

**IN THE FEDERAL COURT OF AUSTRALIA**  
**DISTRICT REGISTRY**

**NOTICE OF FILING**

This document was filed electronically in the Federal Court of Australia on 20 November, 2008

**CASE DETAILS**

**Case Number:** NSD 1802 OF 2008  
**Case Description:** ROADSHOW FILMS PTY LTD & ORS v IINET LTD  
**District Registry:** New South Wales  
**Document Type:** Statement of Claim



A handwritten signature in blue ink, which appears to read "Warwick Soden".

**Dated:** 20 November, 2008

**Registrar**

**Note**

This Notice forms part of the document and contains information that might otherwise appear elsewhere in the application. The Notice must be included in the document served on each party to the proceeding.

**ROADSHOW FILMS PTY LTD (ACN 100 746 870)**

First Applicant

**UNIVERSAL CITY STUDIOS LLLP**

Second Applicant

**PARAMOUNT PICTURES CORPORATION**

Third Applicant

**WARNER BROS. ENTERTAINMENT INC**

Fourth Applicant

**DISNEY ENTERPRISES, INC**

Fifth Applicant

**COLUMBIA PICTURES INDUSTRIES, INC**

Sixth Applicant

**TWENTIETH CENTURY FOX FILM  
CORPORATION**

Seventh Applicant

**THE OTHER PARTIES LISTED IN SCHEDULE 1**

Eighth to Thirty-Fourth Applicants

**IINET LIMITED (ACN 068 628 937)**

Respondent

## **STATEMENT OF CLAIM**

(Order 4, rule 6 and Order 11)

### **Applicants**

1 The first applicant (**Roadshow**) is and was at all material times:

(a) a company incorporated under the laws of the Commonwealth;

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Filed on behalf of the Applicants by:

GILBERT + TOBIN

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- (b) able to sue; and
  - (c) engaged in the business of licensing the copying, communication and public performance of motion pictures and television programs in Australia.
- 2 The second applicant (**Universal**) is and was at all material times:
- (a) a company incorporated under the laws of the State of Delaware in the United States;
  - (b) able to sue; and
  - (c) engaged in the business of licensing the copying, communication and public performance of motion pictures and television programs, including in Australia.
- 3 The third applicant (**Paramount**) is and was at all material times:
- (a) a company incorporated under the laws of the State of Delaware in the United States;
  - (b) able to sue; and
  - (c) engaged in the business of licensing the copying, communication and public performance of motion pictures and television programs, including in Australia.
- 4 The fourth applicant (**Warner Bros**) is and was at all material times:
- (a) a company incorporated under the laws of the State of Delaware in the United States;
  - (b) able to sue; and
  - (c) engaged in the business of licensing the copying, communication and public performance of motion pictures and television programs, including in Australia.
- 5 The fifth applicant, Disney Enterprises, Inc (**DEI**) is and was at all material times:
- (a) a company incorporated under the laws of the State of Delaware in the United States;
  - (b) able to sue; and
  - (c) engaged in the business of licensing the copying, communication and public performance of motion pictures and television programs, including in Australia.
- 6 The sixth applicant (**Columbia**) is and was at all material times:
- (a) a company incorporated under the laws of the State of Delaware in the United States;
  - (b) able to sue; and

- (c) engaged in the business of licensing the copying, communication and public performance of motion pictures and television programs, including in Australia.
- 7 The seventh applicant (**Fox**) is and was at all material times:
  - (a) a company incorporated under the laws of the State of Delaware in the United States;
  - (b) able to sue; and
  - (c) engaged in the business of licensing the copying, communication and public performance of motion pictures and television programs, including in Australia.
- 8 The eighth, tenth, eleventh, twenty-third, twenty-eighth, thirty-second and thirty-fourth applicants are and were at all material times:
  - (a) companies incorporated under the laws of the Commonwealth; and
  - (b) able to sue.
- 9 The ninth, fourteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-sixth, twenty-ninth, thirtieth, thirty-first and thirty-third applicants are and were at all material times:
  - (a) companies incorporated under the laws of the United States; and
  - (b) able to sue.
- 10 The fifteenth, sixteenth, seventeenth, eighteenth and twenty-fifth applicants are and were at all material times:
  - (a) companies incorporated under the laws of the Germany; and
  - (b) able to sue.
- 11 The twenty-fourth applicant is and was at all material times:
  - (a) a company incorporated under the laws of the United Kingdom; and
  - (b) able to sue.
- 12 The twelfth applicant is and was at all material times:
  - (a) a company incorporated under the laws of the British Virgin Islands; and
  - (b) able to sue.
- 13 The thirteenth and twenty-seventh applicants are and were at all material times:

- (a) companies incorporated under the laws of the Netherlands; and
- (b) able to sue.

