



Department of Justice

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JUSTICE DEPARTMENT ANNOUNCES FIFTH GUILTY PLEA IN P2P PIRACY CRACKDOWN

WASHINGTON – A fifth defendant has pleaded guilty in connection with Operation D-Elite, the first criminal enforcement action targeting individuals committing copyright infringement on a peer-to-peer (P2P) network using BitTorrent technology, Assistant Attorney General Alice S. Fisher of the Criminal Division and U.S. Attorney Eric F. Melgren for the District of Kansas announced today.

Sam Kuonen, 24, of Columbus, Ga., pleaded guilty to a two-count felony information charging him with conspiracy to commit criminal copyright infringement and criminal copyright infringement in violation of the Family Entertainment Copyright Act. The plea was entered before Judge Carlos Murguia, U.S. District Court Judge for the District of Kansas. Mr. Kuonen faces up to five years in prison, a fine of \$250,000, and three years of supervised release. He is scheduled to be sentenced on July 16, 2007 at 10:30 a.m.

Mr. Kuonen's conviction is the fifth in a series of convictions arising from Operation D-Elite, an ongoing federal crackdown against the illegal distribution of copyrighted movies, software, games and music over P2P networks employing the BitTorrent file sharing technology. Operation D-Elite targeted leading members of a technologically sophisticated P2P network known as Elite Torrents. At its prime, the Elite Torrents network attracted more than 133,000 members and facilitated the illegal distribution of more than 17,800 titles—including movies, software, music and games—which were downloaded over 2 million times. The virtually unlimited content selection available on the Elite Torrents network often included illegal copies of copyrighted works before they were available in retail stores or movie theatres. Mr. Kuonen was an "uploader" to the Elite Torrents network, responsible for supplying the network with the first copy of a particular movie or other content that was then made available to the entire network for downloading.

On May 25, 2005, federal agents shut down the Elite Torrents network by taking control of its main server. After seizing the server, authorities replaced the existing Web page with a law enforcement message announcing that "This Site Has Been Permanently Shut Down by the Federal Bureau of Investigation (FBI) and U.S. Immigration and Customs Enforcement (ICE)." Within only one week, the law enforcement message was viewed over half a million times.

Operation D-Elite is a joint investigation by ICE and the FBI as part of the Computer and Technology Crime High Tech Response Team (CATCH), a San Diego task force of specially

trained prosecutors and law enforcement officers who focus on high-tech crime. Federal and state member agencies of CATCH include ICE, the FBI, the Department of Justice, the San Diego District Attorney's Office, San Diego Police Department, the San Diego Sheriff's Department, and San Diego County Probation.

This case was prosecuted by Andrea Sharrin and Tyler Newby, Trial Attorneys for the Computer Crime and Intellectual Property Section of the Criminal Division, and Scott Rask, Assistant U.S. Attorney for the District of Kansas.

The Motion Picture Association of America provided substantial assistance to this investigation.

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