
17 included, but were not limited to, the following:

18 a. “Founders” or “Leaders” originally formed the warez group and looked for
19 additional members who could provide something of value to the warez group. Warez leaders
20 operated and controlled the sites and established terms of membership and conditions governing
21 and restricting access.

22 b. “Site Operators” (SiteOps) served as site managers responsible for
23 maintaining, administering and supporting the warez site and controlling the daily operations of
24 the site and server. The SiteOp typically granted access to the server for warez individuals and
25 groups, supported the servers by purchasing, installing, and setting up hardware and site scripts,
26 and held root access to the warez site.

27 c. “Scripters” created, programmed, and helped build the warez site.

28 d. “Suppliers” provided an unauthorized copyrighted movie, game or

1 software.

2 e. "Cammers" used an audiovisual recording device (such as a camcorder) to
3 make an unauthorized copy of a motion picture or other audiovisual work that is protected by the
4 copyright laws.

5 f. "Equipment Suppliers" provided hardware (such as hard drives, computer
6 parts, and computer servers) to the warez site.

7 g. "Brokers" found groups to participate on the warez site.

8 h. "Couriers" charged with gathering computer software programs, games,
9 and movies and uploading them to the warez site.

10 i. "Encoders" (sometimes referred to as "rippers" and "crackers") were
11 responsible for circumventing the technological measures and protections of copyrighted works
12 on the DVDs to prevent unauthorized access and copying.

13 j. "Leeches" included warez members who were permitted site access based
14 on friendship, not group affiliation.

15 k. "Ratio" included a warez member who was required to fulfill a
16 contribution requirement in order to download copyright works; e.g., the most common ratio is
17 one upload to three downloads, permitting the warez member to download pirated material under
18 a one to three ratio.

19 l. "Affil" included a warez group that agreed to provide its first release of
20 movies, games, or software to a particular top warez site.

21 "Warez" Sites: "LAD" and "CHUD"

22 3. Defendants communicated about and transferred pirated movies, games, music,
23 and software almost exclusively over the Internet, including at certain "warez" sites, consisting of
24 one or more computers connected to the Internet for the purpose of receiving, storing, and
25 distributing pirated software. The first warez site, originally known as HOT and later named
26 LAD, eventually became an archive site, holding older pirated movies, games, and software. The
27 second warez site, called CHUD, had more storage and was significantly faster than the LAD
28 warez site.

1 Additional Servers: "SNOWCAVE," "VS" and "VS2"

2 4. Overtime, the defendants sought to expand, and did expand, the size, capacity and
3 ability of the warez sites. For example, warez members provided equipment to enhance the
4 warez sites and to store pirated movies, games, and software. Some of the equipment included
5 hard drives, computer parts, and computer servers. Three of the servers, among others, were
6 known as "SNOWCAVE," and "VS" (a/k/a Victoria Secret), and "VS2". The combined servers,
7 CHUD, LAD, VS, VS2 and SNOWCAVE, expanded to include approximately 27 terabytes of
8 pirated movies, games, and software.

9 Defendants

10 5. Defendant ALLEN SOARES, a/k/a beemer, served as leech access user and
11 assisted in maintaining and assembling the warez site VS.

12 6. Defendant SHON PETERMAN, a/k/a skrote, a/k/a push0r, served as a ratio
13 access user on the warez site CHUD.

14 7. Defendant JOSH MCALEER served as an operator of an unnamed warez site
15 intended to be used for further warez activities and to connect with warez sites located in the
16 Northern District of California.

17 8. Defendant TOM LEUNG, a/k/a parot3, served as leech access user on the
18 warez site LAD.

19 9. Defendant RAY MORADA, a/k/a rc51, served as a leech user on the warez site
20 CHUD.

21 Copyrighted Movies, Games and Software

22 10. During the warez conspiracy, more than 750 pirated movie titles were uploaded to
23 the CHUD and LAD sites.

24 a. Some examples of the infringed movie titles include: "Closer,"
25 "Elektra," "Hotel Rwanda," "Kinsey," "Mr. and Mrs. Smith," "Monster in Law," "The Pacifier,"
26 "Spanglish," "Star Wars: Episode III - Revenge of the Sith," and "Son of the Mask."

27 b. Many of the infringed movies were uploaded to the warez site
28 either before or at about the same time that they were being shown in U.S. theaters, or were

1 otherwise publically available. Some prerelease examples include the movie "Star Wars:
2 Episode III - Revenge of the Sith" which was uploaded on the warez site on or about May 18,
3 2005, within hours of its theatrical release to the public; the movie "Batman Begins" which was
4 uploaded on June 15, 2005, the same day it was released to the public in the theaters; the movie
5 "Bewitched" which was uploaded on the warez site on June 26, 2005, after being released in the
6 theaters to the public June 24, 2005.

7 11. During the warez conspiracy, more than 1,250 copyrighted games were
8 uploaded to the CHUD and LAD sites. Some examples of the infringed game titles include: "Air
9 Force Delta Storm," "American Chopper," "Bionicle, Doom 3," "Grand Theft Auto: San
10 Andreas," and "Rally Sport Challenge 2," among many more.

