

EXHIBIT K

Founded in 1852
by Sidney Davy Miller

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December 9, 2011

Via U.S. Certified Mail
Return Receipt No. 7010-1870-0002-0539-3857

General Counsel of the Copyright Office
GC/I&R
P.O. Box 70400
Southwest Station
Washington, DC 20024-0400

RE: Section 411(a) Notice to the Register of Copyrights

Dear Counsel:

I am writing to give notice to the Register of Copyrights, pursuant to Section 411(a) of the Copyright Act, of the institution and existence of an ongoing federal lawsuit for copyright infringement pending in the Central District of California entitled *Bryan Pringle v. William Adams, et al.* A copy of the Complaint is attached to this letter as **Exhibit A**. This lawsuit involves the infringement of Mr. Pringle's copyright in the song "Take a Dive" and its derivative version. An issue regarding the registrability of the derivative work has subsequently arisen in the litigation. You may have the right to intervene in this suit with respect to the issue of registrability pursuant to the statute.

Here is a brief factual background regarding the copyright application. Mr. Pringle, the plaintiff in the above-referenced case, registered the sound recordings and musical compositions of various original songs contained on a CD entitled *Dead Beat Club: 1998*, with the Copyright Office on July 23, 1998, Registration No. SRu 387-433. A copy of that registration is attached to this letter as **Exhibit B**. One of the songs contained on *Dead Beat Club: 1998*, was "Take a Dive" which is referred to solely as "Dive" on the Copyright Registration form.

The version of "Take a Dive" that was copyrighted, however, did not contain a portion of the work that was later added by Pringle, which is the key component that is now the subject of the ongoing litigation. During the litigation, Mr. Pringle, under the advice and direction of his former attorney, and our former co-counsel, attempted to register the derivative version of the work, which he entitled "Take a Dive (Dance Version)," which he did on November 15, 2010, Registration No. SR 659-390. A copy of that application is attached to this letter as **Exhibit C**. The Copyright Office registered the sound recording in "Take a Dive (Dance Version)," but

refused to register the musical composition in the new material added, stating that the "work does not contain enough original musical authorship to be copyrightable." A copy of the letter received from the Copyright Office Register, Mr. Chad Becker, explaining the Copyright Office's refusal is attached to this letter as **Exhibit D**.

Our former co-counsel was responsible for all issues in the litigation relating to copyright and requirements under the Copyright Statute, and we relied on them for expertise in these areas as it was represented to the Plaintiff and to us that this was their area of expertise. This co-counsel has recently withdrawn from the case. We have spoken with them about the issue of the notice to the Copyright Office. They relayed to us that because the Copyright Office did not register the derivative work based on its determination that the derivative did not contain enough different material from the original copyrighted work, our co-counsel apparently did not believe that notice under Section 411(a) was required. Further, it was their sincere belief and understanding that the copyright registration of the underlying work satisfies the goals and purpose of Section 411 of the Statute.

Our former co-counsel's error was not intentional and not a calculated effort to exclude the Copyright Office. Rather, it was based on their apparently mistaken understanding that notice was not required because of the nature of the denial.

This issue was never brought to our attention by Defendants until after discovery closed, when Defendants merely noted it in a footnote in their motion for summary judgment. Defendants conducted full discovery in the matter and there has been no harm to the defendants in the delay.

Let us reiterate and reassure you that it was *not* our intent to circumvent your office and its right to appear in the matter. We were uninformed of the issue and it was never previously brought to our attention by anyone including Defendants.

Trial is currently scheduled for March 27, 2012. Please call either me or my colleague, Kate Koppenhoefer, who can be reached at (312) 460-4221 to discuss, *inter alia*, whether the Register intends on filing an appearance in the case, pursuant to the applicable statute. We look forward to addressing this issue at your earliest convenience and thank you in advance for your consideration.

Very truly yours,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.



Dean A. Dickie

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PS Form 3800, August 2006

See Reverse for Instructions

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15 Attorneys for Plaintiff
BRYAN PRINGLE

17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
19 **SOUTHERN DIVISION**

20 BRYAN PRINGLE, an individual,
21 Plaintiff,

22 v.

23 WILLIAM ADAMS, JR.; STACY
FERGUSON; ALLAN PINEDA; and
24 JAIME GOMEZ, all individually and
collectively as the music group the Black
25 Eyed Peas; DAVID GUETTA;
FREDERICK RIESTERER; UMG
26 RECORDINGS, INC.; INTERSCOPE
RECORDS; EMI APRIL MUSIC, INC.;
27 HEADPHONE JUNKIE PUBLISHING,
LLC; WILLIAM MUSIC, LLC;
28 JEEPNEY MUSIC, INC.; TAB

) Case No. SACV 10-1656 JST(RZx)
) **FIRST AMENDED COMPLAINT**
) **FOR COPYRIGHT**
) **INFRINGEMENT**

) [DEMAND FOR JURY TRIAL]

1 MAGNETIC PUBLISHING; CHERRY
2 RIVER MUSIC CO.; SQUARE RIVOLI
3 PUBLISHING; RISTER EDITIONS; and
4 SHAPIRO, BERNSTEIN & CO.,

Defendants.

5
6 Plaintiff, Bryan Pringle, by his undersigned attorneys, as his Complaint against
7 Defendants William Adams, Jr., Stacy Ferguson, Allan Pineda, and Jaime Gomez,
8 individually and collectively as the music group the Black Eyed Peas, David Guetta,
9 Frederick Riesterer, UMG Recordings, Inc., Interscope Records, EMI April Music,
10 Inc., Headphone Junkie Publishing, LLC, Will.I.Am Music, LLC, Jeepney Music,
11 Inc., Tab Magnetic Publishing, Cherry River Music Co., Square Rivoli Publishing,
12 Rister Editions, and Shapiro, Bernstein & Co., hereby alleges as follows:

13 **INTRODUCTION**

14 1. This is a case of willful copyright infringement against a number of
15 Defendants, among who are the members of the internationally famous music group
16 known as the Black Eyed Peas, their record label and publishers. The Defendant
17 members of the Black Eyed Peas, David Guetta, Frederick Riesterer, and, upon
18 information and belief, UMG Recordings, Inc. and Interscope Records, are direct
19 copyright infringers, as certain or all of them willfully copied, or encouraged and/or
20 instructed the copying of, Plaintiff's song "Take a Dive," when they wrote their
21 world-wide hit, Grammy-winning song, "I Gotta Feeling." The other Defendants are
22 either contributory or vicarious infringers.

