

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION**

E-filing

**THE UNITED STATES OF AMERICA**

vs.

**DAVID M. FISH,  
CHIRAYU PATEL,  
WILLIAM VEYNA, and  
NATHANIEL E. LOVELL.**

Filed  
JUL 13 2005  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

**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;**

**Count Two: 17 U.S.C. §§ 1201(a)(2)(A), and 1204(a)(1), 18 U.S.C. § 2 - Trafficking in Technology Primarily Designed to Circumvent Technological Measures Protecting a Right of a Copyright Owner, and Aiding and Abetting;**

**Counts Three Through Five: 17 U.S.C. §§ 1201(a)(1)(A), 1204(a)(1) and 18 U.S.C. § 2 - Circumventing a Technological Measure that Protects a Copyright Work, and Aiding and Abetting;**

**Count Six: 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;**

**Count Seven: 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;**

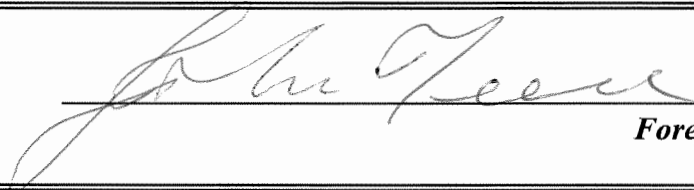
**Count Eight: 17 U.S.C. § 506(a)(1)(B), 18, U.S.C. § 2319(c)(1) and 2 - Criminal Copyright Infringement By Electronic Means, and Aiding and Abetting;**

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

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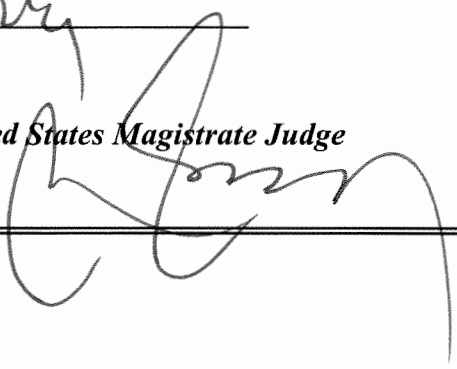
*A true bill.*

  
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*Foreperson*

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*Filed in open court this* 13 *day of* July  
*A.D. 200* 5

*United States Magistrate Judge*  


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*Bail. \$* No process

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KEVIN V. RYAN (CASBN 118321)  
United States Attorney

E-filing

Filed

JUL 13 2005

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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CR 05 00445 RMW

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
DAVID M. FISH,  
aka x000x,  
CHIRAYU PATEL,  
aka nebula, aka nebwrk, aka aluben,  
aka notneb, aka aluben,  
WILLIAM VEYNA,  
aka guyzzz, aka - - -, aka 1010101,  
aka 5555, aka i\_love\_dact, aka 8675309,  
aka 8675309,  
NATHANIEL E. LOVELL,  
aka Nate Lovell, aka pestilenc, aka pest,  
Defendants.

No. CR

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. §§ 1201(a)(2)(A), and  
1204(a)(1) - Trafficking in Technology  
Primarily Designed to Circumvent  
Technological Measures Protecting A Right  
of a Copyright Owner; 17 U.S.C. §§  
1201(a)(1)(A), 1204(a)(1) - Circumventing  
a Technological Measure Protecting a  
Copyright Work; 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

RS

SAN JOSE VENUE

INDICTMENT

1 The Grand Jury charges:

2 A. INTRODUCTION

3 At all times relevant to this Indictment:

4 1. Defendants conspired and were engaged in the unauthorized duplication and  
5 reproduction of copyrighted movies, games, music, and software in violation of federal copyright  
6 laws. The defendants participated in a “warez conspiracy” – that is, individuals and organized  
7 groups of individuals who engaged in the duplication, modification, reproduction, and  
8 distribution of copyrighted software over the Internet, in violation of federal law.

9 “Warez” Sites: “LAD” and “CHUD”

10 2. Defendants communicated about and transferred pirated movies, games, music,  
11 and software almost exclusively over the Internet, including at certain “warez” sites, consisting of  
12 one or more computers connected to the Internet for the purpose of receiving, storing, and  
13 distributing pirated software. The first warez site, originally known as HOT and later named  
14 LAD, eventually became an archive site, holding older pirated movies, games, and software. The  
15 second warez site, called CHUD, had more storage and was significantly faster than the LAD  
16 warez site.

17 Additional Servers: “SNOWCAVE,” “VS” and “VS2”

18 3. Warez members provided equipment to enhance the warez sites and to store  
19 pirated movies, games and software. Some of the equipment included hard drives, computer  
20 parts, and computer servers. Three of the servers, among others, were known as  
21 “SNOWCAVE,” and “VS” (aka Victoria Secret), and “VS2”. The combined servers, CHUD,  
22 LAD, VS, VS2 and SNOWCAVE, expanded to include approximately 27 terabytes of pirated  
23 movies, games, and software.

24 Defendants

25 4. Defendant David M. Fish, aka x000x, served as the SiteOp of the warez server  
26 CHUD, and had ratio access to the warez VS server, and also served as scripter, equipment  
27 supplier, broker, leech, and encoder for the warez sites.

28 5. Defendant CHIRAYU PATEL, aka nebula, aka nebwrk, aka aluben, aka notneb,

1 aka aluben, served as a SiteOp of the warez server VS, and had leech access on the warez server  
2 CHUD, and also served as a scripter, equipment supplier, leech, and broker for the warez sites.

3 6. Defendant WILLIAM VEYNA, aka guyzzz, aka \_ \_ \_ \_ , aka 1010101, aka 5555,  
4 aka i\_love\_dact, aka 8675309, served as a SiteOp on the warez server VS, had leech access on  
5 the warez server CHUD, had ratio access to the warez servers LAD and SNOWCAVE, and also  
6 served as equipment supplier and broker for the warez sites.

7 7. Defendant NATHANIEL E. LOVELL, aka Nate Lovell, aka pestilenc, aka pest,  
8 served as an equipment supplier for the warez sites and had leech access to the warez sites  
9 CHUD and VS.

10 Copyrighted Movies, Games and Software

11 8. During the warez conspiracy, more than 750 pirated movie titles were uploaded to  
12 the CHUD and LAD sites.

