

Ani Martirosian
ani@toranilaw.com
TORANI LAW, P.C.
655 North Central Avenue, Floor 17
Glendale, CA 91203
Telephone: (818) 254-9555

Attorney for Defendants
Innetra P.C. and Elna Paulette Belle

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE DIVISION)

DISH NETWORK L.L.C. a Colorado Limited
Liability Company;

Plaintiff,

v.

INNETRA PC, a United Kingdom Limited
Partnership; Elna Paulette Belle, a citizen of
the Seychelles,

Defendants.

Case No. 5:25-cv-03933-NW

**DEFENDANTS' NOTICE OF MOTION
AND MOTION TO DISMISS
PLAINTIFF'S CLAIMS UNDER F.R.C.P
12(b)(2) FOR LACK OF PERSONAL
JURISDICTION OVER DEFENDANTS**

Date: September 17, 2025
Time: 9:00 a.m.
Courtroom: 3
Judge: The Honorable Noël Wise

1 TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATOTRNEYS OF
2 RECORD:

3 PLEASE TAKE NOTICE THAT on September 17, 2025 at 9:00 a.m. or as soon thereafter as the
4 matter may be heard, at the United States District Court for the Northern District of California
5 located at San Jose Courthouse, Courtroom 3 – 5th Floor, 280 South 1st Street, San Jose, CA 95113,
6 the Honorable District Judge Noël Wise presiding, Defendants Innetra P.C. (“Innetra”) and Elna
7 Paulette Valentín formerly Elna Paulette Belle (“Belle” and “Elna Paulette Belle”) (collectively
8 “Defendants”) will and hereby move this Honorable Court for an order dismissing the instant action
9 under Federal Rules of Civil Procedure 12(b)(2) for lack of personal jurisdiction over Defendant
10 Innetra and Defendant Belle.

11 PLEASE TAKE FURTHER NOTICE THAT this Motion is based upon this Notice of
12 Motion and Motion; the concurrently filed Memorandum of Points and Authorities; the Declaration
13 of Ani Martirosian; Declaration of Elna Paulette Valentin formerly Elna Paulette Belle and all
14 pleadings and files on record in this case; and upon such other and further evidence and matters
15 that the Court may properly consider.

16 .
17
18 DATED: July 7, 2025

TORANI LAW, P.C.

19
20 By: /s/ Ani Martirosian

21 Ani Martirosian

22 Attorney for Defendants,
23 Innetra P.C. and Elna Paulette Belle
24
25
26
27
28

TABLE OF CONTENTS

I.	INTRODUCTION	6
II.	STATEMENT OF FACT	6
III.	THIS COURT DOES NOT HAVE PERSONAL JURISDICTION OVER DEFENDANT INNETRA P.C. AND ELNA PAULETTE BELLE	9
A.	LEGAL STANDARD.....	9
B.	ARGUMENT	10
a.	Innetra a Foreign Entity Has Not Purposefully Directed Its Activities to the United States	10
b.	Facts Identified by Dish Are Not Sufficient to Confer Specific Personal Jurisdiction Over Innetra.	13
c.	This Court Does Not Have Personal Jurisdiction Over Defendant Elna Paulette Belle.	15
d.	The Exercise of Jurisdiction over Defendants Would Be Unreasonable.....	17
i.	The extent of Defendant Innetra’s and Defendant Belle’s interjection into the forum state is minimal and/or nonexistent.....	17
ii.	There is great burden on Defendants defending in the United States.....	18
iii.	The extent of the conflict with the sovereignty of the defendant's state.....	18
iv.	California has no interest in adjudicating the dispute	19
v.	The most efficient judicial resolution of the controversy	20
vi.	The importance of the forum to the plaintiff's interest in convenient and effective relief.....	21
vii.	United Kingdom is an available forum to Dish.	21
IV.	CONCLUSION.....	22

TABLE OF AUTHORITIES

Statutes

Cal. Civ. Code § 410.109

United States Supreme Court Cases

Asahi Metal Indus. Co., Ltd. v. Sup. Ct. of Cal., 480 U.S. 102, 107 S.Ct. 1026, 94 L.Ed.2d 92 (1987) 18

Burger King Corp. v. Rudzewicz, 471 U.S. 462 (1985) 10

Calder v. Jones, 465 U.S. 783, 104 S. Ct. 1482, 1486, 79 L. Ed. 2d 804 (1984) ... 10, 16

Ford Motor Co. v. Montana Eighth Jud. Dist. Ct., 592 U.S. 351, 141 S. Ct. 1017, 1025, 209 L. Ed. 2d 225 (2021)20

Golan v. Holder, 565 U.S. 302, 132 S. Ct. 873, 181 L. Ed. 2d 835 (2012)22

Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 131 S. Ct. 2846, 2853, 180 L. Ed. 2d 796 (2011). 16

Helicopteros Nacionales de Colombia, S.A. v. Hall, 466 U.S. 408, 104 S.Ct. 1868, 80 L.Ed.2d 404 (1984)9, 13

Keeton v. Hustler Mag., Inc., 465 U.S. 770, 104 S. Ct. 1473, 1478, 79 L. Ed. 2d 790 (1984) 11, 12

Walden v. Fiore, 571 U.S. 277, 134 S.Ct. 1115, 188 L.Ed.2d 12 (2014)11, 13, 16, 17

