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8 Attorneys for Plaintiff TIR CONSULTING LLC

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 TIR CONSULTING LLC, A California  
12 limited liability company;

13 Plaintiff,

14 v.

15  
16 CLOUDFLARE, INC., a Delaware  
17 corporation; NAMESILO, LLC, an Arizona  
18 Limited Liability Company; and DOES 1-  
19 100

20 Defendants.

Case No. 3:22-cv-09010

**PLAINTIFF'S COMPLAINT FOR  
DAMAGES AND INJUNCTIVE RELIEF and  
DEMAND FOR JURY TRIAL**

**INTRODUCTION**

1  
2  
3 1. This action stems from the knowing, unauthorized and ongoing infringement of  
4 Plaintiff's intellectual property by these named Defendants, and their unknown customers, named  
5 here as Doe defendants as a result.

6 2. Plaintiff, TIR Consulting LLC ("TIR"), is a California-based adult entertainment  
7 company that has produced and owns a substantial library of original works, all of which are  
8 branded with its registered "Mistress Harley" family of trademarks ("Original Works").

9 3. Since 2015, TIR's Original Works have been available for purchase around the  
10 world on its website at [www.mistressharley.com](http://www.mistressharley.com), as well as through authorized third parties  
11 pursuant to license agreements for which it is paid and accounted.

12 4. One of the most significant business threats faced by TIR is the widespread and  
13 unabated infringement of its Original Works on the web.

14 5. Counterfeit and pirate websites like [https.mistress-harley.com](https://mistress-harley.com), and a myriad of  
15 others like it, have an effective assortment of tools at their disposal to accomplish their pirating  
16 and counterfeiting without detection and for great profit for everyone involved *except* the lawful  
17 owner of the content.

18 6. One such tool is to redirect traffic from authentic sites, like TIR's  
19 [www.mistressharley.com](http://www.mistressharley.com), without permission, to third party servers like CloudFlare, who will  
20 house the information for their client, and protect the privacy of the infringer (who has paid for  
21 both the housing services and the guarantee that CloudFlare will do nothing to interfere with  
22 their anonymity and their cyber-theft).

23 7. From there, the pirates and counterfeiters are free to make the stolen works  
24 available for purchase, again without permission or accounting, on domain sites that are hosted  
25 by companies that sell and host domains, while guaranteeing the anonymity of the domain  
26 owner, like the Defendant NameSilo.

27 8. This is precisely how TIR's intellectual property remains available for unauthorized  
28 purchase on pirate sites around the web.

1           9.     If the owner of the pirate site [https.mistress-harley.com](https://mistress-harley.com) was known or  
2 discoverable, the owners would be sent a cease and desist and the site would be susceptible to  
3 shut down and /or brought to Court to account for the piracy, like it is supposed to work.

4           10.    However, with the help of companies like these Defendants, who blatantly  
5 advertise that part of the service they sell is to shield and redact the true identity of the website's  
6 owners and hosts (like NameSilo and CloudFlare), who provide an anonymous shelter for the  
7 diverted, stolen traffic and illegal websites, making these pirate and counterfeit sites impossible  
8 to police or shut down.

9           11.    Plaintiff is far from alone – other content owners who spend the time and money to  
10 secure registrations and seek to police their intellectual property, have raised similar complaints  
11 against these Defendants. After providing proof of infringement, these third party providers still  
12 refuse to disclose which persons or companies directly own, control or host the pirate sites – thus  
13 they are making a profit by knowingly shielding their customers despite knowing these  
14 customers are breaking the law.

15           12.    The Defendants named herein are listed as owners and/or hosts of domains that  
16 have and that continue to directly infringe upon TIR's copyrights and trademarks – despite  
17 repeated complaints by TIR and its attorneys of infringement on those very websites.

18           13.    The Defendants named herein therefore have, with actual knowledge of their  
19 customers' direct infringements of TIR's Original Works, materially contributed to or aided in  
20 such infringement.

21           14.    The Defendants named herein, with the right and ability to control or supervise  
22 such infringing activity, have done nothing but allow and continue to profit from such activity.

