

E-FILING

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11 Google Inc.

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **DIVISION**

15 **C V 10-01824**

16 **CASE NO.:**

17 **COMPLAINT FOR
DECLARATORY RELIEF**

18 GOOGLE INC., a Delaware Corporation,

19 Plaintiff,

20 v.

21 BLUES DESTINY RECORDS, L.L.C., a Florida
22 Limited Liability Company,

23 Defendant.

24 Plaintiff Google Inc. ("Google") brings its Complaint against defendant Blues Destiny
25 Records, L.L.C. ("BDR") as follows:

26 1. This is an action for a declaratory judgment that Google does not infringe the
27 copyrights (the "Works in Suit") identified in Exhibit A, which is attached to this Complaint and
28 incorporated by reference herein. On information and belief, BDR purports to hold registered
copyrights for the Works in Suit. Google brings this action pursuant to 28 U.S.C. §§ 2201 and
2202 to resolve an actual and justiciable controversy between the parties. The court should
declare the rights of the parties because there is: (1) a substantial controversy between parties
having adverse legal interests of sufficient immediacy and reality to warrant the issuance of a
declaratory judgment; and (2) an actual or imminent injury caused by the defendant that can be
redressed by judicial relief.

THE PARTIES

2. Google is a Delaware corporation with its principal place of business in Mountain View, California.

3. Google's mission is to organize the world's information and make it universally accessible and useful. While Google offers dozens of products in service of that goal, its most recognizable offering is an Internet search engine located at www.google.com (and more than a hundred other country-specific Internet domains).

4. Anyone with access to the Internet can search Google's index for free by inputting a search query into a field provided on Google's home page. Google's search engine then locates websites or other data on the Internet that it believes relate to the query, and presents a list of such sites and information as "search results."

5. Google's proprietary technology analyzes tens of billions of pages on the Internet when determining which pages should be displayed in response to a user query.

6. Google alleges on information and belief that BDR is a limited liability company organized and existing under the laws of the State of Florida with its principal place of business in Destin, Florida. Google further alleges on information and belief that BDR is a music record label that claims to own, or be the exclusive licensee of, copyrights in the Works in Suit.

JURISDICTION AND VENUE

7. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the United States Copyright Act, 17 U.S.C. § 101 *et seq.*

8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and/or 1400(a) because, *inter alia*, a substantial part of the events giving rise to the claim occurred here, and, on information and belief, BDR resides here for purposes of the venue statutes since it is subject to personal jurisdiction in this district.

INTRADISRICT ASSIGNMENT

9. This action arises under the Copyright Act, and, therefore, according to Civil Local Rule 3-2(c) and General Order No. 44, it may be assigned on a district-wide basis.

FACTUAL BACKGROUND

2 10. By a complaint filed on or about December 7, 2009 in the United States District
3 Court for the Northern District of Florida, BDR accused Google, Microsoft Corporation
4 (“Microsoft”) and Rapidshare AG (“Rapidshare”) of infringing the Works in Suit. BDR filed an
5 Amended Complaint on December 11, 2009. A true and correct copy of the Amended
6 Complaint is attached hereto as Exhibit B.

7 11. The Amended Complaint brought claims for relief against Google for vicarious
8 infringement, contributory infringement and inducement infringement.

9 12. BDR subsequently alerted Google that it intended to voluntarily dismiss its action
10 without prejudice. When seeking Google's consent to its motion to dismiss, BDR's attorneys
11 represented to Google's attorneys on March 17, 2010 that "[t]o be fully disclosing, we are
12 representing to you that we will re-file" the case.

13 13. On March 24, 2010 BRD filed a motion to voluntarily dismiss its case against
14 Google without prejudice.

14. On March 30, 2010, the district court granted BDR's motion to dismiss its action
15 against Google without prejudice.
16

15. On April 15, 2010, Google's attorney contacted BDR's attorney and asked if
BDR still intended to re-file its case against Google. BDR's attorney reiterated BDR's belief
that it had valid copyright claims against Google, that BDR was considering its option on
whether it would seek relief against Google, but did not provide a definitive answer regarding
whether or when BDR intended to re-file. BDR refused to grant Google a release concerning the
infringement allegations contained in the Amended Complaint.

23 16. On April 23, having heard nothing further from BDR, Google apprised BDR's
24 attorney that unless BDR agreed to release its claims against Google, Google was going to seek
25 declaratory relief concerning those claims. BDR did not respond.

26 17. Based on BDR’s lawsuit against Google, its dismissal of that lawsuit without
27 prejudice, and its subsequent refusal to disavow its legal claims, there is (1) a substantial
28 controversy, between parties having adverse legal interests, of sufficient immediacy and reality

1 to warrant the issuance of a declaratory judgment, and (2) an actual or imminent injury caused by
2 BDR that can be redressed by judicial relief. Thus, there is an actual justiciable controversy
3 between the parties.

4 **FIRST CLAIM FOR RELIEF**

5 (Declaratory Judgment of No Contributory Infringement)

6 18. Google incorporates by reference paragraphs 1-17 as if fully set forth herein.
7 19. Google has not engaged in contributory infringement of any of the Works in Suit
8 by providing in its search index the links referenced in BDR's Amended Complaint.
9 20. There is an actual and present controversy between Google and BDR concerning
10 Google's alleged contributory infringement of the Works in Suit. Google seeks a judicial
11 determination and declaration of the rights and duties of the parties concerning BDR's
12 allegations of contributory infringement against Google.

13 **SECOND CLAIM FOR RELIEF**

14 (Declaratory Judgment of No Vicarious Infringement)

15 21. Google incorporates by reference paragraphs 1-17 as if fully set forth herein.
16 22. Google has not engaged in vicarious infringement of any of the Works in Suit by
17 providing in its search index the links referenced in BDR's Amended Complaint.
18 23. There is an actual and present controversy between Google and BDR concerning
19 Google's alleged vicarious infringement of the Works in Suit. Google seeks a judicial
20 determination and declaration of the rights and duties of the parties concerning BDR's
21 allegations of vicarious infringement against Google.

22 **THIRD CLAIM FOR RELIEF**

23 (Declaratory Judgment of No Inducement of Infringement)

24 24. Google incorporates by reference paragraphs 1-17 as if fully set forth herein.
25 25. Google has not engaged in inducement infringement of any of the Works in Suit
26 by providing in its search index the links referenced in BDR's Amended Complaint.
27 26. There is an actual and present controversy between Google and BDR concerning
28 Google's alleged inducement infringement of the Works in Suit. Google seeks a judicial

1 determination and declaration of the rights and duties of the parties concerning BDR's
2 allegations of inducement infringement against Google.
3

4 **FOURTH CLAIM FOR RELIEF**

5 (Applicability of the DMCA Safe Harbor)

6 27. Google incorporates by reference paragraphs 1-26 as if fully set forth herein.

7 28. Google is a service provider as defined by 17 U.S.C. § 512(k)(1)(B).

8 29. Google accommodates and does not interfere with any standard technical
9 measures as defined by 17 U.S.C. § 512(i)(1)(B).

10 30. BDR's claims to seek to hold Google liable "for infringement of copyright by
11 reason of the provider referring or linking users to an online location containing infringing
12 material or infringing activity, by using information location tools, including a directory, index,
13 reference, pointer, or hypertext link" pursuant to 17 U.S.C. § 512(d).

14 31. Google responded expeditiously to BDR's DMCA-compliant notifications of
15 claimed infringement by removing, or disabling access to, links leading to webpages allegedly
16 containing material infringing BDR's copyrights.

17 32. BDR's copyright claims against Google are barred to the extent that they seek any
18 monetary relief or equitable relief in excess of 17 U.S.C. § 512(j) because Google is protected by
19 the DMCA safe harbor of 17 U.S.C. § 512(d).

20 33. There is an actual and present controversy between Google and BDR concerning
21 Google's entitlement to the protection of 17 U.S.C. § 512(d) with respect to BDR's infringement
22 claims involving the Works in Suit. Google seeks a judicial determination and declaration of the
23 rights and duties of the parties concerning its entitlement DMCA safe harbor protection.

24 **PRAYER FOR RELIEF**

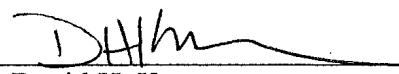
25 WHEREFORE, Google prays for a judgment against BDR that:

26 1. Declares that Google has not engaged in contributory infringement of the Works
27 in Suit;
28

1 2. Declares that Google has not engaged in vicarious infringement of the Works in
2 Suit;
3 3. Declares that Google has not induced infringement of the Works in Suit;
4 4. Declares that Google is entitled to the protection of the DMCA Safe Harbor of 17
5 U.S.C. § 512(d);
6 5. Awards Google its costs and expenses of suit incurred and attorney's fees as
7 allowed by law; and
8 6. Grants Google such other relief as the Court may deem proper.

9
10 Date: April 28, 2010

WILSON SONSINI GOODRICH & ROSATI
PROFESSIONAL CORPORATION

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24 *Attorneys for Plaintiff Google Inc.*
25
26
27
28

EXHIBIT A

Copyright

United States Copyright Office

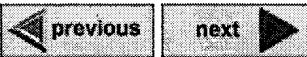
[Help](#)[Search](#)[History](#)[Titles](#)[Start Over](#)

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Keyword = firing line roy powers

Search Results: Displaying 1 of 10000 entries

[Labeled View](#)*Firing Line.*

Relevance:

Type of Work: Sound Recording**Registration Number / Date:** SR0000634661 / 2009-08-19**Application Title:** Album Title: Firing Line.**Title:** Firing Line.**Publisher Number:** 80208101067P Blue Destiny Records**Description:** Compact disc.**Copyright Claimant:** BLUES DESTINY RECORDS, LLC, Transfer: Written agreement. Address: 150-B AZALEA DRIVE, DESTIN, FL, 32541, United States.**Date of Creation:** 2009**Date of Publication:** 2009-08-31**Nation of First Publication:** United States**Authorship on Application:** BLUES DESTINY RECORDS, LLC, employer for hire; Citizenship: United States. Authorship: sound recording/performance.**Rights and Permissions:** DAVID COX, BLUES DESTINY RECORDS, LLC, 150-B AZALEA DRIVE, DESTIN, FL, 32541, United States, (850) 685-0905**Copyright Note:** C.O. correspondence.**Contents:** Pic It Up Words & Music By Roy Powers -- St. Lucie Blues Words & Music By Roy Powers -- Honk If You're Payin' My Mortgage Words & Music By Roy Powers -- Blindsides Words & Music By Roy Powers -- Firing Line Words & Music By Roy Powers -- If It's Gonna Be Right Words & Music By Roy Powers -- No More Credit Words & Music By Roy Powers -- I Can Almost Hear You Calling Words & Music By Roy Powers.**Names:** BLUES DESTINY RECORDS, LLC[Save, Print and Email \(Help Page\)](#)Select Download Format Format for Print/SaveEnter your email address:

[Help](#) [Search](#) [History](#) [Titles](#) [Start Over](#)

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[Copyright Office Home Page](#) | [Library of Congress Home Page](#)

Copyright
United States Copyright Office

Help Search History Titles Start Over

Public Catalog

Copyright Catalog (1978 to present)

Search Request: Keyword = peter mcgraw more mcgraw

Search Results: Displaying 1 of 10000 entries

[!\[\]\(f80254b170d0ecdc443847276e625120_img.jpg\) previous](#) [!\[\]\(f088b1629d3cb765ad7e1a33317c2efd_img.jpg\) next](#)

[Labeled View](#)

MORE MCGRAW.

