

April 2, 2005

Google, Inc.
Attn: User Support, DMCA Complaints
[REDACTED]
Mountain View, CA 94043

RE: Unauthorized publication of the Minnesota Multiphasic Personality Inventory-2 (MMPI-2™) Test discovered in a Keyword search on the terms *RICHH* + *MMPI*. Search results attached (37 separate Google Group posting) hereto as Attachment A

Dear DMCA Officer:

For your convenience I will provide you with an electronic copy of the web addresses and the material contained thereon, if you provide an e-mail address to me at [REDACTED]@pearson.com.

It has come to our attention that copyrighted protected material has been published at 37 separate Google message addresses. The addresses have published the English language MMPI-2 test in its entirety. NCS Pearson, Inc. (formerly National Computer Systems, Inc.) is the exclusive licensee of the University of Minnesota for distribution of the copyrighted MMPI-2 test in the United States and Canada. On behalf of both NCS Pearson and the University of Minnesota, I must demand that the material appearing on the sites listed as Attachment A hereto be immediately and permanently removed from these and any other sites under the control of Google.

The MMPI-2 test is protected by copyrights owned by the University of Minnesota. Only licensed parties are allowed to reproduce any copyrighted portions of it, whether in computer software or otherwise. No license of any kind has been granted to the above-referenced web site, chat group, poster RICHH or Google. Our belief based on good faith, and supported by successful litigation of the copyrightability of components of the MMPI® test is that any of the following, unless done under license, constitutes infringement:

1. reproduction of some or all of the MMPI-2 test items, such as for generating a report of critical or omitted items;
2. reproduction of scale definitions (scale membership and scored direction) used for raw scoring tables for the basic clinical and validity scales, the content scales, and the supplementary, sub-scales, and component scales that were developed for the MMPI-2 test; and

3. reproduction of the University of Minnesota normative statements for the basic clinical and validity scales, the content scales, and the supplementary, sub-scales, and component scales that were developed for the MMPI-2 test

For your reference: The copyrightability of the components that comprise the MMPI® test have been upheld by the U.S. District Court for Minnesota and the Eighth Circuit Court of Appeals in Applied Innovations, Inc. v. Regents of the University of Minnesota and National Computer Systems, Inc.

876 F.2d 626 (8th Cir. 1989), *aff'g* Regents of the University of Minnesota and National Computer Systems, Inc. vs. Applied Innovations, Inc., 685 F. Supp. 698 (D. Minn. 1987). In this case, the District Court found and the Eighth Circuit affirmed, copyright protection for the test items as well as the raw scoring tables and Minnesota Norms (including K-correction factors) for the basic clinical and validity scales of the MMPI test. Additionally, the District Court ruled and the Eighth Circuit affirmed that Applied Innovations infringed these copyrights by copying such materials into a scoring program for the MMPI test. Injunctive relief and monetary damages were awarded to the University of Minnesota and NCS. Because the MMPI-2 test is the re-standardized version of the original MMPI test, the copyrightability principles for the MMPI test components extend to the comparable components of the MMPI-2 test. Moreover, the additional originality resulting from the re-standardization led to new copyrightable material beyond that found in the original MMPI test.

The reproduction of test items at the above-referenced web site clearly infringes the copyrights held by the University of Minnesota and licensed to NCS Pearson. I have been authorized by NCS Pearson, Inc. to assert the claims of copyright in this matter. I swear, under penalty of perjury, that the information in the notification is accurate.

Again, I must demand that the infringing material be immediately and permanently removed from this web site and any links under control of Google or the site holder. If you need further information, please call me [REDACTED] or you can or write me at [REDACTED] Bloomington, MN 55437. I would appreciate an immediate response.

[REDACTED]
Intellectual Property Specialist
Pearson Assessments
NCS Pearson, Inc.
[REDACTED]
Bloomington, MN 55437
[REDACTED]@pearson.com

Encl. Attachment A.

Attachment A to Letter dated April 2, 2005

Unauthorized publication of copyright protected material on at Google addresses retrieved through KEYWORD search of *RICHH + MMPI*

1. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/ebbcba6d89ce7493/68ac2fa94119ab8e?vc=1&q=RICHH+%2B+MMPI#68ac2fa94119ab8e Includes test items numbered 1-10
2. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/4eeac0d66f2af339/6cdef681e35db81a?q=RICHH+%2B+MMPI&rnum=2#6cdef681e35db81a (Note—includes items numbered 141-180a reference to keeping out of copyright prison—indication of knowing infringement)
3. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/63c25ab99638b094/d2d75dd0e7301107?q=RICHH+%2B+MMPI&rnum=3#d2d75dd0e7301107 statement of intent to scan and publish
4. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/63c25ab99638b094/23b43bf729722d8f?q=RICHH+%2B+MMPI&rnum=4#23b43bf729722d8f duplicate of 3 above
5. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/4d87af6f0d4181e4/50357c56bed4f874?q=RICHH+%2B+MMPI&rnum=5#50357c56bed4f874 Includes test items numbered 561-567 and a statement that entire test has now been posted.
6. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/f4a1fd92bcf8b5f2/a73633ed6ec0d836?q=RICHH+%2B+MMPI&rnum=6#a73633ed6ec0d836 Includes test items numbered 541-560
7. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/434a7aac8a15665f1e83f1d02a2f123a?q=RICHH+%2B+MMPI&rnum=7#1e83f1d02a2f123a Includes test items numbered 521-540
8. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/43678692a49c0946/8de104a2a7dd2255?q=RICHH+%2B+MMPI&rnum=8#8de104a2a7dd2255 Includes test items numbered 501-520
9. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/c58dd993901a23a0/8f18144d564

