

1 LAW OFFICES
 2 **MANOLIO & FIRESTONE, PLC**
 3 9300 East Raintree Drive, Suite 120
 4 Scottsdale, Arizona 85260
 5 (480) 222-9100
 6 vmanolio@mf-firm.com
 7 Veronica L. Manolio, SBN 020230
 8 *Attorneys for Plaintiff*

9 **IN THE UNITED STATES DISTRICT COURT**
 10 **IN AND FOR THE DISTRICT OF ARIZONA**

11 AMA MULTIMEDIA, LLC, a Nevada
 12 limited liability company,

Case No.

Plaintiff,

**COMPLAINT FOR DAMAGES
 AND INJUNCTIVE RELIEF**

v.

13 ALEKSANDR HEIT, individually and d/b/a
 14 SHOOSHTIME.COM and d/b/a
 15 SHOOSH.CO,

Defendants.

16 Plaintiff, AMA Multimedia LLC (hereinafter referred to as “Plaintiff”) by and
 17 through its counsel, files this complaint against Defendant Aleksandr Heit, individually
 18 and d/b/a Shooshtime.com, and the Doe Defendants (collectively hereinafter referred to
 19 as “Defendant” or “Defendants”).

20 **PARTIES, JURISDICTION AND VENUE**

21 1. Plaintiff AMA Multimedia LLC is a Nevada limited liability company with
 22 it principal place of business in Las Vegas, Nevada.

23 2. Defendant Aleksandr Heit, in conjunction with the Doe defendants, owns
 24 and/or operates Shooshtime.com and/or Shoosh.co, Internet web sites that display and
 25 distribute adult oriented videos, content, and services. Aleksandr Heit is a resident of
 26 Maricopa County, Arizona.

1 3. The Shooshtime.com domain name is held by Domains By Proxy, LLC
2 using registrar GoDaddy.com, LLC. Domains By Proxy, LLC is a Delaware limited
3 liability company registered and doing business in Arizona. GoDaddy.com, LLC is a
4 Delaware limited liability company registered in Arizona and doing business in Arizona.

5 4. The owner(s) of Shooshtime.com attempt to hide their identity through the
6 use of Domains By Proxy, LLC.

7 5. Upon information and belief, the infringed copyrighted material claimed to
8 be displayed on Shooshtime.com is located, served through and/or maintained on servers
9 owned by Easy Online Solutions, Ltd, d/b/a Mojohost, registered to do business in
10 Bingham Farms, Michigan.

11 6. The Shoosh.co domain name is also held by Domains By Proxy, LLC using
12 registrar GoDaddy.com, LLC, and the owner(s) of Shoosh.co attempt to hide their
13 identity through the use of Domains By Proxy, LLC.

14 7. Upon information and belief, the infringed copyrighted material claimed
15 herein to be displayed on Shoosh.co is also located, served through and/or maintained on
16 servers owned by Easy Online Solutions, Ltd, d/b/a Mojohost.

17 8. The Court has personal jurisdiction over the Defendants, who have engaged
18 in business activities in this District and directed to this District, and who have committed
19 tortious acts within this District or directed at this District. *See*, 28 U.S.C. §§1391(b), (c)
20 and/or (d) and 28 U.S.C. § 1400(a).

21 9. Any alien defendant is subject to jurisdiction in any district. *See* 28 U.S.C.
22 1391 (“An alien may be sued in any district.”) *See also* Fed. R. Civ. P. 4(k)(2).

23 10. This Court has subject matter jurisdiction over Plaintiff’s federal claims
24 pursuant to 17 U.S.C. § 101 et seq., Section 32 of the Lanham Act, 15 U.S.C. §1114(1),
25 15 U.S.C. § 1121, 15 U.S.C. §1125, 28 U.S.C. §1331 and 28 U.S.C. §1338.

26 11. Venue is appropriate in this District pursuant to 28 U.S.C. §§1391(b), (c).

1 12. The named Plaintiff, AMA Multimedia, LLC (“AMA”) is a Nevada limited
2 liability company with its principal place of business in Las Vegas, Nevada.

3 13. Plaintiff AMA produces adult audiovisual material, which it distributes
4 through DVD sales and the World Wide Web via its web sites under its known brands
5 “Passion-HD” and “Porn Pros,” among others.

