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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ABS-CBN CORPORATION, a Philippine corporation; **ABS-CBN FILM PRODUCTIONS, INC.** d/b/a Star Cinema, a Philippine corporation; and **ABS-CBN INTERNATIONAL**, a California corporation,
Plaintiffs,

Case No.: _____

**COMPLAINT FOR TRADEMARK
AND COPYRIGHT INFRINGEMENT,
AND FOR INJUNCTIVE RELIEF**

vs.

JEFFREY ASHBY, an individual; **LENIE ASHBY**, an individual; jointly d/b/a **WEBPINOYTAMBAYAN.COM**; **WATCHFILIPINOTV.COM**; **WATCHFILIPINOMOVIES.COM**; **PINOY-TVKO.COM**; **PINOYTVKO.BIZ**; **PINOY-TUBE.COM**; **MYPINOYTUBETV.COM**; **PINOYTALAGA.COM**; **PINOYSTREAMING.COM**; **PINOYMOVIEFAN.COM**; **PINOYTVEPISODES.NET**; **PINOYTVEPISODES.INFO**; and DOES 1-100,

FILED UNDER SEAL

DEMAND FOR JURY TRIAL

Defendants.

ABS-CBN CORPORATION, ABS-CBN FILM PRODUCTIONS, INC. d/b/a Star Cinema, and ABS-CBN INTERNATIONAL (hereinafter collectively, "Plaintiffs" or "ABS-CBN"), by and through their counsel, hereby sue Defendants JEFFREY ASHBY and LENIE ASHBY (the "Individual Defendants"), d/b/a WEBPINOYTAMBAYAN.COM,

WATCHFILIPINOTV.COM, WATCHFILIPINOMOVIES.COM, PINOY-TVKO.COM, PINOYTVKO.BIZ, PINOY-TUBE.COM, MYPINOYTUBETV.COM, PINOYTALAGA.COM, PINOYSTREAMING.COM, PINOYMOVIEFAN.COM, PINOYTVEPISODES.NET, and PINOYTVEPISODES.INFO (the “Subject Domain Names” identified on Schedule “A”), and DOES 1-100 (with the Individual Defendants, collectively, “Defendants”), and allege as follows:

NATURE OF THE CASE

1. This is an action for willful trademark and copyright piracy. ABS-CBN is the largest media and entertainment company in the Philippines, producing thousands of hours of original content every year for its numerous television stations, including daily drama teleseries, drama anthologies, movies, musical and variety shows, game shows, reality shows, news programs, current affairs programs, documentaries, music video 24/7 (Myx), AM talk radio with DJ live on-screen (DZMM), FM radio shows with DJ live on-screen (MOR), and public affairs programs. Every day, ABS-CBN’s programming is broadcast worldwide through its agreements with dozens of cable companies’ premium channels, telecom provider partnerships, Internet subscription services, and through its own 24-hour cable and satellite service, which offers pay-per-view programming.

2. Defendants operate pirate websites under the Subject Domain Names identified on Schedule “A” hereto, including WEBPINOYTAMBAYAN.COM, WATCHFILIPINOMOVIES.COM, WATCHFILIPINOTV.COM, PINOYTALAGA.COM, PINOY-TVKO.COM, PINOYTVKO.BIZ, PINOY-TUBE.COM, MYPINOYTUBETV.COM, PINOYSTREAMING.COM, AND PINOYMOVIEFAN.COM. On information and belief, the Individual Defendants, JEFFREY ASHBY and LENIE ASHBY, are the registrants, owners and/or operators of the Subject Domain Names and pirate websites through which Plaintiffs’

intellectual property in its programs and brands is being infringed on an ongoing basis. In addition, the Individual Defendants are believed to be the registrants, owners and/or operators of PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO, which, on information and belief, both infringed ABS-CBN's trademarks and copyrights, as stated herein.

3. Further, at least Defendant JEFFREY ASHBY is believed to be one of the major players personally responsible for the theft, copying and uploading of ABS-CBN's content to servers for viewing through Defendants' and other pirate sites by hundreds of thousands of Internet users worldwide each day. In this way, Defendants are able to offer the latest ABS-CBN content often within minutes or hours of the original broadcast in the Philippines. Defendants illegally promote to the public that they offer ABS-CBN's content, including through the use of Plaintiffs' trademarks, and transmit full-length performances of ABS-CBN's TV shows and movies through their websites in order to illegally profit from ABS-CBN's intellectual property, without ABS-CBN's consent.

4. In addition to infringing Plaintiff's trademarks and performing pirated copies of Plaintiffs' video content, Defendants are believed to distribute malware, spyware and other nefarious, malicious and harmful software through the websites, typically in the guise of software updates "needed" by the viewer in order to enhance their viewing experience of Plaintiffs' video content.

5. Defendants' profits from the infringement come at an enormous cost to Plaintiffs. Defendants are responsible for mass infringement of Plaintiffs' copyrighted works, causing substantial harm to Plaintiffs, who have made significant investments of money, time and creative energies to produce the content, and develop the technical platform, branding, promotions and sales, and goodwill around their products and distribution channels. Moreover,

because ABS-CBN operates worldwide, including through partnership agreements with premium cable channels, through its own Internet pay subscription service, and through its own 24-hour pay-per-view programming, free streaming of Plaintiffs' content by Defendants deprives ABS-CBN of substantial revenue that would otherwise be derived from consumers; diverts customers worldwide from its subscription services and confuses consumers as to the source and legitimacy of its content and distribution channels; harms ABS-CBN's ability to continue to build out its paying customer base, particularly in international markets; and interferes with and harms ABS-CBN's distribution agreements, hurting its and its partners' profits.

6. The Defendants' websites are classic examples of pirate operations, operating under false and anonymous aliases. Further, Defendants have shown their complete disregard for Plaintiffs' rights by, among other things, ignoring Plaintiffs' notices to halt Defendants' illegal enterprise, which caused Defendants repeatedly to move Subject Domain Names in an effort to evade enforcement attempts. As a result, Plaintiffs require this Court's intervention if any meaningful stop is to be put to Defendants' piracy.

JURISDICTION AND VENUE

7. This is an action seeking damages and injunctive relief for trademark counterfeiting and infringement, and false designation of origin under the Lanham Act, 15 U.S.C. § 1051 *et seq.*; common law unfair competition; and copyright infringement under the Copyright Act, 17 U.S.C. § 101 *et seq.*

8. This Court has subject matter jurisdiction pursuant to 17 U.S.C. §§ 101 *et seq.*, 15 U.S.C. §§ 1114 and 1125(a), and 28 U.S.C. §§ 1331, 1338(a) & (b).

9. This Court has supplemental jurisdiction under 28 U.S.C. § 1367 over the state law claims, because the claims are so related to the trademark and copyright claims in this action

over which this Court has original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

10. Venue is proper in this Court pursuant 28 U.S.C. § 1391(a), (b) and/or (c) and 28 U.S.C. § 1400(a). Personal jurisdiction is proper as to all Defendants because the Individual Defendants are residents of this State, from which they operate the Subject Domain Names, perpetrate the infringement complained of herein, and because all Defendants directly target business activities towards consumers in Oregon and cause harm to ABS-CBN's business within this District through, at least, the websites operating under the Subject Domains.

THE PLAINTIFFS

11. ABS-CBN Corporation is a public Philippine corporation.

12. ABS-CBN Film Productions, Inc. is a Philippine corporation and wholly-owned subsidiary of ABS-CBN Corporation.

13. ABS-CBN International is a California corporation and a wholly-owned subsidiary of ABS-CBN Corporation.

14. Plaintiff, ABS-CBN International, is, and at all times relevant hereto has been, the registered owner of the following trademarks, which are valid and registered on the Principal Register of the United States Patent and Trademark Office (collectively the "ABS-CBN Marks"):

Trademark	Registration Number	Registration Date	Class / Services
ABS-CBN	2,334,131	March 28, 2000	IC 038 – Television broadcasting services via satellite and cable
THE FILIPINO CHANNEL	1,994,383	Aug. 20, 1996	IC 038 – Cable television broadcast IC 041 – Television show production and programming.

15. The ABS-CBN Marks are used in conjunction with high quality services in the categories identified above.

16. The ABS-CBN Marks have been used in interstate commerce for many years to identify and distinguish ABS-CBN's high quality services, including, but not limited to, broadcast distribution services, for an extended period of time and serve as symbols of ABS-CBN's quality, reputation, and goodwill.

17. The ABS-CBN Marks have never been assigned or licensed to the Defendants in this matter.

18. The ABS-CBN Marks are symbols of ABS-CBN's quality, reputation, and goodwill and have never been abandoned.

19. ABS-CBN is also, and at all times relevant hereto has been, the owner of all rights in and to the following common law trademark (the "ABS-CBN Common Law Trademark"):



20. The ABS-CBN Common Law Trademark is used in conjunction with high quality products and services, including broadcasting distribution services.

21. The ABS-CBN Common Law Trademark has been used in interstate commerce for many years to identify and distinguish ABS-CBN's high quality broadcasting distribution services and serves as a symbol of ABS-CBN's quality, reputation, and goodwill.

22. The ABS-CBN Common Law Trademark has never been assigned or licensed to the Defendants in this matter.

23. The ABS-CBN Common Law Trademark is a symbol of ABS-CBN's quality, reputation, and good will and has never been abandoned.

24. ABS-CBN is the also the owner and/or the exclusive licensee of copyrights registered in the United States and in the Philippines in connection with the production and distribution of audio-visual content, including in the TV shows and movies in Exhibit 1.

