



Mr. Jan van Voorn
Executive Vice President & Chief of Global
Content Protection
Motion Picture Association, Inc.,
On Behalf of the Alliance for Creativity and
Entertainment

15301 Ventura Blvd., Building E
Sherman Oaks, CA 91403

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Email: Jan_vanVoorn@motionpictures.org

VIA E-MAIL

Shawn Marshall Crim
118 W Oates Ave.
Winchester, VA 22601

July 17, 2020

RE: Notice of Infringement of Copyright in Works Owned by the ACE Members

Dear Mr. Crim,

I am writing on behalf of the Alliance for Creativity and Entertainment ("ACE").

ACE is a global coalition of leading content creators and on-demand entertainment services committed to supporting the legal marketplace for video content and addressing the challenge of online piracy. ACE includes some of the world's largest and most respected motion picture and television rights owners including, among many others, Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Universal City Studios LLC, Walt Disney Studios Motion Pictures, Warner Bros. Entertainment Inc., Amazon Content Services LLC and Netflix Studios, LLC (together, the "ACE Members").

ACE is organized for the purpose of preventing and mitigating online theft of copyrighted films and television programs, and undertakes initiatives to identify and take action against piracy threats to create an online environment in which copyrighted film and television content is more secure and online content theft can be addressed more effectively and efficiently.

The ACE Members, whether themselves or through subsidiaries and affiliates, own or are the exclusive licensees of copyrights in a vast library of motion pictures and television programs (the "Copyrighted Works").

We are writing to demand that you take immediate steps to address the extensive copyright infringement of television programs and motion pictures that is occurring by virtue of your operation of certain



software, applications and/or services, including, but not limited to, the Cyberflix TV application (available for download at cyberflix.tv, cyberflix.me, cybermedia.cloud, and cybercloud.media), and supporting and/or related software or services, and potentially other infringing add-ons or services (all, together, "Infringing Service"). The Infringing Service effectively provides (or previously provided) access to a vast library of infringing content to users, including the Copyrighted Works.

ACE will be reporting Cyberflix TV's abuse of APIs to The Movie Database and other API providers.

Under U.S. copyright law, indexing, linking to, framing, transmitting, retransmitting, providing access to, and/or otherwise aiding or assisting those who reproduce, distribute or stream infringing copies of copyrighted audiovisual works constitutes secondary copyright infringement. *See Metro-Goldwyn-Mayer Studios, Inc. v. Grokster Ltd.*, 545 U.S. 913, 940 n.13 (2005) ("the distribution of a product can itself give rise to liability where evidence shows that the distributor intended and encouraged the product to be used to infringe"); *Columbia Pictures Indus., Inc. v. Fung*, 710 F.3d 1020 (9th Cir. 2013) (defendants liable for infringement where they operated a website that provided an index of and links to copies of plaintiffs' works); *Universal City Studios Productions LLLP, et al. v. TickBox TV LLC*, Case No. CV 17-7496-MWF (ASx) (C.D. Cal. Jan. 30, 2018) (granting preliminary injunction of infringement against seller of hardware devices pre-loaded with infringing software).

It makes no difference whether the content available through the Infringing Service is hosted by you or links to infringing content. *See Fung*, 710 F.3d 1020 (defendants did not store any infringing content on their website but were nevertheless subject to liability for indexing and providing links to infringing content). Your copyright infringement can subject you to liability for substantial damages, along with attorneys' fees, costs, and a permanent injunction. *See, e.g., Universal City Studios Prods. LLLP v. Movierumor.com*, Case No. CV 08-4931 (C.D. Cal. Jun. 18, 2009) (approving request for statutory damages against the website operator in the amount of \$150,000 per infringed work).

Attached as Exhibit A is a list of some of the motion pictures and television programs that are owned or controlled by the ACE Members and that are being infringed by your Infringing Service. Exhibit A is provided as a representative sample of the infringements being committed as a result of your operation of the Infringing Service and to demonstrate the readily-apparent nature of the massive infringement occurring thereon. The list is not intended to suggest that the identified infringements are the only ones occurring or are the only ones that you must immediately and permanently remove.

Exhibit A, moreover, merely provides concrete examples of what is obvious from even a cursory review of the Infringing Service. Your Infringing Service promotes and facilitates blatant infringement of the ACE Members' copyrights and countless other copyrights. Indeed, copyright infringement on the service is so prevalent it appears to be the predominant use of the Infringing Service. Either you have actual knowledge of the infringement or you are turning a blind-eye to the obvious.



Having been informed of the nature and scope of infringements occurring via the Infringing Service, we hereby demand that you immediately:

- i. take all necessary steps to **disable the Infringing Service**;
- ii. remove the Infringing Service from any domain, online store, or repository from which it is available for download;
- iii. transfer the domains cyberflixtv.co, cybermedia.cloud, cybercloud.media, and any other domains related to Cyberflix TV (such as cyberflix.me) within your control to ACE;
- iv. cease and desist from directly or indirectly operating the Infringing Service or any other build, add-on, website, software or service in a manner that enables, facilitates, authorizes, aids, abets, induces and/or encourages users to access unauthorized copies of the Copyrighted Works in any manner whatsoever; and
- v. to the extent that you or your agents are directly or indirectly involved in
 - a. transmitting, streaming, or otherwise publicly performing, communicating to the public or making available to the public unauthorized copies of the Copyrighted Works without the authorization of the ACE Members, or
 - b. uploading unauthorized copies of the Copyrighted Works onto any website,


we demand that you immediately and permanently cease and desist from such activities and cooperate fully to end such activities.

We are providing this notice based on our good faith belief that the use of motion pictures and television programs owned by the ACE Members in the manner occurring via the Infringing Service is not authorized by the copyright owners, their agents, or the law. The information in this notification is accurate and, under penalty of perjury, we are authorized to act on behalf of the ACE Members, which own or control exclusive rights under copyright that are being infringed in the manner described herein. This letter is without prejudice to the rights and remedies of the ACE Members, all of which are expressly reserved.

If you would like to discuss a resolution of this matter, or if you have any questions, please contact me at (818) 995-6600, or via email at Jan_vanVoorn@motionpictures.org.