#### **Respondent**

14 The respondent (**iiNet**) is and was at all material times:

- (a) a company incorporated under the laws of the Commonwealth;
- (b) able to be sued;
- (c) a carriage service provider within the meaning of the *Telecommunications Act 1997*; and
- (d) engaged in the business of providing telecommunications services, including internet services, to members of the public in Australia.

#### **The Roadshow Film Catalogue**

15 Roadshow and the twelfth applicant (the **Roadshow Applicants**) have a catalogue of motion pictures (the **Roadshow Film Catalogue**) which includes the motion pictures listed in Schedule A (the **Roadshow Films**).

#### **PARTICULARS**

The applicants rely upon the particulars contained in the accompanying document entitled "Particulars to the Statement of Claim", as amended or supplemented from time to time (the **Applicants' Particulars**).

16 The Roadshow Films have been:

- (a) theatrically released in Australia;
- (b) further or alternatively, supplied commercially in Australia in physical DVD format or in electronic form.

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

17 The motion pictures contained in the Roadshow Film Catalogue, including the Roadshow Films, are cinematograph films within the meaning of the *Copyright Act 1968* (Cth) (the **Act**).

18 The motion pictures contained in the Roadshow Film Catalogue, including the Roadshow Films, were:

- (a) made by persons who were, at the time when they were made, qualified persons within the meaning of section 84 of the Act or foreign citizens, foreign residents or foreign bodies corporate within the meaning of reg 4(3)-(5) of the *Copyright (International Protection) Regulations 1969* (Cth) (the **CIPR**);
- (b) further or alternatively, made in Australia or a country referred to in reg 4(1) of the CIPR;
- (c) further or alternatively, first published in Australia or a country referred to in reg 4(1) of the CIPR.

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 19 Copyright subsists in the motion pictures contained in the Roadshow Film Catalogue, including the Roadshow Films.

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 20 The Roadshow Applicants are:

- (a) the owners of;
- (b) further or alternatively, exclusive licensees of,

the copyright in the motion pictures contained in the Roadshow Film Catalogue, including the Roadshow Films.

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

#### **The Universal Film Catalogue**

- 21 Universal and the eleventh, thirteenth, fourteenth, nineteenth and twenty-seventh applicants (the **Universal Applicants**) have a catalogue of motion pictures and television programs (the **Universal Film Catalogue**) which includes the motion pictures and television programs listed in Schedule B (the **Universal Films**).

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 22 The Universal Films have been:

- (a) theatrically released in Australia;
- (b) further or alternatively, broadcast in Australia;
- (c) further or alternatively, supplied commercially in Australia in physical DVD format or in electronic form.

### PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 23 The motion pictures and television programs contained in the Universal Film Catalogue, including the Universal Films, are cinematograph films within the meaning of the Act.
- 24 The motion pictures and television programs contained in the Universal Film Catalogue, including the Universal Films, were:
  - (a) made by Universal or other persons who were, at the time when they were made, qualified persons within the meaning of section 84 of the Act or foreign citizens, foreign residents or foreign bodies corporate within the meaning of reg 4(3)-(5) of the CIPR;
  - (b) further or alternatively, made in Australia or a country referred to in reg 4(1) of the CIPR;
  - (c) further or alternatively, first published in Australia or a country referred to in reg 4(1) of the CIPR.

### PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 25 Copyright subsists in the motion pictures and television programs contained in the Universal Film Catalogue, including the Universal Films.

### PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 26 The Universal Applicants and the fifteenth, sixteenth, seventeenth and eighteenth applicants **(the Additional Universal Applicants)** and the thirty-fourth applicant **(Seven)** are:
  - (a) the owners of;
  - (b) further or alternatively, exclusive licensees of,

the copyright in the motion pictures and television programs contained in the Universal Film Catalogue, including the Universal Films.

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

### The Paramount Film Catalogue

- 27 Paramount and the eighth and twentieth applicants (the **Paramount Applicants**), have a catalogue of motion pictures (the **Paramount Film Catalogue**) which includes the motion pictures listed in Schedule C (the **Paramount Films**).

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 28 The Paramount Films have been:
- (a) theatrically released in Australia;
  - (b) further or alternatively, supplied commercially in Australia in physical DVD format or in electronic form.

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 29 The motion pictures contained in the Paramount Film Catalogue, including the Paramount Films, are cinematograph films within the meaning of the Act.
- 30 The motion pictures contained in the Paramount Film Catalogue, including the Paramount Films, were:
- (a) made by Paramount or other persons who were, at the time when they were made, qualified persons within the meaning of section 84 of the Act or foreign citizens, foreign residents or foreign bodies corporate within the meaning of reg 4(3)-(5) of the CIPR;
  - (b) further or alternatively, made in Australia or a country referred to in reg 4(1) of the CIPR;
  - (c) further or alternatively, first published in Australia or a country referred to in reg 4(1) of the CIPR.

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 31 Copyright subsists in the motion pictures contained in the Paramount Film Catalogue, including the Paramount Films.



## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

32 The Paramount Applicants are:

- (a) the owners of;
- (b) further or alternatively, exclusive licensees of,

the copyright in the motion pictures contained in the Paramount Film Catalogue, including the Paramount Films.

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

### **The Warner Bros Film Catalogue**

33 Warner Bros and the twenty first, twenty-third, twenty-fourth, twenty-fifth and thirty-second applicants (the **Warner Bros Applicants**) have a catalogue of motion pictures and television programs (the **Warner Bros Film Catalogue**) which includes the motion pictures and television programs listed in Schedule D (the **Warner Bros Films**).

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

34 The Warner Bros Films have been:

- (a) theatrically released in Australia; or
- (b) further or alternatively, broadcast in Australia;
- (c) further or alternatively, supplied commercially in Australia in physical DVD format or in electronic form.

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

35 The motion pictures and television programs contained in the Warner Bros Film Catalogue, including the Warner Bros Films, are cinematograph films within the meaning of the Act.

36 The motion pictures and television programs contained in the Warner Bros Film Catalogue, including the Warner Bros Films, were:

- (a) made by persons who were, at the time when they were made, qualified persons within the meaning of section 84 of the Act or foreign citizens, foreign residents or foreign bodies corporate within the meaning of reg 4(3)-(5) of the CIPR;
  - (b) further or alternatively, made in Australia or a country referred to in reg 4(1) of the CIPR;
  - (c) further or alternatively, first published in Australia or a country referred to in reg 4(1) of the CIPR.
- 37 Copyright subsists in the motion pictures and television programs contained in the Warner Bros Film Catalogue, including the Warner Bros Films.

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 38 The Warner Bros Applicants are:
- (a) the owners of;
  - (b) further or alternatively, exclusive licensees of,
- the copyright in the motion pictures and television programs contained in the Warner Bros Film Catalogue, including the Warner Bros Films.

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

#### **The Disney Film Catalogue**

- 39 DEI and the ninth applicant (the **Disney Applicants**) have a catalogue of motion pictures and television programs (the **Disney Film Catalogue**) which includes the motion pictures listed in Schedule E (the **Disney Films**).

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 40 The Disney Films have been:
- (a) theatrically released in Australia;
  - (b) further or alternatively, supplied commercially in Australia in physical DVD format or in electronic form.

## **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 41 The motion pictures contained in the Disney Film Catalogue, including the Disney Films, are cinematograph films within the meaning of the Act.
- 42 The motion pictures contained in the Disney Film Catalogue, including the Disney Films, were:
- (a) made by DEI, its affiliates, or other persons who were, at the time when they were made, qualified persons within the meaning of section 84 of the Act or foreign citizens, foreign residents or foreign bodies corporate within the meaning of reg 4(3)-(5) of the CIPR;
  - (b) further or alternatively, made in Australia or a country referred to in reg 4(1) of the CIPR;
  - (c) further or alternatively, first published in Australia or a country referred to in reg 4(1) of the CIPR.

