

Exhibit S

This exhibit is indecent and wrong to associate with Plaintiff's name in schools and churches or in searches by minors. The Supreme Court in *ACLU v Reno* suggested tagging of such images but was ignored . There are ABSOLUTELY NO IMAGES IN THE presentation cited as the absurd and unconstitutional 47 USC §230 liability preempting source. This page is included and is in fact further evidence of the improper scientist due to visiting non-linked PDF files from a server that excludes the MSFT image search “robot” or “spider” with the robots exclusion protocol that is NOT being followed as created another not yet plead offense. The text is tiny and there are six pages but no images.

The absurd, and unconstitutional 47 USC §230 liability preempting source page is displayed with no images at all. This fact clearly reflects the fact that the assertion by MSFT of not finding a “*mere possibility of misconduct*” is absurd and is offensive after made aware of the possibility of this wrong. Failing to act after asked to act and halt the improper association would be MUCH more than a “*mere possibility of misconduct*” and is flat WRONG!

Exhibit-Sp

[Handwritten scribble]

WEB IMAGES VIDEOS MAPS NEWS MORE

curtis neeley site: salon.com



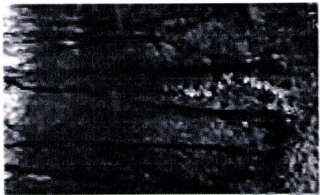
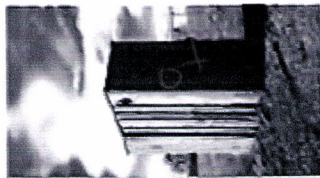
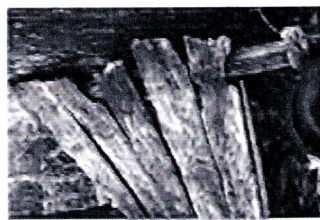
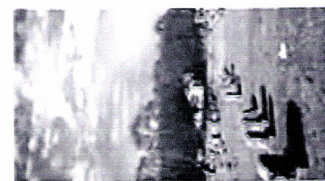
Sign in
2 of 5



SafeSearch Off 11 RESULTS

Size Color Type Layout People

Curtis Neeley 5 09 CV 05151 Neeley Ron
Nude | 72.204.10.22 Racing Neeley



TRENDING IMAGE SEARCHES



Nordegren mansion



X-37B launch



LeBron James



Anne Hathaway



Gas explosion



Donna Summer



Harry Styles



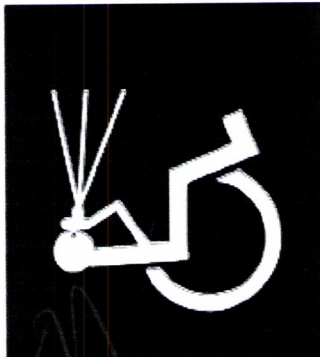
Pharaoh carvings



Winter clipart



Robbie Gould



[Handwritten text: Never on Salon.com]

Exhibit-Sp

Never on Salon.com

Exer!

Sign in

SafeSearch

Clear



Exhibit Spz

Google found Anti-GOOG Art but
not the nudes MSFT Alleged to find

P

Curtis Neeley Jr MFA



Add as
Favorite
Send
message
RSS

Location

Fayetteville, Arkansas,
USA

Birthday

September 25

Title

5:12-cv-05208

Company

Neeley Publications

Bio

Trying to be a photo artist
and require nudity to be
banned online by the FCC.
Hoping to force the United
States to recognize
authors' personal human
rights to control creation.

MY RECENT POSTS

FCC begins regulating

internet wires!!!

November 16, 2012

07:01PM

Arkansas 3rd District Rep.

Steve Womack was served

October 24, 2012 06:48PM

Filing fee help request.

October 22, 2012 04:56PM

Thanks Justice Stevens et

al...

October 17, 2012 08:02PM

Remedial ed for "Mike" at
the Little Rock, AR FBI.

October 10, 2012 10:54PM

MY RECENT COMMENTS

"Well, I am sorry but the
author missed the forest
because of all those pesky
tree..."

November 13, 2012

12:03PM

"I feel that your post

described an attitude that

◀ Back to Posts

SEPTEMBER 18, 2011 7:20PM

Notice to DMCA & MSFT agents of record...

Tip! RATE: 0 Flag Like 0

Microsoft Corporation et al,

I see that Microsoft Corporation has chosen to
ignore Mr Neeley's moral visual artists rights. This
decision should have been considered more in-depth. The
US Title 17 §101 exceptions to visual art that reads as
follows is clear and not convoluted.