United States Circuit Court Cases

1	<i>Ayla, LLC v. Alya Skin Pty. Ltd.</i> , 11 F.4th 972 (9th Cir. 2021)	11, 17
2	<i>Bancroft & Masters, Inc. v. Augusta Nat. Inc.</i> , 223 F. 3d 1082, (9th Cir. 2000).....	9
3	<i>Briskin v. Shopify, Inc.</i> , 135 F.4th 739 (9th Cir. 2025)	passim
4		
5	<i>CollegeSource, Inc. v. AcademyOne, Inc.</i> , 653 F.3d 1066 (9th Cir. 2011).....	17, 20
6	<i>Core-Vent Corp. v. Nobel Indus. AB</i> , 11 F.3d 1482 (9th Cir. 1993).....	18
7	<i>FDIC v. British-American Ins. Co.</i> , 828 F.2d 1439 (9th Cir. 1987)	19
8		
9	<i>Glencore Grain Rotterdam B.V. v. Shivnath Rai Harnarain Co.</i> , 284 F.3d 1114 (9th	
10	Cir. 2002)	10
11	<i>Harris Rutsky & Co. Ins. Servs. v. Bell & Clements Ltd.</i> , 328 F.3d 1122 (9th Cir.	
12	2003).....	19
13		
14	<i>Ins. Co. of N. Am. v. Marina Salina Cruz</i> , 649 F.2d 1266 (9th Cir. 1981).	21
15	<i>Mavrix Photo, Inc. v. Brand Techs., Inc.</i> , 647 F.3d 1218 (9th Cir. 2011)	passim
16		
17	<i>Menken v. Emm</i> , 503 F.3d 1050 (9th Cir. 2007)	15
18	<i>Panavision Int'l, L.P. v. Toeppen</i> , 141 F.3d 1316 (9th Cir. 1998)	21
19	<i>Pebble Beach Co. v. Caddy</i> , 453 F.3d 1151 (9th Cir. 2006).....	9
20		
21	<i>Rio Props., Inc. v. Rio Int'l Interlink</i> , 284 F.3d 1007 (9th Cir.2002).....	11
22	<i>Sinatra v. Nat'l Enquirer, Inc.</i> 854 F.2d 1191 (9th Cir. 1988).....	18
23		
24	United States District Court Cases	
25	<i>Bugarin v. All Nippon Airways Co.</i> , 513 F. Supp. 3d 1172 (N.D. Cal. 2021)	15
26	<i>Crouch v. Ruby Corp.</i> , 639 F. Supp. 3d 1065 (S.D. Cal. 2022).....	11
27		
28		

TORANI LAW P.C.
(818) 254-9555

1	<i>Freestream Aircraft (Bermuda) Ltd. v. Aero Law Grp.</i> , 905 F.3d 597 (9th Cir. 2018)	
2		18
3	<i>Hoag v. Sweetwater Int'l</i> , 857 F. Supp. 1420 (D. Nev. 1994).....	16
4	<i>Riot Games, Inc. v. Suga PTE, Ltd.</i> , 638 F. Supp. 3d 1102 (C.D. Cal. 2022)10,	19,
5	20, 21	
6	<i>Shields v. Federation of Internationale de Natation</i> , 419 F.Supp.3d 1188 (N.D. Cal.	
7	2019).....	18
8	<i>X Corp. v. Ctr. for Countering Digital Hate Ltd.</i> , 724 F. Supp. 3d 921 (N.D. Cal.	
9	2024).....	18, 19, 20, 21
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This Court does not have general or specific personal jurisdiction over foreign Defendant Innetra P.C. (“Innetra”) and foreign Defendant Elna Paulette Valentin formerly Elna Paulette Belle (“Belle”) for the following reasons: (1) Innetra does not have sufficient contacts with the United States or California, its servers are located in the Netherlands, Innetra does not contract with any United States companies for providing its services, Innetra since its inception has only had one customer for two months from the United States, (2) Defendant Belle a resident and citizen of the Seychelles, does not have sufficient contacts with the United States or California; and (3) the exercise of specific personal jurisdiction would be unreasonable.

II. STATEMENT OF FACT

Plaintiff Dish Network L.L.C. (“Dish”) is a limited liability company organized and existing under the laws of Colorado, with its principal place of business at 9601 South Meridian Blvd., Englewood, Colorado 80112. [Dkt. 1, ¶6].

Defendant Innetra is a Limited Partnership organized and existing under the laws of the United Kingdom with a principal place of business at Suite 429, Apex House, Thomas Street, Trethomas, Caerphilly, Wales CF83 9DP. [Dkt. 1 ¶7, Belle Decl. ¶1].

Defendant Belle is a citizen and resident of the Seychelles and the General Partner of Innetra P.C. [Belle Decl. ¶1].

Innetra is a company that provides IP infrastructure services including protected VPS, dedicated servers, IP Transit, Distributed Denial of Service (DDoS) mitigation, Secure Sockets Layer (“SSL”) Certificates (hereinafter “Services”). (Martirosian Decl. ¶2). Incorporating these individualized Services in a package Innetra provides solutions to its customers for storage hosting, media streaming hosting and iGaming hosting (collectively “Solution Services”). (Martirosian Decl. ¶3). Below is a brief description of each of the Services provided by Innetra:

Protected VPS is a virtual server with special tools to defend against DDoS attacks. (See **Exhibit 3** to Martirosian Decl. ¶4). Distributed Denial of Service attacks refer to a cybercrime in which an attacker jams a server with so much traffic that it becomes impossible for users to access

1 linked websites and online services. *Id.* Thus, DDoS mitigation refers to the process of successfully
 2 protecting a target from a distributed denial of service attacks. (See **Exhibit 4** to Martirosian Decl.
 3 ¶5).

4 A dedicated server is a physical computer in a data center that is allocated to one customer,
 5 with each one able to configure and manage the server to match their specific needs. (See **Exhibit**
 6 **5** to Martirosian Decl. ¶6). Unlike virtual servers, a dedicated server exclusively delivers all of its
 7 memory, processor and storage resources to a single customer. *Id.* Dedicated servers do not run on
 8 hypervisor¹ so the customer has complete access to the full performance and hardware capacity of
 9 the server, and they can use it for any purpose. This includes hosting their own virtual server or
 10 virtual machines, while safe in the knowledge that the server's performance cannot be affected by
 11 other users of the data center. *Id.*

12 IP transit, or internet transit, is a service offered by internet service providers (ISPs) that
 13 enables other ISPs or large enterprises to connect to the internet. It allows network traffic to transit
 14 through the provider's network to larger networks, giving access to the entire global internet. (See
 15 **Exhibit 7** to Martirosian Decl. ¶8).

