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DAVID H. KRAMER, State Bar No. 168452
 BART E. VOLKMER, State Bar No. 223732
 WILSON SONSINI GOODRICH & ROSATI
 PROFESSIONAL CORPORATION
 650 Page Mill Road
 Palo Alto, CA 94304-1050
 Telephone: (650) 493-9300
 Facsimile: (650) 565-5100
 Email: dkramer@wsgr.com

Attorneys for Plaintiff
 Google Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 DIVISION

CV 10-01824

CASE NO.:

COMPLAINT FOR
 DECLARATORY RELIEF

GOOGLE INC., a Delaware Corporation,

Plaintiff,

v.

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

Defendant.

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

1. This is an action for a declaratory judgment that Google does not infringe the copyrights (the "Works in Suit") identified in Exhibit A, which is attached to this Complaint and 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.

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2. Google is a Delaware corporation with its principal place of business in Mountain 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 sizable offering is an Internet search engine located at www.google.com (and more than a dozen other country-specific Internet domains).

4. Anyone with access to the Internet can search Google’s index for free by entering a search query into a field provided on Google’s home page. Google’s search engine 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 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 Miami, Florida. Google further alleges on information and belief that BDR is a music record company that claims to own, or be the exclusive licensee of, copyrights in the Works in Suit.

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7. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. 1 and 1338(a) because this action arises under the United States Copyright Act, 17 U.S.C. *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 the district court's jurisdiction in this district.

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

FACTUAL BACKGROUND

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

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

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

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

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

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.

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

17. Based on BDR’s lawsuit against Google, its dismissal of that lawsuit without prejudice, and its subsequent refusal to disavow its legal claims, there is (1) a substantial 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**

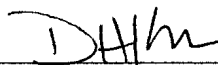
25 WHEREFORE, Google prays for a judgment against BDR that:

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

- 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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13 David H. Kramer
14 California Bar No. 168452
15 Bart E. Volkmer
16 California Bar No. 223732
17 650 Page Mill Road
18 Palo Alto, California 94304
19 (650) 493-9300 (Telephone)
20 (650) 493-6811 (Facsimile)
21 Email: dkramer@wsgr.com
22 bvolkmer@wsgr.com

23 *Attorneys for Plaintiff Google Inc.*
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EXHIBIT A

Copyright

United States Copyright Office

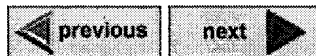
[Help](#)[Search](#)[History](#)[Titles](#)[Start Over](#)

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 -- Blindside 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	Full Record <input type="button" value="Format for Print/Save"/>
Enter your email address:	<input type="text"/> <input type="button" value="Email"/>

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Copyright

United States Copyright Office

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Public Catalog

Copyright Catalog (1978 to present)

Search Request: Keyword = peter mcgraw more mcgraw

Search Results: Displaying 1 of 10000 entries



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

Save, Print and Email (Help Page)	
Select Download Format	Full Record <input type="button" value="Format for Print/Save"/>
Enter your email address: <input type="text"/>	<input type="button" value="Email"/>

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Copyright

United States Copyright Office

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Public Catalog

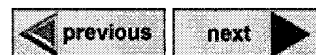
Copyright Catalog (1978 to present)

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.bluesdestinyrecords.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-violationg-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/postt165279.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/postt165284.html](http://www.zona-musical.com/postt165284.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.zona-musical.com/postt165935.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/postt165279.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/postt165284.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 I 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 Blindside	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

Investor Relations

Investor Relations

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[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](#)

News

[What's New](#)

[Financial Releases](#)

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[Webcasts and Events](#)

Financial Info

[Quarterly Earnings](#)

[Stock Info](#)

[Financial Tables](#)

[SEC Filings](#)

[Analyst Coverage](#)

Other: Top Questions

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

[View more frequently asked questions »](#)

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

Your name:

David Cox

Business name:

Blues Destiny Records

Contact email address:

dcx@bluesdestinyrecords.com

Are you currently a shareholder?

☒ Yes ☐ No

Topic: Other

Subject:

Theft of Artists Material

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 Season and Roy Powers Fling 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 Gilmora at: (U.S.) (850) 850-0646 for more information on what we are going to require from you concerning this matter.

This is your Notice.