Relevance: ■ ■ ■ ■ ■

Type of Work: Sound Recording

Registration Number / Date: SR0000634454 / 2009-04-09

Application Title: Album Title: PETER MCGRAW MORE MCGRAW.

Title: MORE MCGRAW.

Publisher Number: 80208101066P Blue Destiny Records

Description: Compact disc.

Copyright Claimant: BLUES DESTINY RECORDS, LLC, Transfer: Written agreement. Address: 150-B AZALEA DRIVE, DESTIN, FL, 32541, United States.

Date of Creation: 2008

Date of Publication: 2009-01-16

Nation of First Publication: United States

Authorship on Application: BLUES DESTINY RECORDS, LLC, employer for hire; Citizenship: United States.
Authorship: sound recording/performance.

Alternative Title on Application: PETER MCGRAW MORE MCGRAW/UPC# 80208101066P

Rights and Permissions: BLUES DESTINY RECORDS, LLC, 150-B AZALEA DRIVE, DESTIN, FL, 32541, United States, (850) 685-0905

Contents: My Suitcase is Gone -- I Gotta Go To New Orleans -- Party, Party, Party! -- Big Hill -- They Call Me The Mad Dog -- Ain't That A Crying Shame -- I Had The Blues -- I'm Alone -- I Think I Lost My Mojo -- Wait A Minute -- What Ashame.

Names: BLUES DESTINY RECORDS, LLC

[!\[\]\(6638a56c686f4e4d5e9e12d5a306d03e_img.jpg\) previous](#) [!\[\]\(712423223c1c19e05f6cca82e78a9b81_img.jpg\) next](#)

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Copyright

United States Copyright Office

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Public Catalog

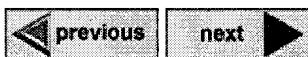
Copyright Catalog (1978 to present)

Search Request: Keyword = ronny sessum funk'n blues man

Search Results: Displaying 1 of 10000 entries

[Labeled View](#)

Funk'n Blues Man.

Relevance: ■ ■ ■**Type of Work:** Sound Recording**Registration Number / Date:** SR0000634865 / 2009-09-10**Application Title:** Album Title: Funk'n Blues Man.**Title:** Funk'n Blues Man.**Publisher Number:** 80208101068P Blue Destiny Records**Description:** Compact disc.**Copyright Claimant:** BLUES DESTINY RECORDS, LLC, Transfer: Written agreement. Address: 150-B Azalea Drive, Destin, FL 32541.**Date of Creation:** 2009**Date of Publication:** 2009-08-31**Nation of First Publication:** United States**Authorship on Application:** BLUES DESTINY RECORDS, LLC, employer for hire; Citizenship: United States. Authorship: Sound recording/performance.**Rights and Permissions:** DAVID COX, BLUES DESTINY RECORDS, LLC, 150-B AZALEA DRIVE, DESTIN, FL, 32541, United States, (850) 685-0905**Copyright Note:** C.O. correspondence.**Contents:** She's Solid Gold Words & Music By Rond Sessum and David Cox Looking For A Friend Words & Music By Rond Sessum and David Cox She's So Funky Words & Music By Rond Sessum and David Cox If We Try One More Time Words & Music By Rond Sessum and David Cox Four Wheels Rollin' Words & Music By Rond Sessum and David Cox You're A Wicked Woman Baby Words & Music By Rond Sessum and David Cox Voodoo Doll Words & Music By Rond Sessum and David Cox Voodoo Words & Music By Rond Sessum and David Cox That Woman Crazy Words & Music By Rond Sessum and David Cox Here's Your Walking Papers Words & Music By Rond Sessum and David Cox.**Names:** BLUES DESTINY RECORDS, LLC[Save, Print and Email \(Help Page\)](#)Select Download Format

Enter your email address:	<input type="text"/>	<input type="button" value="Email"/>
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EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

COPY

BLUES DESTINY RECORDS, L.L.C., a
Florida Limited Liability Company;

Case No. 3:09cv538-WS/EMT

Plaintiff,
(INJUNCTIVE RELIEF IS SOUGHT)

v.

GOOGLE, INC., a Delaware Corporation,
MICROSOFT CORPORATION, a Washington
Corporation, and RAPIDSHARE AG, a
German Corporation

Defendants.

/

AMENDED COMPLAINT FOR COPYRIGHT INFRINGEMENT

JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act, 17 U.S.C. § 101 *et seq.*
2. This Court has original subject matter jurisdiction over all claims pursuant to 17 U.S.C. § 101 *et seq.*; 28 U.S.C. §§ 1331 (federal question) and 1338(a) (copyright).
3. This Court has personal jurisdiction over Defendants, and venue in this District is proper under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. §1400(a).
4. Rapidshare AG does continuous and systematic business in Florida and in this District through the Internet.

5. Google, Inc. does continuous and systematic business in Florida and this District. Upon information and belief, it maintains an office and employs personnel in Florida, and is thus physically present in the state.

6. Microsoft Corporation. does continuous and systematic business in Florida and this District. Upon information and belief, it maintains an office and employs personnel in Florida and this District, and is thus physically present in the state.

7. All Defendants have also transacted business within Florida and contracted to supply goods or services in Florida in connection with the matters giving rise to this suit. Defendants have also committed infringing acts outside of Florida causing injury to Plaintiff in Florida, and Defendants regularly do or solicit business in Florida, and/or derive substantial revenue from goods used or services rendered in Florida, and/or expect or reasonably should expect their infringing conduct to have consequences in Florida and derive substantial revenue from interstate commerce.

8. Plaintiff Blues Destiny Records, LLC, has its principal places of business in Florida and in this District, and has been injured in Florida by Defendants' infringing conduct.

PARTIES

9. Plaintiff Blues Destiny Records, L.L.C. is a limited liability company duly organized and existing under the laws of the State of Florida, with its principal place of business in Destin, Florida.

10. Defendant Google Inc. (hereafter "Google") is a Delaware corporation with its principal place of business in Mountain View, California.

11. Defendant Microsoft Corporation (hereafter "Microsoft") is a Washington corporation with its principal place of business in Redmond, Washington.

12. Defendant Rapidshare AG (hereinafter "Rapidshare") is a German corporation with its principal place of business in Switzerland.

COMMON FACTS

13. Plaintiff's principal business is production, distribution and sale of recorded music. Plaintiff sells its recordings exclusively on its website www.bluesdestinycards.com in the form of digital downloads, compact disc, vinyl albums, and other audio visual works. Plaintiff is the copyright owner or licensee of exclusive rights under copyright to the sound recordings (including artwork and packaging thereof) listed in Exhibit A attached hereto (herein the "Recordings").

14. As to Plaintiff's recording artists Ronny Sessum, Roy Powers, and Peter McGraw, these Recordings were only recently released and are in the apex of their promotion and sales cycle.

15. Plaintiff spends a significant amount of time, talent, effort and money producing and promoting its Recordings to radio stations and the general public through advertising by providing radio stations with promotional copies, placing print advertising in leading blues music publications, and advertising on radio and on the internet.

RAPIDSHARE AG

16. Rapidshare AG (hereinafter "Rapidshare") is a German based file sharing service which operates the website www.rapidshare.com, as well as other owned or controlled websites. As its name implies, Rapidshare sells high speed unlimited

bandwidth download services and enables centralized file-sharing through its servers.

17. Rapidshare.com is one of the world's best known and largest file-sharing websites for distribution of free unauthorized copyrighted content.¹ In excess of 111,000 websites are linked to Rapidshare's website.

18. As a distribution center for unlawful copies of copyrighted works, Rapidshare has built its business by knowingly facilitating and enabling the trade of illegal unauthorized copyrighted content for its own profit. Rapidshare generates revenue by selling subscriptions for its high speed download service, and through advertising dollars generated by its advertising partnerships with Google and Microsoft. Rapidshare's business success is accomplished only with the knowing assistance of these two top search engines - Google and Microsoft's Bing.

19. Rapidshare and other related websites are advertising partners with Google and Microsoft Bing. Upon information and belief: (a) the majority of all websites linking to Rapidshare.com (which sites are also predominantly illegal file-sharing sites) are also advertising partner sites with Google or Microsoft's Bing, and (b) it is through these advertising partnerships that Rapidshare and other websites achieve consistent prominent ranking in search engine results that direct users to websites where illegal "free" copies of Plaintiff's Recordings may be stolen.

20. Rapidshare engaged in copyright infringement by knowingly hosting unauthorized copies of Plaintiff's Recordings on its servers, and by knowingly inducing, contributing to, and enabling direct access for users to obtain "free" unauthorized copies

¹ <http://www.zeropaid.com/news/86494/rapidshare-fined-33-million-for-violating-german-copyright-laws/> (Last viewed December 2, 2009) (German trial court in Dusseldorf held Rapidshare liable for its users uploading of unlawful content to its website, and responsible for preventing infringing content being uploaded to its service).

of Plaintiff's Recordings for its own financial gain, despite knowledge of the infringing content and activity, and despite having the right and ability to block, screen or limit access to the infringing content.

GOOGLE, INC.

21. Google operates a centralized search engine www.google.com, which is the largest and most widely used search engine in the world, accounting for approximately 70% of all Internet searches in the United States. The company's name is often used as a verb in the English language. Google's principal function is to provide its users the ability to search for and find content on the Internet. However, Google generates revenue through the sale of advertising.

22. Google's competitiveness and revenue is gauged by its effectiveness at delivering relevant links to content based on user requests. To achieve this purpose, Google's software collects and processes information from websites. On information and belief, the information collected and processed includes, but is not limited to file types and names, number and location of website users, number and nature of links, and other data on user demand for specific file content on websites.

23. Millions of people use Google's search engine daily to find and download music on the Internet. Google confirmed the importance of music search results to its advertising businesses when it launched its new music search feature at www.google.com/music. Google's music search feature is specifically geared to search for music files, and is publicized as a place where users can search for artists, albums, songs or lyrics, and access links to Google's partner websites where users can preview and purchase music.

24. Because search engines capitalize on the (search) requests of its users, including those who wish to obtain illegal “free” copies of copyrighted sound recordings, this use allows the search engines to grow user base and advertising revenue, and thus actively contributes to and induces countless acts of copyright infringement (including Plaintiff’s Recordings) by providing the very means to locate, copy (download), and further distribute illegal and infringing copyrighted sound recordings. Defendant Google is the largest search engine and reflects the foregoing. Although Google could screen or block access to websites known for hosting infringing music content, apparently they have chosen not to.

25. As stated *supra*, Plaintiff sells its Recordings *exclusively* via its website. Google’s consistent and prominent ranking of links to illegal “free” downloads of Plaintiff’s copyrighted Recordings has devastated Plaintiff’s business.

Infringement of Plaintiff’s Recordings by Rapidshare AG and Google, Inc.

