

1546

**FILED**

MAY 24 2016

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

UNITED STATES OF AMERICA )

v. )

MICHAEL K. SEE )

)  
)  
)  
)  
)

Criminal No. 16-111  
(18 U.S.C. §§ 1343, 2319(b)(1),  
2, and 17 U.S.C. § 506(a)(1))

CLERK U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

INFORMATION

COUNT ONE  
(Wire Fraud)

The United States Attorney charges:

Introduction

At all times material to this Information, unless otherwise alleged:

1) The defendant, MICHAEL K. SEE, was a resident of the Western District of Pennsylvania.

2) The internet website www.ebay.com was involved in interstate commerce as a location where persons selling merchandise, such as DVDs of motion pictures and television shows, could list such merchandise for online auction and where others could bid and purchase such merchandise.

SCHEME AND ARTIFICE

3) From in and around January 2010, to in and around January 22, 2015, the exact dates being unknown, in the Western District of Pennsylvania and elsewhere, the defendant, MICHAEL K. SEE, did devise and intend to devise a scheme and artifice to defraud and to obtain money by means of material false and

fraudulent pretenses, representations, and promises, well knowing at the time that the pretenses, representations, and promises were false and fraudulent when made.

4) It was part of the scheme and artifice to defraud that the defendant, MICHAEL K. SEE, purchased copyright infringing DVDs of television shows and motion pictures.

5) It was further part of the scheme and artifice to defraud that the defendant, MICHAEL K. SEE, had these copyright infringing DVDs imported into the United States.

6) It was further part of the scheme and artifice to defraud that the defendant, MICHAEL K. SEE, advertised the copyright infringing DVDs on www.ebay.com.

7) It was further part of the scheme and artifice to defraud that the defendant, MICHAEL K. SEE, did not clarify that the DVDs were copyright infringing in the www.ebay.com advertisement.

8) It was further part of the scheme and artifice to defraud that the defendant, MICHAEL K. SEE, sold copyright infringing DVDs based on the www.ebay.com advertisement.

9) It was further part of the scheme and artifice to defraud that, after www.ebay.com suspended the defendant MICHAEL K. SEE's eBay account for suspected sales of copyright infringing items, the defendant, MICHAEL K. SEE, provided eBay

with false information in order to have his account reinstated so he could continue selling copyright infringing DVDs.

10) On or about March 30, 2014, in the Western District of Pennsylvania, the defendant, MICHAEL K. SEE, for the purpose of executing and attempting to execute the scheme and artifice to defraud, after providing eBay with false information to reinstate his eBay account to sell copyright infringing DVDs, did transmit and cause to be transmitted in interstate commerce, by means of wire communications certain writings, signs, and signals, that is, an Internet communication from the Western District of Pennsylvania to computers located outside of the Commonwealth of Pennsylvania to create an eBay advertisement for the sale of HBO's "The Wire" DVDs.

In violation of Title 18, United States Code, Section 1343.

**COUNT TWO**  
**(Copyright Infringement)**

The United States Attorney further charges:

11) Paragraphs 1 through 2, 4 through 6, and 8 above are hereby realleged and incorporated by reference herein, as if fully stated.

12) On or about January 22, 2015, in the Western District of Pennsylvania, the defendant, MICHAEL K. SEE, did willfully, and for commercial advantage and private financial gain, infringe the copyright of one or more copyrighted works, to include "Homeland," "Scandal," "The Big Bang Theory," "Once Upon a Time," "The Lego Movie," "Harry Potter," and other television shows and motion pictures that have been released for sale to the public, by reproducing and distributing within a 180-day period ten or more copies of the above-described registered copyrighted works which have a total retail value of more than \$2,500.00.

In violation of Title 17, United States Code, Section 506(a)(1) and Title 18, United States Code, Sections 2319(b)(1) and 2.

CRIMINAL FORFEITURE ALLEGATIONS

13) The United States Attorney realleges and incorporates by reference the allegations contained in Counts One through Two of this Information for the purpose of alleging criminal forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 2323(a)(1), and 2323(b), Title 17, United States Code, Section 506(b), Title 21, United States Code, Section 853(p), and Title 28, United States Code, Section 2461(c).

14) The United States hereby gives notice to the defendant charged in Count One that, upon conviction of the offense, the government will seek forfeiture in accordance with: Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which requires any person convicted of such offense to forfeit any property constituting or derived from proceeds traceable to such offense.

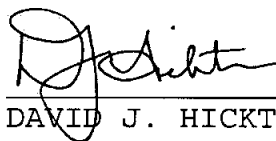
15) The United States hereby gives notice to the defendant charged in Count Two that, upon conviction of the offense, the government will seek forfeiture in accordance with Title 18, United States Code, Sections 2323(a)(1) and 2323(b)(1), which requires any person convicted of such offense to forfeit (1) any article, the making or trafficking of which is, prohibited under 17 U.S.C. § 506 or 18 U.S.C. 2319, (2) any property used or intended to be used to commit or facilitate the offense, and (3) any property constituting or derived from any

proceeds obtained directly or indirectly as a result of such offense, including but not limited to the following: copyright infringing DVDs and DVD Box Sets, computers, laptops, and cellular telephones.

16) If through any acts or omission by the defendant, MICHAEL K. SEE, any or all of the property described in paragraphs above (hereinafter the "Subject Properties")

- (a) Cannot be located upon the exercise of due diligence;
- (b) Has been transferred, sold to, or deposited with a third person;
- (c) Has been placed beyond the jurisdiction of the court;
- (d) Has been substantially diminished in value; or
- (e) Has been commingled with other property which cannot be subdivided without difficulty

the United States intends to seek forfeiture of any other property of the defendant up to the value of the Subject Properties forfeitable above, pursuant to Title 18, United States Code, Section 2323(b)(2) and Title 28 U.S.C. Section 2461(c), which incorporates Title 21, United States Code, Section 853(p).



---

DAVID J. HICKTON  
United States Attorney  
PA ID No. 34524