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

16 b. Many of the infringed movies were uploaded to the warez site  
17 either before or at about the same time that they were being shown in U.S. theaters, or  
18 were otherwise publically available. Some prerelease examples include the movie "Star Wars:  
19 Episode III - Revenge of the Sith" which was uploaded on the warez site on or about May 18,  
20 2005, within hours of its theatrical release to the public; the movie "Batman Begins" which was  
21 uploaded on June 15, 2005, the same day it was released to the public in the theaters; the movie  
22 "Bewitched" which was uploaded on the warez site on June 26, 2005, after being released in the  
23 theaters to the public June 24, 2005.

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

28 10. During the warez conspiracy, more than 180 copyrighted software applications

1 were uploaded to the CHUD and LAD sites. Some examples of the infringed software titles  
 2 include: "Adobe Photoshop," "Adobe Workshop CS2," "ADOBE Creative Suite Premium,"  
 3 "Adobe Acrobat Professional V7," "Autodesk Discreet 3D Studio.Mac.V7,"  
 4 "Microsoft.Office.System Professional," "Microsoft Office XP Professional SP3," "Microsoft  
 5 Windows XP x64 Pro," "Apple.DVD.Studio.PRO.V4," "Apple.soundtrack.pro.mac," "Sony  
 6 Vegas plus Dvd Production Suite," "Norton 2005," "VMware ESX Server," "Autodesk Autocad  
 7 mechanical V2006," "Autodesk Revit Volume 7," "Autodesk Autocad Volume 2006," "ARCGIS  
 8 Desktop Volume 9, Symantec Antivirus Corporate Edition," among many more.

9 COUNT ONE: (18 U.S.C. § 371 - Conspiracy to Commit Criminal Copyright  
 10 Infringement, Infringement By Electronic Means, Infringement By  
 11 Distributing A Commercial Distribution Work, Traffic in Devices to  
 12 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)

13 11. The allegations in paragraphs one through ten are realleged and incorporated  
 14 herein as if set forth in full.

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

18 DAVID M. FISH,  
 aka x000x,  
 19 CHIRAYU PATEL,  
 aka nebula,  
 aka nebwrk,  
 20 aka aluben,  
 21 WILLIAM VEYNA,  
 aka guyzzz,  
 22 aka - - - ,  
 aka 1010101,  
 23 aka 5555,  
 aka i love dact,  
 24 aka 8675309,  
 aka 8675309,

25 NATHANIEL E. LOVELL,  
 aka Nate Lovell, aka pestilenc, aka pest,

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

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

## 20 II. WAYS AND MEANS OF THE CONSPIRACY

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

### 23 Copyright Infringement

24 13. It was a part of the conspiracy that the conspirators obtained unauthorized copies  
25 of copyrighted works, including movies, games, and software; did not own the copyrighted  
26 works uploaded and downloaded on the warez sites; and did not have license, permission or other  
27 authority from the owners of those copyrighted works to reproduce and distribute them or to  
28 make them available for downloading from the warez sites.

1                   Distinct Warez Conspiracy Roles

2           14.     It was further a part of the conspiracy that the “warez conspiracy” consisted of a  
3 highly structured, hierarchal organizations of individuals organized for the purpose of duplicating  
4 and reproducing copyrighted movies, games, and software in violation of federal copyright law.  
5 The conspirators fulfilled distinct roles and contributions to promote the success of the warez  
6 conspiracy. While some members held multiple roles, other members were responsible for one  
7 role each. Some of the distinct roles included, but were not limited to, the following:

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

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

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

18                   d.     “Suppliers” provided an unauthorized copyrighted movie, game or  
19 software.

20                   e.     “Cammers” used an audiovisual recording device (such as a camcorder) to  
21 make an unauthorized copy of a motion picture or other audiovisual work that is protected by the  
22 copyright laws.

23                   f.     “Equipment Suppliers” provided hardware (such as hard drives, computer  
24 parts, and computer servers) to the warez site.

25                   g.     “Brokers” found groups to participate on the warez site.

26                   h.     “Couriers” charged with gathering computer software programs, games,  
27 and movies and uploading them to the warez site.

28                   i.     “Encoders” (sometimes referred to as “rippers” and “crackers”) were



1 responsible for circumventing the technological measures and protections of copyrighted works  
2 on the DVDs to prevent unauthorized access and copying.

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

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

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

#### 11 Obtaining and Encoding Copyrighted Works For Distribution

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

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

#### 26 Security Features

27 17. It was further part of the conspiracy that the warez sites were protected by a  
28 variety of sophisticated security mechanisms to ensure that only authorized users could gain

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

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

#### 13 Communication Channels

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

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

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

1                    Private Financial Compensation

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

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

10           24.     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           25.     It was further part of the conspiracy that some warez members trafficked in  
15 technologies, products, services, and devices which were primarily designed and produced for the  
16 purpose of circumventing the access control and copy prevention systems embedded on digital  
17 copies of copyrighted works. For example, many DVDs contained an access control and copy  
18 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 a technologies, products, services, and devices that were  
21 used to circumvent the access control and copy prevention systems protecting the copyrighted  
22 content on the DVDs.

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

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

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

### 3 Removal Of Identification Markings

4 28. 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 29. It was further part of the conspiracy that defendants distributed copyrighted  
9 movies, games and software that were being prepared for commercial distribution for sale to the  
10 public, by making it available before their release on a computer network accessible to members  
11 of the public. For example, the movie "Hide and Seek" was received on or about June 1, 2005  
12 and released on video to the public on or about July 5, 2005; the movie "Hitch" was received on  
13 or about May 23, 2005 and released on video to the public on or about June 14, 2005;  
14 the movie "The Pacifier" was received on or about June 15, 2005 and released on video to the  
15 public on or about June 28, 2005; and the movie "Imaginary Heroes" was received on or about  
16 May 23, 2005 and released on to the public video on or about June 7, 2005.

### 17 Unauthorized Theatrical Recordings

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

## 24 III. OVERT ACTS

25 31. In furtherance of the conspiracy, and to effectuate its objects, defendant David M.  
26 Fish, aka x000x, committed overt acts, in the Northern District of California, and elsewhere,  
27 including:

28 a. On or about August 5, 2004, defendant DAVID M. FISH, aka x000x, sent a

1 Federal Express package containing a server (hereinafter referred to as "SYS1") to be added to the  
2 warez site to be used to encode videos and games. The tools on the server were used to circumvent  
3 copy and access controls designed to copyrighted movies, allowing for the circumvented movie to  
4 be uploaded onto the warez site and downloaded and accessed by hundreds of warez participants.  
5 Some of the circumvention tools provided by David M. Fish, aka x000x, included and were not  
6 limited to: (a) AnyDVD; (b) Gordian Knot; (c) DVD2SVCD; (d) DVD Decrypter; (e) DVD Shrink;  
7 (f) DVD2AVI; and (g) VirtualDubMod.