Very truly yours,

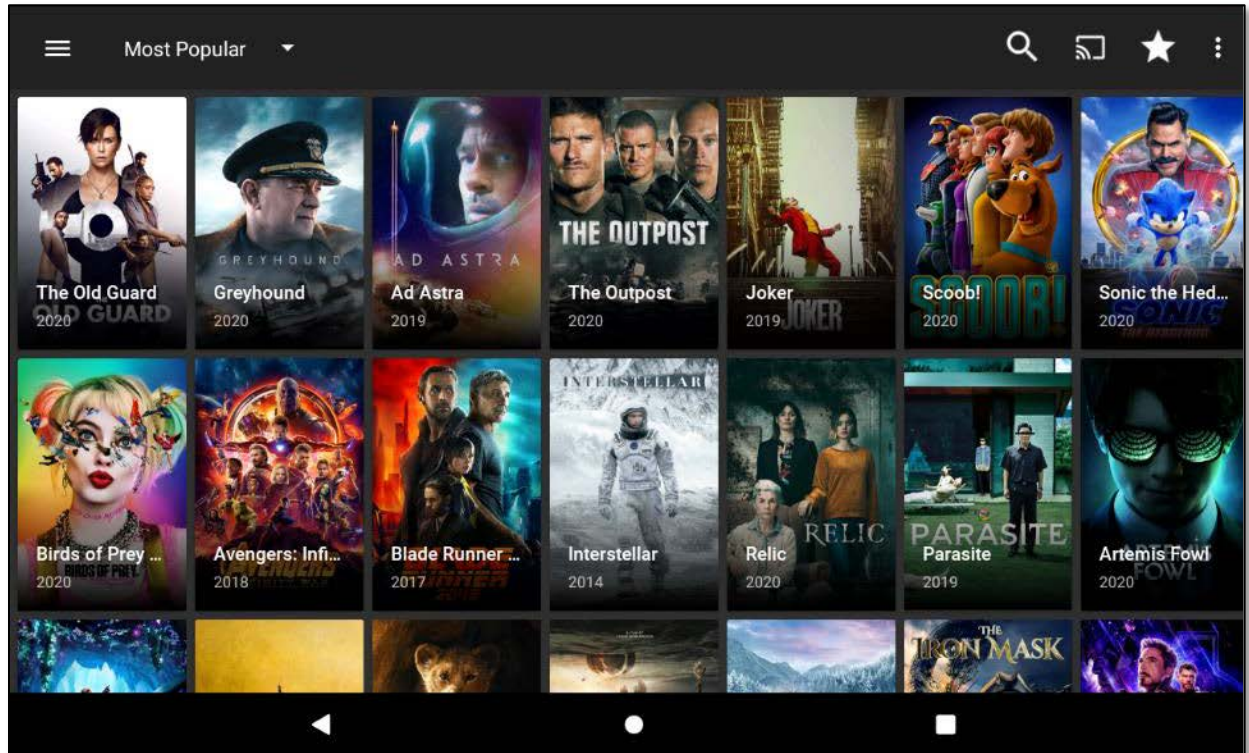


Jan van Voorn

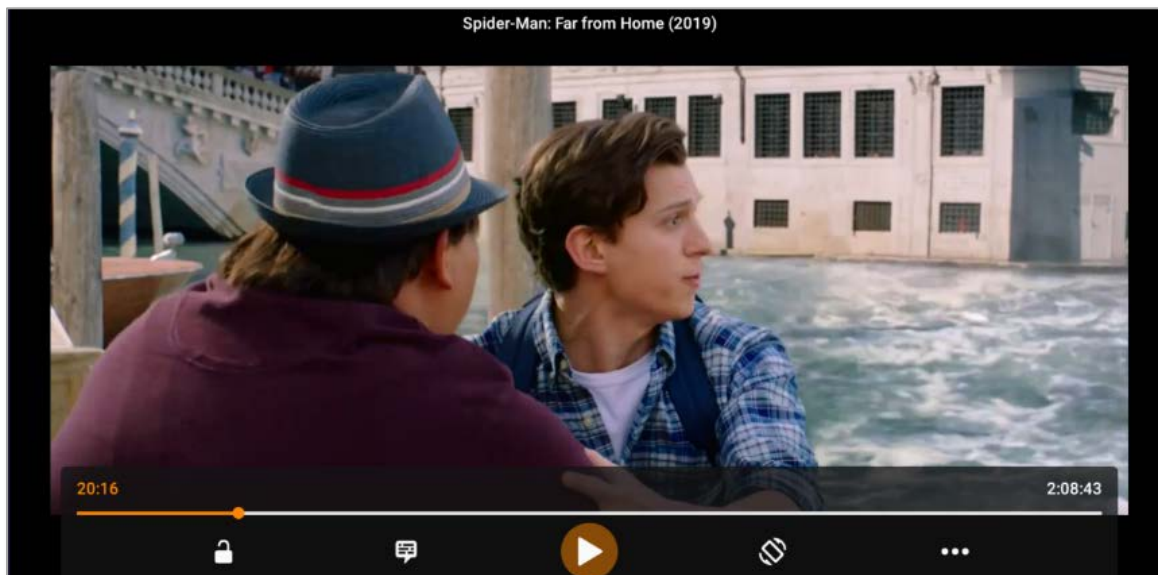
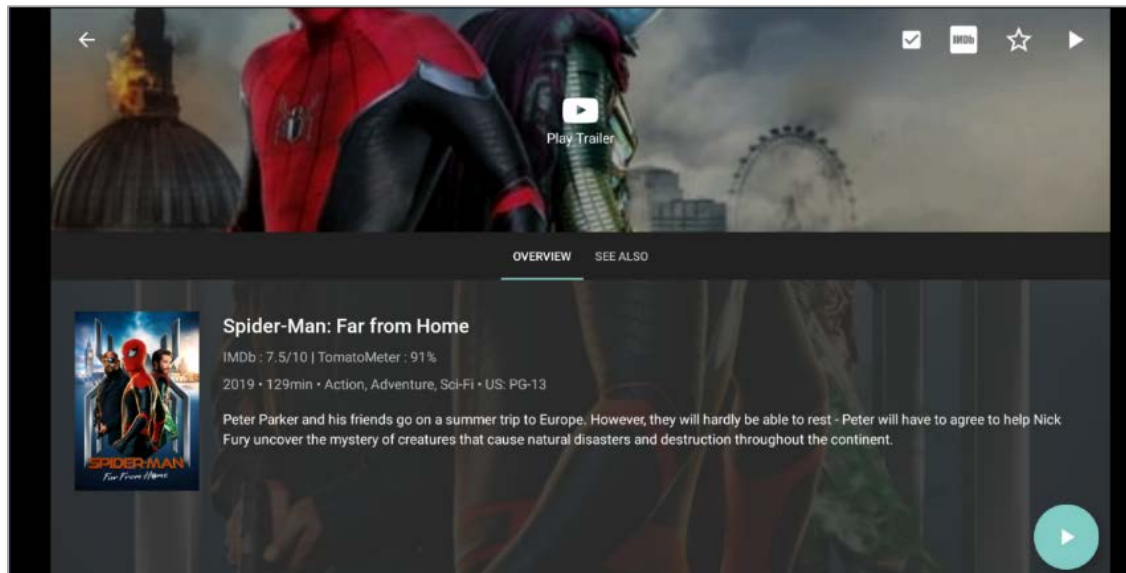
Attachment and Enclosure

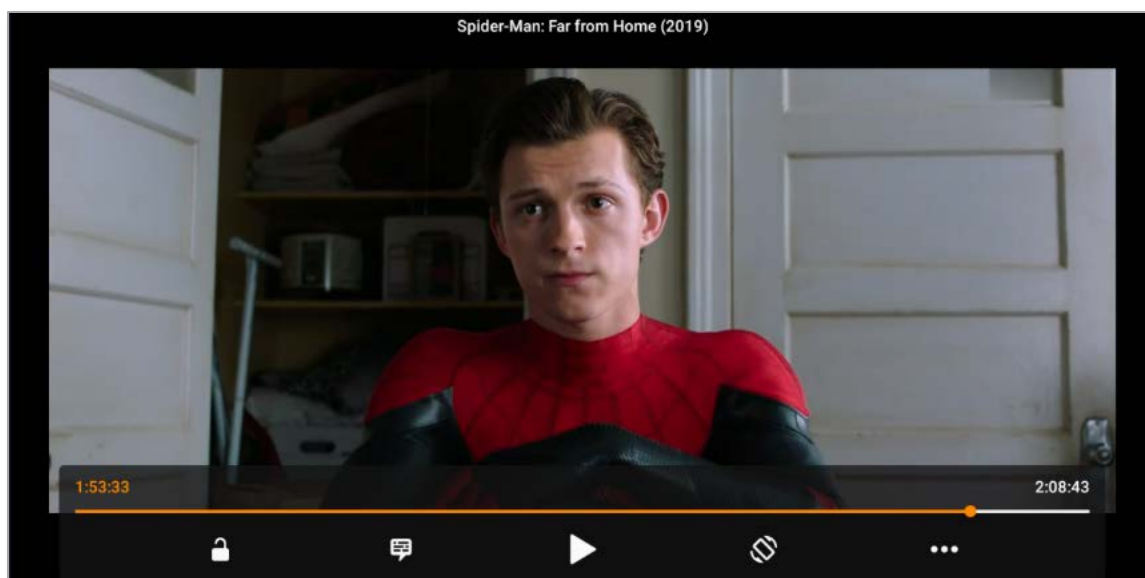
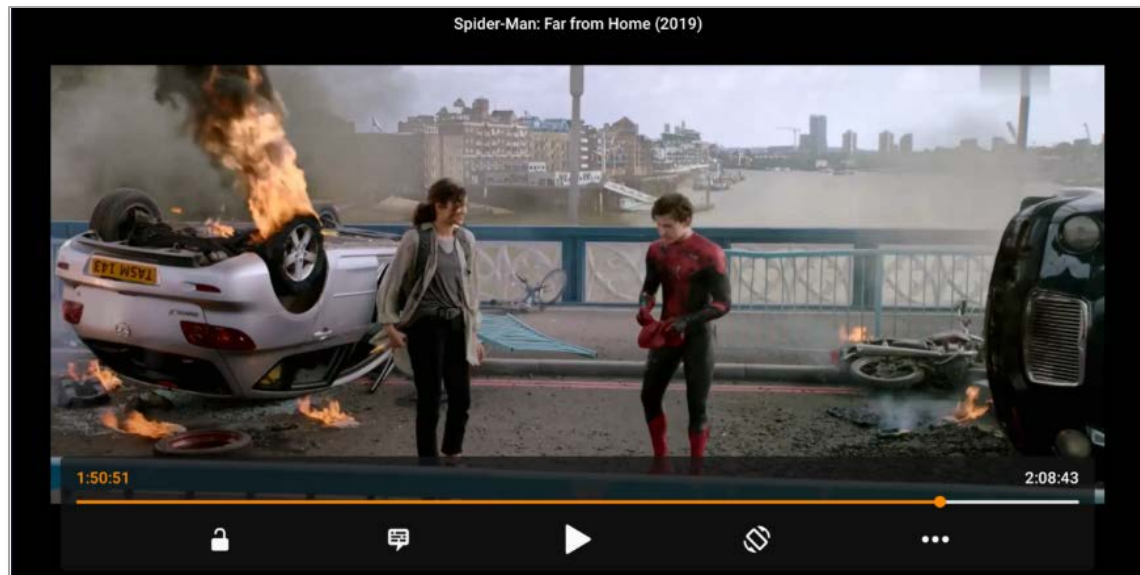
EXHIBIT A

CyberFlix TV

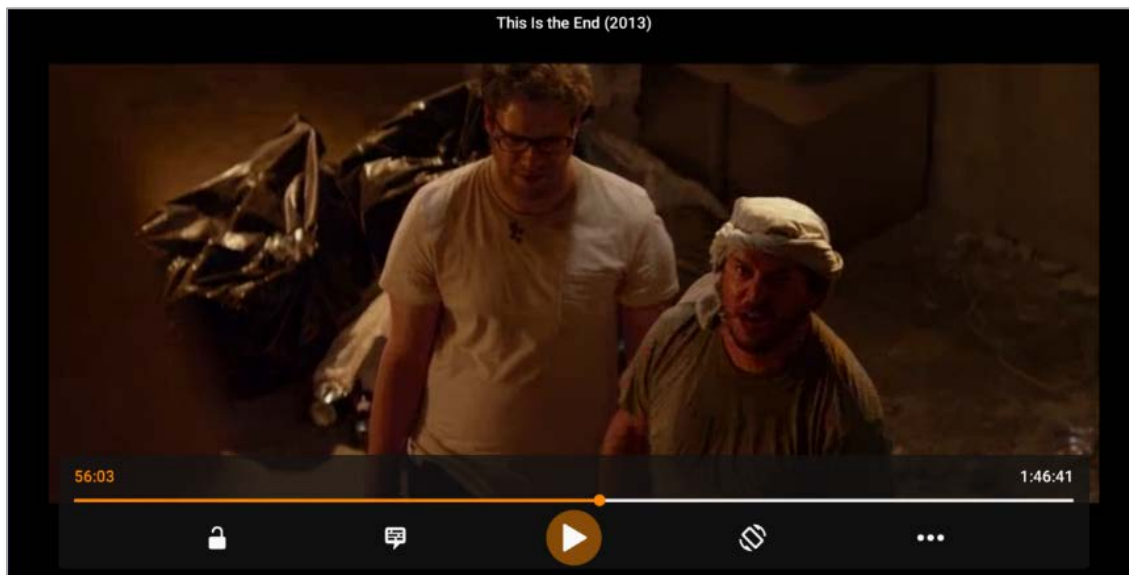
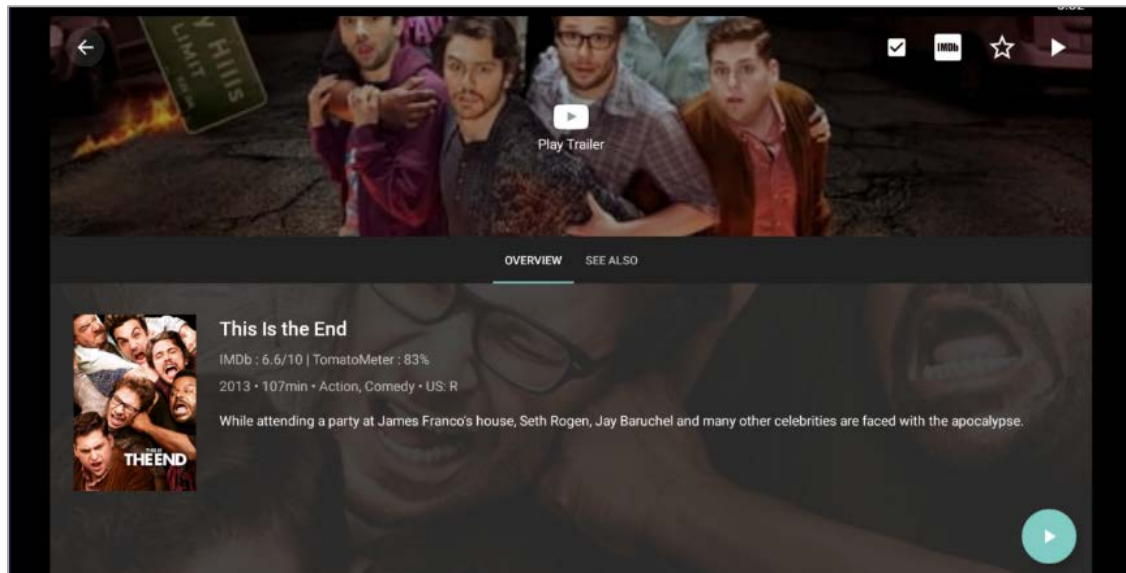


