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X17, Inc.

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CLERK OF DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LAVANDEIRA

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7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10  
11 X17, INC., a California corporation,  
12 Plaintiffs,

Case No.

CV 06-07608 GAF

COMPLAINT FOR COPYRIGHT (JGx)  
INFRINGEMENT (17 U.S.C. § 501)

13 v.

14 MARIO LAVANDEIRA, dba Perez Hilton,  
and DOES 1 through 10, inclusive,  
15 Defendants.

16  
17 X17, INC. ("X17"), by and through its attorneys of record, complain against MARIO  
18 LAVANDEIRA, dba Perez Hilton ("LAVANDEIRA"), and DOES 1 through 10 ("DOES")  
19 (collectively "Defendants"), alleging as follows:

20 **JURISDICTION AND VENUE**

21 1. This is a civil action seeking damages and injunctive relief against Defendants  
22 LAVANDEIRA and DOES 1 through 10 for copyright infringement in violation of the  
23 United States Copyright Act, 17 U.S.C. §§ 101 *et seq.*

24 2. This Court has subject matter jurisdiction under the United States Copyright  
25 Act, 17 U.S.C. §§ 101 *et seq.*, and 28 U.S.C. § 1331 (federal question) and 28 U.S.C. §  
26 1338(a) (copyright).

27 3. Defendants are subject to the personal jurisdiction of this Court and venue is  
28 proper in this District under 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a) in that the acts of

ORIGINAL  
20/5  
20

1 infringement complained of herein occurred in this Judicial District and the Defendants  
2 reside, may be found and transact business in this Judicial District.

3 **PARTIES**

4 4. Plaintiff X17 is a California corporation with a principal place of business in  
5 Pacific Palisades, California.

6 5. Plaintiff is informed and believes and, upon such, alleges that Defendant  
7 Lavandeira is an individual residing in California and doing business under the name Perez  
8 Hilton as the sole owner and operator of the Internet website located at  
9 <http://www.perezhilton.com>.

10 6. The true names or capacities, whether individual, corporate or otherwise, of  
11 the Defendants named herein as DOES 1 through 10, inclusive, are unknown to Plaintiff,  
12 who therefore sue said Defendants by such fictitious names. Plaintiff will ask leave of  
13 Court to amend this Complaint and insert the true names and capacities of said Defendants  
14 when the same have been ascertained.

15 7. Plaintiff is informed and believes and, upon such, alleges that each of the  
16 Defendants designated herein as a "DOE" is legally responsible in some manner for the  
17 events and happenings herein alleged, and that Plaintiffs' damages as alleged herein were  
18 proximately caused by such Defendants.

19 **FACTS**

20 8. Since 2001, Plaintiff has owned and operated one of the world's leading  
21 archives of celebrity-related photographs and has held all intellectual property rights,  
22 including copyrights, thereto.

23 9. For valuable consideration, X17 has licensed the rights to reproduce its  
24 copyrighted works in copies, distribute copies of its copyrighted works, and publicly  
25 display copies of its copyrighted works, or derivative versions thereof, to hundreds of  
26 magazines, newspapers, television stations and other prominent media outlets throughout  
27 the world.

1 10. X17 is particularly renowned for its timely photographs covering breaking  
2 news events and its images of leading stories of the day. Media outlets seeking to scoop  
3 the competition and provide their viewers with the most vivid visual depictions of  
4 celebrity-related news stories consistently rely on licensing arrangements with X17 for the  
5 use of X17's copyrighted photographs.

6 11. Plaintiff is informed and believes and, upon such, alleges that, under the name  
7 "Perez Hilton," the self-styled "queen of all media," Defendant Lavandeira owns and  
8 operates a commercial Web log, or "blog," located at <http://www.perezhilton.com> that  
9 provides a series of journal-like entries featuring celebrity gossip written and composed by  
10 Lavandeira, receives approximately 2.5 million viewers per day and generates thousands of  
11 dollars per day in advertising revenue from its web traffic.