23 2. The suit seeks actual damages incurred by the Plaintiff, plus
24 disgorgement of each of the Defendants' profits that were and will be received from
25 their hit song "I Gotta Feeling," as a result of the infringement. Plaintiff also requests
26 that both a preliminary and permanent injunction be entered to enjoin the public
27 performance and distribution of "I Gotta Feeling," along with the imposition of a
28 constructive trust over the wrongfully made profits earned worldwide from the

1 infringement and an accounting as to those profits. The Black Eyed Peas are
2 currently on their world tour, unlawfully and unfairly reaping profits from the
3 singing of the song "I Gotta Feeling," and each day there are substantial sales of this
4 song worldwide.

5 3. "Take a Dive" and numerous derivative versions of "Take a Dive," as
6 more fully described herein, were submitted by Plaintiff multiple times to
7 Defendants Interscope, EMI and UMG Recordings over a ten-year period. The
8 submissions were made in trust and confidence whereby Plaintiff had a good faith
9 expectation that the song would only be listened to for legitimate business purposes
10 and that his ownership and financial rights in the song would be protected. Since no
11 advice was given by Interscope, EMI or UMG Recordings, or by any of the other
12 Defendants to the contrary, there was the implicit assurance given to Plaintiff that his
13 song would not be given to third parties to use in connection with the creation of
14 music, would not be wrongfully copied after it was received, and that it would not be
15 plagiarized and then released to the public as a song by another artist like the Black
16 Eyed Peas, or another artist signed to Interscope or UMG Recordings.

17 4. The song "I Gotta Feeling" is substantially similar to Plaintiff's song
18 "Take a Dive." Actually it is strikingly similar, and the main instrumental "hook
19 line" sequences in both songs -- the distinct, memorable parts of both songs to the ear
20 -- are identical. In fact, on information and belief, the main instrumental "hook" line
21 was directly sampled from Plaintiff's sound recording by the Defendants and inserted
22 into "I Gotta Feeling." Simply put, the principal melody portions of "Take a Dive"
23 were reused or incorporated into "I Gotta Feeling," secretly and with knowledge and
24 willfulness by certain of the Defendants, without Plaintiff's authorization, with the
25 result being the iconic, hit song that "I Gotta Feeling" became. There can be no
26 reasonable, alternative explanation for these similarities other than the fact that the
27 Black Eyed Peas, David Guetta and/or Frederick Riesterer directly copied Plaintiff's
28 song.

1 GENERAL ALLEGATIONS

2 **A. Parties**

3 9. Plaintiff Bryan Pringle, a/k/a DJ Spanky, a/k/a Altared State, a/k/a Dead
4 Beat Club (“Pringle”), is an individual residing in San Antonio, Texas. Pringle is a
5 songwriter that has been submitting music to Interscope Records, EMI, UMG
6 Recordings and other major record labels on a regular basis, under various aliases
7 since around the mid-1990s.

8 10. Defendant William Adams Jr., a/k/a Will.I.Am (“Will.I.Am”), is an
9 individual and well-known songwriter, music producer and recording artist who,
10 upon information and belief, resides in Los Angeles, California. Will.I.Am is one of
11 the four members of the Black Eyed Peas.

12 11. Defendant Stacy Ferguson, a/k/a Fergie (“Fergie”), is an individual and
13 internationally famous recording artist and songwriter who, upon information and
14 belief, resides in Los Angeles, California. Fergie is one of the four members of the
15 Black Eyed Peas.

16 12. Defendant Allan Pineda, a/k/a apl.de.ap (“apl.de.ap”), is an individual
17 recording artist and songwriter who, upon information and belief, resides in Los
18 Angeles, California. apl.de.ap is one of the four members of the Black Eyed Peas.

19 13. Defendant Jaime Gomez, a/k/a Taboo (“Taboo”), is an individual
20 recording artist and songwriter who, upon information and belief, resides in Los
21 Angeles, California. Taboo is one of the four members of the Black Eyed Peas.

22 14. Defendant David Guetta (“Guetta”) is an individual songwriter and
23 music producer who, upon information and belief, resides in Los Angeles, California.
24 Guetta has co-written and co-produced several of the Black Eyed Peas’ songs.

25 15. Defendant Frederick Riesterer (“Riesterer”) is an individual songwriter
26 and music producer who, upon information and belief, resides in Los Angeles,
27 California. Riesterer has co-written and co-produced several of the Black Eyed Peas’
28 songs.

1 16. Defendant UMG Recordings, Inc. (“UMG”) is a Delaware corporation
2 with its principal place of business in Los Angeles, California. UMG is a major
3 record label conglomerate.

4 17. Defendant Interscope Records (“Interscope”) is a California general
5 partnership with its principal place of business in Los Angeles, California.
6 Interscope is the record label that the Black Eyed Peas are signed to, and is one of the
7 record labels owned by UMG.

8 18. Defendant EMI April Music, Inc. (“EMI”) is a Connecticut corporation
9 with its principal place of business in New York, New York. EMI is a music
10 publishing company that is one of the publishers of the infringing song “I Gotta
11 Feeling.”

12 19. Defendant Headphone Junkie Publishing, LLC (“Headphone Junkie”) is
13 a California limited liability company with its principal place of business in Los
14 Angeles, California. Headphone Junkie is a music publishing company that is one of
15 the publishers of the infringing song “I Gotta Feeling.”

16 20. Defendant Will.I.Am Music, LLC (“Will.I.Am Music”) is a California
17 limited liability company with its principal place of business in Los Angeles,
18 California. Will.I.Am Music is a music publishing company that is one of the
19 publishers of the infringing song “I Gotta Feeling.”

20 21. Defendant Jeepney Music, Inc. (“Jeepney Music”) is a California
21 corporation with its principal place of business in Los Angeles, California. Jeepney
22 Music is a music publishing company that is one of the publishers of the infringing
23 song “I Gotta Feeling.”

24 22. Defendant Tab Magnetic Publishing (“Tab Magnetic”) is a California
25 corporation with its principal place of business in Los Angeles, California. Tab
26 Magnetic is a music publishing company that is one of the publishers of the
27 infringing song “I Gotta Feeling.”
28

1 23. Defendant Cherry River Music Co. (“Cherry River Music”) is a
2 Delaware corporation with its principal place of business in New York, New York.
3 Cherry River Music is a music publishing company that is one of the publishers of
4 the infringing song “I Gotta Feeling.”

5 24. Defendant Square Rivoli Publishing (“Square Rivoli”) is a foreign
6 corporation that is administered in the United States by Shapiro, Bernstein & Co.
7 Square Rivoli is a music publishing company that is one of the publishers of the
8 infringing song, “I Gotta Feeling.”

9 25. Defendant Rister Editions (“Rister”) is a foreign corporation that is
10 administered in the United States by Shapiro, Bernstein & Co. Rister is a music
11 publishing company that is one of the publishers of the infringing song, “I Gotta
12 Feeling.”