## **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 43 Copyright subsists in the motion pictures contained in the Disney Film Catalogue, including the Disney Films.

## **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 44 The Disney Applicants are:
- (a) the owners of;
  - (b) further or alternatively, exclusive licensees of,
- the copyright in the motion pictures contained in the Disney Film Catalogue, including the Disney Films.

## **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

### **The Columbia Film Catalogue**

- 45 Columbia and the twenty sixth, twenty eighth, twenty ninth, thirtieth and thirty first applicants (the **Columbia Applicants**) have a catalogue of motion pictures and television programs (the

**Columbia Film Catalogue)** which includes the motion pictures listed in Schedule F (the **Columbia Films**).

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 46 The Columbia Films have been:
- (a) theatrically released in Australia;
  - (b) further or alternatively, supplied commercially in Australia in physical DVD format or in electronic form.

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 47 The motion pictures contained in the Columbia Film Catalogue, including the Columbia Films, are cinematograph films within the meaning of the Act.
- 48 The motion pictures contained in the Columbia Film Catalogue, including the Columbia Films, were:
- (a) made by Columbia or other persons who were, at the time when they were made, qualified persons within the meaning of section 84 of the Act or foreign citizens, foreign residents or foreign bodies corporate within the meaning of reg 4(3)-(5) of the CIPR;
  - (b) made in Australia or a country referred to in reg 4(1) of the CIPR; or
  - (c) first published in Australia or a country referred to in reg 4(1) of the CIPR.

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 49 Copyright subsists in the motion pictures contained in the Columbia Film Catalogue, including the Columbia Films.

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 50 The Columbia Applicants are:
- (a) the owners of;

(b) further or alternatively, exclusive licensees of,

the copyright in the motion pictures contained in the Columbia Film Catalogue, including the Columbia Films.

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

#### **The Fox Film Catalogue**

- 51 Fox and the tenth, twenty-second and thirty-third applicants (the **Fox Applicants**) have a catalogue of motion pictures and television programs (the **Fox Film Catalogue**) which includes the motion pictures and television programs listed in Schedule G (the **Fox Films**).

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 52 The Fox Films have been:

- (a) theatrically released in Australia;
- (b) further or alternatively, broadcast in Australia;
- (c) further or alternatively, supplied commercially in Australia in physical DVD format or in electronic form.

#### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 53 The motion pictures and television programs contained in the Fox Film Catalogue, including the Fox Films, are cinematograph films within the meaning of the Act.
- 54 The motion pictures and television programs contained in the Fox Film Catalogue, including the Fox Films, were:
- (a) made by Fox or other persons who were, at the time when they were made, qualified persons within the meaning of section 84 of the Act or foreign citizens, foreign residents or foreign bodies corporate within the meaning of reg 4(3)-(5) of the CIPR;
  - (b) further or alternatively, made in Australia or a country referred to in reg 4(1) of the CIPR;
  - (c) further or alternatively, first published in Australia or a country referred to in reg 4(1) of the CIPR.

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 55 Copyright subsists in the motion pictures and television programs contained in the Fox Film Catalogue, including the Fox Films.

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 56 The Fox Applicants and Seven are:

- (a) the owners of;
- (b) further or alternatively, exclusive licensees of,

the copyright in the motion pictures and television programs contained in the Fox Film Catalogue, including the Fox Films.

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

### **iiNet Internet Services**

- 57 From a date unknown to the applicants, but at least since July 2008, iiNet has provided internet access services (the **iiNet Internet Services**) to persons in Australia (the **iiNet Customers**), including by means of broadband and digital subscriber line services.

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 58 In the course of providing the iiNet Internet Services, iiNet has:

- (a) provided iiNet Customers with access to the internet;
- (b) allocated IP addresses for use by iiNet Customers while accessing the internet;
- (c) charged iiNet Customers an access fee;
- (d) provided or offered to provide iiNet Customers with technical support; and
- (e) published terms and conditions from time to time purporting to prohibit the use of the iiNet Internet Services for certain activities which would infringe other persons' rights.