12 12. Plaintiff is informed and believes and, upon such, alleges that Defendant  
13 Lavandeira generates significant revenue the Perez Hilton website through advertising

14 13. Plaintiff is informed and believes and, upon such, alleges that, on or about  
15 March 23, 2006, Lavandeira posted on his website two photographs of pregnant actress  
16 Katie Holmes, one by herself and one with actor Tom Cruise. Both of these photographs  
17 were virtually identical reproductions of the copyrighted works of X17. Lavandeira  
18 thereby reproduced X17's copyrighted works in copies, distributed copies of the  
19 copyrighted works, and publicly displayed copies of the copyrighted works, or derivative  
20 versions thereof, in violation of the exclusive rights under 17 U.S.C. § 106 that X17 holds  
21 in the photographs.

22 14. Plaintiff is informed and believes and, upon such, alleges that, on or about  
23 April 26, 2006, Lavandeira posted on his website a photograph of singer Britney Spears  
24 wearing a cap. The photograph was a virtually identical reproduction of the copyrighted  
25 work of X17. Lavandeira thereby reproduced X17's copyrighted works in copies,  
26 distributed copies of the copyrighted works, and publicly displayed copies of the  
27 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
28 17 U.S.C. § 106 that X17 holds in the photograph.

1 15. Plaintiff is informed and believes and, upon such, alleges that, on or about  
2 April 26, 2006, Lavandeira posted on his website four photographs of singer Jessica  
3 Simpson shopping. All four of these photographs were virtually identical reproductions of  
4 the copyrighted works of X17. Lavandeira thereby reproduced X17's copyrighted works in  
5 copies, distributed copies of the copyrighted works, and publicly displayed copies of the  
6 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
7 17 U.S.C. § 106 that X17 holds in the photographs.

8 16. Plaintiff is informed and believes and, upon such, alleges that, on or about  
9 May 1, 2006, Lavandeira posted on his website a photograph of actress Heather Locklear  
10 leaving a lunch meeting. The photograph was a virtually identical reproduction of the  
11 copyrighted work of X17. Lavandeira thereby reproduced X17's copyrighted works in  
12 copies, distributed copies of the copyrighted works, and publicly displayed copies of the  
13 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
14 17 U.S.C. § 106 that X17 holds in the photograph.

15 17. Plaintiff is informed and believes and, upon such, alleges that, on or about  
16 May 3, 2006, Lavandeira posted on his website two photographs of the former husband of  
17 Britney Spears, Kevin Federline, with cornrows. Both of these photographs were virtually  
18 identical reproductions of the copyrighted works of X17. Lavandeira thereby reproduced  
19 X17's copyrighted works in copies, distributed copies of the copyrighted works, and  
20 publicly displayed copies of the copyrighted works, or derivative versions thereof, in  
21 violation of the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photographs.

22 18. Plaintiff is informed and believes and, upon such, alleges that, on or about  
23 May 16, 2006, Lavandeira posted on his website a photograph of singer Britney Spears  
24 driving with her son Sean. The photograph was a virtually identical reproduction of the  
25 copyrighted work of X17. Lavandeira thereby reproduced X17's copyrighted works in  
26 copies, distributed copies of the copyrighted works, and publicly displayed copies of the  
27 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
28 17 U.S.C. § 106 that X17 holds in the photograph.

1 19. Plaintiff is informed and believes and, upon such, alleges that, on or about  
2 May 31, 2006, Lavandeira posted on his website two photographs of Britney Spears, her  
3 child and "manny" on a stroll. Both of these photographs were virtually identical  
4 reproductions of the copyrighted works of X17. Lavandeira thereby reproduced X17's  
5 copyrighted works in copies, distributed copies of the copyrighted works, and publicly  
6 displayed copies of the copyrighted works, or derivative versions thereof, in violation of  
7 the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photographs.

8 20. Plaintiff is informed and believes and, upon such, alleges that, on or about  
9 June 1, 2006, Lavandeira posted on his website a photograph of actor Tom Cruise and  
10 actress Katie Holmes heading to a party. The photograph was a virtually identical  
11 reproduction of the copyrighted work of X17. Lavandeira thereby reproduced X17's  
12 copyrighted works in copies, distributed copies of the copyrighted works, and publicly  
13 displayed copies of the copyrighted works, or derivative versions thereof, in violation of  
14 the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photograph.

