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Attorney for Plaintiff,  
LIBERTY MEDIA HOLDINGS, LLC

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

LIBERTY MEDIA HOLDINGS, LLC

Plaintiff,

vs.

SHENG GAN f/k/a PROTECTED DOMAIN  
SERVICES CUSTOMER NCR-3356109  
d/b/a SITERIPKING.COM and JOHN DOES  
2-10

Defendant.

Case No. 1:11-cv-02754-MSK-KMT

**FIRST AMENDED COMPLAINT**

- (1) COPYRIGHT INFRINGEMENT**
- (2) TRADEMARK INFRINGEMENT**

**INJUNCTIVE RELIEF SOUGHT**

Plaintiff, Liberty Media Holdings (hereinafter “Liberty” or “Plaintiff”) files this complaint against Defendant Sheng Gan f/k/a Protected Domain Services Customer NCR-3356109 d/b/a Siteripking.com for Copyright and Trademark Infringement and alleges as follows:

**I. INTRODUCTION**

1. The website <siteripking.com> is appropriately named. The name is derived from the term “Site ripping.” Site ripping or “website ripping” is the process of copying an entire website, including all of its text, images, videos, and its underlying code, so that the entire site

can reside on the user's computer rather than on the website publisher's server. In more colloquial terms, it refers to "ripping off" and entire library of copyrighted works.

2. Defendant Sheng Gan was previously known as Protected Domain Services Customer NCR-3356109 d/b/a SiteRipKing.com. His name was discerned after the Court granted the Plaintiff's Motion for Early Discovery (ECF 12) and early discovery was served upon third parties. Gan seemingly considers himself to be site-ripping "royalty" by virtue of the fact that he has ripped off so many different adult entertainment websites. Gan admits on his website that he initially did this as a hobby (which was still illegal) but now he does it for profit. See **ECF 1-1**.

3. Liberty Media Holdings, LLC (hereinafter "Liberty" or "Plaintiff"), is the publisher of one of the websites that SiteRipKing ripped, illegally copied, and illegally distributes to others. Liberty seeks redress for the wrongs committed by SiteRipKing, and to recover damages arising from infringement of Plaintiff's copyrights and trademarks on the Siteripking.com website. See [www.siteripking.com](http://www.siteripking.com).

4. The Defendants' actions were willful in nature, entitling the Plaintiff to enhanced damages. The Plaintiff seeks statutory damages, actual damages, an award of its attorneys' fees and costs of suit, as well as injunctive relief.

## **II. JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 17 U.S.C. §§ 101, et. seq., and 28 U.S.C. §§ 1331 and 1338(a).

6. The domain name registrar used to register the siteripking.com domain name is Name.com, which is headquartered in Colorado. See **ECF 1-2**. Gan had a long-standing and ongoing business relationship with this Colorado based entity for the registration of numerous domain names.<sup>1</sup>

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<sup>1</sup> The other domain names registered through Name.com are: huangjinwu.org, visame.org,

7. The WHOIS information for the <siteripking.com> domain name initially listed the following as the registrant's address:

**Protected Domain Services - Customer ID: NCR-3356109**  
**P.O. Box 6197**  
**Denver, CO 80206**  
**Phone: +1.7202492374**

8. The Whois information for Siteripking.com listed a Denver, Colorado address for its registrant, administrative, technical, and billing contact information. See **ECF 1-3**.

9. After the domain privacy service was notified of the complaint, the registration information changed to:

**Tangulms**  
**Tangulms Tangulms**  
**Costa Rica, Costa Rica 10903**  
**Phone: +506.90626996400 001**

10. Defendant's registrar provides a Domain Name Registration Agreement which, among other things, proscribes "*Any disputes regarding the Agreement will be governed by and interpreted under the laws of the State of Colorado. You agree that any action relating to or arising out of this Agreement, **from your use of our website, or otherwise relating to the provision of services to you**, will be brought in an appropriate court located within the City and County of Denver, Colorado.*" See **ECF 1-4** ¶ 23. (emphasis added). As the instant action is for copyright and trademark infringement arising from Defendant's "use of [Name.com's] website" and services, the forum selection agreement is binding. See **ECF 1-4**. The Defendant therefore entered into a long-standing business relationship with a Denver-based service provider, renewing that relationship on a regular basis anytime he renewed his multiple domain name registrations.

11. Despite the fact that the Defendant has been discovered to be a Chinese national, residing in Costa Rica, jurisdiction is proper in this district since Plaintiff's claims arise out of the Defendants' conduct which gives rise to personal jurisdiction over Defendants.