Submit

Home

Privacy

About Google

BluesDestinyRecords.
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 Records

This is Your Notice - ~~Third~~ Request

Hi David,

~~Fourth~~ Sixth
~~Fifth~~

~~11/22/09~~
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.onlinepolicy.org/action/legpolicy/opg_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/postt165935.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/postt165279.html
www.zona-musical.com/postt165935.html

Search query: Peter McGraw – More McGraw
Infringing webpages:
Peter McGraw - More McGraw Illegal Album Download Rapidshare and others
www.zona-musical.com/postt165284.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.

 11/21/09
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.

 11/21/09

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>

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
✓

BluesDestinyRecords.

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.

BluesDestinyRecords.

www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

~~11/22/09~~

11/23/09

Fifth Request

BluesDestinyRecords.

www.bluesdestinyrecords.com

Attention: Google Legal Support DMCA Compliance

Facsimile: (650) 963-3255

5 Pages with Cover.

~~11/22/09~~

~~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.

BluesDestinyRecords.
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.

BluesDestinyRecords.
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.

BluesDestinyRecords.

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.

BluesDestinyRecords.

Web Site 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.

BluesDestinyRecords.

Mark Jones 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.

BluesDestinyRecords.

BluesDestinyRecords 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.

BluesDestinyRecords®

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.

BluesDestinyRecords.

Handwritten 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.

BluesDestinyRecords.

Follow us on 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.

BluesDestinyRecords®

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.

12/6/09 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.onlinepolicy.org/action/legpolicy/opg_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/postt165935.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/postt165279.html
www.zona-musical.com/postt165935.html

Search query: Peter McGraw – More McGraw
Infringing webpages:
Peter McGraw - More McGraw Illegal Album Download Rapidshare and others
www.zona-musical.com/postt165284.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

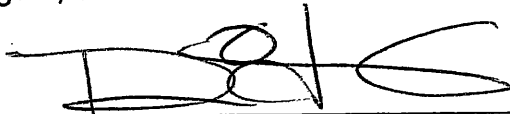
4. Provide information, if possible, sufficient to permit Google to notify the owner/administrator of the webpage that allegedly contains infringing material (email address is preferred).

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.

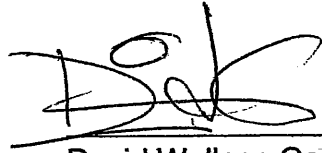


11/24/09

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."

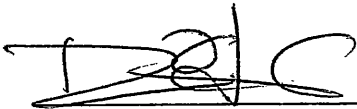
I swear, under penalty of perjury consistent with United States Code Title 17, Section 512, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.



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

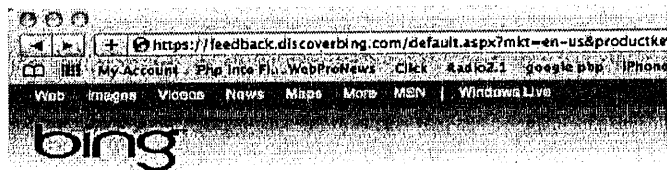
Date	Time	Type	Station ID	Duration	Pages	Result
Dec 7	8:24AM	Fax Sent	16509633255	1:56	5	OK

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.

First Microsoft Notice November 19th 2009 6:16am



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

Please type your feedback here: (1000 character limit)

Microsoft Bing

This is your Notice.

You are selling or 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. Please immediately remove these and any other of our artist (www.bluesdestinyrecords.com) that you are selling illegally and immediately contact our Attorney Robert R. J. 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
Blues Destiny 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

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 dmcaagt 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.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. Second Request

Sincerely,
David Cox
Blues Destiny Records

↩ Reply → Forward

 DMCA Agent to me show details 10:17 AM (17 hours ago) ↩ Reply ▼

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:dc Cox@destinyrecording.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/postt165279.html - Cached -

Peter McGraw - More McGraw (2009) rapidshare
Download Peter McGraw - More McGraw (2009) rapidshare mp3 full album.
www.zona-musical.com/postt165284.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/postt165935.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 Inbox | X

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

[Reply](#)

from • David Cox <bluesdestinyrecords@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
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 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) 650-0545 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](#)

[show details](#) Nov 20 (1 day ago)

[Reply](#)

RapidShare AG - Abuse Team to me

Hello,

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

Thank you for your understanding.

Best regards,

RapidShare AG - Abuse Team

RapidShare AG
Gewerbestrasse 6
CH - 8390 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.

Third Rapidshare Notice

This is your notice. Third Request

from ♦ David Cox <bluesdestinyrecords@gmail.com>
 to abuse@rapidshare.com,
 bgf@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
 Rapidshare

[hide details](#) 7:35 AM (20 hours ago)

[Reply](#) ▼

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 Pater 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](#)

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

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.

