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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDWARD L. WHITE, P.C.,

Plaintiff,

- against -

WEST PUBLISHING CORPORATION d/b/a "West";  
and REED ELSEVIER INC.,  
d/b/a LexisNexis,

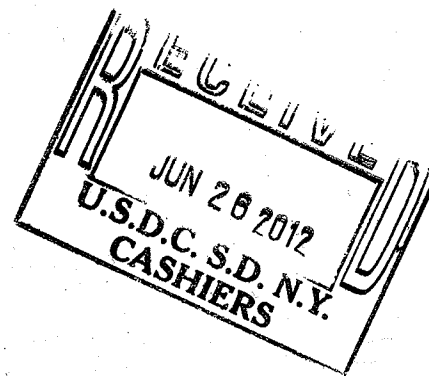
Defendants.

**12-CV-1340 (JSR)**  
**ECF CASE**

**AMENDED**  
**COMPLAINT**

**JURY TRIAL DEMANDED**

EDWARD L. WHITE, P.C. ("White" or "Plaintiff"), by its undersigned attorneys, as and for its Amended Complaint against WEST PUBLISHING COORPORATION d/b/a/ "West" ("West"); and REED ELSEVIER INC., d/b/a/ LexisNexis ("Lexis" or "LexisNexis"), (collectively, "Defendants"), respectfully alleges as follows:



**Nature of the Case**

1. This is a copyright infringement action against West and LexisNexis based upon their copying copyright-protected works created by, and owned by, the Plaintiff.

2. The Defendants are the largest electronic legal research providers in the United States. West and LexisNexis have engaged in wholesale unlawful copying of attorneys' copyrighted work, bundled those works into searchable databases, and sold access to those works in the form of digitized text and images for huge profits. In doing so, West and LexisNexis are infringing the rights of the very clients they purport to serve. West and LexisNexis well know that the copyright laws of the United States require them to obtain authorization from the attorneys who created the works they infringe. Despite this knowledge, West and LexisNexis have for years and continue to systematically sell the attorneys' work.

3. Plaintiff is entitled to damages, disgorgement of profits, a declaratory judgment, and an injunction to prevent further infringement.

**Parties**

4. Edward L. White, P.C., is an Oklahoma professional corporation, with an office located in Oklahoma City, Oklahoma. White's sole legal employee is Edward L. White, an attorney licensed to practice law in the State of Oklahoma, and is admitted to practice before the United States Patent & Trademark Office. White has authored, and has obtained copyright registration for, each of the works identified in Exhibit A hereto. At least these following works (the "Works") also appears in one or more of the Defendants' electronic databases:

Title .....Plaintiffs' Combined Motion For Summary Judgment For Plaintiffs, Beer And Ramsey, And Brief In Support.

Registration  
Number/Date..... TX0007259439 / 2010-05-20

Copyright Claimant.... Edward L. White, P.C.

Date of Creation.....2009

Date of Publication .... 2009-05-20

Authorship on  
Application..... Edward L. White, P.C.,

Lexis Citation.....2009 U.S. Dist. Ct. Motions LEXIS 79681

Westlaw Citation.....2009 WL 1947652

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Title ..... Plaintiffs' Motion In Limine.

Registration  
Number/Date..... TX0007417300 / 2010-05-21

Copyright Claimant.... Edward L. White, P.C.

Date of Creation.....2010

Date of Publication .... 2010-03-15

Authorship on  
Application..... Edward L. White, P.C.,

Lexis Citation.....2010 U.S. Dist. Ct. Motions LEXIS 5166

Westlaw Citation.....2010 WL 1723677

5. Upon information and belief, Reed Elsevier has a principal executive office in the United States located in Newton, Massachusetts. Reed Elsevier is authorized to do business in the State of New York, and has an authorized agent for service of process within the state c/o CT Corporation System 111 Eighth Avenue, New York, New York, 10011.

6. Upon information and belief, West is a wholly-owned subsidiary of Thompson Reuters Corporation, and is a Minnesota corporation with a principal place of business located at 610 Opperman Drive, Eagan, Minnesota.

**Jurisdiction**

7. This copyright infringement action arises under 17 U.S.C. § 101 *et seq.*

8. This Court has jurisdiction over this action under 28 U.S.C. § 1331 (federal question), and 28 U.S.C. § 1338 (acts of Congress related to copyright).

9. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)(3) because the defendants are subject to personal jurisdiction in this district and 1400(a) because the Defendants conduct business in this district.

**General Allegations**

10. The Defendants provide online digital databases of legal-related content to attorneys, law firms, and other professionals. The databases include, among other things, case law, statutes, treatises, news articles, and public records.

11. In addition, the Defendants each include, as stand-alone databases or as part of other databases, legal memoranda, briefs, motions, and other materials authored by attorneys and law firms and which have been filed with courts of record.

12. In order to include the Works (as defined above) in their databases, the Defendants copy such works and digitize them in order to make them text searchable. In at least some instances, the Defendants also include images of the Works available for viewing and/or download.

13. The Defendants make the content of the Works available to their subscribers for a fee. Depending upon the nature of the Defendants' contracts with

individual subscribers or users, the Defendants may include access to the Works either as part of package subscription, or at an additional per-document charge.

14. For example, the LexisNexis website has stated that the “All Federal and State Briefs and Motions, Combined [database] has selected briefs and motions from 2000 to the present.”<sup>1</sup>

15. Westlaw’s databases have “selected briefs from the U.S. Supreme Court, Courts of Appeals, Court of Appeals for the Armed Forces, U.S. Tax Court, 51 state courts and the District of Columbia. Selected Petitions for Writ of Certiorari are also included.” Westlaw’s website makes clear that these are not summaries or transformative uses. Instead, “The Pleadings, Motions and Memoranda collection includes actual filings from state trial courts, U.S. district courts, and federal bankruptcy courts from across the United States.”<sup>2</sup>

16. The Defendants charge substantial fees for access to these databases. For example, access to West’s “All State Briefs” database has been priced at \$389.00 per month for a solo attorney, as is its “All Federal Briefs” database. Access to the All State and Federal Briefs product has been priced for solo practitioners at \$622.00 per month. Lexis’s Briefs, Pleadings, and Motions product costs a single attorney \$960.00 for a twelve month subscription.

17. The Defendants have neither sought, nor obtained, ownership of the copyright to the Works, or a license to copy, sell, or otherwise profit from the Works.

18. The Defendants continue to sell the Works without authorization.

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<sup>1</sup> [http://support.lexisnexis.com/lawschool/record.asp?ArticleID=lexiscom\\_finding\\_briefs](http://support.lexisnexis.com/lawschool/record.asp?ArticleID=lexiscom_finding_briefs) (accessed on February 15, 2012).

<sup>2</sup> <http://store.westlaw.com/westlaw/litigator/pleadings-motions-mem/default.aspx> (accessed on December 16, 2011).

19. The Defendants' infringement of the Works have caused, and will continue to cause, damages and irreparable injury to Plaintiff.

20. The Defendants, as the publishers and authors of numerous and substantial original works of legal analysis – in which they claim and vigorously defend their own copyright interests – knew or should have known that their actions constitute copyright infringement.

21. Plaintiff has suffered damages, and will continue to suffer damages, as well as irreparable harm, from the Defendants' copying and sale of its Works.

**Count One:**  
**Copyright Infringement**

22. Plaintiff repeats, reiterates, and realleges each of the allegations in the foregoing paragraphs as if set forth in full herein.

23. Plaintiff is the owner of the Works, which the Defendants have copied, digitized, transformed, and packaged into databases that are sold for profit.

24. Plaintiff has the exclusive right to reproduce, prepare derivative works, and distribute copies of the Works.

25. In derogation of the Plaintiff's rights in the Works, the Defendants have made copies of the Works, prepared derivative works, and distributed copies of the Works.

26. The Defendants' conduct is in violation of the copyrights held by the Plaintiff.

27. The Defendants' infringements of the copyrights was willful.

28. As a result of the Defendants' infringements, Plaintiff has suffered damages, and will be irreparably harmed in the absence of an injunction.

**Count Two:**  
**Request for Injunctive Relief**

29. Plaintiff repeats, reiterates, and realleges each of the allegations in the foregoing paragraphs as if set forth in full herein.

30. Upon information and belief, the Defendants are adding Works to their databases on an ongoing basis, and intend to do so for the indefinite future.

31. Each addition of Works to the Defendants' databases constitutes additional infringement.

32. Unless enjoined from doing so, the Defendants' continued commercial use of the Works will cause Plaintiff irreparable harm by depriving it of both the right to control the reproduction and distribution of copyrighted Works and to receive revenue from those Works.