12. In addition to the above extensive contacts with Colorado companies, giving rise to jurisdiction under the Colorado long arm statute, the Defendant is also subject to jurisdiction generally in the United States under Fed. R. Civ. P. 4(k)(2).

13. The Defendant's website was marketed primarily to Americans.

14. The Defendant's website drew a significant amount of traffic and revenue from Americans; its primary market was the United States.

15. The Defendant's website primarily targeted American companies for its illegal infringement.

16. The Defendant's website used American payment processors and other American services. Gan originally used PayPal<sup>2</sup> and CCBill<sup>3</sup> for payment. See **ECF 1-1**. However, after his illegal conduct was brought to PayPal's and CCBill's attention, he began using a Costa Rican payment portal.

17. The infringing materials on the Defendant's website were distributed primarily to Americans.

18. Further, Protected Domain Services, the identity obscuring service used by Gan to conceal his personal information from the public, is also located in Denver, Colorado. See **ECF 1-5**.

19. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(a). Although the true identities of each and every principal responsible for the Siteripking.com website is unknown to the Plaintiff at this time, on information and belief, the Defendant in this particular action may be found in this District as the Defendant listed his address in Denver, Colorado. See **ECF 1-3 through 1-5**.

20. For the above reasons, jurisdiction is proper over the Defendant in this jurisdiction and venue under both the Colorado long arm statute, Colo. Rev. Stat. § 13-1-124, and Fed. R. Civ. P. 4(k)(2).

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<sup>2</sup> PayPal is a company based in San Jose, California.

<sup>3</sup> CCBill is a company based in Tempe, Arizona.

### **III. THE PARTIES**

#### **A. The Plaintiff, Liberty Media Holdings, LLC**

21. Liberty is a California LLC with a principal place of business in Las Vegas, Nevada.

22. Plaintiff produces, markets, and distributes adult-oriented audiovisual works under the registered marks CORBIN FISHER®, and CORBIN FISHER'S AMATEUR COLLEGE SEX®, including photographs, books, DVDs, and through the operation of a website. At this website, individuals purchase monthly subscriptions to view Plaintiff's photographic works and audiovisual content.

23. Liberty's website has "free tour" areas where G-Rated photographs may be viewed, but its more explicit erotic works are only available to individuals who pay a monthly subscription fee or who purchase a DVD from Liberty.

24. Liberty prohibits persons who are under the age of 18 from accessing the more explicit areas of its website, and does not sell its DVDs to minors.

#### **B. The Defendant, Sheng Gan**

25. Defendant Sheng Gan owns, operates, and/or controls the Internet website [www.Siteripking.com](http://www.Siteripking.com). Siteripking.com's business model depends upon the infringement of Plaintiff's exclusive rights through copying, storing, distributing, displaying, and profiting from the unauthorized use of Plaintiff's trademarks and copyright protected works.

### **VI. STATEMENT OF FACTS**

26. Defendant provides a website that provides adult-themed audiovisual content to the public. The sole type of works available on the website appear to be copyrighted videos. These videos are stolen in part from Plaintiff as well as various other adult-entertainment companies. The Defendant's site requires a membership fee ranging anywhere from \$5 for 7 days to \$199 for a lifetime membership. See ECF 1-6.

27. Siteripking's business model depends on membership-generated income, but it uses other companies' copyrighted materials (including those belonging to the Plaintiff) as the content it sells for profit.

28. Defendant attracts interest by posting screen-captures and links to the actual adult entertainment providers' websites so that users may browse copyrighted protected content and determine which "site rips" it would like to download.

29. Siteripking is a website that does, exactly what its name suggests – takes or 'rips' content from adult entertainment websites, and posts the content on its own infringing website for others to download.

30. As Siteripking defines itself "Siteripking is a site which does site rips of other sites. Our members can download as much as they want. We also have an exclusive forum for our members." See **ECF 1-1**.

31. According to the Siteripking.com website, Defendant features the content of 46 other American websites whose copyright protected motion pictures and still photographs as well as Federally protected Trademarks has been 'ripped' by the Defendant. **ECF 1-7**.

32. In addition to the 46 different site rips currently on Siteripking.com, Defendant provides over 49,654 different infringing videos and over 627,696 still photographs to its members. **ECF 1-7**.