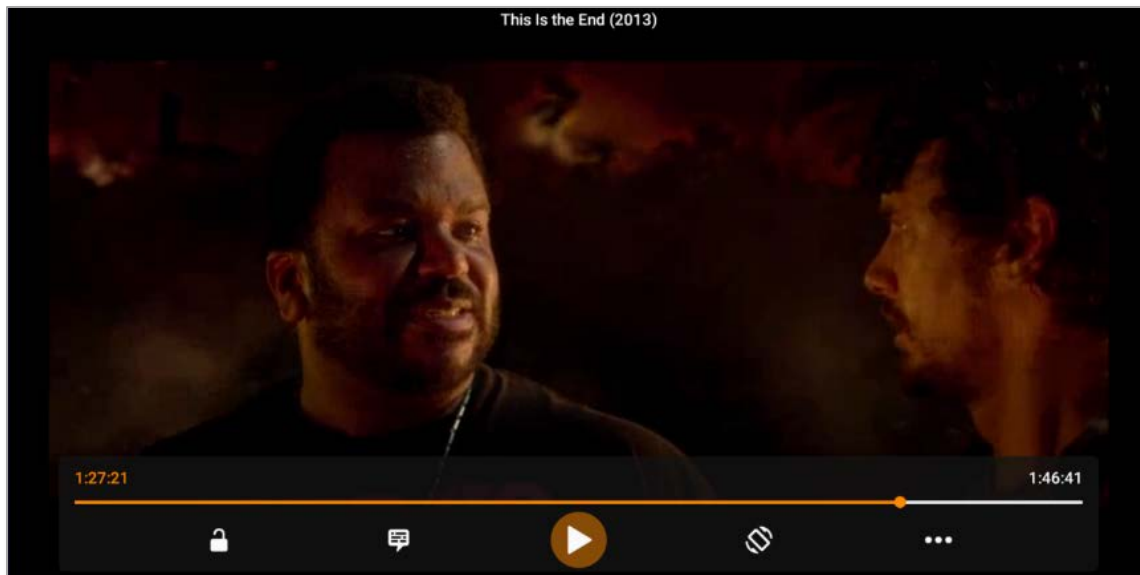
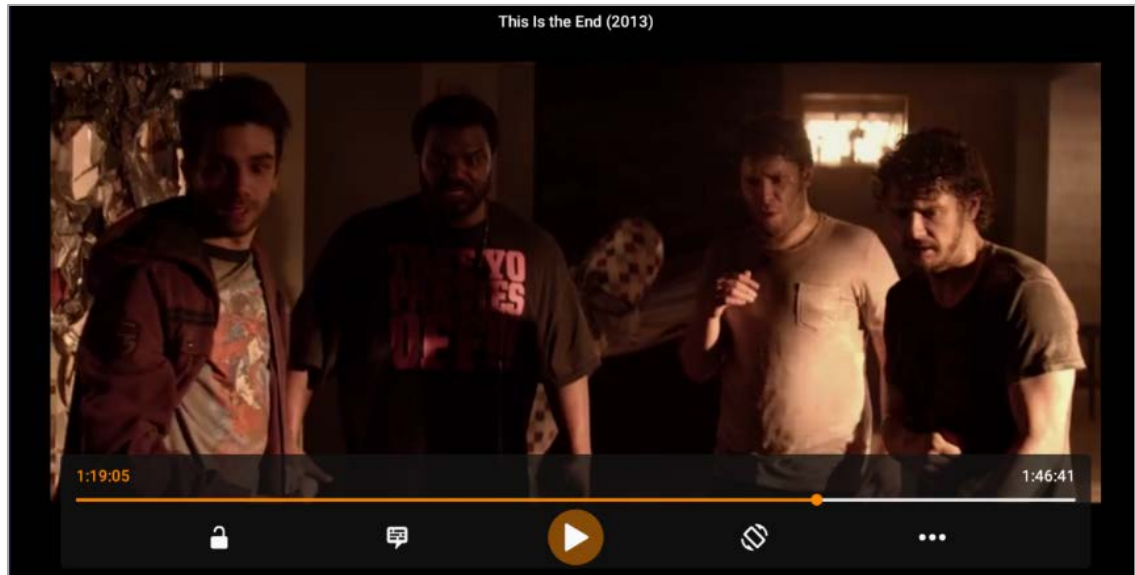
Title: Spider-Man: Far From Home
Original Work: <https://www.imdb.com/title/tt6320628/>
Copyright holder: Columbia Pictures Industries, Inc.
Studio: Sony Pictures Entertainment Inc.



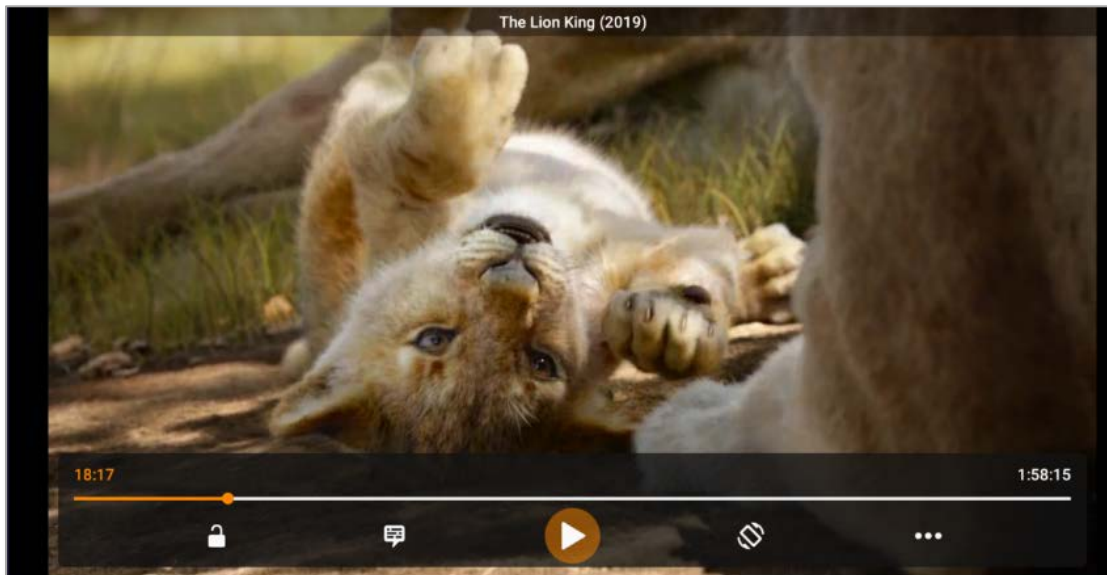
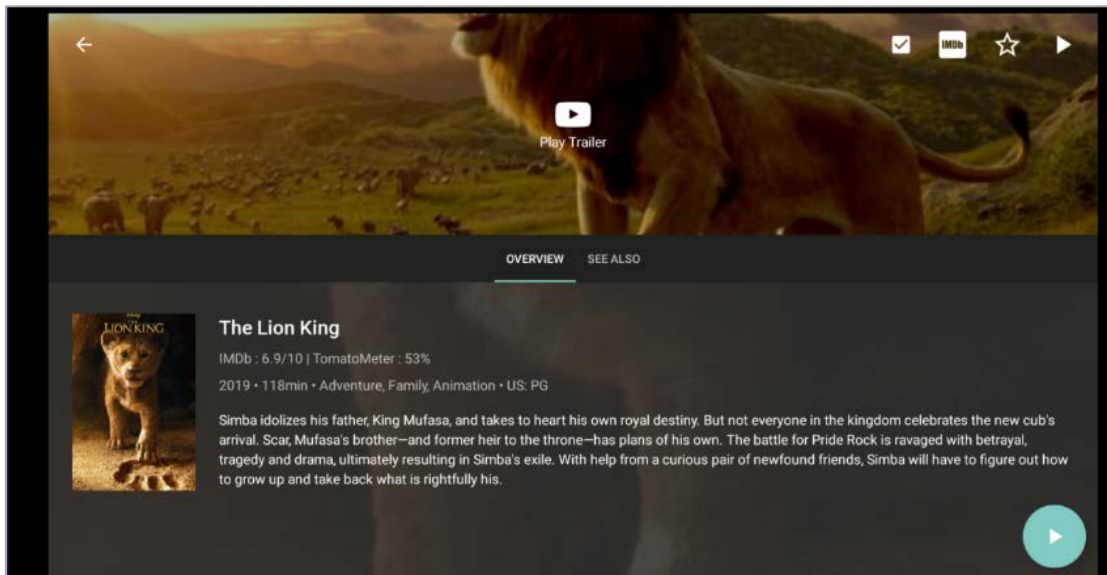


Title: This Is The End
Original Work: <https://www.imdb.com/title/tt1245492/>
Copyright holder: Columbia Pictures Industries, Inc.
Studio: Sony Pictures Entertainment Inc.