6 14. The AMA websites, a network of twenty plus adult entertainment
7 properties, are paid membership sites featuring over 1000 models in exclusive content.

8 15. AMA is the rightful copyright, trademark, and intellectual property owner
9 of the respective United States copyrights, trademarks and intellectual property that is the
10 basis for this action.

11 16. AMA holds over 900 U.S. Copyright Registrations for its audiovisual work
12 and 12 Trademarks for its brands, including for all works listed in this Complaint.

13 17. AMA is the respective producer, distributor, and exclusive licensor of its
14 own motion pictures in the United States as well as throughout the world.

15 18. AMA has registered with the United States Copyright Office the
16 copyrighted works identified in this Complaint. Plaintiff’s videos are watermarked with
17 Plaintiff’s readily identifiable logo.

18 19. AMA’s Porn Pros trademark and service mark has been continuously used
19 in commerce since February 2008. U.S. Trademark Registration No. 3566875 was
20 registered on January 27, 2009.

21 20. AMA engages in extremely limited licensing of its content to other entities
22 or websites for viewing, in addition to the small sample of promotional materials
23 provided to affiliates for the sole purpose of the affiliates’ promoting AMA property.
24 Any licensing is done with the intent for brand exposure and is limited to a small subset
25 of hand-selected content. Predominantly, the AMA business model is simply that a user
26 must be a paid member to an AMA site to view AMA works.

1 21. AMA has expended considerable effort and expense in promoting its
2 trademark and the goods sold under the trademark Porn Pros. As a result, the purchasing
3 public has come to know, rely upon and recognize the mark Porn Pros as an international
4 brand of high quality adult entertainment.

5 22. AMA's Passion-HD.com trademark and service mark has been
6 continuously used in commerce since December 2011. U.S. Trademark Registration No.
7 4190291 was registered on August 14, 2012.

8 23. AMA has expended considerable effort and expense in promoting its
9 trademark and the goods sold under the trademark Passion-HD.com. As a result, the
10 purchasing public has come to know, rely upon and recognize the mark Passion-HD.com
11 as an international brand of high quality adult entertainment.

12 24. AMA's Passion-HD trademark and service mark has been continuously
13 used in commerce since December 2011. U.S. Trademark Registration No. 4251457 was
14 registered on November 27, 2012.

15 25. AMA has expended considerable effort and expense in promoting its
16 trademark and the goods sold under the trademark Passion-HD. As a result, the
17 purchasing public has come to know, rely upon and recognize the mark Passion-HD as an
18 international brand of high quality adult entertainment.

19 26. AMA's Castingcouch-x.com trademark and service mark has been
20 continuously used in commerce since October 2012. U.S. Trademark Registration No.
21 4575672 was registered on July 29, 2014.

22 27. AMA has expended considerable effort and expense in promoting its
23 trademark and the goods sold under the trademark Castingcouch-x.com. As a result, the
24 purchasing public has come to know, rely upon and recognize the mark Castingcouch-
25 x.com as an international brand of high quality adult entertainment.

26

1 28. AMA's FantasyHD trademark and service mark has been continuously
2 used in commerce since April 2013. U.S. Trademark Registration No. 4591117 was
3 registered on August 26, 2014.

4 29. AMA has expended considerable effort and expense in promoting its
5 trademark and the goods sold under the trademark FantasyHD. As a result, the
6 purchasing public has come to know, rely upon and recognize the mark FantasyHD as an
7 international brand of high quality adult entertainment.

8 30. AMA Tiny4k.com trademark and service mark has been continuously used
9 in commerce since May 2014. U.S. Trademark Registration No. 4678642 was registered
10 on January 27, 2015.

11 31. AMA has expended considerable effort and expense in promoting its
12 trademark and the goods sold under the trademark Tiny4k.com. As a result, the
13 purchasing public has come to know, rely upon and recognize the mark Tiny4k.com as an
14 international brand of high quality adult entertainment.

15 32. Upon information and belief, Defendants conduct business as
16 Shooshtime.com, operate the websites, and derive direct financial benefit through
17 advertising sales on the websites.