13 26. Defendant Shapiro, Bernstein & Co., Inc. (“SB&Co.”) is a New York
14 corporation with its principal place of business in New York, New York. SB&Co. is
15 a music publishing company that is one of the publishers of the infringing song, “I
16 Gotta Feeling.”

17 **B. Plaintiff’s Creation and Protection of His Original Work**

18 27. In or around 1998, Pringle wrote and recorded a song entitled “Take a
19 Dive.” A copy of the original version of “Take a Dive” is contained as Track 1 on
20 the CD, prepared by counsel, attached hereto as Exhibit A. “Take a Dive” was and is
21 comprised of material that is wholly original, and thus entitled to protection as
22 copyrightable material pursuant to the Copyright Act of 1976, 17 U.S.C. § 101 et
23 seq.

24 28. Pringle duly registered a claim for a CD he entitled *Dead Beat Club:*
25 *1998*, which included the original version of “Take a Dive” along with seventeen
26 other original songs, with the United States Copyright Office, evidenced by a
27 Certificate of Registration issued by the Register of Copyrights, dated and identified
28 as follows: April 29, 1998, SRu 387 – 433. A copy of the Certificate of Registration

1 for the CD, *Dead Beat Club:1998*, which included the original version of “Take a
2 Dive,” is attached hereto as Exhibit B.

3 29. In or around 1999, Pringle made a slightly different derivative work of
4 the original copyrighted version of “Take a Dive.” The derivative version consisted
5 of Pringle having removed the vocals that were contained in the original version, and
6 adding what can best be described as a repeating eight-bar melody, using a “guitar
7 twang” instrument, utilizing a total of four notes (D4, C4, B3 and G3), in the
8 following progression: D4-C4-B3-C4-B3-C4 (in the key of G3) (hereinafter referred
9 to as the “guitar twang sequence”). This guitar twang sequence of notes was
10 modeled after “Take a Dive’s” progression of notes in the chorus vocals, sung by
11 Pringle in the original version of the song. A copy of the derivative version of “Take
12 a Dive,” as set forth above, is contained as Track 2 on the CD attached hereto as
13 Exhibit A. Pringle has registered the derivative version of “Take a Dive” above with
14 the U.S. Copyright Office, on an expedited basis, and is awaiting the certificate of
15 registration. The U.S. Copyright Office has received Pringle’s complete application
16 for registration of the derivative version of “Take a Dive.” Pringle has thus satisfied
17 the registration requirement of 17 U.S.C. § 411(a). *See Cosmetic Ideas, Inc. v.*
18 *IAC/InteractiveCorp*, 606 F.3d 612, 621 (9th Cir. 2010).

19 30. Since 1999, Pringle has been, and still is, the proprietor of the statutory
20 copyright in the original musical composition and sound recording for “Take a
21 Dive,” and all derivative works based upon “Take a Dive,” and duly possessed all
22 rights, title and interests therein. At all relevant times, Pringle has complied with all
23 of the laws pertinent to his music composition and sound recording as a copyrighted
24 work. (Any and all further references to the song “Take a Dive” shall hereafter refer
25 to the derivative version, as set forth in paragraph 29 above.)
26
27
28

1 **C. Defendants' Access to and Copying of Plaintiff's Copyrighted Song "Take**
2 **a Dive"**

3 31. Over the time period from around 1999 to 2008, Pringle had regularly
4 submitted demo CDs, all of which contained "Take a Dive" and various other songs,
5 to Defendants UMG, Interscope and EMI. He also submitted them to other major
6 record labels, internet music websites, TAXI (and independent A&R company),
7 talent scouts, artist managers, production studios (including film, television and
8 music), famous songwriters, radio stations, booking agents, national and international
9 music contests, nightclubs and publishing companies. These submissions were done
10 in the hopes of promoting his music, becoming signed as an artist to a major label, or
11 selling his songs to publishing companies and/or other already established artists.

12 32. In addition to the submission of his demo CDs, Pringle continually
13 advertised his music, including "Take a Dive," on the internet via multiple music
14 websites, and had his music played internationally via radio and internet.

15 33. Over the period from around 1999 to 2008, Pringle received numerous
16 letters in response to his music submissions, as alleged above. These included
17 responses from multiple A&R representatives at Interscope, UMG and EMI, saying
18 that while his music was of good quality, the labels were not currently interested in
19 signing him as an artist or purchasing any of his music. These letters demonstrate
20 that Interscope, UMG and EMI received Pringle's music, and implicitly
21 acknowledges that his demo CDs, all of which contained "Take a Dive," were
22 listened to by these individuals.

23 34. Further, upon information and belief, at all relevant times, Will.I.Am
24 was an Artist and Repertoire ("A&R") at Interscope, and in this capacity acted as a
25 form of talent scout for the Interscope label. If Will.I.Am was not a formal A&R,
26 then he acted in this capacity, with the full knowledge of Interscope and the other
27 members of the Black Eyed Peas.

28

1 35. On information and belief, as a result of Will.I.Am's position as an
2 A&R, or some similar position, he had direct access to all the music that was being
3 submitted to Interscope by unsigned artists/songwriters during this time period. This
4 included Plaintiff's song "Take a Dive," as well as to other songs that he and the
5 Defendant Black Eyed Peas unlawfully plagiarized, as alleged below, as part of a
6 repeated pattern and practice of intentional copyright infringement.

7 36. Will.I.Am's A&R role with Interscope, while at the same time being a
8 major artist signed to the label, posed a conflict of interest and incentivized and
9 encouraged the doing of the kind of wrongful acts alleged herein.

10 37. On information and belief, one of the Black Eyed Peas, Guetta, and/or
11 Riesterer accessed one or more of Pringle's demo CDs that included "Take a Dive,"
12 and listened to the song. On information and belief, one or more of the Black Eyed
13 Peas, Guetta and/or Riesterer then decided to willfully and directly copy significant
14 portions of the song when they wrote and recorded "I Gotta Feeling."

15 38. Plaintiff did not authorize any of the Defendants to record, release,
16 perform or license "I Gotta Feeling," as the case may be, to the extent such actions
17 were based on the unlawful copying of "Take a Dive." Furthermore, the Defendants
18 knew, or should have known, that Plaintiff was expecting them to act fairly and to
19 honor Plaintiff's good faith and reasonable belief that "Take a Dive" would not be
20 plagiarized.