11 12. During the warez conspiracy, more than 180 copyrighted software
12 applications were uploaded to the CHUD and LAD sites. Some examples of the infringed
13 software titles include: "Adobe Photoshop," "Adobe Workshop CS2," "ADOBE Creative Suite
14 Premium," "Adobe Acrobat Professional V7," "Autodesk Discreet 3D Studio.Mac.V7,"
15 "Microsoft.Office.System Professional," "Microsoft Office XP Professional SP3," "Microsoft
16 Windows XP x64 Pro," "Apple DVD Studio PRO.V4," "Apple soundtrack pro mac," "Sony
17 Vegas plus DVD Production Suite," "Norton 2005," "VMware ESX Server," "Autodesk Autocad
18 mechanical V2006," "Autodesk Revit Volume 7," "Autodesk Autocad Volume 2006," "ARCGIS
19 Desktop Volume 9," "Symantec Antivirus Corporate Edition," among many more.

20 COUNT ONE: (18 U.S.C. § 371 - Conspiracy to Commit Criminal Copyright
21 Infringement, Infringement By Electronic Means, Infringement By
22 Distributing A Commercial Distribution Work, Traffic in Devices to
23 Circumvent a Technological Measure that Protects a Copyright Work,
24 Circumvent a Technological Measure that Protects a Copyright Work, and
25 Use Audiovisual Recording Devices to Make Unauthorized Copies Of
26 Audiovisual Works)

27 13. The allegations in paragraphs one through thirteen are re-alleged and
28 incorporated herein as if set forth in full.

14. Beginning at a time unknown, but not later than in or about June 2003, and
continuing thereafter up to and including the date of the Indictment, in the Northern District of
California, and elsewhere, the defendant,

1 ALLEN SOARES,
a/k/a beemer,
2 SHON PETERMAN,
a/k/a skrote,
3 a/k/a pushOr,
4 JOSH MCALEER,
TOM LEUNG,
a/k/a parot3,
5 RAY MORADA,
a/k/a rc51,
6

7 and others known and unknown to the Grand Jury, did knowingly agree, combine and conspire
8 to commit offenses against the United States, that is:

- 9 A. Criminal copyright infringement of a copyright by reproducing and
10 distributing at least ten infringing copies of one or more copyrighted
works, with a total retail value of more than \$2,500, during a 180-day
11 period, for purposes of private financial gain, in violation of Title 17,
United States Code, Section 506(a)(1)(A), and Title 18, United States
12 Code, Section 2319(b);
- 13 B. Criminal copyright infringement of a copyright by reproducing and
distributing, including by electronic means, at least ten infringing copies of
14 one or more copyrighted works, with a total retail value of more than
\$2,500, during a 180-day period, in violation of Title 17, United States
15 Code, Section 506(a)(1)(B), and Title 18, United States Code, Section
2319(c);
- 16 C. Criminal copyright infringement of a copyright by the distribution of a
work being prepared for commercial distribution, by making it available
17 on a computer network accessible to members of the public, if such person
knew or should have known that the work was intended for commercial
18 distribution, in violation of Title 17, United States Code, Section
506(a)(1)(C), and Title 18, United States Code, Section 2319(d);
- 19 D. Circumventing a technological measure that protects a copyright work, by
20 willfully, and for purposes of private financial gain, circumventing a
technological measure that effectively controls access to a work protected
21 under Title 17 of the United States Code, in violation of Title 17, United
States Code, Sections 1201(a)(1)(A), and 1204(a)(1);
- 22 E. Trafficking in a technology, product, service, and device, by willfully, and
23 for purposes of private financial gain, knowing that the technology,
product, service, and device was primarily designed and produced for the
24 purpose of circumventing a technological measure that effectively
controlled access to a copyrighted work, in violation of Title 17, United
25 States Code, Sections 1201(a)(2)(A), and 1204(a)(1); and
- 26 F. Using, or attempting to use, an audiovisual recording device to transmit or
27 make an unauthorized copy of a motion picture and other audiovisual
work protected under Title 17, or any part thereof, from a performance of
28 such work in a motion picture exhibition facility, in violation of Title 18,
United States Code, Section 2319B.

1 II. WAYS AND MEANS OF THE CONSPIRACY

2 In furtherance of the conspiracy, defendants and others known and unknown to
3 the Grand Jury employed among others, the following ways and means:

4 Copyright Infringement

5 15. It was a part of the conspiracy that the conspirators obtained unauthorized
6 copies of copyrighted works, including movies, games, and software; did not own the
7 copyrighted works uploaded and downloaded on the warez sites; and did not have license,
8 permission or other authority from the owners of those copyrighted works to reproduce and
9 distribute them or to make them available for downloading from the warez sites.

10 Obtaining and Encoding Copyrighted Works For Distribution

11 16. It was further part of the conspiracy that a "supplier" would provide a
12 copyrighted work which would ultimately be encoded and uploaded to the site controlled by the
13 warez release group. "Suppliers" included company and industry insiders who provided final
14 versions of a new product before its release to the public. Another supply source included
15 unauthorized copies of a motion picture or other audiovisual work made through the use of
16 audiovisual recording devices (such as camcorders).

17 17. It was further part of the conspiracy that once the new supply was posted
18 to the "drop" or "drop site," another individual, known as an "encoder," retrieved the copyrighted
19 material and removed its copyright protection controls (including technological measures
20 designed to protect the copyrighted works), and other security and identification controls
21 (including serial numbers, tags, duplication controls, and security locks). Once successfully
22 cracked, the copyrighted material was posted to the "drop" site, where it was distributed to others
23 from the warez site. A user with privileged access to the warez site, copied and duplicated (by
24 downloading) pirated material for personal or other uses.

