

**WEATHERLY**  
**& ASSOCIATES, LLC**  
INTELLECTUAL PROPERTY ATTORNEYS

Atlanta, Georgia 30339-5997

(voice)

(fax)

@addipvalue.com

May 27, 2004

Google, Inc.  
Customer Support, DMCA Complaints

via Priority Mail

Mountain View, California 94043

Re: Notice of copyright infringement pursuant to 17 U.S.C. § 512  
Our Reference: C002.L001

Dear Sir/Madam:

This firm represents the Capstone Institute of Mortgage Finance, Inc. ("Capstone") in intellectual property matters including the ongoing litigation entitled *Capstone Institute of Mortgage Finance, Inc. v. [REDACTED]* Civil Action No. 1:03-CV-1856 (WBH) (the "Litigation"). In the Litigation, Capstone alleges that [REDACTED] infringes Capstone's copyright in a publication entitled "Principles of Mortgage Finance" (the "Copyright"). The copyright in this publication is registered as shown in Certificate of Registration no. TX 5-136-398.

Capstone understands that Google, Inc. ("Google") has sold a "sponsored link" to Mr. [REDACTED] so that a link to his website accessible at [www.loanofficerschool.com](http://www.loanofficerschool.com) (the "Website") appears at least in response to a Google user's search for "Capstone Institute," "Capstone Mortgage," or "Mortgage Institute." Pursuant to 17 U.S.C. § 512 and Google's policy regarding the Digital Millennium Copyright Act that is posted at [www.google.com/dmca.html](http://www.google.com/dmca.html) ("Google's DMCA Policy"), Capstone notifies Google of Mr. [REDACTED] infringement of the Copyright. The court has entered a default against Mr. [REDACTED] (see Order dated January 26, 2004 (copy enclosed)), and Capstone has moved for judgment on the default (see Capstone's Motion for Entry of Judgment Upon Default Pursuant to Fed. R. Civ. P. 55(b)(2) and the Memorandum in Support (copies enclosed without supporting declarations)).

On the Website, Mr. [REDACTED] advertises an instructional course alternatively described as the "Beginner Course," "Beginner Loan Officer Course," "Beginner Self-Study Course," or "Introductory Loan Officer Course" (the "Course"). Mr. [REDACTED] sells a series of video tapes of a previously conducted Course along with written materials referenced in the Course that infringe the Copyright (collectively the "Infringing Materials"). Mr. [REDACTED] unauthorized reproduction and distribution of the Infringing Materials infringes the Copyright.

**WEATHERLY  
& ASSOCIATES, LLC**  
INTELLECTUAL PROPERTY ATTORNEYS

Error! Reference source  
not found.  
May 27, 2004  
Page 2 of 3

Based on our review of Google's DMCA Policy, we understand that upon receiving this letter, Google will:

1. notify Mr. [REDACTED] of this letter;
2. accept a "counter notification" from Mr. [REDACTED] or his representative; and
3. reinstate access to the Infringing Materials upon receiving a counter notification.

Capstone currently understands that Google can contact Mr. [REDACTED] at:

[REDACTED]  
Irvine, California 92606

[REDACTED]  
[REDACTED]  
[REDACTED]@loanofficerschool.com

Because the court has entered default against Mr. [REDACTED] and Capstone has moved for entry of judgment against Mr. [REDACTED], Capstone requests that Google:

1. confirm receipt of this letter in writing and identify a contact person at Google with whom Capstone can correspond regarding this matter in the future;
2. provide information regarding the "AdWord" services that Mr. [REDACTED] has purchased from Google;
3. provide a copy of any counter notification that Google receives from Mr. [REDACTED];
4. prevent the sponsored link to the Website from displaying in response to at least the searches identified above;
- \* 5. remove www.loanofficerschool.com from Google's list of websites that it "crawls" to obtain data for use in its search engine;
6. take any other reasonable actions necessary to prevent links to the Website from appearing in response to any search performed on www.google.com or on any website using search engine technology or search indices or databases that Google owns or licenses;
7. refuse to reinstate the Infringing Materials unless authorized by Capstone or the court presiding over the Litigation.

**WEATHERLY**  
**& ASSOCIATES, LLC**  
INTELLECTUAL PROPERTY ATTORNEYS

Error! Reference source  
not found.

May 27, 2004

Page 3 of 3

The undersigned states under penalty of perjury that (1) the foregoing information regarding Mr. [REDACTED] copyright infringement and the sponsored links that appear in response to the searches identified above is accurate, (2) I believe in good faith that Mr. [REDACTED] use of the Infringing Materials is not authorized by Capstone or under the law, and (3) I am authorized to act on Capstone's behalf in connection with the enforcement of its exclusive rights in the Copyright.

Please direct any questions regarding this matter to me using the contact information appearing on page one of this letter.

Sincerely,

**WEATHERLY**  
**& ASSOCIATES, LLC**

cc: [REDACTED] (via e-mail w/o encl.)  
[REDACTED] Capstone Institute of Mortgage Finance, Inc.

Enclosures (3)

**From:** [REDACTED] <[REDACTED]@addipvalue.com>  
**To:** [REDACTED]@google.com>  
**Date:** Tue, 13 Jul 2004 11:26:48 -0400  
**Local:** Tues, Jul 13 2004 8:26 am  
**Subject:** RE: [#12145299] Google DMCA Complaint  
**Attachments:** [REDACTED] Declaration.pdf

Dear Sir/Madam:

Thank you for responding to my letter dated May 27, 2004, regarding [REDACTED] infringement of copyrights owned by our client, Capstone Institute of Mortgage Finance, Inc. Google's AdWords department has responded to our letter and removed the "AdWord" based link that appears in response to certain searches using Google.

