UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

THE ASSOCIATED PRESS, Plaintiff, - against - MELTWATER U.S. HOLDINGS, INC.; MELTWATER NEWS U.S., INC.; and MELTWATER NEWS U.S. 1, INC. Defendants.	12 Civ. _____ **COMPLAINT** **Trial by Jury Demanded**

Plaintiff The Associated Press ("AP"), by and through its attorneys, Davis Wright Tremaine LLP, for its complaint against Defendants Meltwater U.S. Holding, Inc., Meltwater News U.S., Inc., and Meltwater News U.S. 1, Inc. (collectively, "Meltwater"), hereby alleges as follows:

NATURE OF THE ACTION

1. Meltwater has built its business on the willful exploitation and copying of the AP's and other publishers' news articles for profit. Meltwater styles itself a modern day commercial clipping service. Through its Meltwater News service, Meltwater copies and delivers to paying customers substantial infringing excerpts from AP stories and other published news stories, based on keywords selected by the subscriber. Meltwater then offers its customers the ability to store these excerpts and even full text articles in a customer archive housed on Meltwater's server and to further distribute these materials.

2. Meltwater thus provides a directly competing product for many AP subscribers, including government agencies and others that use the AP wire to monitor the news for breaking developments. AP bears all of the extensive costs associated with creating its content, while

Meltwater bears only the minimal costs of distribution in the Internet age, and thus can undercut the AP with lower subscription rates. Meltwater even promotes its electronic news clipping service with a guarantee of "no copyright fees." Meltwater contributes no creative content and provides no editorial commentary. Its business serves no independent purpose other than the distribution of news created by others.

3. As set forth in this complaint, through its subscriber-only Meltwater News Service, Meltwater engages in direct, contributory and vicarious copyright infringement, along with "hot news" misappropriation by:

- Storage: copying and storing entire AP and other news articles dating back to at least 2007 in its databases, so as to facilitate its touted ability to provide a "retrospective search tool";
- Excerpts: copying, distributing and displaying substantial verbatim excerpts from countless AP and other online news articles that capture the heart of those stories, including in email reports to subscribers and subscriber newsletters, and facilitating the copying and storage of such excerpts by subscribers through a subscriber archive function;
- Full Text: providing the means and facilitating the copying, storage and display of full text, unlicensed AP stories and other news articles by its subscribers on Meltwater's system, including for further distribution of the full text articles by the subscriber via Meltwater's Newsletter service—with or without attribution to AP; and
- Translation: creating infringing derivative copies of copyrighted articles by preparing translations of full text articles.

4. AP was founded in 1846 and is one of the oldest and most highly regarded news organizations in the world. AP's mission, as a not-for-profit news cooperative, is to provide fast, accurate, reliable, clear, and unbiased news reports as news breaks around the globe. To achieve this mission, AP has invested substantial resources in building a state-of-the-art newsgathering and distribution infrastructure to deliver the news from its worldwide beat. Its reporters and editors are trained to the highest standards, and it deploys those reporters and editors in every corner of the globe, including in zones of war and natural disaster. In the course of gathering, writing and transmitting the news 24 hours a day, 365 days a year, AP incurs significant costs in personnel, training, travel, security, legal protection, and technology, and its employees often incur substantial personal risk. AP stories are original and creative news reports reflecting the financial, professional, and personal investment of the AP organization and its dedicated employees.

5. In order to support its newsgathering activities, AP licenses its highly-regarded content to subscribers and other customers, either through subscriptions to its various wire services or on an à la carte basis for individual articles. As a not-for-profit organization, AP applies any incidental profits to its newsgathering operations.

6. Defendant Meltwater was founded in 2001. It employs no reporters or newsgatherers of its own. On its website, Meltwater boasts that its mission is to "challenge existing business models and market leaders sleeping in class."[1] To achieve that mission, it merely distributes electronically for a fee news content created at the expense and through the labor of others.

7. Meltwater has built its business on routinely copying, verbatim, the heart of AP's and other publishers' stories, and selling that infringing content to its subscribers. Meltwater's

[1] www.meltwatergroup.com/about/vision

services have been found to be infringing in Norway (the company's original home) and to require a license in England. Nonetheless, Meltwater has expanded its parasitic business model and now does business on six continents.

8. In contrast to the practice of other news sources and news aggregators who deliver the AP's news reports to the public, Meltwater does not license the content that it delivers to its subscribers. Google News, Yahoo News, and AOL, for example, have negotiated arrangements with AP to distribute its content. Further, unlike Google News or other news aggregators that deliver search results to the public for free, Meltwater is a closed commercial business that only provides news excerpts and other services after payment of a substantial annual fee. Critical to Meltwater's business model is the fact that it incurs no expense to create or license the content it delivers, allowing it to reap substantial subscription fees with minimal expenses while undercutting its competitors—including the AP, and other entities who have paid valuable consideration to AP for licenses to distribute its content.

9. Meltwater provides a fully integrated closed system that is designed to supplant the need for an AP subscription, not to drive traffic to legitimately licensed sites. First, its excerpts of AP stories appropriate sufficient actual and expressive content that many subscribers have no need to click through to the legitimately licensed site. Moreover, Meltwater has purposefully built into its Meltwater News system a way for its customers to capture, save and store the full text of retrieved news articles on the Meltwater website, including AP articles. For additional subscription fees, Meltwater News customers can also incorporate the infringing content—including the full text of AP articles—into a branded newsletter through the Meltwater News platform. These newsletters are then stored on the Meltwater system for further dissemination to subscriber employees or third parties. Meltwater facilitates the dissemination of

such excerpts or entire articles without the link to the original article, and even allows its customers to alter the article, remove attribution information, or remove copyright management information from the copy of the distributed article.

10. The news industry today is facing a period of crisis. Numerous venerated newspapers and magazines have folded, while others have faced slashed budgets and reduced staff. In the last 20 years, the number of American newspapers has declined by approximately 14%.[2] Over the past decade, employment of full-time newsroom staff dropped by over 26%.[3] One of the significant reasons for this crisis is that aggregators, like Meltwater, who need only bear the minimal costs of distribution without the significant expense of newsgathering and reporting, have been taking subscriptions, licensing revenue and advertising dollars away from traditional news organizations and wire services, leaving the news content providers unable to continue bearing their high costs of creating content.

11. The loss of traditional news sources and their high-quality news gathering and reporting infrastructures represents a significant loss to the public, as a well-informed citizenry is an essential condition for a functioning democracy. The dangers of losing our sources of original reporting have been well documented. For example, in a case study of news outlets in one American city, the Pew Research Center's Project for Excellence in Journalism found that "much of the 'news' people receive contains no original reporting. Fully eight out of ten stories studied simply repeated or repackaged previously published information. And of the stories that did

[2] Pew Research Center, Project for Excellence in Journalism, The State of the News Media 2011, Executive Summary at 12.
[3] *Id.*

contain new information nearly all, 95%, came from traditional media—most of them newspapers."[4]

12. The purpose of copyright law is to "promote the progress of science and the useful arts" by providing content creators with incentives to create works. The state of the news industry today makes clear that continuing to allow parasitic distribution services like Meltwater to compete directly with traditional news sources—without paying license fees for the stories these news organizations have gathered, created and edited at great cost—has had and will continue to have a tremendous negative impact on the ability of these news sources to continue generating the high-quality news reports on which the public relies.

13. This lawsuit is not a general attack on news aggregators—many of whom are AP's licensees. Nor does this lawsuit in any way seek to restrict linking or challenge the right to provide headlines and links to AP articles. Meltwater's actions are readily distinguishable from most news aggregators. Most notably, Meltwater is a closed system sold only to subscribers for a fee, and not a means of expanding public access. As such, Meltwater builds a directly competing product on the backs of news organizations like the AP. Further, Meltwater provides lengthier and more systematic excerpts from AP articles than most news aggregators, including breaking news articles. It also is evident that Meltwater retains a vast archive of AP articles dating back to at least 2007, many of which are no longer publicly available on the Internet. In addition, Meltwater allows its customers to store both excerpts and full text versions of news stories on the Meltwater system, and facilitates further distribution of those excerpts and full text articles, both with and without a link to the originating article. For these and other reasons set forth herein, Meltwater is far from the typical news aggregator.

[4] Project for Excellence in Journalism, "How News Happens: A Study of the News Ecosystem of One American City," at 1-2.