16 An SSL Certificate is a digital certificate that authenticates a website's identity and enables
 17 an encrypted connection. (See **Exhibit 8** to Martirosian Decl. ¶9). Companies and organizations
 18 need to add SSL certificates to their websites to secure online transactions and keep customer
 19 information private and secure. *Id.*

20 Using a combination of the Innetra's Services, Innetra also provides Service Solutions to its
 21 customers ("Service Users") depending on what type of content the Service Users are interested in
 22 providing to their customers ("End User") whether it would be storage hosting, media streaming
 23 hosting or iGaming hosting.

24 Innetra's Service of dedicated servers provided to its customers are all located in
 25 Amsterdam, Netherlands. (See **Exhibit 8** to Martirosian Decl. ¶9; Belle Decl. ¶2).

27 ¹ A hypervisor, also known a virtual machine monitor or VMM, is software that creates and runs
 28 virtual machines (VM's). A hypervisor allows one host computer to support multiple guest VMs
 by virtually sharing its resources. (See Exhibit 6 Martirosian Decl. ¶8).

1 For Innetra to provide its IP Transit services to direct traffic globally, Innetra contract with
 2 Lumen Technologies NL B.V. (“Lumen”) a company existing under the laws of Netherlands and
 3 NTT Germany AG & Co. KG (“NTT”) a company existing under the laws of Germany. Innetra
 4 does not contract with any United States IP Transit service providers or otherwise for any of the
 5 Services provided by Innetra. (Belle Decl. ¶3).

6 Anyone around the world can use Innetra’s Services and Service Solutions to provide and
 7 transmit content globally. (Belle Decl. ¶4). Innetra since its inception has had only one United
 8 States user that signed up for its Services specifically the dedicated server service on March 30,
 9 2025. This account was maintained only for two months and was terminated sometime around
 10 June 5, 2025. (Belle Decl. ¶5).

11 Further, the main market and location of Innetra’s Service Users is not the United States, it
 12 is North Africa, Europe and Eastern Europe (Belle Decl. ¶6) and its server locations in Amsterdam
 13 is indicative of this assertion. Because Innetra servers are located in Amsterdam, Netherlands, all
 14 traffic and content directed to the United States will experience a network latency ranging from
 15 100ms-150ms due to the vast distance between the two countries. (See Exhibit 10 of Martirosian
 16 Decl. ¶11, explaining how distance between servers and the location of the viewer impacts load
 17 times and user experience; Belle Decl. ¶7). Thus, any Service User of Innetra when purchasing its
 18 Services or Solution Services understands that there will be a network delay to its End Users located
 19 in the United States, if any. Innetra definitively on each of its pages identifies that its servers are
 20 located in Amsterdam, Netherlands. (Martirosian Decl. ¶9).

21 Plaintiff Dish filed the instant suit on May 6, 2025 in the Northern District of California
 22 alleging that Defendants Innetra and Belle are liable for (1) Contributory Copyright Infringement,
 23 (2) Inducing Copyright Infringement, and (3) Vicarious Copyright Infringement. (See Dkt. 1, the
 24 “Complaint”). Importantly, Plaintiff only alleges indirect copyright infringement and does not
 25 accuse Defendants of direct copyright infringement.

26 None of the alleged facts in the Complaint as detailed below or enumerated above
 27 sufficiently support this Courts exercise of personal jurisdiction over Defendant Innetra and
 28 Defendant Belle.

1 **III. THIS COURT DOES NOT HAVE PERSONAL JURISDICTION OVER**
2 **DEFENDANT INNETRA P.C. AND ELNA PAULETTE BELLE**

3 **A. LEGAL STANDARD**

4 Personal jurisdiction over an out-of-state Defendant can be established by alleging either
5 general jurisdiction or specific jurisdiction. California permits the exercise of personal jurisdiction
6 to the full extent permitted by due process. *See* Cal. Civ. Code § 410.10. *Bancroft & Masters, Inc.*
7 *v. Augusta Nat. Inc.*, 223 F. 3d 1082, 1086 (9th Cir. 2000). General jurisdiction can be exercised
8 when “[a] defendant whose contacts with a state are ‘substantial’ or ‘continuous and systematic’
9 can be haled into court in that state in any action, even if the action is unrelated to those contacts.”
10 *Id. (Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 415, 104 S.Ct. 1868, 80
11 L.Ed.2d 404 (1984)). “The standard for establishing general jurisdiction is ‘fairly high,’ and
12 requires that the defendant's contacts be of the sort that approximate physical presence.” *Id.*
13 (internal citations omitted). Here, Plaintiff does not allege that Defendants Innetra or Belle are
14 subject to the jurisdiction of this Court based on general jurisdiction. In fact, there is no reasonable
15 dispute that neither Innetra nor Belle have “substantial” or “continuous and systematic” contacts
16 with California or the United States to exercise general jurisdiction over them.

17 For specific jurisdiction “under Federal Rule of Civil Procedure 4(k)(2), the federal
18 long-arm statute, a federal court may exercise jurisdiction over a foreign defendant if: (1) the claim
19 arises under federal law, (2) the defendant is not subject to jurisdiction in any state’s courts of
20 general jurisdiction, and (3) exercising jurisdiction comports with due process.” *See Pebble Beach*
21 *Co. v. Caddy*, 453 F.3d 1151, 1159 (9th Cir. 2006). Here, the third prong of due process has not
22 and cannot be satisfied.

23 “For a court to exercise personal jurisdiction over a nonresident defendant consistent with
24 due process, that defendant must have ‘certain minimum contacts’ with the relevant forum ‘such
25 that the maintenance of the suit does not offend ‘traditional notions of fair play and substantial
26 justice.’” *Mavrix Photo, Inc. v. Brand Techs., Inc.*, 647 F.3d 1218, 1223 (9th Cir. 2011) (citations
27 omitted). “In analyzing whether Rule 4(k)(2) allows a court to exercise personal jurisdiction over
28 a foreign defendant, ‘the United States serves as the relevant forum for a minimum contacts

analysis.” *Riot Games, Inc. v. Suga PTE, Ltd.*, 638 F. Supp. 3d 1102, 1113 (C.D. Cal. 2022) (citing *Glencore Grain Rotterdam B.V. v. Shivnath Rai Harnarain Co.*, 284 F.3d 1114, 1126 (9th Cir. 2002)).

