1	Joseph R. Saveri (State Bar No. 130064) JOSEPH SAVERI LAW FIRM, LLP	
2	601 California Street, Suite 1000	
3	San Francisco, CA 94108	
3	Telephone: (415) 500-6800	
4	Facsimile: (415) 395-9940	
5	Email: jsaveri@saverilawfirm.com	
6	Matthew Butterick (State Bar No. 250953)	
7	1920 Hillhurst Avenue, #406	
	Los Angeles, CA 90027 Telephone: (323) 968-2632	
8	Facsimile: (415) 395-9940	
9	Email: mb@buttericklaw.com	
10	Laura M. Matson (pro hac vice pending)	
11	LOCKRIDGE GRINDAL NAUEN PLLP	
	100 Washington Avenue South, Suite 2200	
12	Minneapolis, MN 55401	
13	Telephone: (612) 339-6900	
	Facsimile: (612) 339-0981	
14	Email: lmmatson@locklaw.com	
15	Counsel for Individual and Representative	
16	Plaintiffs and the Proposed Class	
17		
18	UNITED STATES	DISTRICT COURT
10	NORTHERN DISTRI	CT OF CALIFORNIA
19	SAN FRANCIS	SCO DIVISION
20		
21	Abdi Nazemian, an individual;	Case No.
21	Brian Keene, an individual; and	
22	Stewart O'Nan, an individual;	COMPLAINT
23	Individual and Representative Plaintiffs,	CLASS ACTION
24	v.	DEMAND FOR JURY TRIAL
25	NVIDIA Corporation, a Delaware corporation;	
26	Defendant.	
27	Defendant.	I
28		

Plaintiffs Abdi Nazemian, Brian Keene, and Stewart O'Nan (together "Plaintiffs"), on behalf of themselves and all others similarly situated, bring this class-action complaint ("Complaint") against defendant NVIDIA Corporation ("NVIDIA" or "Defendant").

4

5

6 7

8 9

10

12

11

14

15

13

16

17 18

19 20

21

22 23

24

25

26

27 28

JURISDICTION AND VENUE

6. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 because this case arises under the Copyright Act (17 U.S.C. § 501).

OVERVIEW

- Artificial intelligence—commonly abbreviated "AI"—denotes software that is designed 1. to algorithmically simulate human reasoning or inference, often using statistical methods.
- A large language model is an AI software program designed to emit convincingly naturalistic text outputs in response to user prompts. NeMo Megatron-GPT ("NeMo Megatron") is a series of large language models created by NVIDIA and released in September 2022.
- 3. Rather than being programmed in the traditional way—that is, by human programmers writing code—a large language model is trained by copying an enormous quantity of textual works, extracting protected expression from these works, and transforming that protected expression into a large set of numbers called weights that are stored within the model. These weights are entirely and uniquely derived from the protected expression in the training dataset. Whenever a large language model generates text output in response to a user prompt, it is performing a computation that relies on these stored weights, with the goal of imitating the protected expression ingested from the training dataset.
- 4. Plaintiffs and Class members are authors. They own registered copyrights in certain books that were included in the training dataset that NVIDIA has admitted copying to train its NeMo Megatron models. Plaintiffs and Class members never authorized NVIDIA to use their copyrighted works as training material.
- NVIDIA copied these copyrighted works multiple times to train its NeMo Megatron 5. language models.