33. If a current member seeks content from a studio not currently infringed upon by the Defendant, Siteripking will provide access to stolen content from other studios upon request. See **ECF 1-7** at pg. 3.

34. Siteripking is not a virtual Robin Hood, and does not provide its services to the indigent porn collectors of the world, rather, Siteripking profits from its infringing behavior by charging members for access to its illegal virtual library of stolen content.

35. For the small sum of \$5 a week, \$69 for a year subscription or \$199 for a lifetime membership, Defendant provides the same content for which Plaintiff charges at least \$420 per year (or more depending on the particular motion picture).

36. Defendant's infringing behavior directly affects Plaintiff's own membership levels and moreover threatens Plaintiff's economic existence as a whole.

37. All links prominently display each adult entertainment studios website, trademarks, and copyright protected content. See **ECF 1-8**.

38. At no time did Defendant ever contact Plaintiff to seek permission to use a likeness of its website or trade name, never mind Plaintiff's actual and current website as well as Plaintiff's federally protected trademark.

39. Although Liberty takes steps to keep its materials out of the hands of minors, Siteripking took no such protective steps, thus potentially circumventing Liberty's strong "no minors" policy.

40. Although the Defendant copied, published, and distributed Liberty's copyrighted materials, the Defendant did not so much as request permission to do so, let alone receive permission to do so, or paid anything to Plaintiffs to do so. On information and belief, Defendant knowingly and willfully provides pornographic material to minors.

41. SiteRipKing.com lists 914 gigabytes of downloadable Corbin Fisher materials, what amounts to almost the entire collection of Plaintiff's copyrighted works illegally posted for downloading on Defendant's website.

42. Plaintiff's investigation revealed that the Defendant did not have a registered DMCA Agent, required by 17 U.S.C. §512(c)(2), to qualify for the DMCA safe harbor provisions. See [http://www.copyright.gov/onlinesp/list/s\\_agents.html](http://www.copyright.gov/onlinesp/list/s_agents.html). See also ECF 2 ¶ 5.

43. Defendant is a copyright infringer of massive proportions. It publishes illicitly obtained copyrighted materials to lure potential members to the Siteripking website, and engages in this illicit activity for profit.

44. The principals of any corporation that operates Siteripking, both known and unknown, are equally liable for the infringements complained of.

45. The individuals transferring and distributing these works are actually or constructively aware, should be aware, or are willfully blind to the fact that the copyrights, which were illegally distributed on the Defendant's website, belong to entities other than the Defendant.

46. The Defendant, in distributing the intellectual property of Plaintiff, fails and refuses to apply for proper licensing and further fails to determine the identity and age of the actors appearing in the works as required by law.

47. Defendant's unauthorized reproduction, public display, and distribution of Plaintiff Liberty's works serve as an inducement, attracting many individuals to access the Defendant Siteripking.com website for a paid membership.

48. Many of its members are in the United States. The website is marketed to Americans. The website distributes pirated works to Americans and it "rips" its library of infringing works from American sources.

49. Defendant reproduces, distributes, and profits from Plaintiff Liberty's works on the Siteripking.com website, as well as the works of dozens of other American copyrighted content producers.

50. Defendant actively engages in, promotes, and induces copyright infringement. Each infringing act occurred on the Siteripking.com website. Defendant seems to operate a network of piracy websites which include: huangjinwu.org, visame.org, affiliatetipsatoz.com, docwiki.org, omgnaked.tv, hackflv.com, hackvid.com, and premiumddl.org.

51. While in Las Vegas, Nevada, Plaintiff Liberty's employee discovered and documented that Defendant reproduced, publicly displayed, and distributed through the Siteripking.com website 914 GB worth of Plaintiff's copyrighted works (substantially all of Plaintiff's catalogue of 1600 Motion Pictures). See ECF 2 ¶ 7.

52. Defendant's business model depends on the uploading, posting, and displaying of copyrighted audiovisual works belonging to others, including Plaintiff Liberty.

53. Defendant intentionally, knowingly, negligently, or through willful blindness chose to avoid reasonable precautions to deter rampant copyright infringement on the Siteripking.com website.

54. Defendant has made no attempt to identify the individuals providing the works, where the individuals obtained the works, or whether the individuals had authority to further reproduce and distribute the works.

55. Prior to releasing its works into the market on the Internet or in DVD format, Plaintiff Liberty marks each work with a copyright notice. Plaintiff Liberty's labels reflect its

true business address and a statement that it maintains age authentication records at that address, as required by 18 U.S.C. §2257.

