

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

CURTIS J. NEELEY Jr., MFA

PLAINTIFF

VS.

CASE NO. 5:09-CV-05151-JLH

NAMEMEDIA, INC.;

NETWORK SOLUTIONS, INC.;

and GOOGLE, INC.

DEFENDANTS

OPPOSITION TO DOCKET 277 DISMISSAL

The Plaintiff contends the display of original, visual art photographs online against the wishes of the artist violated the (VARA), 17 USC § 106A, and is sufficient grounds for such a strong “Unclean Hands” Affirmative Defense when presented to a J U R Y that nonprejudicial dismissal of the counterclaim is not in the best interests of the counter defendant. The obvious “unclean hands” of NameMedia Inc will be prosecuted during the appeal now before the Eighth Circuit. Regardless; The cybersquatting claim against the counter defendant and the visual art theft by NameMedia Inc are conjoined and will not resolve separately.

<NameMedias.com> the plural of the trademark of NameMedia Inc has not been owned, or cybersquatted, by the counter defendant since the date NameMedia Inc deleted the stolen nude visual art. NameMedia Inc brought the frivolous counterclaim for the sole purpose of further distressing Curtis J Neeley Jr and for further exaggeration of the domain name P O N Z I scheme.

Curtis J Neeley Jr prays the cybersquatting counterclaim be dismissed prejudicially **or remain for the J U R Y trial as now scheduled**. The counter defendant has prepared to defeat the frivolous claim soundly and seek damages awarded by the J U R Y, as would be allowed, instead of awaiting further harassment. Rational for this opposition is further described in the concurrently filed supporting brief in keeping with Local Rules.

Respectfully Submitted,

Curtis J. Neeley Jr., MFA