14. In sum, this is an action for: (i) copyright infringement in violation of 17 U.S.C. §§ 101 and 501 et seq.; (ii) contributory copyright infringement in violation of 17 U.S.C. §§ 101 and 501 et seq.; (iii) vicarious copyright infringement in violation of 17 U.S.C. §§ 101 and 501 et seq.; (iv) a declaratory judgment that the business practices of Meltwater News constitute an infringement upon AP's copyright in all AP news reports; (v) "hot news" misappropriation under New York State common law; and (vi) improper removal or alteration of copyright management information in violation of 17 U.S.C. §§ 1202 et seq.

PARTIES

15. Plaintiff AP is a New York not-for-profit corporation with its principal place of business at 450 West 33rd Street, New York, New York.

16. Defendant Meltwater U.S. Holdings, Inc., upon information and belief, is a privately-held, for-profit corporation organized and existing under the laws of Delaware, with its principal place of business at 50 Fremont Street, San Francisco, California.

17. Defendant Meltwater News U.S., Inc., upon information and belief, is a privately-held, for-profit corporation organized and existing under the laws of Delaware, with its principal place of business at 50 Fremont Street, San Francisco, California.

18. Defendant Meltwater News U.S. 1, Inc., upon information and belief, is a privately-held, for-profit corporation organized and existing under the laws of Delaware, with its principal place of business at 50 Fremont Street, San Francisco, California.

19. Defendant Meltwater has an office in this state and district located at 49 West 27th Street, New York, New York. Meltwater is registered to do business in New York as a foreign corporation under the name "Meltwater News U.S. 1, Inc."

JURISDICTION AND VENUE

20. This Court has jurisdiction over the subject matter of this action pursuant to (a) 28 U.S.C. § 1331; (b) 28 U.S.C. § 1332, in that this is an action between citizens of different states and the amount in controversy exceeds $75,000, exclusive of interest and costs; (c) 28 U.S.C. § 1338; and (d) 28 U.S.C. § 1367.

21. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(a).

22. This Court has personal jurisdiction over Defendants pursuant to Fed. R. Civ. Proc. 4(k)(1)(A) and CPLR §§ 301 and/or 302(a) because (a) Defendants do business in this district and state, and (b) Defendants supply and transmit, or offer to supply and transmit, the Meltwater News service to clients and potential clients in this district and state.

FACTUAL BACKGROUND

A. THE ASSOCIATED PRESS

Overview of AP's Business

23. Founded in 1846, the AP today is one of the largest and most highly-respected news agencies in the world, distributing news to news outlets in over 100 countries. AP has earned 49 Pulitzer Prizes for its work, the largest number for any news organization in the categories in which AP can compete.

24. AP invests significant resources in its worldwide mission to gather and distribute the news. AP employs a staff of approximately 3,700 people—two-thirds of whom are newsgatherers—in more than 300 locations worldwide. With its vast coverage, AP is able to provide thousands of newspapers, radio stations, television stations, Web services, governmental agencies, and corporate clients with high-quality news 24 hours a day, 365 days a year. On any given day, the AP's content—which includes text, photos, graphics, audio, and video—can reach more than half the world's population. AP not only reports breaking and developing news

stories around the globe but also expends substantial resources to develop exclusive investigative reports on matters of significant public interest. In the United States alone, AP serves thousands of radio and television stations and 1,400 member newspapers.

25. AP incurs significant expense to produce and deliver its news services, including costs for personnel, training, travel, security, technology and legal protection. For example, access to news is crucial for journalists, who must be present to the greatest extent possible at the moment when and the place where the news occurs in order to capture it. Accordingly, AP has invested significant resources to develop a comprehensive on-the-ground newsgathering infrastructure. Currently, the AP is in 116 countries. In the United States, the AP is the only news organization with a journalist staffing every statehouse. AP's staffing and practices allow its reporters to gain intimate knowledge of their beats and sources, and their reporters spend days, weeks and months gathering the source material for exclusive investigative reports, as well as breaking and updating news reports as stories continue to develop. Just in the past few months, AP's on-the-ground reporting, exclusive contacts and skilled editing have yielded a series of important accomplishments:

- AP reported exclusively on a secret New York Police Department document showing the department's counterterrorism officers set out to spy on Muslims in contravention of its own guidelines about placing entire religious groups under suspicion. The report was part of an AP series on the NYPD that, in February, won a prestigious George Polk Award and was named a finalist for the Goldsmith Prize for Investigative Reporting.
- AP avoided the error of other news organizations that prematurely reported the death of Penn State coach Joe Paterno. AP's commitment to

accuracy—even at the cost of possibly being beaten by a competitor—led AP to cross-check the reports of Paterno's death and determine they were incorrect. (Paterno died the next day, and AP was first with the story.)

- AP became the first Western news organization to open a full, multimedia news bureau in North Korea, the culmination of decades of effort. North Korean officials told AP that its reputation for independence and accuracy played a great role in their decision.
- When Aretha Franklin wanted to announce she was getting engaged, she called just one reporter: AP music writer Nekesa Mumbi Moody, who has cultivated a long relationship with Franklin.

These four instances are very different in nature, but all point to one thing: the investment in time, money, judgment and personal contact that have distinguished AP as a news organization. The creative work that operators like Meltwater appropriate for free and exploit to their benefit is expensive, substantial and highly skilled, and could not be sustained without appropriate compensation to those who create it.

26. In recent years, the AP has expanded its worldwide presence by opening new bureaus and investing millions of dollars to upgrade its communications network. AP routinely incurs high expenses sending journalists to report on breaking news stories in remote locations, an effort that may involve hiring aircraft, leasing satellite equipment, and evacuating ill or wounded staffers. When the Costa Concordia cruise ship went aground in January off Italy, for example, AP learned of the incident at 3 a.m. and had a team of reporters, photographers and video journalists at the site before dawn.

27. In today's world, the AP and its wire service peers are often the only sources for timely, high-quality, on-the-ground reporting for news as it breaks around the world. AP's reporting from far-flung and remote locations—both domestic and foreign—is increasingly used by many major news organizations to inform their readership and replace their own expensive international or local bureaus.

28. In addition to AP's investment of financial resources, AP reporters, photographers and broadcast journalists often put their lives in jeopardy to report from dangerous and unstable regions. More than 30 AP journalists and photographers have lost their lives in the line of duty since AP was established. In recent years alone, 19 AP journalists have been incarcerated or otherwise detained, and at least 23 have been harassed, intimidated, or beaten while gathering the news. To take only a few recent examples, in the past few months AP photographers and reporters were assaulted while covering a protest in Indian-controlled Kashmir; detained while covering the Occupy Wall Street protests in New York City; and held hostage while covering the fall of Moammar Gadhafi's regime in Tripoli, Libya.

29. In recent months, covering events in Egypt has been particularly dangerous. Photographers and television crews have had to relocate due to hostility from street crowds, while police often do not discriminate between journalists covering a confrontation and the militants themselves. An AP contract video reporter was detained by the military in Cairo in January, although he managed to convince a senior officer to release him and his equipment. This is but the latest example of the importance of the training and skills of AP staffers that yield demonstrated value.

30. The AP's newsgathering activities require it, often at great expense, to protect its journalists who have been detained or imprisoned in other countries and to provide security for

its journalists stationed in conflict zones. This investment includes providing helmets and flak jackets to correspondents in war-torn areas, purchasing armored vehicles, and employing security guards. AP also makes a heavy investment in freedom of information, filing hundreds of information requests every year under freedom of information laws in the United States and other nations and often spending heavily to back them up with legal action. Further, in addition to paying salaries to its journalists and photojournalists, the AP must also fund pension and other financial obligations for the men and women who have dedicated their lives—often for relatively modest salaries—to gathering the news worldwide. For those AP journalists who have sacrificed their lives in the service of reporting the news, the AP funds benefits to the families they have left behind.

Composition of a Story

31. Most stories on the AP wires are based on newsgathering performed by AP staff reporters in bureaus or, quite frequently, directly from the scenes of news conferences, disasters, political events and armed conflicts. The remainder are reported by AP based on the facts contained in news reports furnished by AP members under the AP news cooperative's arrangements with AP members. Even in these instances, while AP reporters and editors start with the information provided by AP members, AP rewrites the text of the stories so that the approach, content, structure and length of the final dispatches meet the AP's requirements. AP reporters often recheck the facts of the stories as well.

32. Stories on AP services are carefully constructed to be as useful to the reader as possible. Breaking news stories are often structured in what journalists call an "inverted pyramid," with the aim of including as much key information as possible in the "lede," or first portion of the story. An AP story lede is meant to convey the heart of the story, rather than

serving as a teaser for the remainder of the story. Analytical and feature stories are constructed in other carefully conceived forms to convey the issues and personalities involved, along with critical background information and description.