8           b.       Between August 20, 2004, and the date of the indictment, defendant DAVID  
9 M. FISH, aka x000x, used his e-mail account [davefish@gmail.com](mailto:davefish@gmail.com) in the Northern District of  
10 California on numerous occasions to communicate with others about the status of pirated DVD  
11 movies and Microsoft XBox and Sony Playstation 2 games for the warez site. For example, on or  
12 about August 20, 2004, an email from the account of [davefish@gmail.com](mailto:davefish@gmail.com) inquired whether a  
13 particular DVD had been received.

14           c.       On or about September 2, 2004, defendant DAVID M. FISH, aka x000x, sent,  
15 or caused to be sent, a Federal Express package which contained a computer system (hereinafter  
16 referred to as "SYS2"). Defendant DAVID M. FISH, aka x000x, directed the installation of  
17 computer server SYS2 into a leased computer server cabinet for access to the Internet to be used as  
18 a second "encode" box.

19           d.       On or about September 10, 2004, defendant DAVID M. FISH, aka x000x,  
20 asked that the DVD "Sly 2" be returned to a person known to the Grand Jury, due to a DVD recall.

21           e.       On or about November 8, 2004, defendant DAVID M. FISH requested that  
22 a floppy disk drive be installed into computer server SYS1, the computer file "v5015g002.exe" be  
23 copied onto a floppy disk, and inserted into the floppy disk drive on SYS1. Once executed, this  
24 program updated the flash memory in SYS1's Hitachi DVD drive, allowing defendant DAVID M.  
25 FISH to read Microsoft XBox games and copy them to SYS1's hard drive for encoding.

26           f.       On or about November 24, 2004, defendant DAVID M. FISH directed the  
27 installation of the computer server SYS1 into the warez site.

28           g.       On or about December 17, 2004, defendant DAVID M. FISH told a person  
known to the Grand Jury to get ready to receive XBox games for the warez site. After this

1 communication, an XBox arrived for the warez site.

2 h. On or about December 17, 2004, defendant DAVID M. FISH told a person  
3 known to the Grand Jury that he was able to circumvent the DVD copyright access and controls.

4 i. On or about the following dates, defendant DAVID M. FISH, aka x000x, sent,  
5 or caused to be sent, the following copyrighted works for the warez sites:

	Date	Copyrighted Works
6		
7	(1) August 18, 2004	DVD "Twisted" and game "Viewtiful Joe"
8	(2) August 30, 2004	DVD "Eternal Sunshine of the Spotless Mind"
9	(3) September 15, 2004	DVD "My Dear Marie"
10	(4) September 17, 2004	DVD "Breakin All the Rules"
11	(5) September 20, 2004	DVD "Aladin"
12	(6) October 19, 2004	Game "Grand Theft Auto San Andreas"
13	(7) November 24, 2004	Two DVD's "Napoleon Dynamite" and "The Door In The Floor"
14	(8) December 13, 2004	DVD titled "Garden State"
15	(9) December 17, 2004	DVD "Superbabies Baby Geniuses 2"

16 j. On or about the following dates, defendant DAVID M. FISH, aka x000x,  
17 uploaded or downloaded one or more copyrighted works as follows:

	Date	Conduct/Copyrighted Works
18	(1) March 4, 2005	Accessed CHUD and uploaded movie "Fat Albert"
19	(2) March 14, 2005	Accessed CHUD and uploaded game "Musashi Samurai Legend"
20	(3) March 22, 2005	Accessed CHUD and uploaded game "World Tour Soccer 2006"
21	(4) March 24, 2005	Accessed CHUD and uploaded movie "Hotel Rwanda"
22	(5) April 4, 2005	Accessed CHUD and downloaded movie "Star Wars Episode I The Phantom Menace"
23	(6) April 4, 2005	Accessed CHUD and downloaded movie "Star Wars Episode II Attack Of The Clones"
24	(7) April 12, 2005	Accessed CHUD and downloaded software "Adobe Acrobat Professional V7"
25	(8) April 14, 2005	Accessed CHUD and uploaded movie "Kinsey"
26	(9) April 15, 2005	Accessed CHUD and downloaded software "Microsoft Windows 2000Professional"
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1	(10)	April 21, 2005	Accessed CHUD and uploaded software "Symantec Antivirus Corporate Edition"
2	(11)	April 21, 2005	Accessed CHUD and downloaded software "Symantec Antivirus Corporate Edition"
3	(12)	May 3, 2005	Accessed CHUD and downloaded movie "Racing Stripes"
4	(13)	May 15, 2005	Accessed CHUD and downloaded movie "Monster In Law"

6 32. In furtherance of the conspiracy, and to effectuate its objects, defendant CHIRAYU  
7 PATEL, aka nebula, aka nebwrk, aka aluben, committed overt acts, in the Northern District of  
8 California, and elsewhere, including:

9 a. On or about November 26, 2004, defendant CHIRAYU PATEL offered to  
10 contribute a three terabyte box server for the LAD server.

11 b. On or about December 21, 2004, defendant CHIRAYU PATEL installed a  
12 server initially known as "HZ," which was later called as VS. The server was used to create another  
13 warez site for uploading and downloading warez.

14 c. On or about February 15, 2005, defendant CHIRAYU PATEL upgraded the  
15 warez server VS, by installing a 3Ware RAID card and six hard drives which increased the disk  
16 space of VS. These upgrades enhanced the capabilities of the server.

17 d. On or about the dates listed in Count Seven, defendant CHIRAYU PATEL  
18 uploaded or downloaded the listed copyrighted works from the warez sites.

19 e. On or about the following dates, defendant CHIRAYU PATEL uploaded or  
20 downloaded one or more copyrighted works as follows:

21	Date	Conduct/Copyrighted Works
22	(1) May 25, 2005	Accessed CHUD and downloaded software "Autodesk Architectural Desktop"
23	(2) May 27, 2005	Accessed CHUD and uploaded game "Domination"
24	(3) June 10, 2005	Accessed CHUD and downloaded movie "Spiderman 2"
25	(4) June 19, 2005	Accessed CHUD and downloaded movie "Mr. and Mrs. Smith"
26	(5) June 19, 2005	Accessed VS and downloaded "Microsoft Office XP Professional"

27 33. In furtherance of the conspiracy, and to effectuate its objects, defendant WILLIAM  
28 VEYNA, aka guyzzz, aka \_ \_ \_ \_ , aka 1010101, aka 5555, aka i\_love\_dact, aka 8675309, aka

1 8675309, committed overt acts, in the Northern District of California, and elsewhere, including:

2 a. On or about April 7, 2005, defendant WILLIAM VEYNA sent two (2) hard  
3 drives to be placed into the server VS.

