

CAUSE NO. \_\_\_\_\_

**IN RE: REMOVE YOUR  
CONTENT, LLC,**

**Petitioner**

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**IN THE DISTRICT COURT**

**\_\_\_ JUDICIAL DISTRICT**

**DALLAS COUNTY, TEXAS**

**PETITIONER’S RULE 202 VERIFIED PETITION**

TO THE HONORABLE COURT:

Pursuant to Texas Rule of Civil Procedure 202, Petitioner, Remove Your Content, LLC (“Remove Your Content”), requests authority to depose a representative of Google, Inc. Remove Your Content seeks to depose Google, Inc. (“Google”) to determine the reasons why Google has refused to remove hacked blogs which contain Remove Your Content’s protected material and has altered and interfered with the Digital Millennium Copyright Act (“DMCA”) notices filed by Remove Your Content on behalf of its clients.

Remove Your Content seeks to investigate potential claims against Google and/or anticipates the institution of a suit against Google for breach of contract, tortious interference with existing and prospective contracts, violations of the DMCA, copyright infringement, and tortious interference.

**I.  
PARTIES**

1. Petitioner Remove Your Content, LLC is a Texas limited liability company. Remove Your Content maintains its principal place of business in Irving, Dallas County, Texas.

2. Defendant, Google, Inc., is California corporation with a business address of 1600 Amphitheatre Parkway, Mountain View, CA 94043. Therefore, the Texas

Secretary of State is the agent for service on the non-resident Defendant corporation. The non-resident engaged in business in Texas. The non-resident does not have a designated agent for service of process in the State of Texas, and the lawsuit arises from the non-resident's business in Texas. Pursuant to Rule 202.2(f)(1), Remove Your Content anticipates that Google, Inc. (Telephone: 650-253-0000) has interests adverse to the petitioner.

**II.**  
**JURISDICTION AND VENUE**

3. Jurisdiction over the Defendant is proper, because the Defendant committed torts and breached contracts, in whole or part, in the State of Texas.

4. Venue of this action is proper in Dallas County, Texas, pursuant to §15.002(a)(1) and (a)(4) of the Texas Civil Practice & Remedies Code.

**III.**  
**FACTS SUPPORTING RULE 202 REQUEST**

5. Petitioner, Remove Your Content, LLC, was formed to help combat copyright infringement and piracy on the internet. Remove Your Content provides various services to its clients, such as searching for illegally uploaded content, sending Digital Millennium Copyright Act ("DMCA") notices, and working with websites to remove the stolen content. Remove Your Content specializes in working with adult entertainment industry clients and protecting its clients' copyrighted content.

6. Because of Remove Your Content's specialization and success in getting copyright infringing material removed, Remove Your Content and its owner, Eric Green, have attracted attention from individuals who target and consistently sell illegal and

pirated content on the internet. Remove Your Content and Mr. Green have become the target of “hate blogs” on the internet, as well as threats.

7. Through subpoenas to AT&T, Remove Your Content identified the ISP associated with one such blog, “eric green sucks,” at <http://ericgreensuck.blogspot.com>.

8. Blogger is a free blog publishing tool from Google which allows users to post blogs at [blogspot.com](http://blogspot.com). Therefore, Mr. Green and Remove Your Content sent Google a DMCA “takedown” notice, and the blog was taken down.

9. After sending the DMCA notice to Google regarding the blog <http://ericgreensuck.blogspot.com>, the blog was removed. The removed blog contained screenshots of Remove Your Content’s website, which is material protected by copyright. The blog was also replete with false and defamatory information.

10. Thereafter, exact copies of the same blog were posted at:  
[Removeyourcontentscam.blogspot.com](http://Removeyourcontentscam.blogspot.com);  
[Removeyourcontentsucks.blogspot.com](http://Removeyourcontentsucks.blogspot.com);  
[Removeyourcontentfake.blogspot.com](http://Removeyourcontentfake.blogspot.com);  
[Removeyourcontentsuck.blogspot.com](http://Removeyourcontentsuck.blogspot.com); and  
[Removeyourcontenttruth.blogspot.com](http://Removeyourcontenttruth.blogspot.com).