33. Each AP story is transmitted to AP services with two alternative headlines of varying lengths for use by AP members and subscribers who choose to republish the AP dispatch. AP headlines are crafted by AP reporters and editors to meet AP's high standards. Headlines are often highly creative, and crafting a concise, informative and yet attention-grabbing headline requires art and skill by AP employees.

34. Because AP reporters are often the first to reach the scene of a news story as it breaks, most AP stories are published in several iterations as the story continues to develop. This process, known as "writing through" a story, allows AP to provide breaking news quickly to its subscribers and to continue to ensure that subscribers are receiving the most up-to-date and accurate accounts. On a particularly urgent story, AP may provide first a "NewsAlert" of only a few words, followed by a version 130 words long, followed by longer versions as the story develops. Writing quickly, clearly and accurately to these specific story lengths requires substantial experience and training.

35. The process for AP news reports begins with the assignment of a story to a reporter and includes ongoing consultations between editor and reporter about how to handle the assignment and how the story should be written. Reporters may be asked several times to gather additional facts, find additional sources, and re-draft a story before the editor is satisfied that it is sufficiently complete and well-executed. AP editors also make decisions about the selection, arrangement, style, and presentation of information contained in an AP reporter's story, and make sure that it conforms with AP's editorial policies, listed in AP's publicly available

Statement of News Values and Principles, and the style guidelines of the widely respected *Associated Press Stylebook.* Editors then conduct additional reviews for completeness, clarity, balance and accuracy before releasing the story for distribution.

36. As a result, each AP news report is an original and creative work and reflects significant financial, professional and personal investment by AP and its employees.

Subscriptions to the AP Wire

37. In the vast majority of instances, AP does not publish its news stories directly to the public. Rather, AP's business model is to license its news reports to a wide range of customers under a variety of arrangements. Many of AP's subscribers are news sources who publish or broadcast the AP stories, including on their websites. These include AP's regular members (including U.S. newspapers) and associate members (including many broadcast media companies). The U.S. government is one of AP's largest customers, and AP's subscriber roster includes nearly 100 government agencies—federal, state, local, and foreign—including the U.S. Senate, the U.S. State Department, the New York City Police Department, and various foreign embassies. These government subscribers often do not publish the stories themselves, but monitor the news wire to stay apprised of timely, accurate news reports as they develop. Furthermore, many private corporations pay valuable consideration to access AP's copyrighted content through subscriptions to LexisNexis and Factiva, which license AP's content to provide companies with timely, pertinent news reports on their areas of interest. AP licensees also include search engines and news aggregation services that in turn provide services to corporations, professional service firms, and information service providers. Finally, licensees may pay à la carte to license individual news reports on a transaction basis.

38. All subscribers and other licensees are required to sign agreements that limit the uses they may make of the news reports provided by AP. For example, subscribers are often prohibited from making news stories publicly available for more than 14 days following the receipt of that content and are usually strictly limited in their ability to maintain an archive of AP content. Licensees are also required to display AP attribution and copyright information when publishing AP content.

39. As noted above, some subscribers pay to receive AP content delivered via a secure platform in order to monitor the news without the right to distribute it. These subscribers may choose to subscribe to AP's full news wire, or to AP Industry Alerts, which provide comprehensive, vertically integrated news coverage on a variety of industry-specific topics, including technology, financial services, energy, and entertainment. Likewise, AP members and licensees such as newspapers and news portals who seek to re-publish AP's stories may subscribe to news streams that are either broad-based or focused on particular topical areas, depending on their needs and audience. For example, a publication or television subscriber may choose to receive a news wire that focuses specifically on sports; fashion; stocks and business news; national political news; news relating to any of the 50 U.S. states; or in-depth statistical coverage of state and national elections.

40. Meltwater's news monitoring product competes directly with AP's subscription services. Meltwater's infringing collection and distribution of AP content from AP member sites directly impacts AP's ability to sell its news wire and industry alert services to potential customers. AP has lost, and continues to lose, customers to Meltwater over the past several years. For example, the Department of Homeland Security terminated its contract with AP, choosing instead to receive AP content through Meltwater. The loss of revenue from these

licensees and potential licensees has had, and will continue to have, a direct and negative impact on AP's ability to continue its mission to provide its members, subscribers, and licensees—and thereby the public—with accurate, high-quality and timely news reports from around the world.

B. MELTWATER GROUP

Overview of Meltwater Group

41. Meltwater's first product—and upon information and belief, its core product—is the Meltwater News service ("Meltwater News"). There are four component service offerings within Meltwater News: Global Media Monitoring, Analytics, Newsfeed, and Newsletter.[5] A basic subscription to Meltwater provides access only to the Global Media Monitoring component, with the other components (Analytics, Newsfeed, and Newsletter) available only upon payment of additional annual fees.

42. Meltwater News markets itself to potential clients as an updated electronic version of a traditional clipping service.

43. Meltwater's business model for Meltwater News is built on routinely copying verbatim the heart of the AP's and other publishers' news stories and selling that content to its subscribers for a profit. It claims to pull its content from 162,000 news sources on the web. On information and belief, Meltwater does not enter into licensing arrangements with any of these news sources to deliver their original content to its own paying subscribers.

44. This parasitic business model has been financially successful for Meltwater. Meltwater's website states that Meltwater today is "one of the largest online media monitoring providers, with more than 18,000 customers worldwide."[6] In 2010, Meltwater made over $100

[5] http://www.meltwater.com/products/meltwater-news/detail/
[6] http://www.meltwater.com/products/meltwater-news/about/

million in revenue.[7] Meltwater currently has more than 500 employees and maintains offices in 55 offices on six continents.

45. This action is not the first time Meltwater's business model has been challenged as infringing. In 2009, the District Court in Oslo, Norway, ordered Meltwater to pay a Norwegian media rights holder organization 3.75 million Norwegian kroner, plus costs of 520,000 Norwegian kroner—a total judgment of approximately $717,00 USD—as compensation for violating applicable copyright laws. On July 27, 2011, a U.K. Court of Appeal affirmed a lower court decision holding that the content provided by Meltwater News to its users required a license from the publishers of that content.

Meltwater News: Global Media Monitoring Service

46. The Global Media Monitoring service offered by Meltwater News is its entry-level product available to all Meltwater News subscribers. Meltwater boasts that it has "the industry's most robust online media monitoring database."[8] To operate its Global Media Monitoring service, Meltwater uses computer programs known as "spiders" or "robots" to "scrape" the contents of the news websites that it monitors. On information and belief, Meltwater uses the information gathered by its "spiders" to create an index on Meltwater-owned or controlled servers of each article's metadata, which includes the position of every word in every article it retrieves, allowing it to search the full text of these articles and deliver resulting "hits" to its clients. In doing so, Meltwater makes and stores copies of the articles it retrieves, or substantial portions thereof, in its own proprietary database, including the registered AP articles described below. Meltwater maintains an archive of stored copies of articles that it has scraped

[7] http://www.inc.com/inc5000/profile/meltwater-group; http://blog.meltwater.com/meltwater-places-on-inc-5005000-list

[8] http://www.meltwater.com/products/meltwater-news/detail/

from websites since at least 2007, thus allowing current users to retrieve search results from at least 2007 forward.

47. With Global Media Monitoring, a customer chooses search terms known as "agents" to track various topics. Upon information and belief, an annual subscription to the Global Media Monitoring service including 10 "agents" of a customer's choosing is priced at $5,000.

48. The "agents" selected by a customer are used to generate a daily email report from Meltwater, which contains a list of all articles retrieved using the selected search terms. The email report includes the headline and lede of each article, along with an additional excerpt from the article comprised of text surrounding the first use of the "agent" in the body of the article. Meltwater customers can click on the headline to link to the full story on its originating website.

49. In addition to receiving a daily or twice-daily email report, Meltwater customers can log into Meltwater's password-protected site to review all hits returned for their selected "agents," updated in real time to include new stories.

50. Further, Meltwater customers can perform unlimited searches of Meltwater's news archive using any combination of keywords through the "search" function and receive a similar listing of responsive articles with their headlines, ledes and a further textual excerpt of the text surrounding the search term. The search function includes both basic search capabilities and an advanced search option with Boolean search capabilities. Because a Meltwater customer can run unlimited searches, it is possible to retrieve additional excerpts from the same articles retrieved by earlier searches. For example, if a Meltwater customer searches for an "agent" that is in the second paragraph of a short 3-paragraph AP breaking news story, and then uses the

search function to search for a term that happens to appear in the third paragraph, the customer's combined searches would end up retrieving nearly all of the article.