25. ABS-CBN is the largest media and entertainment company in the Philippines. All of Plaintiffs' TV shows and movies are initially aired through its broadcast facilities or regional theaters in the Philippines. Simultaneous with, or after that original broadcast, Plaintiffs Filipino-centric content is then distributed throughout the world via customer-paid subscriptions, including through numerous cable companies' premium channels and telecom provider partnerships, such as with DirecTV, Time Warner Cable, Cox Communications, Comcast, AT&T, Verizon Services Corp., Braintree Cable, Cablevision, CC Communications, Centurytel, Champion Broadband, Charter, Duncan Cable TV, En-Touch, Frontier Communications, GCI Cable, Golden Rain Foundation, Groton Utilities, Hawaiian Telecom, ICable, KPU CommVision, MCV, MTA Communications, Norwood Light Dept., OpenBand Media, OSN, Phonoscope, Rainier Cable TV, RCN, Rogers, San Bruno Cable, Service Electric, Shaw, Starhub, Summit Broadband, SureWest, Tacoma Public Utilities, TVMax, Wave Broadband, Windjammer Cable, Zito Media, and many more, including, in Oregon, Comcast and Wave Broadband.

26. In addition, Plaintiffs' content is distributed by Plaintiffs through Internet subscription services, such as TFC.TV and IWANTV.COM.PH, as well as through their own 24-hour cable and satellite service TFC (The Filipino Channel) and TFC IPTV, which offers Pay-Per-View programming. Most recently, on July 15, 2014, ABS-CBN launched its new TFC.TV design. The redesigned portal is meant to provide its customers with improved navigation and

easier access to the latest ABS-CBN shows and content. In addition, the roll out is meant to effect changes in the Subscription Packages previously offered, including to implement a new Premium subscription package, which includes over 160+ Entertainment shows, 50+ News shows, 8+ Live shows, and 300+ Movies.

27. ABS-CBN creates and distributes content serving Filipinos (aka “Pinoys”) worldwide. This includes the populace of the Philippines, estimated at 92.3 million persons, as well as the substantial overseas community, which is estimated at between 10.5 million and 13.5 million persons. See <http://www.census.gov.ph/>; http://en.wikipedia.org/wiki/Overseas_Filipino. Countries with significant resident Filipino populations overseas include: United States (3,494,281 persons); Saudi Arabia (1,267,658); UAE (931,562); Canada (852,401); Malaysia (686,547); Australia (391,705); Japan (243,136); United Kingdom (218,777); Kuwait (213,638); Qatar (200,016); Hong Kong (195,128); Singapore (184,498); and Italy (172,148). *Id.*; see also Commission on Filipinos Overseas, *Stock Estimate of Overseas Filipinos* (as of Dec. 2012) (http://cfo.gov.ph/images/stories/pdf/2012_Stock_Estimate_of_Filipinos_Overseas.pdf).

28. The United States hosts the largest population of Filipinos outside the Philippines. *Id.* Filipinos are estimated by the U.S. State Department to be the second-largest Asian-American group in the country. See http://en.wikipedia.org/wiki/Overseas_Filipino; U.S. Department of State, *U.S. Relations With the Philippines, Bureau of East Asian and Pacific Affairs Fact Sheet* (Jan. 31, 2014) (<http://www.state.gov/r/pa/ei/bgn/2794.htm>). In addition, Tagalog is the fifth most spoken language in the U.S. See http://en.wikipedia.org/wiki/Overseas_Filipino.

THE DEFENDANTS

29. Defendant JEFFREY ASHBY is a resident of the State of Oregon. On information and belief, Defendant JEFFREY ASHBY is the registrant, owner and/or operator of the Subject Domain Names and associated websites.

30. Defendant LENIE ASHBY is a resident of the State of Oregon. On information and belief, Defendant LENIE ASHBY is the registrant, owner and/or operator of the Subject Domain Names and associated websites.

31. On information and belief, the Individual Defendants are doing business as and through the Subject Domain Names.

32. The Individual Defendants personally directed and participated in, exercised control over, and benefited from the specific infringing and infringement-inducing conduct described herein, which resulted in the massive infringement of Plaintiffs' copyrights and trademarks. This includes, but is not limited to, operating the websites to profit from their infringing activities; doing so in a way intended to frustrate enforcement efforts through the use of false aliases; and by not implementing readily-available technologies and procedures to mitigate the infringement.

33. Defendants have the capacity to be sued pursuant to Federal Rule of Civil Procedure 17(b). Defendants target their business activities, in part, towards consumers throughout the United States, including within this District, through the operation of their fully interactive commercial websites operating under the Subject Domain Names. Defendants are directly and personally contributing to, inducing and engaging in trademark and copyright infringement, without license or authorization.

34. ABS-CBN is presently unaware of the true names of Does 1-100 and will amend this Complaint upon discovery of the identities of such fictitious Defendants.

35. Defendants are the past and present conscious forces behind the operation of the commercial Internet websites operating under the Subject Domain Names.

36. Upon information and belief, Defendants will continue to register, transfer, or acquire new domain names for the purpose of infringing Plaintiffs' trademarks and copyrights unless preliminarily and permanently enjoined.

37. Defendants use and have registered, established or purchased and maintained the Subject Domain Names and the websites operating thereunder. Upon information and belief, Defendants have knowingly provided or knowingly caused to be provided materially false contact information to a domain name registrar, domain name registry, or other domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the infringement. Upon information and belief, Defendants have anonymously registered and maintained the Subject Domain Names for the sole purpose of evading liability for their illegal activities.

38. Defendants' business names (*i.e.*, the Subject Domain Names and any other domain names used in connection with infringing Plaintiffs' trademarks and copyrights), are essential components of Defendants' infringing activities. The Subject Domain Names themselves are a significant part of the means by which Defendants further their infringing scheme and cause harm to ABS-CBN in that they cause and effect the infringement as described below.

FACTUAL ALLEGATIONS

A. Defendants' Domains and Associated Websites.

39. Defendants are infringing ABS-CBN's trademarks and copyrights through their copying, use, promotion, and/or performance of ABS-CBN's TV shows and movie content.

40. Defendants operate their websites that serve only one purpose – to function as commercial online hubs for publicly providing performances of popular copyrighted content, including many of Plaintiffs' copyrighted works, over the Internet to many thousands of users, without authorization or license.

41. On information and belief, Defendant JEFFREY ASHBY is personally and directly responsible for copying and uploading ABS-CBN's content to servers from which TV and movie videos are performed through Defendants' and many other pirate sites.

42. In addition, Defendants infringe, and induce, cause and/or materially contribute to the infringing activity of others, *inter alia*, by:

(i) advertising and promoting the presence and availability of ABS-CBN's content through

(a) the text on their websites, including stating the TV shows and movies are "free,"

(b) through the use of Plaintiffs' trademarks and specific identification of shows and movies as ABS-CBN's,

(c) through social media advertising, such as on Facebook and Twitter, including links to the infringing sites,

(d) search engine optimization and meta tags, and

(e) through the names of the domains themselves;

- (ii) organizing ABS-CBN's content by show title to provide ready access by viewers to hundreds or thousands of ABS-CBN's program episodes through menus and folders;
- (iii) inserting the links on their websites directing users where to view the content and through which users can download the content;
- (iv) transmitting and facilitating the transmission of the infringing content for viewing by users of the websites;
- (v) on a daily basis, updating their inventory of content, often within minutes or hours of the broadcast in the Philippines, in order to tap into the known market for pirate Filipino-centric content and constantly feed consumers' desire for that content; and,
- (vi) by promoting and providing the content in order to drive more traffic to Defendants' websites and thereby increase the profits Defendants reap from advertising and other revenue sources.

43. Defendants infringe, and induce, cause and/or materially contribute to the infringing activity of their users by promoting the presence and availability of Filipino content and, specifically, ABS-CBN's content, through their websites, social media, and through search engine optimization and metatags. For example, the coding underlying the WEBPINOYTAMBAYAN.COM site contains meta tags (aka "Keywords"), including specifically identifying ABS-CBN, which are designed to boost the site's relevance, and thus its rank in search engines:

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<meta name="description" content="" /><meta name="keywords" content="Pinoy Tambayan — Watch Pinoy Channels and Watch all the best TV Series from ABS-CBN, GMA 7, TV 5, Studio 23 and all the best Pinoy Teleserye Telenovela - Filipino stuff Online for Free! "/>
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44. Defendants perform Plaintiffs' works through their websites as part of a large scale and ongoing illegal enterprise and/or effectuate and materially contribute to the performance of Plaintiffs' works by third parties. On information and belief, Defendants also copy and/or distribute Plaintiffs' works and/or effectuate and materially contribute to the copying and/or distribution of Plaintiffs' works by third parties.

45. Because Defendants operate the infringing websites and broadcast the content, they could stop the infringement at any point. In addition, Defendants also could easily implement various readily available and effective technological solutions (including, without limitation, automated filtering using digital fingerprinting-based content-identification technology) to identify and prevent infringement of copyrighted content.

46. However, Defendants do not implement means to prevent infringement because to do so would defeat the very purpose for which the Subject Domain Names and associated websites exist – *i.e.*, to transmit copyrighted TV shows and movies associated with the trademarks of the largest media company in the Philippines.

B. The Individual Infringing Domains and Associated Websites.

Domain 1: WEBPINOYTAMBAYAN.COM

47. The WEBPINOYTAMBAYAN.COM domain is registered through the registrar Internet.bs. The domain is registered through a proxy/privacy registration service, such that the identity of the registrant is hidden.

48. The domain was previously registered through the registrar GoDaddy until July 25, 2014, when it was transferred to registrar Internet.bs following Plaintiffs' notice that the domain was infringing Plaintiffs' rights.