The Ninth Circuit applies a three-part test to determine if certain “minimum contact” are present with the forum state.

(1) The non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws;

(2) the claim must be one which arises out of or relates to the defendant's forum-related activities; and

(3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable.

Briskin v. Shopify, Inc., 135 F.4th 739, 750–51 (9th Cir. 2025).

Dish “bears the burden of satisfying the first two prongs of the test.” *Id.* (citations omitted). “If [Dish] fails to meet this burden, California courts lack specific personal jurisdiction. If [Dish] succeeds, then the burden shifts to [Defendants] to ‘present a compelling case that the presence of some other consideration would render jurisdiction unreasonable.’” *Id.* (citing *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 477 (1985)).

B. ARGUMENT

a. Innetera a Foreign Entity Has Not Purposefully Directed Its Activities to the United States.

In the context of tort claims, like the Copyright Act (*Brand Techs., Inc.*, 647 F.3d 1218, 1228 (9th Cir. 2011)) the Ninth Circuit employs the “purposeful direction analysis.” *Shopify, Inc.*, 135 F.4th 751 (9th Cir. 2025). To analyze whether the tort was purposefully directed to the forum state the Ninth Circuit employs the “*Calder effects*” test drawn from *Calder v. Jones*, 465 U.S. 783, 787, 104 S. Ct. 1482, 1486, 79 L. Ed. 2d 804 (1984). *Shopify, Inc.*, 135 F.4th 751 (9th Cir. 2025). “The purposeful direction test requires that the defendant (1) commit an intentional act, that is (2)

1 expressly aimed at the forum state, and (3) which causes harm that the defendant knows will be
 2 suffered in the forum state.” *Id.* “Most relevant here is the second prong of the *Calder* effects test
 3 and the determination of when internet contacts between a defendant and a given forum state are
 4 sufficient to show express aiming at that forum state.” *Id.*

5 “Express aiming requires more than the defendant's awareness that the plaintiff is alleged
 6 to have been harmed resides in or has strong ties to the forum, because ‘the plaintiff cannot be the
 7 only link between the defendant and the forum.’” *Ayla, LLC v. Alya Skin Pty. Ltd.*, 11 F.4th 972,
 8 980 (9th Cir. 2021) (citing *Walden v. Fiore*, 571 U.S. 277, 285, 134 S.Ct. 1115, 188 L.Ed.2d 12
 9 (2014)). “[S]omething more’—conduct directly targeting the forum”—is required to confer
 10 personal jurisdiction. *Id.* (citing *Mavrix Photo, Inc. v. Brand Techs., Inc.*, 647 F.3d 1218, 1229 (9th
 11 Cir. 2011) (quoting *Rio Props., Inc. v. Rio Int'l Interlink*, 284 F.3d 1007, 1020 (9th Cir.2002)). The
 12 Ninth Circuit has “summarized the various factors [] considered in [] prior cases to determine
 13 whether the website operator had done ‘something more’ in the forum state: ‘the interactivity of
 14 the defendant's website; the geographic scope of the defendant's commercial ambitions; and
 15 whether the defendant ‘individually targeted’ a plaintiff known to be a forum resident.’” *Shopify,*
 16 *Inc.*, at 754. (citation omitted). However, “for either a passive or ‘an interactive website to confer
 17 personal jurisdiction, a plaintiff must allege ‘something more.’” *Crouch v. Ruby Corp.*, 639 F.
 18 Supp. 3d 1065, 1080 (S.D. Cal. 2022).

19 The Supreme Court in *Keeton v. Hustler Mag. Inc.* found that the exercise of specific
 20 personal jurisdiction over a foreign Defendant was proper, holding that “regular circulation of
 21 magazines in the forum State is sufficient to support an exercise of jurisdiction in a libel action
 22 based on the contents of the magazine.” *Keeton v. Hustler Mag., Inc.*, 465 U.S. 770, 773–74, 104
 23 S. Ct. 1473, 1478, 79 L. Ed. 2d 790 (1984).

24 The Ninth Circuit in *Mavrix Photo, Inc. v. Brand Technologies, Inc.* found that there was
 25 “something more” to establish personal jurisdiction stating, “but it is clear from the record that
 26 Brand operated a very popular website with a specific focus on the California—centered celebrity
 27 and entertainment industries. Based on the website's subject matter, as well as the size and
 28 commercial value of the California market, we conclude that Brand anticipated, desired, and

1 achieved a substantial California viewer base.” *Mavrix Photo, Inc. v. Brand Techs., Inc.*, 647 F.3d
2 1218, 1230 (9th Cir. 2011).

3 A few months ago the Ninth Circuit in *Briskin v. Shopify, Inc.* held that Shopify’s actions
4 were sufficient to find that Shopify had purposely directed its conduct toward California holding
5 that “[a]s a part of its regular course of business, Shopify is alleged to target California consumers
6 to extract, collect, maintain, distribute, and exploit for its own profit, not only the California
7 consumers’ payment information that it diverts to its own servers, but also all of the other personal
8 identifying information that it extracts from the software it permanently installs on their devices
9 without their knowledge or consent.[] Accordingly, through those business activities, Shopify
10 allegedly tortiously violated consumers’ privacy through its collection, maintenance, and sale of
11 valuable personal data from California consumers, like Briskin.” *Shopify, Inc.*, at 755–56.

12 Here, neither the facts alleged in the Complaint nor otherwise enumerated above give rise
13 to “something more” to confer specific personal jurisdiction. Defendant Innetra does not contract
14 with any companies within the United States for its Services (Belle Decl. ¶3), its servers are all
15 located in the Netherlands (Belle Decl. ¶2), and except one Service User who purchased its Services
16 from Innetra in March of 2025 for two months, Innetra has not and does not have any Service
17 User’s in the United States. (Belle Decl. ¶5). This one Service User does not confer personal
18 jurisdiction as this one Service User should be “characterized as random, isolated, or fortuitous.”
19 *Keeton v. Hustler Mag., Inc.*, 465 U.S. 770, 774, 104 S. Ct. 1473, 1478, 79 L. Ed. 2d 790 (1984).

