

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

DIRECTV, INC., a California corporation

Plaintiff,

v.

CHARLES MOSCOE, a foreign national,  
d/b/a DECODERNEWS.COM; et al.,

Defendants.

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Civil Action No.

**[FILED UNDER SEAL]**

6:03-CV-526-ORL-19-DAB

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DIRECTV, INC., a California corporation

Plaintiff,

Civil Action No.

[FILED UNDER SEAL]

v.

CHARLES MOSCOE, a foreign national,  
d/b/a DECODERNEWS.COM; KEN  
COMPTON, a/k/a NEUTRON and d/b/a  
DECODERNEWS.COM; TIM WEAVER,  
a/k/a KOOLAID and d/b/a HACKP4.COM ✓  
and DSSBEGINNERS.COM; HARRY  
KASSABIAN, a foreign national, d/b/a ✓  
HACK100.COM and SAT-TOYS.COM; ✓  
ADDILA K. GYURKO, a foreign national,  
d/b/a HACK100.COM and SAT-  
TOYS.COM; JOSEPH T. DIVALERIO, a/k/a ✓  
BUBBA and d/b/a HUABC.COM; ✓  
MICHAEL L. FULLER, a/k/a CBUM and ✓  
d/b/a HUABC.COM; MICHAEL KNOTT, ✓  
a/k/a NICK ARCHER; KENNETH ✓  
FERRIGNO, d/b/a DSSXTREME.COM; ✓  
- TRACY YOUNG, a foreign national, d/b/a ✓  
VIRTUALDSS.COM; DOUG YOUNG, a ✓  
foreign national, d/b/a VIRTUALDSS.COM; ✓  
JOSEPH CALDARA, a/k/a WRENCHER ✓  
and d/b/a BADDUDE.NET; ELIAS ✓  
RIVERA, a/k/a MGR and d/b/a ✓  
ALLTVTEAM.COM; DAN MADORE, a ✓  
foreign national, a/k/a ROCKMAN and d/b/a ✓  
- HARDCOREDSSCODERS.COM; DAN ✓  
MACKINCOSH, a foreign national, a/k/a ✓  
HAWKEYE d/b/a DSSWORLD.ORG; ✓  
KENNETH MACKINCOSH, a foreign  
national, d/b/a DSSWORLD.ORG; ✓  
- BRANDY HUDKINS, a/k/a BOLYNN and ✓  
d/b/a ISLANDSS.COM; CHUCK JONES, ✓  
a/k/a VMS and d/b/a DSSWRITERS.COM ✓  
- and TCS ACCOUNTING SERVICE; JANE ✓  
DOE JONES, a/k/a TAZ and d/b/a ✓  
DSSWRITERS.COM and TCS ✓  
ACCOUNTING SERVICE; BENJAMIN  
FOX, a foreign national, d/b/a ✓  
PRIVATEHUFILERS.COM and THE A  
TEAM; MICHAEL RIMMER, d/b/a ✓

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DSSADVOCATES.COM; BRYAN REESE, d/b/a DARKSIDE.CX; JJ INC., a North Carolina corporation, d/b/a THE POST; PAUL DAVIDSON, d/b/a SCCENTRE.COM and DATAPHD.NET; DATAPHD, INC., a Nevada corporation; MARK WHITE, d/b/a DSS-GADGETS.COM; INTERNET BUSINESS CONCEPTS, a Florida corporation d/b/a DSS-GADGETS.COM; and JOHN DOES 1 through 25,

Defendants.

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**PLAINTIFF DIRECTV'S COMPLAINT  
FOR COMPENSATORY, STATUTORY AND OTHER DAMAGES,  
AND FOR INJUNCTIVE RELIEF**

Plaintiff DIRECTV, Inc., by and through its attorneys, alleges as follows:

**INTRODUCTION**

1. Plaintiff DIRECTV, Inc. brings this action against defendants Charles Moscoe, Ken Compton, Tim Weaver, Harry Kassabian, Addila K. Gyurko, Joseph T. DiValerio, Michael L. Fuller, Michael Knott, Kenneth Ferrigno, Tracy Young, Doug Young, Joseph Caldara, Elias Rivera, Dan Madore, Dan Mackincosh, Kennith Mackincosh, Brandy Hudkins, Chuck Jones, Jane Doe Jones, Benjamin Fox, Michael Rimmer, Bryan Reese, JJ Inc., Paul Davidson, DataPhD, Inc., Mark White, InterNet Business Concepts, and John Does 1 through 25 for trafficking in devices and software designed and intended to facilitate the illegal and unauthorized reception and decryption of DIRECTV's subscription and pay-per-view television programming.

2. Plaintiff DIRECTV, Inc. is the nation's leading direct broadcast satellite system, delivering approximately 225 channels of digital entertainment and informational programming to approximately 11.4 million homes and businesses

equipped with specialized DIRECTV receiving equipment. DIRECTV encrypts – electronically scrambles – its satellite transmissions to provide security for and prevent unauthorized viewing of its television programming.

3. News Datacom Limited, NDS Americas, Inc. and NDS Limited (“NDS”) developed the technology and equipment used by DIRECTV to encrypt its transmissions, including Access Cards which, upon activation by DIRECTV, permit subscribers to view DIRECTV’s television programming in a decrypted – descrambled – format. The Access Card is a serialized card with a unique electronic identifying number and is provided to subscribers as a component of the digital satellite equipment. It is identical in size and shape to a credit card; however, each Access Card has an embedded microprocessor that controls the decryption process and other functions.