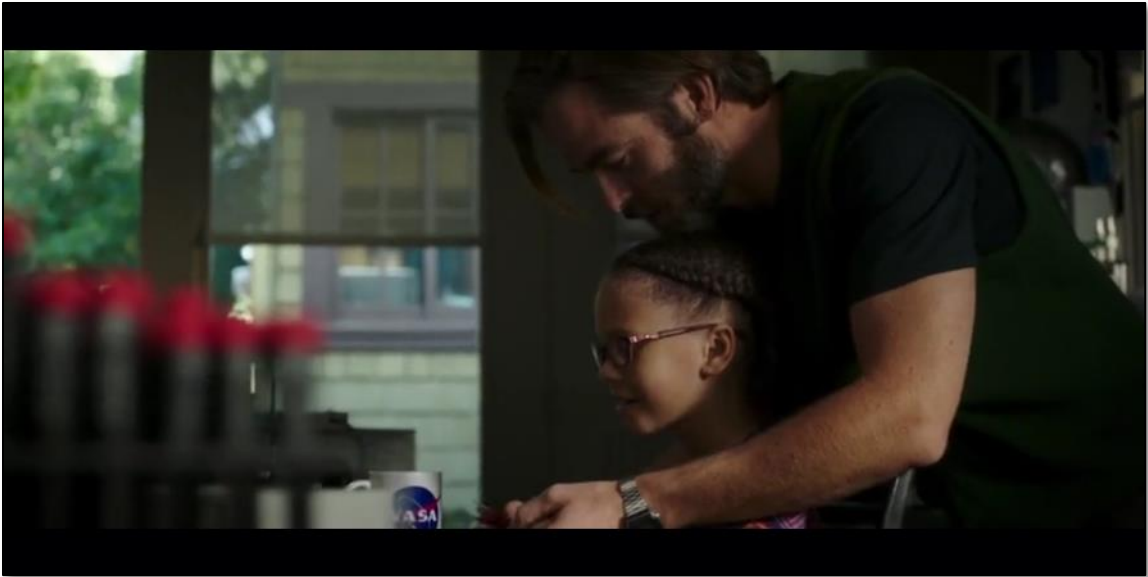
Title: The Lion King
Original Work: <https://www.imdb.com/title/tt6105098/>
Copyright holder: Disney Enterprises, Inc.
Studio: Walt Disney Studios Motion Pictures



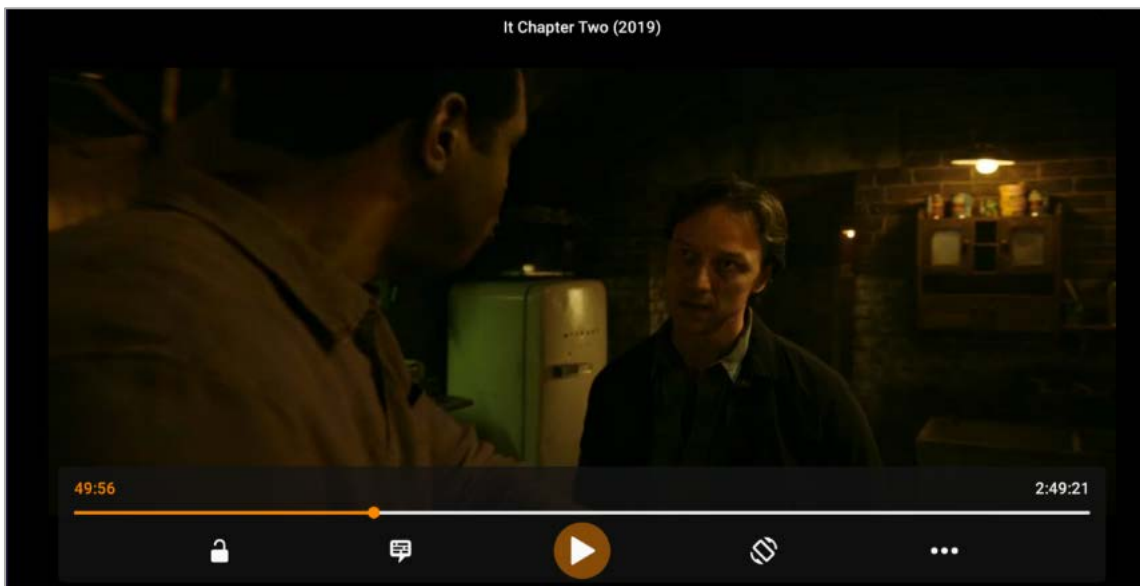
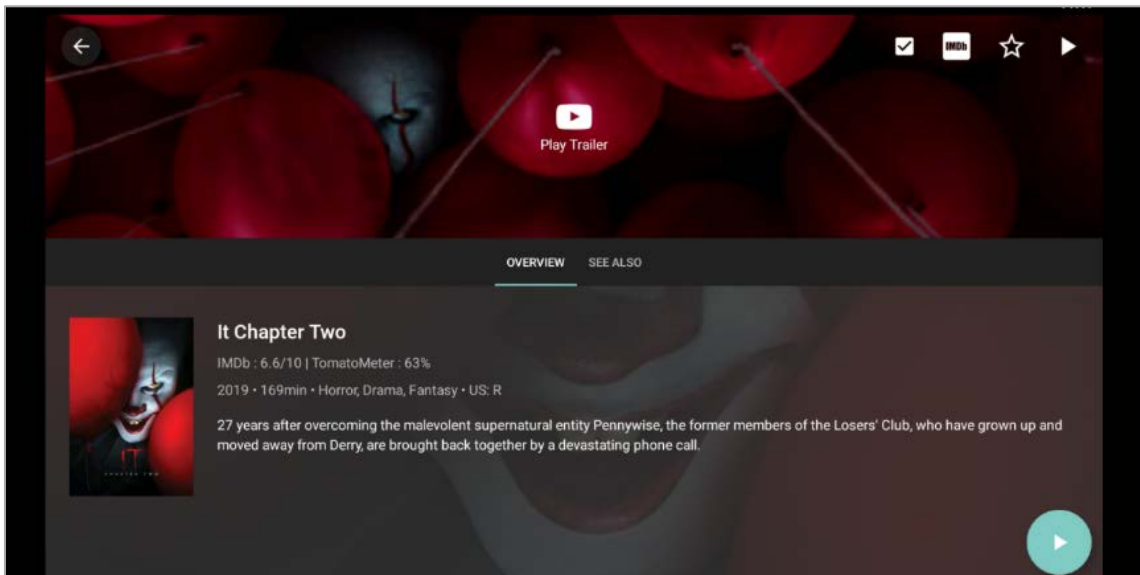


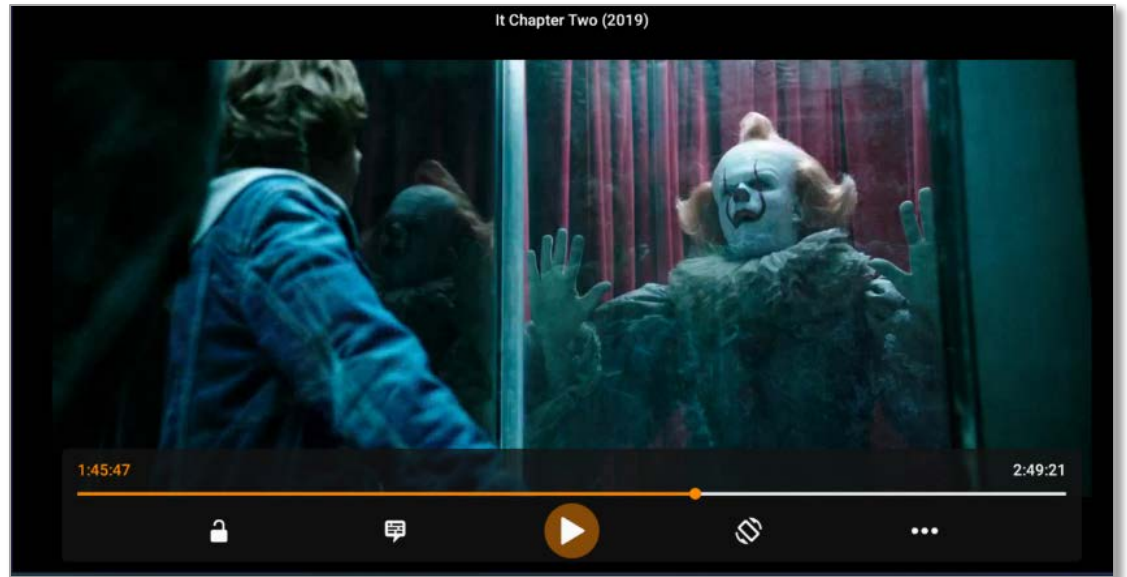
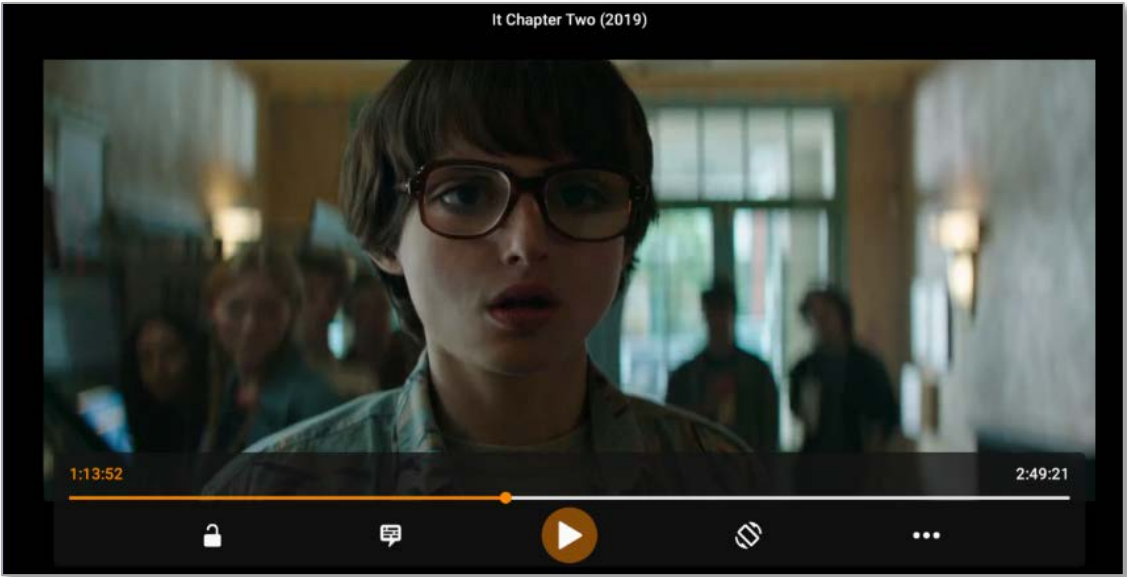
Title: A Wrinkle in Time
Original Work: <https://www.imdb.com/title/tt1620680/>
Copyright holder: Disney Enterprises, Inc.
Studio: Walt Disney Studios Motion Pictures