Google Tommy used to work on the docks

Web (8) Videos (1)

Live! On A Prayer by Roy Powers

00:00 / 1:36

Roy Powers Firing Line

Search for Music

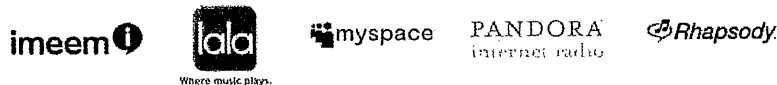
Or try a sample search below

Artists:
[Kings of Leon](#), [Bon Jovi](#)

Albums:
[21st century breakdown](#), [Southern Voice](#)

Artists and a song:
[Paramore Ignorance](#), [Piles Hypnotized](#)

Partners



© 2009 Google

Roy Powers Firing Line - Google Search

http://www.google.com/search?hl=en&q=Roy+Powers+Firing+Line&btnG=Search+for+Music

Blues Destiny Records - Load Info - gfp - Gmail - scr - blues - American Apparel (usa) - Mailing List Upload - BDR 2.1 - Maxprog | Scripts - Blues Destiny Records - Mailing List Subscription - Mailing List Upload - Ticket #14561

Web Images Videos Maps News Shopping Gmail more

bluesdestinyrecords@gmail.com | Settings | Sign out

Google Roy Powers Firing Line

Search Advanced Search

First Page Our Customers See

Web (8) Show options...

Results 1 - 10 of about 77,800 for Roy Powers Firing Line. (0.13 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 ...
[rapidlog.com/roy-powers-firing-line-rapidshare.html](#) - [Cached](#) - [View](#)

Roy Powers Firing Line

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.bluesdestinyrecords.com/fprnmonitor/index.php?recid=30...](#) - [Cached](#) - [View](#)

Blues Destiny Records

Roy Powers Firing Line Album Audiophile 180 Gram Vinyl. Roy Powers Firing Line Album Audiophile 180 Gram Vinyl. Roy Powers Firing Line UPC 60208101087V ...
[www.bluesdestinyrecords.com/fprnmonitor/index.php?page=3...](#) - [Cached](#) - [View](#)

Show more results from [www.bluesdestinyrecords.com](#)

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/post/165279.html](#) - [Cached](#) - [View](#)

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](#) - [View](#)

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](#) - [View](#)

Peter McGraw

Roy Power's record featuring the Hit Single "Firing Line" available exclusively at [www.bluesdestinyrecords.com](#). Home to Blues Analog Audiophile Recordings. ...
[www.petermcgrawmusic.com/](#) - [Cached](#) - [View](#)

"Boom Boom" Blues Radio Show 01. The Dirty Guv'nahs - 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 ...
[www.facebook.com/pages/Boom-Boom.../2267666001607...](#) - [Cached](#) - [View](#)

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

Steering Customer to Illegal Download

Instant & Accurate Roy Powers
[www.intelius.com](#)

[See your ad here >](#)

Steering Customer to Illegal Download

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

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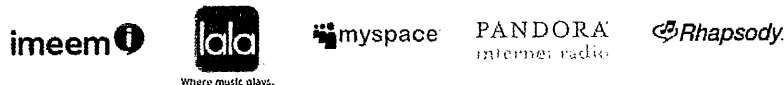
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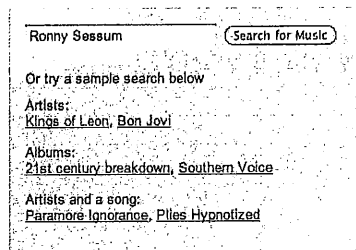
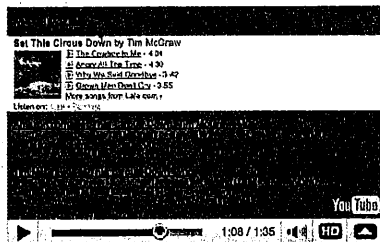
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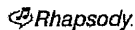
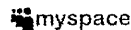
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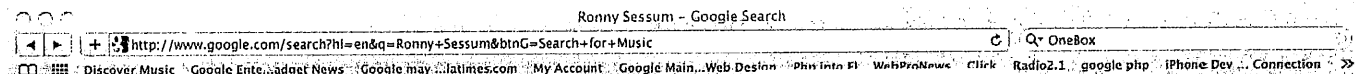


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(Government Agency; 10,001 or more employees; Government Administration Industry) June 2004 — October 2008 (4 years 5 months) Peter McGraw's Education
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