4. Defendants Charles Moscoe, Ken Compton, Tim Weaver, Harry Kassabian, Addila K. Gyurko, Joseph T. DiValerio, Michael L. Fuller, Michael Knott, Kenneth Ferrigno, Tracy Young, Doug Young, Joseph Caldara, Elias Rivera, Dan Madore, Dan Mackincosh, Kenneth Mackincosh, Brandy Hudkins, Chuck Jones, Jane Doe Jones, Benjamin Fox, Michael Rimmer, Bryan Reese, JJ Inc., Paul Davidson, DataPhD, Inc., Mark White, InterNet Business Concepts, and John Does 1 through 25 are actively trafficking, distributing and selling devices and software designed and intended to permit viewing of DIRECTV’s satellite television programming without authorization by or payment to DIRECTV.

5. Defendants’ actions violate the Communications Act, 47 U.S.C. § 605; the Digital Millennium Copyright Act, 17 U.S.C. §§ 1201-1205; the Electronic Communications Privacy Act (“Federal Wiretap Laws”), 18 U.S.C. §§ 2510-2521; and Florida common law. Plaintiff DIRECTV brings this action to restrain these illegal activities against it.

## PARTIES

6. Plaintiff DIRECTV, Inc. is a corporation duly incorporated under the laws of the state of California.
7. Defendant Charles Moscoe, doing business as "DecoderNews.com," is a Canadian resident doing business in the United States, including the Middle District of Florida.
8. Defendant Ken Compton, using the alias "Neutron" and doing business as "DecoderNews.com," is a California resident doing business in the Middle District of Florida.
9. Tim Weaver, using the alias "Koolaid" and doing business as "HackP4.com," is a California resident doing business in the Middle District of Florida.
10. Defendant Harry Kassabian, doing business as "Hack110.com" and "Sat-Toys.com," is a Canadian resident doing business in the United States, including the Middle District of Florida.
11. Defendant Addila K. Gyurko, doing business as "Hack110.com" and "Sat-Toys.com," is a Canadian resident doing business in the United States, including the Middle District of Florida.
12. Defendant Joseph T. DiValerio, using the alias "Bubba" and doing business as "HUaBC.com," is a Pennsylvania resident doing business in the Middle District of Florida.
13. Defendant Michael L. Fuller, using the alias "CBum" and doing business as "HUaBC.com," is an Ohio resident doing business in the Middle District of Florida.

14. Defendant Michael Knott, using the alias "Nick Archer" and formerly doing business as "VirtualDss.com," is a North Carolina resident doing business in the Middle District of Florida. Upon information and belief, defendant Knott is a physician licensed by the state of North Carolina.

15. Defendant Ken Ferrigno, doing business as "DSSxtreme.com," is an Illinois resident doing business in the Middle District of Florida. Upon information and belief, defendant Ferrigno is a lawyer licensed by the state of Illinois.

16. Defendant Tracy Young, doing business as "VirtualDss.com," is a Canadian resident doing business in the United States, including the Middle District of Florida.

17. Defendant Doug Young, doing business as "VirtualDss.com," is a Canadian resident doing business in the United States, including the Middle District of Florida.

18. Defendant Joseph Caldara, using the alias "Wrencher" and doing business as "BadDude.net," is a New York resident doing business in the Middle District of Florida.

19. Defendant Elias Rivera, using the alias "MGR" and doing business as "AllTvTeam.com," is a New York resident doing business in the Middle District of Florida.

20. Defendant Dan Madore, using the alias "Rockman" and doing business as "HardCoreDssCoders.com," is a Canadian resident doing business in the United States, including the Middle District of Florida.

21. Defendant Dan Mackincosh, using the alias "Hawkeye" and doing business as "DssWorld.org," is a Canadian resident doing business in the United States, including the Middle District of Florida.

22. Defendant Kenneth Mackincosh, doing business as “DssWorld.org,” is a Canadian resident doing business in the United States, including the Middle District of Florida.

23. Defendant Brandy Hudkins, using the alias “Bolyann” and doing business as “Islandss.com,” is an Arkansas resident doing business in the Middle District of Florida.

24. Defendant Chuck Jones, using the alias “VMS” and doing business as “DssWriters.com” and “TCS Accounting Service,” is a Kentucky resident doing business in the Middle District of Florida. Upon information and belief, defendant Chuck Jones is the spouse of defendant Jane Doe Jones, using the alias “Taz.”.

25. Defendant Jane Doe Jones, using the alias “Taz” and doing business as “DssWriters.com” and “TCS Accounting Service,” is a Kentucky resident doing business in the Middle District of Florida. Upon information and belief, defendant Jane Doe Jones is the spouse of defendant Chuck Jones.

26. Defendant Benjamin Fox, doing business as “PrivateHUFiles.com” and “The A Team,” is a Canadian resident doing business in the United States, including the Middle District of Florida.

27. Defendant Michael Rimmer, doing business as “DssAdvocates.com,” is a Mississippi resident doing business in the Middle District of Florida.

28. Defendant Bryan Reese, doing business as “Darkside.cx,” is a New Jersey resident doing business in the Middle District of Florida.

29. Upon information and belief, defendant JJ Inc., doing business as “The Post,” is a business entity organized under the laws of the state of North Carolina and doing business in the Middle District of Florida.

30. Defendant Paul Davidson, doing business as "SCCentre.com" and "DataPhD.net," is a Nevada resident doing business in the Middle District of Florida.

31. Upon information and belief, defendant DataPhD, Inc., doing business as "SCCentre.com" and "DataPhD.net," is a business entity organized under the laws of the state of Nevada and doing business in the Middle District of Florida.

32. Defendant Mark White, doing business as "Dss-Gadgets.com," is a Florida resident doing business in the Middle District of Florida.

33. Upon information and belief, defendant InterNet Business Concepts, doing business as "Dss-Gadgets.com," is a business entity organized under the laws of the state of Florida and doing business in the Middle District of Florida.

34. Defendants John Does 1 to 25 are individuals and entities whose names are currently unknown to DIRECTV and who have acted in concert with defendants, and participated in the acts and practices alleged herein. Upon information and belief, John Does 1 to 25 include individuals and entities currently located in the United States and Canada.