15 21. Plaintiff is informed and believes and, upon such, alleges that, on or about  
16 October 16, 2006, Lavandeira posted on his website seven photographs of "newly slim"  
17 singer Britney Spears. All seven of these photographs were virtually identical  
18 reproductions of the copyrighted works of X17. Lavandeira thereby reproduced X17's  
19 copyrighted works in copies, distributed copies of the copyrighted works, and publicly  
20 displayed copies of the copyrighted works, or derivative versions thereof, in violation of  
21 the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photographs.

22 22. Plaintiff is informed and believes and, upon such, alleges that, on or about  
23 October 19, 2006, Lavandeira posted on his website two photographs of actress Katie  
24 Homes. Both of these photographs were virtually identical reproductions of the  
25 copyrighted works of X17. Lavandeira thereby reproduced X17's copyrighted works in  
26 copies, distributed copies of the copyrighted works, and publicly displayed copies of the  
27 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
28 17 U.S.C. § 106 that X17 holds in the photographs.

1           23. Plaintiff is informed and believes and, upon such, alleges that, on or about  
2 October 20, 2006, Lavandeira posted on his website a photograph of the former husband of  
3 Britney Spears, Kevin Federline, with cornrows. This photograph was a virtually identical  
4 reproduction of the copyrighted works of X17. Lavandeira thereby reproduced X17's  
5 copyrighted works in copies, distributed copies of the copyrighted works, and publicly  
6 displayed copies of the copyrighted works, or derivative versions thereof, in violation of  
7 the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photograph.

8           24. Plaintiff is informed and believes and, upon such, alleges that, on or about  
9 October 24, 2006, Lavandeira posted on his website four photographs of actress Mischa  
10 Barton in a green dress. All four of these photographs were virtually identical  
11 reproductions of the copyrighted works of X17. Lavandeira thereby reproduced X17's  
12 copyrighted works in copies, distributed copies of the copyrighted works, and publicly  
13 displayed copies of the copyrighted works, or derivative versions thereof, in violation of  
14 the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photographs.

15           25. Plaintiff is informed and believes and, upon such, alleges that, on or about  
16 October 26, 2006, Lavandeira posted on his website a photograph of actress Nicole Kidman  
17 carrying her nephew. The photograph was a virtually identical reproduction of the  
18 copyrighted work of X17. Lavandeira thereby reproduced X17's copyrighted works in  
19 copies, distributed copies of the copyrighted works, and publicly displayed copies of the  
20 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
21 17 U.S.C. § 106 that X17 holds in the photograph.

22           26. Plaintiff is informed and believes and, upon such, alleges that, on or about  
23 November 1, 2006, Lavandeira posted on this website three photographs of singer Christina  
24 Aguilera and her husband dressed up for Halloween. The photographs were virtually  
25 identical reproductions of the copyrighted work of X17. Lavandeira thereby reproduced  
26 X17's copyrighted works in copies, distributed copies of the copyrighted works, and  
27 publicly displayed copies of the copyrighted works, or derivative versions thereof, in  
28 violation of the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photographs.

1 27. Plaintiff is informed and believes and, upon such, alleges that, on or about  
2 November 8, 2006, Lavandeira posted on this website photograph of actor Ryan Phillippe  
3 rummaging through his wallet outside a club. The photograph was a virtually identical  
4 reproduction of the copyrighted work of X17. Lavandeira thereby reproduced X17's  
5 copyrighted works in copies, distributed copies of the copyrighted works, and publicly  
6 displayed copies of the copyrighted works, or derivative versions thereof, in violation of  
7 the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photograph.

8 28. Plaintiff is informed and believes and, upon such, alleges that, on or about  
9 November 10, 2006, Lavandeira posted on this website photograph of actress Cameron  
10 Diaz in a beige sweater out golfing. The photograph was a virtually identical reproduction  
11 of the copyrighted work of X17. Lavandeira thereby reproduced X17's copyrighted works  
12 in copies, distributed copies of the copyrighted works, and publicly displayed copies of the  
13 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
14 17 U.S.C. § 106 that X17 holds in the photograph.