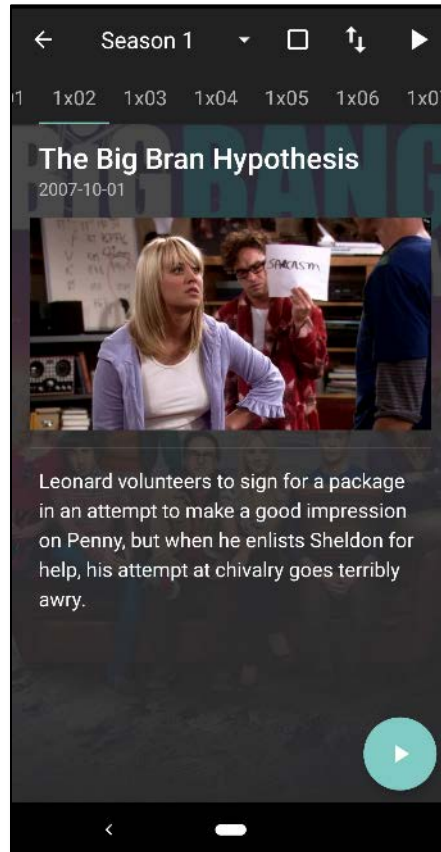


Title: It – Chapter Two
Original Work: <https://www.imdb.com/title/tt7349950>
Copyright holder: Warner Bros. Entertainment Inc.
Studio: Warner Bros. Entertainment Inc.





Title: The Big Bang Theory
Season 1, Episode 2 "The Big Bran Hypothesis"
Original Work: <https://www.imdb.com/title/tt1091289/>
Copyright holder: Warner Bros. Entertainment Inc.
Studio: Warner Bros. Entertainment Inc.