#### **JURISDICTION AND VENUE**

35. This action arises under the Communications Act of 1934, as amended, 47 U.S.C. § 605; the Digital Millennium Copyright Act, 17 U.S.C. §§ 1201-1205; the Electronic Communications Privacy Act ("Federal Wiretap Laws"), 18 U.S.C. §§ 2510-2521; and Florida state law.

36. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), 47 U.S.C. § 605(e)(3)(A), 17 U.S.C. § 1203(b) and 18 U.S.C. § 2520(a), and has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a) over the state law claims asserted herein.



37. Personal jurisdiction and venue are proper in the Middle District of Florida pursuant to 28 U.S.C. §§ 1391(b) and 1391(d), and Federal Rule of Civil Procedure 4(k)(2).

### **FACTUAL BACKGROUND**

38. Plaintiff DIRECTV, Inc. has invested billions of dollars to develop the United States' first high-power, direct broadcast satellite system. DIRECTV delivers hundreds of channels of digital entertainment and informational programming to homes and businesses in the United States equipped with specialized DIRECTV receiving equipment – a small satellite dish (typically 18 inches in size), an integrated receiver/decoder (“IRD”) and an Access Card, which is necessary to operate the IRD. DIRECTV’s satellite television programming currently includes major cable networks, major studio movies, local broadcast stations in certain markets, and special event programming offered on a pay-per-view basis, and a variety of other sports and special interest programs and packages.

39. NDS is a developer and supplier of proprietary encryption and “smart card” technology. NDS researches, develops, manufactures and sells electronic identification, signature, encryption and security products, devices and services. In particular, NDS provides subscriber management systems, technology and products – including Access Cards – that allow the scrambling and unscrambling of satellite transmissions.

40. By agreement between DIRECTV and NDS, NDS supplies Access Cards that have been programmed and serialized (*i.e.*, assigned unique electronic identifying numbers) by NDS. The cards are provided to consumers as an integrated component of the IRD. IRDs are manufactured by Hughes Network Systems, Thomson Consumer

Electronics (under the RCA, GE and other brand names), Sony Corporation and other manufacturers authorized by DIRECTV.

41. Persons who have purchased DIRECTV receiving equipment can subscribe to various packages of DIRECTV programming, for which the subscriber pays a periodic fee, usually monthly. Additionally, a subscriber can order pay-per-view events and movies either by "impulse," using an on-screen menu and a hand-held remote control device, or by calling DIRECTV and ordering the program over the telephone.

42. DIRECTV does not manufacture digital satellite system hardware. DIRECTV sells programming, which it purchases from program providers such as cable networks, motion picture distributors, sports leagues, event promoters, and other programming rights holders. DIRECTV contracts and pays for the right to distribute the programming to its subscribers, and holds license rights under the Copyright Act to exhibit the programming to its subscribers.

43. All programming distributed by DIRECTV is delivered to DIRECTV's broadcast centers in Los Angeles, California or Castle Rock, Colorado. At the broadcast centers, DIRECTV digitizes and compresses the programming. The resulting signal is encrypted - electronically scrambled - by DIRECTV to prevent unauthorized reception. DIRECTV then transmits the signal to satellites located in stationary orbits approximately 22,300 miles above the Earth.

44. The satellites relay the encrypted signal back to Earth, where it can be received by DIRECTV's subscribers equipped with satellite dishes and IRDs. The small satellite dishes (typically 18 inches in size) can be mounted on a rooftop, windowsill or deck railing at the subscriber's home or business. The signal is received by the dish and transmitted by wire to the IRD. The IRD (a box approximately the size

of a VCR player) acts like a computer which processes the incoming signal using the credit card sized Access Card. The Access Card is loaded into the IRD through a slot in the front or back of the unit.

45. The Access Card is provided to DIRECTV subscribers as an integrated component of the IRD. After a subscriber installs the dish and IRD at his or her home or business, and purchases one or more programming packages from DIRECTV, DIRECTV electronically activates the subscriber's Access Card by downloading software over the satellite to the card enabling it to decrypt the programming ordered by the subscriber.

46. The Access Card acts as a reprogrammable microprocessor and uses "smart card" technology to (1) authorize the decryption of that DIRECTV programming specifically purchased by the subscriber, and (2) capture and transmit to DIRECTV the subscriber's impulse pay-per-view information (via a modem located within the subscriber's IRD).

47. The Access Card is a key component in DIRECTV's security and accounting systems, as more specifically described below:

(a) Security System: To prevent unauthorized signal reception and program viewing, DIRECTV's transmissions of television programming are encrypted at DIRECTV's broadcast centers. The Access Card enables the subscriber's IRD to decrypt the signals and permit program viewing in accordance with the subscriber's authorized subscription package and pay-per-view purchases.

(b) Accounting System: The Access Card also records the subscriber's purchases of DIRECTV pay-per-view programming. Impulse pay-per-view purchases are recorded on the subscriber's Access Card and, at periodic intervals, the Access Card transmits this viewing history by initiating a telephone call (by means

of a modem within the IRD) to DIRECTV's Conditional Access Management Center ("CAMC") in Castle Rock. From the CAMC, the information is forwarded to DIRECTV's billing system.

48. Plaintiff DIRECTV has significant interests, commercial and otherwise, in maintaining and securing the integrity of its programming, technology and products, including the Access Cards, and in prohibiting unauthorized reception and use of their protected communications.