26. **Plaintiff’s Recording “Firing Line”by Roy Powers.** On November 17th of 2009 Plaintiff’s President performed an internet search on Google’s website (<http://www.google.com>) using only the search terms “Roy Powers Firing Line”. The search returned seventy-two (72) relevant links to Roy Power’s Recording “Firing Line.” However, the first two (2) *most relevant* links of the seventy-two (72) total links returned by Google were the following links:

Roy Powers Firing Line rapidshare file downloads Roy Powers Firing Line rapidshare links available for download. Daily checked working links for downloading roy powers firing line files hosted on rapidog.com/roy-powers-firing-line rapidshare.html - Cached -

Roy Powers - Firing Line (2009) rapidshare 2 posts - 1 author - Last post: Oct 17 Download Roy Powers - Firing Line (2009) rapidshare mp3 full album.

www.zona-musical.com/post165279.html - Cached -

27. Both of the above links enable Plaintiffs' customers to illegally download Plaintiff's Recordings and complete artwork for "free" direct from Rapidshare's website at the link <http://rapidshare.com/files/293795046/RPFL.rar> by pressing the "Free User" button located on the link above to obtain the illegal copy of Plaintiff's Recordings.

28. **Plaintiff's Recording "More McGraw" by Peter McGraw** On November 17th of 2009 Plaintiff's President performed an internet search on Google's website using the terms "Peter McGraw More McGraw". The search returned one hundred sixty (160) relevant links to Peter McGraw's recordings. However, the first two (2) *most relevant* links of the one hundred sixty (160) relevant links returned by Google were the following links:

[Peter McGraw - More McGraw \(2009\) rapidshare Download Peter McGraw - More McGraw \(2009\) rapidshare mp3 full album. www.zona-musical.com/post165284.html](http://www.zona-musical.com/post165284.html) - Cached -

["THE BLUES is the root, the rest is the fruit" WIL rapidshare Full albums rapidshare » "THE BLUES is the root, the rest is the fruit" WIL 01 - Peter McGraw - My Suitcase Is Gone 02 - Peter McGraw - I Gotta Go To ... www.zona-musical.com/post141050-days0-orderasc-330.html](http://www.zona-musical.com/post141050-days0-orderasc-330.html) - Cached -

29. Both of the above links enable Plaintiffs' customers to download the complete album and artwork for free direct from Defendant Rapidshare's website. As represented by the Google search result returned, Plaintiff's President downloaded the complete album and artwork for free from both links from Defendant Rapidshare's direct website via the link <http://rapidshare.com/files/293463458/PMcGraw.rar> by pressing the "Free User" button located on the above link to obtain the illegal copy of Plaintiff's Recording.

30. **Plaintiff's Recordings by artist, Ronny Sessum.** On November 17th of 2009, Plaintiff's President performed an internet search on Google's website using only the terms "Ronny Sessum." The search returned one hundred ninety six (196) relevant links to Ronny Sessum's recordings. However, the first (*most relevant*) link of the 196 relevant links returned by Google was the following link:

Ronny Sessum - Funk'n Blues Man (2009) rapidshare Oct 27, 2009 ... Ronny Sessum - Funk'n Blues Man (2009) Tracks: 01 - Ronny Sessum -She's Solid Gold 02 - Ronny Sessum - Looking for a Friend 03 - Ronny ...www.zonamusical.com/post165935.html

31. The above link enables the Plaintiff's customers to download the complete album and artwork for free directly from Defendant Rapidshare's website. As represented by the Google search result, Plaintiff downloaded Ronny Sessum's complete album and artwork free from Defendant Rapidshare's website at the link <http://rapidshare.com/files/294612793/RSessum.rar> by pressing the "Free User" button located on the link above to obtain the illegal download.

32. In a majority of search result pages, the link to the illegal download link was prominently displayed. In every case Plaintiff initiated a search for its Recordings using only the artist name and/or album title. The search queries entered did not include the term "free" or "download" or "free download." In the case of Ronny Sessum only "Ronny Sessum" was the searched term. Thus, even for users not intentionally seeking illegal copies of Plaintiff's Recordings, users were directed first to the website containing illegal "free" copies Plaintiff's copyrighted Recordings. Attached hereto as Exhibit C are exemplary screen shots indicating the relevant rankings returned by both Google and MS Bing search engines.

MICROSOFT, INC. (BING)

33. Microsoft operates the search engine Bing (herein “MS Bing”). MS Bing is a centralized search engine with its principal function being to provide its users the ability to search for and locate content on the internet. However, MS Bing generates revenue through advertising.

34. MS Bing is a new entrant in the search engine marketplace, and its competitiveness and ability to attract users and advertising revenue is gauged by its effectiveness at delivering relevant links to content based on user’s requests. To achieve this purpose MS Bing’s software collects and processes information from websites. On information and belief, the information collected and processed includes, but is not limited to file types and names, number and location of website users, number and nature of links, and other data on user demand for specific file content on websites.

35. However, MS Bing goes a step further than Google by allowing users an immediate preview deep linked content on the underlying website without actually opening the website link. In the case of the Plaintiff’s Recordings, MS Bing provided an additional pop-up window that specifically identified each and every individual song title and the song order available at the link to the infringing website.

36. As with Google, relatively non-descript searches queries were executed on MS Bing. In the case of Ronny Sessum, Roy Powers and Peter McGraw the search queries entered into Bing did not include the term “free” or “download” or “free download.” In the case of Ronny Sessum only “Ronny Sessum” was the searched term. Thus, even for users not intentionally seeking illegal free copies of Plaintiff’s Recordings, the users were directed first to the website containing illegal “free” copies of Plaintiff’s

Recordings.

37. By providing the very means by which users locate and download illegal copyrighted song files, Microsoft is inducing, facilitating and materially contributing to copyright infringement to improve its market share, user base, and competitiveness in its online advertising businesses.

38. As of the filing date of this Complaint MS Bing removed from its search result the links to websites offering illegal copies of Plaintiff's Recordings.

Infringement of Plaintiff's Recordings by Rapidshare and Microsoft, Inc. (Bing)

39. **Plaintiff's Recording "Firing Line" by Roy Powers.** On November 18th of 2009 Plaintiff's President performed an internet search on Bing's (Microsoft Inc.) website using the terms "Roy Powers Firing Line". The search returned 16 relevant links to Roy Power's recording. However, the first (*most relevant*) link of the 16 relevant links was to the following link:

Roy Powers - Firing Line (2009) rapidshare Download Roy Powers - Firing Line (2009) rapidshare mp3 full album www.zona-musical.com/post165279.html : Cached page

40. The above link enables the Plaintiff's customers to illegally download the complete album and artwork for free directly from Rapidshare's website. As represented in the MS Bing search result, Plaintiff downloaded the complete album and artwork for free direct from Rapidshare's website via the link

<http://rapidshare.com/files/293795046/RPFL.rar> by pressing the "Free User" button located on the link above to obtain the illegal download. In addition to providing the direct links to infringing copies of Plaintiff's Recordings, when Plaintiff navigates to the

right of the link, a pop-up window appears listing every track on the specified album that is available at the “Free” link.

41. **Plaintiff's Recording “More McGraw” by Peter McGraw.** On November 18th of 2009 Plaintiff's President performed an internet search on Bing's (Microsoft Inc.) website using the terms “Peter McGraw More McGraw”. The search returned twenty five (25) relevant links to Peter McGraw's recording. However, the first (*most relevant*) link of the 25 relevant links returned was to the following link:

Peter McGraw - More McGraw (2009) rapidshare Download Peter McGraw - More McGraw (2009) rapidshare mp3 full album www.zona-musical.com/post165284.html · Cached page

42. The above link enables Plaintiff's customers to download the complete album and artwork for free directly from Rapidshare's website. As represented in the Bing search result, Plaintiff downloaded the complete album and artwork free from Rapidshare's direct website at the link

http://rapidshare.com/files/293463458/PMcGraw.rar by pressing the “Free User” button located on the link. In addition to providing the above link to the infringing website, in the case of MS Bing search results, when the Plaintiff navigated to the right of the listing, a pop-up window appeared listing every track on Peter McGraw's album that is available at the “Free” link.

43. In a majority of search result pages, the link to the illegal download link was prominently displayed. See Exhibit C Attached.

44. As alleged *supra*, Plaintiff sells its Recordings exclusively via its website. MS Bing's consistent and prominent ranking of links to illegal free downloads of Plaintiff's Recordings has devastated Plaintiff's business.

COUNT I
CONTRIBUTORY INFRINGEMENT OF COPYRIGHT
(Against All Defendants)

45. Plaintiff re-alleges and incorporates by reference all factual allegations in Paragraphs 1 through 44 above, as if set forth verbatim herein.

46. As alleged *supra*, Plaintiff is the copyright owner with respect to the Recordings defined herein and listed on Exhibit A to this Complaint.

47. Defendants facilitated, materially contributed to, and caused infringement of Plaintiff's copyrighted Recordings for Defendants' financial benefit by knowingly and systematically directing Internet users, via search results generated by their respective search engines, to the illegal and infringing copies of Plaintiff's Recordings on Rapidshare.com and similar websites, without authorization from Plaintiff, and in violation of Plaintiff's exclusive rights of reproduction, distribution, public performance, and digital transmission of their Recordings under 17 U.S.C. § 106.

48. Defendants had knowledge of the infringement of Plaintiff's Recordings pursuant to repeated written notices from Plaintiff. Copies of Plaintiff's written notices are attached hereto as Exhibit B. Despite knowledge of the infringing activity occurring at Rapidshare.com and similar websites, and despite repeated requests and demands to block or screen the links, and despite having the right and ability to block or screen the links from their search page results, defendant Google refuses to block, limit, screen or unlink the website links to infringing copies of Plaintiff's Recordings from its search engine, and defendants Rapidshare and Microsoft failed to act expeditiously in removing the illegal website links to the infringing copies of Plaintiff's Recordings, and failed to

implement any screening technologies to stop the links from appearing in the search results.

49. Defendants provide the site and facilities to broadcast the location of the infringing content, and thus intentionally contribute a gateway for Internet users to directly infringe Plaintiff's copyrighted Recordings. Without the search engine links, Internet users could not find the illegal downloads of Plaintiff's Recordings.

50. As a direct and proximate result of Defendants' indirect infringement of Plaintiff's exclusive rights of reproduction, distribution, public performance, and digital transmission of its Recordings under 17 U.S.C. § 106, Defendants have caused and continue to cause the Plaintiff damages and injury that may not be fully compensated or measured in money.

51. Plaintiff is entitled to damages in amounts to be proven at trial, which are not currently ascertainable. Alternatively, Plaintiff is entitled to maximum statutory damages with respect to each Recording infringed or for such other amounts as may be proper under 17 U.S.C. § 504.

52. Pursuant to 17 U.S.C. §§ 502, 504 and 505, Plaintiff is entitled to damages, costs, reasonable attorneys' fees, and injunctive relief prohibiting Defendants from further inducing or contributing to infringement of Plaintiff's copyrighted Recordings.

COUNT II
VICARIOUS INFRINGEMENT OF COPYRIGHT
(Against All Defendants)

53. Plaintiff re-alleges and incorporates by reference all factual allegations in Paragraphs 1 through 44 above, as if set forth verbatim herein.