51. The stories Meltwater delivers to its customers through its Global Media Monitoring service include reports that are hot off the AP wires. Meltwater touts this "hot off the wire" feature of its database to attract potential customers, stating that Meltwater News "is the leader in online media monitoring for several reasons," including "Real Time Information: Meltwater News continuously tracks news sources, updating its database continuously throughout the day so searches return fresh, relevant content." [9]

52. Meltwater encourages its customers to target search results from specific news organizations. Thus, search results can be limited to its list of "top tier publications"—which includes the AP and several AP members. Alternatively, on information and belief, a Meltwater customer could limit its searches only to articles authored by the AP.

53. On information and belief, all or substantially all of the AP's articles published by any of its subscribers on their websites are copied and stored on Meltwater's media monitoring database. Further, given Meltwater's 18,000-plus customer base, it is likely that a significant percentage of AP's published stories are excerpted for Meltwater customers. Likewise, any given AP article is likely excerpted multiple times given the thousands of Meltwater customers and each of their multiple agents and search terms, thus resulting in a greater cumulative taking of the article. Thus, AP's claim is not only that individual excerpts from individual AP articles are infringing in and of themselves but also that the conduct of Meltwater News's business as a whole has resulted and will continue to result in broad-scale infringement of AP's news wires.

54. Meltwater offers a trial subscription to potential clients who would like to test its product before signing up for a full paid subscription. An agent for AP's counsel in this action

[9] http://www.meltwater.com/products/meltwater-news/about/

received a trial subscription to Meltwater News for ten days in December 2011. In response to basic search terms, this trial subscription yielded infringing excerpts from numerous AP articles, including each of the AP articles registered with the Copyright Office and listed in Paragraph 78 of this complaint. Among its search results, Meltwater delivered "AP Exclusive" stories, including the December 8, 2011 story titled "Inside Romania's Secret CIA Prison," by the highly-regarded investigative reporting team of Adam Goldman and Matt Apuzzo. Goldman and Apuzzo were recently named as finalists for the prestigious Goldsmith Prize for Investigative Reporting, which is awarded annually by the Joan Shorenstein Center on the Press, Politics and Public Policy at Harvard University's Kennedy School of Government.

55. The excerpts delivered by Meltwater to its customers take protected expression from AP articles and constitute a substantial portion of those articles, quantitatively and qualitatively. For shorter, "breaking news" items, Meltwater's practice of delivering the headline, lede and an excerpt from within the article that contains the agent or search term often results in customers receiving more than a third of the article's text. For example, during the agent's trial subscription, Meltwater provided an excerpt from a December 14, 2011 AP article containing the headline ("Help Wanted at New Casino for Toledo, Ohio"), the introductory paragraph ("Job seekers can roll the dice to land work at another of the few casinos coming soon to Ohio") and a 21-word excerpt from within the article containing the search term "security." All told, the initial excerpts returned about 40% of the article. *See* Exhibit A, with material excerpted by Meltwater News in its email report highlighted in yellow. After a subsequent search inquiry that picked up another word used in the article, a combined total of 70% of the article was distributed to the user by Meltwater News. *See* Exhibit A hereto, showing additional excerpting by Meltwater highlighted in blue. Attached hereto as Exhibits B and C are additional

registered AP articles excerpted by Meltwater News, again with the initial search results highlighted in yellow and the additional excerpting by Meltwater highlighted in blue.[10] Upon information and belief, Meltwater customers often receive more than one excerpt of a given article, since their search terms often pertain to related topics.

56. Moreover, regardless of an article's length, because it is AP's practice to creatively encapsulate the key points of each story in its headline and its lede, the Meltwater Global Media Monitoring Service delivers to its customers the heart of each AP news story, including the registered articles. Indeed, upon information and belief, many Meltwater customers find the headline, lede and additional squib connected to their topic of interest to be a close enough substitute for the article that they never receive or read the original article. According to a media research firm's recent report, 44% of readers on news aggregation sites simply scan headlines and ledes rather than clicking through to a full article.[11]

57. Meltwater's Global Media Monitoring Service adds nothing to the content of the articles it delivers to subscribers. Its agent and search results deliver a verbatim reproduction of the headline, lede, and text surrounding the keywords. The Meltwater Media Monitoring Service provides no commentary on the original work, nor does it incorporate the original work within a larger work. Instead, Meltwater's electronic clipping service merely supersedes the function of the AP wires for those who use it to monitor the news or to follow worldwide developments.

58. Meltwater does not broaden public access to the news content it delivers to subscribers. The news content is already available on the Internet through the websites of AP members and licensees. Moreover, it can be located free of charge through ordinary Internet searches or through AP-licensee aggregators such as Google News and Yahoo News.

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[10] Where text delivered in the initial search result overlaps with text delivered in the additional search, the text from the additional search is underlined—rather than highlighted—in blue.

[11] *See* http://www.outsellinc.com/press/press_releases/news_users_2009.

Meltwater's Archive of Articles

59. Meltwater's search function is retroactive, allowing users to retrieve search results not only from the news of the day, but also from many older articles archived on Meltwater's system going back to 2007. Many of the older articles available on Meltwater's Global Media Monitoring Service are no longer freely available on the Internet—either because the original article has been removed from the Internet or placed behind an archive paywall by the hosting website.

60. Meltwater's ability to retrieve older articles no longer freely available on the Internet demonstrates that Meltwater reproduces copies of articles and saves these copies on its own system, including the registered AP articles identified herein. Such copying is a willful violation of the exclusive rights of content owners to reproduce these original copyrighted works, including works owned by the AP. Further, when Meltwater News provides "dead links" for these older articles, no traffic can be driven to the originating site, namely AP's licensee.

61. By way of example, during the trial subscription by the agent, Meltwater delivered excerpts from the following registered AP articles, which are no longer available from the original site listed in Meltwater's search results and thus must have been copied and stored by Meltwater at or around their time of original publication:

- "Young office says he's cleared in DOJ probe," published at The Evening Sun (http://www.eveningsun.com) on August 11, 2010
- "Cold night crept by after crash killed senator," published at The Salinas Californian (http://www.thecalifornian.com) on August 11, 2010[12]
- "Senator Delivered Billions for Alaska's Future," published at CBS Sacramento (http://sacramento.cbslocal.com) on August 10, 2010
- "Alaska reviewing case against ex-VECO CEO Allen," published at The Republic (http://www.therepublic.com) on September 2, 1010[13]

[12] Published by The Salinas Californian under the headline "Cold night crept by after crash killed ex-Sen. Stevens."

- "Senate upset erases Alaska seniority," published at The Detroit News (http://www.detroitnews.com) on September 16, 2010[14]

- "Former Alaska Sen. Ted Stevens dies in plane crash," published at WSLS 10 (http://www.wsls.com) on August 10, 2010.[15]

62. Beyond its own archiving of articles in its database, Meltwater also provides an "archive" function for its customers as part of its Global Media Monitoring service. As part of the subscription, Meltwater supplies users with an "Articles Editor" function which allows them to manually archive excerpts or entire articles into folders they create, including AP articles. Users can continue to access their saved articles from the archive folders for as long as they remain Meltwater customers. Meltwater stores the excerpts and full articles saved by users on Meltwater's website under the subdomain "service.meltwaternews.com." Upon information and belief, the subdomain service.meltwaternews.com is hosted on a server operated by Meltwater.

63. In order to use the "Article Editor" function, a user clicks on a link to "add new article" in the archive folder. When the user clicks that link, Meltwater generates an activity box with several empty cells. A user can choose to copy and paste any portion of the article text into any of the various cells. If the user pastes the full text of any article into the cell labeled "opening text," the user will be able to view the full text of the article on its Meltwater archive page by logging into the site at any time, without clicking through to the website that legitimately published the article. The "Article Editor" tool does not even require a user to insert a link to the original article. On information and belief, with the active assistance of Meltwater sales representatives, full copies of articles, including AP stories, are archived on service.meltwaternews.com. For example, after receiving a demonstration and instructions from

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[13] Published by The Republic under the headline "Attorney general says Alaska officials reviewing case against former VECO CEO."
[14] Published by The Detroit News under the headline "Alaska's purse strings thinned in Senate losses."
[15] Published by WSLS 10 under the headline "Plane crash kills former Alaska Senator."

a Meltwater sales representative, the agent during its trial subscription was able to archive on Meltwater's server copies of the registered articles described herein.

64. Meltwater knows or has reason to know that its customers archive full text articles in their archive function. Indeed, Meltwater has purposefully designed its system to permit archiving of full text articles and both provides the means and materially assists in the copying and storage of such full text articles. Further, Meltwater markets and promotes its service by indicating that its archive function permits archiving of full text articles. As one Meltwater salesman told a trial subscription customer, "basically it's a copy and paste job." In a 2008 pitch to the California Urban Water Conservation Council, attached hereto as Exhibit D, Meltwater promised to provide "unlimited archiving (all on our servers)" as part of its subscription packages.