4 b. On or about April 25, 2005, during a conversation using MSN Messenger, and  
5 e-mail address www@chatsworthlake.com, defendant WILLIAM VENYA offered and agreed to  
6 build a one terabyte server for the warez group CTP (Centropy) that the group could use for  
7 prereleases of movies, games and software.

8 c. On or about April 29, 2005, defendant WILLIAM VEYNA proposed and  
9 suggested a spare server that defendant VEYNA could use to crack and encode media and discussed  
10 adding other warez groups to the site.

11 d. On or about the dates listed in Count Eight, defendant WILLIAM VEYNA  
12 uploaded or downloaded the listed copyrighted works from the warez sites.

13 e. On or about the following dates, defendant WILLIAM VEYNA uploaded or  
14 downloaded one or more copyrighted works as follows:

	Date	Conduct/Copyrighted Works
15	(1) March 27, 2005	Accessed VS and uploaded software "Autodesk Autocad V2006"
16	(2) May 4, 2005	Accessed VS and uploaded software "Adobe Photoshop CS2 V9," "Symantec Norton Ghost," "Windows XP x64," and game "Star Wars Episode III Revenge of the Sith"
17	(3) June 9, 2005	Accessed VS and downloaded the game "Area 51"
18	(4) June 19, 2005	Accessed VS and downloaded the game "Battlefield 2"
19	(5) June 22, 2005	Accessed VS and uploaded the movies "Be Cool," "Coach Carter," "Twisted," and the game "FIFA Soccer USA"
20		
21		

22 34. In furtherance of the conspiracy, and to effectuate its objects, defendant NATHANIEL  
23 E. LOVELL, aka Nate Lovell, aka pestilenc, aka pest, committed overt acts, in the Northern District  
24 of California, and elsewhere, including:

25 a. On or about March 29, 2005, defendant NATHANIEL E. LOVELL planned,  
26 in conjunction with defendant DAVID M. FISH to contribute a server to the warez site and load it  
27 with pirated works.

28 b. On or about April 28, 2005, defendant NATHANIEL E. LOVELL sent an e-



1 mail discussing the shipment of the server for the warez site.

2 c. On or about May 3, 2005, defendant NATHANIEL E. LOVELL provided a  
 3 shipment tracking number and shipped a server to the Northern District of California for the warez  
 4 site. The return address on the shipment stated: "N Lovell (303) 549-7327."

5 d. On or about May 5, 2005, defendant NATHANIEL E. LOVELL sent, or  
 6 caused to be sent, a United Parcel Service package containing a black rackmount computer server  
 7 with no visible exterior markings or serial numbers. The computer server contained an Intel dual  
 8 port serve adapter, serial number 0007E91A3702 303AD C29887-002.

9 e. On or about the dates listed in Count Nine, defendant NATHANIEL E.  
 10 LOVELL downloaded the listed copyrighted works from the warez sites.

11 f. On or about the following dates, defendant NATHANIEL E. LOVELL  
 12 downloaded one or more copyrighted works as follows:

	Date	Conduct/Copyrighted Works
13	(1) June 17, 2005	Accessed VS and downloaded the movie "Cinderella Man"
14	(2) June 18, 2005	Accessed VS and downloaded the software Windows 2003 Small business Server
15	(3) June 20, 2005	Accessed VS and downloaded the movies "National Treasure" and "Hitch"
16		

17 All in violation of Title 18, United States Code, Section 371.

18 COUNT TWO: (17 U.S.C. §§ 1201(a)(2)(A), and 1204(a)(1), 18 U.S.C. § 2 - Trafficking in  
 19 Technology Primarily Designed to Circumvent Technological Measures  
 Protecting a Right of a Copyright Owner, and Aiding and Abetting)

20 35. On or about and August 5, 2004, in the Northern District of California, and elsewhere,  
 21 defendant,

22  
 23 DAVID M. FISH,  
 aka x000x,

24 did traffic, for purposes of commercial advantage and private financial gain, in a technology,  
 25 product, service, and device, specifically software, including AnyDVD; Gordian Knot;  
 26 DVD2SVCD; DVD Decrypter; DVD Shrink; DVD2AVI; and VirtualDubMod, knowing that the  
 27 technology, product, service, and device was primarily designed and produced for the purpose of  
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1 circumventing a technological measure that effectively controlled access to a copyrighted work,  
 2 namely DVD movies.

3 All in violation of Title 17, United States Code, Sections 1201(a)(2)(A), and 1204(a)(1),  
 4 and Title 18, United States Code, Section 2.

5 COUNTS THREE THROUGH FIVE: (17 U.S.C. §§ 1201(a)(1)(A), 1204(a)(1) and 18  
 6 U.S.C. § 2 - Circumventing a Technological  
 7 Measure that Protects a Copyright Work, and  
 8 Aiding and Abetting)

9 36. On or about the dates set forth below, in the Northern District of California, and  
 10 elsewhere, defendant,

11 DAVID M. FISH,  
 12 aka x000x,

13 did willfully, and for purposes of commercial advantage and private financial gain, circumvent a  
 14 technological measure that effectively controls access to a work protected under Title 17 of the  
 15 United States Code, as set forth below:

Count	Date	Copyrighted Work
3	November 8, 2004	XBox "Rainbow Six"
4	December 4, 2004	XBox "Star Wars II: Knights of the Old Republic"
5	January 5, 2005	Movie "Sky Captain and the World of Tomorrow"

16 All in violation of Title 17, United States Code, Sections 1201(a)(1)(A), and 1204(a)(1)  
 17 and Title 18, United States Code, Section 2.