49. This domain is linked to at least five of the other domains identified herein because the html source code for the website located at WWW.WEBPINOYTAMBAYAN.COM shows the individual scripts provided by the ad networks operating on the site. Within the script are links, images and unique tracking codes. These unique identifiers are provided to customers to embed within the code of their site. The unique tracking code is used by the ad network to attribute revenue to a particular customer. The account number of this site is associated with a list of “approved URLs” for this account, including: WEBPINOYTAMBAYAN.COM, PINOYTALAGA.COM, WATCHFILIPINOTV.COM, PINOYTVEPISODES.NET, PINOY-TVKO.COM, and PINOY-TUBE.COM.

50. On information and belief, WEBPINOYTAMBAYAN.COM and the other Subject Domain Names are all registered, owned and/or operated by Defendants.

51. WEBPINOYTAMBAYAN.COM advertises Plaintiffs’ works to the public, including through the use of Plaintiffs’ trademarks. WEBPINOYTAMBAYAN.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to attract consumer traffic to its websites and promote the infringing video content viewed thereon.

52. Further, WEBPINOYTAMBAYAN.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to falsely suggest the infringing video content viewed on the websites is authorized, genuine content approved, endorsed, and sponsored by the Plaintiffs.

53. The WEBPINOYTAMBAYAN.COM website performs Plaintiffs’ copyrighted works, including, on information and belief, registered and unregistered works.

54. On information and belief, WEBPINOYTAMBAYAN.COM is a “closed website” meaning that it does not allow users to make additions or changes to the site. On information and belief, the content performed on the WEBPINOYTAMBAYAN.COM website

is provided by the website's operators. On information and belief, the operators of WEBPINOYTAMBAYAN.COM also insert the links provided on the website through which users view Plaintiffs' video content in a player window on the site. When a user clicks on the link to one of Plaintiffs' TV shows or movies, WEBPINOYTAMBAYAN.COM then plays the full-length version of the video.

55. For example, the copyright registered episode of the ABS-CBN show "Be Careful With My Heart" is available for viewing at: <http://webpinoytambayan.com/2014/05/be-careful-with-my-heart-15-may-2014.html>. When a user clicks, the WEBPINOYTAMBAYAN.COM website begins to transmit the full episode for viewing.

56. On information and belief, the large inventory of popular entertainment content available at WEBPINOYTAMBAYAN.COM is provided in order to attract users to the infringing content. By advertising, promoting and performing the copyrighted works, and encouraging, facilitating and assisting in the viewing of the TV shows and movies, WEBPINOYTAMBAYAN.COM attracts an estimated 53,331 page views each day.

57. WEBPINOYTAMBAYAN.COM provides full-length copies of daily programming and archived shows – all available at the click of a button and often made available within minutes or hours of the original broadcast. For example, within 41 minutes of the August 3, 2014 episode of ABS-CBN's "Be Careful With My Heart" airing in the Philippines, the show was available for viewing at WEBPINOYTAMBAYAN.COM.

58. On information and belief, the infringement-driven traffic increases the volume of online advertising impressions and transactions, and thereby increases online advertising revenues and enables WEBPINOYTAMBAYAN.COM to charge advertisers higher rates, and reap significant profits from the advertising services operating on the site. Moreover, the

wrongfully obtained consumer traffic increases the value of the Subject Domain Names themselves, including WEBPINOYTAMBAYAN.COM. In these ways, the websites' business model, including specifically that of WEBPINOYTAMBAYAN.COM, critically depends on attracting users to view Plaintiffs' highly-valued copyrighted works.

59. On information and belief, in order to drive traffic to the website, WEBPINOYTAMBAYAN.COM advertises the website through social media such as Facebook at: <https://www.facebook.com/webpinoytambayan/info>.

Domain 2: WATCHFILIPINOTV.COM

60. The WATCHFILIPINOTV.COM domain is registered through the registrar eNom. The domain is registered through a proxy/privacy registration service, such that the identity of the registrant is hidden. The domain utilizes CloudFlare, which is a proxy hosting service that hides the identity of the website's true host.

61. The WATCHFILIPINOTV.COM domain was previously registered through the registrar GoDaddy until June 13, 2014, when it was transferred following Plaintiffs' notice to GoDaddy that the domain was infringing Plaintiffs' rights. The domain was falsely registered with GoDaddy to "John Stephanopolis / 123 Main Street, Gary, IN" with the email address "pezman077@hotmail.com." The same registrant also falsely registered the domain WATCHFILIPINOMOVIES.COM to "John Stephanopoulos / 123 Main Street, Gary, IN" using a slightly different spelling, but the same fictitious address and, in this instance, with the email address "pezman077@yahoo.com." These patently bogus registrations are known to be false because when Plaintiffs sent takedown notices pursuant to the Digital Millennium Copyright Act ("DMCA") to the company Namecheap, which was believed to be the host for these domains, Namecheap revealed the registrant's true identity as Defendant JEFFREY ASHBY, at the

address 16989 SW 123rd Ave., Tigard, OR 97224, with the pezman077@hotmail.com email address. On information and belief, Defendant JEFFREY ASHBY is the owner of the email addresses used to falsely register these domains and his email address has been linked to other domains at issue in this Complaint.

62. Domains 1, 2, 4, 6, 8, and 11 are connected as stated in Paragraph 49 of this Complaint.

63. On information and belief, WATCHFILIPINOTV.COM and the other Subject Domain Names are all registered, owned and/or operated by Defendants.

64. WATCHFILIPINOTV.COM advertises Plaintiffs' works to the public, including through the use of Plaintiffs' trademarks. WATCHFILIPINOTV.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to attract consumer traffic to its websites and promote the infringing video content viewed thereon.

65. Further, WATCHFILIPINOTV.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to falsely suggest the infringing video content viewed on the websites is authorized, genuine content approved, endorsed, and sponsored by the Plaintiffs.

66. The WATCHFILIPINOTV.COM website performs Plaintiffs' copyrighted works, including, on information and belief, registered and unregistered works.

67. On information and belief, WATCHFILIPINOTV.COM is a "closed website" meaning that it does not allow users to make additions or changes to the site. On information and belief, the content performed on the WATCHFILIPINOTV.COM website is provided by the website's operators. On information and belief, the operators of WATCHFILIPINOTV.COM also insert the links provided on the website through which users view Plaintiffs' video content

in a player window on the site. When a user clicks on the link to one of Plaintiffs' TV shows or movies, WATCHFILIPINOTV.COM then plays the full-length version of the video.

68. For example, the copyright registered episode of the ABS-CBN show "Be Careful With My Heart" is available for viewing at: <http://watchfilipinotv.com/2014/05/be-careful-with-my-heart-may-15-2014/>. When a user clicks, the WATCHFILIPINOTV.COM website begins to transmit the full episode for viewing.

69. On information and belief, the large inventory of popular entertainment content available at WATCHFILIPINOTV.COM is provided in order to attract users to the infringing content. By advertising, promoting and performing the copyrighted works, and encouraging, facilitating and assisting in the viewing of the TV shows and movies, WATCHFILIPINOTV.COM attracts an estimated 9,031 page views each day.

70. WATCHFILIPINOTV.COM provides full-length copies of daily programming and archived shows – all available at the click of a button and often made available within minutes or hours of the original broadcast. For example, within 53 minutes of the August 3, 2014 episode of ABS-CBN's "Be Careful With My Heart" airing in the Philippines, the show was available for viewing at WATCHFILIPINOTV.COM.

71. On information and belief, the infringement-driven traffic increases the volume of online advertising impressions and transactions, and thereby increases online advertising revenues and enables WATCHFILIPINOTV.COM to charge advertisers higher rates, and reap significant profits from the advertising services operating on the site. Moreover, the wrongfully obtained consumer traffic increases the value of the Subject Domain Names themselves, including WATCHFILIPINOTV.COM. In these ways, the websites' business model, including

specifically that of WATCHFILIPINOTV.COM, critically depends on attracting users to view Plaintiffs' highly-valued copyrighted works.

72. On information and belief, in order to drive traffic to the website, WATCHFILIPINOTV.COM advertises the website through social media such as Facebook at: <https://www.facebook.com/pages/WatchFilipinoTVcom/> and Twitter at <https://twitter.com/WatchFilipinoTV>.

Domain 3: WATCHFILIPINOMOVIES.COM

73. The WATCHFILIPINOMOVIES.COM domain is registered through the registrar eNom. The domain is registered through a proxy/privacy registration service, such that the identity of the registrant is hidden. The domain utilizes CloudFlare, which is a proxy hosting service that hides the identity of the website's true host.

74. The WATCHFILIPINOMOVIES.COM domain was previously registered through the registrar GoDaddy until June 20, 2014, when it was transferred to registrar eNom following Plaintiffs' notice to GoDaddy that the domain was infringing Plaintiffs' rights. The domain was falsely registered by Defendant JEFFREY ASHBY as stated in Paragraph 61 of this Complaint.

75. On information and belief, WATCHFILIPINOMOVIES.COM and the other Subject Domain Names are all registered, owned and/or operated by Defendants. In addition, WATCHFILIPINOMOVIES.COM automatically redirects users when they click on TV show content to Domain 2, Defendants' WATCHFILIPINOTV.COM.

76. WATCHFILIPINOMOVIES.COM advertises Plaintiffs' works to the public, including through the use of Plaintiffs' trademarks. WATCHFILIPINOMOVIES.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to attract consumer traffic to its websites and promote the infringing video content viewed thereon.

77. Further, WATCHFILIPINOMOVIES.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to falsely suggest the infringing video content viewed on the websites is authorized, genuine content approved, endorsed, and sponsored by the Plaintiffs.

78. The WATCHFILIPINOMOVIES.COM website performs Plaintiffs' copyrighted works, including, on information and belief, registered and unregistered works.