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

### Acts of iiNet Users

59 From a date unknown to the applicants, but at least since July 2008, iiNet Customers and other persons accessing the internet by means of the iiNet Internet Services (together, the **iiNet Users**) have, in Australia, in the course of accessing the internet by means of the iiNet Internet Services:

- (a) made available online to other persons;
- (b) electronically transmitted to other persons; and
- (c) made copies of,

the whole or a substantial part of each of:

- (d) the Roadshow Films, the Universal Films, the Paramount Films, the Warner Bros Films, the Disney Films, the Columbia Films and the Fox Films (together, the **Identified Films**); and
- (e) other motion pictures and television programs contained in the Roadshow Film Catalogue, the Universal Film Catalogue, the Paramount Film Catalogue, the Warner Bros Film Catalogue, the Disney Film Catalogue, the Columbia Film Catalogue and the Fox Film Catalogue (together, the **Catalogue Films**).

## PARTICULARS

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 60 Further or alternatively, iiNet Users, having made copies of Identified Films and Catalogue Films in the manner pleaded in paragraph 59(c), have thereafter made further copies of such Identified Films and Catalogue Films in physical DVD format or on other physical storage media for the purpose of watching those Identified Films and Catalogue Films.
- 61 The acts of iiNet Users pleaded in paragraphs 59 and 60 were done without the licence of the applicants.
- 62 By reason of the matters pleaded in paragraphs 59, 60 and 61, the iiNet Users have infringed the copyright in the Identified Films and the Catalogue Films.

### **Authorisation liability of iiNet**

63 At all material times, iiNet:

- (a) knew or had reason to suspect that iiNet Users engaged in, and were likely to continue to engage in, the acts pleaded in paragraphs 59 and 60;
- (b) took no action in response to notifications sent on behalf of the applicants which identified that iiNet Users were engaging in, or continuing to engage in, the acts pleaded in paragraphs 59 and 60;
- (c) offered encouragement to iiNet Users to engage in, or continue to engage in, the acts pleaded in paragraphs 59 and 60;
- (d) failed to enforce the terms and conditions pleaded in paragraph 58(e) in relation to iiNet Users who engaged in, or continued to engage in, the acts pleaded in paragraphs 59 and 60;
- (e) continued to offer the iiNet Internet Services to iiNet Customers who were engaging in, or continuing to engage in, the acts pleaded in paragraphs 59 and 60 or whose iiNet Internet Services were being used by other iiNet Users to do so;
- (f) through its own inactivity and indifference permitted a situation to develop and continue where iiNet Users engaged in, or continued to engage in, the acts pleaded in paragraphs 59 and 60.

### **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

64 Further or alternatively to paragraph 63 above, at all material times, iiNet:

- (a) had the power to prevent the infringements, and the continuing infringements, pleaded in paragraph 62 from occurring;
- (b) had a direct, and commercial, relationship with the iiNet Customers which enabled it to take action against the iiNet Customers who engaged in, or continued to engage in, the infringements pleaded in paragraph 62 or whose iiNet Internet Services other iiNet Users used, or continued to use, to do so;
- (c) took no steps, or alternatively no adequate steps, to prevent or avoid the infringements, or continuing infringements, pleaded in paragraph 62.



## **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 65 By reason of the matters pleaded in paragraphs 57, 58, 63 and 64, iiNet has authorised the doing of the acts of iiNet Users pleaded in paragraphs 59, 60 and 62.
- 66 The acts of iiNet pleaded in paragraph 65 were done without the licence of the applicants.
- 67 By reason of the matters pleaded in paragraphs 58 to 66, iiNet has infringed the copyright in the Identified Films and the Catalogue Films.

### **Continuing Conduct – Loss, Damage and Profits**

- 68 iiNet:
- (a) was notified of the infringements pleaded in paragraphs 62 and 67 and refused or failed to cease, or to prevent or to take other reasonable steps to ensure that iiNet Users ceased, the infringing conduct;
  - (b) threatens to, and will unless restrained, repeat the acts alleged against it including the infringements pleaded in paragraph 67.