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

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

22 DAVID M. FISH,  
 23 aka x000x,

24 did willfully infringe the copyrights of copyrighted works, that is, movies, games and software, by  
 25 the reproduction and distribution by electronic means, including via the Internet, during a 180-day  
 26 period, of ten (10) or more copies of one or more of the copyrighted works, which had a retail value  
 27 of \$2,500 or more, including as set forth below:  
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	<b>Date</b>	<b>Title Of Copyrighted Work</b>
(1)	March 2, 2005	"Disney's The Incredibles"
(2)	March 2, 2005	"After The Sunset"
(3)	March 2, 2005	"Ladder 49"
(4)	March 4, 2005	"Fat Albert" DVDR
(5)	March 4, 2005	"Fat Albert" SVCD
(6)	March 6, 2005	"Closer" SVCD
(7)	March 6, 2005	"Closer" DVDR
(8)	March 10, 2005	"Sideways" DVD
(9)	March 10, 2005	"Sideways" SVCD
(10)	March 10, 2005	"Hitch"
(11)	March 11, 2005	"Oceans Twelve"
(12)	March 14, 2005	"Kinsey" SVCD
(13)	March 14, 2005	"Kinsey" DVDR
(14)	March 14, 2005	"Musashi Samurai Legend USA"
(15)	March 22, 2005	"World Tour Soccer 2006 USA"
(16)	March 23, 2005	"Elektra"
(17)	March 23, 2005	"Spanglish"
(18)	March 24, 2005	"Hotel Rwanda"
(19)	April 4, 2005	"Blade Trinity"
(20)	April 4, 2005	"Star Wars Episode I The.Phantom.Menace"
(21)	April 4, 2005	"Star Wars Episode II Attack Of The Clones"
(22)	April 4, 2005	"Meet The Fockers"
(23)	April 4, 2005	"Porcupine Tree Deadwing Proper Retail 2005"
(24)	April 4, 2005	"Mudvayne Lost And Found 2005"
(25)	April 12, 2005	"Adobe Acrobat Professional V7"
(26)	April 14, 2005	"Kinsey"
(27)	April 15, 2005	"Microsoft Windows 2000Professional"
(28)	April 15, 2005	"Darkness"
(29)	April 21, 2005	"Symantec Antivirus Corporate Edition V10.0"
(30)	April 23, 2005	"In Good Company"

(31)	April 24, 2005	"National.Treasure"
(32)	May 3, 2005	"Racing Stripes"
(33)	May 3, 2005	"Son of the Mask"
(34)	May 3, 2005	"White Noise"
(35)	May 3, 2005	"Team America World Police"
(36)	May 15, 2005	"Monster In Law"

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

**COUNT SEVEN:** (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)

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

CHIRAYU PATEL,  
aka nebula,  
aka nebwrk,  
aka aluben,

did willfully infringe the copyrights of copyrighted works, that is, movies, games and software, by the reproduction and distribution by electronic means, including via the Internet, during a 180-day period, of ten (10) or more copies of one or more of the copyrighted works, which had a retail value of \$2,500 or more, including as set forth below:

	Date	Title Of Copyrighted Work
(1)	May 25, 2005	"Star Wars Episode VI Return of the Jedi"
(2)	May 25, 2005	"Autodesk Architectural Desktop 2005"
(3)	May 25, 2005	"Star Wars Episode V the Empire Strikes Back"
(4)	May 27, 2005	"Total Training for Adobe Indesign Cs2" DVDR
(5)	May 27, 2005	"Domination"
(6)	May 27, 2005	"Star Wars Episode III Revenge of the Sith"
(7)	June 2, 2005	"Chappelles.Show"
(8)	June 2, 2005	"Be Cool"
(9)	June 2, 2005	"Team America World Police"

1	(10)	June 2, 2005	"Garden.State"
2	(11)	June 2, 2005	"Spanglish"
3	(12)	June 3, 2005	"Hide and Seek"
4	(13)	June 4, 2005	"Cursed"
5	(14)	June 4, 2005	"Hostage"
6	(15)	June 4, 2005	"Star Wars Episode 3"
7	(16)	June 6, 2005	"Grand Theft Auto San Andreas"
8	(17)	June 6, 2005	"The Chronicles of Riddick Escape From Butcher Bay USA" XBox
9	(18)	June 6, 2005	"Area51-USA" Xbox DVD
10	(19)	June 6, 2005	"Air Force Delta Storm" XBox
11	(20)	June 7, 2005	"MechAssault 2 Lone Wolf USA" XBox DVD
12	(21)	June 7, 2005	"Splinter Cell Pandora Tomorrow USA" XBox
13	(22)	June 7, 2005	"Splinter Cell Chaos Theory USA" XBox DVD9
14	(23)	June 7, 2005	"Prince Of Persia USA" XBox
15	(24)	June 7, 2005	"Rallisport Challenge 2"
16	(25)	June 7, 2005	"Robotech Battlecry"
17	(26)	June 7, 2005	"Wings of War USA" XBox
18	(27)	June 7, 2005	"Star Trek Shattered Universe USA" XBox
19	(28)	June 8, 2005	"Ms. Congeniality 2"
20	(29)	June 8, 2005	"Coach Carter"
21	(30)	June 10, 2005	"Spiderman 2 USA"
22	(31)	June 11, 2005	"Sony Vegas plus DVD Production Suite"
23	(32)	June 12, 2005	"The Pacifier"
24	(33)	June 14, 2005	"Norton 2005"
25	(34)	June 15, 2005	"Windows XPx64 Pro"
26	(35)	June 16, 2005	"VMware ESX Server"
27	(36)	June 17, 2005	"Symantec Antivirus Corporate Edition V10.0.0"
28	(37)	June 19, 2005	"Microsoft Office XP Professional SP3"

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

**COUNT EIGHT:** (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)

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

WILLIAM VEYNA,  
 aka guyzzz,  
 aka - - - ,  
 aka 1010101,  
 aka 5555,  
 aka i love dact,  
 aka 8675309,  
 aka 8675309,

did willfully infringe the copyrights of copyrighted works, that is, movies, games and software, by the reproduction and distribution by electronic means, including via the Internet, during a 180-day period, of ten (10) or more copies of one or more of the copyrighted works, which had a retail value of \$2,500 or more, including as set forth below:

	Date	Title Of Copyrighted Work
(1)	March 6, 2005	"Autodesk Revit V7.0 ISO"
(2)	March 17, 2005	"Microsoft Visual Basic 6.0"
(3)	March 20, 2005	"Adobe Acrobat Professional V7.0"
(4)	March 27, 2005	"Autodesk Autocad V2006 ISO"
(5)	April 16, 2005	"Windows 2003 X64 Standard"
(6)	April 16, 2005	"Windows 2003 X64 Enterprise"
(7)	April 21, 2005	"Sony Vegas Plus DVD Production Suite V6.0"
(8)	May 4, 2005	"Symantec Norton Ghost"
(9)	May 4, 2005	"Adobe Photoshop"
(10)	May 6, 2005	"Adobe Creative Suite Premium Edition"
(11)	May 15, 2005	"XBMC.Build.0515-RNSSUCKS" XBox
(12)	May 18, 2005	"Motocross Mania 3"
(13)	May 20, 2005	"Outlaw Volleyball"
(14)	May 23, 2005	"Madagascar" XBox
(15)	May 24, 2005	"Hitch"
(16)	May 25, 2005	"Pariah"