79. On information and belief, WATCHFILIPINOMOVIES.COM is a "closed website" meaning that it does not allow users to make additions or changes to the site. On information and belief, the content performed on the WATCHFILIPINOMOVIES.COM website is provided by the website's operators. On information and belief, the operators of WATCHFILIPINOMOVIES.COM also insert the links provided on the website through which users view Plaintiffs' video content in a player window on the site. When a user clicks on the link to one of Plaintiffs' movies, WATCHFILIPINOMOVIES.COM then plays the full-length version of the video.

80. For example, the copyright registered ABS-CBN movie "Bakit Hindi ka Crush ng Crush Mo" is available for viewing at: <http://www.watchfilipinomovies.com/bakit-hindi-ka-crush-ng-crush-mo/>. When a user clicks, the WATCHFILIPINOMOVIES.COM website begins to transmit the full episode for viewing. In addition, when a user clicks on the "Pinoy TV Shows" tab on WATCHFILIPINOMOVIES.COM, the user is automatically redirected to the WATCHFILIPINOTV.COM site.

81. On information and belief, the large inventory of popular entertainment content available at WATCHFILIPINOMOVIES.COM is provided in order to attract users to the infringing content. By advertising, promoting and performing the copyrighted works, and encouraging, facilitating and assisting in the viewing of the movies, WATCHFILIPINOMOVIES.COM attracts an estimated 23,769 page views each day.

82. WATCHFILIPINOMOVIES.COM provides full-length copies of daily programming and archived shows – all available at the click of a button and often made available within minutes or hours of the original broadcast.

83. On information and belief, the infringement-driven traffic increases the volume of online advertising impressions and transactions, and thereby increases online advertising revenues and enables WATCHFILIPINOMOVIES.COM to charge advertisers higher rates, and reap significant profits from the advertising services operating on the site. Moreover, the wrongfully obtained consumer traffic increases the value of the Subject Domain Names themselves, including WATCHFILIPINOMOVIES.COM. In these ways, the websites' business model, including specifically that of WATCHFILIPINOMOVIES.COM, critically depends on attracting users to view Plaintiffs' highly-valued copyrighted works.

84. On information and belief, in order to drive traffic to the website, WATCHFILIPINOMOVIES.COM advertises the website through social media such as Facebook at: <https://www.facebook.com/pages/Watch-Filipino-Movies>.

Domains 4 & 5: PINOY-TVKO.COM and PINOYTVKO.BIZ

85. The PINOY-TVKO.COM domain is registered through the registrar Internet.bs. The domain is registered through a proxy/privacy registration service, such that the identity of the registrant is hidden.

86. The domain was previously registered through the registrar NetEarth until July 7, 2014, when it was transferred to registrar Internet.bs following Plaintiffs' notice to NetEarth that the domain was infringing Plaintiffs' rights.

87. The domain now redirects to PINOYTVKO.BIZ. When one goes to the PINOY-TVKO.COM domain, their browser is automatically redirected to the PINOYTVKO.BIZ domain and infringing website.

88. PINOYTVKO.BIZ was registered through the registrar Internet.bs on July 6, 2014. The domain is registered through a proxy/privacy registration service, such that the identity of the registrant is hidden. The domain utilizes CloudFlare, which is a proxy hosting service that hides the identity of the website's true host.

89. Domains 1, 2, 4, 6, 8, and 11 are connected as stated in Paragraph 49 of this Complaint; Domain 4 (PINOY-TVKO.COM) redirects users, *i.e.*, automatically sends all of its traffic, to Domain 5 (PINOYTVKO.BIZ).

90. On information and belief, PINOYTVKO.BIZ and the other Subject Domain Names are all registered, owned and/or operated by Defendants.

91. PINOYTVKO.BIZ advertises Plaintiffs' works to the public, including through the use of Plaintiffs' trademarks. PINOYTVKO.BIZ uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to attract consumer traffic to its websites and promote the infringing video content viewed thereon.

92. Further, PINOYTVKO.BIZ uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to falsely suggest the infringing video content viewed on the websites is authorized, genuine content approved, endorsed, and sponsored by the Plaintiffs.

93. The PINOYTVKO.BIZ website performs Plaintiffs' copyrighted works, including, on information and belief, registered and unregistered works.

94. On information and belief, PINOYTVKO.BIZ is a "closed website" meaning that it does not allow users to make additions or changes to the site. On information and belief, the

content performed on the PINOYTVKO.BIZ website is provided by the website's operators. On information and belief, the operators of PINOYTVKO.BIZ also insert the links provided on the website through which users view Plaintiffs' video content in a player window on the site. When a user clicks on the link to one of Plaintiffs' TV shows or movies, PINOYTVKO.BIZ then plays the full-length version of the video.

95. For example, the copyright registered episode of the ABS-CBN show "Kris TV" is available for viewing at: <http://www.pinoytvko.biz/2014/05/kris-tv-16-may-2014/>. When a user clicks, the PINOYTVKO.BIZ website begins to transmit the full episode for viewing.

96. On information and belief, the large inventory of popular entertainment content available at PINOYTVKO.BIZ is provided in order to attract users to the infringing content. By advertising, promoting and performing the copyrighted works, and encouraging, facilitating and assisting in the viewing of the TV shows and movies, PINOYTVKO.BIZ attracts an estimated 663 page views each day.

97. PINOYTVKO.BIZ provides full-length copies of daily programming and archived shows – all available at the click of a button and often made available within minutes or hours of the original broadcast. For example, within 41 minutes of the August 3, 2014 episode of ABS-CBN's "Be Careful With My Heart" airing in the Philippines, the show was available for viewing at PINOYTVKO.BIZ.

98. On information and belief, the infringement-driven traffic increases the volume of online advertising impressions and transactions, and thereby increases online advertising revenues and enables PINOYTVKO.BIZ to charge advertisers higher rates, and reap significant profits from the advertising services operating on the site. Moreover, the wrongfully obtained consumer traffic increases the value of the Subject Domain Names themselves, including PINOYTVKO.BIZ. In

these ways, the websites' business model, including specifically that of PINOYTVKO.BIZ, critically depends on attracting users to view Plaintiffs' highly-valued copyrighted works.

Domain 6: PINOY-TUBE.COM

99. The PINOY-TUBE.COM domain is registered through the registrar GoDaddy. The domain is registered through a proxy/privacy registration service, such that the identity of the registrant is hidden. In addition, PINOY-TUBE.COM redirects users when they click on video content to Domain 7, Defendants' MYPINOYTUBETV.COM.

100. Domains 1, 2, 4, 6, 8, and 11 are connected as stated in Paragraph 49 of this Complaint.

101. On information and belief, PINOY-TUBE.COM and the other Subject Domain Names are all registered, owned and/or operated by Defendants.

102. PINOY-TUBE.COM advertises Plaintiffs' works to the public, including through the use of Plaintiffs' trademarks. PINOY-TUBE.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to attract consumer traffic to its websites and promote the infringing video content viewed thereon.

103. Further, PINOY-TUBE.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to falsely suggest the infringing video content viewed on the websites is authorized, genuine content approved, endorsed, and sponsored by the Plaintiffs.

104. The PINOY-TUBE.COM website performs Plaintiffs' copyrighted works, including, on information and belief, registered and unregistered works.

105. On information and belief, PINOY-TUBE.COM is a "closed website" meaning that it does not allow users to make additions or changes to the site. On information and belief, the content performed on the PINOY-TUBE.COM website is provided by the website's

operators. On information and belief, the operators of PINOY-TUBE.COM also insert the links provided on the website through which users view Plaintiffs' video content in a player window on the site. When a user clicks on the link to one of Plaintiffs' TV shows or movies, PINOY-TUBE.COM then plays the full-length version of the video.

106. For example, when a user clicks on the ABS-CBN copyright registered work "Be Careful With My Heart" on PINOY-TUBE.COM, the video begins to play at:
<http://www.mypinoytubetv.com/2014/05/be-careful-with-my-heart-15-may-2014/>.

107. On information and belief, the large inventory of popular entertainment content available at PINOY-TUBE.COM is provided in order to attract users to the infringing content. By advertising, promoting and performing the copyrighted works, and encouraging, facilitating and assisting in the viewing of the TV shows and movies, PINOY-TUBE.COM attracts an unknown number of page views each day.

108. PINOY-TUBE.COM provides full-length copies of daily programming and archived shows – all available at the click of a button and often made available within minutes or hours of the original broadcast. For example, within 33 minutes of the August 3, 2014 episode of ABS-CBN's "Be Careful With My Heart" airing in the Philippines, the show was available for viewing at PINOY-TUBE.COM.

109. On information and belief, the infringement-driven traffic increases the volume of online advertising impressions and transactions, and thereby increases online advertising revenues and enables PINOY-TUBE.COM to charge advertisers higher rates, and reap significant profits from the advertising services operating on the site. Moreover, the wrongfully obtained consumer traffic increases the value of the Subject Domain Names themselves, including PINOY-TUBE.COM. In these ways, the websites' business model, including

specifically that of PINOY-TUBE.COM, critically depends on attracting users to view Plaintiffs' highly-valued copyrighted works.

Domain 7: MYPINOYTUBETV.COM

110. The MYPINOYTUBETV.COM domain is registered through the registrar eNom. The domain is registered through a proxy/privacy registration service, such that the identity of the registrant is hidden. The domain utilizes CloudFlare, which is a proxy hosting service that hides the identity of the website's true host.

111. The MYPINOYTUBETV.COM links to WEBPINOYTAMBAYAN.COM in its source code.

112. Domains 1, 2, 4, 6, 8, and 11 are connected as stated in Paragraph 49 of this Complaint.

113. On information and belief, MYPINOYTUBETV.COM and the other Subject Domain Names are all registered, owned and/or operated by Defendants.