Title: After Life

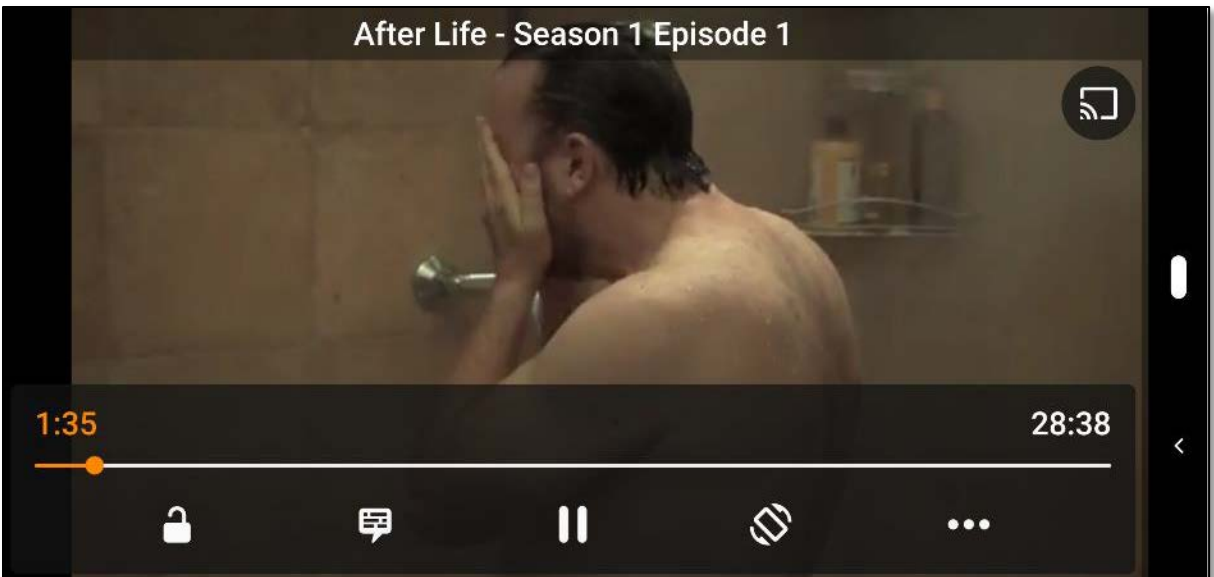
Season 1, Episode 1

Original Work: https://www.imdb.com/title/tt8664264/?ref=tt8664264_ep1

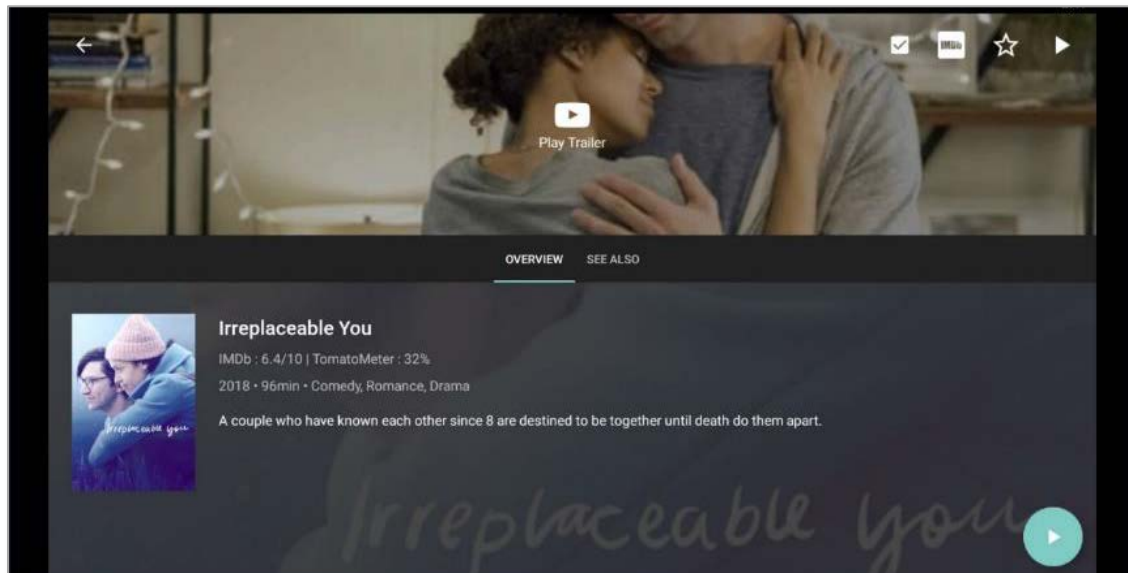
Copyright holder: Netflix Studios, LLC

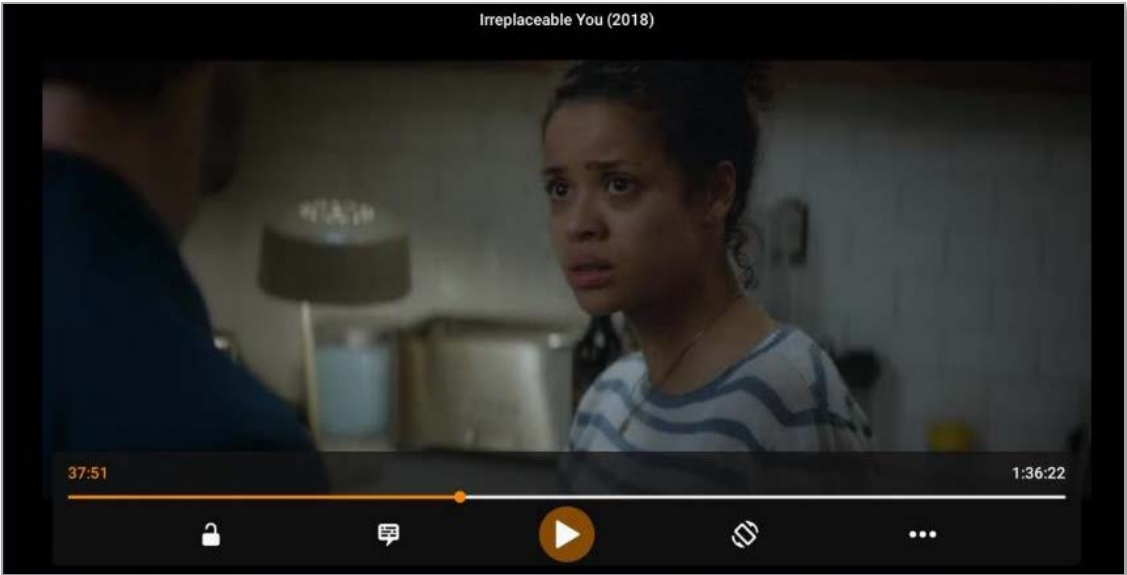
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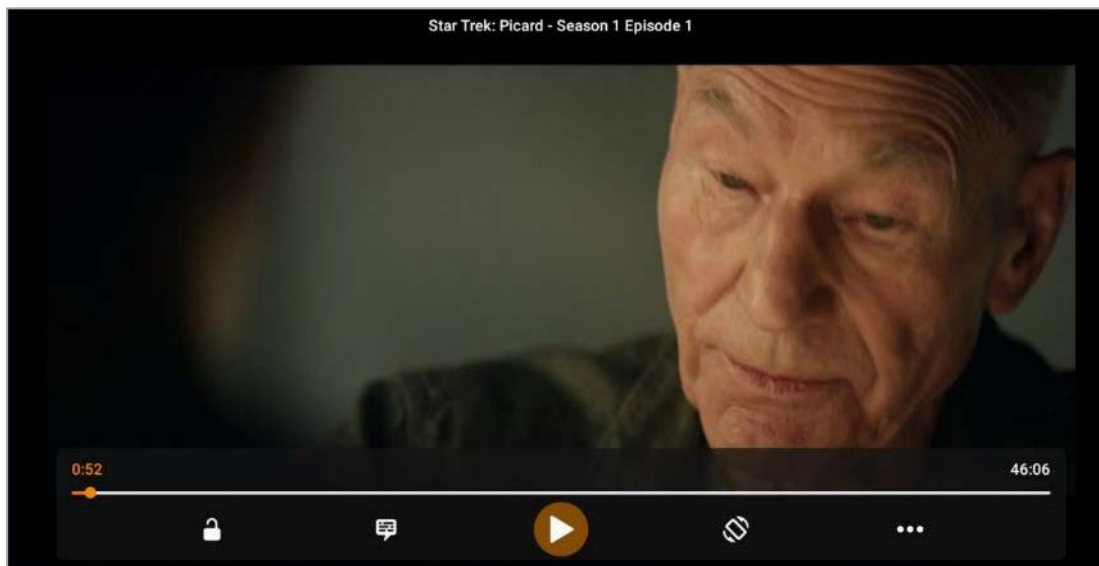
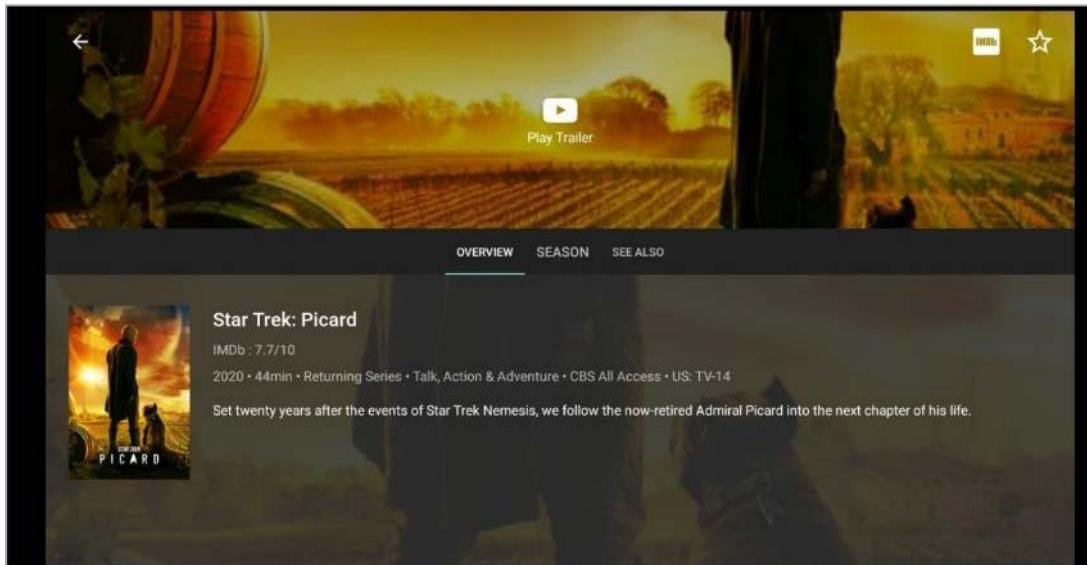


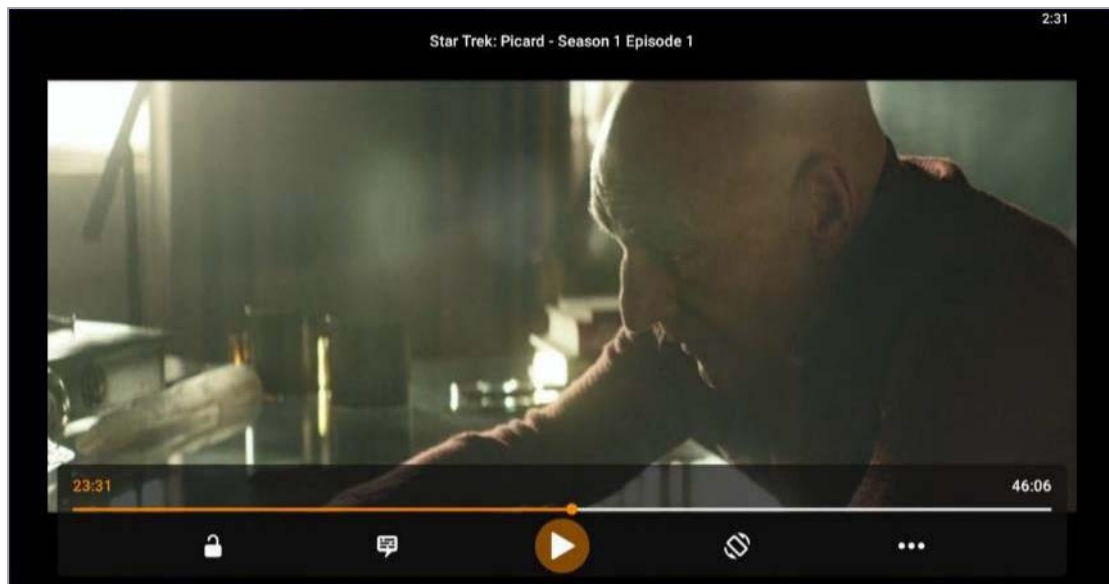
Title: Irreplaceable You
Original Work: <https://www.imdb.com/title/tt6119856/>
Copyright holder: Netflix Studios, LLC
Studio: Netflix Studios, LLC





Title: Picard
Season 1, Episode 1 "Remembrance"
Original Work: <https://www.imdb.com/title/tt8806524/>
Copyright holder: CBS Studios Inc., 4024 Radford Avenue, Studio City, California 91624
Studio: Paramount Pictures Corporation





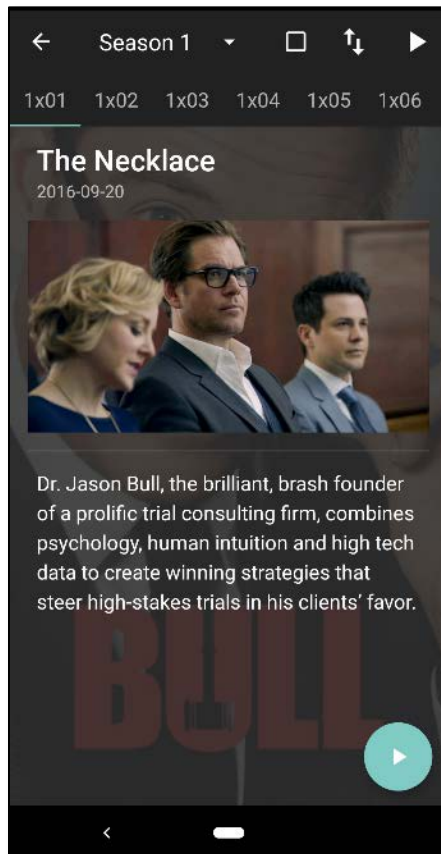
Title: Bull

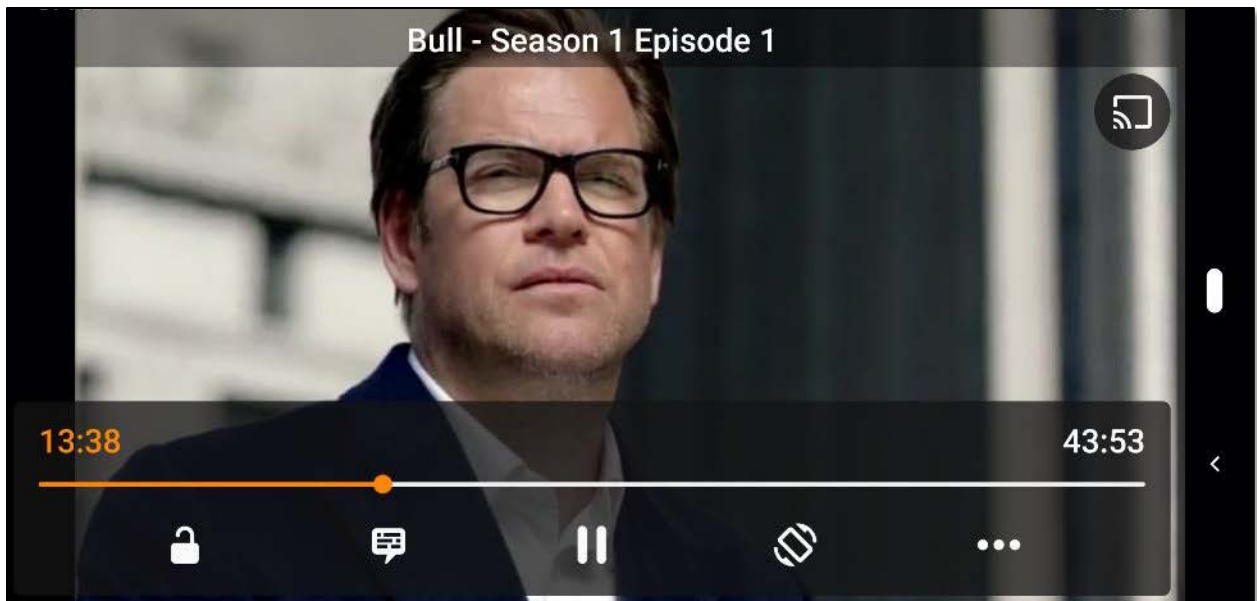
Season 1, Episode 1 "The Necklace"