18 33. Defendants compete against Plaintiff AMA in the distribution and sale of
19 adults-only audio-visual works through Internet distribution and divert potential
20 customers from AMA.

21 34. Defendants have not registered Shooshtime.com as an Internet Service
22 Provider with United States Copyright Office.

23 35. Defendants have not appointed a Digital Millennium Copyright Act
24 ("DMCA") Agent nor registered the DMCA Agent with the U.S. Copyright Office.

25 36. Defendants do not implement a reasonable repeat infringer policy on
26 Shooshtime.com.

1 37. Defendants do not qualify for safe harbor protections under the DMCA for
2 infringements on Shooshtime.com.

3 38. Upon information and belief, there are other individuals and/or entities who
4 have acted in concert with the Defendants, but whose true names and capacities are
5 presently unknown to Plaintiff AMA. By this reference, AMA avers that any of the
6 “DOE” or unknown parties are jointly and severally liable for the damages asserted
7 herein, and AMA will seek leave to amend upon discovery of identifying information.

8 **STATEMENT OF FACTS**

9 39. Congress’ implementation of safe harbor provisions in the Digital
10 Millennium Copyright Act (“DMCA”) provides true internet service providers with
11 protection against liability for copyright infringement resulting from the actions and/or
12 postings of their users. As a primary example, the safe harbor protections provide
13 YouTube.com with protection from liability should one of its users post a copyright
14 protected video without authority or license.

15 40. The DMCA safe harbor provisions have been systematically abused by
16 internet copyright infringers in an attempt to garner protection for pirate websites
17 displaying copyrighted adult entertainment content without license or authority for free
18 viewing to the public. Under a veneer of DMCA compliance, the owners and operators
19 attempt to hide behind the safe harbor provisions while monetizing the website through
20 premium membership programs and substantial advertising contracts.

21 41. Defendants have not appointed a DMCA Agent nor registered the DMCA
22 Agent with the U.S. Copyright Office.

23 42. Shooshtime.com is such a pirate website, displaying copyrighted adult
24 entertainment content without authorization or license.

25 43. Defendants host adult entertainment videos and/or host embedded code for
26 adult entertainment videos to permit a user to view videos on Shooshtime.com for free.

1 44. Defendants source and place Plaintiff's copyrighted adult entertainment on
2 their web site Shooshtime.com.

3 45. There are no upload capabilities on Shooshtime.com. Therefore, all videos
4 and content are placed on Shooshtime.com by the Defendants and/or by agents of
5 Defendants at the direction and/or instruction by and on behalf of Defendants.

6 46. Defendants sell advertising space on Shooshtime.com in several forms,
7 including front load pop-up advertising and advertising banners on space in close
8 proximity to free videos, often geocentric.

9 47. Videos on Shooshtime.com may be shared on other sites, in addition to the
10 user being provided with direct links for posting on or to any social media site including,
11 but not limited to, Facebook, Twitter, Google or via to Email to anyone regardless of age
12 or location. Such functionality makes it impossible to know how many times and where
13 an unlicensed copyrighted video has been posted and displayed illegally as a direct result
14 of Defendants unlawful display.

15 48. Shooshtime.com fails to fulfill the requisite conditions precedent to qualify
16 for the safe harbor provisions of the DMCA.

17 49. Shooshtime.com is not registered as an Internet Service Provider with the
18 U.S. Copyright Office and fails to have a registered DMCA Agent.

19 50. In or about October 2015, and for an unknown time before and up to the
20 present, Defendants' website Shooshtime.com displayed 67 of Plaintiff's copyright
21 registered works over 120 separate and distinct URLs - each a part of Shooshtime.com.
22 These copyrighted words and their corresponding Shooshtime.com page are listed in
23 **Exhibit A**, attached hereto. Defendants have no authority or license to display or
24 distribute any portion of Plaintiffs' copyrighted works.

25
26

1 51. The thumbnail images specific to the videos posted and displayed on
2 Shooshtime.com are hosted by and delivered to the viewer through a second website
3 located at Shoosh.com.

4 52. The infringement of intellectual property on Shooshtime.com is not limited
5 to the unlawful display of Plaintiff's copyrighted works. In each instance of copyright
6 infringement, Defendants have also infringed Plaintiff's registered trademarks.