15 29. Plaintiff is informed and believes and, upon such, alleges that, on or about  
16 November 12, 2006, Lavandeira posted on this website two photographs of actress Jennifer  
17 Aniston shopping. The photographs were virtually identical reproductions of the  
18 copyrighted work of X17. Lavandeira thereby reproduced X17's copyrighted works in  
19 copies, distributed copies of the copyrighted works, and publicly displayed copies of the  
20 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
21 17 U.S.C. § 106 that X17 holds in the photographs.

22 30. Plaintiff is informed and believes and, upon such, alleges that, on or about  
23 November 12, 2006, Lavandeira posted on this website a photograph of actor Tom Cruise  
24 and actress Katie Holmes at a sporting event. The photograph was a virtually identical  
25 reproduction of the copyrighted work of X17. Lavandeira thereby reproduced X17's  
26 copyrighted works in copies, distributed copies of the copyrighted works, and publicly  
27 displayed copies of the copyrighted works, or derivative versions thereof, in violation of  
28 the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photograph.

1           31. Plaintiff is informed and believes and, upon such, alleges that, on or about  
2 November 15, 2006, Lavandeira posted on this website a photograph of the former husband  
3 of Britney Spears, Kevin Federline, pumping gas. The photograph was a virtually identical  
4 reproduction of the copyrighted work of X17. Lavandeira thereby reproduced X17's  
5 copyrighted works in copies, distributed copies of the copyrighted works, and publicly  
6 displayed copies of the copyrighted works, or derivative versions thereof, in violation of  
7 the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photograph.

8           32. Plaintiff is informed and believes and, upon such, alleges that, on or about  
9 November 15, 2006, Lavandeira posted on this website two photographs of singer Jessica  
10 Simpson shopping. The photographs were virtually identical reproductions of the  
11 copyrighted work of X17. Lavandeira thereby reproduced X17's copyrighted works in  
12 copies, distributed copies of the copyrighted works, and publicly displayed copies of the  
13 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
14 17 U.S.C. § 106 that X17 holds in the photographs.

15           33. Plaintiff is informed and believes and, upon such, alleges that, on or about  
16 November 24, 2006, Lavandeira posted on his website two photographs of singer Britney  
17 Spears in a leopard-print dress partying with Paris Hilton. The photographs were virtually  
18 identical reproductions of the copyrighted work of X17. Lavandeira thereby reproduced  
19 X17's copyrighted works in copies, distributed copies of the copyrighted works, and  
20 publicly displayed copies of the copyrighted works, or derivative versions thereof, in  
21 violation of the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photographs.

22           34. Plaintiff is informed and believes and, upon such, alleges that, on or about  
23 November 26, 2006, Lavandeira posted on his website two photographs of singer Britney  
24 Spears in a green dress and Paris Hilton in a red dress. The photographs were virtually  
25 identical reproductions of the copyrighted work of X17. Lavandeira thereby reproduced  
26 X17's copyrighted works in copies, distributed copies of the copyrighted works, and  
27 publicly displayed copies of the copyrighted works, or derivative versions thereof, in  
28 violation of the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photographs.

1           35. Plaintiff is informed and believes and, upon such, alleges that, on or about  
2 November 27, 2006, Lavandeira posted on this website a photograph of singer Britney  
3 Spears leaving a bathroom. The photograph was a virtually identical reproduction of the  
4 copyrighted work of X17. Lavandeira thereby reproduced X17's copyrighted works in  
5 copies, distributed copies of the copyrighted works, and publicly displayed copies of the  
6 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
7 17 U.S.C. § 106 that X17 holds in the photograph.

8           36. Plaintiff is informed and believes and, upon such, alleges that, on or about  
9 November 27, 2006, Lavandeira posted on this website two photographs of actress Nicole  
10 Richie dressed in stripes. The photographs were a virtually identical reproduction of the  
11 copyrighted work of X17. Lavandeira thereby reproduced X17's copyrighted works in  
12 copies, distributed copies of the copyrighted works, and publicly displayed copies of the  
13 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
14 17 U.S.C. § 106 that X17 holds in the photographs.