65. Meltwater's facilitation of copying does not end there. It also offers customers the option of exporting any information saved in the archive—including the full text of articles, if users have stored the full text in their archive—to an Excel spreadsheet, thereby allowing users to create and save additional copies of the unlicensed content stored by Meltwater in violation of the exclusive reproduction rights of content owners, including AP. Meltwater's marketing materials tout this "ability to export all articles to Microsoft Excel."

66. The Meltwater user is even free to alter the text or remove the byline, attribution, and any copyright management information from the article before saving it to his or her Meltwater-hosted archive. On information and belief, via Meltwater's facilitation and encouragement, Meltwater customers are able to remove copyright management information in connection with various articles, including AP articles, and such articles are stored on Meltwater's system.

67. In sum, Meltwater engages in direct copyright infringement by providing a service that enables its customers to copy and store unlimited infringing excerpts and full text articles in an archive, and storing these materials on Meltwater's internal website. Meltwater also provides the means and knowingly induces, causes, assists, or materially contributes to these actions of its users in infringing the exclusive reproduction rights of content owners, including AP. Meltwater also enjoys a direct financial benefit from the above-described infringing activity of its users, which is a draw to subscribers.

Meltwater News: Newsletter and Other Services

68. For additional subscription fees beyond the basic Global Media Monitoring package, Meltwater customers can add on its Newsletter service to distribute infringing excerpts and full-text articles to a broader range of recipients. Using Meltwater's newsletter templates, for example, Meltwater customers can create and send branded newsletters to an unlimited number of their clients, members of their organizations, or their own employees. On information and belief, users upload a distribution list of recipients for any particular newsletter, and Meltwater distributes the newsletter to the designated recipients, who do not need to be Meltwater customers in order to view the content distributed in the newsletter.

69. Using Meltwater's archive function and "Article Editor" tool, customers can copy infringing excerpts or the full text of an article and upload it into a branded newsletter created from a Meltwater template. Meltwater does not require users to include a link to the original article in their newsletters. If the newsletter recipient clicks on the title of a full text article distributed without a link, this will only bring him to the full text of the article hosted on the internal Meltwater web page, "service.meltwaternews.com," not the originating news site. A

true and correct copy of a newsletter created by Meltwater for Travelers Insurance and provided as part of a Meltwater marketing pitch is attached as Exhibit E.

70. Upon information and belief, Meltwater and its users regularly engage in the infringing conduct described above and include excerpts from AP stories or full text AP articles in newsletters.

71. Meltwater engages in direct copyright infringement through its actions in connection with its newsletter functions. It also has knowledge of the infringing uses in its client's newsletters, provides the means for such infringing uses, and induces, causes, assists or materially contributes in the infringing conduct of its customers in their newsletters. Finally, Meltwater directly benefits from the infringing newsletters, which are a draw to its services, including the separately priced newsletter option.

72. Meltwater also provides its customers with the ability to create derivative works by translating any article retrieved through the agent or search functions into another language. On information and belief, Meltwater offers a built-in translation function that covers 22 languages. On information and belief, a user may click on a link to "translate" any search result. When the user clicks the "translate" link, a second window appears with the URL of the site to be translated. When the user chooses the desired language and clicks the "translate" button, the full translated text of the article appears on Meltwater's internal website, under the subdomain URL "service.meltwaternews.com."

73. Upon information and belief, Meltwater has infringed AP's rights through translation of its copyrighted articles.

74. Upon information and belief, Meltwater also offers additional services to its customers that result in the infringement of AP's rights in its copyrighted articles.

C. MELTWATER'S INFRINGEMENT OF AP'S COPYRIGHTS

75. All news stories carried on the AP wires constitute original works of authorship subject to copyright protection. AP owns the copyright in all stories on its news wires. As the copyright owner, AP has the exclusive right, *inter alia*, to reproduce, distribute, display and/or prepare derivative works based upon those stories.

76. Each AP story that is transmitted by the AP to its members and subscribers contains copyright management information, as defined in 17 U.S.C. § 1202(c), including identification of the AP as the author and/or copyright owner of the story. This copyright management information also ordinarily appears in AP stories when they are republished by AP members and subscribers.

77. In addition, AP requires its licensees to insert a notice to users of the licensee's website that the AP material on that site may not be published, broadcast, rewritten for broadcast or publication, or redistributed directly or indirectly in any medium.

78. AP has filed for and/or obtained copyright registrations for the articles listed below ("Registered Articles"). True and correct copies of the Registered Articles and their corresponding copyright registrations or applications are attached as Exhibits F through X.

- "Sri Lankan fruit traders protest new basket rule," Registration No. TX 7-461-521 (Dec. 29, 2011), attached hereto as Exhibit F;
- "Help wanted at new casino for Toledo, Ohio," Registration No. TX 7-460-774 (Dec. 29, 2011), attached hereto as Exhibit G;
- "Portugal highway toll booths torched, shots fired," Registration No. TX 7-461-520 (Dec. 29, 2011), attached hereto as Exhibit H;

- "Former Alaska Sen. Ted Stevens dies in plane crash," Registration No. TX 7-460-773 (Dec. 29, 2011), attached hereto as Exhibit I;
- "Modern pentathlon tightens anti-doping policy," Registration No. TX 7-460-772 (Dec. 29, 2011), attached hereto as Exhibit J;
- "Albert King gets marker on Mississippi Blues Trail," Registration No. TX 7-460-574 (Dec. 29, 2011), attached hereto as Exhibit K;
- "Polls open in second wave of Egypt parliament vote," Registration No. TX 7-460-775 (Dec. 29, 2011), attached hereto as Exhibit L;
- "Senate upset erases Alaska seniority," Registration No. TX 7-460-770 (Dec. 29, 2011), attached hereto as Exhibit M;
- "AP Exclusive: Inside Romania's secret CIA prison," Registration No. TX 7-460-771 (Dec. 29, 2011), attached hereto as Exhibit N;
- "Cold night crept by after crash killed senator," Registration No. TX 7-460-823 (Dec. 29, 2011), attached hereto as Exhibit O;
- "Sun shines on the mountain and Pearce rides again," Registration No. TX 7-460-776 (Dec. 29, 2011), attached hereto as Exhibit P;
- "Wednesday is 1-year mark of border agent's death," Application No. 1-706092833 (filed Jan. 3, 2012), attached hereto as Exhibit Q;
- "WikiLeaks suspect's trial near super-secret NSA," Application No. 1-706092768 (filed Jan. 3, 2012), attached hereto as Exhibit R;
- "Shoplifter chops off Wash. security guard's ear," Application No. 1-706092732 (filed Jan. 3, 2012), attached hereto as Exhibit S;

- "Young office says he's cleared in DOJ probe," Application No. 1-705981803 (filed Jan. 3, 2012), attached hereto as Exhibit T;
- "Senator delivered billions for Alaska's future," Application No. 1-705981728 (filed Jan. 3, 2012), attached hereto as Exhibit U;
- "Alaska reviewing case against ex-VECO CEO Allen," Application No. 1-705981693 (filed Jan. 3, 2012), attached hereto as Exhibit V;
- "When the most wonderful day of the year comes late," Application No. 1-705981618 (filed Jan. 3, 2012), attached hereto as Exhibit W;
- "WikiLeaks suspect seen as hero, traitor," Application No. 1-705981582 (filed Jan. 3, 2012), attached hereto as Exhibit X.

79. Meltwater's acts as described above constitute willful infringement of AP's copyrights in the Registered Articles and its broader news service in at least four distinct ways listed below.

80. First, on information and belief, Meltwater has willfully reproduced and stored copies of all or substantial portions of AP news articles in Meltwater's Global Media Monitoring database or related websites operated by Meltwater, including the Registered Articles and thousands, if not tens of thousands, of AP articles dating back to at least 2007.

81. Second, with regard to excerpts, upon information and belief, Meltwater has copied and distributed protected portions of the Registered Articles in excerpts for users of the Meltwater News Global Media Monitoring service and for further distribution to non-subscribers via Meltwater's Newsletter function. In many cases the excerpts distributed by Meltwater constitute more than 30% of the article and necessarily include the "heart" of the articles. Such excerpting constitutes willful infringement in violation of AP's exclusive rights of reproduction,

distribution, and display, and the right to prepare derivative works. Furthermore, upon information and belief, through similar acts and practices, Meltwater has similarly infringed AP's copyrights in other AP stories thousands, if not tens of thousands, of times. The excerpts produced by Meltwater in its Global Media Monitoring service are substantially similar to the original articles and do not qualify as fair use of those works. Meltwater's use of the articles in its Global Media Monitoring service is not transformative and inflicts significant harm on AP's market for its original works.