33. The Defendants' copying and resale of the Works do not fall within any of the statutory exceptions to copyright infringement and are in violation of the Plaintiff's rights.

34. The balance of hardships tips in favor of the Plaintiff because the Defendants have substantial earnings from their non-infringing products and, upon information and belief, the Works constitute a relatively small portion of the Defendants' total electronic offerings. The Defendants' earnings and ability to continue in business will not be severely damaged by an injunction prohibiting them from continuing to unlawfully copy, distribute, and resell the Works.

35. Plaintiff therefore is entitled to an injunction barring the Defendants from continued infringement of the copyrights of, including an injunction against future

infringement of Plaintiff's now existing and future works, whether registered or unregistered, and other equitable relief as more fully set forth in the Prayer for Relief.

**Count Three:**  
**Request for Declaratory Relief**

36. Plaintiff repeats, reiterates, and realleges each of the allegations in the foregoing paragraphs as if set forth in full herein.

37. By reason of the facts set forth above, an actual controversy exists between the Plaintiff and the Defendants.

38. Plaintiff is entitled to a judgment declaring that the Defendants' actions are unlawful and, specifically, that the Defendants infringed and continue to infringe the Plaintiff's copyrights in violation of the Copyright Act.

**Prayer for Relief**

**WHEREFORE**, plaintiff respectfully requests that this Court:

- (i) enter judgment against the Defendants:
  - a. awarding actual damages, statutory damages, and disgorgement of the Defendants' profits;
  - b. permanently enjoining the Defendants from infringement of the copyrights of Plaintiff and/or grant other equitable relief to redress any continuing violations of the Act;
  - c. declaring that the Defendants' copying and distribution of the Works violates the Copyright Act;
  - d. awarding costs and attorneys' fees; and
- (ii) grant such other and further relief as the Court finds just and proper.



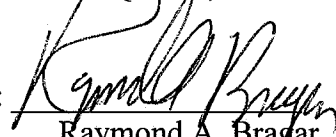
**Jury Demand**

Plaintiff demands a jury trial on all issues.

Dated: New York, New York  
June 26, 2012

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The Chrysler Building  
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Telephone: (646) 351-0006

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& SQUIRE, P.C.

by:   
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Telephone: (212) 308-5858  
Facsimile: (212) 208-2519

*Attorneys for Plaintiff*

**EXHIBIT A**

**COPYRIGHT REGISTRATIONS FOR  
LEGAL PLEADINGS AND BRIEFS  
CREATED BY WHITE**

REGISTRATION			
REGISTRATION NO.	DATE	PLEADING NAME	CLIENT
TXu 1-601-551	12-Jan-09	Second Amended Petition	Beer
		Plaintiffs' Combined Motion For Class Certification And	
TXu 1-602-633	12-Jan-09	Brief In Support	Beer
TXu 1-601-550	12-Jan-09	Plaintiff's Reply Brief Re. Class Certification	Beer
		Supplemental Brief In Support Of Class Certification,	
TX 7-261-050	25-May-10	Specifically In Relation To Adequacy Of	Beer
TX 7-261-053	25-May-10	Plaintiffs Fourth Discovery Request	Beer
		Plaintiffs Unopposed Combined Motion For Order	
		Approving Notice To The Class And Directing	
		Distribution Of Notice To The Class And Brief In	
TX 7-261-043	25-May-10	Support	Beer
TX 7-261-051	25-May-10	Plaintiffs' Second deposition Notice 05-2008	Beer
		Plaintiffs' Reply To XTO Energy Inc.'s Response To	
		Plaintiffs' Motion To Exclude Kris Terry As An Expert	
TX 7-259-932	21-May-10	Witness And Brief In Support	Beer
TX 7-260-008	21-May-10	Plaintiffs' Third Amended Exhibit And Witness List	Beer
TX 7-259-482	20-May-10	Plaintiffs' Proposed Jury Instructions	Beer
TX 7-259-435	20-May-10	Plaintiffs' Requested Voir Dire	Beer
TX 7-259-527	20-May-10	Plaintiffs' Brief Re. Hill Certified Questions	Beer
		Plaintiffs' Designation Of Deposition Testimony Of Mr.	
TX 7-259-526	20-May-10	Kenneth Acklie	Beer
		Plaintiffs' Combined Motion For Summary Judgment	
TX 7-259-439	20-May-10	For Plaintiffs, Beer And Ramsey, And Brief In Support	Beer
		Plaintiffs' Response To Defendant XTO Energy Inc.'s	
		Motion For Daubert Hearing And To Exclude Expert	
TX 7-417-298	20-May-10	Testimony	Beer
TX 7-417-300	21-May-10	Plaintiffs' Motion In Limine	Beer
TX 7-417-299	21-May-10	Plaintiffs' Motion For Summary Judgment On	Beer
		Plaintiffs' Reply In Support Of Their Second Motion For	
TX 7-417-301	21-May-10	Summary Judgment	Beer
		Plaintiffs' Response To Defendant's Motion For	
TXu 1-354-108	25-Jul-07	Summary Judgment	Chastain
TXu 1-349-765	16-Mar-07	Plaintiffs' Motion For Class Certification	Chastain
TXu 1-349-763	16-Mar-07	Plaintiffs' Motion For Class Certification	Mathes
Txu 1-349-764	16-Mar-07	Plaintiffs' Motion For Class Certification	Lewis