20 In contrast to *Keeton v. Hustler Mag. Inc.*, Innetra has only had one United States Service
21 User and there is no evidence to show that there was a regular purchase of Innetra’s Services by
22 United States citizens. Further, in contrast to *Mavrix Photo, Inc. v. Brand Technologies, Inc.*, the
23 Complaint does not allege sufficient facts to show that Innetra “anticipated, desired, and achieved
24 a substantial” client base in the United States. The facts show the opposite. The fact that Innetra’s
25 servers are located in Amsterdam, and nowhere near the United States demonstrates that Innetra
26 did not desire to gain or target the United States clientele either direct or indirectly. Lastly, there
27 are no facts to support that Innetra as a part of its regular course of business, *targeted* United States
28

1 and/or California consumers. Thus, there are not facts to show that Innetra expressly directed its
2 activities toward the United States.

3 ***b. Facts Identified by Dish Are Not Sufficient to Confer Specific Personal***
4 ***Jurisdiction Over Innetra.***

5 The allegations identified by Dish in support of specific personal jurisdiction are insufficient
6 to meet the requirement for “something more” for purposeful availment and the claim of secondary
7 copyright infringement do not arise out of or relate to some of Dish’s alleged Innetra’s forum-
8 related activities.

9 As an initial matter each allegation in support of specific personal jurisdiction over Innetra
10 identified by Dish substantiates that Dish is the only link between Innetra and the United States,
11 and “mere injury to a forum resident is not a sufficient connection to the forum.” *Walden v. Fiore*,
12 571 U.S. 277, 278, 134 S. Ct. 1115, 1118, 188 L. Ed. 2d 12 (2014).

13 First, Dish alleges that in a response to an inquiry presumably sent by Dish, Innetra
14 responded stating that “Yes, we have a lot of fully satisfied customers that do IPTV business in the
15 United States.” This is insufficient to show “something more” for personal jurisdiction over
16 Defendant Innetra. (Dkt. 1, ¶ 11). This assertion does not confer specific jurisdiction for two main
17 reasons. First, Innetra does not have any active U.S. based Service Users, having Service Users that
18 utilize Innetra’s Services to provide content all over the world including the United States does not
19 necessitate that Innetra engaged in conduct directly targeting the United States. For Innetra it is
20 inconsequential whether their Service Users direct their activity to the United States or to another
21 country in the world. The Supreme Court has found that “such unilateral activity of another party
22 or a third person (Innetra’s Service Users) is not an appropriate consideration when determining
23 whether a defendant has sufficient contacts with a forum State to justify an assertion of
24 jurisdiction.” *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 417, 104 S. Ct.
25 1868, 1873, 80 L. Ed. 2d 404 (1984). Second, in order “[f]or a State to exercise jurisdiction
26 consistent with due process, that relationship must arise out of contacts that the “defendant *himself*
27 “creates with the forum.” *Walden v. Fiore*, 571 U.S. 277, 277, 134 S. Ct. 1115, 1118, 188 L. Ed.
28 2d 12 (2014). Here, Innetra did not create any contacts with the United States.

Second, Dish alleges that Innetera “contracted with peers such as Lumen Technologies, Inc. (formerly Level 3) and NTT America Inc. because, upon information and belief they were well-positioned to deliver traffic throughout the United States using their datacenters and network infrastructure in the United States.” (Dkt. 1, ¶ 12). Innetera does not contract with NTT America Inc. its contract is with NTT Germany AG & Co. KG a German company and Lumen Technologies a Netherlands company and only contracts with them for IP transit services. (Belle Decl. ¶3). Thus, there are no contractual agreements between Innetera and United States companies for its Services. Further, if Innetera was seeking to better service United States Service Users, it would relocate or add servers in the United States to reduce latency time and improve End User experience, as the main factor determinative of the quality of End User experience is the location of the servers in relation to the location of the End User, not the network on which it travels. (see Exhibit 10 to Martirosian Decl. ¶11).

Third, Dish alleges that “Innetera also appealed to customers wanting to service the United States market, including the Pirate Services, by advertising that it disregards the DMCA and in fact by disregarding the DMCA.” (Dkt. 1, ¶13). Innetera includes a frequently asked question on several pages of its website asking ‘How do you handle DMCA notices?’ and answers “we do our best to keep our customers online, and to achieve that, we protect our customers from illegitimate DMCA Claims.” (Dkt. 1, ¶ 13). Addressing DMCA takedown notices does not confer personal jurisdiction and does not show that Innetera purposefully availed itself to United States Service Users. Moreover, there is nothing nefarious about stating that Innetera protects its customers from illegitimate DMCA Claims and such a statement does not imply that Innetera disregards the DMCA.

Fourth, Dish alleges that Innetera appealed to United States Service Users because “[b]y default, Innetera quotes the cost of its servers and network services on its website by United States Dollars. Although Innetera also accepts payments in Euros (EUR) and British Pounds (GBP), a visitor must affirmative make that change” and “that customers inputting their telephone number associated with their billing details are presented with a dropdown box to select their phone number country code, and the option of using a United States country code and United Kingdom are presented first.” (Dkt. 1, ¶14). These allegations are unpersuasive, because Innetera outside of one

Service User does not have any United States Service Users, further the United States Dollar is a global currency that makes transacting easy, and the list of phone codes includes approximately 240 unique phone code per country or territory and United States is one of them. (Belle Decl. ¶8).

Fifth, Dish alleges that that “Innetra uses other United States companies to support its business and promote its services, including Visa, Mastercard, PayPal, and Cloudflare through which its website is registered and supported.” (Dkt. 1 ¶17). These allegations are also unpersuasive as these companies are global companies that are not limited to the United States. (See **Exhibits 11-14** to Martirosian Decl. ¶¶ 12-15).