1	7. Jurisdiction and venue are proper in this judicial district under 28 U.S.C. § 1391(c)(2)				
2	because NVIDIA is headquartered in this district. NVIDIA created the NeMo Megatron models and				
3	distributes them commercially. Therefore, a substantial part of the events giving rise to the claim				
4	occurred in this District. A substantial portion of the affected interstate trade and commerce was				
5	carried out in this District. Defendant has transacted business, maintained substantial contacts, and/or				
6	committed overt acts in furtherance of the illegal scheme and conspiracy throughout the United States,				
7	including in this District. Defendant's conduct has had the intended and foreseeable effect of causing				
8	injury to persons residing in, located in, or doing business throughout the United States, including in				
9	this District.				
10	8. Under Civil Local Rule 3-2(c), assignment of this case to the San Francisco Division is				
11	proper because this case pertains to intellectual-property rights, which is a district-wide case category				
12	under General Order No. 44, and therefore venue is proper in any courthouse in this District.				
13					
14	PLAINTIFFS				
15	9. Plaintiff Abdi Nazemian is an author who lives in California. Mr. Nazemian owns				
16	registered copyrights in multiple books, including Like a Love Story.				
17	10. Plaintiff Brian Keene is an author who lives in Pennsylvania. Mr. Keene owns registered				
18	copyrights in multiple books, including Ghost Walk.				
19	11. Plaintiff Stewart O'Nan is an author who lives in Pennsylvania. Mr. O'Nan owns				
20	registered copyrights in multiple books, including Last Night at the Lobster.				
21	12. A nonexhaustive list of registered copyrights owned by Plaintiffs is included as				
22	Exhibit A.				
23					
24	DEFENDANT				
25	13. Defendant NVIDIA is a Delaware corporation with its principal place of business at				
26	2788 San Tomas Expressway, Santa Clara CA 95051.				
27					

AGENTS AND CO-CONSPIRATORS

- 14. The unlawful acts alleged against the Defendant in this class action complaint were authorized, ordered, or performed by the Defendant's respective officers, agents, employees, representatives, or shareholders while actively engaged in the management, direction, or control of the Defendant's businesses or affairs. The Defendant's agents operated under the explicit and apparent authority of their principals. Defendant, and its subsidiaries, affiliates, and agents operated as a single unified entity.
- 15. Various persons or firms not named as defendants may have participated as coconspirators in the violations alleged herein and may have performed acts and made statements in furtherance thereof. Each acted as the principal, agent, or joint venture of, or for Defendant with respect to the acts, violations, and common course of conduct alleged herein.

FACTUAL ALLEGATIONS

- 16. NVIDIA is a diversified technology company founded in 1993 that originally focused on computer-graphics hardware and has since expanded to other computationally intensive fields, including software and hardware for training and operating AI software programs.
- 17. In September 2022, NVIDIA released its NeMo Megatron series of *large language models*. A large language model ("LLM") is AI software designed to emit convincingly naturalistic text outputs in response to user prompts.
- 18. Though an LLM is a software program, it is not created the way most software programs are—that is, by human software programmers writing code. Rather, an LLM is *trained* by copying an enormous quantity of textual works and then feeding these copies into the model. This corpus of input material is called the *training dataset*.
- 19. During training, the LLM copies and ingests each textual work in the training dataset and extracts protected expression from it. The LLM progressively adjusts its output to more closely approximate the protected expression copied from the training dataset. The LLM records the results of this process in a large set of numbers called *weights* that are stored within the model. These weights are entirely and uniquely derived from the protected expression in the training dataset. For instance, the

NeMo Megatron-GPT 20B language model is so named because the model stores 20 billion ("20B") weights derived from protected expression in its training dataset.

- 20. Once the LLM has copied and ingested the textual works in the training dataset and transformed the protected expression into stored weights, the LLM is able to emit convincing simulations of natural written language in response to user prompts. Whenever an LLM generates text output in response to a user prompt, it is performing a computation that relies on these stored weights, with the goal of imitating the protected expression ingested from the training dataset.
- 21. Much of the material in NVIDIA's training dataset, however, comes from copyrighted works—including books written by Plaintiffs and Class members—that were copied by NVIDIA without consent, without credit, and without compensation.
- 22. In September 2022, NVIDIA first announced the availability of the NeMo Megatron language models in a video on its website: "For the first time, NVIDIA is making its checkpoints available publicly, where the checkpoints are trained with NeMo Megatron ... this is just to begin with. And this is not the end. We will continue to add more checkpoints in the future." In this context "checkpoints" is an alternate term for language models within the NeMo Megatron series. The language models released in September 2022 include NeMo Megatron-GPT 1.3B, NeMo Megatron-GPT 5B, NeMo Megatron-GPT 20B, and NeMo Megatron-T5 3B.
- 23. Each of the NeMo Megatron models is hosted on a website called Hugging Face, where it has a *model card* that provides information about the model, including its training dataset. The model card for each of the NeMo Megatron models states that, "The model was trained on 'The Pile' dataset prepared by EleutherAI."²

¹ See https://www.nvidia.com/en-us/on-demand/session/gtcfall22-a41200/?nvid=nv-int-tblg-881125, starting at 37:25.

