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ALAMEDA COUNTY

OCT 30 2015

CLERK OF THE SUPERIOR COURT

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5 *Pro Per*

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8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF ALAMEDA

11 DONGXIAO YUE,

12 Plaintiff,

13 v.

14 WENBIN WILLIAM YANG, MUYE LIU,
15 YEYECLUB.COM AND DOES 1-5

16 Defendants.
17

CASE NO. HG15773556

VERIFIED FIRST AMENDED COMPLAINT
FOR DEFAMATION AND UNFAIR
COMPETITION

DEMAND FOR JURY TRIAL

18 COMPLAINT

19
20 Plaintiff Dongxiao Yue ("Plaintiff" or "Dr. Yue") complains and alleges against
21 Wenbin William Yang ("Defendant Yang" or "Yang"), an individual who used the online identity
22 of "iMan" or other identities on various websites, Muye Liu ("Defendant Liu" or "Liu"), an
23 individual residing in California, Yeyeclub.com ("YEYECLUB"), a website business operated by
24 Liu, and DOES 1-5 (collectively "Defendants") as follows:
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1 in the 1990s at the University of Paderborn in Germany, where he graduated in 1999. No scholarly
2 papers can be found to be authored by Defendant Yang in leading western research journals.

3 8. Defendant Muye Liu is a California resident, and a member of Trigmax Solutions,
4 LLC, a California limited liability company. Liu was a founder and the administrator of the
5 website Yeyeclub.com:

6 9. Defendant YEYECLUB.COM ("YEYECLUB") is an internet information business
7 operating and doing business under the same domain name.

8 10. The true names of defendants DOES 1 through 5, inclusive, are unknown to
9 Plaintiff, who therefore sues said defendants by such fictitious names. More specifically, DOE 1
10 used the name LAO CAITOU ("老菜头") and DOE 2 used the name "freespeech" on
11 yeyeclub.com. On information and belief, each of the defendants designated herein as a DOE
12 acted in concert and/or conspired with the named Defendants and is legally responsible in some
13 manner for the events and happenings herein referred to and caused injuries and damages
14 proximately thereby to plaintiff, as herein alleged. Plaintiff will amend this Complaint to show
15 their names, capacities and their unlawful actions when the same have been ascertained.
16

17
18 11. In 2012, Plaintiff started a Chinese language online community web site called
19 Zhen Zhu Bay ("ZZB") at the web address zhenzhubay.com. The same website can also be
20 accessed at zzwave.com. The ZZB servers are co-located in Northern California. Many of ZZB's
21 users are California residents and many of them know Plaintiff personally.

22 12. In September 2012, a user with the ID "GUOBA" ("锅巴") registered on ZZB. The
23 IP address of GUOBA indicates that he or she was from California. On information and belief,
24 GUOBA used many other IDs on ZZB and was the alias of another ZZB user "wuseban".

25 13. On information and belief, in around December 2012, Defendant Muye Liu
26 established a Chinese language website at Yeyetown.com. On information and belief, GUOBA

1 then solicited ZZB users to join Yeyetown.com, using ZZB's private messaging system. The true
2 relation between GUOBA and Defendant Liu is currently uncertain but may be ascertained by
3 discovery.

4 14. On information and belief, in about June 2013, Yeyetown.com was moved to the
5 domain name Yeyclub.com. Soon, YEYECLUB started soliciting more ZZB users to join their
6 website, using ZZB's private messaging system. Some of these solicitations were reported to
7 Plaintiff. One of these solicitation letters stated that YEYECLUB was founded by "Muye" and
8 would be moderated by three former ZZB users.

9 15. YEYECLUB and ZZB are very similar in many aspects: both are small Chinese
10 community websites, both are operated by California residents, and both have many California
11 visitors and a California focus, including front page discussions of California issues such as State
12 Construction Amendment 5.

13 16. On information and belief, Defendant Yang was an active poster on the website
14 XYS.ORG ("XYS"), originally with the online identity JFF, whose real identity was later
15 published by the operator of XYS and republished elsewhere on the internet in 2011. While at
16 XYS, Yang gained notoriety for his indecent and obscene language, often making sexual insults
17 on female users and others' female family members.