1	(17)	May 25, 2005	"Great Battles of WWII"
2	(18)	May 25, 2005	"Close Combat"
3	(19)	May 25, 2005	"Autodesk Discreet 3d Studio Max V7.0"
4	(20)	May 27, 2005	"Adobe Workshop CS2"
5	(21)	June 7, 2005	XBox "Batman Begins"
6	(22)	June 12, 2005	"Because of Winn-Dixie"
7	(23)	June 18, 2005	XBox "Destroy All Humans"
8	(24)	June 19, 2005	"Batman Begins"

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

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

13 40. On or about the dates set forth below, in the Northern District of California, and  
 14 elsewhere, defendant,

15 NATHANIEL E. LOVELL,  
 16 aka Nate Lovell, aka pestilenc, aka pest,

17 did willfully infringe the copyrights of copyrighted works, that is, movies, games and software, by  
 18 the reproduction and distribution by electronic means, including via the Internet, during a 180-day  
 19 period, of ten (10) or more copies of one or more of the copyrighted works, which had a retail value  
 20 of \$2,500 or more, including as set forth below:

	Date	Title Of Copyrighted Work
21	(1) March 19, 2005	"Autodesk Autocad mechanical V2006"
22	(2) March 20, 2005	"Autodesk Revit Volume 7"
23	(3) March 20, 2005	"Autodesk Autocad Volume 2006"
24	(4) April 26, 2005	"The Village"
25	(5) April 28, 2005	"Adobe Photoshop CS"
26	(6) April 28, 2005	"Windows XP x64 Pro"
27	(7) April 28, 2005	"Windows.2003.x64.Enterprise"
28	(8) May 1, 2005	"The Wedding Date"
	(9) May 2, 2005	"Jade Empire" XBox

1	(10)	May 5, 2005	"ARCGIS Desktop Volume 9"
2	(11)	May 8, 2005	"AVID XPRESS PRO HD V5.1.4"
3	(12)	May 24, 2005	"Star Wars Episode III"
4	(13)	June 20, 2005	"Hitch"
5	(14)	June 20, 2005	"National Treasure"

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

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

9 41. As a result of the offenses alleged in Counts Two, Three, Four, Five and Six of this  
10 indictment, defendant,

11 DAVID M. FISH,  
12 aka x000x,

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

20 42. As a result of the offenses alleged in Count Seven of this indictment, defendant,

21 CHIRAYU PATEL,  
22 aka nebula, aka nebwrk, aka aluben,

23 shall forfeit to the United States, pursuant to Title 17, United States Code, Sections 506(b) and  
24 509(a), all copies manufactured, reproduced, distributed, sold, or otherwise used, intended for use,  
25 or possessed with intent to use in violation of the offense under Section 506(a), and all plates, molds,  
26 matrices, masters, tapes, film negatives, or other articles by means of which such copies may be  
27 reproduced, and all electronic, mechanical, and other devices for manufacturing, reproducing, and  
28 assembling such copies, including but not limited to the items listed in Attachment B, which are  
realleged and incorporated herein as if set forth in full.



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43. As a result of the offenses alleged in Count Eight of this indictment, defendant,  
WILLIAM VEYNA,  
aka guyzzz, aka \_ \_ \_ \_ , aka 1010101, aka 5555, aka i\_love\_dact, aka 8675309, aka 8675309,  
shall forfeit to the United States, pursuant to Title 17, United States Code, Sections 506(b) and  
509(a), all copies manufactured, reproduced, distributed, sold, or otherwise used, intended for use,  
or possessed with intent to use in violation of the offense under Section 506(a), and all plates, molds,  
matrices, masters, tapes, film negatives, or other articles by means of which such copies may be  
reproduced, and all electronic, mechanical, and other devices for manufacturing, reproducing, and  
assembling such copies, including but not limited to the items listed in Attachment C, which are  
realleged and incorporated herein as if set forth in full.

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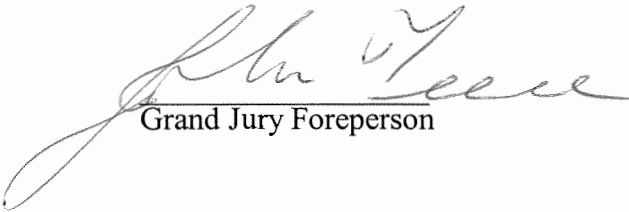
44. As a result of the offenses alleged in Count Nine of this indictment, defendant,

NATHANIEL E. LOVELL,  
aka Nate Lovell, aka pestilenc, aka pest,


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

DATED: 7-13-05

A TRUE BILL

  
Grand Jury Foreperson

KEVIN V. RYAN  
United States Attorney

  
MATTHEW A. PARRELLA  
Chief, San Jose Branch Office

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

**ATTACHMENT A**

Defendant DAVID M. FISH, aka x000x

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

- A. 1 Laptop Computer Serial No. 33CNV01
- B. 5 Hard drives
- C. 1 Laptop computer ##33CNV01
- D. 3 Ccomputer towers, no serial numbers
- E. 1 Gen - Computer, no serial number
- F. Playstation - OC
- G. Various DVDs and CD's
- H. Playstation memory cards
- I. 1 box of DVD cases
- J. 4 DVDs
- K. CD's and Floppy discs
- L. 1 Nintendo memory card

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**ATTACHMENT B**

Defendant CHIRAYU PATEL, aka nebula, aka nebwrk, aka aluben

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

- A. Tower computer e-machine Serial Number AL02236-000128
- B. GSX laptop w/bag & power cord Serial Number 8GBH251
- C. Dell tower Serial Number 9D35D41
- E. Dell laptop Serial Number 7BKDL41 w/bag & power cord
- F. Sony laptop Serial Number 289862303206127 w/power cord
- G. GSX HP laptop Serial Number (removed) w/power cord
- H. NEC-Mitsubishi monitor Serial Number MS95 Serial Number 1205991YE
- I. XBox Serial Number 308711142805
- J. XBox Serial Number 406233314703
- K. XBox Serial Number 336079744606
- L. Handheld Playstation Portable Serial Number PP115201491-PSP1001
- M. Playstation 2
- N. Playstation
- O. Gamecube (Nintendo)
- P. Discs
- Q. Discs
- S. Discs
- T. Disc packing material
- U. 3 Cell phones
- V. Shipping & receiving documents
- W. Box of DVD cassettes
- X. Box of discs
- Y. Box of three hard drives
- Z. Zen Jukebox
- AA. 3 boxes of computer discs
- BB. 3 XBoxes
- CC. Hard drive
- DD. Computer discs & drives
- EE. Hard drive
- FF. Playstation and CD's
- GG. Playstation 2