(Hereinafter, these blogs are referred to as the “Infringing Blogs.”)

11. The Infringing Blogs also contain Remove Your Content’s material, including screenshots of Remove Your Content’s cached website and Remove Your Content’s logo.<sup>1</sup> (Remove Your Content now has an updated website version online). The Infringing Blogs also make many false statements, including false statements that the Petitioner operates illegally, sends illegal DMCA notices, and is not a legitimate

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<sup>1</sup> See Exhibit 1, Sample Page from [Removeyourcontentscam.blogspot.com](http://Removeyourcontentscam.blogspot.com)

business. The Infringing Blogs also state falsely that Petitioner sends DMCA notices with no basis of copyright infringement and falsely states that Petitioner runs its own pirated adult content websites. The blogger also writes that Petitioner and Eric Green are in a “shady business...fake and not legit...a scam” and thieves and copyright infringers.

12. Remove Your Content was able to subpoena Google to obtain information regarding the identity of the author of the Infringing Blogs. Google responded and provided information which identifies the IP address associated with the user and the dates of logins to the Infringing Blogs.<sup>2</sup>

13. With the IP address for the Infringing Blogs, Remove Your Content was then able to subpoena AT&T Internet Services to obtain the names of the user who posted the Infringing Blogs. AT&T identified the user of all of the Infringing Blogs as Alondra Dimas of Chicago Ridge, IL.<sup>3</sup>

14. Remove Your Content contacted Ms. Dimas in order to obtain more information and request removal of the Infringing Blogs. Ms. Dimas denied posting the Infringing Blogs and did not authorize the posting of the Infringing Blogs. Ms. Dimas testified that she has two young children in her household and nobody in her household posted the Infringing Blogs; nobody in her household even had access to the computer other than Ms. Dimas. In fact, Ms. Dimas has requested that the Infringing Blogs be removed and has stated that she is following up with AT&T to make sure that there will be no further unauthorized use of her AT&T internet wireless services. Ms. Dimas has executed an affidavit confirming this information and requesting removal of the Infringing Blogs posted on blogspot.com using her IP address.<sup>4</sup>

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<sup>2</sup> See Exhibit 2, Response from Google to Subpoena

<sup>3</sup> See Exhibit 3, Response from AT&T to Subpoena

<sup>4</sup> See Exhibit 4, Affidavit of Alondra Dimas a/k/a Alondra Aguillon

15. Now that Remove Your Content had all the information regarding the user and the user's request that the Infringing Blogs be removed, Remove Your Content sent Google a second DMCA "takedown" notice for the Infringing Blogs on January 30, 2010.<sup>5</sup> The bases for the notice were: 1) The Infringing Blogs contained screenshots from Remove Your Content's website and logo; 2) The Infringing Blogs made improper use of Remove Your Content's trademarked name "Remove Your Content," and 3) The creator of the Infringing Blogs (per Google and AT&T) has requested removal of the Infringing Blogs.

16. Google responded and requested additional information from Remove Your Content to prove that Remove Your Content was the owner of the copyright protected material.<sup>6</sup> Remove Your Content provided a response to Google. However, instead of removing the Infringing Blogs, Google has made its own unilateral determination that it will not remove the Infringing Blogs.<sup>7</sup>

17. Google instead insists that either 1) Remove Your Content obtain a court order for removal; or 2) Remove Your content resolve disputes with the owner of the website (although Remove Your Content has already identified the ISP address used and the individual associated with the ISP address has already executed an affidavit stating that she did not write the Infringing Blogs and requested that the Infringing Blogs be removed).<sup>8</sup>

18. Remove Your Content would like to obtain information and a deposition from Google regarding the alleged reasons why Google has failed to follow its own policies regarding copyright infringement and DMCA notices, and why Google has failed

<sup>5</sup> See Exhibit 5, DMCA Notice to Google dated January 30, 2010

<sup>6</sup> See Exhibit 6, Response from Google dated March 4, 2010 and March 5, 2010

<sup>7</sup> See Exhibit 8, Response from Google dated March 11, 2010

<sup>8</sup> See Exhibit 8, Response from Google dated March 11, 2010

to respond to a clear notice of copyright and trademark infringement from Remove Your Content. Google has inexplicably demanded that Remove Your Content resolve the dispute with the owner of the website (the blogger), even though the blogger whose IP address was used to post the Infringing Blogs has already requested via an affidavit that she wants the Infringing Blogs removed and Google was provided that information.