#### DEFENDANTS' WRONGFUL CONDUCT

49. Beginning at a time unknown and continuing to the present, defendants Charles Moscoe, Ken Compton, Tim Weaver, Harry Kassabian, Addila K. Gyurko, Joseph T. DiValerio, Michael L. Fuller, Michael Knott, Kenneth Ferrigno, Tracy Young, Doug Young, Joseph Caldara, Elias Rivera, Dan Madore, Dan Mackincosh, Kenneth Mackincosh, Brandy Hudkins, Chuck Jones, Jane Doe Jones, Benjamin Fox, Michael Rimmer, Bryan Reese, JJ Inc., Paul Davidson, DataPhD, Inc., Mark White, InterNet Business Concepts, and John Does 1 through 25, individually and as members of the conspiracy described more fully below, have engaged in repeated illegal and improper acts, practices and schemes:

(a) to assist, aid and abet the illegal and unauthorized reception and decryption of DIRECTV's satellite transmissions of television programming by persons not authorized to receive such programming;

(b) to defraud DIRECTV of subscription and pay-per-view revenues and other valuable consideration by trafficking, distributing and selling devices (including loaders, bootloaders, unloopers, emulators, programmers and other signal theft devices) and software (including activation scripts, bin files, freeware and other software and files for modifying DIRECTV Access Cards) designed and intended to

facilitate the reception and decryption of DIRECTV's satellite television programming without authorization by or payment to DIRECTV;

(c) to defraud DIRECTV of revenues and other valuable consideration by trafficking, distributing and selling devices and software designed and intended to illegally modify DIRECTV Access Cards;

(d) to misappropriate and convert to defendants' use trade secrets and confidential research, development and commercial information belonging to DIRECTV, and to infringe DIRECTV's proprietary interests therein, by copying, reproducing, cloning and modifying computer programs and other information developed by or on behalf of DIRECTV, without authorization by or payment to DIRECTV;

(e) to interfere with DIRECTV's contractual and prospective business relations by trafficking, distributing and selling signal theft devices and software to existing and prospective DIRECTV subscribers; and

(f) to conceal defendants' fraudulent schemes and activities from and to hinder detection by DIRECTV and law enforcement officials.

50. Defendants have knowingly and willfully combined and conspired with others to defraud plaintiff DIRECTV of rights, properties and revenues belonging to it.

51. Defendants Charles Moscoe, Ken Compton, Tim Weaver, Harry Kassabian, Addila K. Gyurko, Joseph T. DiValerio, Michael L. Fuller, Michael Knott, Kenneth Ferrigno, Tracy Young, Doug Young, Joseph Caldara, Elias Rivera, Dan Madore, Dan Mackincosh, Kenneth Mackincosh, Brandy Hudkins, Chuck Jones, Jane Doe Jones, Benjamin Fox, Michael Rimmer, Bryan Reese, JJ Inc., Paul Davidson, DataPhD, Inc., Mark White, InterNet Business Concepts, and John Does 1 through 25, individually and as members of a conspiracy, have committed and engaged in various

acts in furtherance of their fraudulent schemes against DIRECTV. Upon information and belief, those acts include, but are not limited, to the following:

(a) Beginning at a time unknown and continuing to the present, defendants have owned, operated and maintained multiple Internet sites for the unlawful purpose of trafficking, distributing and selling devices (including loaders, bootloaders, unloopers, emulators, programmers and other signal theft devices) and software (including activation scripts, bin files, freeware and other software and files for modifying DIRECTV Access Cards) designed and intended to facilitate the reception and use of DIRECTV's satellite television programming without authorization by or payment to DIRECTV. Defendants have used the Internet hosting services of DRC Solutions, located in the Middle District of Florida, in furtherance of their unlawful scheme to defraud DIRECTV.

(b) Beginning at a time unknown and continuing to the present, defendants Charles Moscoe, Ken Compton (using the alias "Neutron") and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.decodernews.com](http://www.decodernews.com)

[www.decoder50.com](http://www.decoder50.com)

[www.dsselectronics.com](http://www.dsselectronics.com)

[www.dave.tv](http://www.dave.tv)

Defendants have further used these Internet sites to host forums, Internet relay channels ("irc"), download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended

to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(c) Beginning at a time unknown and continuing to the present, defendants Tim Weaver and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.hackp4.com](http://www.hackp4.com)  
[www.dssbeginners.com](http://www.dssbeginners.com)  
[www.bigdaddyiso.com](http://www.bigdaddyiso.com)  
[www.dishbuddy.com](http://www.dishbuddy.com)  
[www.dssbadboys.com](http://www.dssbadboys.com)  
[www.topsatsite.com](http://www.topsatsite.com)

Defendants have further used these Internet sites to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(d) Beginning at a time unknown and continuing to the present, defendants Harry Kassabian, Addila K. Gyurko and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.hack100.com](http://www.hack100.com)  
[www.sat-toys.com](http://www.sat-toys.com)  
[www.dynamicdss.com](http://www.dynamicdss.com)

[www.call745.com](http://www.call745.com)

[www.dss-stream.com](http://www.dss-stream.com)

[www.dss-warehouse.com](http://www.dss-warehouse.com)

[www.dssanonymous.com](http://www.dssanonymous.com)

[www.dssbestbuy.com](http://www.dssbestbuy.com)

[www.dssworld.com](http://www.dssworld.com)

Defendants have further used these Internet sites to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(e) Beginning at a time unknown and continuing to the present, defendants, Joseph T. DiValerio (using the alias "Bubba"), Michael L. Fuller (using the alias "Cbum"), Kenneth Ferrigno, Paul Davidson, DataPhD, Inc. and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.huabc.com](http://www.huabc.com)

[www.huabc.net](http://www.huabc.net)

[www.dssxtreme.com](http://www.dssxtreme.com)

[www.chuddhack.com](http://www.chuddhack.com)

[www.dss-tek.com](http://www.dss-tek.com)

[www.dss-xp.com](http://www.dss-xp.com)

[www.sat-pal.com](http://www.sat-pal.com)

[www.sccentre.com](http://www.sccentre.com)



[www.searchingforsignal.com](http://www.searchingforsignal.com)

Defendants have further used these Internet sites to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(f) Beginning at a time unknown and continuing to the present, defendants Tracy Young, Doug Young, Michael Knott (using the alias "Nick Archer") and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.virtualdss.com](http://www.virtualdss.com)