² See, e.g., https://huggingface.co/nvidia/nemo-megatron-gpt-1.3B#training-data, https://huggingface.co/nvidia/nemo-megatron-gpt-5B#training-data, https://huggingface.co/nvidia/nemo-megatron-gpt-20B#training-data, https://huggingface.co/nvidia/nemo-megatron-t5-3B#training-data

- 24. The Pile is a training dataset curated by a research organization called EleutherAI. In December 2020, EleutherAI introduced this dataset in a paper called "The Pile: An 800GB Dataset of Diverse Text for Language Modeling" (the "EleutherAI Paper").
- 25. According to the EleutherAI Paper, one of the components of The Pile is a collection of books called Books3. The EleutherAI Paper reveals that the Books3 dataset comprises 108 gigabytes of data, or approximately 12% of the dataset, making it the third largest component of The Pile by size.
 - 26. The EleutherAI Paper further describes the contents of Books3:

Books3 is a dataset of books derived from a copy of the contents of the Bibliotik private tracker ... Bibliotik consists of a mix of fiction and nonfiction books and is almost an order of magnitude larger than our next largest book dataset (BookCorpus2). We included Bibliotik because books are invaluable for long-range context modeling research and coherent storytelling.⁴

- 27. Bibliotik is one of a number of notorious "shadow library" websites that also includes Library Genesis (aka LibGen), Z-Library (aka B-ok), Sci-Hub, and Anna's Archive. These shadow libraries have long been of interest to the AI-training community because they host and distribute vast quantities of unlicensed copyrighted material. For that reason, these shadow libraries also violate the U.S. Copyright Act.
- 28. The person who assembled the Books3 dataset, Shawn Presser, has confirmed in public statements that it represents "all of Bibliotik" and contains approximately 196,640 books.
- 29. Plaintiffs' copyrighted books listed in Exhibit A are among the works in the Books3 dataset. Below, these books are referred to as the **Infringed Works**.

³ Available at https://arxiv.org/pdf/2101.00027.pdf

⁴ *Id.* at 3–4.

1	
2	tl
3	re
4	
5	P
6	В
7	ir
8	0
9	
10	
11	
12	
13	
14	
15	e:
16	
17	P
18	С
19	
20	Iı
21	С
22	A
23	
24	λ

26

27

28

- 30. Until October 2023, the Books3 dataset was available from Hugging Face. At that time, the Books3 dataset was removed with a message that it "is defunct and no longer accessible due to reported copyright infringement."⁵
- 31. In sum, NVIDIA has admitted training its NeMo Megatron models on a copy of The Pile dataset. Therefore, NVIDIA necessarily also trained its NeMo Megatron models on a copy of Books3, because Books3 is part of The Pile. Certain books written by Plaintiffs are part of Books3—including the Infringed Works—and thus NVIDIA necessarily trained its NeMo Megatron models on one or more copies of the Infringed Works, thereby directly infringing the copyrights of the Plaintiffs.

COUNT 1

DIRECT COPYRIGHT INFRINGEMENT (17 U.S.C. § 501) AGAINST NVIDIA

- 32. Plaintiffs incorporate by reference the preceding factual allegations.
- 33. As the owners of the registered copyrights in the Infringed Works, Plaintiffs hold the exclusive rights to those books under 17 U.S.C. § 106.
- 34. To train the NeMo Megatron language models, NVIDIA copied The Pile dataset. The Pile dataset includes the Books3 dataset, which includes the Infringed Works. NVIDIA made multiple copies of the Books3 dataset while training the NeMo Megatron models.
- 35. Plaintiffs and the Class members never authorized NVIDIA to make copies of their Infringed Works, make derivative works, publicly display copies (or derivative works), or distribute copies (or derivative works). All those rights belong exclusively to Plaintiffs under the U.S. Copyright Act.
- 36. NVIDIA made multiple copies of the Infringed Works during the training of the NeMo Megatron models without Plaintiffs' permission and in violation of their exclusive rights under the Copyright Act. On information and belief, NVIDIA has continued to make copies of the Infringed Works for training other models.