18 17. In September 2013, Defendant Yang registered on ZZB and YEYECLUB as
19 "iMan". Immediately, iMan engaged in wide ranging attacks on other persons, often using
20 sexually explicit, violent and insulting language. Acting as the administrator of ZZB, Plaintiff
21 repeatedly deleted iMan's offending posts, and repeatedly augmented the rules of the ZZB to
22 prohibit various expletives, language of bodily violence, and other abuses which ZZB had not
23 foreseen but made necessary by Yang's abusive postings. Because of Defendant Yang's indecent
24 and violent postings, he was repeatedly banned by ZZB and other websites, yet he kept coming
25 back with more offensive postings.

1 18. In September 2013, Yang posted messages sexually insulting female members of
2 YEYECLUB. The English translations of Yang's depraved messages would be too indecent to be
3 included here, and YEYECLUB announced that it would permanently prohibit "iMan" (Yang)
4 from YEYECLUB. However, as alleged below, when Yang started defamatory attacks on Plaintiff
5 on YEYECLUB, it permitted, encouraged, aided, joined and conspired with Yang and others to
6 commit the defamation, so as to injure Plaintiff and ZZB.

7 19. The instant action rises out of Defendants' vicious and violent defamatory attacks
8 on Yue's academic credentials, professional career, personal character, business and legal
9 undertakings, their conspiracy to commit the defamation, as well as unfair competition.

10
11 **DEFAMATION ON PLAINTIFF'S ACADEMIC CREDENTIALS**

12 20. In March 2015, Defendant Yang published an article titled "岳民科的死亡图"
13 ("Yue Minke's Death Picture") on YEYECLUB. Yang then reposted the same article on other
14 websites, such as bian-wang.com. "民科" ("minke") is a derogatory Chinese term meaning
15 someone who is untrained and but interested in science. In subsequent discussions with members
16 of YEYECLUB, Defendant Yang wrote: "岳是被专业界关在大门外的民科" ("Yue was a minke
17 who was shut outside of the door of professional career"), "一天物理专业工作没干过" ("He
18 never did a single day of work in physics major").
19
20

21 21. Back in 2011, an online user with the ID "Ding Li" wrote various defamatory
22 statements regarding Plaintiff's academic credentials, including : "[Plaintiff's last name], did you
23 write those papers, or only had your name added as a programmer? Can you provide a modicum
24 of original idea you contributed? Grass-bag was told by your adviser before reaching the doorsteps
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26
27

1 of theory: you can't do this trade, better continue programming to feed your mouth." Ding Li was
2 allegedly a professor in a Canadian university.

3
4 22. On June 8, 2011, Plaintiff sued Ding Li in the Superior Court of California, County
5 of Alameda, with case number HG11579513. After the lawsuit was filed, Ding Li approached
6 Plaintiff, and agreed to publish a retraction in both Chinese and English. Plaintiff then dismissed
7 the defamation lawsuit against Ding Li without prejudice.

8
9 23. Defendant Yang, using his various online identities such as "iMan" launched
10 similar attacks like those made by Ding Li. In an April 2015 blog article, Defendant Yang referred
11 to Ding Li:

12 "有位加拿大教授跟他辩论，说岳没有独立科研能力。岳理屈词穷恼羞成怒，就威胁
13 那人，若不道歉就告他诽谤。那人道歉了。英雄所见略同。当我也这么说时，岳告
14 诉我那位教授因此观点道歉了，以此证明他是有独立科研能力的，顺带威胁我一
15 下。我告诉他：1) 那教授道歉不过是他认为犯不着跟你个小无赖纠缠。2) 我固执
16 己见，欢迎你告我。后来呢？当然没有后来。"

17 24. A direct translation of Defendant Yang's post is:

18 "There was a Canadian professor debated with him, saying that Yue had no independent
19 research capability. Yue was defeated on reason and ran out of words, his shame turned
20 into anger, so he threatened that person, that if the person did not apologize then Yue
21 would sue him for defamation. That person apologized. Heroes have the same viewpoint.
22 When I said the same as the professor, Yue told me that the professor apologized for his
23 words, so as to prove he had independent science research capability, and threatened me in
24 passing. I told him: 1) that professor apologized only because he considered unworthy to
25 entangle with you the little hoodlum. 2) I insisted on my viewpoint, and I welcome you to
26 sue me. What happened afterwards? Of course there was no afterwards. "

1 forthwith be restored to the calendar to be set for trial." The case was settled on terms agreeable to
2 Plaintiff soon afterward.