21 39. In addition to the individual members of the Black Eyed Peas, Guetta
22 and Riesterer, Defendants UMG and Interscope are, upon information and belief,
23 also direct infringers due their conspiracy with the members of the Black Eyed Peas
24 to conduct an ongoing pattern and practice of intentional copyright infringement, as
25 alleged below. EMI, Headphone Junkie, Will.I.Am Music, Jeepney Music, Tab
26 Magnetic, Cherry River Music, Square Rivoli, Rister and SB&Co., are all
27 contributory or vicarious infringers as all had some degree of supervisory control
28 over the release, performance, sale and distribution of the single "I Gotta Feeling,"

1 and the Black Eyed Peas' album, *The E.N.D.*, which contains the song "I Gotta
2 Feeling," and all obtained direct financial benefit from doing so.

3 **D. Substantial Similarity Between "Take a Dive" and "I Gotta Feeling"**

4 40. As a result of the Black Eyed Peas, Guetta and/or Riesterer having
5 copied "Take a Dive," "I Gotta Feeling," as a whole, is substantially similar to "Take
6 a Dive" and the guitar twang sequence is identical. A copy of "I Gotta Feeling" is
7 contained as Track 3 on the CD attached hereto as Exhibit A.

8 41. On information and belief, the sound recording of the guitar twang
9 sequence contained in the derivative version of "Take a Dive" was directly sampled
10 (sampling is the taking of an audio segment from an original sound recording and
11 inserting it directly into a new sound recording) by one or more of Black Eyed Peas,
12 Guetta and/or Riesterer and placed into "I Gotta Feeling." The guitar twang sequence
13 in both songs is identical in instrumentation, melody, harmony and rhythm.

14 42. The fact that the guitar twang sequence of "I Gotta Feeling" is identical
15 to the one in "Take a Dive" establishes that the Black Eyed Peas, Guetta and/or
16 Riesterer had access to "Take a Dive," that they copied "Take a Dive," and that their
17 copying of "Take a Dive" was intentional, willful and wanton.

18 43. In addition to the guitar twang sequence, and among other similarities,
19 the following is a list of similarities between the two songs:

- 20 (a) Both songs are substantially similar in total concept and feel;
21 (b) Both songs incorporate a contemporary dance style of music;
22 (c) Both songs have an almost identical tempo — "Take a Dive" is
23 130 beats per minute ("bpm"), while "I Gotta Feeling" is 128
24 bpm;
25 (d) Both songs use a half step (or goose step) bass line. This type of
26 bass line is achieved by alternating the same bass note from a
27 high and low corresponding octave with the low octave bass note
28 on the 4 down beats, while the high octave corresponding eighth

1 note is on the upbeat or half step;

2 (e) Both songs use almost identical “dance” style bass drums; the
3 bass drum as a traditional 4/4 dance beat with the bass drum
4 hitting on the 4 quarter note down beats and a electronic dance
5 style snare, with both an eighth and a sixteenth note hi hat
6 cymbal, and half step open hi hat;

7 (f) Both songs have substantially similar sweeping low bass
8 synthesizers, playing in almost the exact same position (utilizing
9 “sharp type” ascending notes and “flat type” descending notes, or
10 quarter note type steps, between major changes in the bass
11 chords). This technique is also utilized in “Take a Dive’s” chorus
12 synthesizer sequence and re-mixes of “I Gotta Feeling”;

13 (g) In “I Gotta Feeling,” the Black Eyed Peas use a violin instrument
14 starting in the middle of their song (where the bass drum drops
15 out) in a sequence of eighth notes. This is identical in rhythm,
16 syncopation and substantially similar in melody to the rising and
17 falling (cascading) high delay synthesizer sequence of eighth
18 notes (which are actually sixteenth notes, because of the delay
19 effects), which is the first sequence of notes that comes into
20 “Take a Dive” after the intro and which plays throughout “Take a
21 Dive”;

22 (h) Both songs utilize a “rising space-like blasting” sound effect. It
23 slowly rises and then crashes. This particular sound effect is
24 utilized in several of the official “I Gotta Feeling” re-mixed
25 versions, including a version constructed by Dave Guetta (Dave
26 Guetta FMIF Remix, at 4:07, into his song);

27 (i) Both songs utilize the reverse effect to change a break in the
28 music. This can be heard in “I Gotta Feeling” right at the end of

1 the break in the middle where the bass drum drops out and then
2 comes back in (this reverse effect is also utilized in several of the
3 official “I Gotta Feeling” re-mixed versions, including the Dave
4 Guetta FMIF Remix, at 0:58 seconds, into his song). “Take a
5 Dive” utilizes this technique on breaks, at the end of the chorus
6 and at the rise into the chorus;

7 (j) Both songs utilize a rotary (spinning) effect. “I Gotta Feeling”
8 uses this rotary effect on the half step (or goose step) alternating
9 octave eighth note bass line, while “Take a Dive” utilizes this
10 effect on a percussive sequence of what sounds like to be, tiny
11 percussive metal bells;

12 (k) Both songs have a substantially similar chorus synthesizer
13 sequence. The chorus synthesizer sequence in “Take a Dive” is
14 substantially similar to the chorus synthesizer sequence in “I
15 Gotta Feeling” not only in the actual sequence of notes played,
16 but also in the actual sound of the “organ-esque” type
17 instrumentation; and

18 (l) Both songs have a substantially similar structure, as shown by at
19 least 26 unique correlations between key events triggered in the
20 exact same locations in the “I Gotta Feeling” vocal track and the
21 music for “Take a Dive.”

22 **E. The Aftermath of “I Gotta Feeling’s” Release**

23 44. The Black Eyed Peas released “I Gotta Feeling” on or around June 16,
24 2009, as the second single off of their hit album *The E.N.D.*

25 45. Since its release, “I Gotta Feeling” has achieved tremendous success
26 and worldwide acclaim. Among other things, “I Gotta Feeling” has:

27 (a) Become the best selling song for the Black Eyed Peas to date,
28 with over 6 million digital downloads sold in the U.S. alone,

1 helping make it the highest selling digital download of all time,
2 and playing a substantial role in helping *The E.N.D.* album sell
3 over 3 million copies in the U.S. (over 7 million copies
4 worldwide);

5 (b) Spent fourteen weeks at the number one spot on the *Billboard* Hot
6 100 Chart, and was named fifth on the *Billboard* Hot 100 Songs
7 of the Decade;

8 (c) Been certified “Platinum” or “Multi-Platinum” in at least twelve
9 countries around the world, including the U.S., according to each
10 respective country’s recording industry association;

11 (d) Been nominated for “Record of the Year” at the 52nd Grammy
12 Awards and won the Grammy for “Best Pop Performance by a
13 Duo or Group with Vocals”; and

14 (e) Been licensed in several nationwide commercials, television
15 episodes, and was also licensed to the 2009 movie *Alvin and the*
16 *Chipmunks: The Squeakquel*.

17 46. All Defendants have reaped substantial profits, coming from multiple
18 worldwide sources and revenue streams, as a result of the willful copyright
19 infringement of “I Gotta Feeling,” and they have therefore been unjustly enriched.