7 53. For Plaintiff's videos that are displayed without authority on
8 Shooshtime.com, the Defendants have caused Plaintiff's trademarks to be used in the
9 meta tags and/or meta descriptions for the URL of the infringing video.

10 54. A meta tag is an HTML (hypertext markup language) code embedded on a
11 Web page that is used by the website owner to identify the site content. Meta tags are
12 powerful tools because they have a direct effect on the frequency with which many
13 search engines will find a website.

14 55. Meta tags and/or meta descriptions are used by Internet search engines as
15 an indexing tool to determine which sites correspond to search terms provided by a user.

16 56. Meta tags do not affect the appearance of a website and are not visible
17 when you look at a page, but they provide information regarding the content of the site.

18 57. Some websites use meta tags in a deceptive manner to lure Web surfers.
19 Instead of using terms that properly describes the site, some programmers substitute the
20 names of competing companies. For example, a rival shoe manufacturer may bury the
21 meta tag "Nike" in its Web page to lure Web surfers searching for Nike products. In the
22 case of the website selling handmade watches, the meta tag might include "Rolex,
23 Swatch, Bulova, Cartier."

24 58. By using AMA's trademarks in Defendants' meta tags and/or meta
25 descriptions, Defendants use Plaintiff's trademarks in commerce and in connection with
26 their promotions, sales, and advertising.

1 59. The use of AMA's trademarks in Defendants' meta tags and/or meta
2 descriptions is likely to cause confusion to the end users/consumers.

3 60. For example, many of the videos displayed without authority or license on
4 Shooshtime.com include "FantasyHD," an AMA trademark, in the meta tags and/or meta
5 description. Thus, a user utilizing an internet search engine searching for "FantasyHD"
6 will discover that Plaintiff's videos can be viewed for free on Shooshtime.com. This will
7 and does create confusion on behalf of the user that Shooshtime.com is an authorized
8 distributor of Plaintiff's videos and, importantly, a belief that Plaintiff's videos are
9 available for free viewing.

10 61. Upon information and belief, Defendants have actual knowledge and clear
11 notice of the infringement of Plaintiff's titles or else is willfully blind to the rampant
12 infringement. The infringement is clear and obvious even to the most naïve observer.
13 Plaintiff's films are indexed, displayed and distributed on Defendants' website through
14 Defendant and the Doe Defendants acting in concert. Plaintiff's and other major
15 producers' trademarks are used to index infringing material along with obfuscation of
16 watermarks and other identifiers which is evidence of knowledge and intent.

17 62. By virtue of the conduct alleged herein, Defendants knowingly promote,
18 participate in, facilitate, assist, enable, materially contribute to, encourage, and induce
19 copyright infringement, and thereby have infringed, secondarily infringed, and induced
20 infringement by others, the copyrights in Plaintiffs' copyrighted work.

21 63. Defendants, either jointly, severally, actually, constructively, and with or
22 without direct concert with one another, deprived Plaintiffs of the lawful monetary
23 rewards that accompany its rights in the copyrighted works. Defendants disregard for
24 copyright trademark laws threaten Plaintiff's business.

25 64. Defendants intentionally, knowingly, negligently, or through willful
26 blindness avoided precautions to deter rampant copyright infringement on their website.

1 75. Defendants made no attempt to discover the copyright owners of the pirated
2 works before exploiting them. Defendants failed and refused to take any reasonable
3 measure to determine the owner or license holder of the copyrighted works.

4 76. Defendants engaged in intentional, knowing, negligent, or willfully blind
5 conduct sufficient to demonstrate they engaged actively in the improper collection and
6 distribution of Plaintiff's copyrighted works.

7 77. The quantity and quality of copyright files available to Internet users
8 increased the attractiveness of Defendants' service to its customers, increased its
9 membership base, and increased its ad sales revenue.

10 78. Based on information and belief, Defendants actively uploaded pirated
11 copyrighted files and/or embedded code-enabling users of Shooshtime.com to view
12 copyrighted videos and images.

13 79. Defendants controlled the files owned by Plaintiff and determined which
14 files remained for display and distribution.