54. As alleged *supra*, Plaintiff is the copyright owner with respect to the Recordings defined herein and listed on Exhibit A to this Complaint.

55. Defendant Rapidshare and similar websites hosted and allowed Internet users to download copies of Plaintiff's copyrighted Recordings, without authorization from Plaintiff, and in violation of Plaintiff's exclusive rights of reproduction, distribution, performance, public display and digital distribution of their Recordings under 17 U.S.C. § 106.

56. Despite knowledge of the infringing content and activity occurring at Rapidshare.com and similar websites, and despite repeated requests and demands to block or remove the links, Defendants have induced, caused, or materially contributed to the infringement of Plaintiff's Recordings by knowingly and systematically displaying links directly to illegal unauthorized copies of Plaintiff's Recordings on Rapidshare.com and similar websites via links generated by their respective search engines. This infringement of Plaintiff's copyrights would not occur, but for defendant Rapidshare's hosting of the illegal content and defendant Google and Microsoft's enablement and direction to the illegal content.

57. Despite having the right and ability to block or screen links to websites containing illegal copies of Plaintiff's Recordings from appearing in their search results, Defendants elect not to exercise their right and ability to screen, block, or stop the links from appearing in the search results. Rather, Defendants are publishing links to illegal

copies of Plaintiff's Recordings, which links are prominently displayed and ranked among the most relevant search results returned for Plaintiff's Recordings. Despite repeated written notices and demands by Plaintiff, Defendant Google continues to refuse to block or remove the links to websites offering illegal copies of Plaintiff's Recordings from its search engine results.

58. Defendants have a direct financial interest in acting as a gateway and controlling search links that direct users to illegal copies of music files because an increased user base searching for music downloads translates to increased advertising revenue.

59. As a direct and proximate result of Defendants' indirect infringement of Plaintiff's exclusive rights of reproduction, distribution, public performance, and digital transmission of their Recordings under 17 U.S.C. § 106, Defendants have caused and continue to cause Plaintiff damages and injury that may not fully be compensated or measured in money.

60. Plaintiffs are entitled to damages in amounts to be proven at trial, which are not currently ascertainable. Alternatively, Plaintiffs are entitled to maximum statutory damages with respect to each Recording infringed or for such other amounts as may be proper under 17 U.S.C. § 504.

61. Pursuant to 17 U.S.C. §§ 502, 504 and 505, Plaintiff is entitled to damages, costs, reasonable attorneys' fees, and injunctive relief prohibiting Defendants from further facilitating or contributing to infringement of Plaintiff's Recordings.

COUNT III
INDUCEMENT OF INFRINGEMENT OF COPYRIGHT
(Against All Defendants)

62. Plaintiff re-alleges and incorporates by reference all factual allegations in Paragraphs 1 through 44 above, as if set forth verbatim herein.

63. As alleged *supra*, Plaintiff is the copyright owner with respect to its Recordings defined herein and listed on Exhibit A to this Complaint.

64. Rapidshare and similar websites allow Internet users to download copies of Plaintiff's copyrighted Recordings, without authorization from Plaintiff, and in violation of Plaintiff's exclusive rights of reproduction, distribution, performance, and digital transmission of their its Recordings under 17 U.S.C. § 106. Defendants had knowledge of the ongoing infringing conduct pursuant to Plaintiff's notices and demands.

65. Because Google and Microsoft are dominant leaders in the search engine industry and searches performed on their site, whether for "free" music or not, systematically, and for their own financial benefit, return search result links directly to illegal copies of Plaintiff's Recordings on Rapidshare.com and similar websites, and because Defendants purposefully elect not to filter or screen such infringing links despite having the right and ability to do so, Defendants are liable for indirect copyright infringement by purposefully inducing their users to infringe Plaintiff's exclusive rights of reproduction, distribution, performance, and digital transmission of its Recordings under 17 U.S.C. § 106.

66. As a direct and proximate result of Defendants' indirect infringement of Plaintiff's exclusive rights of reproduction, distribution, public performance, and digital

transmission of their Recordings under 17 U.S.C. § 106, Defendants have caused and continue to cause Plaintiff damages and injury that may not fully be compensated or measured in money.

67. Plaintiff is entitled to damages in amounts to be proven at trial, which are not currently ascertainable. Alternatively, Plaintiff is entitled to maximum statutory damages with respect to each Recording infringed or for such other amounts as may be proper under 17 U.S.C. § 504.

68. Pursuant to 17 U.S.C. §§ 502, 504, and 505 Plaintiff is entitled to damages, costs, reasonable attorneys' fees, and injunctive relief prohibiting Defendants from further inducing or contributing to the infringement of Plaintiff's Recordings.

COUNT IV
DIRECT INFRINGEMENT OF COPYRIGHT
(Against Defendant Rapidshare AG)

69. Plaintiff re-alleges and incorporates by reference all factual allegations in Paragraphs 1 through 44 above, as if set forth verbatim herein.

70. As alleged *supra*, Plaintiff is the copyright owner with respect to the Recordings defined herein and listed on Exhibit A to this Complaint.

71. Rapidshare infringed Plaintiff's copyrights by copying and distributing unauthorized illegal copies of Plaintiff's Recordings on its servers, without authorization from Plaintiff, and in violation of Plaintiff's exclusive rights of reproduction, distribution, public performance, public display and digital transmission of its Recordings under 17 U.S.C. § 106.

72. As a direct and proximate result of copyright infringement by Rapidshare, Plaintiff has suffered and continues to suffer damages and injury that may not be fully compensated or measured in money.

73. Plaintiffs are entitled to damages in amounts to be proven at trial, which are not currently ascertainable. Alternatively, Plaintiffs are entitled to maximum statutory damages with respect to each Recording infringed or for such other amounts as may be proper under 17 U.S.C. § 504.

74. Pursuant to 17 U.S.C. §§ 502, 504 and 505, Plaintiff is entitled to damages, costs, reasonable attorneys' fees, and injunctive relief prohibiting Rapidshare from further infringing of Plaintiff's Recordings.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Blues Destiny Records, L.L.C. requests judgment against Defendants as follows:

(a) As a direct and proximate result of the foregoing acts and conduct, Plaintiff has sustained and will continue to sustain substantial, immediate and irreparable injury. Plaintiff is entitled to preliminary and permanent injunctive relief, and requests an injunction providing: Defendants shall be and hereby are enjoined from contributing to, enabling, or inducing the infringing of Plaintiff's rights under federal or state law as to all copyrighted recordings and any sound recording, whether now in existence or later created, that is owned or controlled by Plaintiff (or any parent, subsidiary, or affiliate record label of Plaintiff). Defendants shall be and are hereby further enjoined from allowing links to be displayed, listed or completed in search results to

www.rapidshare.com which contain any of Plaintiff's copyrighted Recordings, except pursuant to a lawful license or with the express authority of Plaintiff.

(b) For Plaintiff's actual damages; or alternatively, Plaintiff is entitled to maximum statutory damages with respect to each work infringed, or for such other amounts as may be proper under 17 U.S.C. § 504.

(c) For Plaintiff's attorneys' fees and full costs pursuant to 17 U.S.C. §505.

Dated this 11th day of December, 2009.

Respectfully Submitted,



ROBERT A. GILMORE, ESQ.
Florida Bar No.: 0724211
THE GILMORE LAW FIRM, P.A.
120 Benning Drive, Suite 1
Destin, Florida 32541-
Tel: (850) 650-0546
Fax: (850) 650-0548
E-mail: rob@myfloridalawyer.com
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

BLUES DESTINY RECORDS, L.L.C., a
Florida Limited Liability Company;

Plaintiff,

v.

GOOGLE, INC., a Delaware Corporation,
MICROSOFT CORPORATION, a Washington
Corporation, and RAPIDSHARE AG, a
German Corporation

Defendants.

EXHIBIT A

TO

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Recordings

Copyright Owner	Artist	Song Title	Album	RIAA
Blues Destiny Records	Peter McGraw	1 My Suitcase is Gone	More McGraw	US-FBF-09-00101
Blues Destiny Records	Peter McGraw	2 Gotta Go To New Orleans	More McGraw	US-FBF-09-00102
Blues Destiny Records	Peter McGraw	3 Party, Party, Party!	More McGraw	US-FBF-09-00103
Blues Destiny Records	Peter McGraw	4 Big Hill	More McGraw	US-FBF-09-00104
Blues Destiny Records	Peter McGraw	5 They Call Me The Mad Dog	More McGraw	US-FBF-09-00105
Blues Destiny Records	Peter McGraw	6 Ain't That A Crying Shame	More McGraw	US-FBF-09-00106
Blues Destiny Records	Peter McGraw	7 I Had The Blues	More McGraw	US-FBF-09-00107
Blues Destiny Records	Peter McGraw	8 I'm Alone	More McGraw	US-FBF-09-00108
Blues Destiny Records	Peter McGraw	9 I Think I Lost My Mojo	More McGraw	US-FBF-09-00109
Blues Destiny Records	Peter McGraw	10 Wait A Minute	More McGraw	US-FBF-09-00110
Blues Destiny Records	Peter McGraw	11 What Ashame	More McGraw	US-FBF-09-00111
Ronny Sessum Funk'n Blues Man				
Blues Destiny Records	Ronny Sessum	1 She's Solid Gold	Funk'n Blues Man	US-FBF-09-00121
Blues Destiny Records	Ronny Sessum	2 Looking for a Friend	Funk'n Blues Man	US-FBF-09-00122
Blues Destiny Records	Ronny Sessum	3 If We Try One More Time	Funk'n Blues Man	US-FBF-09-00123
Blues Destiny Records	Ronny Sessum	4 You're A Wicked Woman Baby	Funk'n Blues Man	US-FBF-09-00124
Blues Destiny Records	Ronny Sessum	5 Four Wheels Rollin	Funk'n Blues Man	US-FBF-09-00125
Blues Destiny Records	Ronny Sessum	6 Voodoo Doll	Funk'n Blues Man	US-FBF-09-00126
Blues Destiny Records	Ronny Sessum	7 Than Woman Crazy	Funk'n Blues Man	US-FBF-09-00127
Blues Destiny Records	Ronny Sessum	8 She's So Funky	Funk'n Blues Man	US-FBF-09-00128
Blues Destiny Records	Ronny Sessum	9 Voodoo	Funk'n Blues Man	US-FBF-09-00129
Blues Destiny Records	Ronny Sessum	10 Here's Your Walking Papers	Funk'n Blues Man	US-FBF-09-00130
Roy Powers Firing Line				
Blues Destiny Records	Roy Powers	1 Pick It Up	Firing Line	US-FBF-09-00131
Blues Destiny Records	Roy Powers	2 St. Lucie Blues	Firing Line	US-FBF-09-00132
Blues Destiny Records	Roy Powers	3 Honk If You're Paying My Mortgage	Firing Line	US-FBF-09-00133
Blues Destiny Records	Roy Powers	4 Blindsight	Firing Line	US-FBF-09-00134
Blues Destiny Records	Roy Powers	5 Firing Line	Firing Line	US-FBF-09-00135
Blues Destiny Records	Roy Powers	6 If It's Gonna Be Right	Firing Line	US-FBF-09-00136
Blues Destiny Records	Roy Powers	7 No More Credit	Firing Line	US-FBF-09-00137
Blues Destiny Records	Roy Powers	8 I Can Almost Hear You Calling	Firing Line	US-FBF-09-00138

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

BLUES DESTINY RECORDS, L.L.C., a
Florida Limited Liability Company;

Plaintiff,

v.