91126?q=RICHH+%2B+MMPI&rnum=9#f18144d56491126 Includes test items
numbered 401-420

10. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/6f15970053b92de8/7c39f7b8c38c5817?q=RICHH+%2B+MMPI&rnum=10#7c39f7b8c38c5817 Includes test items
numbered 481-500
11. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/cc51644b3e138db3/6c82db76b0f2442c?q=RICHH+%2B+MMPI&rnum=11#6c82db76b0f2442c Includes test items
numbered 461-480
12. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/a263a1414b1f3620/b3b542301160b769?q=RICHH+%2B+MMPI&rnum=12#b3b542301160b769 Includes test items
numbered 441-460
13. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/c1c990ff0ff22e47/45324dd46752a54f?q=RICHH+%2B+MMPI&rnum=13#45324dd46752a54f Includes test items
numbered 421-440
14. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/397452216063b09d/c5011a515b0028cd?q=RICHH+%2B+MMPI&rnum=14#c5011a515b0028cd Includes test items
numbered 401-420
15. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/ca833fae035ccf70/afa6101d2ef06cb7?q=RICHH+%2B+MMPI&rnum=15#afa6101d2ef06cb7 Includes test items
numbered 381-400
16. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/7ac574dad7936a81/63ab1f9b17121edf?q=RICHH+%2B+MMPI&rnum=16#63ab1f9b17121edf Includes test items
numbered 381-380
17. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/a7c11f8d13797a7b/2da0b7e2ef9fbbca?q=RICHH+%2B+MMPI&rnum=17#2da0b7e2ef9fbbca Includes test items
numbered 341-360
18. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/d7677c3d32d8538b/12cb43cd7ad43d9b?q=RICHH+%2B+MMPI&rnum=18#12cb43cd7ad43d9b Includes test items

numbered 321-340

19. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/fa4f8ec615837162/76f62ad69ae4b1d2?q=RICHH+%2B+MMPI&rnum=19#76f62ad69ae4b1d2 Includes test items
numbered 301-320
20. http://groups-beta.google.com/group/talk.bizarre/browse_frm/thread/90912903516007b0/d6169d7f8b53ae9b?q=RICHH+%2B+MMPI&rnum=20#d6169d7f8b53ae9b Includes test items
numbered 281-300
21. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/856bed7a58084342/aa675d6455ce62b5?q=RICHH+%2B+MMPI&rnum=21#aa675d6455ce62b5 Includes test items
numbered 261-280
22. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/1027c95d9aacf0f6/5a65812f715996a1?q=RICHH+%2B+MMPI&rnum=22#5a65812f715996a1 Includes test items
numbered 221-240
23. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/7ec2726dfecbf4f8/430a72b4ce5a7caf?q=RICHH+%2B+MMPI&rnum=23#430a72b4ce5a7caf Includes test items
numbered 241-260
24. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/5bc102ec3e78b5af/a08b5d6b5d8f943b?q=RICHH+%2B+MMPI&rnum=24#a08b5d6b5d8f943b Includes test items
numbered 201-220
25. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/2b8800937f6d2853/626f9d2a185beea6?q=RICHH+%2B+MMPI&rnum=25#626f9d2a185beea6 Includes test items
numbered 131-140
26. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/2b8800937f6d2853/626f9d2a185beea6?q=RICHH+%2B+MMPI&rnum=25#626f9d2a185beea6 Includes test items
numbered 181-200
27. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/e080019809e9dd2/31645cc9890da38e?q=RICHH+%2B+MMPI&rnum=27#31645cc9890da38e Includes test items
numbered 21-30
28. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/55b8b0fd710210a7/94ce878bf731ee4d?q=RICHH+%2B+MMPI&rnum=28#94ce878bf731ee4d Includes test items

numbered 1-130

29. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/c58dd993901a23a0/222b6e159e499fa1?q=RICHH+%2B+MMPI&rnum=29#222b6e159e499fa1 Includes test items numbered 401-420
30. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/397452216063b09d/964c79508932227b?q=RICHH+%2B+MMPI&rnum=30#964c79508932227b Includes test items numbered 401-420
31. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/ca833fae035ccf70/351b637f112ec002?q=RICHH+%2B+MMPI&rnum=31#351b637f112ec002 Includes test items numbered 381-400 and 411
32. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/a7c11f8d13797a7b/58b0a16670e20ef7?q=RICHH+%2B+MMPI&rnum=32#58b0a16670e20ef7 Includes test items numbered 341-360
33. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/5bc102ec3e78b5af/430c213ad74c448c?q=RICHH+%2B+MMPI&rnum=33#430c213ad74c448c Includes test items numbered 201-220
34. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/2b8800937f6d2853/df5ee7775f15c65e?q=RICHH+%2B+MMPI&rnum=34#df5ee7775f15c65e Includes test items numbered 131-140
35. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/2b8800937f6d2853/fff61cabb1cc6fee?q=RICHH+%2B+MMPI&rnum=35#fff61cabb1cc6fee Includes test items numbered 131-140
36. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/2b8800937f6d2853/b653225ada7f5a19?q=RICHH+%2B+MMPI&rnum=36#b653225ada7f5a19 Includes test items numbered 131-140
37. http://groups-beta.google.com/group/talk.bizarre/browse_thread/thread/2b8800937f6d2853/47cb9db923c55b63?q=RICHH+%2B+MMPI&rnum=37#47cb9db923c55b63 Includes test items numbered 131-140