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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
~~BIG STONE GAP DIVISION~~

JUL 19 2006

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UNITED STATES OF AMERICA

v.

GRANT T. STANLEY, a/k/a "G",

Defendant.

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Case No. 2:06CR17

18 U.S.C. § 371 [conspiracy]

18 U.S.C. § 2319 [copyright Infringement]

17 U.S.C. § 506(a) [copyright Infringement]

INFORMATION

The Government charges that:

COUNT ONE  
(Conspiracy)

I. Background

1. At all times relevant to this Information, the defendant **GRANT T. STANLEY** possessed, maintained, or had access to one or more computers connected to the Internet and communicated online using the alias "G".
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. Upon joining the ET network, members are assigned to one of 12 different member classifications identified on the ET site in increasing order of responsibility and privilege. Administrators, Moderators and Uploaders are among the higher classifications on the ET network. Administrators are generally responsible for the day-to-day operations of the network. Moderators monitor the online chat among ET members and have authority to exclude problem members from the ET network. Uploaders introduce pirated works (copyrighted works illegally reproduced or distributed) onto the ET network.

II. The Conspiracy and its Objects

7. Between in or about September 2004 through in or about May 2005, in the Western District of Virginia and elsewhere, the defendant **GRANT T. STANLEY** a/k/a/ "G" 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).

III. Manner and Means of the Conspiracy

8. It was a part of the conspiracy that the defendant **GRANT T. STANLEY** and other conspirators were members of Elite Torrents ("ET"), 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.

9. It was further a part of the conspiracy that the defendant **GRANT T. STANLEY** 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.

10. It was further a part of the conspiracy that, in exchange for making copyrighted works available for others on the ET network to download, defendant **GRANT T. STANLEY**

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.

Overt Acts

11. In furtherance of the above conspiracy, and to accomplish its unlawful objectives, **GRANT T. STANLEY** and other conspirators transferred thousands of copyrighted works including movies (many of which were pre-release motion pictures as defined in 18 U.S.C. § 2319(f)(4)), software applications, computer games and music to or from the ET network.

Among these overt acts were the following:

- a. On January 25, 2005, **GRANT T. STANLEY**, while in the Western District of Virginia, uploaded or caused to be uploaded to the ET network a pirated copy of the copyrighted motion picture "*Are We There Yet*";
- b. On April 1, 2005, **GRANT T. STANLEY**, while in the Western District of Virginia, uploaded or caused to be uploaded to the ET network a pirated copy of the copyrighted motion picture "*Constantine*";
- c. On January 19, 2005, **GRANT T. STANLEY**, while in the Western District of Virginia, uploaded or caused to be uploaded to the ET network a pirated copy of the copyrighted motion picture "*Shark Tale*"; and
- d. On February 18, 2005, **GRANT T. STANLEY**, while in the Western District of Virginia, uploaded or caused to be uploaded to the ET network a pirated copy of the copyrighted motion picture "*Son of the Mask*."

All in violation of Title 18, United States Code, Section 371.

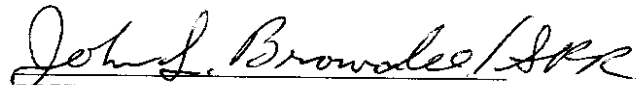
12. At various times from in or about September 2004 through in or about May 2005, the defendant **GRANT T. STANLEY** participated in the conspiracy as a Moderator and Uploader. As a Moderator, defendant monitored the communications of ET members and had authority to exclude ET members from the network. As an Uploader, defendant introduced copyrighted works onto the ET network for others to download.

13. All in violation of Title 18, United States Code, Section 371.

COUNT TWO  
(Copyright Infringement)

1. On or about February 7, 2005, in the Western District of Virginia and elsewhere, defendant **GRANT T. STANLEY**, did willfully infringe the copyright of a copyrighted work by the distribution of a work being prepared for commercial distribution, by making the motion picture "*Hitch*" available on ET, a computer network accessible to members of the public, when he knew and should have known that the work was intended for commercial distribution.
2. All in violation of Title 18, United States Code, Section 2319(d)(2), and Title 17, United States Code, Section 506(a)(1)(C).

THE UNITED STATES OF AMERICA

  
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