## **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

- 69 By reason of the infringements pleaded in paragraph 67, each of the applicants has suffered, or is likely to suffer, loss and damage, including loss and damage on a commercial scale.
- 70 By reason of the infringements pleaded in paragraphs 67, iiNet has accrued, or is likely to accrue, profits to itself and its business, including financial and other benefits.

## **PARTICULARS**

The applicants rely upon the particulars contained in the Applicants' Particulars.

### **Section 115(4) damages**

- 71 iiNet has done the acts alleged against it:
- (a) flagrantly;
  - (b) knowing that copyright subsisted in the Identified Films and the Catalogue Films;

- (c) knowing that the acts concerned constituted an infringement of the copyright in the Identified Films and the Catalogue Films;
- (d) in reckless disregard of the infringement of the copyright; and
- (e) intending that a commercial or other benefit would accrue to it or iiNet Users.

72 By reason of the matters pleaded in paragraph 71 above, the Court, in awarding damages for infringement of copyright, should award additional damages under section 115(4) of the Act.

**Section 115(6) relief**

73 By reason of the matters pleaded in paragraphs 57 to 67, to the extent that the infringements of copyright proved by the applicants involved the communication of, or the authorisation of the communication of, the whole or a substantial part of any of the Identified Films and the Catalogue Films to the public, it is likely that there were other such infringements of copyright.

74 Taken together, the proved infringements of copyright and the other infringements of copyright pleaded in paragraph 73 were on a commercial scale.

**AND** the applicants claim the relief specified in the Application.

Dated: 20 November 2008



**MICHAEL JOHN WILLIAMS**

**GILBERT + TOBIN**

**Solicitor for the applicants  
by his partner, Siabon Seet**

The applicants' address for service is c/-:

Gilbert + Tobin  
Level 37  
2 Park Street  
Sydney NSW 2000

This pleading was prepared by Michael Williams and Christian Dimitriadis of Counsel.

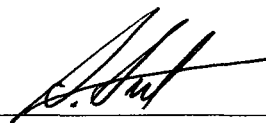
**CERTIFICATE OF LEGAL REPRESENTATION**

**(Order 11, Rule 1B)**

I, **MICHAEL JOHN WILLIAMS**, certify to the Court, that in relation to the pleading dated 20 November 2008 filed on behalf of the applicants, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non-admission in the pleading.

Date: 20 November 2008

A handwritten signature in black ink, appearing to read 'M. Williams', is written over a horizontal line.

**MICHAEL JOHN WILLIAMS**

Legal Representative for the applicants  
by his partner, Siabon Seet

## SCHEDULE 1

### APPLICANTS

**First applicant**

Roadshow Films Pty Ltd  
ACN 100 746 870  
Level 14, 440 Collins Street  
Melbourne, Victoria 3000  
Australia

**Second applicant**

Universal City Studios LLLP  
100 Universal City Plaza  
Universal City, California 91608  
United States of America

**Third applicant**

Paramount Pictures Corporation  
5555 Melrose Avenue  
Hollywood, California 90038  
United States of America

**Fourth applicant**

Warner Bros. Entertainment Inc.  
4000 Warner Boulevard Burbank,  
California 91522  
United States of America

**Fifth applicant**

Disney Enterprises, Inc.  
500 S. Buena Vista St  
Burbank, California, 91521  
United States of America

**Sixth applicant**

Columbia Pictures Industries, Inc.  
10202 W Washington Blvd,  
Culver City, California, 90232-3195  
United States of America

**Seventh applicant**

Twentieth Century Fox Film Corporation  
10201 W. Pico Blvd  
Los Angeles California, 90064  
United States of America

**Eighth applicant**

Paramount Home Entertainment (Australasia)  
Pty Ltd  
ACN 003 914 609  
"Tower A the Zenith" Level 21,  
821 Pacific Highway  
Chatswood NSW 2067

**Ninth applicant**

Buena Vista Home Entertainment, Inc.  
500 S Buena Vista Street  
Burbank, California 91521  
United States of America

**Tenth applicant**

Twentieth Century Fox Film Corporation  
(Australia) Pty Limited  
ACN 000 007 036  
Level 5, Frank Hurley Grandstand  
Fox Studios, Driver Avenue  
Moore Park, NSW 2021  
Australia

