

RECEIVED**AUG 08 2006**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIACLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

UNITED STATES OF AMERICA)

v.)

SCOTT R. McCAUSLAND)

Criminal No. 06-40
(18 U.S.C. §§371 and
2319(d)(2)
17 U.S.C. §506(a)(1))06
AUG-8 PM 2:25

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I N F O R M A T I O N

The United States Attorney charges:

THE CONSPIRACY

1. At all times relevant to this Information, the defendant, SCOTT R. McCAUSLAND, possessed, maintained, or had access to one or more computers connected to the Internet and communicated online using the alias "SK0T" and/or "MINDHUNTER".

2. Peer-to-peer ("P2P") file sharing networks allow a group of computer users - or "peers" - with the same file sharing software program to connect with each other through the Internet and directly access files from one another's computer. Users of a P2P network are able to (1) find and download files located on another peer's computer; and (2) share with other peers files located on their own computers. The files referred to in this information are "content" files that include motion pictures, sound recordings, business and entertainment software and television shows.

3. BitTorrent is a newer generation of P2P file sharing technology that allows for faster and more efficient file sharing.

Files transferred using a BitTorrent-based P2P network are broken into smaller chunks of data that collectively comprise a complete file, copies of which may reside on numerous computers belonging to different network peers. By breaking down files into smaller chunks of data, peers can access and download files in pieces from multiple other peers on the system instead of being dependent on a single peer. A peer becomes a "seeder" when he or she has a complete file that he or she continues to make available for others to download.

4. By default, BitTorrent file sharing software also requires that as soon as a peer has downloaded a file chunk, that chunk becomes available for uploading to others. The process of downloading pieces of a file from multiple peers combined with immediately making those pieces available for others to download simultaneously results in faster and more efficient downloads compared to more earlier peer-to-peer file transfer systems.

5. A BitTorrent system generally has "clients" and "trackers." Clients are programs that users run to download and upload files. A tracker computer, also known as a server, runs a program to track clients and maintain a list, or index, of which client computers are online sharing which files. Trackers do not store or relay the files themselves, but instead introduce client computers to one another to facilitate file sharing between peers.

6. Elite Torrents (ET) was an online piracy organization whose members engaged in the illegal reproduction and distribution

of copyrighted works over the Internet. The ET organization used a BitTorrent based peer-to-peer network to facilitate infringement by its members.

7. Upon joining the ET network, members were assigned to one of 12 different member classifications identified on the ET site in increasing order of responsibility and privilege. Administrators, Moderators and Uploaders were among the higher classifications on the ET network. Administrators were generally responsible for the day-to-day operations of the network. Moderators monitored the online chat among ET members and had authority to exclude problem members from the ET network. Uploaders introduced pirated (copyrighted works illegally reproduced or distributed) works onto the ET network.

THE CONSPIRACY AND ITS OBJECTS

8. Beginning at a time unknown and, although no later than in and around September 2004, through in and around May 2005, in the Western District of Pennsylvania and elsewhere, the defendant, SCOTT R. McCAUSLAND, a/k/a/ "SK0T" and/or "Mindhunter" and other conspirators, did knowingly and willfully conspire, combine, confederate, and agree to commit an offense against the United States, to wit, to willfully infringe the copyright of a copyrighted work for purposes of commercial advantage and private financial gain, by reproducing and distributing during a 180-day period ten (10) or more copies of one or more copyrighted works, which have a total retail value of more than \$2,500, in violation

of Title 18, United States Code, Section 2319(b)(1), and Title 17, United States Code, Section 506(a)(1).

**MANNER AND MEANS BY WHICH
THE CONSPIRACY WAS CARRIED OUT**

9. It was a part of the conspiracy that the defendant, SCOTT R. McCAUSLAND, and other conspirators were members of ET.

10. It was further a part of the conspiracy that the defendant, SCOTT R. McCAUSLAND, and other conspirators would obtain access to copyrighted works including movies, computer software, games, and music and would upload such works onto the ET network for others to access, reproduce and distribute all without authorization from the copyright holder. In addition, many of the copyrighted movies unlawfully uploaded were works being prepared for commercial distribution.