GOOGLE, INC., a Delaware Corporation,
MICROSOFT CORPORATION, a Washington
Corporation, and RAPIDSHARE AG, a
German Corporation

Defendants.

EXHIBIT B

TO

COMPLAINT FOR COPYRIGHT INFRINGEMENT

First Google Notice November 19th 2009 6:44am

Google | http://www.google.com/support/investors/bin/request.py?contact_type=other&submit=Continue+>

My Account | Help | WebProNews | Click Radio2.1 | google.php | iPhone Dev | Connection | Blues Dev

Google Investor Relations

Investor Relations

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[Contact Us](#)
[Receive Notifications](#)
[Annual Meeting](#)

[Company Overview](#)
[About the Company](#)
[Management Team](#)
[Founders' Letters](#)
[FAQs](#)

[Corporate Governance](#)
[CEO's Message](#)
[Code of Conduct](#)
[Guidelines](#)
[Board of Directors](#)
[Board Committees](#)
[Certificate of Incorporation](#)
[Bylaws](#)
[Report Concerns](#)

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Other: Top Questions

- [When and where is the Google Annual Stockholders Meeting?](#)
- [How can I attend the Annual Stockholders Meeting?](#)

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If you didn't find your answer above, please enter your question below:

Your name:

Business name:

Contact email address:

Are you currently a shareholder?
 Yes No

Topic: Other

Subject:

Question/Details:

Google
This is your Notice.

You are selling services based on your search results that include links enabling the theft of our Artists material (illegal downloads). Of particular note, of all the legitimate places where our products can be purchased, you list the link that enables its theft first in your search engine results. Many of these are recent releases. We are unable to ascertain how many of artist are being infringed by your activity. We have found Peter McGraw, Follow Me To the Blues and Peter McGraw, More McGraw and Ronny Sessum and Roy Powers Fling Line. For a complete listing of our artists, visit our site www.bluedestinrecords.com. Please immediately remove these and any other of our artist (www.bluedestinrecords.com) that you are selling illegally and immediately contact our Attorney Robert Gillmore et. (U.S.) (850) 850-0646 for more information on what we are going to require from you concerning this matter.

This is your Notice.

[Home](#) - [Privacy](#) - [About Google](#)

Blues Destiny Records.
Classic Series www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

11/21/09

To: Google Legal Support DMCA Complaints
Blues Destiny Icecards

~~11/21/09~~

This is Your Notice - ~~Request~~
~~Fourth~~ Sixth
Hi David,

~~11/23/09~~
~~11/24/09~~

It is Google's policy to respond to notices of alleged infringement that comply with the Digital Millennium Copyright Act (the text of which can be found at the U.S. Copyright Office website: <http://www.copyright.gov/>) and other applicable intellectual property laws, which may include removing or disabling access to material claimed to be the subject of infringing activity.

To file a notice of infringement with us, you must provide a written communication (by fax or regular mail – not by email, except by prior agreement) that sets forth the items specified below. Please note that you will be liable for damages (including costs and attorneys' fees) if you materially misrepresent that a product or activity is infringing your copyrights. Indeed, in a recent case (please see http://www.onlinelpolicy.org/action/legpolicy/opp_v_diebold/ for more information), a company that sent an infringement notification seeking removal of online materials that were protected by the fair use doctrine was ordered to pay such costs and attorneys fees. The company agreed to pay over \$100,000. Accordingly, if you are not sure whether material available online infringes your copyright, we suggest that you first contact an attorney.

To expedite our ability to process your request, please use the following format (including section numbers):

1. Identify in sufficient detail the copyrighted work that you believe has been infringed upon. For example, "The copyrighted work at issue is the text that appears on http://www.legal.com/legal_page.html."

Ronny Sessum - Funk'n Blues Man Sound Recording (2009)

Roy Powers - Firing Line Sound Recording (2009)

Peter McGraw - More McGraw Sound Recording (2009)

2. Identify the material that you claim is infringing upon the copyrighted work listed in item #1 above.

FOR WEB SEARCH, YOU MUST IDENTIFY EACH SEARCH RESULT THAT DIRECTLY LINKS TO A WEBPAGE THAT ALLEGEDLY CONTAINS

(1)

INFRINGING MATERIAL. This requires you to provide (a) the search query that you used, and (b) the URL for each allegedly infringing search result. Note that the URL for each search result appears in green on the last line of the description for that search result.

For example, suppose (hypothetically) that you conducted a search on Google.com using the query [Google], and found that the third and fourth results directly link to a webpage that you believe infringes upon the copyrighted text that you identified in item #1 above. In this case, you would provide the following information:

Search query: Google

Infringing webpages:

Search query: Ronny Sessum

Infringing webpages:

Ronny Sessum - Funk'n Blues Man Illegal Album Download Rapidshare and others

rapidog.com/ronny-sessum-funk-rapidshare.html

rapidog.com/ronny-sessum-funk-n-blues-man-rapidshare.html

<http://musire.com/details.php?artist=Ronny+Sessum&album=Funk%27n+Blues+Man+%282009%29&id=362886>

www.zona-musical.com/post165935.html

Search query: Roy Powers Firing Line

Infringing webpages:

Roy Powers - Firing Line Illegal Album Download Rapidshare and others

rapidog.com/roy-powers-firing-line-rapidshare.html

www.zona-musical.com/post165279.html

www.zona-musical.com/post165935.html

Search query: Peter McGraw – More McGraw

Infringing webpages:

Peter McGraw - More McGraw Illegal Album Download Rapidshare and others

www.zona-musical.com/post165284.html

3. Provide information reasonably sufficient to permit Google to contact you (email address is preferred).

Attorney Robert Gilmore at: (U.S.) (850) 650-0546 Attorney for Blues Destiny Records

rob@myfloridalawyer.com

(2)

120 Benning Drive

Destin, FL 32541

4. Provide information, if possible, sufficient to permit Google to notify the owner/administrator of the webpage that allegedly contains infringing material (email address is preferred).

We have no idea who the parties are. One appears to be:

RapidShare AG
Gewerbestrasse 6
6330 Cham
Switzerland

5. Include the following statement: "I have a good faith belief that use of the copyrighted materials described above on the allegedly infringing webpages is not authorized by the copyright owner, its agent, or the law."

I have a good faith belief that use of the copyrighted materials described above on the allegedly infringing webpages is not authorized by the copyright owner, its agent, or the law.

 1/21/09
David Wallace Cox President of Blues Destiny Records and Copyright Owner

6. Include the following statement: "I swear, under penalty of perjury consistent with United States Code Title 17, Section 512, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed."

I swear, under penalty of perjury consistent with United States Code Title 17, Section 512, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

 1/21/09

(3)

David Wallace Cox President of Blues Destiny Records and Copyright Owner

7. Sign the paper.

 11/21/09
David Wallace Cox President of Blues Destiny Records and Copyright Owner

8. Send the written communication to the following address:

Google Inc.
Attn: Google Legal Support, DMCA Complaints
1600 Amphitheatre Parkway
Mountain View, CA 94043

OR Fax to:

(650) 963-3255, Attn: Google Legal Support, DMCA Complaints

Please note that a copy of each legal notice we receive is sent to a third-party partner for publication and annotation. As such, your letter will be forwarded to Chilling Effects (<http://www.chillingeffects.org>) for publication. You can see an example of such a publication at <http://www.chillingeffects.org/dmca512/notice.cgi?NoticeID=861>. A link to your published letter will be displayed in Google's search results in place of the removed content.

For more information, please see <http://www.google.com/dmca.html>

(4)

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Nov 21	5:41PM	Fax Sent	16509633255	2:00	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

1st Notice
Fax
Confirm
/

Blues Destiny Records.
www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

11/21/09

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Nov 22	7:12PM	Fax Sent	16509633255	1:57	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Nov 23	12:07PM	Fax Sent	16509633255	2:00	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Blues Destiny Records
www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

~~11/21/09~~
11/23/09

Fifth Request

Blues Destiny Records
www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

~~11/21/09~~

~~11/23/09~~

~~11/24/09~~

~~Fifth Request~~
~~Sixth Request~~

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Nov 24	9:02AM	Fax Sent	16509633255	2:01	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Blues Destiny Records.
Classic Series www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

11/26/09

Seventh Notice
with no response
from you . . .

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Nov 25	8:43AM	Fax Sent	16509633255	1:54	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Blues Destiny Records.
Classic Series www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

11/27/09

This is the eighth notice
with no response

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Nov 27	9:13AM	Fax Sent	16509633255	1:54	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Blues Destiny Records.

www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

11/28/09

This is your 9th Notice
with no Response

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Nov 27	9:24AM	Fax Sent	16509633255	1:54	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Blues Destiny Records.

Blues Destiny www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

11/29/09

This is your 10th notice
with no response from you

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Nov 29	9:28AM	Fax Sent	16509633255	1:56	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Blues Destiny Records.
www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

11/30/09

This is your 11th notice
to take down these
illegal sites, yet there has
been no response from you.

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Nov 30	8:39AM	Fax Sent	16509633255	1:55	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Blues Destiny Records.

Blues Destiny www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

12/01/09

This is your 12th notice
to take down these illegal
sites, with no response from
you.

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Dec 1	10:17AM	Fax Sent	16509633255	1:56	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Blues Destiny Records.
www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

12/02/09

This is your 13th
Notice to remove these
illegal sites without
response from you.

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Dec 2	8:38AM	Fax Sent	16509633255	1:55	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Blues Destiny Records.

Music Services www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

12/03/09

This is your 14th notice
to take down these illegal
sites with no response from
you.

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Dec 3	9:15AM	Fax Sent	16509633255	1:53	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Blues Destiny Records.

Visit us online at www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

12/4/09

This is your 15th
Notice to take down
these illegal sites with
no response from you !!

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Dec 4	9:20AM	Fax Sent	16509633255	2:07	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

Blues Destiny Records.
www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

12/05/09

This is your 16th notice
to take down these illegal
sites. with no response from
you

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Dec 5	11:07AM	Fax Sent	16509633255	1:55	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

BluesDestinyRecords.
www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

12/07/09 This is your 17th notice
to take down these
illegal sites with no response
from you.

This is Your Notice - 17th

Hi David,

It is Google's policy to respond to notices of alleged infringement that comply with the Digital Millennium Copyright Act (the text of which can be found at the U.S. Copyright Office website: <http://www.copyright.gov/>) and other applicable intellectual property laws, which may include removing or disabling access to material claimed to be the subject of infringing activity.