⁵ See https://huggingface.co/datasets/the_pile_books3

1	37. Plaintiffs have been inj	ured by NVIDIA's acts of direct copyright infringement.					
2	Plaintiffs are entitled to statutory dam	Plaintiffs are entitled to statutory damages, actual damages, restitution of profits, and other remedies					
3	provided by law.	provided by law.					
4							
5		CLASS ALLEGATIONS					
6	38. The "Class Period" a	s defined in this Complaint begins on at least March 8, 2021 and					
7	runs through the present. Because Pla	intiffs do not yet know when the unlawful conduct alleged herein					
8	began, but believe, on information and	began, but believe, on information and belief, that the conduct likely began earlier than March 8, 2021,					
9	Plaintiffs reserve the right to amend the Class Period to comport with the facts and evidence uncovered						
10	during further investigation or through discovery.						
11	39. Class definition. Plair	ntiffs bring this action for damages and injunctive relief as a class					
12	action under Federal Rules of Civil Procedure 23(a), 23(b)(2), and 23(b)(3), on behalf of the following						
13	Class:						
14	All persons or entitie	s domiciled in the United States that own a					
15	United States copyright in any work that was used as training data for						
16	the NeMo Megatron	large language models during the Class Period.					
17	40. This Class definition e	xcludes:					
18	a. the Defendant	named herein;					
19	b. any of the Defe	endant's co-conspirators;					
20	c. any of Defenda	ant's parent companies, subsidiaries, and affiliates;					
21	d. any of Defenda	nt's officers, directors, management, employees, subsidiaries,					
22	affiliates, or ago	ents;					
23	e. all government	al entities; and					
24	f. the judges and	chambers staff in this case, as well as any members of their					
25	immediate fam	ilies.					
26	41. Numerosity . Plaintiffs	s do not know the exact number of members in the Class. This					
27	information is in the exclusive control	of Defendant. On information and belief, there are at least					
28							

thousands of members in the Class geographically dispersed throughout the United States. Therefore, joinder of all members of the Class in the prosecution of this action is impracticable.

- 42. **Typicality.** Plaintiffs' claims are typical of the claims of other members of the Class because Plaintiffs and all members of the Class were damaged by the same wrongful conduct of Defendant as alleged herein, and the relief sought herein is common to all members of the Class.
- 43. Adequacy. Plaintiffs will fairly and adequately represent the interests of the members of the Class because the Plaintiffs have experienced the same harms as the members of the Class and have no conflicts with any other members of the Class. Furthermore, Plaintiffs have retained sophisticated and competent counsel who are experienced in prosecuting federal and state class actions, as well as other complex litigation.
- 44. **Commonality and predominance**. Numerous questions of law or fact common to each Class member arise from Defendant's conduct and predominate over any questions affecting the members of the Class individually:
 - a. Whether Defendant violated the copyrights of Plaintiffs and the Class when they obtained copies of Plaintiffs' Infringed Works and used them to train the NeMo Megatron language models.
 - b. Whether Defendant intended to cause further infringement of the Infringed Works with the NeMo Megatron models because they have distributed these models under an open license and advertised those models as a base from which to build further models.
 - c. Whether any affirmative defense excuses Defendant's conduct.
 - d. Whether any statutes of limitation constrain the potential for recovery for Plaintiffs and the Class.
- 45. **Other class considerations**. Defendant has acted on grounds generally applicable to the Class. This class action is superior to alternatives, if any, for the fair and efficient adjudication of this controversy. Prosecuting the claims pleaded herein as a class action will eliminate the possibility of repetitive litigation. There will be no material difficulty in the management of this action as a class action. The prosecution of separate actions by individual Class members would create the risk of inconsistent or varying adjudications, establishing incompatible standards of conduct for Defendant.