Dish’s third allegation regarding the DMCA notice, fourth allegation regarding acceptance of payment in the United States Dollar and fifth allegation that Innetra uses United States companies to support its business activities generally bear no relation to Dish’s claims for secondary liability of copyright infringement and thus Dish’s claims do not arise out of or are related to these activities. *Mavrix Photo, Inc. v. Brand Techs., Inc.*, 647 F.3d 1218, 1227–28 (9th Cir. 2011). “In determining whether a plaintiff’s claim arises out of or relates to the defendant’s forum-related activities, ‘the Ninth Circuit follows the ‘but for’ test.’” *Bugarin v. All Nippon Airways Co.*, 513 F. Supp. 3d 1172, 1186 (N.D. Cal. 2021)(citing *Menken v. Emm*, 503 F.3d 1050, 1058 (9th Cir. 2007)). Under the “but for” test, Dish’s allegations fail to show relatedness to its claims because Dish cannot show that “but for” Innetra allegedly taking payments in USD by default or otherwise, having United States and United Kingdom phone codes first, addressing a DMCA notice on its website or using Visa, Mastercard, PayPal or Cloudflare in support of its business generally, Dish would not have suffered the harm alleged in the Complaint. There is no causal relationship between these allegations and Dish’s alleged harm and thus no relatedness.

Thus, Dish has not met its burden to show that Defendants have expressly aimed their activities at the United States and/or that Dish’s claims of secondary liability of copyright infringement arise out of or relate to the alleged forum-related activities.

c. This Court Does Not Have Personal Jurisdiction Over Defendant Elna Paulette Belle.

“Jurisdiction over an individual director or officer of a corporation may not be predicated on the court's jurisdiction over the corporation itself, unless the individual himself maintains contacts with the forum state that would subject him to the coverage of the state's long arm statute and comport with due process.” *Hoag v. Sweetwater Int'l*, 857 F. Supp. 1420, 1426 (D. Nev. 1994), (citing *Calder v. Jones*, 465 U.S. 783, 790, 104 S.Ct. 1482, 1487–88, 79 L.Ed.2d 804 (1984)). “For an individual, the paradigm forum for the exercise of general jurisdiction is the individual's domicile.” *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 924, 131 S. Ct. 2846, 2853, 180 L. Ed. 2d 796 (2011).

Here, Defendant Belle is not subject to general jurisdiction as she is not a citizen or resident of the United States, has not paid taxes in the United States and has no contacts with the United States. (Belle Decl. ¶9). Further, Dish does not allege that this Court has general personal jurisdiction over Defendant Belle.

Defendant Belle is not subject to specific personal jurisdiction either. Dish in its Complaint alleges that this “Court has personal jurisdiction over Belle pursuant to Rule 4(k)(2), because Belle, on information and belief, is a primary participant in Innetra’s infringing conduct or had control of and at least direct participation in such activities. Belle was personally notified of the infringement of the Works taking place on the network and servers that she managed, but she failed to stop the infringement. On information and belief, Belle financially benefited from that infringement as the general partner of Innetra.” (Dkt. 1, ¶16). These allegations are insufficient to confer specific personal jurisdiction over Defendant Belle.

As noted above, to subject Defendant Belle to personal jurisdiction Dish must allege sufficient facts to show that Belle in her personal capacity had created contacts outside of Dish with the United States and expressly aimed her activities at the United States. Dish does not provide any valid basis for establishing specific personal jurisdiction. Each and every allegation, only supports that Dish is the only link between Defendant Belle and the United States and “[t]he plaintiff cannot be the only link between the defendant and the forum. These same principles apply when intentional torts are involved.” *Walden v. Fiore*, 571 U.S. 277, 277, 134 S. Ct. 1115, 1118, 188 L. Ed. 2d 12 (2014). “[S]omething more”—conduct directly targeting the forum—is required

1 to confer personal jurisdiction.” *Ayla, LLC v. Alya Skin Pty. Ltd.*, 11 F.4th 972, 980 (9th Cir. 2021).
 2 “For a State to exercise jurisdiction consistent with due process, that relationship must arise out of
 3 contacts that the “defendant *himself*” creates with the forum.” *Walden v. Fiore*, 571 U.S. 277, 277,
 4 134 S. Ct. 1115, 1118, 188 L. Ed. 2d 12 (2014).

5 Here, Dish alleges that Dish contacted Belle personally regarding the infringement
 6 allegations and she failed to stop such activity and that she was an active participant that financially
 7 benefited from the infringement, even assuming that these allegations are true, they are improper
 8 to confer specific personal jurisdiction. Dish in its allegations is “improperly shifting the analytical
 9 focus from [Belle]’s contacts with the forum to [Dish’s] contacts with [Belle].” *Id.* “*Calder* made
 10 clear that mere injury to a forum resident is not a sufficient connection to the forum.” *Id.* Dish has
 11 not alleged sufficient facts to support that this Court has personal jurisdiction over Defendant Belle.

12 **d. *The Exercise of Jurisdiction over Defendants Would Be Unreasonable.***

13 Even if the Court finds that Dish has met the first two prongs of the “minimum contacts”
 14 analysis, the exercise of jurisdiction over Defendants Innetra and Belle is unreasonable. In
 15 determining whether the exercise of jurisdiction is reasonable, the Ninth Circuit considers the
 16 following seven factors:

- 17 (1) the extent of the defendants' purposeful injection into the forum state's affairs;
 18 (2) the burden on the defendant of defending in the forum; (3) the extent of the
 19 conflict with the sovereignty of the defendant's state; (4) the forum state's interest
 20 in adjudicating the dispute; (5) the most efficient judicial resolution of the
 21 controversy; (6) the importance of the forum to the plaintiff's interest in
 22 convenient and effective relief; and (7) the existence of an alternative forum.

23 *CollegeSource, Inc. v. AcademyOne, Inc.*, 653 F.3d 1066, 1079 (9th Cir. 2011).

24 **i. *The extent of Defendant Innetra’s and Defendant Belle’s***
 25 ***interjection into the forum state is minimal and/or nonexistent.***

26 “Even if there is sufficient ‘interjection’ into the state to satisfy the [purposeful availment
 27 prong], the degree of interjection is a factor to be weighed in assessing the overall reasonableness
 28

1 of jurisdiction under the [reasonableness prong].” *Core-Vent Corp. v. Nobel Indus. AB*, 11 F.3d
 2 1482, 1488 (9th Cir. 1993). “[T]he smaller the element of purposeful interjection, the less is
 3 jurisdiction to be anticipated and the less reasonable is its exercise.” *Id.*

4 Here, Innetra’s contacts with United States and California are minimal and attenuated (see
 5 supra III(B)(b)). Belle’s contacts with the United States and California are nonexistent. (see supra
 6 III(B)(c)).