"...,electronic information service, electronic
publication, or other publication"

The Western District Court judge's ruling holding the
preceding to be excepted uses of visual art was an
egregious legal error. This was egregious and obviously
an inappropriate interpretation of the common English of
the statute. The Eighth Circuit will soon realize this
grammatical error and remand with instructions or lead to
further litigation.

<http://www.bing.com/images/search?q=curtis+neeley>

[http://www.curtisneeley.com/NameMedia/bing/electronic-
publication_Bing-Images9-16CC.pdf](http://www.curtisneeley.com/NameMedia/bing/electronic-publication_Bing-Images9-16CC.pdf)

Number one above is a programming
instruction that results in a dynamic search of for "curtis
neeley" and the results are not generally considered to be
a publication like a book, magazine, journal, or other
publication due to not being physically collectible but the
results of a program execution resulting in different
search results depending on the database updating. An
electronic publication is exactly the same every time it is
examined just as the file located in number two above.
This electronic format is not static enough due to the
ability to replace the file with another with the same
name. A file may qualify as a "publication" like a book or
other only if there is a physical item like a disk, electronic
media, or other item that cannot be altered without being
deformed. This issue is addressed by law libraries and
others dealing with government publications and similar
electronic formats worldwide.

*(i) any poster, map, globe, chart, technical drawing,
diagram, model, applied art, motion picture or other
audiovisual work, book, magazine, newspaper,
periodical, data base, electronic information service,
electronic publication, or similar publication;*

The portion of US Title 17 §101 misinterpreted
by the United States Courts, thus far, precedes in its
entirety. This clause misinterpretation was an attempt by
an overworked and elderly judge to constrain visual art by
expanding the exempting certain types of items from the
coma separated list of seventeen types of distinct things
plus any item similar to the last. There are calls for
revision of the statute to not use the term publication as
both a noun describing an item and an archaic noun
describing an act of publishing and thereby functioning as
a verb when used carelessly or by the District Court in
error calling displays of search results a publication like a
book or other.

Libraries around the world refuse to consider
placing a file accessible via wire at one instant a
publication like a book that is *collectible* but to still be a
distribution of the file like is required to cause slander or

CURTIS NEELEY JR MFA'S FAVORITES



Emily
Hollemai



Kathy
Riordan



Kerry
Lauerma



Joan
Walsh

[view all](#)

UPDATES



Our Highest
Selves

posted by: Kathy
Riordan



Open Call: Stand
Your Ground

Watch
posted by: Emily
Holleman



Announcing the
Salon-Alternet
Investigative
Fund

posted by: Kerry
Lauerman



Me on Open
Salon

posted by: Joan
Walsh

is not shared by me. At
least I.."

September 17, 2012
10:57PM

"Wow. Great image with a
SUPER story behind it!
Most of the great pieces of
art ha..."

August 23, 2012 08:03PM

"I delivered my second
child at home with a
midwife. I do not
remember the experi..."

July 05, 2012 09:39PM

"United States Copy[rite]
law has been wrong since
1790 and this error is
being br..."

May 08, 2012 05:05PM

CURTIS NEELEY JR MFA'S LINKS

MY LINKS

Amazon Best Sellers
Go - ogle...
5:09-cv-05151
CurtisNeeley.com

libel as being done by Microsoft Corporation and Google
Inc to Neeley. The physical work of visual art definition
can not logically have as an exception a *process* of
publishing whether electronic or other. Microsoft
Corporation and Google Inc appear to have no fear of the
results of logical uses of language in United States
Courts. Unfortunately; Neeley does not expect logic in the
Courts at this time following the District Courts illogical
ruling.

Neeley v NameMedia Inc et al, (5:09-
cv-05151)(11-2558) has been in the United States Courts
for over three years with a docket approaching three-
hundred. Both dockets are linked above as mirrored
publicly by Neeley. Microsoft Corporation and Google Inc
will answer for this act of republishing Neeley's nude
photographs before minors as well as returning nude
photos in dynamic searches for "curtis neeley" that were
not done by Neeley but are returned due to violations of
Neeley's privacy. This will resolve in either the above
captioned case or will result in another legal action.

Microsoft Corporation or Google Inc counselors
visiting the file location listed as being close to an
"electronic publication" listed in #2 above may see why
this is not a "publication" but is an "act of publishing" by
examining the following UnReguLated location and
comparing.