25 Security Features

26 18. It was further part of the conspiracy that the warez sites were protected by
27 a variety of sophisticated security mechanisms to ensure that only authorized users could gain
28 access to the movies, games, and software titles stored on the warez sites. Authorization and

1 authentication of users occurred using a combination of screen name verification, password
2 authentication, port variation (usually non-standard port numbers), and IP address verification.
3 To be permitted access to either the CHUD or LAD sites, a warez member had to be invited to
4 the site. For example, the warez sites were only accessible to authorized users entering the site(s)
5 through known Internet Protocol (IP) addresses with pre-established IDs, log-in names, and
6 passwords. The warez site operators carefully limited the usage of its sites, which were not
7 available to the general public. No two users held the same FTP username. Only IP addresses
8 that the SiteOp included were able to access the system.

9 19. It was further part of the conspiracy that defendants would and did conceal
10 the nature and purposes of the conspiracy and the acts done in furtherance of it, in part by using,
11 in most of their communications, screen names instead of their true names.

12 Communication Channels

13 20. It was further part of the conspiracy that some warez members
14 communicated about the warez conspiracy's illegal activities with other warez members through
15 the use of "real time" software applications. These methods of communication included, and
16 were not limited to, Instant Messenger ("IM") and password-only Internet relay chat ("IRC").
17 Individuals using the IRC channels were permitted access by invitation only. The following
18 network channels were created by the users of CHUD and LAD and used a secure socket layer
19 (SSL) communication (a protocol for securely transmitting documents via the Internet) which
20 would encrypt communications across all of the IRC channels. The IRC channels were referred
21 to as: #chud, #chudincorporated, #donottell, #?vs, #!vs, #laddy, #!__---!!!, #snowcave,
22 #whoresrus, and #itv.

23 21. It was further part of the conspiracy that some of the warez conspirators
24 communicated through various e-mail accounts, including but not limited to Google, Yahoo, and
25 Hotmail accounts, all located and accessed in the Northern District of California.

26 22. It was further part of the conspiracy that some of the warez conspirators
27 communicated through the use of the telephone, private carriers and the mails.

28 // // //

1 Private Financial Compensation

2 23. It was further a part of the conspiracy that some warez members received
3 credits for every upload, allowing them to download from the warez site based on the size of the
4 upload. For example, individuals used a credit ratio of one upload amount equal to three
5 downloads (i.e. one gigabyte/three gigabytes) as a means of private financial gain. In other
6 words, an individual who uploaded one movie could download three movies.

7 24. It was further a part of the conspiracy that some individuals were paid
8 money for supplying movies, games, or software, including pre-releases that were not available
9 to the public.

10 25. It was further a part of the conspiracy that some warez members provided
11 financial compensation to some individuals for pirated movies, games and software through
12 PayPal, located in the Northern District of California.

13 Circumvention Tools And Products

14 26. It was further part of the conspiracy that some warez members trafficked
15 in technologies, products, services, and devices which were primarily designed and produced for
16 the purpose of circumventing the access control and copy prevention systems embedded on
17 digital copies of copyrighted works. For example, many DVDs contained an access control and
18 copy prevention system, including a "Content Scramble System" (CSS), which served as a
19 technological measure to protect the contents of a DVD from unauthorized access and copying.
20 Some warez members trafficked in technologies, products, services, and devices that were used
21 to circumvent the access control and copy prevention systems protecting the copyrighted content
22 on the DVDs.

23 27. It was further part of the conspiracy that some of the circumvention tools
24 and products placed and used on the warez servers and used to circumvent CSS, included, but
25 were not limited to: (a) AnyDVD; (b) Gordian Knot; (c) DVD2SVCD; (d) DVD Decrypter; (e)
26 DVD Shrink; (f) DVD2AVI; and (g) VirtualDubMod.

27 28. It was further part of the conspiracy that some warez members
28 circumvented technological measures designed to protect or limit access to copyrighted

1 materials, including but not limited to new releases for movies, software and games. Once the
2 technological measure was circumvented, unauthorized access and copying was enabled.

3 Removal Of Identification Markings

4 29. It was further part of the conspiracy that some warez members removed
5 identification markings and other features from movies to conceal the origination and identities
6 of the copyrighted materials.

7 Computer Access To Works Prepared For Commercial Distribution

8 30. It was further part of the conspiracy that defendants distributed
9 copyrighted movies, games and software that were being prepared for commercial distribution
10 for sale to the public, by making it available before their release on a computer network
11 accessible to members of the public. For example, the movie "Hide and Seek" was received on
12 or about June 1, 2005 and released on video to the public on or about July 5, 2005; the movie
13 "Hitch" was received on or about May 23, 2005 and released on video to the public on or about
14 June 14, 2005;
15 the movie "The Pacifier" was received on or about June 15, 2005 and released on video to the
16 public on or about June 28, 2005; and the movie "Imaginary Heroes" was received on or about
17 May 23, 2005 and released on to the public video on or about June 7, 2005.