114. MYPINOYTUBETV.COM advertises Plaintiffs' works to the public, including through the use of Plaintiffs' trademarks. MYPINOYTUBETV.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to attract consumer traffic to its websites and promote the infringing video content viewed thereon.

115. Further, MYPINOYTUBETV.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to falsely suggest the infringing video content viewed on the websites is authorized, genuine content approved, endorsed, and sponsored by the Plaintiffs.

116. The MYPINOYTUBETV.COM website performs Plaintiffs' copyrighted works, including, on information and belief, registered and unregistered works.

117. On information and belief, MYPINOYTUBETV.COM is a “closed website” meaning that it does not allow users to make additions or changes to the site. On information and belief, the content performed on the MYPINOYTUBETV.COM website is provided by the website’s operators. On information and belief, the operators of MYPINOYTUBETV.COM also insert the links provided on the website through which users view Plaintiffs’ video content in a player window on the site. When a user clicks on the link to one of Plaintiffs’ TV shows or movies, MYPINOYTUBETV.COM then plays the full-length version of the video.

118. For example, the copyright registered episode of the ABS-CBN show “Be Careful With My Heart,” is available for viewing at: <http://www.mypinoytubetv.com/2014/05/be-careful-with-my-heart-15-may-2014/>. When a user clicks, the MYPINOYTUBETV.COM website begins to transmit the full episode for viewing.

119. On information and belief, the large inventory of popular entertainment content available at MYPINOYTUBETV.COM is provided in order to attract users to the infringing content. By advertising, promoting and performing the copyrighted works, and encouraging, facilitating and assisting in the viewing of the TV shows and movies, MYPINOYTUBETV.COM attracts an estimated 2,418 page views each day.

120. MYPINOYTUBETV.COM provides full-length copies of daily programming and archived shows – all available at the click of a button and often made available within minutes or hours of the original broadcast. For example, within 33 minutes of the August 3, 2014 episode of ABS-CBN’s “Be Careful With My Heart” airing in the Philippines, the show was available for viewing at MYPINOYTUBETV.COM.

121. On information and belief, the infringement-driven traffic increases the volume of online advertising impressions and transactions, and thereby increases online advertising

revenues and enables MYPINOYTUBETV.COM to charge advertisers higher rates, and reap significant profits from the advertising services operating on the site. Moreover, the wrongfully obtained consumer traffic increases the value of the Subject Domain Names themselves, including MYPINOYTUBETV.COM. In these ways, the websites' business model, including specifically that of MYPINOYTUBETV.COM, critically depends on attracting users to view Plaintiffs' highly-valued copyrighted works.

122. On information and belief, in order to drive traffic to the website, MYPINOYTUBETV.COM advertises the website through social media such as Facebook at: <https://www.facebook.com/pages/Watch-Pinoy-TV/>.

Domain 8: PINOYTALAGA.COM

123. The PINOYTALAGA.COM domain is registered through the registrar eNom. The domain is registered through a proxy/privacy registration service, such that the identity of the registrant is hidden.

124. The domain was previously registered through the registrar GoDaddy until June 13, 2014, when it was transferred to eNom following Plaintiffs' notice that the domain was infringing Plaintiffs' rights.

125. Domains 1, 2, 4, 6, 8, and 11 are connected as stated in Paragraph 49 of this Complaint.

126. On information and belief, PINOYTALAGA.COM and the other Subject Domain Names are all registered, owned and/or operated by Defendants.

127. PINOYTALAGA.COM advertises Plaintiffs' works to the public, including through the use of Plaintiffs' trademarks. PINOYTALAGA.COM uses the ABS-CBN Marks

and/or Common Law Mark, without authorization, to attract consumer traffic to its websites and promote the infringing video content viewed thereon.

128. Further, PINOYTALAGA.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to falsely suggest the infringing video content viewed on the websites is authorized, genuine content approved, endorsed, and sponsored by the Plaintiffs.

129. The PINOYTALAGA.COM website performs Plaintiffs' copyrighted works, including, on information and belief, registered and unregistered works.

130. On information and belief, PINOYTALAGA.COM is a "closed website" meaning that it does not allow users to make additions or changes to the site. On information and belief, the content performed on the PINOYTALAGA.COM website is provided by the website's operators. On information and belief, the operators of PINOYTALAGA.COM also insert the links provided on the website through which users view Plaintiffs' video content in a player window on the site. When a user clicks on the link to one of Plaintiffs' TV shows or movies, PINOYTALAGA.COM then plays the full-length version of the video.

131. For example, the copyright registered episode of the ABS-CBN show "Be Careful With My Heart," is available for viewing at: <http://pinoytalaga.com/be-careful-with-my-heart-may-15-2014/>. When a user clicks, the PINOYTALAGA.COM website begins to transmit the full episode for viewing.

132. On information and belief, the large inventory of popular entertainment content available at PINOYTALAGA.COM is provided in order to attract users to the infringing content. By advertising, promoting and performing the copyrighted works, and encouraging, facilitating and assisting in the viewing of the TV shows and movies, PINOYTALAGA.COM attracts an estimated 3,753 page views each day.

133. PINOYTALAGA.COM provides full-length copies of daily programming and archived shows – all available at the click of a button and often made available within minutes or hours of the original broadcast. For example, within 90 minutes of the August 3, 2014 episode of ABS-CBN’s “Be Careful With My Heart” airing in the Philippines, the show was available for viewing at PINOYTALAGA.COM.

134. On information and belief, the infringement-driven traffic increases the volume of online advertising impressions and transactions, and thereby increases online advertising revenues and enables PINOYTALAGA.COM to charge advertisers higher rates, and reap significant profits from the advertising services operating on the site. Moreover, the wrongfully obtained consumer traffic increases the value of the Subject Domain Names themselves, including PINOYTALAGA.COM. In these ways, the websites’ business model, including specifically that of PINOYTALAGA.COM, critically depends on attracting users to view Plaintiffs’ highly-valued copyrighted works.

Domain 9: PINOYSTREAMING.COM

135. The PINOYSTREAMING.COM domain is registered through the registrar eNom. The domain is registered through a proxy/privacy registration service, such that the identity of the registrant is hidden. The domain was registered in Defendant JEFFREY ASHBY’s name prior to becoming a hidden proxy registration.

136. On information and belief, PINOYSTREAMING.COM and the other Subject Domain Names are all registered, owned and/or operated by Defendants. In addition, PINOYSTREAMING.COM automatically redirects users when they click on movie content on that site to Domain 3, Defendants’ WATCHFILIPINOMOVIES.COM, and when users click on

TV show content on PINOYSTREAMING.COM, they are automatically redirected to Domain 2, Defendants' WATCHFILIPINOTV.COM.

137. PINOYSTREAMING.COM advertises Plaintiffs' works to the public, including through the use of Plaintiffs' trademarks. PINOYSTREAMING.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to attract consumer traffic to its websites and promote the infringing video content viewed thereon.

138. Further, PINOYSTREAMING.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to falsely suggest the infringing video content viewed on the websites is authorized, genuine content approved, endorsed, and sponsored by the Plaintiffs.

139. The PINOYSTREAMING.COM website performs Plaintiffs' copyrighted works, including, on information and belief, registered and unregistered works.

140. On information and belief, PINOYSTREAMING.COM is a "closed website" meaning that it does not allow users to make additions or changes to the site. On information and belief, the content performed on the PINOYSTREAMING.COM website is provided by the website's operators. On information and belief, the operators of PINOYSTREAMING.COM also insert the links provided on the website through which users view Plaintiffs' video content in a player window on the site. When a user clicks on the link to one of Plaintiffs' TV shows or movies, PINOYSTREAMING.COM then plays the full-length version of the video.

141. For example, when a user clicks on the ABS-CBN copyright registered work "She's The One" on PINOYSTREAMING.COM, the video begins to play at: <http://www.watchfilipinomovies.com/shes-the-one/#.U-ESBeOSyYE>. When a user clicks on the "Pinoy TV Shows" tab on PINOYSTREAMING.COM, the user is automatically redirected to the WATCHFILIPINOTV.COM site.

142. On information and belief, the large inventory of popular entertainment content available at PINOYSTREAMING.COM is provided in order to attract users to the infringing content. By advertising, promoting and performing the copyrighted works, and encouraging, facilitating and assisting in the viewing of the TV shows and movies, PINOYSTREAMING.COM attracts an unknown number of page views each day.

143. On information and belief, the infringement-driven traffic increases the volume of online advertising impressions and transactions, and thereby increases online advertising revenues and enables PINOYSTREAMING.COM to charge advertisers higher rates, and reap significant profits from the advertising services operating on the site. Moreover, the wrongfully obtained consumer traffic increases the value of the Subject Domain Names themselves, including PINOYSTREAMING.COM. In these ways, the websites' business model, including specifically that of PINOYSTREAMING.COM, critically depends on attracting users to view Plaintiffs' highly-valued copyrighted works.

144. On information and belief, in order to drive traffic to the website, PINOYSTREAMING.COM advertises the website through social media, including through Facebook at the same page through which Defendants also advertise WATCHFILIPINOMOVIES.COM, the website to which PINOYSTREAMING.COM redirects, at: <https://www.facebook.com/pages/Watch-Filipino-Movies/>.

Domain 10: PINOYMOVIEFAN.COM

145. The PINOYMOVIEFAN.COM domain is registered through the registrar GoDaddy. The domain is registered to "Lenie Ashby / 16989 SW 123RD AVE / APT 5 / Portland / Oregon / 97224" with the email address "admin@sweetdreamspatterns.com."

On information and belief, this is Defendant LENIE ASHBY and LENIE ASHBY is the owner of the associated email address.