56. Plaintiff Liberty prominently displays its copyright mark on its website, and prominently displays its trademark on its films. It is unthinkable that anyone could mistake them for public domain works or amateur works. Furthermore, Plaintiff is well known for being vigilant in protecting its intellectual property rights.

57. Defendant's infringements harmed and continue to harm Plaintiff Liberty and others legally deriving the benefits of Plaintiff Liberty's creative works. The Defendant's continued infringements undermine Plaintiff Liberty and other creative enterprises that produce audiovisual works.

58. Plaintiff Liberty seeks immediate redress, as follows:

- a. A declaration that Defendant's conduct in reproducing and distributing Plaintiff's copyrighted works without authorization willfully infringes Plaintiff Liberty's copyrights;
- b. A permanent injunction requiring the Defendant to remove all copyright protected content from its website;
- c. Statutory damages for Defendant's past and present willful infringement, or actual damages plus profits;
- d. An award of attorney's fees expended in bringing and prosecuting this Action;
- e. A seizure of all of the instrumentalities of the Defendant's illegal acts, including the Defendant's domain names and money.

**V. FIRST CAUSE OF ACTION**  
**(Copyright Infringement 17 U.S.C. § 501)**

59. The Plaintiff re-alleges and incorporates by reference the allegations contained in each paragraph above.

60. Plaintiff is, and at all relevant times has been, the copyright owner of the copyrighted works infringed upon by the Defendant.

61. At all pertinent times, Plaintiff Liberty was the producer and registered owner of the audiovisual works illegally and improperly reproduced and distributed by the Defendant through its Siteripking.com website.

62. Defendant reproduced, reformatted, and distributed Plaintiff Liberty's copyrighted works by and through servers and/or other hardware owned, operated, and/or controlled by Defendants.

63. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce the Motion Picture and to distribute it – rights which Defendant maliciously and intentionally infringed upon.

64. Plaintiff is informed and believes, and on that basis alleges, that Defendant without the permission or consent of Plaintiff, used, and continues to use, the Siteripking.com website to distribute Plaintiff's copyrighted works to the public, and/or make the protected works available for distribution to others, including its members. In doing so, Defendant has violated Plaintiff's exclusive rights of reproduction and distribution. Defendants' actions constitute infringement of Plaintiff's copyrights and exclusive rights under the Copyright Act.

65. Plaintiff is informed and believes, and on that basis alleges, that the foregoing acts of infringement were willful and intentional.

66. As a result of Defendant's infringement of Plaintiff's copyrights and exclusive rights under the Copyright Act, Plaintiff is entitled to either actual or statutory damages pursuant to 17 U.S.C. § 504(c), and to its attorney fees pursuant to 17 U.S.C. § 505.

67. The conduct of the Defendant is causing and will continue to cause Plaintiff great and irreparable injury. Such harm will continue unless Defendant is enjoined from such conduct by this Court. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiff is entitled to injunctive relief prohibiting Defendant from further infringing Plaintiff's copyrights, and ordering Defendant to destroy all copies of the Plaintiff's copyrighted works made in violation of Plaintiff's exclusive rights under the Copyright Act.

**VI. SECOND CAUSE OF ACTION**  
**(TRADEMARK INFRINGEMENT)**

68. Plaintiff re-alleges and incorporates by reference as if verbatim, each and every paragraph above.

69. Plaintiff is the registrant of the trademark CORBIN FISHER®, Registration Number 3,196,073, Serial number 78-691,008. A copy of the trademark registration certificate for this trademark is in the record at **ECF 1-9**.

70. CORBIN FISHER is the Plaintiff's trademark, and it is only allowed to be used by third parties under strict licensing agreements that control the quality of the goods and services, the use of the Plaintiff's logos or other identifying information, and which require the payment of a fee that is never less than \$5,000 in cash or other valuable consideration.

71. Under no conditions has the Plaintiff authorized the use of its Trademark for the commercial promotion of Defendant's website, nor does the Plaintiff contemplate any circumstances under which it would do so.

72. The commercial value of the Trademark as well as the Plaintiff's goodwill has been diminished by the Defendant's actions.

73. Defendant's use of the Plaintiff's trademark in connection with web-based copyright infringement constitutes false designation of origin because it indicates to consumers that Defendant's goods and services are produced by, or affiliated, or associated with Plaintiff when, in fact, they are not.