ATTACHMENT C

Defendant WILLIAM VEYNA,

aka guyzzz, aka \_ \_ \_ \_ , aka 1010101, aka 5555, aka i\_love\_dact, aka 8675309, aka 8675309

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

- A. Emachine T1105 computer Serial Number QA31AM0014658
- B. Dell Poweredge 400SC Serial Number 3P12B31
- C. Dell Poweredge1600SC Serial Number H9FVJ21
- D. External Maxtor hard drive (300GB)
- E. External Western Digital hard drive Serial Number WMAEH1042311
- F. 1 San Disk Cruzer USB drive (512MB)
- G. 1 Easy Disk USB drive (128MB)
- H. 1 Sony Memory Stick (16MB)
- I. 1 Maxtor hard drive model 91021U2 Serial Number 62125MPC CDG0ZA
- J. 1 Maxtor hard drive model Diamond Max Serial Number A80TTMME (300GB)
- K. 1 Maxtor hard drive model Diamond Max Serial Number A035DSE
- L. 1 Seagate hard drive model ST310211A Serial Number 6DB2JX20
- M. XBox game console Serial Number 411200620802
- N. D-link wireless adapter barcode 20010401231
- O. Sony Cybershot camera Serial Number 678461
- P. Assorted burned CD-R, CD-RW, DVD-R, DVD-RWs
- Q. 3.5" floppy disks & container (14)
- R. 1 zip disc 100
- S. Iomega Quiksync software WO Serial Number 47893 0991
- T. Stargate DVD (Promotional Use Only)
- U. Assorted burned CD-R, CD-RW, DVD-R, DVD-RW's with cases (300 discs)
- V. Sega Dreamcast Serial Number DU9648V1938 with 4 controllers & cables
- W. Sega Dreamcast in box Serial Number DV061624900 & approximately 30 DVD's
- X. 2 Computer mouses and approximately 200 DVDs (movies & games)
- Y. 1 brown suitcase containing Gamecube Serial Number DS406417891 with memory card, cable and
- Z. 2 Controllers
- AA. 4 CaseLogic containers with various movies on discs (200 discs)
- BB. Lexmark printer
- CC. Brother printer/fax
- DD. Dell keyboard
- EE. IBM mouse
- FF. Envision monitor
- GG. EMachine monitor (17 inch)
- HH. Cisco 1700 series router
- II. Cisco 2950 series router
- JJ. DLink wireless access point
- KK. DLink extender
- LL. KVM switch and cables
- MM. Dell keyboard
- NN. Dell mouse
- OO. 2 white speakers
- PP. Webcam
- QQ. Approximately 500 DVDs/CDs from location
- RR. DVD's
- SS. Playstation 2

## ATTACHMENT D

NATHANIEL E. LOVELL,  
aka Nate Lovell, aka pestilenc, aka pest

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

- A. Seagate Hard Drive Serial Number 3JT1M676
- B. Maxtor Hard Drive Serial Number 74H6LM7C
- C. Western Digital Serial Number 07939902
- D. IBM Serial Number XEYBZ801
- E. Seagate Hard Drive Serial Number 3DF05GMT
- F. IBM Hard Drive Serial Number VED33350
- G. IBM Hard Drive Serial Number 6FMAU383
- H. Maxtor Hard Drive Serial Number 6622025501064
- I. Western Digital Hard Drive Serial Number WT4111778923
- J. Maxtor Hard Drive Serial Number B603LLBH
- K. Maxtor Hard Drive Serial Number B61N8V6H
- L. Maxtor Hard Drive Serial Number L60308CH
- M. Maxtor Hard Drive Serial Number B603J06H
- N. Maxtor Hard Drive Serial Number B603655DH
- O. Maxtor Hard Drive Serial Number G806A59E
- P. Maxtor Hard Drive Serial Number B6036Y2H
- Q. Maxtor Hard Drive Serial Number B60367GH
- R. Maxtor Hard Drive Serial Number B603L0JH
- S. Maxtor Hard Drive Serial Number B603KZ9H
- T. Western Digital Hard Drive Serial Number WQMAL72761336
- U. Western Digital Hard Drive Serial Number WDWMAL72789796
- V. Maxtor Hard Drive Serial Number B603HDZH
- W. Maxtor Hard Drive Serial Number B60329GH
- X. Maxtor Hard Drive Serial Number B603KXPH
- Y. Seagate Hard Drive Serial Number 3HUI262A
- Z. Maxtor Hard Drive Serial Number Y697ZNSE
- AA. Maxtor Hard Drive Serial Number B6036TNH
- BB. Maxtor Hard Drive Serial Number B603615AH
- CC. Maxtor Hard Drive Serial Number B603L1HH
- DD. Maxtor Hard Drive Serial Number B60365HH
- EE. Maxtor Hard Drive Serial Number B60364WH
- FF. Seagate Hard Drive Serial Number UR242388
- GG. IBM Hard Drive Serial Number G2R8YJ66
- HH. Maxtor Hard Drive Serial Number K60N28FC
- II. Seagate Hard Drive Serial Number 1HR00158
- JJ. Maxtor Hard Drive Serial Number Y6508J6E
- KK. Western Digital Hard Drive Serial Number WM36905911687
- LL. IBM Hard Drive Serial Number 68013450HA
- MM. Seagate Hard Drive Serial Number LG430880
- NN. Seagate Hard Drive Serial Number 3DF05GKX
- OO. Six unlabeled hard drives located in shipping box
- PP. Maxtor Hard Drive Serial Number DV085V8E
- QQ. 83 CD-roms, various labels
- RR. 3 Thumb drives
- SS. Computer CPU tower - CPU 16
- TT. 1 CD-R labeled R. Kelley - Chocolate Factory
- UU. 1 DVD-R labeled as The Last of the Mohicans
- VV. iPod 20GB with i trip connector Serial Number 4J4455NTP59