146. On information and belief, PINOYMOVIEFAN.COM and the other Subject Domain Names are all registered, owned and/or operated by Defendants.

147. PINOYMOVIEFAN.COM advertises Plaintiffs' works to the public, including through the use of Plaintiffs' trademarks. PINOYMOVIEFAN.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to attract consumer traffic to its websites and promote the infringing video content viewed thereon.

148. Further, PINOYMOVIEFAN.COM uses the ABS-CBN Marks and/or Common Law Mark, without authorization, to falsely suggest the infringing video content viewed on the websites is authorized, genuine content approved, endorsed, and sponsored by the Plaintiffs.

149. The PINOYMOVIEFAN.COM website performs Plaintiffs' copyrighted works, including, on information and belief, registered and unregistered works.

150. On information and belief, PINOYMOVIEFAN.COM is a "closed website" meaning that it does not allow users to make additions or changes to the site. On information and belief, the content performed on the PINOYMOVIEFAN.COM website is provided by the website's operators. On information and belief, the operators of PINOYMOVIEFAN.COM also insert the links provided on the website through which users view Plaintiffs' video content in a player window on the site. When a user clicks on the link to one of Plaintiffs' movies, PINOYMOVIEFAN.COM then plays the full-length version of the video.

151. For example, ABS-CBN's movie "Maybe This Time" is available for viewing at: <http://www.pinoymoviefan.com/maybe-this-time/>. When a user clicks, the PINOYMOVIEFAN.COM website begins to transmit the full movie for viewing.

152. On information and belief, the large inventory of popular entertainment content available at PINOYMOVIEFAN.COM is provided in order to attract users to the infringing content. By advertising, promoting and performing the copyrighted works, and encouraging, facilitating and assisting in the viewing of the movies, PINOYMOVIEFAN.COM attracts an unknown number of page views each day.

153. On information and belief, the infringement-driven traffic increases the volume of online advertising impressions and transactions, and thereby increases online advertising revenues and enables PINOYMOVIEFAN.COM to charge advertisers higher rates, and reap significant profits from the advertising services operating on the site. Moreover, the wrongfully obtained consumer traffic increases the value of the Subject Domain Names themselves, including PINOYMOVIEFAN.COM. In these ways, the websites' business model, including specifically that of PINOYMOVIEFAN.COM, critically depends on attracting users to view Plaintiffs' highly-valued copyrighted works.

Domains 11 & 12: PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO

154. The PINOYTVEPISODES.NET domain is registered through the registrar GoDaddy. The domain is registered through a proxy/privacy registration service, such that the identity of the registrant is hidden. The domain utilizes CloudFlare, which is a proxy hosting service that hides the identity of the website's true host. The PINOYTVEPISODES.INFO domain is registered through the registrar GoDaddy. The domain is registered through a proxy/privacy registration service, such that the identity of the registrant is hidden.

155. Domains 1, 2, 4, 6, 8, and 11 are connected as stated in Paragraph 49 of this Complaint; Domain 11 (PINOYTVEPISODES.NET) infringed Plaintiffs' trademarks and copyrights as stated below, and later redirected users, *i.e.*, automatically sent all of its traffic, to

Domain 12 (PINOYTVEPISODES.INFO), which itself infringed Plaintiffs' trademarks and copyrights as stated below.

156. On information and belief, PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO and the other Subject Domain Names are all registered, owned and/or operated by Defendants.

157. PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO advertised Plaintiffs' works to the public, including through the use of Plaintiffs' trademarks. PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO used the ABS-CBN Marks and/or Common Law Mark, without authorization, to attract consumer traffic to their websites and promote the infringing video content viewed thereon.

158. Further, PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO used the ABS-CBN Marks and/or Common Law Mark, without authorization, to falsely suggest the infringing video content viewed on the websites was authorized, genuine content approved, endorsed, and sponsored by the Plaintiffs.

159. The PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO websites performed many of Plaintiffs' copyrighted works including, on information and belief, registered and unregistered works.

160. On information and belief, PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO were "closed websites" meaning that they did not allow users to make additions or changes to the site. On information and belief, the content performed on the PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO websites was provided by the websites' operators. On information and belief, the operators of PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO also inserted the links provided on the websites through which users

viewed Plaintiffs' video content in a player window on the sites. On information and belief, when a user clicked on the link to one of Plaintiffs' TV shows or movies, PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO then played the full-length version of the video.

161. On information and belief, the large inventory of popular entertainment content available at PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO was provided in order to attract users to the infringing content. By advertising, promoting and performing the copyrighted works, and encouraging, facilitating and assisting in the viewing of the TV shows and movies, PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO attracted viewers and the infringement-driven traffic increased the volume of online advertising impressions and transactions, and thereby increased online advertising revenues, and enabled PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO to charge advertisers higher rates, and reap significant profits from the advertising services that operated on the sites. Moreover, the wrongfully obtained consumer traffic increased the value of the Subject Domain Names themselves, including PINOYTVEPISODES.NET and PINOYTVEPISODES.INFO. In these ways, the websites' business model critically depended on attracting users to view Plaintiffs' highly-valued copyrighted works.

C. Efforts to Stop Defendants' Infringement Have Been Futile.

162. To date, Plaintiffs' efforts to stop Defendants' infringement by contacting the hosting companies, service providers and/or registrars for the Defendants have proven futile. DMCA notices were sent to the hosts for domains where the host could be identified. However, DMCA notices are very limited in their effect, targeting only specific content, which can then be changed and replaced with other infringing content, if the notice is even complied with. Therefore, Plaintiffs also sent notices to the domain registrars. These notices stated that the registrar is to

cancel or transfer the domain because, in each instance, the registrar’s terms of service and/or registration agreement expressly provides that violation of applicable law, such as by trademark and copyright infringement, is a violation of the registrant’s agreement subject to cancellation and/or transfer of the domains. Further, the notices to the registrars set forth the relevant requirements of the registrar’s own binding policies, and of ICANN policies, as well a detailed listing of the domains, the works being infringed, the URL to the infringement for each site:

Domain Number	Domain Name	Host Notice/Response	Registrar Notice/Response
1	WEBPINOYTAMBAYAN.COM	6-02-14 DMCA to Highvelocity; no action taken 6-06-14 DMCA to Nforce; no action taken 6-16-14 DMCA to AltusHost; no response	5-19-14 DMCA to Internet.bs; no action taken 6-17-14 notice of breach of registrar terms of use/registration agreement terms to GoDaddy; no action taken
2	WATCHFILIPINOTV.COM	5-30-14 DMCA to GoDaddy; no action taken 6-06-14 DMCA to Namecheap; no action taken 6-30-14 DMCA to AltusHost; no response	5-12-14 DMCA to GoDaddy; no action taken 6-17-14 notice of breach of registrar terms of use/registration agreement terms to GoDaddy; no action taken

Domain Number	Domain Name	Host Notice/Response	Registrar Notice/Response
3	WATCHFILIPINOMOVIES.COM	6-04-14 DMCA to GoDaddy; no action taken 6-02-14 DMCA to CloudFlare; no action taken 6-09-14 DMCA to AltusHost; no response 7-01-14 DMCA to AltusHost; no response	5-12-14 DMCA to GoDaddy; GoDaddy suspends site, but site back up the next day 5-16-14 GoDaddy advises that site moved back to GoDaddy after being moved to another provider; GoDaddy suspends site, but site active again within a few days 6-17-14 notice of breach of registrar terms of use/registration agreement terms to GoDaddy; no action taken
4	PINOY-TVKO.COM	6-03-14 DMCA to SoftLayer; no response	7-03-14 notice of breach of registrar terms of use/registration agreement terms to NetEarth One; no action taken
5	PINOYTVKO.BIZ	Newly identified domain also associated with Defendants	Newly identified domain also associated with Defendants
6	PINOY-TUBE.COM	Newly identified domain also associated with Defendants	Newly identified domain also associated with Defendants
7	MYPINOYTUBETV.COM	6-13-14 DMCA to CloudFlare; no action taken 6-17-14 DMCA to Sentris; no action taken	6-30-14 notice of breach of registrar terms of use/registration agreement terms to eNom; no action taken

Domain Number	Domain Name	Host Notice/Response	Registrar Notice/Response
8	PINOYTALAGA.COM	5-30-14 DMCA to GoDaddy; no action taken 6-02-14 DMCA to AltusHost; no response 6-19-14 follow-up letter to AltusHost; no response	5-12-14 DMCA to GoDaddy; no action taken 6-17-14 notice of breach of registrar terms of use/registration agreement terms to GoDaddy; no action taken
9	PINOYSTREAMING.COM	Newly identified domain also associated with Defendants	Newly identified domain also associated with Defendants
10	PINOYMOVIEFAN.COM	Newly identified domain also associated with Defendants	Newly identified domain also associated with Defendants
11	PINOYTVEPISODES.NET	Newly identified domain also associated with Defendants	Newly identified domain also associated with Defendants
12	PINOYTVEPISODES.INFO	Newly identified domain also associated with Defendants	Newly identified domain also associated with Defendants

163. All too frequently, this is the game to which rights holders are subjected by service providers in the Internet industry, such as the hosts and registrars, who attempt to avoid taking any action, even upon multiple, explicit notices of infringement. Worse, attempts to halt the infringement, such as those by Plaintiffs, are met with complete and utter disregard and contempt by pirates such as Defendants, who with impunity and without restriction, move to other registrars and hosts, as with several of the Subject Domain Names, and re-launch their infringing content. For these reasons, Plaintiffs have no recourse but to apply to this Court for relief, including injunctive relief to prevent Defendants from further infringing Plaintiffs' works through their current domains, as well through future domains.