82. Third, with regard to full text, on information and belief, Meltwater has willfully copied, stored, displayed and distributed or caused to be copied, stored, displayed and distributed full text versions of the Registered Articles in user archives and newsletters, including through use of the "Article Editor" tool and archive functions to store full-text articles on the subdomain "service.meltwaternews.com" and affiliated websites owned and operated by Meltwater, in violation of AP's exclusive rights of reproduction, distribution, and display, and the right to prepare derivative works. Further, upon information and belief, Meltwater has similarly infringed AP's copyrights in other AP stories thousands, if not tens of thousands, of times through similar acts and practices.

83. Fourth, on information and belief, Meltwater has violated AP's right to create derivative works of its original articles through Meltwater's full-text translation function.

84. All such infringing actions are continuing and will continue in the future so long as Meltwater News remains in operation.

D. MELTWATER'S MISAPPROPRIATION OF AP'S "HOT NEWS" CONTENT

85. Meltwater's Global Media Monitoring service and associated products are merely a way for Meltwater to free-ride on AP's significant investments in gathering and reporting accurate, timely news, including breaking news. Meltwater earns substantial fees for distributing

premium news content while bearing none of the costs associated with gathering, creating, or even licensing that content. Moreover, Meltwater free-rides on a grand scale, selling excerpts from and access to all AP stories accessible on the Internet.

86. Meltwater's product—what it offers to its customers and touts in its marketing materials—is the timely, reliable, professional news content that subscribers receive through its service. Without AP and other providers of this news content, Meltwater's Global Media Monitoring Service has nothing to deliver to its paying subscribers.

87. Moreover, Meltwater performs no journalistic function at all. It does not take information from AP's stories and incorporate that information into articles of its own preparation. Instead, it is merely a naked aggregator delivering someone else's content to the copyright owner's own customers or potential customers. Meltwater's redistribution of AP stories already published and posted on the Internet serves no journalistic purpose. Meltwater is not "breaking" news. Nor is it extracting breaking facts from the AP or other news articles it distributes. Instead, Meltwater lifts and distributes the actual and fully protected, already published texts of the articles. Finally, Meltwater News is a closed system available only to paying subscribers, not a means of expanding public access.

88. As described above, AP's license fees for its wire services reflect the substantial costs of maintaining a worldwide newsgathering, reporting and distribution infrastructure. Meltwater's "no copyright fees" business model is premised on not paying content providers, including AP, for the content it delivers to its subscribers. As a result, Meltwater is able to offer its Global Media Monitoring service, along with related products, at a price point far below what AP can offer to potential subscribers.

89. The Meltwater News service competes directly with the AP's own wire service offerings, in particular for AP subscribers such as government agencies who use its services to monitor the news, rather than for publication in their own newspapers or other media. AP has already lost significant long-standing clients to Meltwater. Because most customers desiring to monitor the news need only subscribe to a single comprehensive news service, AP has and will have great difficulty selling its wire service to government offices or private corporations that subscribe to the Meltwater News service, since they are essentially getting AP's wire service from Meltwater. Meltwater has not only encroached on direct sales of licenses of AP's content, it has also had a significant negative effect on sales of key AP licensees, such as Lexis Nexis and Factiva.

90. Indeed, as a news wire, and thus a business that does not generally publish its own articles directly, AP and its fellow wire service providers and licensees are uniquely vulnerable to Meltwater and similar closed aggregation services. AP's business—and the business of certain of its licensees—is to sell access to its wire service. If someone else is selling excerpts from and timely access to that same content for a lower price by free-riding on AP's content, AP's business model is directly threatened.

91. If Meltwater is not enjoined from misappropriating AP's news reports, the acts of Meltwater and others poised to follow its lead will reduce AP's incentive and threaten its ability to continue to invest in its newsgathering activities and deliver to AP members, subscribers, and the public at large the same high level of news reports and services that is has offered throughout its long history.

FIRST CAUSE OF ACTION

(Copyright Infringement)

92. AP repeats and realleges each and every allegation in ¶¶ 1-91 above as if fully set forth herein.

93. AP holds all right, title and interest in and to the copyrights of each of the Registered Articles, as well as all news articles on the AP wires ("AP Content"). Pursuant to 17 U.S.C. § 106, AP has the exclusive right to reproduce, distribute, display, and/or prepare derivative works from the Registered Articles, as well as the AP Content.

94. By the actions alleged above, Defendants have infringed and will continue to infringe AP's copyrights in each of the Registered Articles, as well as the AP Content by (i) unlawfully reproducing, distributing, and displaying all or infringing portions of the Registered Articles, as well as the AP Content, without the permission of AP, and (ii) creating, and causing or inducing others to create, derivative works from the Registered Articles, as well as the AP Content, all in violation of AP's exclusive rights under 17 U.S.C. § 106.

95. Defendants' infringements were and are willful and committed with full knowledge and conscious disregard for of AP's copyrights and exclusive rights in and to the Registered Articles and the AP Content.

96. Defendants' infringements were and are conducted without AP's consent and are not otherwise permissible under the Copyright Act.

97. AP is entitled to recover from Defendants the profits made by them from infringements of the Registered Articles and AP's damages therefrom, or, at AP's election, statutory damages pursuant to 17 U.S.C. § 504.

98. AP is also entitled to recover from Defendants costs and attorneys' fees pursuant to 17 U.S.C. § 505.

99. Defendants' infringements have caused, and, unless restrained by this Court, will continue to cause, irreparable injury to AP not fully compensable in monetary damages. AP is therefore entitled to a preliminary and permanent injunction enjoining Defendants from further infringements.

SECOND CAUSE OF ACTION

(Contributory Copyright Infringement)

100. AP repeats and realleges each and every allegation in ¶¶ 1-99 above as if fully set forth herein.

101. By the actions alleged above, Defendants' customers have directly infringed and will continue to infringe AP's copyrights in and to the Registered Articles, as well as the AP Content.

102. By the actions alleged above, Defendants have induced, caused, assisted, or materially contributed to the infringing conduct of users of their Meltwater News service.

103. By the actions alleged above, Defendants have provided the means for the infringing conduct of users of their Meltwater News Service.

104. Defendants know or have reason to know of the actual or imminent infringing conduct of others, including users of their Meltwater News service.

105. The infringements that Defendants induced, caused, assisted, or materially contributed to through the conduct described above were without AP's consent and are not otherwise permissible under the Copyright Act.

106. Defendants' infringements were and are willful and committed with full knowledge and conscious disregard of AP's copyrights and exclusive rights in and to the Registered Articles, as well as the AP Content.

107. AP is entitled to recover from Defendants the profits made by them from infringements of the Registered Articles and AP's damages therefrom, or, at AP's election, statutory damages pursuant to 17 U.S.C. § 504.

108. AP is also entitled to recover from Defendants costs and attorneys' fees pursuant to 17 U.S.C. § 505.

109. The infringements that Defendants induced, caused, assisted, or materially contributed to through the conduct described above have caused, and, unless restrained by this Court, will continue to cause, irreparable injury to AP not fully compensable in monetary damages. AP is therefore entitled to a preliminary and permanent injunction enjoining Defendants from further infringements.

THIRD CAUSE OF ACTION

(Vicarious Copyright Infringement)

110. AP repeats and realleges each and every allegation in ¶¶ 1-109 above as if fully set forth herein.

111. By the actions alleged above, Defendants' customers have directly infringed and will continue to infringe AP's copyrights in and to the Registered Articles, as well as the AP Content.

112. Defendants enjoy a direct financial benefit from their users' infringing activities.

113. Defendants have the right and ability to supervise, control and prevent their users' infringing activity, but have failed or refused to exercise supervision or control over their users' infringing activities.

114. Defendants' infringements were and are willful and committed with full knowledge and conscious disregard for of AP's copyrights and exclusive rights in and to the Registered Articles, as well as the AP Content.

115. AP is entitled to recover from Defendants the profits made by them from infringements of the Registered Articles and AP's damages therefrom, or, at AP's election, statutory damages pursuant to 17 U.S.C. § 504.

116. AP is also entitled to recover from Defendants costs and attorneys' fees pursuant to 17 U.S.C. § 505.

117. Defendants' infringements have caused, and, unless restrained by this Court, will continue to cause, irreparable injury to AP not fully compensable in monetary damages. AP is therefore entitled to a preliminary and permanent injunction enjoining Defendants from further infringements.