3 28. In early 2006, Plaintiff discovered that GCM was using PowerRPC in its
4 production systems without proper license. After GCM reported obviously untrue (and low) usage
5 numbers, Plaintiff's company sued GCM in November 2006 and obtained a preliminary injunction
6 and copyright impoundment against GCM. The impoundment data showed that GCM's earlier
7 reported copy numbers were indeed untrue. The case against GCM was settled on terms agreeable
8 to Plaintiff in October 2007.

9 29. In about 2000, Plaintiff's company licensed PowerRPC to StorageTek for making
10 1000 copies. Later, StorageTek told Plaintiff that it longer needed PowerRPC, but kept using and
11 distributing PowerRPC in one of its key products. As Plaintiff later learned from discovery,
12 StorageTek knew it exceeded its license rights. One StorageTek's manager wrote in an internal
13 discussion that "we have exceeded our 1000 distributions" of PowerRPC and another responded
14 that this "causes quite a problem for you." After StorageTek refused to make reasonable license
15 fee payment, Plaintiff and his company sued StorageTek in December 2006. Publicly available
16 docket information shows that in February 2009 the parties agreed to a private mediation and
17 continued the Preliminary Pretrial Conference to March 30, 2009. The cases against StorageTek
18 were settled on terms agreeable to Plaintiff in March 2009.

19 30. In August 2007, Plaintiff discovered that Chordiant was using PowerRPC in its
20 products without license. Derek Witte, Chordiant's VP and General Counsel provided obviously
21 false information regarding its extent of usage and claimed that Chordiant had no obligation to
22 provide Plaintiff further information. Plaintiff sued Chordiant in January 2008. On May 14, 2010,
23 a unanimous eight-member jury found that Chordiant had no licenses to Plaintiff's PowerRPC and
24 JRPC software and infringed Plaintiff's copyrights in PowerRPC and JRPC, after a two-week jury
25 trial presided by the Honorable James Ware, former Chief Judge of the U.S. District Court,
26 Northern District of California.

1 57. On September 17, 2015, Defendant Liu announced that YEYECLUB would no
2 longer record the IP addresses of its users. Liu and DOE 2 ("freespeech") exchanged information
3 on how IP logging worked. Liu ensured DOE 2 that even the service provider had only network
4 layer logging of data and no application level logging of user information.

5 58. On September 19, 2015, DOE 2 ("freespeech") posted a blog article on
6 YEYECLUB naming Plaintiff, which stated "after [Plaintiff] getting a Ph.D. in physics, because
7 his grades were too low, behavior immoral, appearance shabby and dirty, he couldn't find a job,
8 out of options he then studied for a Masters' degree in computer, because U.S. IT industry was so
9 much in shortage of people, he found a programming job by chance" (Chinese: "真猪湾岳东晓...
10 在美国读完物理博士, 由于成绩太差, 品行不端, 猥琐形秽无法找到工作, 没办法又去修
11 了个计算机硕士, 因美国 IT 行业实在太缺人, 他侥幸找了个编码员的工作。") DOE 2
12 further stated: "he sued a company for infringing a program that no one was using ... that company
13 had pity that his children were homeless, finally gave him some money in settlement, forgiving
14 this human trash." (Chinese: "控告一家公司侵权他一个没人用了的程序... 那家公司可怜他的
15 孩子无家可归, 才最后和解给他些钱, 饶了这个人渣")。

16 59. From 2002 to 2008, Plaintiff was closely involved in the well publicized Anna Mae
17 He case, and played an crucial role in the return of the child to her parents. Plaintiff's involvement
18 in that case was accurately documented in a book that Plaintiff co-authored, including submitting
19 an amicus brief to the Tennessee Supreme Court and drafting an important motion for the Hes. In
20 2008, the Hes returned to China, Plaintiff helped arranging media reports for the Hes and helped
21 Mr. He landing a position of associate professor in a college in Changsha, China. Plaintiff did not
22 interfere with Hes' interaction with the media in China and did not actively seek any media
23 attention for himself.

