

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. _____
: _____
v. : DATE FILED: _____
: _____
: VIOLATION:
: 18 U.S.C. § 545 (smuggling goods into the
: United States - 7 counts)
: 18 U.S.C. § 2318 (trafficking in
: counterfeit documentation - 1 count)
: 17 U.S.C. § 506(a)(1) and 18 U.S.C. § 2319
: (copyright infringement – 1 count)
: Notice of Forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about March 16, 2011, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

BRIAN BETHMAN,

fraudulently and knowingly imported and brought into the United States, merchandise that had been brought into the United States contrary to law, that is, 40 counterfeit copies of a copyrighted motion picture and audiovisual work titled, *Dead Like Me*, and accompanying packaging and documentation bearing counterfeit trademarks, knowing the same to have been imported and brought into the United States contrary to law.

In violation of Title 18, United States Code, Section 545.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 16, 2011, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

BRIAN BETHMAN,

fraudulently and knowingly imported and brought into the United States, merchandise that had been brought into the United States contrary to law, that is, 50 counterfeit copies of a copyrighted motion picture and audiovisual work titled, *House*, and 27 counterfeit copies of a copyrighted motion picture and audiovisual work titled *Criminal Minds* and accompanying packaging and documentation bearing counterfeit trademarks, knowing the same to have been imported and brought into the United States contrary to law.

In violation of Title 18, United States Code, Section 545.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 16, 2011, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

BRIAN BETHMAN,

fraudulently and knowingly imported and brought into the United States, merchandise that had been brought into the United States contrary to law, that is, 70 counterfeit copies of a copyrighted motion picture and audiovisual work titled, *NCIS*, and accompanying packaging and documentation bearing counterfeit trademarks, knowing the same to have been imported and brought into the United States contrary to law.

In violation of Title 18, United States Code, Section 545.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 16, 2011, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

BRIAN BETHMAN,

fraudulently and knowingly imported and brought into the United States, merchandise that had been brought into the United States contrary to law, that is, 48 counterfeit copies of a copyrighted motion picture and audiovisual work titled, *The Pacific*, and accompanying packaging and documentation bearing counterfeit trademarks, knowing the same to have been imported and brought into the United States contrary to law.

In violation of Title 18, United States Code, Section 545.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 17, 2011, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

BRIAN BETHMAN,

fraudulently and knowingly imported and brought into the United States, merchandise that had been brought into the United States contrary to law, that is, 199 counterfeit copies of a copyrighted motion picture and audiovisual work titled, *Jillian Michaels Fitness*, and accompanying packaging and documentation bearing counterfeit trademarks, knowing the same to have been imported and brought into the United States contrary to law.

In violation of Title 18, United States Code, Section 545.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 18, 2011, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

BRIAN BETHMAN,

fraudulently and knowingly imported and brought into the United States, merchandise that had been brought into the United States contrary to law, that is, 100 counterfeit copies of a copyrighted motion picture and audiovisual work titled, *Weeds*, and 23 counterfeit copies of a copyrighted motion picture and audiovisual work titled, *Criminal Minds*, and accompanying packaging and documentation bearing counterfeit trademarks, knowing the same to have been imported and brought into the United States contrary to law.

In violation of Title 18, United States Code, Section 545.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 21, 2011, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

BRIAN BETHMAN,

fraudulently and knowingly imported and brought into the United States, merchandise that had been brought into the United States contrary to law, that is, 150 counterfeit copies of a copyrighted motion picture and audiovisual work titled, *Justified*, and accompanying packaging and documentation bearing counterfeit trademarks, knowing the same to have been imported and brought into the United States contrary to law.

In violation of Title 18, United States Code, Section 545.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

Beginning in or about April 2010 through in or about April 2011, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

BRIAN BETHMAN,

did knowingly traffic in counterfeit documentation and packaging affixed to, enclosing, and accompanying, and designed to be affixed to, enclose, and accompany a copy of an audiovisual work, namely DVD movie casings bearing counterfeit trademarks and enclosing and accompanying counterfeit copies of trademarked motion pictures and audiovisual works.

In violation of Title 18, United States Code, Section 2318.

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

Beginning in or about April 2010 through in or about April 2011, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

BRIAN BETHMAN,

did willfully and for the purpose of private financial gain infringe the copyright of one or more copyrighted works, that is, motion pictures and audiovisual works that had been released for sale to the public, by distributing, during a 180 day period, at least 10 copies or more of the copyrighted works which have a total retail value of more than \$2,500. Specifically, the defendant infringed by offering for distribution, without the authorization of the copyright holder, over 6000 copies of motion pictures and audiovisual works, including, but not limited to:

| <u>Production Company</u> | <u>Title</u> | <u>Number of Discs Seized</u> |
|---------------------------|---------------------------|-------------------------------|
| Warner Brothers | Leap Frog/ Letter Factory | 998 |
| Walt Disney | Bambi/Baby Einstein | 1,510 |
| Sony | Dark Skies/Drop Dead Diva | 503 |
| HBO | Entourage | 424 |
| 20th Century Fox | Firefly | 421 |
| Tristar/Sony | District 9 | 96 |
| BBC | Planet Earth/Doctor Who | 222 |
| ABC/Walt Disney | Grey's Anatomy Season 4 | 20 |
| MGM/ CBS FOX | Barbara Streisand Yentl | 62 |
| PBS/Paramount | Civil War | 53 |

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|--|--|------|
| NBC | The Office | 1069 |
| Showtime/Paramount | Californication/Tudors | 154 |
| New Line Entertainment/Warner Brothers | The Business of Being Born | 55 |
| Universal/NBC | Royal Pains/ Heroes | 324 |
| Paramount | Jericho/Star Trek/Godfather/ Dexter | 434 |
| Shout Factory/ Warner Brothers | Max Headroom | 40 |
| USA/Universal | Psych | 4 |
| BBC/Warner Brothers | Being Human | 82 |

All in violation of Title 17, United States Code, Section 506(a)(1) and Title 18, United States Code, Section 2319(b)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 545, and 2318, as well as Title 17, United States Code, Section 506 and Title 18, United States Code Section 2319, set forth in this indictment, defendant

BRIAN BETHMAN,

shall forfeit to the United States of America any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses, and any property used or intended to be used, in any manner of part, to commit or to facilitate the commission of, such offenses including, but not limited to, 9,642 counterfeit copies of copyrighted motion pictures and accompanying casings and documentation seized from the defendant's residence on July 22, 2011.

All pursuant to Title 18, United States Code, Sections 545, 2318, , 2323, and Title 28, United States Code, Section 2461.

A TRUE BILL:

FOREPERSON



ZANE DAVID MEMEGER
UNITED STATES ATTORNEY