Defendants have further used this and other Internet site to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(g) Beginning at a time unknown and continuing to the present, defendants Joseph Caldara (using the alias "Wrencher"), Elias Rivera (using the alias "MGR") and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.baddude.net](http://www.baddude.net)

[www.canadianhu.net](http://www.canadianhu.net)

[www.alltvteam.com](http://www.alltvteam.com)

Defendants have further used these Internet sites to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(h) Beginning at a time unknown and continuing to the present, defendants Dan Madore, Dan Mackincosh (using the alias "Hawkeye"), Kenneth Mackincosh and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.hardcoredsscoders.com](http://www.hardcoredsscoders.com)

[www.outlaw3mgroup.com](http://www.outlaw3mgroup.com)

[www.nolimpzone.com](http://www.nolimpzone.com)

Defendants have further used these Internet sites to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(i) Beginning at a time unknown and continuing to the present, defendants Brandy Hudkins (using the alias "Bolynn") and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.islandss.com](http://www.islandss.com)

[www.islandssftp.com](http://www.islandssftp.com)

Defendants have further used these Internet sites to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files,

freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(j) Beginning at a time unknown and continuing to the present, defendants Chuck Jones (using the alias "VMS"), Jane Doe Jones (using the alias "Taz") and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.dsswriters.com](http://www.dsswriters.com)

[www.dimeddealer.com](http://www.dimeddealer.com)

[www.dssnapster.com](http://www.dssnapster.com)

[www.dsstoronto.ca](http://www.dsstoronto.ca)

[www.glitchbyte.com](http://www.glitchbyte.com)

[www.ins54.com](http://www.ins54.com)

[www.pinnacle3m.com](http://www.pinnacle3m.com)

[www.piratesatellite.net](http://www.piratesatellite.net)

[www.powergrid7.com](http://www.powergrid7.com)

[www.satbase.com](http://www.satbase.com)

[www.wildcatsdssite.com](http://www.wildcatsdssite.com)

[www.dsshhorizon.com](http://www.dsshhorizon.com)

[www.dildoworld.net/dildo/4U/andme/forums](http://www.dildoworld.net/dildo/4U/andme/forums)

Defendants have further used these Internet sites to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(k) Beginning at a time unknown and continuing to the present, defendants Benjamin Fox and John Does, and non-parties Art Deerey and Daniel S. Deerey, have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.hcard.org](http://www.hcard.org)

[www.privatehufiles.com](http://www.privatehufiles.com)

[www.alphahu.com](http://www.alphahu.com)

[www.easyloader.net](http://www.easyloader.net)

[www.loaderdepot.com](http://www.loaderdepot.com)

[www.justhackit.com](http://www.justhackit.com)

[www.sitelogichardware.com](http://www.sitelogichardware.com)

[www.bahamashosting.com](http://www.bahamashosting.com)

Non-parties Art Deerey and Daniel S. Deerey are defendants in a civil action that is pending trial entitled *DIRECTV, Inc. v. Derek E. Trone, et al.*, CV 02-5194PA (United States District Court, Central District of California). Defendants Fox and John Does, and non-parties Art Deerey and Daniel S. Deerey have further used these Internet sites to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(l) Beginning at a time unknown and continuing to the present, defendants Michael Rimmer and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of

DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.dssadvocates.com](http://www.dssadvocates.com)

Defendants have further used this and other Internet sites to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(m) Beginning at a time unknown and continuing to the present, defendants Bryan Reese and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.darkside.cx](http://www.darkside.cx)

Defendants have further used this and other Internet sites to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(n) Beginning at a time unknown and continuing to the present, defendants JJ Inc. and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.nolecountry.net](http://www.nolecountry.net) (only accessible by using the Internet Protocol ("IP") address 64.141.47.169)

Defendants have further used this and other Internet sites to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

(o) Beginning at a time unknown and continuing to the present, defendants Mark White, InterNet Business Concepts and John Does have trafficked, distributed and sold devices and software designed and intended to facilitate the unauthorized reception of DIRECTV's satellite television programming through multiple Internet sites, including but not limited to:

[www.dss-gadgets.com](http://www.dss-gadgets.com)

Defendants have further used this and other Internet sites to host forums, download pages and other features for the unlawful purpose of disseminating activation scripts, bin files, freeware and other software and files designed and intended to facilitate the illegal and unauthorized reception of DIRECTV's satellite television programming.

52. By trafficking, distributing and selling devices (including loaders, bootloaders, unloopers, emulators, programmers and other signal theft devices) and software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards) designed and intended to facilitate the theft of DIRECTV's satellite television programming, defendants have directly and intentionally facilitated the unauthorized reception and decryption of DIRECTV's satellite television programming by persons not authorized to receive it.

53. Defendants' wrongful conduct, as herein alleged, has caused and continues to cause significant and irreparable harm to DIRECTV by depriving DIRECTV of subscription and pay-per-view revenues and other valuable consideration, compromising DIRECTV's security and accounting systems, infringing DIRECTV's

trade secrets and proprietary information, and interfering with DIRECTV's contractual and prospective business relations.

**FIRST CLAIM**

**(FACILITATING UNAUTHORIZED RECEPTION OF SATELLITE SIGNALS  
IN VIOLATION OF  
THE COMMUNICATIONS ACT, 47 U.S.C. § 605(a))**

54. Plaintiff DIRECTV repeats and realleges the allegations in Paragraphs 1 through 53 as if set forth fully herein.

55. By designing, developing, manufacturing, assembling, modifying, importing, exporting, trafficking, distributing and selling signal theft devices and software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards), and information and technical support services, defendants have assisted the reception and use of DIRECTV's satellite transmissions of television programming by persons not authorized to receive such transmissions, in violation of 47 U.S.C. § 605(a).

56. Defendants' violations have injured and will continue to injure DIRECTV by depriving DIRECTV of subscription and pay-per-view revenues and other valuable consideration, compromising DIRECTV's security and accounting systems, infringing DIRECTV's trade secrets and proprietary information, and interfering with DIRECTV's contractual and prospective business relations.