18 Unauthorized Theatrical Recordings

19 31. It was further part of the conspiracy that defendants used, or attempted to
20 use, audiovisual recording devices to transmit or make an unauthorized copy of a motion picture
21 and other audiovisual copyrighted works from a performance of the copyrighted work in a
22 motion picture theater. For example, the movie "The Perfect Man," which was uploaded to the
23 site on or about June 21, 2005, was verified by the Motion Picture Association of America to be
24 a copy of a movie that was filmed in a specific movie theater.

25 III. OVERT ACTS

26 32. In furtherance of the conspiracy, and to effectuate its objects, defendant
27 ALLEN SOARES, a/k/a beemer, committed overt acts, in the Northern District of California, and
28 elsewhere, including but not limited to:

1 a. On or about December 16, 2004, defendant ALLEN SOARES met
2 individuals known to the Grand Jury and assisted with the installation of the warez server VS.

3 b. On or about December 20, 2004, defendant ALLEN SOARES
4 contacted an individual known to the Grand Jury and requested a meeting so SOARES and another
5 individual known to the Grand Jury could repair the warez server VS.

6 c. On or about December 21, 2004, defendant ALLEN SOARES met
7 with two individuals known to the Grand Jury and performed repairs to the warez server VS.

8 d. On or about the dates listed in Count Two, defendant ALLEN
9 SOARES uploaded or downloaded the listed copyrighted works from the warez sites.

10 e. On or about the following dates, defendant ALLEN SOARES
11 uploaded or downloaded one or more copyrighted works as follows:

	Date	Conduct/Copyrighted Works
12		
13	(1) March 23, 2005	Accessed VS and downloaded the software Alias Maya Unlimited
14	(2) March 27, 2005	Accessed VS and downloaded the software Autodesk Autocad Mechanical
15	(3) March 27, 2005	Accessed VS and downloaded the software Autodesk Autocad 2006
16	(4) March 27, 2005	Accessed VS and downloaded the software Discreet Combustion V4.0
17	(5) March 27, 2005	Accessed VS and downloaded the software Curious Labs Poser V6.0
18	(6) March 26, 2005	Accessed VS and downloaded the software Propellerheads Reason V3.0
19	(7) March 24, 2005	Accessed VS and downloaded the movie Bridget Jones the Edge of Reason
20	(8) March 24, 2005	Accessed VS and downloaded the movie Elektra
21	(9) March 28, 2005	Accessed VS and downloaded the movie Heat
22	(10) March 22, 2005	Accessed VS and downloaded the movie Hitch
23	(11) March 31, 2005	Accessed VS and downloaded the movie Hotel Rwanda
24	(12) March 28, 2005	Accessed VS and downloaded the movie Meet the Fockers
25	(13) March 24, 2005	Accessed VS and downloaded the movie Spanglish
26	(14) March 28, 2005	Accessed VS and downloaded the movie The Life Aquatic with Steve Zissou
27	(15) January 27, 2005	Accessed VS and uploaded the movie Taxi

28 33. In furtherance of the conspiracy, and to effectuate its objects, defendant SHON
PETERMAN, a/k/a skrote, a/k/a push0r, committed overt acts, in the Northern District of California,

1 and elsewhere, including but not limited to:

2 a. On or about the following dates, defendant SHON PETERMAN
3 downloaded one or more copyrighted works as follows:

	Date	Conduct/Copyrighted Works
4	(1) March 1, 2005	Accessed CHUD and downloaded the movie Lemony Snicket's A Series Of Unfortunate Events
5	(2) March 4, 2005	Accessed CHUD and downloaded the movie Blade Trinity
6	(3) March 4, 2005	Accessed CHUD and downloaded the movie Fat Albert
7	(4) March 4, 2005	Accessed CHUD and downloaded the movie Oceans 12
8	(5) March 1, 2005	Accessed CHUD and downloaded the movie Elektra
9	(6) March 2, 2005	Accessed CHUD and downloaded the movie Man of the House

11 34. In furtherance of the conspiracy, and to effectuate its objects, defendant JOSH
12 MCALEER, committed overt acts, in the Northern District of California, and elsewhere, including
13 but not limited to:

14 a. On or about March 15, 2005, an individual known to the grand jury
15 instructed another individual known to the grand jury to deliver a computer server to a person
16 subsequently identified as defendant JOSH MCALEER. The server was intended to be built and
17 used for further warez activities and to connect with warez sites located in the Northern District of
18 California.

19 b. On or about April 18, 2005, an individual known to the grand jury
20 provided another individual known to the grand jury with the telephone number for defendant JOSH
21 MCALEER and requested that contact be made concerning the computer server.

22 c. On or about April 22, 2005, defendant JOSH MCALEER participated
23 in a telephone conversation with an individual known to the grand jury. During this conversation,
24 defendant MCALEER asked about the computer server the individual known to the grand jury was
25 delivering, discussed details about the installation of the computer server, and noted steps that may
26 be taken to avoid detection by authorities and others after the computer server was installed.

27 d. On or about April 27, 2005, an individual known to the grand jury
28

1 asked another individual known to the grand jury to deliver the computer server to defendant JOSH
2 MCALEER.

3 e. On or about April 28, 2005, defendant JOSH MCALEER met with an
4 individual known to the grand jury to install the computer server. Among other things, defendant
5 MCALEER discussed measures to prevent overheating of the server.

