



3. Defendant UVConn, Inc. (“UVConn”) is a Canadian corporation with its principal office located at 1065 Canadian Place, Suite #111, Mississauga, Ontario L4W 0C2. According to its website address located at [www.uvconn.com](http://www.uvconn.com), its principal office address is located at 22 Sky Harbour Dr., Brampton, Ontario L6Y 0C1. Upon information and belief, UVConn maintains a post office box at the United States Postal Service (“USPS”) Post Office facility located at 615 Main Street, Ste 1, Niagara Falls, New York 14301.

4. Defendant DHE Boss, Inc. (“DHE Boss”) is a Canadian corporation with its principal office located at 22 Sky Harbour Dr., Brampton, Ontario L6Y 0C1.

5. Defendant Ahmed Goreja a/k/a Ahmed M. Hafeez (“Goreja”) is an individual residing in Ontario, Canada, and doing business in the United States, including the state of New York. Upon information and belief, Goreja is the principal owner of UVConn, and, as such, acts as an officer and/or director of UVConn. Upon information and belief, Goreja is also the Chief Executive Officer of DHE Boss. Upon information and belief, Goreja manages and does business as a dealer and distributor for TVIPBOX, a purported software development and manufacturer of equipment for IPTV/OTT service providers with its principal office located at 22 Sky Harbour Dr., Brampton, Ontario L6Y 0C1. Upon information and belief, Goreja personally participated in the wrongful conduct alleged in this Complaint, had the right and ability to supervise, direct and control the wrongful conduct of others, and derived a direct financial benefit from that wrongful conduct.

6. Defendant Mian Nadeem (“Nadeem”) is an individual residing in Ontario, Canada, and doing business in the United States, including the state of New York. Upon information and belief, Nadeem is a director of UVConn, and, as such, acts as an officer of UVConn. Upon information and belief, Nadeem personally participated in the wrongful conduct alleged in this

Complaint, had the right and ability to supervise, direct and control the wrongful conduct of others, and derived a direct financial benefit from that wrongful conduct.

7. Upon information and belief, a unity of interest and ownership exists amongst UVConn, DHE Boss, (collectively, the “ZummTV Entities”) and the individual defendants, preventing them from functioning as separate entities. As such, it would be inequitable to allow the ZummTV Entities to assert a separate distinction from the individual defendants.

8. Upon information and belief, the ZummTV Entities were formed by some or all of the individual defendants for the purpose of protecting the individual defendants from judgment and in an effort to conceal the capital earned by the ZummTV Entities.

9. Upon information and belief, the individual defendants, acting as officers, directors and/or managers of the ZummTV Entities, or in other capacities, failed to respect the separate identities of the ZummTV Entities, such that the separate dispositions of the entities and the individual defendants no longer exist. More specifically, the individual defendants, in their capacities as officers, directors and/or managers, have controlled the ZummTV Entities, and have acted with the intent to defraud in forming and conducting business in the names of the ZummTV Entities. In light of the aforementioned, recognizing these business entities as separate and distinct entities would result in an injustice to Plaintiffs. Upon information and belief, actions and circumstances that warrant piercing the corporate veil include, but are not limited to the following:

- a. The individual defendants exercised dominion and control over the ZummTV Entities, commingling assets with and among the entities, and using the entities in furtherance of Defendants’ scheme to defraud Plaintiffs;
- b. The individual defendants drained the ZummTV Entities of substantial sums of money, thereby undercapitalizing the ZummTV Entities;
- c. The individual defendants and the ZummTV Entities caused valuable assets, property, rights and/or interests to be transferred to each other without adequate consideration; and

- d. The individual defendants, and the ZummTV Entities failed to follow the formalities of corporate existence.

10. This Court should consider the individual defendants and the ZummTV Entities as one entity or as “alter egos” and enter an order piercing the corporate veil of the ZummTV Entities to reach the individual defendants.

11. Any judgment pursuant to Plaintiffs’ request for relief should be rendered jointly and severally against the individual defendants and the ZummTV Entities.

### **JURISDICTION AND VENUE**

12. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because Plaintiffs’ claims arise under 47 U.S.C. §§ 605(a) and (e)(4).

13. Defendants conduct business and/or engaged in the wrongful conduct that is the subject of this Complaint in Niagara Falls, New York, and therefore are subject to personal jurisdiction in this Court. Additionally, New York’s long-arm statute authorizes this Court’s exertion of jurisdiction over the defendants, as they are believed to transact business, possess and/or use property within the state and this judicial district. Alternatively, this Court has personal jurisdiction over Defendants pursuant to Fed. R. Civ. P. 4(k)(2), because they have purposefully directed their conduct toward and purposefully availed themselves of the privilege of conducting business in the United States, causing injury to Plaintiffs in the United States. Further, many of the Defendants’ customers are believed to reside in the United States. Upon information and belief, Defendants are not subject to personal jurisdiction in any state’s courts of general jurisdiction. Exercising personal jurisdiction over Defendants is consistent with the Constitution and laws of the United States.

14. Venue is proper in this Court, pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events giving rise to Plaintiffs’ claims occurred in this judicial district.

Venue is also appropriate in this Court, pursuant to 28 U.S.C. §§ 1391(b)(3) and (c)(3), because Defendants are subject to personal jurisdiction in this district and they are nonresidents that may be sued in any judicial district.

### **PLAINTIFFS' TELEVISION PROGRAMMING**

15. DISH, the fourth largest pay-television provider in the United States, delivers multichannel, live linear television programming services to the homes and businesses of millions of subscribers nationwide, for a fee, or in the case of a pay-per-view program, for a purchase price, using its broadcast satellite system and proprietary security technology supplied by NagraStar.

16. DISH contracts for and purchases the right to broadcast the television programming shown on its platforms from network affiliates, motion picture distributors, pay and specialty broadcasters, sports leagues, and other holders of programming rights. As a consequence, DISH's subscribers enjoy access to hundreds of channels, including movie channels such as HBO, Showtime, Cinemax, Sony Movie, and Starz; sports channels such as ESPN, ESPN Deportes, NFL Network, MLB Network and Willow Cricket; as well as other channels such as Aapka Colors, ARY Zauq, ARY Digital, ARY News, Hum World, Hum Sitaray, Colors Rishtey, Star Bharat, Pasioness, Galavision, BET, Geo TV, SET (Sony Entertainment TV), SAB, TV INT, TVE SP, SONY HD USA, PTC Punjabi and Zee TV among others (the "DISH Programming").

17. NagraStar provides smart cards and other security technologies that form a conditional access system designed to control access to the DISH Programming and utilized to authorize a subscriber's receipt of DISH's satellite transmissions of its television programming.

18. The DISH Programming is scrambled prior to being transmitted to a number of satellites located in the geo-synchronous orbit above Earth. The satellites transmit the encrypted DISH signal back to Earth where it can be received by authorized subscribers that possess the

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