20 **F. Defendants’ Conspiracy to Engage in and Conduct a Pattern and Practice**
21 **of Ongoing Willful Copyright Infringement as to Others**

22 47. The actions alleged herein are not a single isolated incident. Rather,
23 they are part of a general pattern and practice and in fact, on information and belief, a
24 civil conspiracy by and among Defendants UMG, Interscope and the Black Eyed
25 Peas. The conspiracy consists of a bad-faith pattern and practice among certain of
26 these Defendants of cavalierly and intentionally disregarding statutory copyright
27 laws by either copying songs, or portions thereof, from other artists and/or
28 songwriters, and changing them slightly in order to make them appear as original

1 works, or sampling other songs. This is routinely done without gaining the proper
2 authorization from the respective copyright owners of the songs that are used by the
3 Black Eyed Peas, who otherwise are looking to collaborate on their songs with the
4 Defendants when they send them their music, and who rightfully expect to be given
5 appropriate compensation, credits and legal protections.

6 48. The foregoing pattern and practice of intentional copyright infringement
7 demonstrates the element of willfulness relative to the infringing acts perpetrated
8 against the Plaintiff, as well as demonstrating the bad faith motives of Defendants
9 UMG, Interscope and the Black Eyed Peas.

10 49. At a minimum, on information and belief, Defendants UMG and
11 Interscope were active enablers of this wrongful conduct by the Black Eyed Peas.
12 They knew, or should have known, that having Will.I.Am as an A&R for Interscope
13 presented the distinct probability, if not the inevitability, that the actions engaged in
14 herein would take place.

15 50. On information and belief, based on the facts and circumstances alleged
16 herein, these parties had an understanding or agreement between themselves that the
17 conduct complained of herein would and could take place. Consequently, Interscope
18 did not put into place any practices or procedures geared to protect against such
19 conduct, or if they did, they were not followed and this was known by Interscope.

20 51. UMG, Interscope and the Black Eyed Peas know that, from a business
21 standpoint, the intentional copyright infringement of songs from an independent or
22 unknown artist and/or songwriter can create a major financial windfall to them, while
23 at the same time injure or damage the financial and professional interests of the artist
24 and/or songwriter. This is because they know or expect that when they engage in
25 intentional copyright infringement either of the following will happen:

26 (a) The independent/unknown artist and/or songwriter either does not
27 have the financial means of pursuing a lengthy and costly
28 copyright infringement case against a major recording group and

1 record label, or simply will never find out about the infringement
2 and come forward and claim ownership of his/her song, and thus
3 the infringing parties will have successfully gotten away with
4 copyright infringement, and reaped the profits off of someone
5 else's copyrighted material; or

- 6 (b) The independent/unknown artist and/or songwriter does in fact
7 come forward and claim ownership of his/her song, in which case
8 the infringing parties can simply pay off the artist/songwriter in a
9 settlement with what amounts to a nominal sum to them, but
10 which may be a large amount of money for the struggling artist
11 and/or songwriter, or just wear him/her down in expensive
12 litigation, to the point where they can no longer afford to pursue
13 fair and equitable compensation, and are thus forced into settling
14 for a nominal sum.

15 52. In either of the scenarios above, the infringing parties reap substantial
16 profits off of the intentional infringement of copyrighted material, making it a good
17 financial investment from their standpoint.

18 53. The Defendants' actions alleged herein, are essentially the engaging in
19 unfair business practices under California law. The Defendants have artists and
20 songwriters voluntarily submitting their music to UMG and Interscope, which they
21 willingly accept, and they simply pick and choose the best music to copy, knowing
22 that the artists/songwriters who submitted the music have no practical or adequate
23 way to protect their intellectual property. This course of conduct ensures that
24 UMG's and Interscope's artists always have access to the "best" music in the
25 marketplace. This practice, along with UMG's and Interscope's superior financial
26 capabilities, also ensures that the submitting artists/songwriters, who may otherwise
27 be talented enough to have their music heard, will never get the proper credit for
28 their music or get a chance to properly promote themselves as musicians.

1 54. The Black Eyed Peas are in the midst of a world tour, during which they
2 publicly perform the song “I Gotta Feeling.” People are attending these concerts in
3 record numbers because, in part, of the enormous success and acclaim of this song.
4 No one knows that “I Gotta Feeling” was copied from Plaintiff, and that Plaintiff is a
5 talented songwriter in his own right. He could have been enjoying the fruits of his
6 talent had the Black Eyed Peas and/or Intersope and/or certain of the other
7 Defendants come to him originally and honestly, in a proper business-like manner,
8 and worked out a royalty agreement with him that gave him credit for having written,
9 or co-written, the song. This would clearly have led to major notoriety for Plaintiff
10 and been the trigger for many financially lucrative business opportunities for him in
11 the music world. Instead, this never happened because of the unfair business
12 practices undertaken by the Black Eyed Peas and certain of the other Defendants.

13 55. The conspiracy, pattern and practice among these particular Defendants
14 of knowingly and intentionally engaging in, or allowing there to be, repeated
15 instances of willful copyright infringement is demonstrated by the following
16 examples, among others, in addition to the allegations contained herein:

- 17 (a) Grounded Music Inc. filed a lawsuit in United States District
18 Court for the Central District of California in 2009, Case No. 09-
19 cv-06776, alleging Will.I.Am and Fergie willfully and
20 intentionally copied the group Groundation’s song “Waterfall” in
21 writing Fergie’s song “Voodoo Doll,” which was featured on her
22 debut solo album, *The Dutchess*. A comparison of these two
23 songs demonstrates that they are substantially similar, and that
24 certain portions of the two songs are identical. On April 1, 2010,
25 the Court entered an Order granting the parties’ Stipulation to
26 Dismiss Case pursuant to a conditional settlement (the
27 “Stipulation”). The case has not been refiled by Groundation
28 within the 60 days allotted in the terms of the Stipulation and in

1 the event a settlement could not be reached, and therefore, upon
2 information and belief, the Black Eyed Peas have settled this
3 claim.

4 (b) In or around the fall of 2009, musician Adam Freeland
5 (“Freeland”) accused Will.I.Am and the other individual members
6 of the Black Eyed Peas of intentionally sampling his song
7 “Mancry,” without authorization, which ended up as the
8 background music on the Black Eyed Peas’ hit song “Party All
9 the Time.” A comparison of these two songs demonstrates that
10 the Black Eyed Peas did in fact sample Freeland’s song
11 “Mancry,” and simply added a drum pattern and lyrics on top of
12 the sample. This dispute was reported in the media to have been
13 recently settled out of court before a case was filed by Freeland.