DEMAND FOR JUDGMENT 1 WHEREFORE, Plaintiffs request that the Court enter judgment on their behalf and on behalf of 2 the Class defined herein, by ordering: 3 a) This action may proceed as a class action, with Plaintiffs serving as Class 4 Representatives, and with Plaintiffs' counsel as Class Counsel. 5 b) Judgment in favor of Plaintiffs and the Class and against Defendant. 6 c) An award of statutory and other damages under 17 U.S.C. § 504 for violations of the 7 copyrights of Plaintiffs and the Class by Defendant. 8 d) Reasonable attorneys' fees as available under 17 U.S.C. § 505 or other applicable statute. 9 e) Destruction or other reasonable disposition of all copies Defendant made or used in 10 violation of the exclusive rights of Plaintiffs and the Class, under 17 U.S.C. § 503(b). 11 f) Pre- and post-judgment interest on the damages awarded to Plaintiffs and the Class, and 12 that such interest be awarded at the highest legal rate from and after the date this class 13 action complaint is first served on Defendant. 14 g) Defendant is to be financially responsible for the costs and expenses of a Court-15 approved notice program through post and media designed to give immediate 16 notification to the Class. 17 h) Further relief for Plaintiffs and the Class as may be just and proper. 18 19 JURY TRIAL DEMANDED 20 Under Federal Rule of Civil Procedure 38(b), Plaintiffs demand a trial by jury of all the claims 21 asserted in this Complaint so triable. 22 23 24 25 26 27 28

1	Dated: March 8, 2024	By: /s/ Joseph R. Saveri
2		Joseph R. Saveri
3		Joseph R. Saveri (State Bar No. 130064) Christopher K. L. Young (State Bar No. 318371) Elissa Buchanan (State Bar No. 249996)
5		JOSEPH SAVERI LAW FIRM, LLP
6		601 California Street, Suite 1000 San Francisco, CA 94108
7		Telephone: (415) 500-6800 Facsimile: (415) 395-9940
8		Email: jsaveri@saverilawfirm.com cyoung@saverilawfirm.com
9		eabuchanan@saverilawfirm.com
10		Matthew Butterick (State Bar No. 250953)
11		1920 Hillhurst Avenue, #406 Los Angeles, CA 90027
12		Telephone: (323) 968-2632
13		Facsimile: (415) 395-9940
		Email: mb@buttericklaw.com
14		Brian D. Clark (pro hac vice pending)
15		Laura M. Matson (pro hac vice pending)
16		Arielle S. Wagner (pro hac vice pending)
1.7		Eura Chang (pro hac vice pending)
17		LOCKRIDGE GRINDAL NAUEN PLLP
18		100 Washington Avenue South, Suite 2200 Minneapolis, MN 55401
19		Telephone: (612) 339-6900
•		Facsimile: (612) 339-0981
20		Email: bdclark@locklaw.com
21		lmmatson@locklaw.com
22		aswagner@locklaw.com echang@locklaw.com
23		Connect for Individual and Detrocontating
24		Counsel for Individual and Representative Plaintiffs and the Proposed Class
25		- -
26		
27		
28		

EXHIBIT A: INFRINGED WORKS

Stewart O'Nan: Last Night at the Lobster (TX0006976136)

Type of Work: Text

Registration Number / Date:

TX0006976136 / 2007-12-19

Application Title: LAST NIGHT AT THE LOBSTER.

Title: LAST NIGHT AT THE LOBSTER.

Description: Book, 146 p.

Copyright Claimant:

Stewart O'Nan.

Date of Creation: 2007

Date of Publication:

2007-11-01

Nation of First Publication:

United States

Authorship on Application:

Stewart O'Nan; Citizenship: United States. Authorship:

entire text.

Names: O'Nan, Stewart

Abdi Nazemian: Like a Love Story (TX0008763965)

Type of Work: Text

Registration Number / Date:

TX0008763965 / 2019-06-07

Application Title: LIKE A LOVE STORY.

Title: LIKE A LOVE STORY.

Description: Book, 413 p.

Copyright Claimant:

Abdi Nazemian.

Date of Creation: 2019

Date of Publication:

2019-06-01

Nation of First Publication:

United States

Authorship on Application:

Abdi Nazemian; Domicile: United States; Citizenship: United

States. Authorship: text.

Names: Nazemian, Abdi

Brian Keene: Ghost Walk (TX0007008484)

Type of Work: Text

Registration Number / Date:

TX0007008484 / 2008-10-14

Application Title: Ghost Walk.

Title: Ghost Walk.

Description: Book, 275p.

Copyright Claimant:

Brian Keene.

Date of Creation: 2008

Date of Publication:

2008-08-01

Nation of First Publication:

United States

Authorship on Application:

Brian Keene; Citizenship: United States. Authorship:

Author of entire work.