24 60. DOE 2's blog article included many false and defamatory statements about Plaintiff
25 relating to the Anna Mae He case. DOE 2 false statements include but not limited to: "[Plaintiff's]
26 only legal contribution in the [AMH] case was acting as a reference source, all other things he said
27

1 were fabricated to cheat people" (Chinese: "仅仅起个资料员的工作，这就是岳东晓起到的所
2 有法律作用，其他都是他自己胡吹，忽悠而已"), when the Hes returned to China "Reporters
3 shunned [Plaintiff]" (Chinese: "记者就是不理他"), to steal media attention, "[Plaintiff] warned
4 Hes that [Plaintiff] would answer all questions for them, and the Hes had to agree because
5 [Plaintiff] had something against them" (Chinese: "他警告贺家所有问题都由他来答，贺家由
6 于把柄抓在他手上无奈同意了。"). In another false statement, DOE 2 stated that "He's wife said
7 she did not hate He Shaoqiang, she hated [Plaintiff] the most, this human trash destroyed her
8 family and all of their beautiful dreams." (Chinese: "她说不恨贺绍强，最恨的是岳东晓，这个
9 人渣把她的家和所有美好的理想都给毁了。")

10 61. Also on September 19, 2015, DOE 2 ("freespeech") posted a blog article on
11 YEYECLUB, stated that someone will volunteer to expose Plaintiff and other users of ZZB, and a
12 lawyer had volunteered to represent them to sue ZZB in a class action lawsuit *pro bono*, and they
13 have vowed not to give up and will persist for a long period, they will keep publishing the results
14 they dig out.

15 62. On September 20, 2015, a user with the name "VOA" posted a blog article on
16 YEYECLUB, showing portions of email communications between Defendant Yang and others,
17 discussing about the Court's tentative ruling on Yang's motion to quash service of summons. In the
18 blog article, VOA announced that Defendant Yang would arrive in San Francisco on Friday
19 (September 25, 2015), and the meeting that night was to be carried out as originally planned. On
20 information and belief, VOA was an ID used by Defendant Yang.

21 63. On September 21, 2015, YEYECLUB responded to the subpoena for DOE 1
22 ("LAO CAITOU")'s information by deleting all of LAO CAITOU's data.

23 64. On September 22, 2015, Defendant Yang, using his another alias, posted in ZZB's
24 micro-blog area, stating "[Plaintiff] then violated court order, his whole family was nearly driven
25 to the streets." (Chinese: "当年岳牛人违背法庭命令，一家人差点被赶到大街上去。").

1 Plaintiff warned Yang that Plaintiff would assert additional defamation claims against such false
2 statements. Yang persisted in making these false statements on YEYECLUB and ZZB.

3 65. On September 25, 2015, Defendant Yang, using the ID of CH3CH2OH, posted a
4 message on YEYECLUB, announcing that he arrived in California and called out to his
5 collaborators to come for the meeting after work.

6 66. On October 3, 2015, Defendant Yang sent Plaintiff a fax stating (in English) that
7 "you once tried to serve me by Internet Virus Technique... This is outrageous and scared me! I
8 reserve the right to claim damages from this illegal attack of yours... So I do not think I have legal
9 obligations to communicate with you via email, who uses Internet Virus Technique during the
10 process service." On the same day, Yang published this letter on YEYECLUB, coupled with
11 various attacks on Plaintiff.