To file a notice of infringement with us, you must provide a written communication (by fax or regular mail -- not by email, except by prior agreement) that sets forth the items specified below. Please note that you will be liable for damages (including costs and attorneys' fees) if you materially misrepresent that a product or activity is infringing your copyrights. Indeed, in a recent case (please see http://www.onlinelpolicy.org/action/legpolicy/opp_v_diebold/ for more information), a company that sent an infringement notification seeking removal of online materials that were protected by the fair use doctrine was ordered to pay such costs and attorneys fees. The company agreed to pay over \$100,000. Accordingly, if you are not sure whether material available online infringes your copyright, we suggest that you first contact an attorney.

To expedite our ability to process your request, please use the following format (including section numbers):

1. Identify in sufficient detail the copyrighted work that you believe has been infringed upon. For example, "The copyrighted work at issue is the text that appears on http://www.legal.com/legal_page.html."

Ronny Sessum - Funk'n Blues Man Sound Recording (2009)

Roy Powers - Firing Line Sound Recording (2009)

Peter McGraw - More McGraw Sound Recording (2009)

2. Identify the material that you claim is infringing upon the copyrighted work listed in item #1 above.

FOR WEB SEARCH, YOU MUST IDENTIFY EACH SEARCH RESULT THAT DIRECTLY LINKS TO A WEBPAGE THAT ALLEGEDLY CONTAINS

INFRINGING MATERIAL. This requires you to provide (a) the search query that you used, and (b) the URL for each allegedly infringing search result. Note that the URL for each search result appears in green on the last line of the description for that search result.

For example, suppose (hypothetically) that you conducted a search on Google.com using the query [Google], and found that the third and fourth results directly link to a webpage that you believe infringes upon the copyrighted text that you identified in item #1 above. In this case, you would provide the following information:

Search query: Google
Infringing webpages:

Search query: Ronny Sessum

Infringing webpages:

Ronny Sessum - Funk'n Blues Man Illegal Album Download Rapidshare and others

rapidog.com/ronny-sessum-funk-rapidshare.html

rapidog.com/ronny-sessum-funk-n-blues-man-rapidshare.html

<http://musire.com/details.php?artist=Ronny+Sessum&album=Funk%27n+Blues+Man+%282009%29&id=362886>

www.zona-musical.com/post165935.html

Search query: Roy Powers Firing Line

Infringing webpages:

Roy Powers - Firing Line Illegal Album Download Rapidshare and others

rapidog.com/roy-powers-firing-line-rapidshare.html

www.zona-musical.com/post165279.html

www.zona-musical.com/post165935.html

Search query: Peter McGraw – More McGraw

Infringing webpages:

Peter McGraw - More McGraw Illegal Album Download Rapidshare and others

www.zona-musical.com/post165284.html

3. Provide information reasonably sufficient to permit Google to contact you (email address is preferred).

Attorney Robert Gilmore at: (U.S.) (850) 650-0546 Attorney for Blues Destiny Records

rob@myfloridalawyer.com

120 Benning Drive

Destin, FL 32541

4. Provide information, if possible, sufficient to permit Google to notify the owner/administrator of the webpage that allegedly contains infringing material (email address is preferred).

We have no idea who the parties are. One appears to be:

RapidShare AG
Gewerbestrasse 6
6330 Cham
Switzerland

5. Include the following statement: "I have a good faith belief that use of the copyrighted materials described above on the allegedly infringing webpages is not authorized by the copyright owner, its agent, or the law."

I have a good faith belief that use of the copyrighted materials described above on the allegedly infringing webpages is not authorized by the copyright owner, its agent, or the law.



11/24/09

David Wallace Cox President of Blues Destiny Records and Copyright Owner

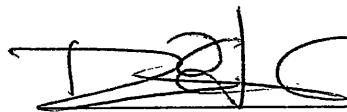
6. Include the following statement: "I swear, under penalty of perjury consistent with United States Code Title 17, Section 512, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed."

I swear, under penalty of perjury consistent with United States Code Title 17, Section 512, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

 11/24/09

David Wallace Cox President of Blues Destiny Records and Copyright Owner

7. Sign the paper.

 11/24/09

David Wallace Cox President of Blues Destiny Records and Copyright Owner

8. Send the written communication to the following address:

Google Inc.
Attn: Google Legal Support, DMCA Complaints
1600 Amphitheatre Parkway
Mountain View, CA 94043

OR Fax to:

(650) 963-3255, Attn: Google Legal Support, DMCA Complaints

Please note that a copy of each legal notice we receive is sent to a third-party partner for publication and annotation. As such, your letter will be forwarded to Chilling Effects (<http://www.chillingeffects.org>) for publication. You can see an example of such a publication at <http://www.chillingeffects.org/dmca512/notice.cgi?NoticeID=861>. A link to your published letter will be displayed in Google's search results in place of the removed content.

For more information, please see <http://www.google.com/dmca.html>

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Dec 7	8:24AM	Fax Sent	16509633255	1:56	5	OK

Note:

Image on Fax Send Report is set to Off

An image of page 1 will appear here for faxes that are sent as Scan and Fax.

https://feedback.discovering.com/default.aspx?mkt=en-us&productKey=Bing

My Account | Photo File | WebProNews | Click | Audio2.1 | Google PHP | iPhone

Web Images Videos News Maps More MSN | Windows Live

bing

Send Feedback for Bing Web

(required fields *)

Please provide the details about your suggestion below. For security reasons, please do not provide any personal information such as names, phone numbers, or addresses.

Service: Bing Web

Type of feedback: Found a problem or bug Found a feature request Found a suggestion Found a compliment

Please type your feedback here: (1000 character limit)

MicrosoftBing

This is your Notice.

You are selling or enabling the theft of our Arista material (illegal downloads). Of particular note, of all the legitimate places where our products can be purchased, you list the link that enables its theft first in your search engine results. Please immediately remove these and any other of our arista (www.blueridgeinjuryrecords.com) that you are selling illegally and immediately contact our Attorney Robert Gilmore at: (U.S.) (850) 860-0548 for more information on what we are going to require from you concerning this matter. (See Attached)

This is your Notice.

Sincerely,
David Cox
Blue Ridge Records

Make Bing your decision engine.
ALL RESULTS
SEARCH HISTORY
Roy Powers Firing Line
Roy Powers Firing Line
Roy Powers
Peter McGraw More McGraw

How likely would you be to recommend this product to a friend or colleague?
 Definitely would not recommend Definitely would recommend

If you found spam in the search results, enter the web address (URL) here:
Rapidshare

Second Microsoft Notice

This is your Notice. Second Request [Inbox](#) | [X](#)

 [David Cox to dmcaagent](#)

[show details](#) 10:13 AM (17 hours ago)

[Reply](#)

[▼](#)

Microsoft

This is your Notice. Second Request

You are selling services based on your search results that include links enabling the theft of our Artists material (illegal downloads). Of particular note, of all the legitimate places where our products can be purchased, you list the link that enables its theft first in your search engine results. Many of these are recent releases. We are unable to ascertain how many of artist are being infringed by your activity. We have found Peter McGraw, Follow Me To the Blues and Peter McGraw, More McGraw and Ronny Sessum and Roy Powers Firing Line. For a complete listing of our artists, visit our site www.bluesdestinrecords.com. Please immediately remove these and any other of our artist (www.bluesdestinrecords.com) that you are selling illegally and immediately contact our Attorney Robert Gilmore at: (U.S.) (850) 650-0546 for more information on what we are going to require from you concerning this matter.

This is your Notice. Second Request

Sincerely,
David Cox
Blues Destiny Records

[Reply](#) [Forward](#)

[show details](#) 10:17 AM (17 hours ago)

[Reply](#)

[▼](#)

 [DMCA Agent to me](#)

We are in receipt of your notification but are unable to respond. Please respond to this email by providing the following additional information:

(3) Elements of notification. —

(A) To be effective under this subsection, a notification of claimed infringement must be a written communication provided to the designated agent of a service provider that includes substantially the following:

(I) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

(II) Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.

(III) Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.

(IV) Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.

(V) A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

(VI) A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

(B)(i) Subject to clause (II), a notification from a copyright owner or from a person authorized to act on behalf of the copyright owner that fails to comply substantially with the provisions of subparagraph (A) shall not be considered under paragraph (1)(A) in determining whether a service provider has actual knowledge or is aware of facts or circumstances from which infringing activity is apparent.

Once we have received the requested information, our normal response time is within three business days following receipt of all required information.

Exhibit: 8

Fourth Microsoft Request with DMCA Form Attached (Also in .PDF form with Digital Signature)

From: David Cox [mailto:dcox@destinrecording.com]
Sent: Friday, November 20, 2009 11:43 AM
To: DMCA Agent
Subject: This is your Notice. Fourth Request

Microsoft

We have attached the form you requested.

This is your Notice. Fourth Request

You are selling services based on your search results that include links enabling the theft of our Artists material (illegal downloads). Of particular note, of all the legitimate places where our products can be purchased, you list the link that enables its theft first in your search engine results. Many of these are recent releases. We are unable to ascertain how many of artist are being infringed by your activity. We have found Peter McGraw, Follow Me To the Blues and Peter McGraw, More McGraw and Ronny Sessum and Roy Powers Firing Line. For a complete listing of our artists, visit our site www.bluesdestinyrecords.com. Please immediately remove these and any other of our artist (www.bluesdestinyrecords.com) that you are selling illegally and immediately contact our Attorney Robert Gilmore at: (U.S.) (850) 650-0546 for more information on what we are going to require from you concerning this matter.

This is your Notice. Fourth Request

Sincerely,
David Cox
Blues Destiny Records

We are in receipt of your notification but are unable to respond. Please respond to this email by providing the following additional information:

(3) Elements of notification. —

(A) To be effective under this subsection, a notification of claimed infringement must be a written communication provided to the designated agent of a service provider that includes substantially the following:

(i) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

/s/ David Wallace Cox President, Blues Destiny Records

(ii) Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.

Ronny Sessum - Funk'n Blues Man Illegal Album Download Rapidshare and others

Roy Powers - Firing Line Illegal Album Download Rapidshare and others

Peter McGraw - More McGraw Illegal Album Download Rapidshare and others

(iii) Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.

Ronny Sessum - Funk'n Blues Man - Illegal Album Download

Roy Powers - Firing Line - Illegal Album Download

Peter McGraw - More McGraw - Illegal Album Download

(iv) Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.

Attorney Robert Gilmore at: (U.S.) (850) 650-0546 Attorney for Blues Destiny Records

rob@myfloridalawyer.com

120 Benning Drive

Destin, FL 32541

(v) A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

We have not authorized these illegal sites to sell or distribute or make free these albums. We sell these albums exclusively at www.bluesdestinyrecords.com /s/ David Wallace Cox

First Rapidshare Notice (Need Actual Email of Original On Nov 16 5am)

Rapidshare

You are selling illegal downloads of our Artists material. Please immediately remove these and any other of our artists that you are selling illegally and immediately contact our Attorney Robert Gilmore at: (U.S.) (850) 650-0546 for more information on what we are going to require from you concerning this matter.