**Eleventh applicant**

Universal Pictures (Australasia) Pty Ltd  
ACN 087 513 620  
3 Munn Reserve  
Millers Point NSW 2000  
Australia

**Twelfth applicant**

Village Roadshow Films (BVI) Ltd  
c/- Tricor Services  
PO Box 3340, 2<sup>nd</sup> Floor  
Palm Grove House  
Wickhams Cay, Road Town, Tortola  
British Virgin Islands

**Thirteenth applicant**

Universal Pictures International B.V  
Hagedoorplein 2  
1031 BV Amsterdam  
Netherlands

**Fourteenth applicant**

Universal City Studios Productions LLLP  
100 Universal City Plaza  
Universal City, California 91608  
United States of America

**Fifteenth applicant**

Ringerike GmbH & Co KG  
Luftfahrtbeteiligungs, KG Zeppelinstrasse 3  
15732 Schonefeld OT  
Waltersdorf  
Germany

**Sixteenth applicant**

Internationale Filmproduktion Blackbird Vierte  
GmbH & Co KG  
Wolfratshauserstrasse. 49, 82049 Pullach  
Germany

**Seventeenth applicant**

MDBF Zweite Filmgesellschaft mbH & Co KG  
Wolfratshauserstrasse. 49, 82049 Pullach  
Germany

**Eighteenth applicant**

Internationale Filmproduktion Richter GmbH & Co KG  
Wolfratshauserstrasse. 49, 82049 Pullach  
Germany

**Nineteenth applicant**

NBC Studios, Inc  
3000W Alameda Avenue  
Burbank, California 91523  
United States of America

**Twentieth applicant**

DreamWorks Films L.L.C.  
100 Universal City Plaza  
Universal City, California 91608  
United States of America

**Twenty-first applicant**

Warner Bros International Television  
Distribution Inc  
4000 Warner Boulevard  
Burbank, California 91522  
United States of America

**Twenty-second applicant**

Twentieth Century Fox Home Entertainment  
International Corporation  
c/- 2121 The Avenue of the Stars  
11<sup>th</sup> Floor  
Los Angeles, California 90067  
United States of America

**Twenty-third applicant**

Warner Home Video Pty Ltd  
ACN 002 939 808  
Level 6, 116 Military Road  
Neutral Bay, New South Wales 2089  
Australia

**Twenty-fourth applicant**

Patalex III Productions Limited  
The Quadrangle, The Promenade,  
Cheltenham, Gloucestershire,  
GL50 1PX, England  
United Kingdom

**Twenty-fifth applicant**

Lonely Film Productions GmbH & Co KG  
Bavariafilmplatz 7, D 82031  
Geiselgasteig  
Germany

**Twenty-sixth applicant**

Sony Pictures Animation Inc  
10202 W Washington Blvd,  
Culver City, California 90232-3195  
United States of America

**Twenty-seventh applicant**

Universal Studios International B.V.  
Hagedoorplein 2  
1031 BV Amsterdam  
Netherlands

**Twenty-eighth applicant**

Sony Pictures Home Entertainment Pty Ltd  
ACN 002 489 554  
Level 30, BT Tower  
1 Market Street  
Sydney NSW 2000  
Australia

**Twenty-ninth applicant**

GH One LLC  
C/- Sony Pictures Home Entertainment Inc  
10202 W Washington Blvd,  
Culver City, California 90232-3195  
United States of America

**Thirtieth applicant**

GH Three LLC  
c/- Sony Pictures Home Entertainment Inc  
10202 W Washington Blvd,  
Culver City, California 90232-3195  
United States of America

**Thirty first applicant**

Beverly Blvd LLC  
c/- Sony Pictures Home Entertainment Inc  
10202 W Washington Blvd,  
Culver City, California 90232-3195  
United States of America

**Thirty-second applicant**

Warner Bros Entertainment Australia Pty Ltd  
ACN 003 773 411  
Level 6, Connell Wagner  
116 Military Road  
Neutral Bay NSW 2089  
Australia

**Thirty-third applicant**

Twentieth Century Fox Home Entertainment  
LLC  
2121 Avenue of the Stars, 11th Fl.  
Los Angeles, California 90067  
United States of America

