

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM V. AGUIAR III
PLAINTIFF

VS

CIVIL ACTION NO. 07-CA-11673

FLOYD WEBB AND ALL
DEFENDANTS

PLAINTIFF WILLIAM V. AGUIAR III OPPOSITION TO POINT'S OF FLOYD
WEBB IN SUPPORT OF A PRELIMINARY INJUNCTION

F I L E D
Clerk's Office
USDC, Mass
Date 10-31-07
By 183
Deputy

INTRODUCTION

Plaintiff William v Aguiar III initiated this action per DCMA take down because Floyd Webb violated my copyright HA86679 . Mr. Aguiar does not have to show the burden of Proof I'm the copyright owner. I did cause Mr. Webb's video's to come down per DCMA takedown because I own the copyright's. We are suing Mr. Webb for copyright Infringement not trademarks infringement. So that does not apply. I do show I own valid Copyrights and Mr. Webb is not protected under fair use. The balance of hardship Tilt's dramatically in William V Aguiar III favor. Mr. Webb free speech and freedom is not in jeopardy. It's pro se Aguiar who has suffered irreparable harm. Moreover Mr. Webb come's to court with unclean hands. He has misrepresented, under oath that his Videos were taken down for misrepresentation. And lied under oath about what has Happened .

BACKGROUND

Mr. Webb did create two trailer's ex. An ex. B each about 90 second's and they violate my

Copyright.

And we took down per DCMA for violation of my copyrighted materials. There is a full Length film in the work's that will cause my business irreparable harm

AGUIAR DOE'S NOT VIOLATE WEBB'S FREE SPEECH

Shortly before Count Dante's death in 1975, He chose William V Aguiar Jr. as his Successor and Supreme Grand Master of the Black Dragon Fighting Society. Upon My father death in 2005 he signed me William V Aguiar III all right 's to the Black Dragon Fighting Society and all its entity's. I assert the ownership of copyright's in a Variety of material and all its entity's. . I assert the ownership of copyright's in a Variety of material's World's Deadliest Fighting Secret's, The Count Dante Fighting System Black Dragon Fighting System. We are suing for copyright not trademarks

AGUIAR'S SUCCESFULL ATTEMPT TO DISABLE WEBB'S WEBSITE'S

On June 20 2007 Plaintiff's attorney did deliver a cease and desist letters to Network s Solution's The Planet' and Host Gator per DCMA takedown per my copyright's. They all Network Solution, The Planet, Host Gator blocked access. They gave me ten Day's to go to Federal Court or they will reinstate his service's Mr. Webb. This didn't Prevent Mr. Webb from collaborating on his film.

**AGUIAR'S SUCCESSFUL TAKEDOWN OF FLOYD WEBB'S YOU-TUBE
VIDEO'S**

In June 2007 I took Floyd Webb's 3 video trailer's per DCMA regulation's. In the Takedown notices. Mr. Webb asserted that under the penalty and perjury that the trailer's Didn't infringe on copyright but really did under my copyright's. So per the DCMA Takedown submitted by me William V Aguiar III I submitted a DCMA takedown When submitted You- Tube following my copyright's disabled his web-access. Mr. Webb submitted counter verification. And that's why were are here today o show That Mr. Webb comes with un-clean hands in this situation and the preliminary injection Should be granted.

ARGUMENT

I William V Aguiar III prove enough for a preliminary injunction. My motion for motion Preliminary injunction is sound and unbreakable to scrutiny. William V Aguiar III Doe's show the likelihood and has success of his merit and the hardship tip's in my favor . I William V Aguiar III is suing for copyright not trademarks so this shouldn't be An issue.

WILLIAM V AGUIAR III INJUCTION IS NOT DEFETIVE

I William V Aguiar III have met procedure and should not be denied on the merits of Floyd's Webb argument all evidence has been submitted in a procedure and in a timely Manner.

WILLAM V AGUIAR III DOES MEET STANDARD'S FOR ISSUANCE PRELIMINARY INJUCTION

I met established standards to me for preliminary injunction. I will be irreparable Harmed and several hardship's. The preliminary injunction is not extraordinary Relief and should be granted when someone violates copyright's. This doe not fall under Fair use doctrine and does not violate one's free speech.

AGUIAR IS HIGHLY LIKELY TO SUCCEED ON HIS COPYRIGHT CLAIM

Aguiar III can show success on the merit's of his copyrights and has submitted all Evidence under the rule of the Federal Court in a timely fashion. Mr. Webb assertion Does not fall under fair use doctrine.

AGUIAR PROVIDE'S EVIDENCE THAT HE OWN'S THE COPYRIGHT

I William V Aguiar III have proven I am the exclusive owner of copyrights HA86679. I have followed all procedures under all Federal rules.