Sincerely,
David Cox
Blues Destiny Records

Roy Powers - Firing Line (2009) rapidshare
2 posts - 1 author - Last post: Oct 17
Download Roy Powers - Firing Line (2009) rapidshare mp3 full album.
www.zona-musical.com/post165279.html - Cached -

Peter McGraw - More McGraw (2009) rapidshare
Download Peter McGraw - More McGraw (2009) rapidshare mp3 full album.
www.zona-musical.com/post165284.html - Cached -

"THE BLUES is the root, the rest is the fruit" WIL rapidshare

16 posts - 2 authors
Full albums rapidshare » "THE BLUES is the root, the rest is the fruit" WIL 01 - Peter McGraw - My Suitcase Is Gone 02 - Peter McGraw - I Gotta Go To ...
www.zona-musical.com/post141050-days0-orderasc-330.html - Cached -

Ronny Sessum - Funk'n Blues Man (2009) rapidshare
Oct 27, 2009 ... Full albums rapidshare » Ronny Sessum - Funk'n Blues Man (2009) rapidshare ... 04 - Ronny Sessum - You're A Wicked Woman Baby ...
www.zona-musical.com/post165935.html - Cached -
"THE BLUES is the root, the rest is the fruit" WIL rapidshare
16 posts - 2 authors
Full albums rapidshare » "THE BLUES is the root, the rest is the fruit" 01 - Ronny Sessum - She's Solid Gold 02 - Ronny Sessum - Looking for a Friend ...
www.zona-musical.com/post141050-days0-orderasc-330.html - Cached -

Second Rapidshare Notice

This is your second notice from Blues Destiny Records [Index](#) | [X](#)

from [David Cox <bluesdestinylawyer@gmail.com>](#)
to [abuse@rapidshare.com](#),
[rob@myfloridalawyer.com](#),
[Richard Love <Richard.Love@cox.net>](#)
date [Thu, Nov 19, 2009 at 7:30 AM](#)
subject [This is your second notice from Blues Destiny Records](#)
mailed-by [gmail.com](#)

[hide details](#) [Nov 19 \(2 days ago\)](#)

[Reply](#)

Rapidshare

This is your Notice.

You are selling services enabling the theft of our Artists material (illegal downloads). Of particular note, of all the legitimate places where our products can be purchased, your links that enables its theft show up first in Google and Bing search engine results. Many of these are recent releases. We are unable to ascertain how many of artist are being infringed by your activity. We have found Peter McGraw, Follow Me To the Blues and Peter McGraw, More McGraw and Ronny Sessum and Roy Powers Fighting Line. For a complete listing of our artists, visit our site [www.bluesdestinylawyer.com](#). For direct links, simply search these artists on Google or Bing. Please immediately remove these and any other of our artist ([www.bluesdestinylawyer.com](#)) that you are selling illegally and immediately contact our Attorney Robert Gilmore at: (U.S.) (850) 650-0546 for more information on what we are going to require from you concerning this matter.

This is your Notice.

Sincerely,
David Cox
Blues Destiny Records

[Reply](#) [Reply to all](#) [Forward](#)

RapidShare AG - Abuse Team to me [show details](#) [Nov 20 \(1 day ago\)](#)

Hello,

we are only able to delete files for which we have a direct link on our server (<http://rapidshare.com/files/123456/example.m4a>).

Thank you for your understanding.

Best regards,

RapidShare AG - Abuse Team

RapidShare AG
Gewerbestrasse 6
CH - 6330 Cham

web: <http://www.rapidshare.com>
email: abuse@rapidshare.com

Dies ist eine vertrauliche Nachricht und nur für den Adressaten bestimmt. Es ist nicht erlaubt, diese Nachricht zu kopieren oder Dritten zugänglich zu machen. Sollten Sie irrtümlich diese Nachricht erhalten haben, bitte ich um Ihre Mitteilung per E-Mail oder unter der oben angegebenen Telefonnummer.

Exhibit: 7

Third Rapidshare Notice

This is your notice. Third Request

from **David Cox** <bluesdestinyrecords@gmail.com>
to abuse@rapidshare.com,
bdf@fisherlaw.net,
rob@destinlawgroup.com,
Richard Love <Richard.Love@cox.net>
date Fri, Nov 20, 2009 at 7:35 AM
subject This is your notice. Third Request
mailed-by gmail.com

hide details 7:35 AM (20 hours ago)

Reply

Rapidshare

This is your Third Notice.

You are selling services enabling the theft of our Artists material (illegal downloads). Of particular note, of all the legitimate places where our products can be purchased, your links that enables its theft show up first in Google and Bing search engine results. Many of these are recent releases. We are unable to ascertain how many of artist are being infringed by your activity. We have found Peter McGraw, Follow Me To the Blues and Peter McGraw, More McGraw and Ronny Sessum and Roy Powers Firing Line. For a complete listing of our artists, visit our site www.bluesdestinyrecords.com. For direct links, simply search these artists on Google or Bing. Please immediately remove these and any other of our artist (www.bluesdestinyrecords.com) that you are selling illegally and immediately contact our Attorney Robert Gilmore at: (U.S.) (850) 650-0546 for more information on what we are going to require from you concerning this matter. We demand that you report to us within 24 hours all activity associated with these and any other sound files containing copyrighted musical recordings that are owned by Blues Destiny Records.

<http://rapidshare.com/files/293795046/RPFL.rar>

<http://rapidshare.com/files/293463458/PMcGraw.rar>

<http://rs674.rapidshare.com/files/294612793/RSessum.rar>

This is your Third Notice.

Sincerely,
David Cox
Blues Destiny Records

Reply [Reply to all](#) [Forward](#)

RIAA Service With Direct Links November 19th 2009 7:20am

Rapidshare is selling services enabling the theft of our Artists material (illegal downloads). Of particular note, of all the legitimate places where our products can be purchased, these links that enables its theft show up first in Google and Bing search engine results. Many of these are recent releases. We are unable to ascertain how many of artist are being infringed by this activity. We have found Peter McGraw, Follow Me To the Blues and Peter McGraw, More McGraw and Ronny Sessum and Roy Powers Firing Line. For a complete listing of our artists, visit our site www.bluesdestinyrecords.com. We have asked, several times that the company (Rapidshare) immediately remove these and any other of our artist (www.bluesdestinyrecords.com) that they are selling illegally and immediately contact our Attorney Robert Gilmore at: (U.S.) (850) 650-0546 for more information on what we are going to require from them concerning this matter. We have heard no response. We have also contacted Rapiddog, Google and Bing.

<http://rapidshare.com/files/293795046/RPFL.rar>

<http://rapidshare.com/files/293463458/PMcGraw.rar>

<http://rs574.rapidshare.com/files/294612793/RSessum.rar>

Password to all zip files: gerfraus

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

BLUES DESTINY RECORDS, L.L.C., a
Florida Limited Liability Company;

Plaintiff,

v.

GOOGLE, INC., a Delaware Corporation,
MICROSOFT CORPORATION, a Washington
Corporation, and RAPIDSHARE AG, a
German Corporation

Defendants.

EXHIBIT C

TO

COMPLAINT FOR COPYRIGHT INFRINGEMENT

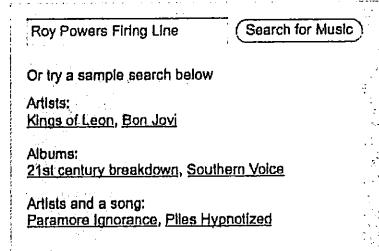
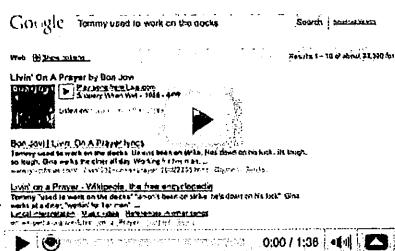
“Google Music” Search Results November 21st 2009



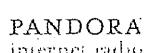
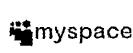
Discover Music

Find music faster and easier using Google

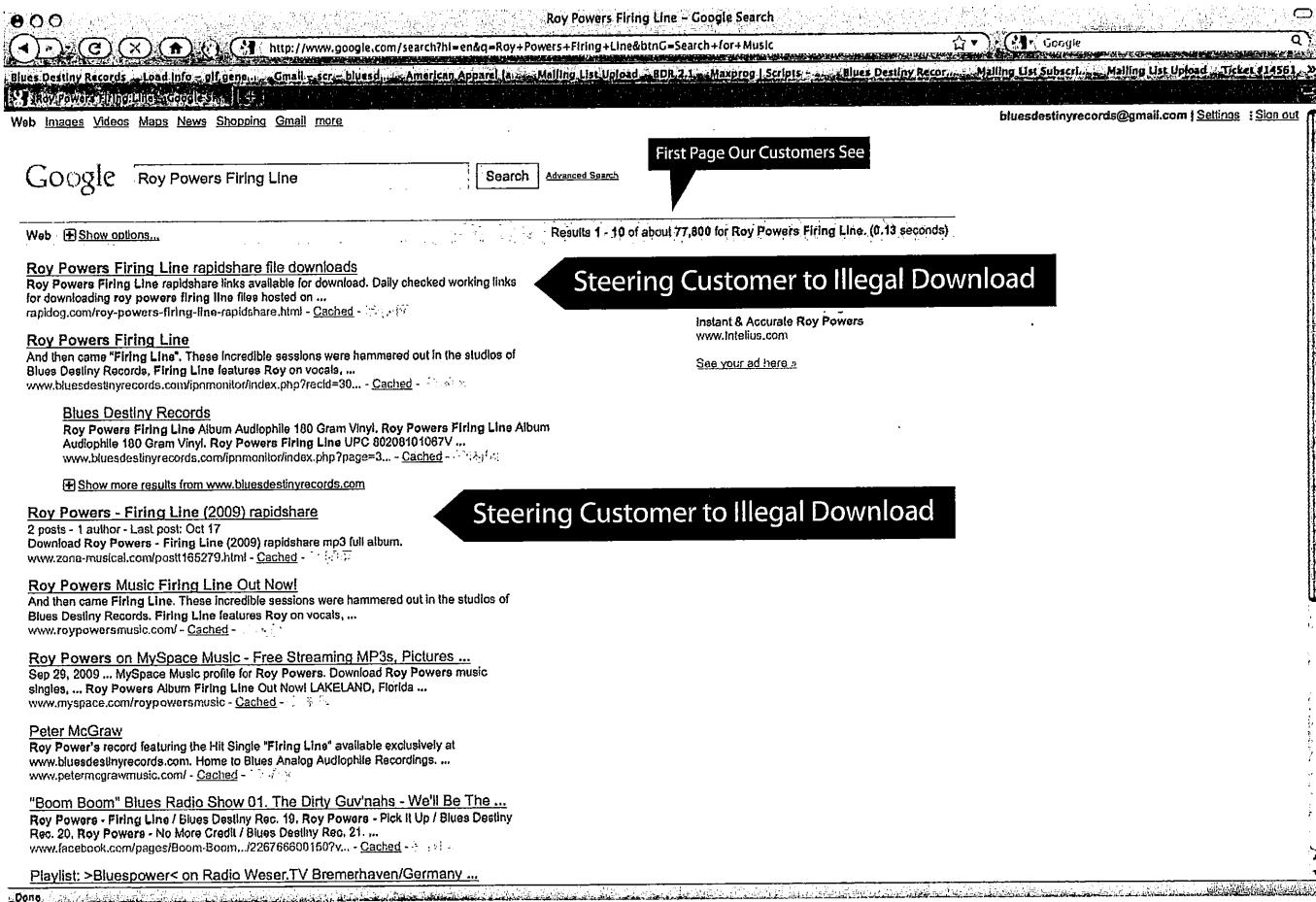
Search for artists, albums, songs or lyrics. We'll provide links to partner sites where you can preview and purchase songs.