# Certificate of Registration



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

*Marybeth Peters*

Register of Copyrights, United States of America

**Registration Number:**

**TXu 1-601-551**

**Effective date of registration:**

January 12, 2009

**Title** \_\_\_\_\_

**Title of Work:** Second Amended Petition

**Completion/ Publication** \_\_\_\_\_

**Year of Completion:** 2007

**Author** \_\_\_\_\_

▪ **Author:** Edward L. White

**Author Created:** text, compilation, editing

**Work made for hire:** Yes

**Citizen of:** United States

**Domiciled in:** United States

**Copyright claimant** \_\_\_\_\_

**Copyright Claimant:** Edward L. White

13924B Quail Pointe Drive, Oklahoma City, OK, 73134, United States

**Rights and Permissions** \_\_\_\_\_

**Organization Name:** Edward L. White, P.C.

**Name:** Edward Leslie White

**Email:** jan@edwhitelaw.com

**Telephone:** 405-810-8188

**Address:** 13924B Quail Pointe Drive

Oklahoma City, OK 73134 United States

**Certification** \_\_\_\_\_

**Name:** Edward L. White

**Date:** January 12, 2009

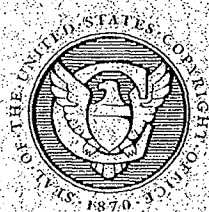
**IPN#:**

**Registration #:** TXU001601551

**Service Request #:** I-150067781

Edward L. White, P.C.  
Edward Leslie White  
13924B Quail Pointe Drive  
Oklahoma City, OK 73134 United States

# Certificate of Registration



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*Margareth Peters*  
Register of Copyrights, United States of America

Registration Number:

TXu 1-602-633

Effective date of registration:

January 12, 2009

Title \_\_\_\_\_

Title of Work: Plaintiffs' Combined Motion For Class Certification And Brief In Support

Completion/ Publication \_\_\_\_\_

Year of Completion: 2008

Author \_\_\_\_\_

Author: Edward L. White, P.C.

Author Created: text, compilation, editing

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant \_\_\_\_\_

Copyright Claimant: Edward L. White, P.C.

13924B Quail Pointe Drive, Oklahoma City, OK, 73134, United States

Rights and Permissions \_\_\_\_\_

Organization Name: Edward L. White, P.C.

Name: Edward Leslie White

Email: ed@edwhitelaw.com

Telephone: 405-810-8188

Address: 13924B Quail Pointe Drive

Oklahoma City, OK 73134

Certification \_\_\_\_\_

Name: Edward L. White

Date: January 12, 2009

**IPN#:**

**Registration #:** TXU001602633

**Service Request #:** 1-150067844

Edward L. White, P.C.  
Edward Leslie White  
13924B Quail Pointe Drive  
Oklahoma City, OK 73134 United States