19. In the course of its business, Remove Your Content, on behalf of its clients, sends DMCA notices to Google. The notices contain information regarding specific infringing content. Instead of processing Remove Your Content's DMCA notices, pursuant to the DMCA and Google's own policies, Google has made various demands of Remove Your Content. For example, Google required that Remove Your Content send in separate e-mails each different infringing URL. Then, Google demanded that Remove Your Content send "soft copies" of the websites reported by Remove Your Content (instead of just listing the URLs per Google's written policy and how Remove Your Content and Google had always handled the matter in the past).<sup>9</sup> Google is imposing new and additional requirements upon Remove Your Content. Further, Google has unreasonably delayed responding to DMCA notices, both the notices regarding the Remove Your Content material and the notices sent by Remove Your Content's on behalf of its clients.

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<sup>9</sup> See Exhibit 7, Email from Google to Remove Your Content dated March 9, 2010.

20. Furthermore, Remove Your Content would like to investigate potential claims against Google, including copyright infringement, violations of the DMCA,<sup>10</sup> and tortious interference.

**IV.**  
**REQUEST TO DEPOSE**

21. Therefore, Petitioner asks the court to issue an order authorizing it to examine a representative of Google, Inc. with knowledge of the documents and events in question by oral and videotaped deposition duces tecum.

22. Petitioner expects to elicit testimony from the witness on the potential claims against Google, including violations of the DMCA and tortious interference.

23. Petitioner further requests that Google, Inc. be ordered to preserve and produce for inspection and copying the following documents and items:

1) All correspondence (hard copy and electronic) between Google, Inc. and any third party relating to the DMCA notice sent by Remove Your Content for:

Removeyourcontentscam.blogspot.com;

Removeyourcontentsucks.blogspot.com;

Removeyourcontentfake.blogspot.com;

Removeyourcontentsuck.blogspot.com; and

Removeyourcontenttruth.blogspot.com.

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<sup>10</sup> A service provider may not take advantage of the DMCA's safe harbor provision if:

1. The service provider has actual knowledge that the material or an activity using the material on the system or network is infringing;
2. The service provider is aware of facts or circumstances from which infringing activity is apparent; or
3. The service provider does not expeditiously remove or disable access to the material upon obtaining such knowledge or awareness of the infringing material.

2) All internal Google correspondence related to:

Removeyourcontentscam.blogspot.com;

Removeyourcontentsucks.blogspot.com;

Removeyourcontentfake.blogspot.com;

Removeyourcontentsuck.blogspot.com; and

Removeyourcontenttruth.blogspot.com.

3) All documents which evidence the decision to to remove the blogs in question.

**WHEREFORE, PREMISES CONSIDERED,** Petitioner respectfully requests that the Court grant Petitioner an order authorizing Petitioner to take the oral and videotaped deposition duces tecum of a representative of Google, Inc. with knowledge regarding the matters in question and any further relief to which it may be entitled.

Respectfully submitted,

**Hulse ♦ Stucki, PLLC**

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**ATTORNEYS FOR PETITIONER**

**VERIFICATION**

STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Eric Green, as representative of Remove Your Content, LLC, who, being by me duly sworn on oath deposed and said that he has read the above and foregoing Petition and that the statements related therein are within his personal knowledge and are true and correct.

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Eric Green, President  
Remove Your Content, LLC

SUBSCRIBED AND SWORN TO BEFORE ME, on this \_\_\_\_ day of \_\_\_\_\_,  
2011.

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Notary Public in and for the  
State of Texas