57. Defendants have violated Section 605(a) of the Communications Act willfully and for purposes of direct or indirect commercial advantage or private financial gain.

58. Defendants knew or should have known that assisting third persons in the reception and use of DIRECTV's satellite transmissions of television programming without authorization by or payment to DIRECTV was and is illegal and prohibited.

Such violations have caused and will continue to cause DIRECTV irreparable harm, and DIRECTV has no adequate remedy at law to redress any such continued violations. Unless restrained by this Court, defendants will continue to violate 47 U.S.C. § 605(a).

**SECOND CLAIM**

**(MANUFACTURE AND SALE OF PIRATE DEVICES AND SOFTWARE  
IN VIOLATION OF  
THE COMMUNICATIONS ACT, 47 U.S.C. § 605(e)(4))**

59. Plaintiff DIRECTV repeats and realleges the allegations in Paragraphs 1 through 58 as if set forth fully herein.

60. Defendants have engaged in the business of manufacturing, assembling, modifying, importing, exporting, distributing and selling signal theft devices and software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards), without authorization, knowing or having reason to know that such devices and software are primarily of assistance in the unauthorized decryption of DIRECTV's satellite transmissions of television programming, or are intended by defendants to assist other persons in the unauthorized reception and use of DIRECTV's satellite transmissions of television programming, in violation of 47 U.S.C. § 605(e)(4).

61. Defendants' violations have injured and will continue to injure DIRECTV by depriving DIRECTV of subscription and pay-per-view revenues and other valuable consideration, compromising DIRECTV's security and accounting systems, infringing DIRECTV's trade secrets and proprietary information, and interfering with DIRECTV's contractual and prospective business relations.

62. Defendants have violated Section 605(e)(4) of the Communications Act willfully and for purposes of direct or indirect commercial advantage or private financial gain.



63. Defendants knew or should have known that manufacturing, assembling, modifying, importing, exporting, distributing and selling signal theft devices and software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards), which are primarily of assistance in unauthorized reception and decryption of DIRECTV's satellite television programming, was and is illegal and prohibited. Such violations have caused and will continue to cause DIRECTV irreparable harm, and DIRECTV has no adequate remedy at law to redress any such continued violations. Unless restrained by this Court, defendants will continue to violate 47 U.S.C. § 605(e)(4).

### **THIRD CLAIM**

#### **(MANUFACTURE OF AND TRAFFIC IN PIRATE DEVICES AND SOFTWARE IN VIOLATION OF THE DIGITAL MILLENNIUM COPYRIGHT ACT, 17 U.S.C. § 1201(a)(2))**

64. Plaintiff DIRECTV repeats and realleges the allegations in Paragraphs 1 through 63 as if set forth fully herein.

65. Defendants were and are actively engaged in the business of manufacturing, importing, exporting, offering to the public, providing and trafficking in signal theft devices and software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards), knowing or having reason to know that such devices and software (a) are primarily designed or produced for the purpose of circumventing DIRECTV's encryption and conditional access technological measures, (b) have only limited commercially significant purpose or use other than to circumvent DIRECTV's encryption and conditional access technological measures, or (c) are marketed by defendants and persons acting in concert with defendants for use in circumventing DIRECTV's encryption and conditional access technological measures, in violation of 17 U.S.C. § 1201(a)(2).

66. Defendants' violations have injured and will continue to injure DIRECTV by depriving DIRECTV of subscription and pay-per-view revenues and other valuable consideration, compromising DIRECTV's security and accounting systems, infringing DIRECTV's trade secrets and proprietary information, and interfering with DIRECTV's contractual and prospective business relations.

67. Defendants have violated Section 1201(a)(2) of the Digital Millennium Copyright Act willfully and for purposes of commercial advantage or private financial gain.

68. Defendants knew or should have known that manufacturing, importing, exporting, offering to the public, providing and trafficking in signal theft devices and software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards), was and is illegal and prohibited. Such violations have caused and will continue to cause DIRECTV irreparable harm, and DIRECTV has no adequate remedy at law to redress any such continued violations. Unless restrained by this Court, defendants will continue to violate 17 U.S.C. § 1201(a)(2).

#### **FOURTH CLAIM**

#### **(MANUFACTURE OF AND TRAFFIC IN PIRATE DEVICES AND SOFTWARE IN VIOLATION OF THE DIGITAL MILLENNIUM COPYRIGHT ACT, 17 U.S.C. § 1201(b)(1))**

69. Plaintiff DIRECTV repeats and realleges the allegations in Paragraphs 1 through 68 as if set forth fully herein.

70. Defendants were and are actively engaged in the business of manufacturing, importing, exporting, offering to the public, providing and trafficking in signal theft devices and software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards), knowing or

having reason to know that such devices and software (a) are primarily designed or produced for the purpose of circumventing the protection afforded by DIRECTV's encryption and conditional access technological measures, (b) have only limited commercially significant purpose or use other than to circumvent the protection afforded by DIRECTV's encryption and conditional access technological measures, or (c) are marketed by defendants and persons acting in concert with defendants for use in circumventing the protection afforded by DIRECTV's encryption and conditional access technological measures, in violation of 17 U.S.C. § 1201(b)(1).

71. Defendants' violations have injured and will continue to injure DIRECTV by depriving DIRECTV of subscription and pay-per-view revenues and other valuable consideration, compromising DIRECTV's security and accounting systems, infringing DIRECTV's trade secrets and proprietary information, and interfering with DIRECTV's contractual and prospective business relations.

72. Defendants have violated Section 1201(b)(1) of the Digital Millennium Copyright Act willfully and for purposes of commercial advantage or private financial gain.