Names: Keene, Brian

except as provided by local ru	sheet and the information contailes of court. This form, approvate sheet. (SEE INSTRUCTIONS O	ed in its original fo	orm by the J	Judicial Conference of the	and serv he United	d States in September 1974,	ers as required by law, is required for the Clerk of	
I. (a) PLAINTIFFS				DEFENDANTS				
Abdi Nazemian, an individual; Brian Keene, an individual; and Stewart O'Nan, an			individual`	NVIDIA Corporation, a Delaware corporation				
(b) County of Residence of (EXCEPT IN U.S. PLAIN	of First Listed Plaintiff Los Ar	ngeles County, CA		County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)				
,				NOTE: IN LAND CO	ONDEM	NATION CASES, USE THE LO	OCATION OF	
(c) Attorneys (Firm Name	e, Address, and Telephone Number)			Attorneys (If Known)	THE TRACT OF LAND INVOLVED.			
See Attachment 1								
	SDICTION (Place an "X" in	One Ren Only)	ш ст	TIZENSHIP OF PR	INCIP	PAL PARTIES (Place an	'V" in One Bou for Blaintiff	
II. DASIS OF JUNIS	SDICTION (Flace an X in	Опе вох Опіу)	(For	Diversity Cases Only)		and One B	ox for Defendant)	
1 U.S. Government Plaintiff X 3 Federal Question (U.S. Government Not a Party)		t a Party)	Citizer	en of This State PTF		DEF Incorporated or Prince of Business In This S		
2 U.S. Government Defend	dant 4 Diversity		Citizer	en of Another State 2		2 Incorporated and Prin	ncipal Place 5 5	
	(Indicate Citizenship of	Parties in Item III)	Citizer	or Subject of a	3	of Business In Another State 3 Foreign Nation 6 6		
			Foreig	n Country				
IV. NATURE OF S	UIT (Place an "X" in One Box (Only)						
CONTRACT	,	RTS		FORFEITURE/PENAI	LTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance	PERSONAL INJURY	PERSONAL I	NJURY	625 Drug Related Seizu		422 Appeal 28 USC § 158	375 False Claims Act	
120 Marine	310 Airplane	365 Personal Inju	ry – Product	Property 21 USC §	881	423 Withdrawal 28 USC	376 Qui Tam (31 USC	
130 Miller Act	315 Airplane Product Liability	Liability		690 Other		§ 157	§ 3729(a)) 400 State Reapportionment	
140 Negotiable Instrument 150 Recovery of	320 Assault, Libel & Slander	Pharmaceuti		LABOR		PROPERTY RIGHTS	410 Antitrust	
Overpayment Of	330 Federal Employers' Liability	Injury Produ	ct Liability	710 Fair Labor Standard 720 Labor/Management		820 Copyrights 830 Patent	430 Banks and Banking	
Veteran's Benefits	340 Marine	368 Asbestos Per		Relations		835 Patent—Abbreviated New	450 Commerce	
151 Medicare Act	345 Marine Product Liability	Product Liab	•	740 Railway Labor Act	:	Drug Application	460 Deportation	
152 Recovery of Defaulted Student Loans (Excludes	350 Motor Vehicle	PERSONAL PR 370 Other Fraud	OPERTY	751 Family and Medica	al	840 Trademark	470 Racketeer Influenced &	
Veterans)	355 Motor Vehicle Product	370 Other Fraud 371 Truth in Lend	dino	Leave Act	. 1	880 Defend Trade Secrets	Corrupt Organizations 480 Consumer Credit	
153 Recovery of	Liability	380 Other Person		790 Other Labor Litigat		Act of 2016	485 Telephone Consumer	
Overpayment	360 Other Personal Injury 362 Personal Injury -Medical	Damage	1 ,	791 Employee Retireme Income Security Ac		SOCIAL SECURITY	Protection Act	
of Veteran's Benefits 160 Stockholders' Suits	Malpractice	385 Property Dan	nage Product	IMMIGRATION		861 HIA (1395ff) 862 Black Lung (923)	490 Cable/Sat TV 850 Securities/Commodities/	
190 Other Contract	CHAIL BLOHEG	Liability	ELECANO	462 Naturalization		863 DIWC/DIWW (405(g))		
195 Contract Product Liability	CIVIL RIGHTS	PRISONER PET		Application		864 SSID Title XVI	Exchange 890 Other Statutory Actions	
196 Franchise	440 Other Civil Rights 441 Voting	HABEAS CO		465 Other Immigration		865 RSI (405(g))	891 Agricultural Acts	
REAL PROPERTY	442 Employment	463 Alien Detain 510 Motions to V		Actions		FEDERAL TAX SUITS	893 Environmental Matters	
210 Land Condemnation	443 Housing/	Sentence	acaic			870 Taxes (U.S. Plaintiff or	895 Freedom of Information	
220 Foreclosure	Accommodations	530 General				Defendant)	Act 896 Arbitration	
230 Rent Lease & Ejectment	445 Amer. w/Disabilities—	535 Death Penalt	у		ı	871 IRS—Third Party 26 USC	899 Administrative Procedure	
240 Torts to Land	Employment 446 Amer. w/Disabilities—Other	OTHER				§ 7609	Act/Review or Appeal or	
245 Tort Product Liability 290 All Other Real Property	448 Education	540 Mandamus &	t Other				Agency Decision	
290 All Other Real Froperty		550 Civil Rights 555 Prison Condi	tion				950 Constitutionality of State Statutes	
		560 Civil Detaine					Statutes	
		Conditions o	f					
		Confinement	t					
V. ORIGIN (Place a	n "X" in One Box Only)							
X 1 Original Proceeding		Remanded from Appellate Court	4 Reins	tated or 5 Transferrened Another	red from District (s	6 Multidistrict Specify) Litigation—Tran	8 Multidistrict sfer Litigation–Direct File	
Ü			r		,		Ç	
VI. CAUSE OF Ci	ite the U.S. Civil Statute under	which you are filin	ng (Do not c	ite jurisdictional statutes u	nless dive	ersity):		
ACTION 17 U.S.C. § 501								
Bı	rief description of cause: Copyright Infringement							
VII. REQUESTED I COMPLAINT:	IN CHECK IF THIS IS A UNDER RULE 23, Fed		DEM.	AND \$ 1,000,000,000	0.00	CHECK YES only if dem JURY DEMAND:	anded in complaint: X Yes No	