6 f. On or about May 2, 2005, an individual known to the grand jury
7 instructed another individual known to the grand jury to contact defendant JOSH MCALEER about
8 the status of the delivered server. An individual known to the grand jury provided contact e-mails
9 for defendant MCALEER, including at zeropings.com and yahoo.com.

10 35. In furtherance of the conspiracy, and to effectuate its objects, defendant TOM
11 LEUNG, a/k/a parot3, committed overt acts, in the Northern District of California, and elsewhere,
12 including but not limited to:

13 a. On or about the dates listed in Count Three, defendant TOM LEUNG
14 downloaded the listed copyrighted works from the warez sites.

15 b. On or about the following dates, defendant TOM LEUNG downloaded one
16 or more copyrighted works as follows:

	Date	Conduct/Copyrighted Works
17		
18	(1) February 3, 2004	Accessed CHUD and downloaded the software FARO CAM 2
19	(2) January 31, 2004	Accessed CHUD and downloaded the software Ahead Nero
20	(3) January 23, 2004	Accessed CHUD and downloaded the software MYOB Premiere
21	(4) February 2, 2004	Accessed CHUD and downloaded the movie Matchstick Men
22	(5) January 30, 2004	Accessed CHUD and downloaded the movie Runaway Jury
23	(6) January 23, 2004	Accessed CHUD and downloaded the movie Jay Jay the Jet Plane Adventures in Learning
24	(7) January 24, 2004	Accessed CHUD and downloaded the movie Jay Jay the Jet Plane Good Friends Forever
25	(8) January 21, 2004	Accessed CHUD and downloaded the movie Jay Jay the Jet Plane Learning Lifes Lesson
26		
27	(9) February 1, 2004	Accessed CHUD and downloaded the movie Jay Jay the Jet Plane Lessons for All Seasons
28		

1	(10)	February 10, 2004	Accessed CHUD and downloaded the movie Jay Jay the Jet Plane Liking Yourself Inside and Out
2	(11)	January 21, 2004	Accessed CHUD and downloaded the movie Jay Jay the Jet Plane Supersonic Pals
3	(12)	January 17, 2004	Accessed CHUD and downloaded the movie Jet Pilot 1957
4	(13)	February 15, 2004	Accessed CHUD and downloaded the movie Eurotrip
5	(14)	April 11, 2004	Accessed CHUD and downloaded the movie The Alamo
6	(15)	January 17, 2004	Accessed CHUD and downloaded the game Shredder 8

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8 36. In furtherance of the conspiracy, and to effectuate its objects, defendant
9 RAY MORADA, a/k/a rc51, committed overt acts, in the Northern District of California, and
10 elsewhere, including but not limited to:

11 a. On or about the dates listed in Count Four, defendant RAY
12 MORADA uploaded or downloaded the listed copyrighted works from the warez sites.

13 b. On or about the following dates, defendant RAY MORADA
14 uploaded or downloaded one or more copyrighted works as follows:

15	Date	Conduct/Copyrighted Works
16	(1) June 21, 2005	Accessed CHUD and downloaded the software Avid Alienbrain Studio V7.1.1
17	(2) May 17, 2005	Accessed CHUD and downloaded the software Ccreate Designer Modeling V13
18	(3) May 17, 2005	Accessed CHUD and downloaded the software PTC Pro Engineer Wildfire V2.0
19	(4) April 22, 2005	Accessed CHUD and downloaded the software Sony Vegas Plus DVD Production Suite V6.0
20	(5) March 10, 2005	Accessed CHUD and downloaded the software Microsoft MapPoint USA V2004
21	(6) April 20, 2005	Accessed CHUD and downloaded the software Mac OS X V10.4 Tiger
22	(7) March 8, 2005	Accessed CHUD and downloaded the software Roxio Easy Media Creator V7.1
23	(8) March 21, 2005	Accessed CHUD and downloaded the software Scansoft Paperport V10
24	(9) March 3, 2005	Accessed CHUD and downloaded the software Symantec Norton Ghost V9.0
25	(10) April 22, 2005	Accessed CHUD and downloaded the software Symantec Antivirus Corporate Edition V10.0.0
26	(11) April 22, 2005	Accessed CHUD and downloaded the software Ulead Video Studio V9.0
27	(12) June 15, 2005	Accessed CHUD and downloaded the movie Are we there yet

1	(13)	June 15, 2005	Accessed CHUD and downloaded the movie Coach Carter
2	(14)	June 15, 2005	Accessed CHUD and downloaded the movie Hostage
3	(15)	June 15, 2005	Accessed CHUD and downloaded the movie Sideways

4
5 COUNT TWO: (17 U.S.C. § 506(a)(1)(B), 18, U.S.C. §§ 2319(c)(1) and 2 - Criminal Copyright Infringement By Electronic Means, and Aiding and Abetting)

6 37. On or about the dates set forth below, in the Northern District of California, and
7 elsewhere, defendant,

8 ALLEN SOARES,
9 a/k/a beemer,

10 did willfully infringe the copyrights of copyrighted works, that is, movies, games and software,
11 by the reproduction and distribution by electronic means, including via the Internet, during a
12 180-day period, of ten (10) or more copies of one or more of the copyrighted works, which had a
13 retail value of \$2,500 or more, including but not limited to the following:

14	Date	Conduct/Copyrighted Works
15	(1) March 23, 2005	Accessed VS and downloaded the software Alias Maya Unlimited
16	(2) March 27, 2005	Accessed VS and downloaded the software Autodesk Autocad Mechanical
17	(3) March 27, 2005	Accessed VS and downloaded the software Autodesk Autocad 2006
18	(4) March 27, 2005	Accessed VS and downloaded the software Discreet Combustion V4.0
19	(5) March 27, 2005	Accessed VS and downloaded the software Curious Labs Poser V6.0
20	(6) March 26, 2005	Accessed VS and downloaded the software Propellerheads Reason V3.0
21	(7) March 24, 2005	Accessed VS and downloaded the movie Bridget Jones the Edge of Reason
22	(8) March 24, 2005	Accessed VS and downloaded the movie Elektra
23	(9) March 28, 2005	Accessed VS and downloaded the movie Heat
24	(10) March 22, 2005	Accessed VS and downloaded the movie Hitch
25	(11) March 31, 2005	Accessed VS and downloaded the movie Hotel Rwanda
26	(12) March 28, 2005	Accessed VS and downloaded the movie Meet the Fockers
27	(13) March 24, 2005	Accessed VS and downloaded the movie Spanglish
28	(14) March 28, 2005	Accessed VS and downloaded the movie The Life Aquatic with Steve Zissou
	(15) January 27, 2005	Accessed VS and uploaded the movie Taxi

1 All in violation of Title 17, United States Code, Section 506(a)(1)(B), Title 18, United
2 States Code, Sections 2319(c)(1) and 2.

3 COUNT THREE: (17 U.S.C. § 506(a)(1)(B), 18, U.S.C. §§ 2319(c)(1) and 2 - Criminal
4 Copyright Infringement By Electronic Means, and Aiding and Abetting)

5 38. On or about the dates set forth below, in the Northern District of California, and
6 elsewhere, defendant,

7 TOM LEUNG,
8 a/k/a parot3,

9 did willfully infringe the copyrights of copyrighted works, that is, movies, games and software,
10 by the reproduction and distribution by electronic means, including via the Internet, during a
11 180-day period, of ten (10) or more copies of one or more of the copyrighted works, which had a
12 retail value of \$2,500 or more, including but not limited to the following:

	Date	Conduct/Copyrighted Works
13	(1) February 3, 2004	Accessed CHUD and downloaded the software FARO CAM 2
14	(2) January 31, 2004	Accessed CHUD and downloaded the software Ahead Nero
15	(3) January 23, 2004	Accessed CHUD and downloaded the software MYOB Premiere
16	(4) February 2, 2004	Accessed CHUD and downloaded the movie Matchstick Men
17	(5) January 30, 2004	Accessed CHUD and downloaded the movie Runaway Jury
18	(6) January 23, 2004	Accessed CHUD and downloaded the movie Jay Jay the Jet Plane Adventures in Learning
19	(7) January 24, 2004	Accessed CHUD and downloaded the movie Jay Jay the Jet Plane Good Friends Forever
20	(8) January 21, 2004	Accessed CHUD and downloaded the movie Jay Jay the Jet Plane Learning Lifes Lesson
21	(9) February 1, 2004	Accessed CHUD and downloaded the movie Jay Jay the Jet Plane Lessons for All Seasons
22	(10) February 10, 2004	Accessed CHUD and downloaded the movie Jay Jay the Jet Plane Liking Yourself Inside and Out
23	(11) January 21, 2004	Accessed CHUD and downloaded the movie Jay Jay the Jet Plane Supersonic Pals
24	(12) January 17, 2004	Accessed CHUD and downloaded the movie Jet Pilot 1957
25	(13) February 15, 2004	Accessed CHUD and downloaded the movie Eurotrip
26	(14) April 11, 2004	Accessed CHUD and downloaded the movie The Alamo

1	(15)	January 17, 2004	Accessed CHUD and downloaded the game Shredder 8
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2 All in violation of Title 17, United States Code, Section 506(a)(1)(B), Title 18,
3 United States Code, Sections 2319(c)(1) and 2.

4 **COUNT FOUR:** (17 U.S.C. § 506(a)(1)(B), 18, U.S.C. §§ 2319(c)(1) and 2 - Criminal
5 Copyright Infringement By Electronic Means, and Aiding and Abetting)

6 39. On or about the dates set forth below, in the Northern District of
7 California, and elsewhere, defendant,

8 RAY MORADA,
9 a/k/a rc51,

10 did willfully infringe the copyrights of copyrighted works, that is, movies, games and software,
11 by the reproduction and distribution by electronic means, including via the Internet, during a
12 180-day period, of ten (10) or more copies of one or more of the copyrighted works, which had a
13 retail value of \$2,500 or more, including but not limited to the following:

14	Date	Conduct/Copyrighted Works
15	(1) June 21, 2005	Accessed CHUD and downloaded the software Avid Alienbrain Studio V7.1.1
16	(2) May 17, 2005	Accessed CHUD and downloaded the software Cocreate Designer Modeling V13
17	(3) May 17, 2005	Accessed CHUD and downloaded the software PTC Pro Engineer Wildfire V2.0
18	(4) April 22, 2005	Accessed CHUD and downloaded the software Sony Vegas Plus DVD Production Suite V6.0
19	(5) March 10, 2005	Accessed CHUD and downloaded the software Microsoft MapPoint USA V2004
20	(6) April 20, 2005	Accessed CHUD and downloaded the software Mac OS X V10.4 Tiger
21	(7) March 8, 2005	Accessed CHUD and downloaded the software Roxio Easy Media Creator V7.1
22	(8) March 21, 2005	Accessed CHUD and downloaded the software Scansoft Paperport V10
23	(9) March 3, 2005	Accessed CHUD and downloaded the software Symantec Norton Ghost V9.0
24	(10) April 22, 2005	Accessed CHUD and downloaded the software Symantec Antivirus Corporate Edition V10.0.0
25	(11) April 22, 2005	Accessed CHUD and downloaded the software Ulead Video Studio V9.0
26	(12) June 15, 2005	Accessed CHUD and downloaded the movie Are we there yet
27	(13) June 15, 2005	Accessed CHUD and downloaded the movie Coach Carter
28	(14) June 15, 2005	Accessed CHUD and downloaded the movie Hostage
	(15) June 15, 2005	Accessed CHUD and downloaded the movie Sideways

1 All in violation of Title 17, United States Code, Section 506(a)(1)(B), Title 18, United
2 States Code, Sections 2319(c)(1) and 2.

3 FORFEITURE ALLEGATIONS: (17 U.S.C. §§ 506(b) and 509(a) - Criminal Forfeiture and
4 Destruction)

5 40. As a result of the offenses alleged in Counts One and Three of this indictment,
6 defendant,

7 TOM LEUNG,
8 a/k/a parot3,

9 shall forfeit to the United States, pursuant to Title 17, United States Code, Sections 506(b) and
10 509(a), all copies manufactured, reproduced, distributed, sold, or otherwise used, intended for
11 use, or possessed with intent to use in violation of the offense under Section 506(a), and all
12 plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such
13 copies may be reproduced, and all electronic, mechanical, and other devices for manufacturing,
14 reproducing, and assembling such copies, including but not limited to the items listed in
15 Attachment A, which are re-alleged and incorporated herein as if set forth in full.

16 41. As a result of the offenses alleged in Counts One and Four of this indictment,
17 defendant,

18 RAY MORADA,
19 a/k/a rc51,

20 shall forfeit to the United States, pursuant to Title 17, United States Code, Sections 506(b) and
21 509(a), all copies manufactured, reproduced, distributed, sold, or otherwise used, intended for
22 use, or possessed with intent to use in violation of the offense under Section 506(a), and all
23 plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such
24 copies may be reproduced, and all electronic, mechanical, and other devices for manufacturing,

25 ///

26 ///

27 ///

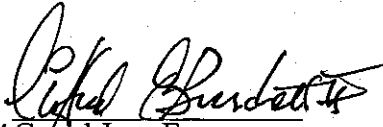
28 ///

1 reproducing, and assembling such copies, including but not limited to the items listed in
2 Attachment B, which are re-alleged and incorporated herein as if set forth in full.

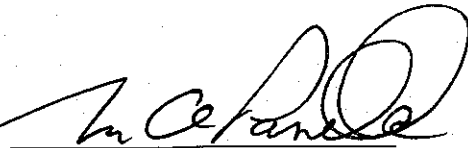
3 DATED:

A TRUE BILL

4 APR 06 06

5 
6 Grand Jury Foreperson

7 KEVIN V. RYAN
8 United States Attorney

9 

10 MATTHEW A. PARRELLA
11 Chief, San Jose Branch Office

12
13 (Approved as to form: )
14 AUSA MARK L. KROTOSKI

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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

SEE ATTACHMENT

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY:

SEE ATTACHMENT

CR

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

FILED *[Signature]*

DEFENDANT - U.S.

ALLEN SOARES

APR 06 2006

RICHARD W. WIEKING
DISTRICT COURT NUMBER CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

06 00246 RMW
DEFENDANT

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

S/A Julia Jolie-F.B.I.

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

SHOW DOCKET NO.

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person
Furnishing Information on
THIS FORM

KEVIN V. RYAN

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y
(if assigned)

MARK KROTOSKI

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction
 - 6) Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

1580 Whispering Oaks Way
Pleasanton, CA

Date/Time: May 11, 2006 at 2:00 p.m.

Before Judge: Richard Seeborg

Comments:

[Handwritten mark]

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

SEE ATTACHMENT

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

SEE ATTACHMENT

PROCEEDING

Name of Complainant Agency, or Person (&Title, if any)

S/A Julia Jolie-F.B.I.

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

KEVIN V. RYAN

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

MARK KROTOSKI

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

FILED [Signature]

DEFENDANT - U.S.

APR 06 2006

SHON PETERMAN

DISTRICT COURT NUMBER RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

CR 06 00246 RMW

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
2) Is a Fugitive
3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
5) On another conviction
6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed?

Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

1415 Westlynn #204
Wichita, KS 67212

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: May 11, 2006 at 2:00 p.m.

Before Judge: Richard Seeborg

Comments:

[Handwritten mark]

ATTACHMENT PENALTY SHEET

United States

v.

Allen Soares; Shon Peterman; Josh McAleer; Tom Leung, and Ray Morada.