14 (c) On information and belief, there have been other potential
15 copyright infringement claims brought to the attention of UMG,
16 Interscope and/or the Black Eyed Peas by other songwriters,
17 which were disposed of out of court, before cases were filed, and
18 kept confidential, so as not to expose the wrongful actions of the
19 Defendants.

20 56. In addition to the allegations contained herein, and the acts of copyright
21 infringement listed in Paragraph 55 above, there are other instances where the Black
22 Eyed Peas copied portions of Pringle’s songs from the demo CDs that he submitted
23 to UMG, EMI and Interscope, from around 1999 to 2006, when writing songs on *The*
24 *E.N.D.* album, as well as several songs from Will.I.Am’s *Songs About Girls* album.
25 On information and belief, Guetta also copied the guitar twang sequence when he
26 wrote his hit song “Love is Gone.” While the above instances of copying may not
27 rise to the level of copyright infringement of Pringle’s musical compositions, they
28 further establish a pattern and practice of copying music from other songwriters, in

1 turn establishing the willfulness of Defendants' infringement with respect to "Take a
2 Dive."

3 57. The foregoing actions in Paragraphs 55 and 56 above occurred in the
4 same relative time period as did the acts alleged herein as to "Take a Dive" and "I
5 Gotta Feeling." The actions also have a remarkable similarity in methodology as
6 between the circumstances alleged herein as to Plaintiff's song, "Take a Dive," and
7 in regards to how these other songs and their songwriters/artists were wronged.

8 58. These actions also demonstrate the bad faith intentions of these
9 Defendants as to their actions and illustrate their practice and pattern of willful
10 copyright infringement of songs from unknown artists and/or songwriters, and their
11 complete disregard for compliance with statutory copyright laws.

12 59. The Black Eyed Peas have, in effect, launched their careers to new
13 heights off of copying copyrighted material of other artists. "I Gotta Feeling" is the
14 group's highest selling song of all time, and is primarily responsible for the success
15 of *The E.N.D.* album and for resurrecting the Black Eyed Peas as an international
16 music phenomenon, garnering worldwide publicity and profitable concert
17 appearances that would not have occurred had it not been for the release and
18 enormous success of this plagiarized song.

19 60. The Defendants' infringement of "Take a Dive" was undertaken in a
20 willful and wanton manner, with the specific intention of taking copyrighted music
21 from Plaintiff and using it for the Defendants' own gain, in knowing violation of
22 U.S. copyright laws. The fact that the actions herein as to the Plaintiff are not an
23 isolated occurrence, but part of a general pattern and practice, as alleged herein,
24 where there were similar occurrences of willful copyright infringement, makes the
25 actions of the Defendants reprehensible, and taken with a callous disregard of the
26 rights of artists and songwriters who, like the Plaintiff, are highly vulnerable to such
27 actions by famous and wealthy artists and major record labels. If these actions go
28 unchecked and are not punished, they will have a damaging effect on the integrity of

1 the music industry and encourage other famous artists and major record labels to
2 engage in similar wrongful and bad faith behavior.

3 **COUNT I**

4 **Copyright Infringement Against All Defendants**

5 61. Plaintiff hereby incorporates Paragraphs 1 through 60 into this
6 Paragraph 61.

7 62. Defendants Will.I.Am, Fergie, apl.de.ap, Taboo, Guetta and Riesterer
8 gained access to Plaintiff's copyrighted song "Take a Dive," and then subsequently
9 sampled and copied additional, substantial original elements of "Take a Dive,"
10 without Plaintiff's permission, when they wrote, recorded, performed and made
11 derivative works of their song "I Gotta Feeling."

12 63. "I Gotta Feeling" is substantially similar to "Take a Dive" and the guitar
13 twang sequence is identical.

14 64. All Defendants named herein infringed the statutory copyright in
15 Plaintiff's musical composition and sound recording by substantial copying, publicly
16 performing, making and distributing, or authorizing the making and distributing of,
17 phonorecords of "I Gotta Feeling," and by participating in and furthering such
18 infringing acts. The respective infringing acts of Defendants have damaged Plaintiff
19 in an amount yet to be determined, and have unjustly enriched the Defendants in an
20 amount yet to be determined.

21 65. The individual Defendants, and their group the Black Eyed Peas, as well
22 as UMG and Interscope by way of their alleged conspiracy with the individual
23 Defendants and the Black Eyed Peas, have directly and willfully infringed on
24 Plaintiff's copyrighted song "Take a Dive."

25 66. In addition, Will.I.Am Music, Tab Magnetic, Jeepney Music,
26 Headphone Junkie, Square Rivoli and Rister are all contributory infringers, as they
27 are publishing companies either owned or directly associated with the members of
28 the Black Eyed Peas, Guetta or Riesterer, and thus knew that infringement was

1 taking place, financially benefited from the infringement, and actively participated in
2 the infringement through their publishing of "I Gotta Feeling." Cherry River Music,
3 EMI, and SB&Co. are vicarious infringers, as, upon information and belief, they had
4 no knowledge of the actual infringement, but actively participated in, and financially
5 benefitted from, the infringement through their publishing of "I Gotta Feeling" and
6 *The E.N.D.* album.

7 67. Each of the Defendants has received ill-gotten financial gain from their
8 infringement of "Take a Dive," and all are jointly and severally liable for all
9 damages.

10 68. One or more of the Defendants had actual knowledge of the
11 infringement, knew the Plaintiff would not approve of their copying of "Take a
12 Dive," and thus were deliberate and willful infringers.

13 69. Defendants are continuing to infringe Plaintiff's copyright, and will do
14 so unless restrained by this Court.

15 WHEREFORE, Plaintiff respectfully requests the following relief:

- 16 (a) That Defendants and their respective agents, servants,
17 representatives and employees be immediately preliminarily and
18 permanently enjoined from infringing Plaintiff's statutory
19 copyright in any manner, including distributing copies of, and
20 making and distributing phonorecords of, the musical
21 composition "I Gotta Feeling" and from licensing and
22 contributing to or participating in and furthering any infringing
23 acts, including but not limited to any public performances of the
24 song "I Gotta Feeling";
- 25 (b) That Defendants be required to pay actual damages owed to
26 Plaintiff, which include (1) the lost profits sustained by Plaintiff
27 due to the infringement and by virtue of having been deprived of
28 the benefits of what a songwriter credit for "I Gotta Feeling"

1 would have done to his career, and (2) the disgorgement of all net
2 gains, profits and advantages derived by Defendants from their
3 infringement of Plaintiff's statutory copyright, which amount is
4 yet to be determined over and above the amount of actual
5 damages;

6 (c) That a constructive trust be imposed over the wrongfully made
7 profits, and that an accounting be made as to profits earned by
8 each of the Defendants from the infringement;