23           15.    These Defendants continue doing business with the pirate sites even after receiving  
24 actual notices of infringement from content owners, including here, Plaintiff.

25           16.    For these reasons, the parties named herein should be held liable for contributory  
26 and vicarious copyright infringement and direct and contributory trademark infringement.  
27  
28

1 17. This suit seeks injunctive relief to (i) stop the Defendants from illegally shielding  
2 the identity of the owners of domains that are actively infringing on the intellectual property of  
3 another; (ii) command the Defendants to identify the owner of the infringing sites; and (iii) to  
4 award damages to Plaintiff for the infringement to date, and other illegal acts, and assess punitive  
5 and treble damages against the Defendants for their bad acts.

6 **PARTIES**

7  
8 18. Plaintiff, TIR CONSULTING LLC (“TIR” or “PLAINTIFF”) is, and at all times  
9 mentioned herein was, a California limited liability company with its principal office in the State  
10 of California, in the County of Los Angeles.

11 19. TIR is the registered and sole owner of copyrighted works, registered with the US  
12 Copyright Office, that are the subject of this action.

13 20. TIR is also the registered owner of multiple trademarks containing the image and  
14 name "MISTRESS HARLEY" that brand the copyrighted works, all of which are registered with  
15 the US Patent and Trademark Office

16 21. Defendant CLOUDFLARE, INC. (“CloudFlare”) is a Delaware corporation,  
17 registered to conduct business sin the state of California, with its principal offices at 101  
18 Townsend, San Francisco, CA 94107.

19 22. CloudFlare provides an array of internet privacy services, including a content  
20 delivery network, and other services which it labels “pass-through” services, and on information.

21 23. According to its own website, "*Cloudflare is a large network of servers that can*  
22 *improve the security, performance, and reliability of anything connected to the Internet...by*  
23 *-serving as a reverse proxy for your web traffic. All requests to and from your origin flow*  
24 *through Cloudflare and — as these requests pass through our network — we can apply various*  
25 *rules and optimizations to improve security, performance, and reliability.*" <sup>1</sup>

26  
27  
28 <sup>1</sup> <https://developers.cloudflare.com/fundamentals/get-started/concepts/how-cloudflare-works/>

1 24. CloudFlare provides these services to the owner and the hosts of the infringing  
2 website <https://mistress-harley.com/> .

3 25. Defendant NAMESILO LLC ("NameSilo") is an Arizona Limited Liability  
4 Company with its principal offices located at 8825 N. 23rd St. Suite 100, Phoenix, AZ 85021.

5 26. Defendant NameSilo offers what they call "*free WHOIS privacy*" and act as the  
6 domain name registrar of the infringing sites <https://mistress-harley.com/> and [manyvips.com](https://manyvips.com).

7 27. Plaintiff is ignorant of the true names and capacities of defendants sued herein as  
8 DOES 1 through 100 inclusive, and therefore sues these defendants by such fictitious names. The  
9 plaintiff is informed, believes and thereupon alleges that the Defendants designated herein as  
10 DOES 1 through 100, inclusive, are any one of the following:

11 (a) Parties responsible in some manner for the events and happenings herein  
12 referred to that caused injuries and damages proximately thereby to the Plaintiff as herein  
13 alleged;

14 (b) Parties that are the agents, servants, employees and/or contractors of the  
15 Defendants, each or any of them acting within the course and scope of their agency,  
16 employment, or contract;

17 (c) Parties that own, lease, manage, operate, secure and/or are responsible for  
18 the premises referred to hereinafter, and/or

19 (d) Parties that have assumed or retained the liabilities of any of the  
20 Defendant(s) by virtue of an agreement, sale, transfer or otherwise.

21 28. Plaintiff will amend this complaint to allege their true names and capacities, and  
22 the charging allegations, when such are ascertained.

23 **JURISDICTION AND VENUE**

24 29. The Court has jurisdiction over this action because it arises under the Copyright  
25 Act and Lanham Act, 28 U.S.C. § 1338(a). The Court has jurisdiction over the claim for unfair  
26 competition asserted herein under 28 U.S.C. §§ 1338(b) and 1367(a).  
27  
28

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