

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

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

Case No. \_\_\_\_\_

Plaintiff,

(INJUNCTIVE RELIEF IS SOUGHT)

v.

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

Defendants.

\_\_\_\_\_ /

**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](http://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](http://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.<sup>1</sup> 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,

---

<sup>1</sup> <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).

contributing to, and enabling direct access for users to obtain “free” unauthorized copies 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](http://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](http://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 - 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 - 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 find and illegally download 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 7<sup>th</sup> 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***