FOURTH CAUSE OF ACTION

(Declaratory Judgment)

118. AP repeats and realleges each and every allegation in ¶¶ 1-117 above as if fully set forth herein.

119. As alleged in greater detail above, in operating its subscription-based Meltwater News service, Meltwater delivers to its subscribers headlines, ledes, and substantial excerpts of original works created by publishers, including AP.

120. As alleged in greater detail above, in order to deliver this content, Meltwater maintains a continuously updating database of the full text of every article its software "scrapes" from countless websites, including AP Content.

121. As alleged in greater detail above, Defendant Meltwater has also built into its Meltwater News system a way for its customers to capture, save and store the infringing excerpts and full text of retrieved news articles in Meltwater's database, including AP articles.

122. As alleged in greater detail above, Meltwater has built into its Meltwater News System a way for its customers to translate AP articles into foreign languages and thus to create infringing derivative works.

123. Meltwater has neither sought nor obtained a license for its use of AP Content.

124. Meltwater's business model is premised upon charging substantial fees to its subscribers while incurring no cost to create or license content from publishers, including the AP.

125. The registered AP articles named herein represent only a tiny sample of the thousands of unlicensed, copyrighted AP articles that Meltwater copies, stores, and distributes to users on a continuous basis in the course of operating its Meltwater News service.

126. By reason of the foregoing, there now exists between the parties an actual and justiciable controversy concerning whether the business practices of Meltwater News as set forth in this complaint constitutes an infringement of AP's copyright in any AP Content.

127. Accordingly, the AP seeks, pursuant to 28 U.S.C. §§ 2201 and 2202, a declaration and judgment from this Court that the business practices of Meltwater News as set forth in this complaint constitutes an infringement of AP's copyright in any AP Content.

FIFTH CAUSE OF ACTION

("Hot News" Misappropriation Under New York Common Law)

128. AP repeats and realleges each and every allegation in ¶¶ 1-127 above as if fully set forth herein.

129. AP collects newsworthy information, creates and edits news stories based upon that information, and transmits its news stories in a timely fashion at substantial economic, professional, and personal cost. AP reports news; it does not "make" news, except on rare occasion.

130. The value of the news stories that AP gathers, creates and transmits is highly time sensitive.

131. As described above, Defendants' use of AP's news stories constitutes free riding on AP's significant, costly efforts to generate its news stories.

132. Defendants' Meltwater News service uses AP news stories in a "news monitoring" service that is sold to a similar customer base as AP's Wire Services, including without limitation to governmental divisions and agencies and private corporations. Defendants' Meltwater News service competes directly with AP's own wire service offerings, which are the basis for its continued financial viability.

133. The ability of Meltwater and other parasitic electronic clipping services to free ride on AP's significant, costly efforts to collect, report, edit and transmit news stories would so reduce AP's incentive to produce its news wires that their existence or quality would be substantially threatened.

134. Indeed, if anybody and everybody were permitted to make indiscriminate distribution without license of AP's news stories in the same fashion as Defendants for purposes of profit in competition with AP, it would render publication of the news stories so little profitable as in effect to cut off the service by rendering the cost prohibitive in comparison to the return.

135. As alleged above, Defendants' acts constitute "hot news" misappropriation under New York State common law.

136. Defendants' conduct has damaged AP while unjustly enriching Defendants.

137. As alleged above, Defendants have acted in bad faith, maliciously, willfully, and without due regard for AP's rights.

138. AP is entitled to injunctive relief, compensatory and punitive damages, and any other remedies available under New York law.

SIXTH CAUSE OF ACTION

(Removal or Alteration of Copyright Management Information)

139. AP repeats and realleges each and every allegation in ¶¶ 1-138 above as if fully set forth herein.

140. In all of its news reports transmitted on the AP wires, AP includes a credit line and copyright notice.

141. The inclusion of AP's name and copyright information in all of its news reports constitutes "copyright management information" as defined in 17 U.S.C. § 1202(c).

142. Defendants, without authority of AP or the law, have caused and induced others to intentionally remove and/or alter copyright management information from AP news reports, including the Registered Articles, and has thereafter distributed said works, knowing or having reason to know that the copyright management has been removed or altered without authority of the copyright owner or law, having reasonable grounds to know that it will induce, enable, facilitate, or conceal an infringement of copyright under Title 17 of the United States Code, in violation of 17 U.S.C. § 1202(b).

143. Such removal or alteration of copyright management information from AP news reports, including the Registered Articles, and subsequent distribution of the reports, including the Registered Articles, as alleged above, was willful and intentional, and was committed with full knowledge of and disregard for of AP's rights under copyright law.

144. AP is entitled to recover actual damages suffered as a result of the violation and any profits of Defendants attributable to such violation or, at AP's election, statutory damages pursuant to 17 U.S.C. § 1203(c).

145. AP is entitled to recover costs and attorneys' fees from Defendants pursuant to 17 U.S.C. § 1203(b)(4) and (5).

WHEREFORE, AP demands judgment against Defendants as follows:

a. Declaring that the business practices of Meltwater News as set forth in this complaint constitute an infringement of AP's copyright in any AP Content;

b. Preliminarily and permanently enjoining Defendants and all those acting at their direction or pursuant to their control from (i) infringing AP's copyrights in its past and future articles through Defendants' Meltwater News Service, including through direct, contributory and vicarious infringement of AP's exclusive rights; (ii) misappropriating AP's "hot-news" content; and (iii) removing or altering AP's copyright management information;

c. Ordering Defendants to delete from its database and all computers under Defendants' control all copyrighted materials owned by AP and all AP news reports;

d. Awarding AP its actual or statutory damages, in an amount to be determined at trial;

e. Awarding AP any profits made by Defendants attributable to their violations not taken into account when computing AP's actual damages;

f. Awarding AP, on its Fifth Cause of Action, punitive damages in an amount to be determined at trial;

g. Awarding AP its costs of prosecuting this action, including reasonable attorneys' fees;

h. Directing Defendants to file with this Court within 30 days after the entry of final judgment a written statement, under oath, setting forth in detail the manner in which they have complied with the Judgment of the Court; and

i. Awarding AP such other and further relief that this Court deems just, proper and equitable.

Dated: New York, New York
February 14, 2012

DAVIS WRIGHT TREMAINE LLP

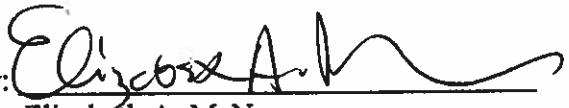
By: 

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EXHIBIT A

12/14/11 19:00

Help wanted at new casino for Toledo, Ohio

TOLEDO, Ohio (AP) - Job seekers can roll the dice to land work at another of the four casinos coming soon to Ohio.

Hollywood Casino Toledo has posted more than 600 job listings on its website this week. Multiple media outlets report the positions include bar and restaurant workers, slots and table games supervisors, groundskeepers and security officers.

The casino is scheduled to open in the spring with 1,200 employees.

The Cleveland casino, which will open first, advertised for 750 non-gaming jobs on Monday, while the Columbus casino posted openings for executive positions.

Cincinnati also is getting a casino. All four were approved by Ohio voters in 2009.

EXHIBIT B

12/12/11 19:00

Modern pentathlon tightens anti-doping policy

MONACO (AP) -- Modern pentathlon has joined other sports in adopting a "no needles" policy as part of its anti-doping rules ahead of the 2012 London Olympics.

Governing body UIPM says athletes can receive injections only from a "certified medical professional" after an appropriate diagnosis and only if there is no alternative.

The UIPM says all injections must be reported to competition doctors.

Governing bodies in cycling, gymnastics and rowing have also introduced "no needles" rules this year.

EXHIBIT C

12/13/11 12:34

Albert King gets marker on Mississippi Blues Trail

INDIANOLA, Miss. (AP) — The late guitarist and singer Albert King is being honored on the Mississippi Blues Trail.

A marker commemorating King's career is being dedicated Tuesday in Indianola.

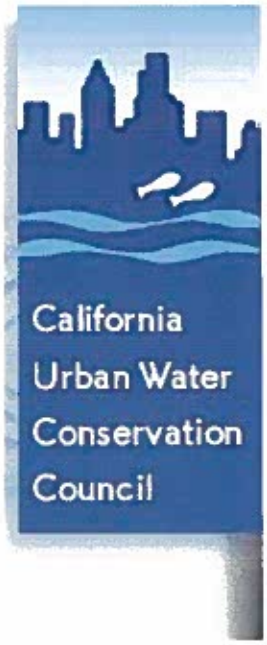
The Mississippi Development Authority says King gave his year of birth sometimes as 1923 and sometimes as 1924. Applying for a Social Security card in 1942, he listed his name as Albert Nelson. When he recorded his first record in 1953, he went by Albert King.