CLAIMS FOR RELIEF

Count One -- Trademark Counterfeiting and Infringement (Against All Defendants)

164. Plaintiffs repeat and re-allege every allegation contained in paragraphs 1 through 163 as though fully set forth herein.

165. This is an action for trademark counterfeiting and infringement against Defendants based on their use of counterfeits, copies and/or colorable imitations of the ABS-CBN Marks on their websites, which facilitates consumers' access to infringements of Plaintiffs' copyrighted materials (the "pirated content").

166. Specifically, Defendants are continually promoting and otherwise advertising their illegal broadcast distribution facilitation service using the ABS-CBN Marks, without authorization.

167. Defendants' counterfeiting and infringing use of the ABS-CBN Marks is likely to cause and actually is causing confusion, mistake, and deception among members of the general public as to the origin and quality of the pirated content as well as the legitimacy of Defendants' illegal broadcast distribution facilitation service.

168. Defendants' unlawful actions have caused and are continuing to cause unquantifiable damages to Plaintiffs and are unjustly enriching Defendants at Plaintiffs' expense.

169. Defendants' above-described illegal actions constitute counterfeiting and infringement of the ABS-CBN Marks in violation of Plaintiffs' rights under Section 32 of the Lanham Act, 15 U.S.C. § 1114.

170. Plaintiffs have suffered and will continue to suffer irreparable injury due to Defendants' above described activities if Defendants are not temporarily, preliminarily and permanently enjoined.

**Count Two -- False Designation of Origin Pursuant to § 43(a) of the Lanham Act
(Against All Defendants)**

171. Plaintiffs repeat and re-allege every allegation contained in paragraphs 1 through 170 as though fully set forth herein.

172. Defendants' advertisement and promotion of their illegal distribution facilitation service for the pirated content is being conducted using exact copies of the ABS-CBN Marks and is widely advertised and promoted throughout the United States, including within many of Plaintiffs' important business markets such as the state of Oregon.

173. Defendants are using the ABS-CBN Marks to advertise and promote their illegal distribution facilitation service for the pirated content in violation of Plaintiffs' intellectual property rights, and to intentionally confuse consumers into believing the pirated content and broadcast distribution facilitation service are sponsored and endorsed by Plaintiffs. Defendants' unauthorized use of the ABS-CBN Marks is designed to falsely suggest that their activities are sponsored and/or endorsed by Plaintiffs. Defendants' unlawful use of the ABS-CBN Marks is designed to make Defendants' service appear legitimate in order to attract a larger number of viewers which results in larger advertising revenues for the Defendants.

174. Defendants, upon information and belief, have used in connection with their advertisement and promotion of their illegal broadcast distribution facilitation service, false designations of origin and false descriptions and representations, including words or symbols which tend to falsely describe or represent such distribution services and have facilitated access to the general viewing public with full knowledge of the falsity of such designations of origin and such descriptions and representations, all to Plaintiffs' detriment.

175. Defendants have authorized infringing uses of the ABS-CBN Marks in the advertisement and promotion of Defendants' illegal broadcast distribution facilitation service for

pirated content. Defendants have misrepresented to members of the consuming public that the pirated content to which Defendants are facilitating access is genuine and authorized content of Plaintiffs, and that Defendants broadcast distribution facilitation service for such content is sponsored and/or endorsed by Plaintiffs.

176. Additionally, Defendants are using counterfeits and infringements of the ABS-CBN Marks in order to unfairly compete with Plaintiffs and others for space within search engine organic results, thereby depriving Plaintiffs of a valuable marketing tool which would otherwise be available to Plaintiffs and reducing the visibility of Plaintiffs' legitimate, genuine content on the World Wide Web.

177. Defendants' above-described actions are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

178. Plaintiffs have no adequate remedy at law, and have sustained injury and damages caused by Defendants' conduct. Absent an entry of an injunction by this Court, Plaintiffs will continue to suffer irreparable injury to their goodwill and business reputation, as well as monetary damages.

**Count Three -- Common Law Unfair Competition
(Against All Defendants)**

179. Plaintiffs repeat and re-allege every allegation contained in paragraphs 1 through 178 as though fully set forth herein.

180. This is an action against Defendants based on their (i) promotion, advertisement, distribution, and facilitation of access to the pirated content using marks which are identical, both visually and phonetically, to the ABS-CBN Marks, and (ii) creation and maintenance of an illegal ongoing forum in which viewers may access public performances of and copy the pirated content,

operating parallel to Plaintiffs' own Internet pay subscription service through which Plaintiffs promote their genuine content, in violation of Oregon's common law of unfair competition.

181. Specifically, and as described above, Defendants are promoting, advertising and otherwise facilitating access to and copying of the pirated content using Plaintiffs' ABS-CBN Marks for the purpose of creating a veneer of legitimacy for Defendants' operation. Also, for the purpose of earning a profit at the Plaintiffs' expense, Defendants are using counterfeits and infringements of the ABS-CBN Marks to unfairly compete with Plaintiffs and others for (i) space in search engine results across an array of search terms, and (ii) visibility on the World Wide Web.

182. Plaintiffs are suffering damages and irreparable injury as a result of the Defendants' wrongful actions.

**Count Four -- Direct Infringement of Copyright
(Against All Defendants)**

183. Plaintiffs repeat and reallege every allegation contained in paragraphs 1 through 182 as if fully set forth herein.

184. Plaintiffs have registered and own or control the copyrights and/or exclusive rights under copyright in connection with TV shows and movies, including but not limited to the works identified in Exhibit 1. In addition, Plaintiffs are the owners of unregistered copyrights in numerous TV shows and movies first aired in the Philippines and made available and infringed by Defendants.

185. Defendants perform Plaintiffs' works through their websites as part of a large scale and ongoing illegal enterprise and/or effectuate and materially contribute to the performance of Plaintiffs' works by third parties.

186. Further, on information and belief, Defendant JEFFREY ASHBY is personally and directly responsible for copying and uploading ABS-CBN's content to servers and

performing, copying and distributing those works, in collaboration with Defendant LENIE ASHBY, through Defendants' and other pirate websites.

187. On information and belief, Defendants also copy and/or distribute Plaintiffs' works and/or effectuate and materially contribute to the copying and/or distribution of Plaintiffs' works by third parties.

188. Without authorization from any Plaintiff, or right under law, Defendants are directly liable for infringing Plaintiffs' copyrighted works pursuant to 17 U.S.C. §§ 106(1), (3) and/or (4).

189. Defendants have actual and constructive knowledge, or should have knowledge, of their infringement of Plaintiffs' copyrighted works for at least the reasons that:

- (i) Defendants insert and provide links to, organize by show title, and perform the infringing content, and do so for the purpose of users' viewing;
- (ii) Defendants advertise and promote the content, including through the use of Plaintiffs' marks, on the websites, through social media, through search engine optimization and meta tags, and through the domain names themselves;
- (iii) As the largest media and entertainment company in the Philippines, Plaintiffs' content is highly popular in Filipino communities and Defendants profit as a direct result of broadcasting that content; and,
- (iv) Because Defendants used false registration aliases and as a result of the multiple notices of infringement sent to Defendants' service providers as shown above, which caused Defendants multiple times to move Subject Domain Names in an effort to evade enforcement attempts.

190. The foregoing acts of infringement have been willful, intentional, and purposeful, in disregard of and indifferent to Plaintiffs' rights.

191. As a direct and proximate result of Defendants' infringement of Plaintiffs' exclusive rights, Plaintiffs are entitled to damages as well as Defendants' profits pursuant to 17 U.S.C. § 504(b).

192. Alternatively, Plaintiffs are entitled to the maximum statutory damages, in the amount of \$150,000 per infringement, pursuant to 17 U.S.C. § 504(c), or such other amount as may be proper pursuant to 17 U.S.C. § 504(c).

193. Plaintiffs further are entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

194. In addition, because of the ongoing infringement of numerous of Plaintiffs' works and because the significant threat of future infringement as evidenced herein, injunctive relief against Defendants is necessary to stop the infringement through the Subject Domain Names, as well as through other domains owned now or in the future by the Defendants.

**Count Five -- Secondary Infringement of Copyright
(Against All Defendants)**

195. Plaintiffs repeat and reallege every allegation contained in paragraphs 1 through 194 as if fully set forth herein.

196. Defendants perform Plaintiffs' works through their websites as part of a large scale and ongoing illegal enterprise and/or effectuate and materially contribute to the performance of Plaintiffs' works by third parties.

197. Further, on information and belief, Defendant JEFFREY ASHBY is personally and directly responsible for copying and uploading ABS-CBN's content to servers and performing, copying and distributing those works, in collaboration with Defendant LENIE

ASHBY, through Defendants' and other pirate websites and thus inducing, encouraging, and/or materially contributing to other infringers.

198. On information and belief, Defendants also copy and/or distribute Plaintiffs' works and/or effectuate and materially contribute to the copying and/or distribution of Plaintiffs' works by third parties.

199. Without authorization from any Plaintiff, or right under law, Defendants are directly liable for third-parties' infringement of Plaintiffs' copyrighted works pursuant to 17 U.S.C. §§ 106(1), (3) and/or (4).

200. Defendants have actual and constructive knowledge, or should have knowledge, of their infringement of Plaintiffs' copyrighted works for at least the reasons that:

- (i) Defendants insert and provide links to, organize by show title, and perform the infringing content, and do so for the purpose of users' viewing;
- (ii) Defendants advertise and promote the content, including through the use of Plaintiffs' marks, on the websites, through social media, through search engine optimization and meta tags, and through the domain names themselves;
- (iii) As the largest media and entertainment company in the Philippines, Plaintiffs' content is highly popular in Filipino communities and Defendants profit as a direct result of broadcasting that content; and,
- (iv) Because Defendants used false registration aliases and as a result of the multiple notices of infringement sent to Defendants' service providers as shown above, which caused Defendants multiple times to move Subject Domain Names in an effort to evade enforcement attempts.