12 67. On October 5, 2015, Defendant Yang, using the ID of CH3CH2OH, posted a blog
13 article titled "[Plaintiff's] Trojans Virus and Burglary Felony" (Original Chinese title: "岳东晓的
14 木马病毒 (Trojans Virus) 和入室盗窃重罪 (Burglary Felony)"). Yang wrote: "Since
15 [Plaintiff] was able to use Trojan horse virus to send summons to Y's computer, then he can send
16 anything to X's computer. Only if he need! For example, he can send a hidden monitor, just like
17 underground special agent's secret radio, steal all the data in your computer." (Chinese: "岳东晓既
18 然能用木马病毒的方法把传票送到 Y 的计算机里, 那他就就可以用同样的方法把任何东西
19 送到 X 的计算机里。只要他需要! 比如, 暗藏的监视器, 像潜伏特工的秘密电台一样, 可
20 以把你计算机里的所有数据偷走。") Then Yang stated that Plaintiff's "summons Trojan horse"
21 "stole the information of your computer's operating system." (Chinese: "岳的木马传票...盗窃了
22 你计算机操作系统的信息!").

23 68. Defendant Yang, Defendant Liu and/or their conspirators have continued and are
24 continuing their libelous attacks against Plaintiff on YEYECLUB.
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1 **JURISDICTION**

2 69. This Court has personal jurisdiction over Defendants in this action and venue is
3 proper because, as alleged above (a) Defendants have intentionally engaged in substantial
4 communications with the forum, amounting to sufficient minimum contacts - including, but not
5 limited to, the publication of alleged libelous messages, into this county, via the Internet and
6 otherwise; and (b) Defendants knew that Plaintiff and his business were located in California,
7 Defendant Yang directed his libelous attacks at Plaintiff in California, intended to cause harm in
8 California and caused harm in California by his defamation against Plaintiff, and a substantial part
9 of the acts giving rise to the asserted claims had effects in this county.
10

11 **CLAIMS FOR RELIEF**

12 **FIRST CAUSE OF ACTION**

13 **DEFAMATION ON PLAINTIFF'S ACADEMIC CREDENTIALS AND**
14 **PROFESSIONAL CAREER**
15 **(AGAINST ALL DEFENDANTS)**
16

17 70. Plaintiff re-alleges and incorporates herein by reference the allegations of
18 paragraphs 1 through 69, inclusive, of this Complaint.
19

20 71. The above cited statements posted by Yang on the internet referred to Plaintiff by
21 his true name, identified Plaintiff by his resident state of California, and by Plaintiff's litigation
22 activities.
23

24 72. Defendant Yang's online statement that "Yue was shut outside of the door of
25 professional career" is false and libelous, in that it falsely indicates that Plaintiff was incapable of
26 having a professional career in science.
27

1 therefore also entitled to exemplary damages in an amount appropriate to punish and make an
2 example of Defendants to the community.

3 81. Defendants YEYECLUB and Liu aided and abetted Yang and DOE 2's defamation
4 and are also liable for the defamation alleged herein. YEYECLUB and Liu knew that Yang and
5 DOE 2 committed and were continuing to commit defamation against Plaintiff and they gave
6 substantial assistance and encouragement to the defamation, by fanning hatred and contempt for
7 Plaintiff, by publishing their own defamatory statements and by deliberately removing logging of
8 their IP information and promising them anonymity. YEYECLUB and Liu's conduct was thus a
9 substantial factor in causing harm to Plaintiff.
10

11 82. Each of the Defendants was aware that the other defendants were committing
12 defamation against Plaintiff, and defendants had agreed and cooperated to commit defamation
13 against Plaintiff. They not only communicated online to collaborate in their defamation, but also
14 planned face to face meetings to coordinate their illegal acts against Plaintiff. Thus, Defendants
15 have formed an ongoing conspiracy to defame and harm Plaintiff. Each defendant in the
16 conspiracy is liable for the illegal conduct of the other conspirators.
17

18 83. Defendants' malicious, oppressive and vicious attacks on Plaintiff and other people
19 online displayed a pattern of wanton disregard of societal rules. Hiding behind a computer in
20 Canada, Defendant Yang defiantly stated that he would throw a summons from an American court
21 into the trash and he would never apologize for his defamatory statements but would republish
22 them everywhere to make a permanent record to injure Plaintiff's reputation. Similarly, DOE 2
23 stated openly that DOE 2 and the conspirators would persist on destroying the reputation of
24 Plaintiff and ZZB. Plaintiff has no adequate remedy at law to compel Defendants to cease their
25 wrongful acts, and therefore seeks injunctive relief. Plaintiff is entitled to injunctive relief in the
26