11. It was further a part of the conspiracy that, in exchange for making copyrighted works available for others on the ET network to download, the defendant, SCOTT R. McCAUSLAND, and other conspirators would expect to receive and did receive copies of copyrighted works for their own personal use without authorization from the copyright holder.

12. At various times from in and around September 2004 through in and around May 2005, the defendant, SCOTT R. McCAUSLAND, participated in the conspiracy as an Administrator, Moderator and Uploader. As an Administrator, the defendant, SCOTT R. McCAUSLAND, participated in managing the day-to-day operations of the site. As a Moderator, the defendant, SCOTT R. McCAUSLAND, monitored the

communications of ET members and had authority to exclude ET members from the network. As an Uploader, the defendant, SCOTT R. McCAUSLAND, introduced copyrighted works onto the ET network for others to download.

13. From in and around September 2004 through in and around May 2005, on numerous occasions, the defendant, SCOTT R. McCAUSLAND, and other conspirators uploaded and downloaded copies of copyrighted movies, computer programs, games and/or music on the ET network without authorization from the copyright holder in amounts no less than approximately 33 games; 221 movies of which approximately 172 were pre-release motion pictures (as defined in 18 U.S.C. § 2319(f)(4)); 21 sound recordings; and 33 software programs with a combined total value of approximately between \$10,000 and \$30,000.

OVERT ACTS

14. In furtherance of the above conspiracy, and in order to effect the objects thereof, the following overt acts, among others, were committed within the Western District of Pennsylvania and elsewhere:

a. The defendant, SCOTT R. McCAUSLAND, and other conspirators uploaded to the ET network and distributed to other members of the ET network copyrighted works as follows:

1. "The Forgotten" was uploaded onto the ET network on 9/28/04 at 4:43 AM, four days after its theatrical release on 9/24/04;

2. "Blade Trinity" was uploaded to the ET network on 12/9/04 at 6:59 AM, one day prior to it's theatrical release on 12/10/2004;
3. "Are We There Yet" was uploaded to the ET network on 1/25/05 at 5:05 PM, four days after the theatrical release date of 1/21/05;
4. "Hitch" was uploaded to the ET network on 2/7/05 7:30 PM, four days prior to the theatrical release date of 2/11/05;
5. "Coach Carter" was uploaded to the ET network on 1/14/05 7:09 PM the same day of the theatrical release;
6. "Assault on Precinct 13" was uploaded to the ET network on 1/23/05 5:30 AM, just four days after its theatrical release on 1/19/05;
7. "Constantine" was uploaded to the ET network on 2/22/05 at 5:22 PM just four days after its theatrical release on 2/18/05;
8. "Elektra" was uploaded to the ET network on 1/15/05 at 7:07 PM, just one day after its theatrical release on 1/14/05;
9. "White Noise" was uploaded to the ET network on 1/08/05 at 7:09 PM, just one day after its theatrical release on 1/07/05.

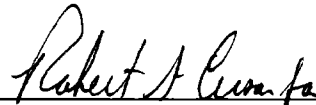
In violation of Title 18, United States Code, Section

COUNT TWO

The United States Attorney further charges:

On or about May 18, 2005, in the Western District of Pennsylvania, the defendant, SCOTT R. McCAUSLAND, willfully infringed a copyright by distributing a work being prepared for commercial release and made the copyrighted work available on a computer network accessible to others, for purposes of commercial advantage and private financial gain, knowing that said copyrighted work was intended for commercial distribution, to wit, the defendant, SCOTT R. McCAUSLAND, uploaded onto the Elite Torrents (ET) computer network a pirated copy of the copyrighted motion picture "Star Wars: Episode III - Revenge of the Sith", one day prior to its theatrical release on May 19, 2005.

In violation of Title 18, United States Code, Section 2319(d)(2) and Title 17, United States Code, Section 506(a)(1)(C).



MARY BETH BUCHANAN
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