1 WW. Computer CPU tower, no serial Serial Number - CPU 17  
 XX. Black Caselogic CD holder with CDs  
 2 YY. Western Digital Hard Drive Serial Number WCA9N5255055  
 ZZ. 1 black Mainstays CD holder with CDs  
 3 AAA. 19 CD-R/DVD-R in plastic single cases  
 BBB. 167 CD-R/DVD-R on cylinder holders  
 4 CCC. CD rom X  
 DDD. Sony DVD/CD player Serial Number 8864036  
 5 EEE. Sony DVD/CD player Serial Number 8844214  
 FFF. Microsoft Xbox Serial Number 307940545005  
 6 GGG. Xbox connector cord  
 HHH. Xbox power cord  
 7 III. Black and silver CD projects case with CDs inside  
 JJJ. 5 CD Projects blue/black CD case  
 8 KKK. 5 Black Case Logic CD case  
 LLL. 2 Case It gray/black CD case  
 9 MMM. 1 CD Projects grey/black CD case  
 NNN. 1 Black CD case, no label, medium size  
 10 OOO. 1 MSDN Blue/black CD case  
 PPP. 1 Office 2000 black/green CD case  
 11 QQQ. 1 black 3 ring binder with CDs  
 RRR. 520 CD/DVD roms, various labels  
 12 SSS. 300 CD/DVD roms, boxed, various labels  
 TTT. 500 CD/DVD roms, boxed, various labels  
 13 UUU. 184 CD/DVD roms, boxed, various labels  
 VVV. 1 CPU labeled Cadco clone no serial Serial Number (one loose HD Maxtor)  
 14 (CPU-1)  
 WWW. 1 CPU (located in box) (CPU-2)  
 15 XXX. 1 CPU (CPU-3)  
 YYY. 1 CPU clone, (CPU-4)  
 16 ZZZ. 1 Compaq laptop CMZ040 Serial Number 1V97CYW27325, with power cord  
 (CPU-5)  
 17 AAAA. 1 CPU Xcon, labeled server 19216811 (CPU-6)  
 BBBB. 1 CPU Black Coolermaster Serial Number C060001083 (CPU-7)  
 18 CCCC. 1 CPU (CPU-8)  
 DDDD. 1 CPU (CPU-9)  
 19 EEEE. 1 CPU (CPU-10)  
 FFFF. 1 CPU (CPU-11)  
 20 GGGG. 1 Dell laptop model PP0IL Serial Number 8LJ4H01 (CPU - 12)  
 HHHH. 1 Maxtor Hard Drive Serial Number B804SPLH (CPU-13) with cord  
 21 LLLL. 1 CPU label SERVCR2 19216812 Serial Number B13002H2510175 (CPU-  
 14)  
 22 MMMM. 1 CPU label SERVCR3 19216813 (CPU-15)  
 NNNN. Hitachi Hard Drive Serial Number CFE329KD  
 23 OOOO. Shuttle X Computer Serial Number BS1A30308000538  
 PPPP. 1 Plasma Television  
 24  
 25  
 26  
 27  
 28

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 05

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

DEFENDANT - U.S.

DAVID M. FISH

DISTRICT COURT NUMBER

00445

Filed
JUL 13 2005

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

PROCEEDING

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

S/A Julie Jolie - FBI

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 L. KROTOSKI

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

Defendant Address:

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

Date/Time: July 14, 2005 9:30am

Before Judge:

Comments: Defendant ordered to appear on the above date.



**ATTACHMENT PENALTY SHEET**

United States v. David M. Fish, Chirayu Patel, William Veyna, and Nathaniel E. Lovell

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. §§ 1201(a)(2)(A), and 1204(a)(1) - Distribution of Technology Primarily Designed to Circumvent Technological Measures Protecting a Right of a Copyright Owner and Aiding and Abetting.

Penalty: Maximum 5 years imprisonment;  
Maximum \$500,000 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. §§ 1201(a)(1)(A), 1204(a)(1) and 18 U.S.C. § 2 - Circumventing a Technological Measure that Protects a Copyright Work and Aiding and Abetting.

Penalty: Maximum 5 years imprisonment;  
Maximum \$500,000 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) - 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 05 00445**  
E-filing RMW  
JUL 13 2005  
Filed

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

DEFENDANT - U.S.

CHIRAYU PATEL

DISTRICT COURT NUMBER

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

**PROCEEDING**

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

S/A Julie Jolie - FBI

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) FRCP 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 L. 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

Defendant Address: \_\_\_\_\_

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

Date/Time: July 14, 2005 9:30am

Before Judge: \_\_\_\_\_

Comments: Defendant ordered to appear on the above date.

**ATTACHMENT PENALTY SHEET**

United States v. David M. Fish, Chirayu Patel, William Veyna, and Nathaniel E. Lovell

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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. §§ 1201(a)(2)(A), and 1204(a)(1) - Distribution of Technology Primarily Designed to Circumvent Technological Measures Protecting a Right of a Copyright Owner and Aiding and Abetting.

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Maximum \$500,000 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. §§ 1201(a)(1)(A), 1204(a)(1) and 18 U.S.C. § 2 - Circumventing a Technological Measure that Protects a Copyright Work and Aiding and Abetting.

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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

**ORIGINAL FILED**

JUL 13 2005

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

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

DEFENDANT - U.S.

WILLIAM VEYNA

DISTRICT COURT NUMBER

**Filed**  
JUL 13 2005

**E-filing**

**CR 05-00445**

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

**PROCEEDING**

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

S/A Julie Jolie - FBI

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 L. KROTOSKI

**IS NOT IN CUSTODY**

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**IS IN CUSTODY**

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Has detainer been filed?  Yes  No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

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: \_\_\_\_\_

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Date/Time: July 14, 2005 9:30am

Before Judge: \_\_\_\_\_

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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 05**

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

DEFENDANT - U.S.

NATHANIEL E. LOVELL

DISTRICT COURT NUMBER

**Filed**

JUL 13 2005

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

**PROCEEDING**

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

S/A Julie Jolie - FBI

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

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MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

KEVIN V. RYAN

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

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MARK L. KROTOSKI

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Or... if Arresting Agency & Warrant were not

Month/Day/Year

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This report amends AO 257 previously submitted

**ADDITIONAL INFORMATION OR COMMENTS**

**PROCESS:**

SUMMONS  NO PROCESS\*  WARRANT Bail Amount: \_\_\_\_\_

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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