73. Defendants knew or should have known that manufacturing, importing, exporting, offering to the public, providing and trafficking in signal theft devices and software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards), was and is illegal and prohibited. Such violations have caused and will continue to cause DIRECTV irreparable harm, and DIRECTV has no adequate remedy at law to redress any such continued violations. Unless restrained by this Court, defendants will continue to violate 17 U.S.C. § 1201(b)(1).

**FIFTH CLAIM**

**(UNAUTHORIZED INTERCEPTION OF ELECTRONIC COMMUNICATIONS  
IN VIOLATION OF  
FEDERAL WIRETAP LAWS, 18 U.S.C. § 2511(1)(a))**

74. Plaintiff DIRECTV repeats and realleges the allegations in Paragraphs 1 through 73 as if set forth fully herein.

75. By designing, developing, manufacturing, assembling, modifying, importing, exporting, trafficking, distributing and selling signal theft devices and software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards), and information and technical support services, defendants have intentionally intercepted, endeavored to intercept, or procured other persons to intercept or endeavor to intercept, DIRECTV's satellite transmissions of television programming, in violation of 18 U.S.C. § 2511(1)(a).

76. Defendants' violations have injured and will continue to injure DIRECTV by depriving DIRECTV of subscription and pay-per-view revenues and other valuable consideration, compromising DIRECTV's security and accounting systems, infringing DIRECTV's trade secrets and proprietary information, and interfering with DIRECTV's contractual and prospective business relations.

77. Defendants have engaged in conduct in violation of Section 2511(1)(a) of the Federal Wiretap Laws for a tortious or illegal purpose, or for purposes of direct or indirect commercial advantage or private commercial gain.

78. Defendants knew or should have known that such interception of DIRECTV's satellite transmissions of television programming was and is illegal and prohibited. Such violations have caused and will continue to cause DIRECTV irreparable harm, and DIRECTV has no adequate remedy at law to redress any such

continued violations. Unless restrained by this Court, defendants will continue to violate 18 U.S.C. § 2511(1)(a).

**SIXTH CLAIM**

**(MANUFACTURE AND SALE OF PIRATE DEVICES AND SOFTWARE  
IN VIOLATION OF  
FEDERAL WIRETAP LAWS, 18 U.S.C. § 2512(1)(b))**

79. Plaintiff DIRECTV repeats and realleges the allegations in Paragraphs 1 through 78 as if set forth fully herein.

80. Defendants have engaged in the business of manufacturing, assembling, possessing and selling signal theft devices and software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards), without authorization, knowing or having reason to know that the design of such devices and software render them primarily useful for the purpose of surreptitious interception of DIRECTV's satellite transmissions of television programming, and that such devices and software, or any components thereof, have been or will be sent through the mail or transported in interstate or foreign commerce, in violation of 18 U.S.C. § 2512(1)(b).

81. Defendants' violations have injured and will continue to injure DIRECTV by depriving DIRECTV of subscription and pay-per-view revenues and other valuable consideration, compromising DIRECTV's security and accounting systems, infringing DIRECTV's trade secrets and proprietary information, and interfering with DIRECTV's contractual and prospective business relations.

82. Defendants have engaged in conduct in violation of Section 2512(1)(b) of the Federal Wiretap Laws for a tortious or illegal purpose, or for purposes of direct or indirect commercial advantage or private commercial gain.

83. Defendants knew or should have known that manufacturing, assembling, possessing or selling signal theft devices and software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards), which are primarily useful for the purpose of surreptitious interception of DIRECTV's satellite television programming, was and is illegal and prohibited. Such violations have caused and will continue to cause DIRECTV irreparable harm, and DIRECTV has no adequate remedy at law to redress any such continued violations. Unless restrained by this Court, defendants will continue to violate 18 U.S.C. § 2512(1)(b).

**SEVENTH CLAIM**

**(UNJUST ENRICHMENT)**

84. Plaintiff DIRECTV repeats and realleges the allegations in Paragraphs 1 through 83 as if set forth fully herein.

85. Defendants have usurped for themselves trade secrets, proprietary information, revenues, and other property rights belonging to DIRECTV for the purpose of enhancing the commercial value of defendants' goods.

86. As a direct and proximate result of their unlawful and improper acts, defendants have been unjustly enriched and DIRECTV has suffered, and will continue to suffer, loss of profits by virtue of defendants' conduct. The exact amount of unjust profits realized by defendants and profits lost by plaintiff DIRECTV are presently unknown to it and cannot be readily ascertained without an accounting.

87. Defendants' unlawful sale of signal theft devices and software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards), and their usurpation of DIRECTV's trade secrets, proprietary information, revenues and other property rights belonging to DIRECTV, is

causing and will continue to cause irreparable injury to them unless defendants are preliminarily and permanently restrained and enjoined from this activity.

**EIGHTH CLAIM**

**(TORTIOUS INTERFERENCE WITH CONTRACTUAL RELATIONS)**

88. Plaintiff DIRECTV repeats and realleges the allegations in Paragraphs 1 through 87 as if set forth fully herein.

89. Defendants have intentionally interfered with the contractual relations between DIRECTV and its subscribers, with knowledge of the same, by inducing, procuring, conspiring, aiding and abetting an as yet undetermined number of subscribers not to perform their respective contracts with DIRECTV, thereby causing the breach or termination thereof, and resulting in damage to DIRECTV.

90. Defendants have wrongfully interfered with the contractual relations between DIRECTV and its subscribers without justification or legal excuse. Defendants' interference was willful, wanton and malicious.

91. By reason of the foregoing, defendants are liable for all pecuniary losses suffered by DIRECTV as a result of defendants' interference, and for punitive damages.

**NINTH CLAIM**

**(TORTIOUS INTERFERENCE  
WITH PROSPECTIVE CONTRACTUAL RELATIONS)**

92. Plaintiff DIRECTV repeats and realleges the allegations in Paragraphs 1 through 91 as if set forth fully herein.

93. Defendants have intentionally interfered with DIRECTV's business of selling its satellite television services to prospective subscribers, and selling additional services to existing subscribers, with knowledge of the same, by providing signal theft devices and software (including activation scripts, bin files, freeware, and other

software and files for modifying DIRECTV Access Cards) to an as yet undetermined number of subscribers and prospective subscribers, thereby hindering DIRECTV from acquiring each such prospective relations and resulting in damage to DIRECTV.