15           37. Plaintiff is informed and believes and, upon such, alleges that, on or about  
16 November 27, 2006, Lavandeira posted on this website a photograph of singer Britney  
17 Spears exposing herself (again). The photograph was a virtually identical reproduction of  
18 the copyrighted work of X17. Lavandeira thereby reproduced X17's copyrighted works in  
19 copies, distributed copies of the copyrighted works, and publicly displayed copies of the  
20 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
21 17 U.S.C. § 106 that X17 holds in the photograph.

22           38. Plaintiff is informed and believes and, upon such, alleges that, on or about  
23 November 27, 2006, Lavandeira posted on this website a photograph of singer Britney  
24 Spears and actresses Paris Hilton and Lindsay Lohan in a car together. The photograph  
25 was a virtually identical reproduction of the copyrighted work of X17. Lavandeira thereby  
26 reproduced X17's copyrighted works in copies, distributed copies of the copyrighted  
27 works, and publicly displayed copies of the copyrighted works, or derivative versions  
28

1 thereof, in violation of the exclusive rights under 17 U.S.C. § 106 that X17 holds in the  
2 photograph.

3 39. Plaintiff is informed and believes and, upon such, alleges that, on or about  
4 November 27, 2006, Lavandeira posted on this website a photograph of actress Britney  
5 Spears exposing her derriere. The photograph was a virtually identical reproduction of the  
6 copyrighted work of X17. Lavandeira thereby reproduced X17's copyrighted works in  
7 copies, distributed copies of the copyrighted works, and publicly displayed copies of the  
8 copyrighted works, or derivative versions thereof, in violation of the exclusive rights under  
9 17 U.S.C. § 106 that X17 holds in the photograph.

10 40. Plaintiff is informed and believes and, upon such, alleges that, on or about  
11 November 27, 2006, Lavandeira posted on this website a photograph of singer Britney  
12 Spears and actress Paris Hilton walking together. The photograph was a virtually identical  
13 reproduction of the copyrighted work of X17. Lavandeira thereby reproduced X17's  
14 copyrighted works in copies, distributed copies of the copyrighted works, and publicly  
15 displayed copies of the copyrighted works, or derivative versions thereof, in violation of  
16 the exclusive rights under 17 U.S.C. § 106 that X17 holds in the photograph.

17 41. Defendant Lavandeira has received myriad warnings regarding X17's  
18 intellectual property rights and his willful, wanton and brazen infringement of these rights,  
19 yet he has chosen to knowingly ignore these warnings and continues to regularly and  
20 egregiously infringe X17's rights in its copyrighted photographs on an on-going basis.

21 42. All told, Defendant Lavadeira has engaged in at least 51 acts of willful  
22 copyright infringement (and, upon information and belief, subject to discovery, likely  
23 hundreds, if not thousands, of more acts of willful infringement), each potentially subject to  
24 maximum statutory damages penalty of up to \$150,000 per act of infringement, resulting in  
25 a claim of at least \$7,650,000.00 in statutory damages against him.

26 43. For an unknown period of time, and, in many cases to this very day,  
27 Defendant Lavandeira has offered and continues to offer copies of X17's Copyrighted  
28 Photographs, thereby reproducing X17's copyrighted works in copies, distributing copies

1 of the copyrighted works, and publicly displaying copies of the copyrighted works, or  
2 derivative versions thereof, in violation of the exclusive rights under 17 U.S.C. § 106 that  
3 X17 holds in the Copyrighted Photographs

4 44. It is unknown how long these alleged violations have been occurring.  
5 However, violations of X17's exclusive rights under 17 U.S.C. § 106 by defendants appear  
6 to be on-going, widespread, and in willful, wanton and brazen disregard of X17's legal  
7 rights.

8 **FIRST CLAIM FOR RELIEF**

9 **(Copyright Infringement, 17 U.S.C. § 501 against all defendants)**

10 45. Plaintiff X17 incorporates here by reference the allegations in paragraphs 1  
11 through 44 above.

12 46. Plaintiff X17 is the owner of all rights, title and interest in the copyrights to  
13 each and every one of the photographic works identified in Exhibit A (the "Copyrighted  
14 Photographs") attached hereto.

15 47. Each and every one of the Copyrighted Photographs identified in Exhibit A  
16 substantially consist of material wholly original with Plaintiff and are copyright subject  
17 matter under the laws of the United States.