VIDEO FOOTAGE

The said video footage Floyd Webb has stolen from my copyrighted video Ballet of Horror from my set that I sell exclusive under my copyright Ballet of Horror Disc 3 it wasn't re-leased to the public on July 17 2001 under copyright no. Pau2-673-807 World's Deadliest Fighting Secret's. Mr. Webb secured the video From an unlicensed agent. Mr. Webb illegally cut up my DVD'S to take footage to Use for commercial use to post on his trailers. Floyd Webb's footage was up in his Trailers for year's before Mr. Creeden III involvement. Mr. Creeden Jr shot the film In 8mm format exclusively owned by John Creeden JR in the 60's early seventies in Chicago Illinois and In Fall River Massachusetts's. There is no permission of said footage Even fair use rules don't apply. My deceased father William V Aguiar II is in said Footage and doesn't have my permission to use these image's with out my exclusive License. The said footage owned by Mr.Creeden Jr was not sold to Floyd Webb and has No exclusive license. Mr. Webb cannot produce a signed document's that said they have License for use in his videos by neither Mr. Creeden Jr nor Creeden III.

I Challenge Mr. Webb to produce a signed user agreement's between the parties.

Mr. Webb and Mr. Sheppard tried unsuccessfully tried to swindle Mr. Creeden Jr and Mr. Creeden III out of said footage and yes their was a transaction it wasn't complete because There are no signed user agreement from John Creeden III and John Creeden Jr. Yes their Was 1000 paid in two installments' of 500 dollar's. Still with a 500 balance and when Mr.

Creeden III tried to get a signed a user agreement from Mr. Sheppard. Mr. Creeden III Was told that .the footage was given to Ashida Kim / Radford Davis. When Mr. Sheppard Received the footage he told Mr. Creeden III that the footage was worthless and it was Given to Mr. Davis. Mr. Creeden III demanded the footage returned but was turned down By Mr. Sheppard. Mr. Sheppard was used as a buffer used by Mr. Webb to circumvent My said copyright to conspire to under mine my copyrights. In closing I challenge Mr. Webb to produce said signed document's from John Creeden Jr and John Creeden III that Gives defendant Webb exclusive right's to use such footage. There is no signed User agreement's or no verbal agreement's to use such footage in Mr Webb's trailer's and

Is committing a criminal act. A receipt from Westin Union doe not constitute a signed User agreement. This show Floyd Webb and Barron Sheppard have un-clean hand's That they make accusation's of license and cannot prove such a thing as a license.

MR WEBB DOE'S NOT FALL INTO FAIR USE DOCTRINE

Mr. Webb does not fall into fair use doctrine. Nor does Mr. Webb follow best practices Mr. Webb is falling behind Fair Use to steal my copyrighted work. He relays on the 4 Factor's which clearly he doesn't meet. Fair Use fall under criticism and parody this

Formula Floyd Webb does not have a fair use claim. Mr. Webb has Used Fair Use Improperly in his interpretation of the four factor's. Mr. Webb's documentary does not Meet a Tran formative work and does not create a new expression. He steal it line for line And picture for picture. I cannot see the Judge Wolf ruling in favor of Fair Use on these Merit's and will deny Mr. Webb's fair use claim.

**MR AGUIAR III IS SUING FOR COPYRIGHT NOT
TRADEMARK'S**

**THE BALANCE OF HARM WEIGH'S IN FAVOR OF WILLIAM
AGUIAR III**

The court should consider the potential legitimate harm to the plaintiff. . An injunction is Granted the defendant's will have to remove all copyrighted material and video footage. Mr. Webb artistic expression won't be harmed at all. Mr. Webb has several lucrative Projects in the work's and a preliminary injunction would not hurt defendant Webb By no mean's.

**THE MOTION FOR PRELIMINARY INJUCTION SHOULD BE GRANTED
BECAUSE PLAINTIFF HAS UN-CLEAN HAND'S**

Mr. Webb has unclean hand because he failed to prove license for said footage owned by Mr. Creeden Jr. Not signed nor a verbal agreement of said footage that is copyrighted in Ballet of Horror DVD # # has said that the footage in question was provided to him by Someone in the UK is totally false because the video footage was not released at said Time. The court should allow preliminary injunction because defendant Webb has Un-clean hands. And the injunction should be allowed.

CERTIFICATE OF SERVICE

William V Aguiar III
Plaintiff

VS.

Civil Action No. 07-11673-MLW

Floyd Webb and All
Barron and Wendy Sheppard
Ashida Kim / Radford Davis

I William V Aguiar III I herby state that I mailed A true copy within document's to all
counsel of record.

William V Aguiar III
Pro Se



630 Maple Street
Fall River Massachusett's 02720

10/29/07