In response to your request for additional information regarding the specific URLs that constitute copyright infringement, we offer the following. On the website accessible via [www.loanofficerschool.com](http://www.loanofficerschool.com), Mr. [REDACTED] advertises an instructional course alternatively described as the "Beginner Course," "Beginner Loan Officer Course," "Beginner Self-Study Course," or "Introductory Loan Officer Course" (the "Course"). Mr. [REDACTED] sells a series of video tapes of a previously conducted Course along with written materials referenced in the Course that infringe the Copyright (collectively the "Infringing Materials"). For example, Mr. [REDACTED] describes, displays, or offers for sale the Infringing Materials on the Website at the locations accessible via at least the following URLs:

- [www.loanofficerschool.com](http://www.loanofficerschool.com);
- [www.loanofficerschool.com/course.shtml](http://www.loanofficerschool.com/course.shtml);
- [www.loanofficerschool.com/mortgagetraining.shtml](http://www.loanofficerschool.com/mortgagetraining.shtml);
- [www.loanofficerschool.com/beginnercourses.shtml](http://www.loanofficerschool.com/beginnercourses.shtml);
- [www.loanofficerschool.com/advancedcourses.shtml](http://www.loanofficerschool.com/advancedcourses.shtml);
- [www.loanofficerschool.com/outline.shtml](http://www.loanofficerschool.com/outline.shtml);
- [www.loanofficerschool.com/beginnerinfo.shtml](http://www.loanofficerschool.com/beginnerinfo.shtml);
- [www.loanofficerschool.com/advancedinfo.shtml](http://www.loanofficerschool.com/advancedinfo.shtml);
- [www.loanofficerschool.com/order.shtml](http://www.loanofficerschool.com/order.shtml);
- [www.loanofficerschool.com/tapeset.shtml](http://www.loanofficerschool.com/tapeset.shtml);
- [www.loanofficerschool.com/tapesetadvanced.shtml](http://www.loanofficerschool.com/tapesetadvanced.shtml);
- [www.loanofficerschool.com/packages.shtml](http://www.loanofficerschool.com/packages.shtml); and
- [www.loanofficerschool.com/cgi-bin/shop.pl](http://www.loanofficerschool.com/cgi-bin/shop.pl).

At the page accessed using the URL ending with "outline.shtml," Mr. [REDACTED] continues to post a copy of the table of contents of Capstone's copyrighted work, an instructional manual for which

Capstone owns Copyright Registration No. TX 5-136-398, as a "course outline" for his Beginner's Course that he sells in video tapes with an infringing course manual. *See, e.g.,* page 8 of Capstone's Memorandum in Support of Its Motion for Entry of Judgment Upon Default that was enclosed with our May 27 Notice (referring to infringing course outline). The display of this course outline by itself constitutes copyright infringement.

To assist you further in your consideration of Mr. [REDACTED] false representations to you, I have attached a copy of the [REDACTED] Declaration filed in Support of Capstone's Motion for Entry of Judgment with all Exhibits for your reference. Please see, for example, Exhibit 9 that compares Mr. [REDACTED] infringing "course outline" with the table of contents of the registered Capstone materials.

Moreover, Capstone believes it reasonable to infer that Mr. [REDACTED] continues to sell an infringing manual with his Beginner's Course because the copied course outline presumably reflects the content of the Beginner's Course that is still being sold. The remaining URLs identified above refer to the Beginner's Course or enable one to purchase the Beginner's Course with its infringing written material and video tapes. Because Capstone does not authorize Mr. [REDACTED] to distribute his tapes and written materials, the reproduction and distribution of those materials constitutes copyright infringement.

Please confirm your receipt of this communication at your earliest convenience and let me know if we can provide any further information to assist you in your investigation.

Sincerely,

**WEATHERLY & ASSOCIATES, LLC**

(direct line)

(fax)

@addipvalue.com

**NOTICE:** This e-mail message and all attachments transmitted with it may contain legally privileged and confidential information that the sender intends for the addressee solely to receive and use. If you are not the addressee, you cannot read, disseminate, distribute, copy, or otherwise use this message or its attachments. If you have received this message in error, please (1) notify the sender immediately by telephone [REDACTED] or by electronic mail and (2) destroy all paper, electronic, and other forms of this message. Thank you.

-----Original Message-----

From: [REDACTED]@google.com [mailto:[REDACTED]@google.com]

Sent: Monday, July 12, 2004 5:44 PM

To: [REDACTED]

Subject: [#12145299] Google DMCA Complaint

Dear [REDACTED]

Thank you for your letter dated May 27, 2004 regarding your client, Capstone Institute of Mortgage Finance, Inc. We are writing to you with regards to point 5 on page 2 of your letter. This is the part that relates to our regular search results; your concerns regarding our 'Sponsored Links' will be addressed by our AdWords department. You should hear from them soon if you haven't already.

We understand that you are concerned that pages from [www.loanofficerschool.com](http://www.loanofficerschool.com) are infringing on

Capstone's copyright. So that we may investigate this matter further, please provide us with specifics as to exactly which of this site's pages you feel are infringing on your client's copyright. Also, it would be helpful if you could describe where this information appears on the pages in question. Please note that we need the URLs of the individual pages that are infringing, and not the URL of the entire site.

Additionally, please be assured that you will be provided with a copy of any counter notification received by us on this matter, as per the terms of the Digital Millennium Copyright Act.

We appreciate your patience and cooperation.

Regards,  
The Google Team