9 (d) That Defendants be required to deliver upon oath, to be
10 impounded during the pendency of this action and for destruction,
11 all infringing copies, recordings and phonorecords, and all plates,
12 molds, matrices and other means of any kind, for making
13 infringing copies, recordings or phonorecords;

14 (e) That Plaintiff is given his proper songwriter and publishing
15 credits to the song "I Gotta Feeling," thus entitling him to a
16 portion of all future revenue generated from "I Gotta Feeling";

17 (f) Due to the Defendants' willful nature of the Defendants'
18 infringement, coupled with the practice of their willful copyright
19 infringement as to the works of other artists, that Defendants pay
20 Plaintiff's costs and reasonable attorney's fees for his prosecution
21 of this claim; and
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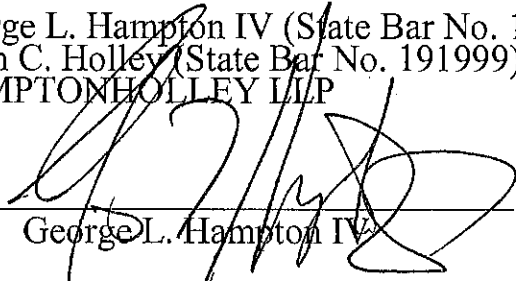
(g) All such other relief as the Court shall determine is fair and equitable.

Dated: November 18, 2010

Dean A. Dickie (*Pro Hac Vice application pending*)
MILLER, CANFIELD, PADDOCK AND STONE,
P.L.C.

Ira Gould (*Pro Hac Vice to be filed*)
Ryan L. Greely (*Pro Hac Vice to be filed*)
GOULD LAW GROUP

George L. Hampton IV (State Bar No. 144433)
Colin C. Holley (State Bar No. 191999)
HAMPTONHOLLEY LLP

By: 
George L. Hampton IV

Attorneys for Plaintiff
BRYAN PRINGLE

DEMAND FOR JURY TRIAL

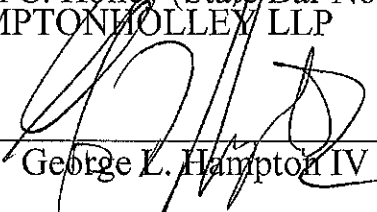
Plaintiff Bryan Pringle hereby demands a jury trial of all claims alleged in his complaint, as provided by Rule 38 of the Federal Rules of Civil Procedure.

Dated: November 18, 2010

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MILLER, CANFIELD, PADDOCK AND STONE,
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HAMPTONHOLLEY LLP

By: 
George L. Hampton IV

Attorneys for Plaintiff
BRYAN PRINGLE

HAMPTONHOLLEY LLP
2101 East Coast Highway, Suite 260
Corona del Mar, California 92625

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EXHIBIT A



EXHIBIT A
25

EXHIBIT B

CERTIFICATE OF REGISTRATION



OFFICIAL SEAL

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
REGISTER OF COPYRIGHTS
United States of America

FORM SR
For a Sound Recording
UNITED STATES COPYRIGHT OFFICE
REGISTRATION NUMBER

SRU 387-433



EFFECTIVE DATE OF REGISTRATION

7 29 98
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

TITLE OF THIS WORK ▼

DEAD BEAT CLUB :1998

PREVIOUS OR ALTERNATIVE TITLES ▼

DEAD BEAT CLUB, TECHNIQUE, COUNTER CULTURE, TECHNIK

NATURE OF THIS WORK ▼ See instructions

18 SONGS WITH MUSIC + WORDS

NAME OF AUTHOR ▼

BRYAN DANIEL PRINGLE

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼
1973

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR Citizen of ► UNITED STATES
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? Yes No
Pseudonymous? Yes No

If the answer to any of these questions is "Yes," see detailed instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

18 SONGS WRITTEN + RECORDED BY BRYAN D PRINGLE

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR Citizen of ►
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YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
1998
This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.
Month ► Day ► Year ►

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2 ▼

BRYAN PRINGLE
1300 BARRINGTON DRIVE
AUSTIN, TX 78753

APPLICATION RECEIVED

JUL 29 1998

ONE DEPOSIT RECEIVED

JUL 29 1998

TWO DEPOSITS RECEIVED

REMITTANCE NUMBER AND DATE

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

MORE ON BACK ► • Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
• See detailed instructions • Sign the letter at line 8

DO NOT WRITE HERE
Page 1 of 2

EXAMINED BY MSH FORM PA
 CHECKED BY _____
 CORRESPONDENCE
 Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box) ▼

- a This is the first published edition of a work previously registered in unpublished form.
- b This is the first application submitted by this author as copyright claimant.
- c This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼ PENDING Year of Registration ▼ 1998

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for derivative work; complete only 6b for a compilation.

a Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

6

b Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

TOO YOUNG TO DROWN, HOLLYWOOD BABYLON, RAGDOLL, PLEASURE OF PAIN, REGRET, BREATHE, BROKEN WING, FAITH, TIME, ABSENTIA, CRUELEST JOKE, SWEET 16, KING FOR A DAY, NEVER SAY GOODBYE, DIVE, 1952, A TEAR ROLLS DOWN, 7 SECONDS TO HEARTBREAK

See instructions before completing this space

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account Name ▼ Account Number ▼

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt./City/State/ZIP ▼

BRYAN D. PRINGLE
1300 BARRINGTON DRIVE
AUSTIN, TX 78753

Area Code and Telephone Number ▶ 512 491 7146

Be sure to give your daytime phone number

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one ▼

- Author
- other copyright claimant
- owner of exclusive right(s)
- authorized agent of

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

BRYAN DANIEL PRINGLE date ▶ 7/23/98

Handwritten signature [Signature]

8

MAIL CERTIFICATE TO

Name ▼ BRYAN D. PRINGLE

Number: Street Apartment Number ▼ 1300 BARRINGTON DRIVE

City/State/ZIP ▼ AUSTIN, TX 78753

Certificate will be mailed in window envelope

YOU MUST

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL ELEMENTS IN THE SAME PACKAGE

1. Application form
2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO
 Register of Copyrights
 Library of Congress
 Washington, D.C. 20559

The Copyright Office has the authority to adjust fees at 5-year intervals, based on changes in the Consumer Price Index. The next adjustment is due in 1996. Please contact the Copyright Office after July 1995 to determine the actual fee schedule.

9

17 U.S.C. § 506(e). Any person who knowingly makes a false representation of a material fact in this application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

CERTIFICATE OF REGISTRATION



OFFICIAL SEAL

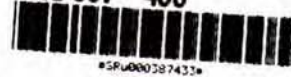
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United States of America

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DEAD BEAT CLUB, TECHNIQUE, COUNTER CULTURE, TECHNIK

NATURE OF THIS WORK ▼ See instructions

18 SONGS WITH MUSIC + WORDS

NAME OF AUTHOR ▼

BRYAN DANIEL PRINGLE

DATES OF BIRTH AND DEATH

Year Born ▼ 1973 Year Died ▼

Was this contribution to the work a "work made for hire?"