201. Defendants infringe, and induce, cause and/or materially contribute to the infringing activity of others, *inter alia*, by:

(i) advertising and promoting the presence and availability of ABS-CBN's content through

(a) the text on their websites, including stating the TV shows and movies are "free",

(b) the use of Plaintiffs' trademarks and specific identification of shows and movies as ABS-CBN's,

(c) social media advertising, such as on Facebook and Twitter, including links to the infringing sites,

(d) search engine optimization and meta tags, and

(e) the names of the domains themselves;

(ii) organizing ABS-CBN's content by show title to provide ready access by viewers to hundreds or thousands of ABS-CBN's program episodes through menus and folders;

(iii) inserting the links on their websites directing users where to view the content and through which users can download the content;

(iv) transmitting and facilitating the transmission of the infringing content for viewing by users of the websites;

(v) on a daily basis, updating their inventory of content, often within minutes or hours of the broadcast in the Philippines, in order to tap into the known market for pirate Filipino-centric content and constantly feed the consumers' desire for that content; and,

(vi) promoting and providing the content, Defendants drive more traffic to their site and increase the profits they reap from advertising and other revenue.

202. Defendants have the right and the ability to supervise and control their websites and others' infringing activity as set forth above. Because Defendants operate the infringing websites and broadcast the content, they could stop the infringement at any point. In addition, Defendants also could easily implement various readily available and effective technological solutions (including, without limitation, automated filtering using digital fingerprinting-based content-identification technology) to identify and prevent infringement of copyrighted content.

203. Defendants derive a financial benefit directly attributable to their users' infringement of Plaintiffs' copyrights. Popular, copyrighted works act as a draw that attracts users and advertising to the Subject Domain Names and associated websites, resulting in revenues from ad impressions tied to page views, and other sources.

204. Defendants have taken affirmative steps to foster infringement by providing the website and performing the content, viewed through video player embedded on their websites, with the object of promoting the illegal viewing of Plaintiffs' copyrighted TV shows and movies; by providing detailed programming directories, with the look and feel of television guides; by presenting the TV shows and movies in association with ABS-CBN's trademarks and by including images of the title pages of the shows; and by promoting the websites and their pirated content through the websites themselves, search engine optimization, and social media, such as Facebook.

205. Defendants do not merely respond to user requests in a passive, content-neutral, and automated manner. To the contrary, as set forth above, Defendants control the selection and provision of the content and are the sole causes making that content broadly available and

accessible to the public. Without the active and material contributions from Defendants, the massive infringement complained of herein could not have taken place.

206. Defendants target the known demand for pirated versions of Plaintiffs' content in this District and throughout the world.

207. Defendants are the direct and proximate causes of the harm to Plaintiffs alleged herein.

208. The foregoing acts of infringement by Defendants have been willful, intentional, and purposeful, in disregard of and indifferent to Plaintiffs' rights.

209. As a direct and proximate result of Defendants' and their users' infringement of Plaintiffs' exclusive rights, Plaintiffs are entitled to damages as well as Defendants' profits pursuant to 17 U.S.C. § 504(b).

210. Alternatively, Plaintiffs are entitled to the maximum statutory damages from Defendants, in the amount of \$150,000 per infringement, pursuant to 17 U.S.C. § 504(c), or such other amount as may be proper pursuant to 17 U.S.C. § 504(c).

211. Plaintiffs further are entitled to recover their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

212. In addition, because of Defendants' ongoing infringement of numerous of Plaintiffs' works and because the significant threat of future infringement as evidenced herein, injunctive relief against Defendants is necessary to stop the infringement through the Subject Domain Names, as well as through other domains owned now or in the future by the Defendants.

WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

A. Entry of temporary, preliminary, and permanent injunctions pursuant to 15 U.S.C. § 1116, 17 U.S.C. § 502(a), and Federal Rule of Civil Procedure 65 enjoining Defendants, their

agents, representatives, servants, employees, and all those acting in concert or participation therewith, including Internet search engines, Web hosts, domain-name registrars, and domain name registries or their administrators, from:

- (1) advertising, promoting, performing, copying, broadcasting, performing, distributing and/or infringing in any manner ABS-CBN's copyrighted works and/or content that currently exists or which exists in the future;
- (2) infringing, counterfeiting, or diluting the ABS-CBN Marks, or any mark similar thereto, in connection with the advertisement, promotion, or distribution of pirated content;
- (3) using any logo, trade name or trademark or trade dress that may be calculated to falsely advertise the pirated content of Defendants as being sponsored by, authorized by, endorsed by, or in any way associated with Plaintiffs;
- (4) falsely representing themselves as being connected with Plaintiffs, through sponsorship or association, or engaging in any act that is likely to falsely cause members of the public to believe any pirated content or services of Defendants are in any way endorsed by, approved by, and/or associated with Plaintiffs;
- (5) using any reproduction, counterfeit, infringement, copy or colorable imitation of the ABS-CBN Marks in connection with the publicity, promotion, advertising, or distribution of any pirated content by Defendants;

- (6) affixing, applying, annexing or using in connection with the promotion, distribution, or advertisement of any pirated content, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' pirated content as being connected with Plaintiffs, or in any way endorsed by Plaintiffs;
- (7) engaging in search engine optimization strategies using colorable imitations of the ABS-CBN name or trademarks; and
- (8) otherwise unfairly competing with Plaintiffs.

B. Entry of temporary, preliminary and permanent injunctions pursuant to 28 U.S.C § 1651(a), The All Writs Act, enjoining Defendants and all third parties from creating, maintaining, operating, joining, participating in, including providing financial, technical or other support to, the World Wide Web based illegal marketplace used to copy, distribute, perform, advertise, or promote pirated content bearing counterfeits or infringements of the ABS-CBN Marks.

C. Entry of an order pursuant to 28 U.S.C § 1651(a), The All Writs Act, that, upon Plaintiffs' request, those in privity with Defendants and those with notice of the injunction, including any Internet search engines, Web hosts, domain-name registrars, and domain name registries or their administrators that are provided with notice of the injunction, cease facilitating access to any or all domain names and websites through which Defendants engage in the (i) copying, distribution, performance, promotion or other infringement through pirated content or (ii) any uses the ABS-CBN Marks.

D. Entry of an order that, upon Plaintiffs' request, the top level domain (TLD) Registry(ies) for the Subject Domain Names or their administrators place the Subject Domain

Names on Registry Hold status for the remainder of the registration period for any such domain names, thus removing them from the TLD zone files maintained by the Registries or its administrators which link the Subject Domain Names to the IP addresses where the associated websites are hosted.

E. Entry of an order canceling or deleting, or, at Plaintiffs' election, transferring the Subject Domain Names and any other domain names used by Defendants to engage in their infringing activities at issue to Plaintiffs' control so that they may no longer be used for illegal purposes.

G. Entry of an order requiring Defendants, jointly and severally, to account to and pay Plaintiffs for all profits and damages resulting from Defendants' trademark counterfeiting and infringing activities and that the award to Plaintiffs be trebled, as provided for under 15 U.S.C. § 1117, or, at Plaintiffs' election with respect to Count I, that Plaintiffs be awarded statutory damages from each Defendant in the amount of two million dollars (\$2,000,000.00) per each counterfeit trademark used, as provided by 15 U.S.C. § 1117(c)(2) of the Lanham Act.

H. Entry of an order requiring:

- (1) that Defendants, jointly and severally pay Plaintiffs for all damages sustained by Plaintiffs in consequence of Defendants' copyright infringement together with appropriate interest thereon;
- (2) that Defendants account to Plaintiffs for, and disgorge to Plaintiffs, and to pay to Plaintiffs, all the gains, profits, savings and advantages realized by Defendants from their acts of copyright infringement described above;
- (3) that Plaintiffs be awarded, at their election, statutory damages within the provisions of 17 U.S.C. § 504(c), enhanced to reflect the willful nature of

Defendants' infringement, instead of an award of actual damages or profits; and

(4) that Plaintiffs be awarded their costs and disbursements incurred in this action, including reasonable attorneys' fees pursuant to 17 U.S.C. § 505.

I. Entry of an order requiring Defendants, jointly and severally, to pay Plaintiffs' attorneys' fees, and full costs and disbursements in this action.

J. Entry of an order requiring all funds, up to and including the total amount of judgment, in payment accounts or advertising revenue accounts used in connection with the Subject Domain Names, and any other accounts, to be surrendered to Plaintiffs' in partial satisfaction of the monetary judgment entered herein.

K. Entry of an order requiring Defendants to pay prejudgment interest according to law.

L. Entry of an order for such other and further relief as the Court may deem proper and just.

DEMAND FOR A JURY TRIAL

In accordance with Fed. R. Civ. P. 38, Plaintiffs demand a trial by jury on all issues so triable.

DATED this 7th day of August, 2014.

MARKOWITZ, HERBOLD, GLADE
& MEHLHAF, P.C.

By: */s/ Matthew A. Levin*

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Of Attorneys for Plaintiffs

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SCHEDULE A
SUBJECT DOMAIN NAMES

Domain Number	Domain Name
1	WEBPINOYTAMBAYAN.COM
2	WATCHFILIPINOTV.COM
3	WATCHFILIPINOMOVIES.COM
4	PINOY-TVKO.COM
5	PINOYTVKO.BIZ
6	PINOY-TUBE.COM
7	MYPINOYTUBETV.COM
8	PINOYTALAGA.COM
9	PINOYSTREAMING.COM
10	PINOYMOVIEFAN.COM
11	PINOYTVEPISODES.NET
12	PINOYTVEPISODES.INFO