74. Defendant's actions have created a likelihood of confusion among consumers who will falsely believe that Defendant's goods and services are produced by, or affiliated with or associated with or endorsed by Plaintiff and/or that the Plaintiff is in some way affiliated with the Defendant's copyright infringement warehouse of a website when, in fact, Plaintiff is not.

75. Defendant's use of the Plaintiff's trademark to market its services to the public constitutes intentional conduct by the Defendant to make false designations of origin and false descriptions about Defendant's goods, services, and commercial activities.

76. As a direct and proximate result of Defendant's false designation of origin, Plaintiff has suffered monetary loss and irreparable injury to its business, reputation, and goodwill in its CORBIN FISHER ® mark. Plaintiff is entitled to an award of compensatory damages and/or disgorgement of Defendant's profits in an amount to be proven at trial.

77. Pursuant to the Lanham Act, Plaintiff is also entitled to treble damages and attorney's fees and costs incurred in prosecuting this action.

78. This is an "exceptional case," thus justifying an award of the Plaintiff's attorney's fees incurred in the prosecution of this case. See 15 U.S.C. § 1117(a).

### **PLAINTIFF'S REQUEST FOR RELIEF**

1. For an injunction providing that:

Each Defendant shall be and hereby is enjoined from directly or indirectly infringing upon the Plaintiff's copyrights or any other intellectual property, whether now in existence or later created, that are owned or controlled by Plaintiff (or any parent, subsidiary, or affiliate of Plaintiff), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiff's works, to distribute (i.e., upload) any of Plaintiff's works, or to make any of Plaintiff's works available for distribution to the public, except pursuant to a lawful license or with the Plaintiff's express consent. The Defendant shall also destroy all copies of Plaintiff's works that Defendant has downloaded onto any computer server and shall destroy all copies of those downloaded works transferred onto any physical medium or device in the Defendant's possession, custody, or control;

2. For damages for each infringement of each copyrighted work pursuant to 17 U.S.C. § 504. These damages may be actual or statutory, but if statutory damages are elected, the Defendants' acts were willful in nature, justifying an award of up to \$150,000 per infringement, and Plaintiff reserves the right to make such an election;

3. That the Defendant be required to pay treble damages for its willful trademark infringement;

4. That Defendant be required to deliver, to be impounded during the pendency of this action, the following:

- a. All copies of Plaintiff's works, in any format, in Defendant's possession or under its control;
- b. All hard drives or other storage devices that contain the Plaintiff's works or other copyrighted images;
- c. each and every of the following domain names; [huangjinwu.org](http://huangjinwu.org), [visame.org](http://visame.org), [affiliatetipsatoz.com](http://affiliatetipsatoz.com), [docwiki.org](http://docwiki.org), [omgnaked.tv](http://omgnaked.tv), [hackflv.com](http://hackflv.com), [hackvid.com](http://hackvid.com), and [premiumddl.org](http://premiumddl.org); which should be forfeited to the Plaintiff at the completion of this case, or before that date if good cause is shown.

5. Enter an order requiring a full and complete accounting of all amounts due and owing to plaintiff Liberty as a result of Defendant's illegal or improper activity, whether criminal or civil in nature, of any and all Defendants;

6. An order directing the Defendant pay Plaintiff Liberty both the costs of action and the reasonable attorney's fees incurred it in prosecuting this action pursuant to 17 U.S.C. § 504 and 15 U.S.C. § 1117;

7. For Plaintiff's attorneys' fees incurred in bringing this action;

8. Enter an order directing the Defendant pay pre- and post-judgment interest at the highest legal rate;

9. Enter an order transferring and impounding the instrumentalities of the Defendant's infringement scheme including, but not limited to, all hard drives, all computers and all domain names;

10. Enter an order granting preliminary and permanent injunctive relief immediately shutting down the [Siteripking.com](http://Siteripking.com) website as well as any other sites used by the Defendant, including: [huangjinwu.org](http://huangjinwu.org), [visame.org](http://visame.org), [affiliatetipsatoz.com](http://affiliatetipsatoz.com), [docwiki.org](http://docwiki.org), [omgnaked.tv](http://omgnaked.tv), [hackflv.com](http://hackflv.com), [hackvid.com](http://hackvid.com), and [premiumddl.org](http://premiumddl.org).

11. For such other and further relief, either at law or in equity, general or special, to which they may be entitled.

DATED: December 29, 2011.

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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing document was filed using this Court's CM/ECF System on December 29, 2011.

*s/Marc J. Randazza* \_\_\_\_\_