7 *ii. There is great burden on Defendants defending in the United*
 8 *States.*

9 “Courts have recognized that foreign defendants face a ‘unique [burden]’ when they must
 10 defend themselves ‘in a foreign legal system’ that should be given ‘significant weight in assessing
 11 the reasonableness of stretching the long arm of personal jurisdiction over national borders.’” *X*
 12 *Corp. v. Ctr. for Countering Digital Hate Ltd.*, 724 F. Supp. 3d 921, 944 (N.D. Cal. 2024) (citing
 13 *Shields v. Federation of Internationale de Natation*, 419 F.Supp.3d 1188, 1211 (N.D. Cal. 2019));
 14 (citing *Asahi Metal Indus. Co., Ltd. v. Sup. Ct. of Cal.*, 480 U.S. 102, 114, 107 S.Ct. 1026, 94
 15 L.Ed.2d 92 (1987)). “However, this factor does not weigh heavily because “modern advances in
 16 communications and transportation have significantly reduced the burden of litigating in another
 17 forum.” *Id.* (citing *Freestream Aircraft (Bermuda) Ltd. v. Aero Law Grp.*, 905 F.3d 597, 608 (9th
 18 Cir. 2018) (quoting *Sinatra v. Nat’l Enquirer, Inc.* 854 F.2d 1191, 1199 (9th Cir. 1988)).

19 The burden on Defendants Innetra and Belle is great and it would be burdensome for
 20 Defendants to litigate in California. Innetra is a small operation and its contractors and witnesses
 21 are all located in various parts of the world including the Seychelles, European Union Member
 22 Countries and the Commonwealth of Independent States (“CIS” countries). (Belle Decl. ¶¶1, 5, 9
 23 and 10).

24 *iii. The extent of the conflict with the sovereignty of the defendant's*
 25 *state.*

26 “One of the goals of the minimum contacts analysis is ‘to ensure that the States, through
 27 their courts, do not reach out beyond the limits imposed on them by their status as coequal
 28 sovereigns in a federal system.” *X Corp. v. Ctr. for Countering Digital Hate Ltd.*, 724 F. Supp. 3d

1 921, 944 (N.D. Cal. 2024)) (quoting *World-Wide Volkswagen*, 444 U.S. at 292, 100 S.Ct. 559).
 2 “Although not a dispositive consideration, a foreign nation presents a higher sovereignty barrier
 3 than another state within the United States.” *Riot Games, Inc. v. Suga PTE, Ltd.*, 638 F. Supp. 3d
 4 1102, 1118 (C.D. Cal. 2022) (citing *FDIC v. British-American Ins. Co.*, 828 F.2d 1439, 1444 (9th
 5 Cir. 1987)).

6 Here, Defendant Innetra’s contacts with the United States is minimal and its contacts with
 7 California specifically are nonexistent. Defendant Belle’s contacts with the United States and
 8 California are nonexistent. Thus, the exercise of jurisdiction over foreign Defendants would result
 9 in a reach beyond the limits imposed on Courts by their status as coequal sovereigns.

10 iv. *California has no interest in adjudicating the dispute.*

11 The forum in this instance is not just the United States, but also California. The Ninth Circuit
 12 held that “California maintains a strong interest in providing an effective means of redress for its
 13 residents [who are] tortiously injured.” *Harris Rutsky & Co. Ins. Servs. v. Bell & Clements Ltd.*,
 14 328 F.3d 1122, 1133 (9th Cir. 2003) (where Plaintiff is a California corporation and Defendant is
 15 a United Kingdom holding company. *Id.* at 1127). Here, Plaintiff is not a California company but
 16 a company existing under the laws of Colorado who chose to bring the instant case in the Northern
 17 District of California. The Complaint is silent as to Defendant Innetra’s and Belle’s relationship to
 18 California.

19 Plaintiff in its Complaint states that “[t]he United States has an interest in having its
 20 copyright laws enforced in its federal courts, while DISH has an interest in protecting itself in a
 21 United States federal court, perhaps the only forum where DISH can effectively enforce its United
 22 States copyrights for infringement that occurred in the United States.” (Dkt. 1 ¶18). Under this
 23 rational Plaintiff can strategically chose the most advantageous court or jurisdiction in the United
 24 States to file its lawsuit for the most favorable outcome. Such rational is the antithesis of the
 25 Fourteenth Amendment’s notions of fair play and substantial justice. “The principles governing
 26 the exercise of jurisdiction over an out-of-state party ‘derive from and reflect two sets of values—
 27 treating defendants fairly and protecting ‘interstate federalism.’” *Briskin v. Shopify, Inc.*, 135 F.4th
 28

739, 761 (9th Cir. 2025), (citing *Ford Motor Co. v. Montana Eighth Jud. Dist. Ct.*, 592 U.S. 351, 360, 141 S. Ct. 1017, 1025, 209 L. Ed. 2d 225 (2021)).

Defendants acknowledge that the Ninth Circuit recently expanded this notion, where Defendant “Shopify argue[d] that it is unfair to assert jurisdiction because that ‘could lead to specific jurisdiction in all 50 states.’” *Id.* There the Ninth Circuit reasoned “[t]hat may be true, but not unfair, if the contacts Shopify makes in all 50 states are like its California contacts. But it may not be true, depending on whether all 50 states have laws, like California, protecting their citizens from what Shopify allegedly does in its regular course of business, laws which Briskin [a California resident] claims Shopify violated here.” *Id.* The Ninth Circuit’s rationale is rooted in protecting its citizens against activities that the State of California has specifically enacted laws against, presumably because the other states where Defendant claimed to be subject to general jurisdiction did not have such laws, thus possibly evading liability.