1 form of a temporary restraining order, a preliminary injunction, and/or a permanent injunction
2 restraining Defendants and all persons acting in concert with them, from engaging in any further
3 such acts of publishing the defamatory statements alleged herein.
4

5 **SECOND CAUSE OF ACTION**
6 **DEFAMATION ON PLAINTIFF'S LEGAL ENDEAVORS**
7 **(AGAINST ALL DEFENDANTS)**

8 84. Plaintiff re-alleges and incorporates herein by reference the allegations of
9 paragraphs 1 through 83, inclusive, of this Complaint.
10

11 85. Defendant Yang's statement that Plaintiff "won once, lost six times" in the seven
12 lawsuits Plaintiff filed is false.
13

14 86. Defendant's Yang's statement that "Yue Dongxiao launched 12 lawsuits and he lost
15 10 of them!" is false.

16 87. Defendant Yang knew that Plaintiff settled most of his lawsuits with defendants, as
17 Plaintiff had informed him that most of the lawsuits were settled.
18

19 88. Defendant Yang's statement that Plaintiff won a lawsuit "because the judge saw
20 that he would soon lose his pants, had pity for this shyster who dug into his own wallet to uphold
21 the fairness of American law, so adjudged him to win one time" is false.
22

23 89. Defendant Yang knew or should have known that Plaintiff won a jury trial and the
24 verdict was not given by a judge. Yang's statement that the judge gave Plaintiff a legal victory is
25 an intentional falsehood.
26

27 90. Defendant Yang's false statements are calculated to label Plaintiff as "Shyster Yue
28 Dongxiao". Defendant Yang's labeling of Plaintiff as "Shyster" is defamatory, as it charges
Plaintiff as unethical and immoral in bringing and conducting the lawsuits.

1 91. Defendant Yang's statement that "[Plaintiff] then violated court order, his whole
2 family was nearly driven to the streets" is false and libelous.

3 92. Defendant DOE 2's statement that "[Plaintiff] sued a company for infringing a
4 program that no one was using ... that company had pity that his children were homeless, finally
5 gave him some money in settlement, forgiving this human trash." is false and libelous.

6 93. Defendant Yang and DOE 2's false statements tend to directly injure Plaintiff in
7 respect to his profession, trade and business, and constitute defamation per se.

8
9 94. As a result of Defendants' defamatory postings, Plaintiff suffered from harm to his
10 reputation, was subjected to ridicule by many people as a result, and suffered from emotional
11 distress caused by Defendant's vicious attacks.

12 95. After Plaintiff warned Defendant Yang not to make defamatory statements, Yang
13 resorted to thinly veiled threats against Plaintiff's family and children. When Plaintiff criticized
14 Yang about such tactics, Yang wrote back in English: "you totally misunderstand me that i like to
15 see your family broke and my children go begging online. My intention is just opposite! I want
16 to stop you idiot shyster for good of your family, our community and general society. as I said
17 many times before."

18 96. Defendants acted with malice and oppression by knowingly posting false
19 statements about Plaintiff and by posting intimidation and threats. Plaintiff is therefore also
20 entitled to exemplary damages in an amount appropriate to punish and make an example of
21 Defendants to the community.
22

23 97. Defendants YEYECLUB and Liu aided and abetted Yang and DOE 2's defamation
24 and are also liable for the defamation alleged herein. YEYECLUB and Liu knew that Yang and
25 DOE 2 committed and were continuing to commit defamation against Plaintiff and they gave
26 substantial assistance and encouragement to the defamation, by fanning hatred and contempt for
27

1 Plaintiff, by publishing their own defamatory statements and by removing logging of defendants'
2 IP information. YEYECLUB and Liu's conduct was a substantial factor in causing harm to
3 Plaintiff.