18 48. For each and every one of the Copyrighted Photographs, Plaintiff X17 has  
19 complied in all respects with the Copyright Act and all of the laws of the United States  
20 governing copyrights. Moreover, each and every one of the Copyrighted Photographs has  
21 been registered with the United States Copyright Office.

22 49. Defendants have directly, vicariously, and/or contributorily infringed and/or  
23 induced infringement, and unless enjoined, will continue to infringe X17's copyrights by  
24 reproducing, displaying, distributing and utilizing for purposes of trade unauthorized  
25 derivative versions of the Copyrighted Photographs and the copyrighted elements therein in  
26 violation of 17 U.S.C. § 501 *et seq.*

27 50. Defendants have willfully and intentionally infringed, in disregard of and with  
28 indifference to the rights of X17, and unless enjoined, will continue to infringe X17's

1 copyrights by knowingly reproducing, displaying, distributing and utilizing for purposes of  
2 trade and promotion unauthorized derivative versions of the Copyrighted Photographs and  
3 the copyrighted elements therein.

4 51. Defendants have received substantial benefits in connection with the  
5 unauthorized reproduction, display, distribution and utilization for purposes of trade and  
6 promotion of derivative versions of the Copyrighted Photographs and the copyrighted  
7 elements therein.

8 52. All of the Defendants' acts are and were performed without the permission,  
9 license or consent of X17.

10 53. The said wrongful acts of Defendants have caused, and are causing, great  
11 injury to X17, which damage cannot be accurately computed, and unless this Court  
12 restrains Defendants from further commission of said acts, X17 will suffer irreparable  
13 injury, for all of which it is without an adequate remedy at law. According, X17 seeks a  
14 declaration that Defendants are infringing X17's copyrights and an order under 17 U.S.C. §  
15 502 enjoining Defendants from any further infringement of X17's copyrights.

16 54. As a result of the acts of Defendants alleged herein, X17 has suffered and is  
17 suffering substantial damage to its business in the form of diversion of trade, loss of profits,  
18 injury to goodwill and reputation, and the dilution of the value of its rights, all of which are  
19 not yet fully ascertainable.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiffs requests judgment against Defendants as follows:

22 1. For the entry of an injunction providing that the Defendants, their officers,  
23 agents, servants, employees, representatives, and attorneys, and all person in active concert  
24 or participation with them, be permanently enjoined from designing, copying, reproducing,  
25 displaying, promoting, advertising, distributing, or selling, or any other form of dealing or  
26 transaction in, any and all advertising and promotional materials, print media, signs,  
27 Internet web sites, or any other media, either now known or hereafter devised, bearing any  
28 design or mark which infringe, contributorily infringe, or vicariously infringe upon Plaintiff

1 X17's rights in the Copyrighted Photographs or any other copyrighted work of X17,  
2 whether now in existence or later created.

3 2. For the entry of a seizure order directing the U.S. Marshall to seize and  
4 impound all items possessed, owned or under the control of Defendants, their officers,  
5 agents, servants, employees, representatives and attorneys, and all persons in active concert  
6 or participation with them, which infringe upon Plaintiff X17's copyrights, including but  
7 not limited to any and all broadcasting materials, advertising materials, print media, signs,  
8 Internet web sites, domain names, computer hard drives, servers or any other media, either  
9 now known or hereafter devised, bearing any design or mark which infringe, contributorily  
10 infringe, or vicariously infringe upon Plaintiff X17's copyrights in the Copyrighted  
11 Photographs as well as all business records related thereto, including, but not limited to,  
12 lists of advertisers, clients, customers, viewers, distributors, invoices, catalogs, and the like.

13 3. For actual damages for copyright infringement pursuant to 17 U.S.C. §§ 504  
14 (a)(1) & (b).

15 4. For an accounting of all profits, income, receipts or other benefit derived by  
16 Defendants from the reproduction, copying, display, promotion, distribution or sale of  
17 products and services, or other media, either now known or hereafter devised, that  
18 improperly or unlawfully infringe upon Plaintiffs' copyrights pursuant to 17 U.S.C. §§ 504  
19 (a)(1) & (b).

