



April 21, 2005

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

BY FAX: To [REDACTED]

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 (4 separate postings) attached hereto as Attachment A

Dear DMCA Officer:

It has come to our attention that copyrighted protected material has been published without authorization at eight (8) separate Google message addresses reached through two archive indexes obtained in a Google search of the terms rich + mmpi. The addresses have, without authorization, published substantial portions of the English language MMPI-2 test. As I stated in my earlier complaint (Your reference: [#24586411] FW: Google DMCA Complaint), 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 expeditiously 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 expeditiously 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.

Sincerely,

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

Encl. Attachment A.

Attachment A to April 21 letter. Numbered pages containing the infringing content of the following web addresses follow this page.

Please note that the numbered addresses 1-4 below are addresses reached through an index/archive that contains sub-listings under various MMPI titles. That archive is found at this address:

RICHH

... Some of the pieces might offend; as **RICHH** used to say. Disclaimer: The following story contains naughty bits. If you are under 18, or if this has ...
www.tky.3web.ne.jp/~kxa/richh/ - 10k - Cached - Similar pages

1. <http://www.tky.3web.ne.jp/~kxa/richh/more-mmmpi>
Items 111-120
2. <http://www.tky.3web.ne.jp/~kxa/richh/mmmpi>
Items 91-110
3. <http://www.tky.3web.ne.jp/~kxa/richh/mmmpi-thus-far>
Items 1-90
4. <http://www.tky.3web.ne.jp/~kxa/richh/mmmpi-thus-far>
Items 121-130

Please note that the numbered addresses 5-8 below are addresses reached through an index/archive that contains sub-listings under various MMPI titles. That archive is found at this address:

RICHH

... Some of the pieces might offend; as **RICHH** used to say ... the story "cruel-to-be-kind" has been relinked to **RICHH's** original posting archived on Groups. ...
www.gweep.net/~jer/RICHH/ - 11k - Cached - Similar pages

5. <http://www.gweep.net/~jer/RICHH/mmmpi.txt>
Items 91-110
6. <http://www.gweep.net/~jer/RICHH/mmmpi-thus-far.txt>
Items 1-90
7. <http://www.gweep.net/~jer/RICHH/more-more-mmmpi.txt>
Items 121-130
8. <http://www.gweep.net/~jer/RICHH/more-mmmpi.txt>
Items 111-120

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Assessment on the
Internet!
www.personalitybook.com

Web

Results 1 - 10 of about 11 for **richh = mmpi**. (0.31 seconds)

Did you mean: [rich = mmpi](#)

RICHH

... Some of the pieces might offend; as **RICHH** used to say. Disclaimer: The following story contains naughty bits. If you are under 18, or if this has ...
www.tky.3web.ne.jp/~kxa/richh/ - 10k - [Cached](#) - [Similar pages](#)

[Newsgroups: talk.bizarre.alt.butt.harp Subject: MORE MMPI Message ...](#)

Newsgroups: talk.bizarre.alt.butt.harp Subject: MORE MMPI Message-ID: ... I frequently find it necessary to stand up for what I think is right. **RICHH**:ask.
www.tky.3web.ne.jp/~kxa/richh/more-mmpi - 2k - [Cached](#) - [Similar pages](#)

www.tky.3web.ne.jp/~kxa/richh/mmpi

[Similar pages](#)

www.tky.3web.ne.jp/~kxa/richh/mmpi-thus-far

[Similar pages](#)

www.tky.3web.ne.jp/~kxa/richh/more-more-mmapi

[Similar pages](#)

RICHH

... Some of the pieces might offend; as **RICHH** used to say ... the story "cruel-to-be-kind" has been relinked to **RICHH's** original posting archived on Groups. ...
www.gweep.net/~jer/RICHH/ - 11k - [Cached](#) - [Similar pages](#)

[Newsgroups: talk.bizarre.alt.butt.harp Subject: MMPI Message-ID ...](#)

Newsgroups: talk.bizarre.alt.butt.harp Subject: **MMPI** Message-ID: ... will use somewhat unfair means to gain an advantage rather than to lose it. **RICHH**.
www.gweep.net/~jer/RICHH/mmapi.txt - 3k - [Cached](#) - [Similar pages](#)

[Newsgroups: alt.butt.harp.talk.bizarre Subject: MMPI THUS FAR ...](#)

Newsgroups: alt.butt.harp.talk.bizarre Subject: **MMPI THUS FAR** Message-ID: ... NJ
Originator: **richh**@tigger.jvnc.net Minnesota Multiphasic Personality ...
www.gweep.net/~jer/RICHH/mmapi-thus-far.txt - 7k - [Cached](#) - [Similar pages](#)

[Subject: MORE MMPI 121. I have never indulged in any unusual sex ...](#)

Subject: MORE **MMPI** 121. I have never indulged in any unusual sex practices. 122. ... 130.
I certainly feel useless at times. **RICHH**:ask.
www.gweep.net/~jer/RICHH/more-more-mmapi.txt - 1k - [Cached](#) - [Similar pages](#)

www.gweep.net/~jer/RICHH/more-mmapi.txt

[Similar pages](#)

Did you mean to search for: [rich = mmapi](#)

Google ►

Result Page: 1 2 [Next](#)

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richh = mmapi	Search
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