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*Marybeth Peters*

Register of Copyrights, United States of America

**Registration Number:**

**TXu 1-601-550**

**Effective date of registration:**

January 12, 2009

**Title** \_\_\_\_\_

**Title of Work:** Plaintiffs' Reply Brief Re. Class Certification

**Completion/ Publication** \_\_\_\_\_

**Year of Completion:** 2008

**Author** \_\_\_\_\_

- **Author:** Edward L. White
- Author Created:** text, editing, compilation

**Work made for hire:** Yes

**Citizen of:** United States

**Domiciled in:** United States

**Copyright claimant** \_\_\_\_\_

**Copyright Claimant:** Edward L. White

13924B Quail Pointe Drive, Oklahoma City, OK, 73134, United States

**Rights and Permissions** \_\_\_\_\_

**Organization Name:** Edward L. White, P.C.

**Name:** Edward Leslie White

**Email:** ed@cdwhitelaw.com

**Telephone:** 405-810-8188

**Address:** 13924B Quail Pointe Drive

Oklahoma City, OK 73134 United States

**Certification** \_\_\_\_\_

**Name:** Edward L. White

**Date:** January 12, 2009



**IPN#:**

**Registration #:** TXU001601550

**Service Request #:** 1-150261851

Edward L. White, P.C.  
Edward Leslie White  
13924B Quail Pointe Drive  
Oklahoma City, OK 73134 United States

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*Margbeth Peters*

Register of Copyrights, United States of America

**Registration Number**  
**TX 7-261-050**

**Effective date of registration:**  
May 25, 2010

## Title

**Title of Work:** Supplemental Brief In Support Of Class Certification, Specifically In Relation To Adequacy Of Representation

## Completion/Publication

**Year of Completion:** 2009

**Date of 1st Publication:** January 14, 2009

**Nation of 1st Publication:** United States

## Author

**Author:** Edward L. White, P.C.

**Author Created:** text, compilation, editing

**Work made for hire:** Yes

**Citizen of:** United States

**Domiciled in:** United States

## Copyright claimant

**Copyright Claimant:** Edward L. White, P.C.

9301 Cedar Lake Ave., Suite 200, Oklahoma City, OK, 73114, United States

## Rights and Permissions

**Organization Name:** Edward L. White, P.C.

**Name:** Edward L. White, Attorney

**Email:** ed@edwhitelaw.com

**Telephone:** 405-810-8188

**Address:** 9301 Cedar Lake Ave.

Suite 200

Oklahoma City, OK 73114 United States

## Certification

**Name:** /s/Edward L. White

**Date:** May 25, 2010

Registration #: TX0007261050

Service Request #: 1-408402776



Edward L. White, P.C.  
Edward L. White, Attorney  
9301 Cedar Lake Ave.  
Suite 200  
Oklahoma City, OK 73114 United States

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*Marybeth Peters*

Register of Copyrights, United States of America

Registration Number  
**TX 7-261-053**

Effective date of  
registration:  
May 25, 2010

**Title** \_\_\_\_\_

Title of Work: Plaintiffs Fourth Discovery Request

**Completion/Publication** \_\_\_\_\_

Year of Completion: 2008

Date of 1st Publication: January 10, 2008

Nation of 1st Publication: United States

**Author** \_\_\_\_\_

Author: Edward L. White, P.C.

Author Created: text, compilation, editing

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

**Copyright claimant** \_\_\_\_\_

Copyright Claimant: Edward L. White, P.C.

9301 Cedar Lake Ave., Suite 200, Oklahoma City, OK, 73114, United States

**Rights and Permissions** \_\_\_\_\_

Organization Name: Edward L. White, P.C.

Name: Edward L. White, Attorney

Email: ed@edwhitelaw.com

Telephone: 405-810-8188

Address: 9301 Cedar Lake Ave.

Suite 200

Oklahoma City, OK 73114, United States

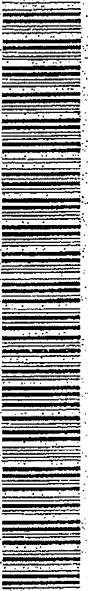
**Certification** \_\_\_\_\_

Name: /s/Edward L. White

Date: May 25, 2010

Registration #: TX0007261053

Service Request #: 1-408402662



0000TX00072610530202\*

Edward L. White, P.C.  
Edward L. White, Attorney  
9301 Cedar Lake Ave.  
Suite 200  
Oklahoma City, OK 73114 United States



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*Marybeth Peters*

Register of Copyrights, United States of America

Registration Number  
**TX 7-261-043**

Effective date of  
registration:  
May 25, 2010

## Title

Title of Work: Plaintiffs Unopposed Combined Motion For Order Approving Notice To The Class And Directing Distribution Of Notice To The Class And Brief In Support

## Completion/Publication

Year of Completion: 2009

Date of 1st Publication: April 10, 2009

Nation of 1st Publication: United States

## Author

Author: Edward L. White, P.C.