Partners



© 2008 Google



Search Results November 17th 2009. Page One Results 1-10

Link 1 Confirmed Operable (Rapidshare AG) Link 2 Confirmed Operable (Rapidshare AG)

Roy Powers Firing Line - Google Search

http://www.google.com/search?hl=en&client=safari&ls=en&q=Roy+Powers+Firing+Line&aq=f&oq=&aql=g1

My Account | Help | WebProNews | Click2Radio2 | google.php | iPhone Dev | Connection | Blues Destiny Records | Cocoa with Love | The WebKit Source Project | JavaScript Search

Web Images Videos Maps News Shopping Gmail more ▾

Google Roy Powers Firing Line Search Advanced Search First Page Our Customers See

Web Show options... Results 1 - 10 of about 338,000 for Roy Powers Firing Line. (0.27 seconds)

Roy Powers Firing Line rapidshare file downloads
Roy Powers Firing Line rapidshare links available for download. Daily checked working links for downloading roy powers firing line files hosted on... rapidog.com/roy-powers-firing-line-rapidshare.html - 8 hours ago -

Roy Powers - Firing Line (2009) rapidshare
2 posts - 1 author - Last post: Oct 17
Download Roy Powers - Firing Line (2009) rapidshare mp3 full album. www.zona-musical.com/post165279.html - Cached -

Roy Powers Music Firing Line Out Now!
And then came Firing Line. These Incredible sessions were hammered out in the studios of Blues Destiny Records. Firing Line features Roy on vocals, ... www.roypowersmusic.com/ - Cached -

Roy Powers on MySpace Music - Free Streaming MP3s, Pictures ...
Sep 29, 2009 ... MySpace Music profile for Roy Powers. Download Roy Powers music singles, ... Roy Powers Album Firing Line Out Now! LAKELAND, Florida ... www.myspace.com/roypowersmusic - Cached -

Blues Destiny Records
Firing Line. Honk If You're Paying My Mortgage. Blindsie, Plc It Up ... Roy Powers Radio Airplay. Contact our Radio Promotions department. Ordering From Us ... www.bluesdestinrecords.com - Cached -

Peter McGraw
Roy Power's record featuring the Hit Single "Firing Line" available exclusively at www.bluesdestinrecords.com. Home to Blues Analog Audiophile Recordings. ... www.petemcgrawmusic.com/ - Cached -

Playlist: >Bluespower< on Radio Weser.TV Bremerhaven/Germany ...
1 post - Last post: Oct 24
If It's going to be alright/Roy Powers/Firing Line/Blues Destiny Records. Blues- L web site: <http://www.netspace.org/~blues-l/> ... groups.google.com/group/bil.listserv.blues.../70ebbe02e8a08318 - Cached -

Doc's Juke Joint - Sunday October 11, 2009 » Doc's Juke Joint
Roy Powers - Honk If You're Paying My Mortgage - Firing Line www.bluesdestinrecords.com. The Felix Cabrera Band with Jimmy Vinino - Kid At Heart - Live At jukejoinl.sundayblues.org/archives/442 - Cached -

"Boom Boom" Blues Radio Show | Facebook
Roy Powers - Firing Line / Blues Destiny Rec. 19. Roy Powers - Pick It Up / Blues Destiny Rec. 20. Roy Powers - No More Credit / Blues Destiny Rec. ... www.facebook.com/pages/Boom-Boom-Blues.../226768600150 - Cached -

Jazz Blues Florida - Florida's Online Guide to Live Jazz & Blues ...
Oct 20, 2009 ... Roy Powers/St. Lucie Blues/Firing Line/Blues Destiny Klimon & The

Search Results November 19th 2009. Page One Results 1-10

Link 1 Confirmed Operable (Rapidshare AG) Link 2 Confirmed Operable (Rapidshare AG) Link 3 Confirmed Operable (Rapidshare AG) Link 4 Confirmed Operable (Rapidshare AG)

Roy Powers Firing Line - Google Search

http://www.google.com/search?hl=en&client=safari&rls=en&q=Roy+Powers+Firing+Line&aq=f&oq=f&aqi=

My Account | Help | Info | Site: WebProNews | Click: Radio2.1 | google.php | iPhone Dev Connection | Blues Destiny Records | Cocaine with Love | The Webkit Oracle Project | JavaScript Search | http://www.cozy.com/ | Web Apps Dev Center

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www.bluesdestinrecords.com/pnmmonitor/index.php?rcid=30... - Cached - 1/1

Blues Destiny Records

Roy Powers Firing Line Album Audiophile 100 Gram Vinyl. Roy Powers Firing Line Album Audiophile 100 Gram Vinyl. Roy Powers Firing Line UPC 00208101087V ...

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2 posts - 1 author - Last post: Oct 17

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Roy Power's record featuring the Hit Single "Firing Line" available exclusively at

www.bluesdestinrecords.com. Home to Blues Analog Audiophile Recordings. ...

www.petermcgrawmusic.com/ - Cached - 1/1

"Boom Boom" Blues Radio Show 01. The Dirty Guvnahs - We'll Be The ...

Roy Powers - Firing Line / Blues Destiny Rec. 19. Roy Powers - Pick It Up / Blues Destiny Rec. 20. Roy Powers - No More Credit / Blues Destiny Rec. 21. ...

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Playlist: >Bluespower< on Radio Weser.TV Bremerhaven/Germany ...

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If it's going to be alight/Roy Powers/Firing Line/Blues Destiny Records. Blues- L web site:

http://www.nelspace.org/~blues4/ ...

groups.google.com/group/bls.listserv.blues.../70ebe02e6a06318 - Cached - 1/1

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Google Search Results December 2nd 2009 Page One Results 1-10 (After 12 Take Down Notice Requests)

Google Search Results for "Roy Powers Firing Line" on Google.com (December 2nd, 2009)

Results 1 - 10 of about 76,900 for Roy Powers Firing Line. (0.19 seconds)

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Roy Powers Firing Line Album Audiophile 180 Gram Vinyl, Roy Powers Firing Line Album Audiophile 180 Gram Vinyl, Roy Powers Firing Line UPC 80208101067V ... www.bluesdestinrecords.com/pnmmonitor/index.php?page=3... - Cached -

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1 CENT CD Firing Line - Powers, Roy / JAZZ - eBay (Item...)
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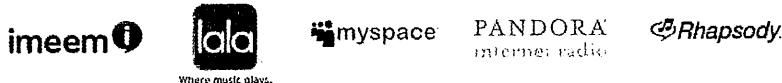
Google Discover Music

Find music faster and easier using Google

Search for artists, albums, songs or lyrics. We'll provide links to partner sites where you can preview and purchase songs.

The screenshot shows a search interface for 'Peter McGraw More McGraw'. On the left, there's a video player for 'Drop It Like It's Hot by Snoop Dogg'. To the right, there's a search bar with the query 'Peter McGraw More McGraw' and a 'Search for Music' button. Below the search bar, there's a section for 'Or try a sample search below' with fields for 'Artists', 'Albums', and 'Artists and a song'. The 'Artists' field contains 'Kings of Leon, Bon Jovi'. The 'Albums' field contains '21st century breakdown, Southern Voice'. The 'Artists and a song' field contains 'Paramore Ignorance, Plus Hypnotized'.

Partners



The screenshot shows a Google search results page for 'Peter McGraw More McGraw'. The search bar at the top contains 'Peter McGraw More McGraw'. The results page shows 10 results out of about 3,750,000. The results include:

- Peter McGraw - More McGraw (2009) rapidshare**
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www.bluesdestinrecords.com/pmmnmon/index.php?rcid=19... - Cached
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- CD Review Pages**
"More McGraw" contains eleven band originals and features Peter McGraw on Vocals & Backup Vocals, Ronny Sessun on Lead Guitar & Rhythm Guitar, ...
www.mary4music.com/CD48.html - Cached
- Peter McGraw - Seattle, WA | Facebook**
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www.facebook.com/petermcgraw - Cached

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Search Results November 20th 2009. Page One Results 1-10

Link 1 Not-Operable (Rapidshare AG)

Peter McGraw - More McGraw - Google Search

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CD Review Pages
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www.mary-imusic.com/CD48.html · Cached

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Oct 20, 2009 ... Ronny Sessum/He's Your Walkin' Papers/Funk 'n' Blues Man/Blues Destiny Roy Powers/St. Lucie Blues/Firing Line/Blues Destiny ...
jazz-bluesflorida.blogspot.com/.../smokeystack-lightnin-blues-radio-current.html - Cached

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(After 12 Take Down Notice Requests)

Artist "Name Only" Search

Results 1 - 10 of about 29,800 for **Ronny Sessum**. (0.36 seconds)

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2 min 30 sec - Nov 11, 2009
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Ronny Sessum (Wish) live Dr. Z Maz 18 Jr ...
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Oct 10, 2009 ... Ah yes bluzen out at da bluz club band mates are Fritz Froeschner on guitar, Ed Mo on bass, super Fly Dents on da sax from New Orleans, ...
floridakeys10.cityspur.com/_/ronny-sessum-wish-live-budda-superdrive-18-ii-lovepedal-cot-ltr-mc-teese-picture-wah/ - Cached

YouTube - Ronny Sessum Dr. Z MAZ 18 Jr lovepedal COT chicago iron ...
Nov 5, 2009 ... crazy crazy crazy oh yeah come on out when i play its a goodtime that bass player sittin in the woods going where am i not a clue LOL.
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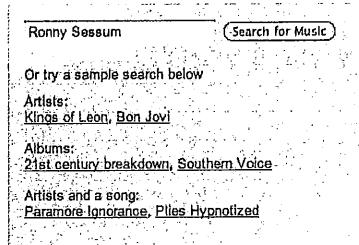
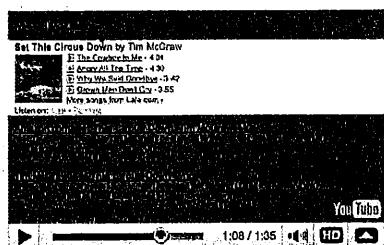
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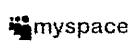
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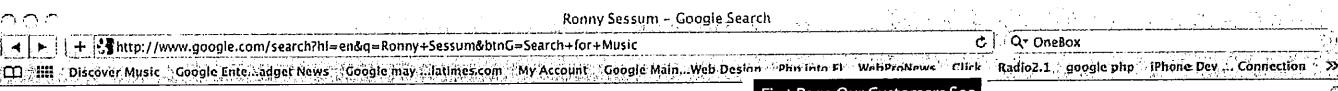


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Roy Powers Firing Line - Bing

http://www.bing.com/search?q=Roy+Powers+Firing+Line&go=&form=QBRE&qs=n

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(Government Agency; 10,001 or more employees; Government Administration Industry) June 2004 — October 2008 (4 years 5 months) Peter McGraw's Education
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