Original Work: https://www.imdb.com/title/tt5692502/?ref=tt5692502_ep1

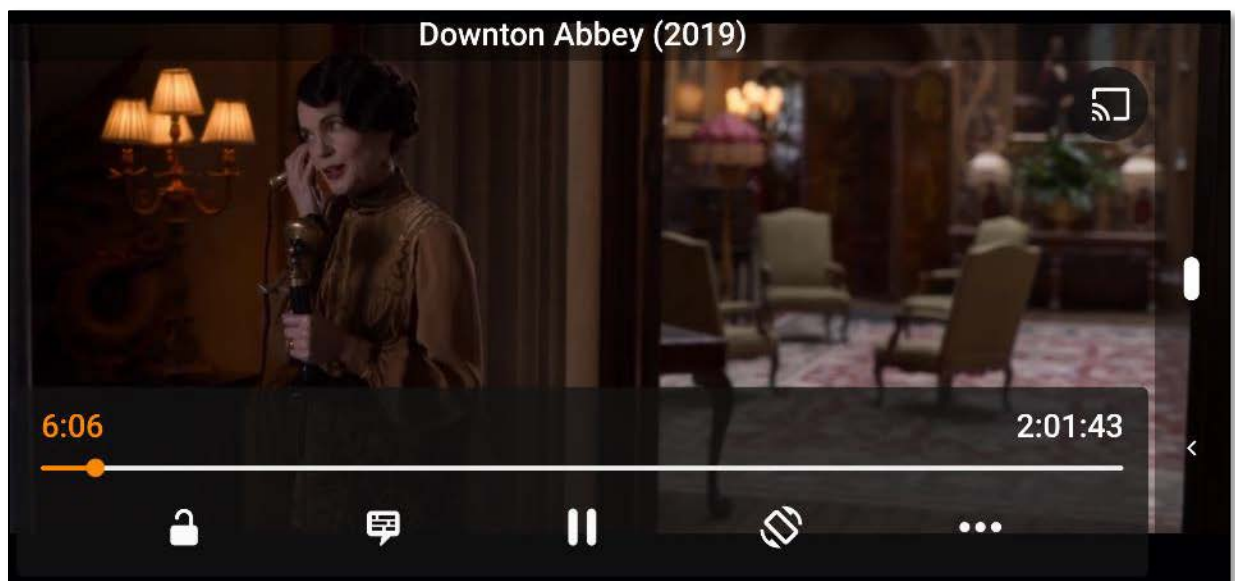
Copyright holder: CBS Studios Inc., 4024 Radford Avenue, Studio City, California 91624

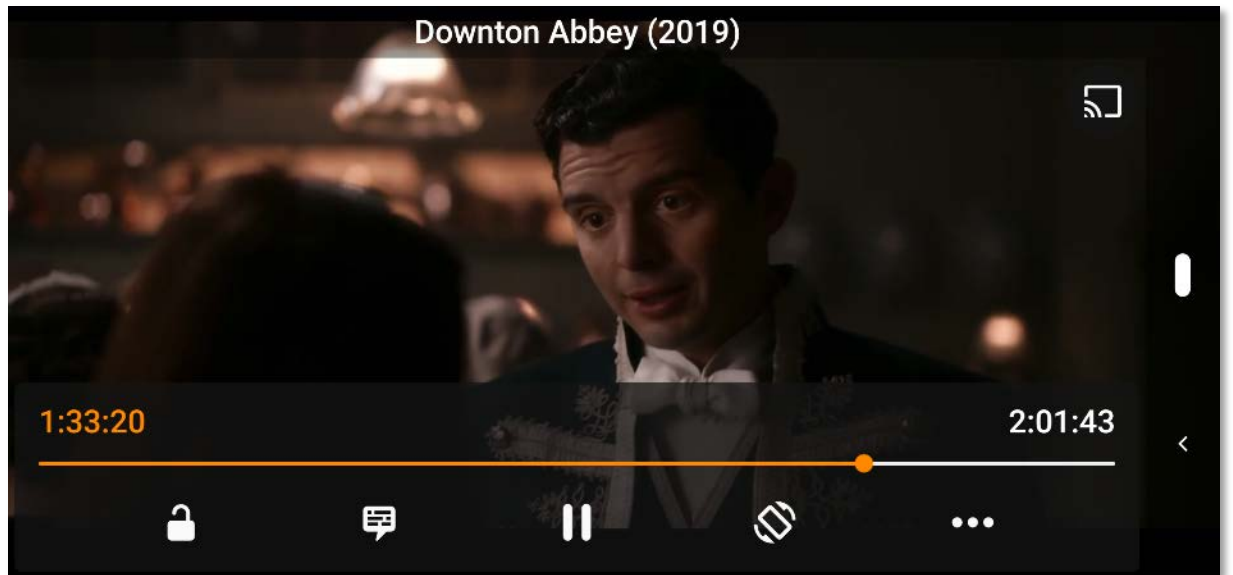
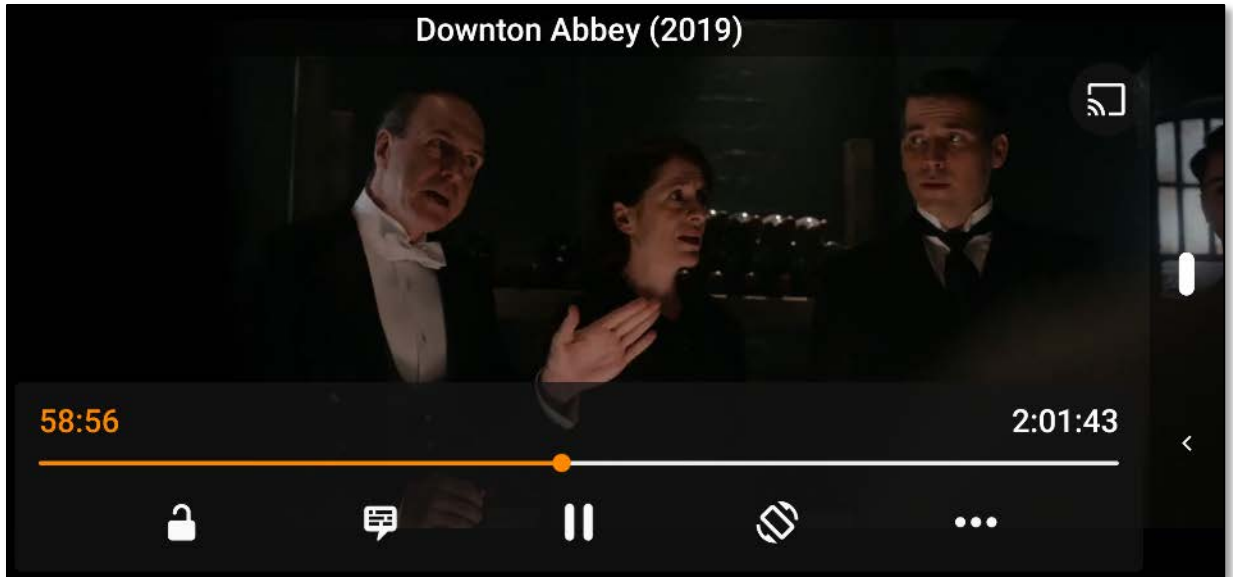
Studio: Paramount Pictures Corporation



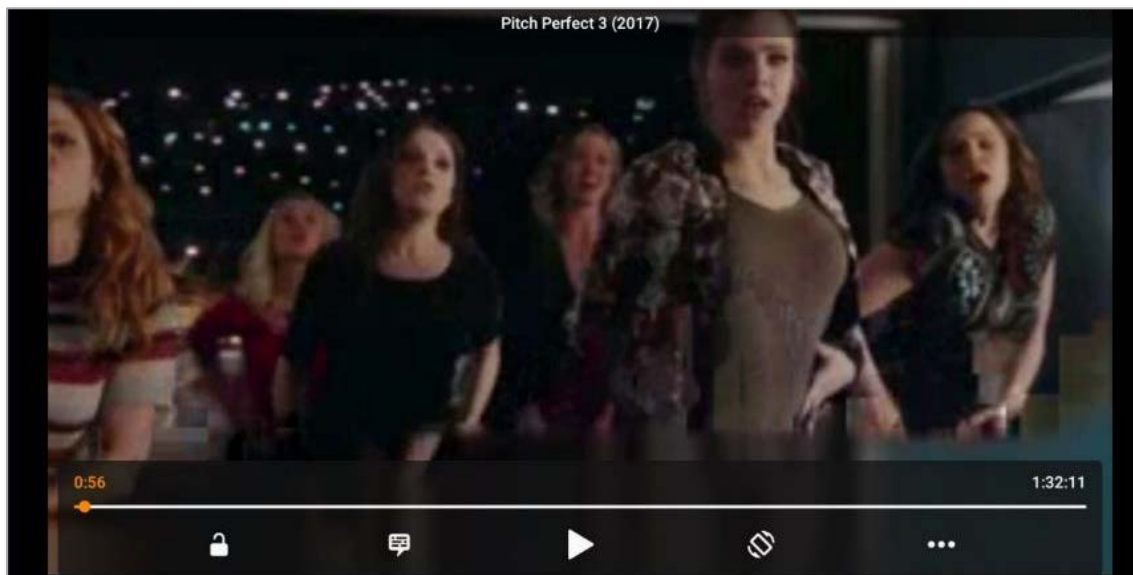
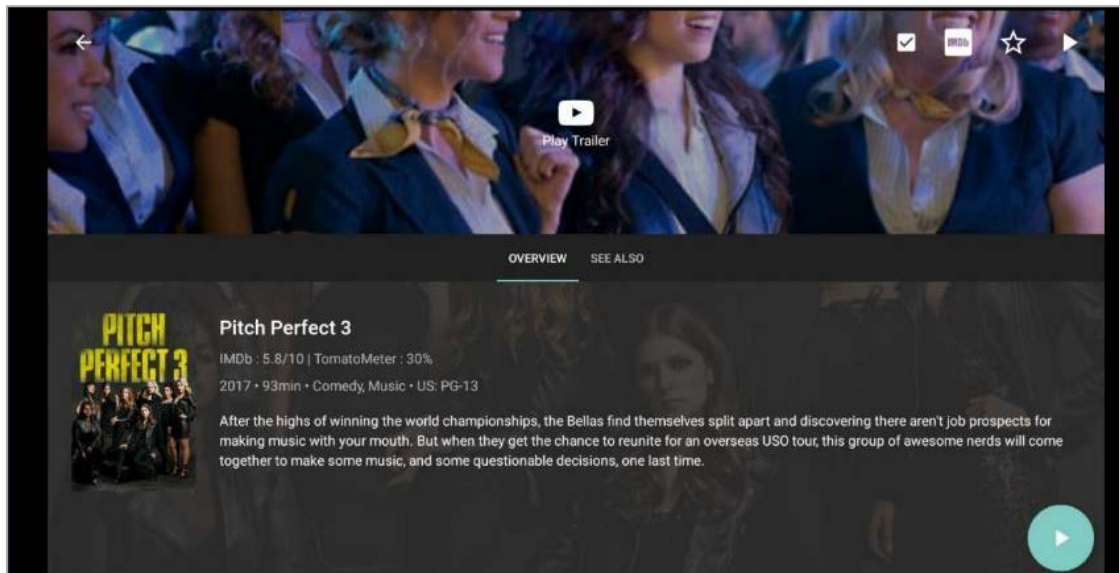