**Thirty-fourth applicant**

Seven Network (Operations) Limited  
ACN 052 845 262  
Level 2, 38-42 Pirrama Road  
Pyrmont NSW 2009  
Australia

**SCHEDULE A**  
**ROADSHOW FILMS**

No.	Motion Picture
R1	I Am Legend
R2	Speed Racer
R3	Happy Feet
R4	The Invasion
R5	Ocean's 13
R6	The Reaping
R7	No Reservations
R8	The Brave One

**SCHEDULE B**

**UNIVERSAL FILMS**

No.	Motion Picture/ Television Program
U1	Forgetting Sarah Marshall
U2	American Gangster
U3	The Mummy: Tomb of the Dragon Emperor
U4	Wanted
U5	Atonement
U6	The Kingdom
U7	Baby Mama
U8	Mamma Mia!
U9	Heroes, Season 3, Episode 3, "One of Us, One of Them"
U10	Heroes, Season 3, Episode 4, "I Am Become Death"
U11	Heroes, Season 3, Episode 5, "Angels and Monsters"
U12	Life, Season 2, Episode 3, "The Business of Miracles"

**SCHEDULE C**  
**PARAMOUNT FILMS**

No.	Motion Picture
P1	Spiderwick Chronicles
P2	Cloverfield
P3	Stop-Loss
P4	Shooter
P5	Transformers
P6	Hot Rod
P7	Stardust
P8	The Heartbreak Kid
P9	Things We Lost in the Fire



## SCHEDULE D

### WARNER BROS FILMS

No.	Motion Picture/ Television Program
WB1	Batman Begins
WB2	Gossip Girl Season 2 Episode 2, "Never Been Marcused"
WB3	Supernatural, Season 3, Episode 15, "Time Is On My Side"
WB4	300
WB5	Blood Diamond
WB6	One Tree Hill Season 6 Episode 2, "One Million Billionth of a Millisecond on a Sunday Morning"
WB7	Harry Potter and the Order of the Phoenix
WB8	The Closer, Season 4, Episode 6, "Problem Child"
WB9	Smallville, Season 7, Episode 17, "Sleeper"
WB10	Two and a Half Men, Season 5, Episode 19, "Waiting for the Right Snapper"

**SCHEDULE E**

**DISNEY FILMS**

No.	Motion Picture
D1	Enchanted
D2	Pirates of The Caribbean: At World's End
D3	College Road Trip

**SCHEDULE F**  
**COLUMBIA FILMS**

No.	Motion Picture
C1	Hancock
C2	21
C3	Spider Man 3
C4	Made of Honor (also known as "Made of Honour")
C5	Talladega Nights: The Ballad of Ricky Bobby
C6	Vantage Point
C7	Surf's Up
C8	Superbad
C9	The Pursuit of Happyness
C10	Pineapple Express

**SCHEDULE G****FOX FILMS**

No.	Motion Picture/ Television Program
F1	Dr. Seuss' Horton Hears A Who
F2	Night At The Museum
F3	The Simpsons, Season 19, Episode 17, "Apocalypse Cow"
F4	The Simpsons, Season 19, Episode 18, "Any Given Sundance"
F5	The Simpsons, Season 19, Episode 19, "Mona Leaves-A"
F6	The Simpsons, Season 19, Episode 20, "All About Lisa"
F7	Family Guy, Season 7, Episode 1, "Love Blactually"
F8	Family Guy, Season 7, Episode 2, "I Dream of Jesus"
F9	Family Guy, Season 7, Episode 3, "Road to Germany"
F10	Prison Break, Season 4, Episode 1, "Scylla"
F11	Prison Break, Season 4, Episode 3, "Shut Down"
F12	Prison Break, Season 4, Episode 4, "Eagles and Angels"
F13	Bones, Season 4, Episodes 1-2, "Yanks in the UK Part 1" and "Yanks in the UK Part 2"
F14	Bones, Season 4, Episode 3, " The Man in the Outhouse "
F15	Bones, Season 4, Episode 4, " The Finger in the Nest "
F16	Bones, Season 4, Episode 6, "The Crank in the Shaft"