4
5 98. Each of the Defendants was aware that the other defendants were committing
6 defamation against Plaintiff, and defendants had agreed and cooperated to commit defamation
7 against Plaintiff. They not only communicated online to cooperate in their defamation, but also
8 planned face to face meetings to coordinate their illegal acts. Thus, Defendants have formed an
9 ongoing conspiracy to defame Plaintiff. Each defendant in the conspiracy is liable for the illegal
10 conduct of other conspirators.

11 99. Defendants' malicious, oppressive and vicious attacks on Plaintiff and other people
12 online display a wanton disregard of societal rules. Defendant Yang states that he will never
13 apologize for his defamatory statements but will republish them everywhere to permanently injure
14 Plaintiff. Similarly, DOE 2 stated openly that the conspirators would persist on destroying the
15 reputation of Plaintiff, ZZB and ZZB users. Plaintiff has no adequate remedy at law to compel
16 Defendants to cease their wrongful acts, and therefore seeks injunctive relief. Plaintiff is entitled
17 to injunctive relief in the form of a temporary restraining order, a preliminary injunction, and/or a
18 permanent injunction restraining Defendants, and all persons acting in concert with them, from
19 engaging in any further such acts of publishing the defamatory statements alleged herein.
20

21 **THIRD CAUSE OF ACTION**
22 **DEFAMATION ON PLAINTIFF'S CHARACTER**
23 **(AGAINST ALL DEFENDANTS)**

24 100. Plaintiff re-alleges and incorporates herein by reference the allegations of
25 paragraphs 1 through 99, inclusive, of this Complaint.
26

1 from engaging in any further such acts of publishing the defamatory statements alleged herein.

2
3 **FOURTH CAUSE OF ACTION**
4 ***STATUTORY UNFAIR COMPETITION***
5 ***(Cal. Bus. & Prof. Code § 17200 et seq.)***
6 **(Against YEYECLUB AND LIU)**
7

8 109. Plaintiff re-alleges and incorporates herein by reference the allegations of
9 paragraphs 1 through 108, inclusive, of this Complaint.

10 110. YEYECLUB directly competes with Plaintiff's website. YEYECLUB actively and
11 secretly solicited ZZB users to join yeyecub.com.
12

13 111. Defendants YEYECLUB and Liu's conduct as alleged in this Complaint involving
14 malicious defamation, conspiracy to commit defamation, aiding and abetting defamation of
15 Plaintiff, to the benefit of Defendants and Defendants' business, and to the great detriment of
16 Plaintiff, constitutes unlawful, unfair, deceptive, and/or fraudulent business acts or practices in
17 violation of California Business & Professions Code § 17200 *et seq.* that has a substantial effect
18 on commerce, resulting in Defendants' unjust enrichment. On information and belief, Defendants
19 willfully intended to cause injury to Plaintiff through their unlawful, unfair, and/or fraudulent
20 business practices as described herein.
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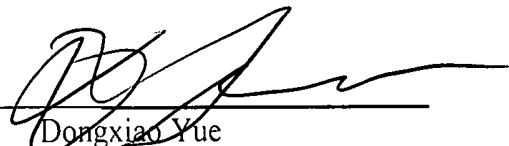
22 112. On information and belief, the actions of Defendants as described in this Complaint
23 had the effect of gaining for Defendants substantial benefits and advantages from Plaintiff through
24 unlawful, unfair, and/or fraudulent business acts or practices in violation of California Business &
25 Professions Code § 17200 *et seq.*
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DEMAND FOR JURY TRIAL

Plaintiff Dongxiao Yue demands a jury trial in this action.

Dated: October 30, 2015

By: 
Dongxiao Yue
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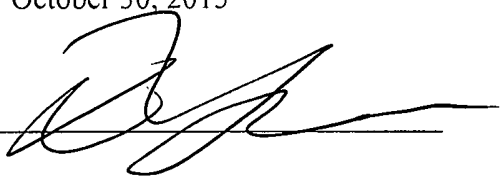
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VERIFICATION

I, Dongxiao Yue, am the Plaintiff in the above-entitled action. I have read the foregoing first amended complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at San Leandro, California.

DATED: October 30, 2015



A handwritten signature in black ink, appearing to read 'Dongxiao Yue', is written over a horizontal line. The signature is cursive and extends to the right of the line.