Author Created: text, compilation, editing

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

## Copyright claimant

Copyright Claimant: Edward L. White, P.C.

9301 Cedar Lake Ave., Suite 200, Oklahoma City, OK, 73114, United States

## Rights and Permissions

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Name: Edward L. White, Attorney

Email: ed@edwhitclaw.com

Telephone: 405-810-8188

Address: 9301 Cedar Lake Ave.

Suite 200

Oklahoma City, OK 73114 United States

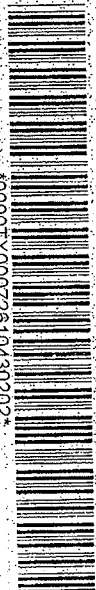
## Certification

Name: /s/Edward L. White

Date: May 25, 2010

Registration #: TX0007261043

Service Request #: 1-408402878



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Edward L. White, Attorney  
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Oklahoma City, OK 73114 United States

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*Marybeth Peters*

Register of Copyrights, United States of America

Registration Number  
**TX 7-261-051**

Effective date of  
registration:  
May 25, 2010

## Title

Title of Work: Plaintiffs' Second Deposition Notice 05-2008

## Completion/Publication

Year of Completion: 2008

Date of 1st Publication: May 13, 2008

Nation of 1st Publication: United States

## Author

Author: Edward L. White, P.C.

Author Created: text, compilation, editing

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

## Copyright claimant

Copyright Claimant: Edward L. White, P.C.

9301 Cedar Lake Ave., Suite 200, Oklahoma City, OK, 73114, United States

## Rights and Permissions

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Name: Edward L White, Attorney

Email: ed@edwhitelaw.com

Telephone: 405-810-8188

Address: 9301 Cedar Lake Ave.

Suite 200

Oklahoma City, OK 73114 United States

## Certification

Name: /s/Edward L. White

Date: May 25, 2010



Registration #: TX0007261051

Service Request #: 1-408402704



Edward L. White, P.C.  
Edward L. White, Attorney  
9301 Cedar Lake Ave.  
Suite 200  
Oklahoma City, OK 73114 United States

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*Marybeth Peters*  
Register of Copyrights, United States of America

Registration Number  
**TX 7-259-932**

Effective date of  
registration:  
May 21, 2010

## Title

Title of Work: Plaintiffs Reply To XTO Energy Inc.'s Response To Plaintiffs Motion To Exclude Kris Terry As An Expert Witness And Brief In Support

## Completion/Publication

Year of Completion: 2010

Date of 1st Publication: March 2, 2010

Nation of 1st Publication: United States

## Author

- Author: Edward L. White, P.C.
- Author Created: text, compilation, editing

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

## Copyright claimant

Copyright Claimant: Edward L. White, P.C.  
9301 Cedar Lake Ave., Suite 200, Oklahoma City, OK, 73114, United States

## Rights and Permissions

Organization Name: Edward L. White, P.C.  
Name: Edward L. White, Attorney  
Email: ed@edwhitclaw.com Telephone: 405-810-8188  
Address: 9301 Cedar Lake Ave.  
Suite 200  
Oklahoma City, OK 73114, United States

## Certification

Name: /s/Edward L. White  
Date: May 21, 2010

Registration #: TX0007259932

Service Request #: 1-405680918



Edward L. White, P.C.  
Edward L. White, Attorney  
9301 Cedar Lake Ave.  
Suite 200  
Oklahoma City, OK 73114 United States

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*Marybeth Peters*

Register of Copyrights, United States of America

Registration Number  
**TX 7-260-008**

Effective date of  
registration:  
May 21, 2010

## Title \_\_\_\_\_

Title of Work: Plaintiffs' Third Amended Exhibit And Witness List

## Completion/Publication \_\_\_\_\_

Year of Completion: 2010

Date of 1st Publication: March 9, 2010

Nation of 1st Publication: United States

## Author \_\_\_\_\_

▪ Author: Edward L. White, P.C.

Author Created: text, compilation, editing

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

## Copyright claimant \_\_\_\_\_

Copyright Claimant: Edward L. White, P.C.

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## Rights and Permissions \_\_\_\_\_

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