15 80. Defendants never adopted procedures to ensure that distribution of
16 Plaintiff's copyrighted materials would not occur. Further, Defendants never
17 implemented or enforced a "repeat infringer" policy.

18 81. Defendants were aware, either actually or constructively, should have been
19 aware, or were willfully blind that pirated copyrighted materials comprised the most
20 popular videos on the Defendants websites.

21 82. Defendants, through Shooshtime.com affirmatively and willfully
22 accommodated Internet traffic generated by the illegal acts.

23 83. Defendants' conduct was willful within the meaning of 17 U.S.C. § 101, *et*
24 *seq.* At a minimum, Defendants acted with willful blindness and reckless disregard of
25 Plaintiff's registered copyrights.

26

1 93. Defendants aided, abetted, allowed, and encouraged those individuals to
2 reproduce and distribute Plaintiff's copyrighted works through Defendants' website
3 without regard to copyright ownership.

4 94. Defendants had the ability and obligation to control and stop the
5 infringements. Defendants failed to do so.

6 95. Defendants have engaged in the business of knowingly inducing, causing,
7 and/or materially contributing to unauthorized reproduction, adaptation, public display
8 and/or distribution of copies of the Plaintiff's copyrighted works, and thus to the direct
9 infringement of Plaintiff's copyrighted works.

10 96. Defendants received direct financial benefits from the infringements.

11 97. On information and belief, Defendants' actions constitute contributory
12 infringement of Plaintiff's copyrights and exclusive rights under copyright in the
13 Plaintiffs' copyrighted works in violation of the Copyright Act, 17 U.S.C. §§ 106 and
14 501.

15 98. The unauthorized reproduction, distribution, and public display of
16 Plaintiff's copyrighted works that Defendant enables, causes, materially contributes to
17 and encourages through the acts described above are without Plaintiff's consent and are
18 not otherwise permissible under the Copyright Act.

19 99. The acts of infringement by Defendants have been willful, intentional,
20 purposeful and in reckless disregard of and with indifference to Plaintiff's rights.

21 100. As a direct and proximate result of the infringements by Defendants of
22 Plaintiff's copyrights and exclusive rights under copyright in the Plaintiff's copyrighted
23 works, Plaintiff is entitled to its actual damages and Defendants' profits pursuant to 17
24 U.S.C. § 504(b).

25 101. Alternatively, Plaintiff is entitled to maximum statutory damages, pursuant
26 to 17 U.S.C. § 504(c), in the amount of \$150,000 with respect to each work infringed, or

1 such other amounts as may be proper under 17 U.S.C. § 504(c).

2 102. Plaintiff is further entitled to its attorneys' fees and its full costs here
3 pursuant to 17 U.S.C. § 505.

4 **THIRD CAUSE OF ACTION**
5 **Vicarious Copyright Infringement**
6 **Against All Defendants**

7 103. Plaintiff repeats, re-alleges, and incorporates by reference each and every
8 preceding allegation set forth herein.

9 104. Without authorization, individuals reproduced, distributed, and publicly
10 displayed Plaintiff's works through Defendants' website, directly infringing Plaintiff's
11 copyrighted works.

12 105. Defendants were actually or constructively aware or should have been
13 aware or were willfully blind to the infringing activity.

14 106. Defendants were able to control or completely end the illegal and improper
15 infringement, but failed to do so.

16 107. Defendants contributed materially to the infringement.

17 108. Defendants received direct financial gain/profit from the infringing activity.

18 109. The acts, omissions, and conduct of all Defendants constitute vicarious
19 copyright infringement.

20 110. The acts of infringement by Defendants have been willful, intentional,
21 purposeful and in reckless disregard of and with indifference to Plaintiff's rights. As a
22 direct and proximate result of the infringements by Defendants of Plaintiff's copyrights
23 and exclusive rights under copyright in the Plaintiffs' copyrighted works, Plaintiff is
24 entitled to its actual damages and Defendants' profits pursuant to 17 U.S.C. § 504(b).

25 111. Alternatively, Plaintiff is entitled to maximum statutory damages, pursuant
26 to 17 U.S.C. § 504(c), in the amount of \$150,000 with respect to each work infringed, or
such other amounts as may be proper under 17 U.S.C. § 504(c).