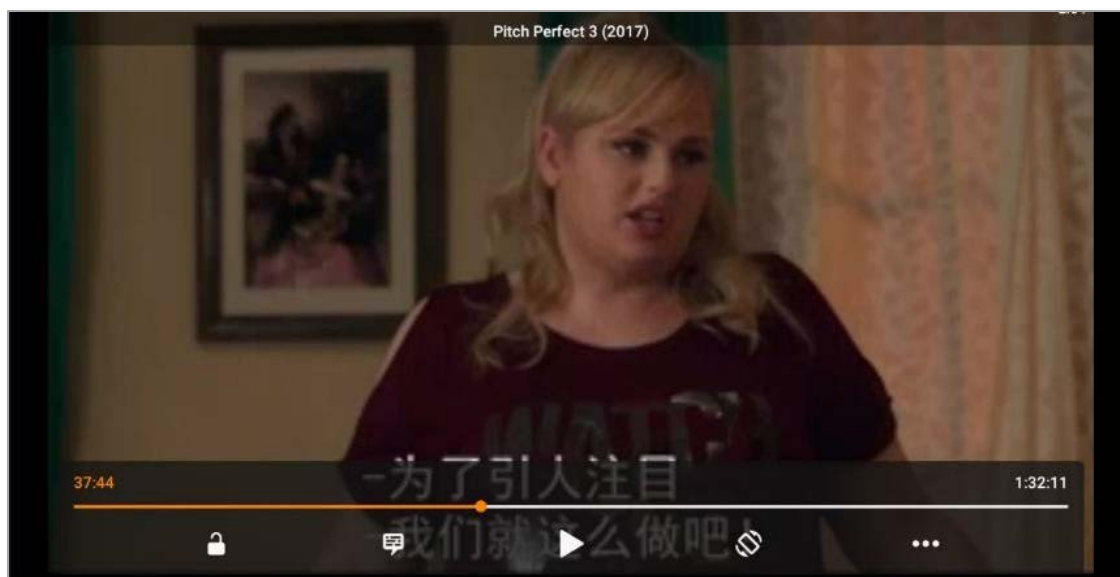
Title: Downton Abbey - The Movie
Original Work: <https://www.imdb.com/title/tt6398184/>
Copyright holder: Universal City Studios Productions LLLP
Studio: Universal City Studios LLC





Title: Pitch Perfect 3
Original Work: <https://www.imdb.com/title/tt4765284/>
Copyright holder: Universal City Studios Productions LLLP
Studio: Universal City Studios LLC





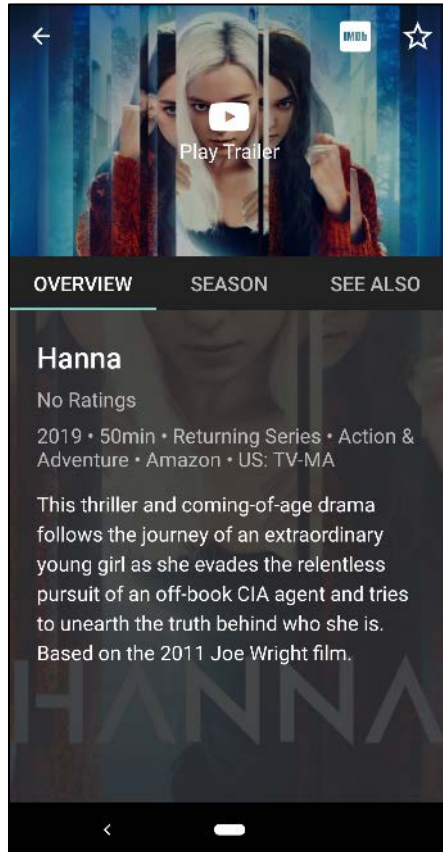
Title: HANNA

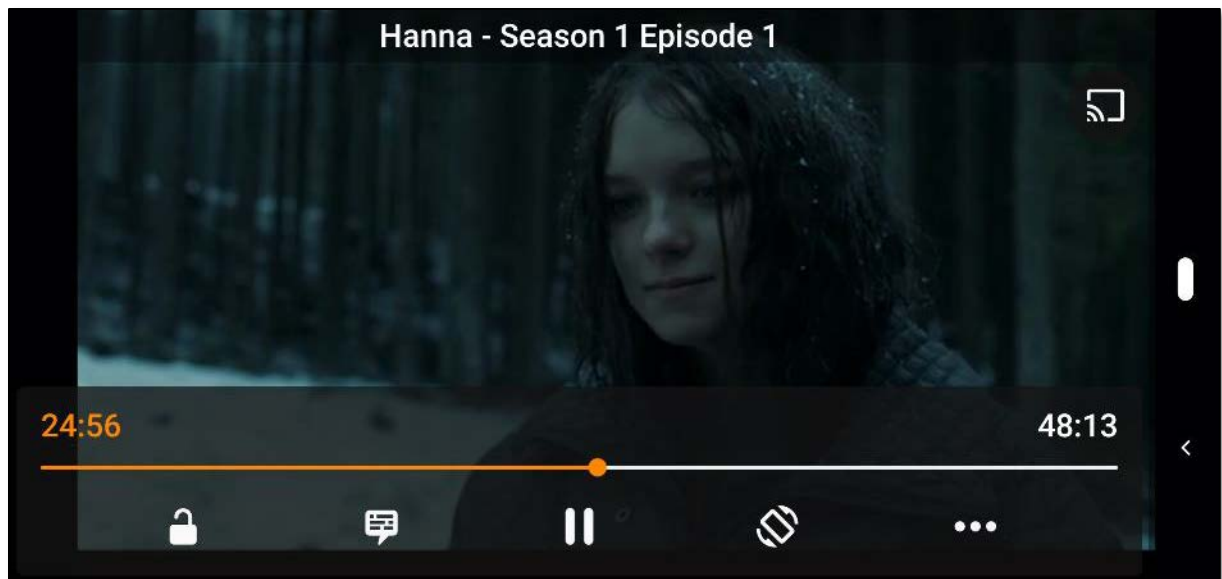
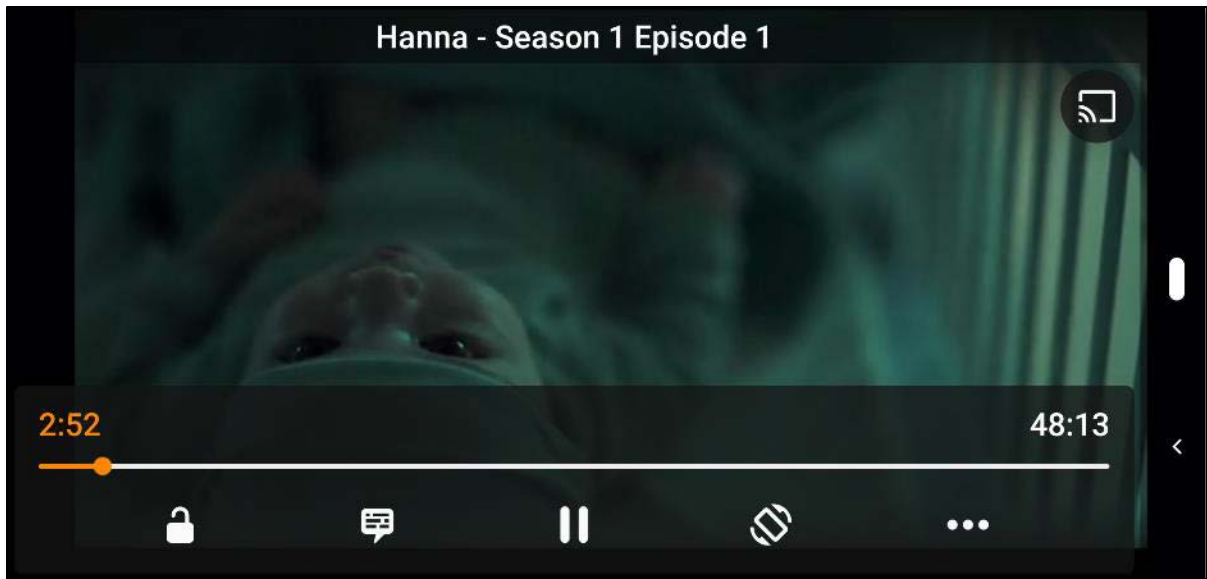
Season 1, Episode 1 "Forest"

Original Work: https://www.imdb.com/title/tt8476100/?ref=tt8476100_ep1

Copyright holder: Universal Media Studios International Limited (50%) -
Amazon Content Services LLC (50%)

Studio: Amazon Content Services LLC





Title: Pass Over

Original Work: <https://www.imdb.com/title/tt7768846/>

Copyright holder: Amazon Content Services LLC

Studio: Amazon Content Services LLC