The facts here are vastly different, Plaintiff is not a citizen of California, the harm suffered by Plaintiff is unrelated to California, Defendants alleged contacts are unrelated to California and California has no interest in adjudicating this matter. Further claims arising under the Copyright Act are actionable in any District Court of the United States. “For jurisdictional purposes, a corporation incurs economic loss in the forum of its principal place of business. *X Corp. v. Ctr. for Countering Digital Hate Ltd.*, 724 F. Supp. 3d 921, 942 (N.D. Cal. 2024) (Citing *CollegeSource, Inc. v. AcademyOne, Inc.*, 653 F.3d 1066, 1079 (9th Cir. 2011)).

Thus, it would be unreasonable and unfair for California District Courts to exercise personal jurisdiction over Defendants.

v. The most efficient judicial resolution of the controversy.

“This factor focuses on the location of the evidence and witnesses.” *Riot Games, Inc. v. Suga PTE, Ltd.*, 638 F. Supp. 3d 1102, 1119 (C.D. Cal. 2022). “But this factor is ‘no longer weighed heavily given the modern advances in communication and transportation.’” *X Corp. v. Ctr. for Countering Digital Hate Ltd.*, 724 F. Supp. 3d 921, 945 (N.D. Cal. 2024) (citations omitted).

Here, the witnesses and the evidence are located in the United Kingdom, European Union Countries and CIS countries. “Because the evidence of [Defendants] actions is likely to be located

1 mostly in [another country], the efficient resolution of the controversy weighs against jurisdiction
2 in this Court.” *Riot Games, Inc. v. Suga PTE, Ltd.*, 638 F. Supp. 3d 1102, 1119 (C.D. Cal. 2022).

3 *vi. The importance of the forum to the plaintiff's interest in convenient*
4 *and effective relief.*

5 The Ninth Circuit “gives little weight to the plaintiff's inconvenience.” *Id.* (citing
6 *Panavision Int'l, L.P. v. Toeppen*, 141 F.3d 1316, 1324 (9th Cir. 1998)). “So, although it may be
7 somewhat more expensive and inconvenient for [Plaintiff] to litigate in another forum, the burden
8 on [Plaintiff] is relatively slight.” See *Panavision*, 141 F.3d at 1324. “This aspect of inquiry may
9 also be less weighty if a plaintiff has the power to select a different forum.” *Ins. Co. of N. Am. v.*
10 *Marina Salina Cruz*, 649 F.2d 1266, 1273 (9th Cir. 1981).

11 Even though little weight is given to Plaintiff's interest in the forum, Plaintiff has
12 demonstrated no interest in the forum, specifically California. Further, because Plaintiff “has the
13 power to select a different forum” not only any district court in the United States but in the United
14 Kingdom under the Berne Convention (see *infra* III(B)(d)(vii)), no weight should be given to
15 Plaintiff's interests. “It may be more costly and inconvenient for [Dish] to litigate in [another
16 forum], but this is not an unreasonable burden.” *Panavision Int'l, L.P. v. Toeppen*, 141 F.3d 1316,
17 1324 (9th Cir. 1998).

18 *vii. United Kingdom is an available forum to Dish.*

19 “Although [Innetra and Belle] ‘bear the ultimate burden of showing that the exercise of
20 jurisdiction would be unreasonable, it is [Dish] who ‘[bears] the burden of proving the
21 unavailability of an alternative forum.’” *X Corp. v. Ctr. for Countering Digital Hate Ltd.*, 724 F.
22 Supp. 3d 921, 946 (N.D. Cal. 2024).

23 The United States and the United Kingdom are signatories of the Berne Convention, that
24 mandates that each member country provided the same copyright protections to citizens of other
25 member countries as they do to their own citizens. “The Berne Convention for the Protection of
26 Literary and Artistic Works (Berne), which took effect in 1886, is the principal accord governing
27 international copyright relations. Berne's 164 member states agree to provide a minimum level of
28 copyright protection and to treat authors from other member countries as well as they treat their

own. Of central importance in this case, Article 18 of Berne requires countries to protect the works of other member states unless the works' copyright term has expired in either the country where protection is claimed or the country of origin.” *Golan v. Holder*, 565 U.S. 302, 132 S. Ct. 873, 874, 181 L. Ed. 2d 835 (2012). Accordingly, Dish may pursue its dispute in the United Kingdom where Innetra is located. Dish, however, may not force foreign defendants that lack minimum contacts with the United States, let alone California, to defend themselves in the United States.

IV. CONCLUSION

For the foregoing reasons, Defendant Innetra and Defendant Belle respectfully request this Court to find that this Court does not have personal jurisdiction over each of them and dismiss the instant suit.

Respectfully submitted,

DATED: July 7, 2025

TORANI LAW, P.C.

By: /s/ Ani Martirosian
Ani Martirosian

Attorney for Defendants,
Innetra P.C. and Elna Paulette Belle

PROOF OF SERVICE

I am over eighteen (18) years of age, employed in the County of Los Angeles, and not a party to this action. My business address is 655 N. Central Ave., Floor 17, Glendale, CA 91203. I hereby certify that on July 7, 2025, I served the following documents:

DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S CLAIMS UNDER F.R.C.P 12(b)(2) FOR LACK OF PERSONAL JURISDICTION OVER DEFENDANTS

By delivering the document(s) to:

Stephen Matthew Ferguson
Hagan Noll & Boyle LLC
Two Memorial City Plaza
820 Gessner, Suite 940
Houston, TX 77024
(713) 343-0478
Fax: 713-758-0146
Email:

stephen.ferguson@hnbllc.com

Timothy Michael Frank
Hagan Noll & Boyle LLC
Two Memorial City Plaza
820 Gessner, Suite 940
Houston, TX 77024
(713) 343-0478
Fax: 713-758-0146
Email:

timothy.frank@hnbllc.com

David A Van Riper
Van Riper Law
1254 Irvine Boulevard
Suite 200
Tustin, CA 92780-3571
714-731-1800
Fax: 714-731-1811
Email:

dave@vanriperlaw.com

- ☒ BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare, under penalty of perjury under the laws of the United States, that the foregoing is true and correct. Executed July 7, 2025.

/s/ Ani Martirosian

Ani Martirosian