1 112. Plaintiff is further entitled to its attorneys' fees and its full costs pursuant to
2 17 U.S.C. § 505.

3 **FOURTH CAUSE OF ACTION**
4 **Inducement of Copyright Infringement**
5 **Against All Defendants**

6 113. Plaintiff repeats, re-alleges, and incorporates by reference each and every
7 preceding allegation set forth herein.

8 114. Defendants designed and/or distributed technology and/or devices
9 and/or induced individuals to use this technology to promote the use of infringed and
10 copyrighted material. As a direct and proximate result of Defendants' inducement,
11 individuals infringed Plaintiff's copyrighted works. These individuals reproduced,
12 distributed and publicly disseminated Plaintiff's copyrighted works through Defendants'
13 website.

14 115. On information and belief, Defendants have encouraged the illegal
15 uploading and downloading of Plaintiff's copyrighted works, thus inducing the
16 unauthorized reproduction, adaptation, public display and/or distribution of copies of the
17 Plaintiff's copyrighted works, and thus to the direct infringement of Plaintiff's
18 copyrighted works.

19 116. Defendants' actions constitute inducing copyright infringement of
20 Plaintiffs' copyrights and exclusive rights under copyright in the Plaintiffs' copyrighted
21 works in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

22 117. The infringement of Plaintiff's rights in and to each of the Plaintiff's
23 copyrighted works constituted a separate and distinct infringement.

24 118. The acts of infringement by Defendants have been willful, intentional,
25 purposeful and in reckless disregard of and with indifference to Plaintiff's rights.

26 119. As a direct and proximate result of the infringements by Defendants of
Plaintiff's copyrights and exclusive rights under copyright in the Plaintiff's copyrighted

1 works, Plaintiffs are entitled to actual damages and its profits pursuant to 17 U.S.C.
2 §504(b).

3 120. Alternatively, Plaintiff is entitled to maximum statutory damages, pursuant
4 to 17 U.S.C. § 504(c), in the amount of \$150,000 with respect to each work infringed, or
5 such other amounts as may be proper under 17 U.S.C. § 504(c).

6 121. Plaintiff is further entitled to their attorneys' fees and full costs pursuant to
7 17 U.S.C. § 505.

8 **FIFTH CAUSE OF ACTION**
9 **Trademark Infringement – 15 U.S.C. §§ 1111 et. seq.**
10 **Against All Defendants**

11 122. Plaintiff repeats, re-alleges, and incorporates by reference each and every
12 preceding allegation set forth herein.

13 123. By virtue of its trademark registrations, Plaintiff has the exclusive right to
14 use of the trademarks, trade dress and service marks enumerated in this Complaint in the
15 adult-oriented audio-visual markets, including Internet markets.

16 124. Defendants' use of Plaintiff's registered trademarks and service marks is in
17 a manner likely to cause consumer confusion, as alleged herein, constitutes trademark
18 infringement pursuant to 15 U.S.C. § 1114.

19 125. Defendants' infringement is intentional and willful, has caused and will
20 continue to cause damage to Plaintiff in an amount to be proven at trial, and is causing
21 irreparable harm to Plaintiff for which there is no adequate remedy at law, thus Plaintiff
22 are entitled to statutory and treble damages.

23 **SIXTH CAUSE OF ACTION**
24 **Contributory Trademark Infringement – 15 U.S.C. §§ 1111 et. seq.**
25 **Against All Defendants**

26 126. Plaintiff repeats, re-alleges, and incorporates by reference each and every
preceding allegation set forth herein.

1 127. By virtue of its trademark registrations, Plaintiff has the exclusive right to
2 use of the trademarks, trade dress and service marks enumerated in this Complaint in the
3 adult-oriented audio-visual markets, including Internet markets.

4 128. Defendants' actions that encouraged use of Plaintiff's registered trademarks
5 and service marks in manners likely to cause consumer confusion, as alleged herein,
6 constitutes trademark infringement pursuant to 15 U.S.C. § 1114.

