# UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS FAYETTEVILLE DIVISION

CURTIS J. NEELEY JR.,	§	
	§	
PLAINTIFF	§	
	§	
VS.	§	CIVIL ACTION NO. 09-5151
	§	
NAMEMEDIA, INC., NETWORK	§	
SOLUTIONS, INC., GOOGLE INC.	§	
	§	
DEFENDANT	§	

### DEFENDANT GOOGLE INC.'S NOTICE OF EXHIBITS TO MOTION HEARING [RE: 184] FOR INJUNCTIVE RELIEF

During the hearing in front of the Honorable Magistrate Judge Erin Setser regarding Plaintiff's motion for injunctive relief [Dkt. No. 184], Defendant Google Inc. referenced two exhibits which were only available electronically at the time of the hearing. Attached hereto, and as identified below, are the exhibits which were referenced during the motion hearing held on December 6, 2010.

- (1) Exhibit 1: "Wikipedia No Disclaimer for Figurenude by Curtis Neeley,"
- (2) Exhibit 2: "Creative Commons Attribution 3.0 Unported license for Curtis Neeley."

#### Respectfully submitted,

/s/ Joshua R. Thane
Jennifer H. Doan
Arkansas Bar No. 96063
Joshua R. Thane
Arkansas Bar No. 2008075
HALTOM & DOAN
Crown Executive Center, Suite 100
6500 Summerhill Road

Texarkana, TX 75503
Telephone: (903) 255-1000
Facsimile: (903) 255-0800
Email: jdoan@haltomdoan.com
Email: jthane@haltomdoan.com

Michael H. Page Durie Tangri, LLP 217 Leidesdorff Street San Francisco, CA 94111 Telephone: 415-362-6666

Email: mpage@durietangri.com

ATTORNEYS FOR DEFENDANT GOOGLE INC.

#### **CERTIFICATE OF SERVICE**

I, Joshua R. Thane, hereby certify that on December 6, 2010, I electronically filed the foregoing DEFENDANT GOOGLE INC.'S NOTICE OF EXHIBITS TO MOTION HEARING [RE: 184] FOR INJUNCTIVE RELIEF with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following list:

H. William Allen Brooks White Allen Law Firm, P.C. 212 Center Street Ninth floor Little Rock, Arkansas 72201

and I hereby certify that I have mailed the document by the United States Postal Service to the following non-CM/ECF participants:

Curtis J. Neely, Jr. 2619 N. Quality Lane Apartment 123 Fayetteville, AR 72703

/s/ Joshua R. Thane

Joshua R. Thane

## Exhibit 1

 $\times$ 

[edit]



Main page Contents Featured content Current events Random article Donate

▼ Interaction Help About Wikipedia Community portal Recent changes Contact Wikipedia

▶ Toolbox

Case 5:09-cv-05151-JLH Document 214-1 Filed 12/06/10 Page 2 of 3

Search

Please read: A personal appeal from Wikipedia author Lilaroja

Read Now



#### File: Figurenude (26) by Curtis Neeley.jpg

From Wikipedia, the free encyclopedia





Full resolution (3,026 × 3,026 pixels, file size: 2.4 MB, MIME type: image/jpeg)

This is a file from the Wikimedia Commons. Information from its description page there is shown below. Commons is a freely licensed media file repository. You can help.

Description English: Figurenude by Curtis Neeley

Date 2001

(14 February 2008 (first version); 20 January 2009 (last version))

Source Transferred from en.wikipedia @; transferred to Commons by User:Sreejithk2000 using CommonsHelper @

(Original text : self-made)

Author CurtisNeeley (talk). Original uploader was CurtisNeeley at en.wikipedia &

Permission CC-BY-3.0.

(Reusing this file) (Original text : CC-BY-CA-3)

Licensing

CurtisNeeley at en.wikipedia &, the copyright holder of this work, hereby publishes it under the following license:

This file is licensed under the Creative Commons Attribution 3.0 Unported & license.

Attribution: CurtisNeeley at en.wikipedia &



- . to share to copy, distribute and transmit the work
- . to remix to adapt the work

Under the following conditions:

• attribution - You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).

Original upload log [edit]

The originase 5:09-cv-95151 TILH us Document 2141 Filed 12/06/10 Page 3 of 3

- 2009-01-20 03:10 CurtisNeeley 3026×3026× (2517956 bytes)
- 2008-02-14 00:14 CurtisNeeley 500×500× (102733 bytes) {{Information | Description=Figurenude by Curtis Neeley | Source=self-made | Date=2001 | Location=Winslow, AR | Author=~~~ |Permission=CC-BY-CA-3 |other\_versions=none }}

#### File history

Click on a date/time to view the file as it appeared at that time.

	Date/Time	Thumbnail	Dimensions	User	Comment
current	05:55, 4 June 2010		-,	File Upload Bot (Magnus Manske)	( {{BotMoveToCommons en.wikipedia year={{subst:CURRENTYEAR}} month= {{subst:CURRENTMONTHNAME}} day={{subst:CURRENTDAY}}}} {{Information  Description= {{en Figurenude by Curtis Neeley}}  Source=Transferred from [http://en.wikipedia.org en.wikipedia]; transfer)

#### File links

The following pages on the English Wikipedia link to this file (pages on other projects are not listed):

- Chiaroscuro
- · Figure study
- · Nude photography

#### Global file usage

The following other wikis use this file:

- Usage on fa.wiktionary.org
  - 🗗 کاریر:محک/کینگ 🔹
- Usage on fr.wikibooks.org
  - Photographie/Thèmes/Le nu 🗗
- Usage on zh.wikipedia.org
  - 0000@

#### Metadata

This file contains additional information, probably added from the digital camera or scanner used to create or digitize it. If the file has been modified from its original state, some details may not fully reflect the modified file.

Powered By MediaWiki WIKIMEDIA project



## Exhibit 2



### "Creative Commons is grease to the wheels of science. 5: 103-cy-05156 of hope to the in the race to outrun my disease.age Read More

Josh Sommer, executive director of the Chordoma Foundation



#### Attribution 3.0 Unported

#### You are free:



to Share — to copy, distribute and transmit the work





to Remix — to adapt the work

#### Under the following conditions:



Attribution - You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).

#### With the understanding that:

Waiver - Any of the above conditions can be waived if you get permission from the copyright

Public Domain — Where the work or any of its elements is in the public domain under applicable law, that status is in no way affected by the license.

Other Rights - In no way are any of the following rights affected by the license:

- · Your fair dealing or fair use rights, or other applicable copyright exceptions and limitations;
- The author's moral rights;
- · Rights other persons may have either in the work itself or in how the work is used, such as publicity or privacy rights.

Notice - For any reuse or distribution, you must make clear to others the license terms of this work. The best way to do this is with a link to this web page.

Use this license for your own work.

This page is available in the following languages:

Belarusian Castellano Castellano (AR) Català Dansk Deutsch English English (Hong Kong) Español (Ecuador) Español (Guatemala) Esperanto Euskara français hrvatski Italiano Latviski Magyar Nederlands Người Việt/Tiếng Việt Norsk polski Português Português (BR) română slovenski jezik srpski (latinica) Suomeksi svenska čeština Еλληνικά български Русский српски שברית של מאול עברית שנעני או לייבים אוניים אוניים