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
OR { Citizen of ► UNITED STATES
Domiciled in ►

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

18 SONGS WRITTEN + RECORDED BY BRYAN D PRINGLE

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

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YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

1998

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month ► Day ► Year ►

Nation

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

BRYAN D PRINGLE
1300 BARRINGTON DRIVE
AUSTIN, TX 78753

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JUL 29 1998

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REMITTANCE NUMBER AND DATE

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MORE ON BACK ► • Complete all applicable spaces (numbers 5-9) on the reverse side of this page.
• See detailed instructions. • Sign the form at line 8.

DO NOT WRITE HERE
Page 1 of 2 pages

EXHIBIT B

EXAMINED BY Mell
CHECKED BY

FORM PA

CORRESPONDENCE
Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

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5

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See instructions before completing this space

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

TOO YOUNG TO DROWN, HOLLYWOOD BABYLON, RAGDOLL, PLEASURE OF PAIN, REGRET, BREATHE, BROKEN WING, FAITH, TIME, ABSENTIA, CRUELIEST JOKE, SWEET IG, KING FOR A DAY, NEVER SAY GOODBYE, DIVE, 1952, A TEAR ROLS DOWN, 7 SECONDS TO HEARTBREAK

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account Name ▼ Account Number ▼

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP ▼

BRYAN D. PRINGLE
1300 BARRINGTON DRIVE
AUSTIN, TX 78753

Area Code and Telephone Number ▶ 512 491 7146

Be sure to give your daytime phone number

CERTIFICATION* I, the undersigned, hereby certify that I am the

Check only one ▼

author
 other copyright claimant
 owner of exclusive right(s)
 authorized agent of
Name of author or other copyright claimant, or owner of exclusive right(s) ▲

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

BRYAN DANIEL PRINGLE

date ▶ 7/23/98

Handwritten signature (X) [Signature]

MAIL CERTIFICATE TO
Name ▼ BRYAN D. PRINGLE
Number Street Apartment Number ▼
1300 BARRINGTON DRIVE
City State/ZIP ▼
AUSTIN, TX 78753

Certificate will be mailed in window envelope

YOU MUST
• Complete all necessary spaces
• Sign your application in space 8

SEND ALL 3 ELEMENTS IN THE SAME PACKAGE

- 1. Application form
- 2. Nonrefundable \$20 filing fee in check or money order payable to Register of Copyrights
- 3. Deposit material

MAIL TO
Register of Copyrights
Library of Congress
Washington, D.C. 20559

The Copyright Office has the authority to adjust fees at 5-year intervals, based on changes in the Consumer Price Index. The next adjustment is due in 1996. Please contact the Copyright Office after July 1995 to determine the actual fee schedule.

9

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number
SR 659-360

Effective date of registration:
November 15, 2010

Title

Title of Work: Take A Dive (Dance Version)

Completion/Publication

Year of Completion: 1999

Date of 1st Publication: December 1, 1999

Nation of 1st Publication: United States

Author

- **Author:** Bryan Daniel Pringle
Pseudonym: Dj Spanky; Altared State; Deadbeat Club
Author Created: sound recording, performance, production

Citizen of: United States

Domiciled in: United States

Year Born: 1973

Pseudonymous: Yes

Copyright claimant

Copyright Claimant: Bryan Daniel Pringle

15926 Tampke Place, San Antonio, TX, 78247, United States

Limitation of copyright claim

Material excluded from this claim: music, lyrics

Previous registration and year: SRu-387-433 1998

New material included in claim: sound recording

Certification

Name: Bryan Daniel Pringle

Date: November 15, 2010

Registration #: SR0000659360

Service Request #: 1-519630123



0000SR0000659360 202*

Bryan Daniel Pringle
15926 Tampke Place
San Antonio, TX 78247 United States



United States Copyright Office

Library of Congress • 101 Independence Avenue SE • Washington DC 20559-6000 • www.copyright.gov

December 20, 2010

Bryan Pringle
15926 Tampke Place
San Antonio, TX 78247
United States

Correspondence ID: 1-8VGJ8G

Dear Bryan Pringle:

We apologize for the prolonged time in processing this Special Handling claim. Normally, these are done relatively quickly, but we have had several people review this case.

As you know from our previous correspondence, we have been reviewing your material because of a question concerning the copyrightability of the new musical authorship, which consists of a repeating guitar progression and rhythmic pattern. We have made the determination we will not be able to complete a claim in the new musical authorship.

When a copyright claim includes music, the music must represent at least a minimum amount of original authorship. Some works, even though original, are too short to be protected. For example, words and short verbal phrases such as names, titles, and slogans are not copyrightable. The same is true of very short or repetitious musical works.

Because this work does not contain enough original musical authorship to be copyrightable, we cannot register the claim in the new music. You have indicated previously that the sound recording is entirely new. As such, we can complete registration, but only for the sound recording.

Please, therefore, give us authorization to remove reference to the new musical authorship, and limit this claim only to cover the sound recording. Upon receipt of your authorization, we will then amend the record and proceed with the registration immediately.

If, however, you have any other questions, please let us know and we will advise you further.

Please reply within 60 days **and** return the enclosed Reply Sheet.

Sincerely,

Chad Becker
Registration Specialist
Performing Arts Division

EXHIBIT D

Bryan Pringle

- 2 -

1-8VGJ8G

U.S. Copyright Office

Enclosures:

Reply Sheet



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* 1 - 8 V G J 8 G *

Return this sheet with your reply.

US Postal Service mail only (and only for packages no larger than 12 x 18 x 4 inches) - use this address:

COP/PA Division Reply
PO Box 71680
Washington, DC 20024-1680

Private carriers (Fedex, UPS, etc.), and for any package larger than 12 x 18 x 4 inches whether USPS or private carrier - use this address:

Library of Congress
Copyright Office – PA
101 Independence Avenue SE
Washington, DC 20559-6233

Reply Time - 60 days from the date of the postmark of our letter, unless stated otherwise in the letter.

Packaging: If you send an audiotape, videotape, CD, CD-ROM, DVD, or photograph, use a box rather than a soft container – to avoid damage in the mail screening process.

If you do not reply within 60 days, we will:

- X close your case file
- X return any unpublished work to you
- X send any published work to the Library of Congress
- X retain your filing fee (cannot be re-used).

If you re-apply for registration after the case file is closed, you must send a new application, copy, and fee. The effective date of registration will be based on the new submission.



United States Copyright Office

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