20 5. For a disgorgement by Defendants to Plaintiff of all profits derived by  
21 Defendants from their acts of copyright infringement and to reimburse Plaintiff X17 for all  
22 damages suffered by Plaintiffs by reasons of Defendants' acts, pursuant to 17 U.S.C. §§  
23 504 (a)(1) & (b).

24 6. For statutory damages for each and every act of copyright infringement,  
25 including willful infringement, in accordance with 17 U.S.C. §§ 504(a)(2) & (c).

26 7. For costs and interest pursuant to 17 U.S.C. § 505.

27 8. For reasonable attorneys' fees incurred herein pursuant to 17 U.S.C. § 505.  
28

1           9.     For any such other and further relief as the Court may deem just and  
2 appropriate.

3  
4 Dated: November 29<sup>th</sup>, 2006

**TURNER GREEN AFRASIABI & ARLEDGE LLP**

5  
6 By:   
7           John Tehranian  
8           Attorneys for Plaintiff, X17, Inc.



TMZ.com

Exhibit A

<u>Photograph</u>	<u>Date Infringed</u>
Pregnant Katie Holmes	3/23/06
Pregnant Katie Homes with Tom Cruise	3/23/06
Britney Spears in Cap	4/26/06
Jessica Simpson Shopping #1	4/26/06
Jessica Simpson Shopping #2	4/26/06
Jessica Simpson Shopping #3	4/26/06
Jessica Simpson Shopping #4	4/26/06
Heather Locklear Leaving Lunch	5/1/06
Kevin Federline with Cornrows #1	5/3/06
Kevin Federline with Cornrows #2	5/3/06
Britney Spears Driving with Son Sean	5/16/06
Britney Spears, Child and Manny on a Stroll #1	5/31/06
Britney Spears, Child and Manny on a Stroll #2	5/31/06
Tom Cruise and Katie Homes Heading to a Party	6/1/06
The New Slim Britney Spears #1	10/16/06
The New Slim Britney Spears #2	10/16/06
The New Slim Britney Spears #3	10/16/06
The New Slim Britney Spears #4	10/16/06
The New Slim Britney Spears #5	10/16/06
The New Slim Britney Spears #6	10/16/06
The New Slim Britney Spears #7	10/16/06
Katie Holmes in Black #1	10/19/06
Katie Holmes in Black #2	10/19/06
Kevin Federline with Cornrows #1	10/20/06
Mischa Barton in Green Dress #1	10/24/06
Mischa Barton in Green Dress #2	10/24/06
Mischa Barton in Green Dress #3	10/24/06
Mischa Barton in Green Dress #4	10/24/06
Nicole Kidman Carrying Nephew	10/26/06
Christina Aguilera and Husband Dressed up for Halloween #1	11/1/06
Christina Aguilera and Husband Dressed up for Halloween #2	11/1/06
Christina Aguilera and Husband Dressed up for Halloween #3	11/1/06
Ryan Phillippe Rummages Through Wallet Outside a Club	11/8/06
Cameron Diaz in Beige Sweater out Golfing	11/10/06
Jennifer Aniston Shopping #1	11/12/06
Jennifer Aniston Shopping #2	11/12/06
Tom Cruise and Katie Holmes at Sporting Event	11/12/06
Kevin Federline Pumping Gas	11/15/06

Jessica Simpson Shopping in November #1	11/15/06
Jessica Simpson Shopping in November #2	11/15/06
Britney Spears in Leopard-Print Dress with Paris Hilton #1	11/24/06
Britney Spears in Leopard-Print Dress with Paris Hilton #2	11/24/06
Britney Spears in Green Dress with Paris Hilton in Red Dress #1	11/26/06
Britney Spears in Green Dress with Paris Hilton in Red Dress #2	11/26/06
Britney Spears Leaving the Bathroom	11/27/06
Nicole Richie in Stripes #1	11/27/06
Nicole Richie in Stripes #2	11/27/06
Britney Exposes Herself (Again)	11/27/06
Britney Spears, Paris Hilton and Lindsay Lohan in a Car	11/27/06
Britney Spears Exposes Her Derriere	11/27/06
Britney Spears and Paris Hilton Walking Together	11/27/06

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