 $IF\ ANY \quad \textit{(See instructions):}$ **DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)**

JUDGE

(Place an "X" in One Box Only) × SAN FRANCISCO/OAKLAND SAN JOSE **EUREKA-MCKINLEYVILLE**

VIII. RELATED CASE(S),

DOCKET NUMBER

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- **I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)."
- II. Jurisdiction. The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 - (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 - (3) <u>Federal question</u>. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) <u>Diversity of citizenship</u>. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.)**
- **III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin. Place an "X" in one of the six boxes.
 - (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) <u>Transferred from Another District</u>. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) <u>Multidistrict Litigation Transfer</u>. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.
 - Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Federal Rule of Civil Procedure 23.
 - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment. If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated."

Date and Attorney Signature. Date and sign the civil cover sheet.

Attachment 1 Attorneys

Joseph R. Saveri (State Bar No. 130064)

Christopher K.L. Young (State Bar No. 318371)

Elissa Buchanan (State Bar No. 249996)

JOSEPH SAVERI LAW FIRM, LLP

601 California Street, Suite 1000 San Francisco, California 94108

Telephone: (415) 500-6800 Facsimile: (415) 395-9940

Email: jsaveri@saverilawfirm.com

cyoung@saverilawfirm.com eabuchanan@saverilawfirm.com

Matthew Butterick (State Bar No. 250953)

1920 Hillhurst Avenue, #406

Los Angeles, CA 90027

Telephone: (323) 968-2632 Facsimile: (415) 395-9940

Email: mb@buttericklaw.com

Brian D. Clark (pro hac vice pending)

Laura M. Matson (pro hac vice pending)

Arielle S. Wagner (pro hac vice pending)

Eura Chang (pro hac vice pending)

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

100 Washington Avenue South, Suite 2200

Minneapolis, MN 55401

Telephone: (612) 339-6900 Facsimile: (612) 339-0981

Email: bdclark@locklaw.com

lmmatson@locklaw.com aswagner@locklaw.com echang@locklaw.com

Counsel for Individual and Representative Plaintiffs and the Proposed Class