18 U.S.C. § 371 - Conspiracy to Commit Criminal Copyright Infringement, Infringement By Electronic Means, Infringement By Distributing A Commercial Distribution Work, Traffic in Devices to Circumvent a Technological Measure that Protects a Copyright Work, Circumvent a Technological Measure that Protects a Copyright Work, and Use Audiovisual Recording Devices to Make Unauthorized Copies Of Audiovisual Works

Penalty: Maximum 5 years imprisonment;
Maximum \$250,000 or twice the value of the property involved in the transaction, whichever is greater;
Maximum 3 years supervised release;
Mandatory \$100 Special Assessment.

17 U.S.C. § 506(a)(1)(B), 18 U.S.C. §§ 2319(d)(2) and 2 - Criminal Copyright Infringement By Electronic Means and Aiding and Abetting.

Penalty: Maximum 3 years imprisonment;
Maximum \$250,000 or twice the value of the property involved in the transaction, whichever is greater;
Maximum 2 years supervised release;
Mandatory \$100 Special Assessment.
Forfeiture - Ordered by the Court

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

SEE ATTACHMENT

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY:

SEE ATTACHMENT

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

FILED [Signature]

DEFENDANT - U.S.

APR 06 2006

JOSH MCALEER

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

DISTRICT COURT NUMBER

CR 06 00246RMW

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

S/A Julia Jolie-F.B.I.

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

KEVIN V. RYAN

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

MARK KROTOSKI

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction
 - 6) Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

31202 Via Del Verde
San Juan Capistrano, CA 92675

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: Richard Seeborg

Comments:

3

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

SEE ATTACHMENT

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY: SEE ATTACHMENT

CR

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

S/A Julia Jolie-F.B.I.

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

KEVIN V. RYAN

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

MARK KROTOSKI

Name of District Court, and/or Judge/Magistrate Location NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

FILED

TOM LEUNG

APR 06 2006

DISTRICT COURT NUMBER

RICHARD W. WIEKING CLERK U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE

06 00246 RMW

DEFENDANT

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
1) If not detained give date any prior summons was served on above charges
2) Is a Fugitive
3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
5) On another conviction
6) Awaiting trial on other charges
Fed'l State
If answer to (6) is "Yes", show name of institution

Has detainer been filed?

Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount:

If Summons, complete following:

Arraignment Initial Appearance

Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

10834 Northview Square Cupertino, CA 95014

Date/Time: May 11, 2006 2:00pm

Before Judge: Richard Seeborg

Comments:

Handwritten signature/initials

ATTACHMENT PENALTY SHEET

United States

v.

Allen Soares; Shon Peterman; Josh McAleer; Tom Leung, and Ray Morada.

18 U.S.C. § 371 - Conspiracy to Commit Criminal Copyright Infringement, Infringement By Electronic Means, Infringement By Distributing A Commercial Distribution Work, Traffic in Devices to Circumvent a Technological Measure that Protects a Copyright Work, Circumvent a Technological Measure that Protects a Copyright Work, and Use Audiovisual Recording Devices to Make Unauthorized Copies Of Audiovisual Works

Penalty: Maximum 5 years imprisonment;
Maximum \$250,000 or twice the value of the property involved in the transaction, whichever is greater;
Maximum 3 years supervised release;
Mandatory \$100 Special Assessment.

17 U.S.C. § 506(a)(1)(B), 18 U.S.C. §§ 2319(d)(2) and 2 - Criminal Copyright Infringement By Electronic Means and Aiding and Abetting.

Penalty: Maximum 3 years imprisonment;
Maximum \$250,000 or twice the value of the property involved in the transaction, whichever is greater;
Maximum 2 years supervised release;
Mandatory \$100 Special Assessment.
Forfeiture - Ordered by the Court

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

SEE ATTACHMENT

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

SEE ATTACHMENT

CR

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

FILED

RAY MORADA

DISTRICT COURT NUMBER

APR 06 2006

RICHARD W. SEEBORG
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

06 00246 RMW

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
2) Is a Fugitive
3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
5) On another conviction
6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

S/A Julia Jolie-F.B.I.

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. Att'y Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

KEVIN V. RYAN

U.S. Att'y Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

MARK KROTOSKI

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT Bail Amount:

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

503 Oglethorpe Street, NW
Washington, DC 20011

Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: May 11, 2006 at 2:00p.m.

Before Judge: Richard Seeborg

Comments:

5

ATTACHMENT PENALTY SHEET

United States

v.

Allen Soares; Shon Peterman; Josh Mcaleer; Tom Leung, and Ray Morada.

18 U.S.C. § 371 - Conspiracy to Commit Criminal Copyright Infringement, Infringement By Electronic Means, Infringement By Distributing A Commercial Distribution Work, Traffic in Devices to Circumvent a Technological Measure that Protects a Copyright Work, Circumvent a Technological Measure that Protects a Copyright Work, and Use Audiovisual Recording Devices to Make Unauthorized Copies Of Audiovisual Works

Penalty: Maximum 5 years imprisonment;
Maximum \$250,000 or twice the value of the property involved in the transaction, whichever is greater;
Maximum 3 years supervised release;
Mandatory \$100 Special Assessment.

17 U.S.C. § 506(a)(1)(B), 18 U.S.C. §§ 2319(d)(2) and 2 - Criminal Copyright Infringement By Electronic Means and Aiding and Abetting.

Penalty: Maximum 3 years imprisonment;
Maximum \$250,000 or twice the value of the property involved in the transaction, whichever is greater;
Maximum 2 years supervised release;
Mandatory \$100 Special Assessment.
Forfeiture - Ordered by the Court