7 129. Defendants' infringement is intentional and willful, has caused and will
8 continue to cause damage to Plaintiff in an amount to be proven at trial, and is causing
9 irreparable harm to Plaintiff for which there is no adequate remedy at law, thus Plaintiff
10 are entitled to statutory and treble damages.

11
12 **SEVENTH CAUSE OF ACTION**
13 **False Designation of Origin under the Lanham Act – 15 U.S.C. §§ 1125 *et. seq.***
14 **Against All Defendants**

15 130. Plaintiff repeats, re-alleges, and incorporates by reference each and every
16 preceding allegation set forth herein.

17 131. Upon information and belief, Defendants' conduct is likely to cause
18 confusion, mistake or deception as to Defendants' affiliations, connection, or association
19 with Plaintiff, or as to the origin, sponsorship or approval of their goods or commercial
20 activities.

21 132. Defendants' conduct as alleged herein, including but not necessarily limited
22 to their use of Plaintiff's marks, constitutes false designation of origin pursuant to 15
23 U.S.C. § 1125(a).

24 133. Plaintiff has been damaged by these acts in an amount to be proven at trial.
25 Plaintiff is also entitled under the Lanham Act to injunctive and equitable relief against
26 Defendants.

1 **JURY DEMAND**

2 134. Should this matter be set to trial, Plaintiff AMA hereby demands a trial by
3 jury for the matters asserted herein.

4
5 **PRAYER FOR RELIEF**

6 A. That Defendants, their agents, servants, officers, directors, employees,
7 attorneys, privies, representatives, successors and assigns and parent and subsidiary
8 corporations or other related entities, and any or all persons in act of concert or
9 participation with any of them, be preliminarily and permanently enjoined from:

10 (1) Any and all reproduction, adaptation, public display and/or
11 distribution of copies of the Plaintiff's copyrighted works by Defendants on any website,
12 including but not limited to www.Shooshtime.com and/or www.Shoosh.co;

13 (2) Permitting any user, including Defendants and its agents to upload
14 for reproduction, adaptation, public display and/or distribution of copies of the Plaintiffs'
15 copyrighted works by Defendants on any website, including but not limited to
16 www.Shooshtime.com and/or www.Shoosh.co; and

17 (3) Marketing or selling any product containing or utilizing Plaintiff's
18 intellectual property or business values.

19 B. That Defendants be ordered to transfer the domain www.Shooshtime.com
20 and/or www.Shoosh.co, and all similar domains held by Defendants found in discovery,
21 such as misspellings of the enumerated domains, domains held by Defendants linked to
22 www.Shooshtime.com and/or www.Shoosh.co, and the content therein to Plaintiff.

23 C. That Defendants be ordered to file with the Court and serve upon Plaintiff,
24 within thirty (30) after the entry of an injunction, a report in writing and under oath,
25 setting forth in detail the manner and form in which Defendants have complied with any
26 ordered injunction;

1 D. That Plaintiff be awarded damages in an amount to be determined at trial
2 for all infringing activities, including Plaintiff's damages and lost profits, Defendants'
3 profits, plus any costs incurred in preventing future confusion, mistake or deception, all
4 from the date of first infringement;

5 E. That Defendants pay Plaintiff a sum sufficient to cover the cost of
6 corrective advertising necessary to alleviate any existing or lingering confusion resulting
7 from Defendants' unauthorized use of Plaintiff's trade dress and terms;

8 F. That Defendants be ordered to account to Plaintiff for all profits, gains and
9 advantages which they have realized as a consequence of their unauthorized use of
10 Plaintiff's copyrighted works;

11 G. That Plaintiff be awarded enhanced damages and attorneys' fees;

12 H. That Plaintiff be awarded pre-judgment and post-judgment interest;

13 I. That Plaintiff be awarded its full amount of costs and expenses incurred in
14 prosecuting this action, including expert witness fees; and

15 J. That such other and further preliminary and permanent relief be awarded to
16 Plaintiff as the Court deems appropriate.

17 DATED this 11th day of November, 2015.

18 **MANOLIO & FIRESTONE, PLC**

19
20 By: /s/ Veronica L. Manolio
21 Veronica L. Manolio
22 9300 E. Raintree Drive, Suite 120
23 Scottsdale, Arizona 85260
24 *Attorneys for Plaintiff*
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