1. http://www.curtisneeley.com/NameMedia/bing/electronic-publication_Bing_Images9-16CC.pdf

The preceding UnReguLated file location is an
example of why an online file is not an electronic
publication but disclosing communications because one of
the files located above is a "certified" PDF and the other is
not. Which file is "certified" depends on the time that you
observe the files as this will change over the next week
just for demonstration purposes only. Counselors may
re-examine these after each short one-line notification or
ignore this fact just as Microsoft Corporation chooses to
ignore most DMCA notices. Currently it is the first file with
electronic and publication separated by a hyphen instead
of an underscore.

Please advise Microsoft Corporation legal staff
of the impending litigation regardless of mitigation
techniques now taken or accentuation of damages that
will now follow. Blind carbon copy party IP addresses are
already known and distribution to other IPs constitutes
"service of process" as the open Salon BLOG published
version of this communication will not disclose these
UnReguLated file locations.

<http://open.salon.com/blog/curtisneeley>

----- previously sent/ignored
item-----

Unnamed DMCA agent,

1. Those three images (a1, b1, c1) are Neeley's
work and Neeley feels moral copyrites are violated now by
Microsoft Corporation displaying them. The United States
Court for the Western District of Arkansas did not support
this claim against Google Inc. Microsoft Corporation did
not return the listed images while this litigation was
pending in District Court. Microsoft Corporation resumed
returning nudes after the District court ruled that "moral
copyrites" do not apply to "electronic publication(verb)"
that is not listed in §101 as an exception to the definition
of visual art. How obviously in error was it to assert the
singular entity of "electronic publication" was in fact a
description of an electronic process of publishing?

2. Microsoft Corporation has an interesting

position now of being able to continue displaying these images against the creator's desires. Microsoft Corporation does not now have supporting third-parties to allege these nude images are displayed due to encountering. These original nudes are not on the third-party wire communications location alleged with the links as seen below in a2, b2, and c2.

3. There is no copyrite registration for any of these images and Neeley will never purchase a "right" called a copy[+right] maliciously by the United States Courts. Microsoft Corporation may continue unauthorized display of these original nudes to minors and snuggle-up tightly against Google Inc in Court. Stopping display of these nude images will mitigate damages but will not prevent litigation against Neeley. Mitigate or continue defamation as Microsoft Corporation feels is prudent. Microsoft Corporation returned no nudes by Neeley until the District Court's ruling and numerous witnesses will testify that Microsoft Corporation did not return these nudes at one time. Clean Microsoft Corporation "curtis neeley" searches are already in District Court evidence.

4. Microsoft Corporation is already a party requested added in the action captioned in the subject of this notice. This "notice" is a good-faith attempt to allow Microsoft Corporation to mitigate damages self-inflicted by choosing to display these nudes after the District Court ruling but not after the attempt to add Microsoft Corporation until the ruling done in clear error of law. This is not a legal threat but an advisement of litigation and good-faith attempt to stop this defamation by "arms-length negotiation".

5. activating the following type filtration would begin to mitigate. Filtering the following domains from searches mitigates and is simple code like you see running at Go-Oogle.net. , , , , , , , .

6. This is not a legal "threat" but an advisement of litigation already under way and good-faith attempts to stop defamation by "arms-length negotiation". This fact warrants repeating to establish a sense of urgency. Neeley appreciates the after-hours response and hopes for these defamations ceasing quickly.

7. Microsoft Corporation may continue to return the other inappropriate nude images in searches if they feel it prudent. "Links" to these dynamic searches are NOT exempt items considered publications, like books or periodicals exempted from protection against violations of "moral copyrites". The nudes that are not done by Neeley may not be found to be attributions, but that is a matter for a jury. There is no disclaimer to assert this fact currently. Neeley believes this a willful disparagement Microsoft Corporation will answer for in United States Court.

8. The certified PDF you see attached is an "electronic publication" or item that would be exempted from "moral copyrites" in case Microsoft Corporation wishes to consider the difference in the meaning of common language while preparing to litigate.

Sincerely,

Curtis J Neeley Jr, MFA
www.CurtisNeeley.com

DISCLAIMER: Curtis Neeley suffered a severe traumatic brain injury that often very negatively impacts his communications. He is often perceived as blunt, tactless, self-centered and rude. Although Curtis has a severe disability, he is determined to continue creating meaningful visual art. The Curtis Neeley Foundation will be created to preserve and promote his artistic photographic legacy.