94. Defendants have wrongfully interfered with the contractual relations between DIRECTV and its subscribers without justification or legal excuse. Defendants' interference was willful, wanton and malicious.

95. By reason of the foregoing, defendants are liable for all pecuniary losses suffered by DIRECTV as a result of defendants' interference, and for punitive damages.

#### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff DIRECTV asks that the Court grant the following relief:

(1) Find that defendants' conduct in designing, developing, manufacturing, assembling, modifying, importing, exporting, possessing, distributing and selling (a) loaders, bootloaders, unloopers, emulators, programmers, reader/writers and other signal theft devices, (b) activation scripts, bin files, freeware and other software and files for modifying DIRECTV Access Cards, and (c) information and technical services therefore, violates 47 U.S.C. § 605(a) and (e)(4), 17 U.S.C. § 1201(d) and (e), 18 U.S.C. §§ 2511(1)(a) and 2512(1)(b), and state common law;

(2) Find further that defendants' violations were willful and malicious, for a tortious or illegal purpose, or for purposes of direct or indirect commercial advantage or private financial gain;

(3) In accordance with 47 U.S.C. § 605(e)(3)(B)(i), 17 U.S.C. § 1203(b)(1), 18 U.S.C. § 2520(b)(1), and state common law, enjoin and restrain defendants, and persons or entities controlled directly or indirectly by defendants, from (a) designing,



developing, manufacturing, assembling, modifying, importing, exporting, possessing, trafficking, distributing or selling devices (including loaders, bootloaders, unloopers, emulators, programmers, reader/writers and other signal theft devices) or software (including activation scripts, bin files, freeware and other software or files for modifying DIRECTV Access Cards) that are designed or intended to facilitate the unauthorized reception and use of DIRECTV's television programming; (b) assisting, procuring, aiding and abetting third persons in the unauthorized reception and use of DIRECTV's television programming; (c) placing advertisements for the sale of devices or software designed or intended to facilitate the unauthorized reception and use of DIRECTV's television programming; or (d) providing software, information and technical support services therefor;

(4) In accordance with 47 U.S.C. § 605(e)(3)(B)(i), 17 U.S.C. § 1203(b)(1), 18 U.S.C. § 2520(b)(1), and state common law, order defendants to return to plaintiff DIRECTV all trade secrets, proprietary information, Access Cards and other hardware or software derived from or intended for the DIRECTV satellite system;

(5) In accordance with 17 U.S.C. § 1203(b)(2) and (6), impound all devices (including loaders, bootloaders, unloopers, emulators, programmers, reader/writers and other signal theft devices) or software (including activation scripts, bin files, freeware, and other software and files for modifying DIRECTV Access Cards) designed or intended to facilitate the unauthorized reception and use of DIRECTV's television programming, in defendants' possession, custody or control, and further order the remedial modification or the destruction of such devices;

(6) In accordance with 47 U.S.C. § 605(e)(3)(C)(i) and (ii), award plaintiff DIRECTV the greater of (a) its actual damages together with any profits made by

defendants that are attributable to the violations alleged herein, or (b) statutory damages in the amount of up to \$110,000 for each violation of 47 U.S.C. § 605(a);

(7) In accordance with 47 U.S.C. § 605(e)(3)(C)(i), award plaintiff DIRECTV the greater of (a) its actual damages together with any profits made by defendants that are attributable to the violations alleged herein, or (b) statutory damages in the amount of up to \$100,000 for each violation of 47 U.S.C. § 605(e)(4);

(8) In accordance with 17 U.S.C. § 1203(c)(2) and (3)(A), award plaintiff DIRECTV the greater of (a) its actual damages together with any profits made by defendants that are attributable to the violations alleged herein, or (b) statutory damages in the amount of up to \$2,500 for each violation of 17 U.S.C. § 1201(a)(2) and (b)(1);

(9) In accordance with 18 U.S.C. § 2520(c)(2), award plaintiff DIRECTV the greater of (a) its actual damages together with any profits made by defendants as a result of the violations alleged herein, or (b) statutory damages of whichever is the greater of \$100 a day for each day of violation of 18 U.S.C. §§ 2511(1) and 2512(1)(a) and (b), or \$10,000;

(10) In accordance with 18 U.S.C. § 2520(b)(2), award plaintiff DIRECTV punitive damages for each violation of 18 U.S.C. §§ 2511(1) and 2512(1)(b);

(11) In accordance with 47 U.S.C. § 605(e)(3)(B)(iii), 17 U.S.C. § 1203(b)(3) and (4), 18 U.S.C. § 2520(b)(3), and state law, direct defendants to pay to plaintiff DIRECTV all of its costs, reasonable attorneys' fees and investigative fees;

(12) In accordance with state law, order an accounting, the establishment of a constructive trust in favor of plaintiff DIRECTV, and direct defendants to disgorge all profits obtained by them as a result of selling devices (including loaders, bootloaders, unloopers, emulators, programmers, reader/writers and other signal theft devices) or software (including activation scripts, bin files, freeware, and other software and files

for modifying DIRECTV Access Cards) that are designed or intended to facilitate the unauthorized reception and use of DIRECTV's television programming;

(13) In accordance with state law, award plaintiff DIRECTV compensatory damages, in an amount to be proved at trial, and for punitive damages;

(14) For prejudgment interest on all damages, where allowable by law; and

(15) For such additional relief as the Court deems to be just and equitable.

DATED this 28<sup>th</sup> day of April, 2003.

Respectfully submitted,

**STUMP, STOREY, CALLAHAN &  
DIETRICH, P.A.**

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