From: DMCA Agent [mailto:dmcaagent@microsoft.com]
Sent: Thursday, September 15, 2011 9:07 PM
To: curtis
Cc: DMCA Agent
Subject: RE: Neeley v NameMedia Inc et al, (5:09-cv-05151) (11-2558). Notice

Thank you for your notice. Please clarify if the thumbnail images you identified in a3, b3 and c3 below are your copyrighted work.

Kind regards,

Microsoft DMCA Agent

From: Curtis
Sent: Thursday, September 15, 2011 6:38 PM
To: DMCA Agent
Subject: Neeley v NameMedia Inc et al, (5:09-cv-05151)(11-2558). Notice

K. Carlson

1. A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
s/ Curtis J Neeley Jr., MFA

2. Identification of the copyrighted work claimed to have been infringed, or if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site;

a1. Page generated: <bing.com/images/search?q=curtis+neeley&view=detail&id=93033B8840D55857F40378177581355AA12Efirst=30&FORM=IDFRIR>

a2. Source alleging to link to:

a3. File that needs to be removed/deleted my Microsoft Corporation:

b1. Linked page generated:

b2. Source alleging to link to:

b3. File that needs to be removed/deleted by Microsoft Corporation:

c1. Page generated:

c2. Source alleging to link to:

c3. File that needs to be removed/deleted my Microsoft Corporation:

3. Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material;

A. Images stored by Microsoft Corporation at the UnReguLated URLs locations above in (a3, b3, c3) infringe the rights of Neeley to be secure in his work when used in

conjunction with his personal name. The following images are returned with his name and are inappropriate for minors to view as violates Neeley's right to be secure in his name as well. Microsoft Corporation might notice that the four images referenced using Neeley's name are pornographic and thumbnails aren't on Microsoft Corporation servers but are called out of context from other servers.

d1.

d2.

d3.

e1. < [bing.com/images
/search?q=curtis+neeley&view=detail&
id=1541B700580F111093796ACAF0630C6EA
first=60&FORM=IDFRIR](http://bing.com/images/search?q=curtis+neeley&view=detail&id=1541B700580F111093796ACAF0630C6EAfirst=60&FORM=IDFRIR)>

e2.

e3.

f1.

f2. < [michelle7.com/covers/2002/08
/index.php](http://michelle7.com/covers/2002/08/index.php)>

f3.

g.

g.

g.

4. Information reasonably sufficient to permit the service provider to contact the Complaining Party, such as an address, telephone number, and if available, an electronic mail address at which the complaining party may be contacted;

5. A statement that the Complaining Party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and

A. Mr Neeley has good faith belief that the use of the material above is either not authorized by Neeley or is defamatory when used in conjunction with Neeley's name. Neeley has already asked the Eighth Circuit to order the United States Court for the Western District of Arkansas to permit adding Microsoft Corporation to *Neeley v NameMedia Inc et al*, (5:09-cv-05151)(11-2558). All briefs are filed

6. A statement that the information in the notification is accurate, and under penalty of perjury, that the Complaining Party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

A. The information in the notification is accurate, and under penalty of perjury, that the Neeley is authorized to act on behalf of Neeley and has exclusive rights that are infringed.


This notice may be viewed as a PDF as attached.

Sincerely hope to see alteration and wish to see
Microsoft Corporation in United States Court already
for this willful action.

Curtis J Neeley Jr, MFA
www.CurtisNeeley.com

DISCLAIMER: Curtis Neeley suffered a severe traumatic brain injury
that often very negatively impacts his communications. He is often
perceived as blunt, tactless, self-centered and rude. Although Curtis
has a severe disability, he is determined to continue creating
meaningful visual art. The Curtis Neeley Foundation will be created to
preserve and promote his artistic photographic legacy.

YOUR TAGS: [Add](#)

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submit! 

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User-agent: Googlebot-Image
Disallow: /Google/
Disallow: /NameMedia/

User-agent: Googlebot
Disallow: /Google/
Disallow: /NameMedia/

User-agent: MSNBot
Disallow: /Google/
Disallow: /NameMedia/

User-agent: MSNBot-Media
Disallow: /Google/
Disallow: /NameMedia/

User-agent: MSNBot-NewsBlogs
Disallow: /Google/
Disallow: /NameMedia/

User-agent: MSNBot-*
Disallow: /Google/
Disallow: /NameMedia/

User-agent: SnookBot
Disallow: /Google/
Disallow: /NameMedia/

MSFT
Bypassed this.

Exhibit 5