He claimed to be a half brother of blues legend B.B. King, but B.B. King has said they were friends but not relatives.

Albert King's most famous recordings were the album "Live Wire/Blues Power," and the singles "Born Under a Bad Sign," "Cross Cut Saw," "The Hunter" and "I'll Play the Blues for You."

EXHIBIT D

meltwater news



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Total Price - $10,000.00 ($2,500 Savings)

EXHIBIT E

TRAVELERS

Travelers- US Press

October 25, 2011 - Mass Media Distribution Newswire

Insider at Travelers Companies, Inc. (TRV), William Heyman, sells USD 3,434,010 of stock; 2 Additional Transactions

-- William Heyman sold 60,000 shares of Travelers Companies, Inc. stock, or $3,434,010 worth, as noted in an SEC Filing today. After the transaction, William Heyman's stake was reported as 157,720 shares of Travelers Companies, Inc.

Insider at **Travelers Companies**, Inc. (TRV), William Heyman, sells USD 3,434,010 of stock; 2 Additional Transactions -- William Heyman sold 60,000...

October 21, 2011 - Commercial Real Estate Direct

Sale of Calif. Property Resolves Soured CMBS Loan

Commercial Real Estate Direct Staff Report Karlin Real Estate has purchased the Capital Center, a 531,000-square-foot office complex in the Sacramento, Calif.

...76 percent leased to 25 tenants, including Wells Fargo Bank, **Travelers Insurance**, Verizon Business Services and the Federal Home Loan Bank. The...

October 21, 2011 - Zacks Investment Research

Chubb Beats, Trims Outlook

Despite high cat losses from Hurricane Irene along with a slew of other storms, the property and casualty insurer, Chubb Corp. (CB - Analyst Report) managed to report better than the Zacks estimates.

...are affecting the carriers alike. Chubb s close competitor, The **Travelers Companies**. (TRV - Analyst Report) also reported third quarter earnings...

October 21, 2011 - Bloomberg

S&P 500 Companies With Weekly Estimate Revisions

The following tables detail changes in consensus for companies in the Standard & Poor's 500 Index. The tables include estimates for the third and fourth quarter.

...Ltd. 0.53 0.54 -1.9% DD E.I. Du Pont 0.53 0.54 -1.9% TRV **Travelers Companies** Inc. 1.56 1.59 -1.9% SBUX Starbucks Corp. 0.50 0.51 -2.0% DOW Dow Chemical...

October 21, 2011 - StockRants

Chubb Beats, Trims Outlook (ALL) (CB) (TRV) (WRB) (XL)

Despite high cat losses from Hurricane Irene along with a slew of other storms, the property and casualty insurer, Chubb Corp. (CB) managed to report better than the Zacks estimates.

...conditions are affecting the carriers alike. Chubb s close competitor, The **Travelers Companies**. (TRV) also reported third quarter earnings miss on the...

Travelers- Int'l press

October 25, 2011 - TED UK

UK-High Wycombe: insurance services 2011/S 205-334483

Contract notice Services Section I: Contracting authority I.1)Name, addresses and contact point(s) Wycombe District Council Queen Victoria Road Contact point(s): Ryan Savage For the attention of: Ryan Savage HP11 1BB High Wycombe UNITED KINGDOM Telephone: +44 1494421368 E-mail: ryan_savage@wycom
...London, Aviva, Risk Management Partners, Royal Sun Alliance, **Travelers Insurance** Co Ltd, Summit Motor Policies, Zurich Municipal, Chartis Insurance...

October 24, 2011 - The Insurance Insider

Gelb picks market turn for 2013

Barclays analyst Jay Gelb says he is increasingly hopeful that commercial P&C insurers will see a sustained increase in premium rates after seeing recent data from Chubb, Travelers and the Council of Insurance Agents and Brokers (CIAB).
...sustained increase in premium rates after seeing recent data from Chubb, **Travelers** and the Council of **Insurance** Agents and Brokers (CIAB). Recent...

October 21, 2011 - Capital.gr

Τέταρτη διαδοχική εβδομάδα κερδών για τον Dow

Dow 11.808,79 267,01 2,31% Nasdaq 2.637,46 38,84 1,49% Η Wall Street χθες Ανοδικά κινήθηκαν οι βασικοί δείκτες της Wall Street στις συναλλαγές της Παρασκευής η ολοκλήρωση των οποίων βρήκε τους Dow και S&P 500 στο υψηλότερο επίπεδο των τελευταίων 11 εβδομάδων.
...πρόσημο και 2 με αρνητικό. Εξ αυτών τα μεγαλύτερα ποσοστιαία κέρδη κατέγραψε η **Travelers Companies** Inc κλείνοντας στα 57,33 δολ. με άνοδο 2,80...

October 21, 2011 - BizWire Express

When You Shouldn't Buy Cancel for Any Reason, Explains Squaremouth

As Cancel for Any Reason continues to grow in popularity, more travelers are including the benefit in their travel insurance policy. According to Squaremouth.
...Ross, On Call International, Seven Corners, Travel Guard, Travel **Insurance** Services, Travel Insured, **Travelers** Liberty, Travelex, TravelSafe and...

October 21, 2011 - Stock Market Review

The Travelers Companies (NYSE:TRV): Profit Slumped On Increased Natural calamities

Advertisement On October 19, 2011, Travelers Cos. reported its profit during the third-quarter slumped 67% year-over-year to $333 million fueled by August's Hurricane Irene and tropical storm Lee.
The **Travelers Companies** (NYSE:TRV): Profit Slumped On Increased Natural calamities Advertisement On October 19, 2011, Travelers Cos. reported...

October 21, 2011 - The Insurance Insider

Optimism on rates boosted as Chubb beats the Street

Giant US primary insurer Chubb reported analyst topping results on Thursday, adding to optimism on hardening US commercial insurance rates that has grown since rival Travelers reported earlier this week.
...results on Thursday, adding to optimism on hardening US commercial **insurance** rates that has grown since rival **Travelers** reported earlier this week.

Travelers (Full TEXT)

October 26, 2011 - Credit.com

Guide to Travel Insurance: Medical Evacuation Coverage

Say you're planning an ocean cruise, an African safari, or some other trip that will place you hundreds of miles away from the nearest hospital. What happens if you need medical attention immediately? The way to address this fear may seem simple: Buy travel insurance. Your credit card company may sell travel insurance, and many private companies specialize in offering such coverage. That way, if a rhinoceros attacks your Jeep or you develop emergency appendicitis, your evacuation to a hospital will be covered, even if that hospital is back home in the United States. Or

maybe it isn't. Many travel insurance packages—especially those offered for free by credit card networks—say they offer "emergency assistance." To a regular person, that may sound a lot like "emergency evacuation," since both seem to convey the message: I'm in trouble, and I need to get out of here, now. [Resource: Business Credit Cards to Cut Travel Costs] But in the credit card and insurance worlds, those two terms actually mean completely different things. Emergency evacuation means picking you up and transporting you to emergency care. Emergency assistance, on the other hand, usually means only that you get to call a 24-hour hotline, where the operator will connect you to whatever services you need. Paying for those services is entirely on you, even if it means a bill for $130,000 for a chartered medical jet from Africa back to your hometown. "Most credit cards won't pay for emergency medical or dental care, or emergency medical evacuation, which are all real high dollar value items," says Daniel Durazo, spokesman for Access America, a travel insurance company. Travel insurance gets complicated quickly, partly because it contains so many different types of insurance, from medical coverage to lost luggage. But as you decide which type of travel insurance is right for you, the most important thing to consider is also the least likely to happen: A medical emergency that requires your immediate evacuation. While most people think of insuring their baggage or their rental car, those costs may pale in comparison if something goes seriously wrong. "I've never heard of a person going bankrupt because they lost their luggage or missed their flight," says John W. Cook, former executive in charge of traveler insurance for Travelers Insurance Company, and now president of QuoteWright.com. "But I have heard of people going bankrupt because they had a heart attack while overseas and had to be medically evacuated." [Resource: Get your free Credit Report Card] Most Credit Cards: Cheap, But Limited Protection Many credit cards offer different types of travel insurance, and in many cases those benefits come free as an inducement to encourage you to use the card for major purchases like trips, Cook says. But watch out for the fine print. Visa's traditional cards offer emergency assistance, according to the company's website. But click on the terms, and you discover that this covers access to a 24-hour hotline, not anything close to emergency evacuation. Even Visa's Signature card, which is geared specifically for travelers, offers no coverage for emergency evacuation, according to the company's online description of services. Visa did not return multiple calls and emails seeking comment. The same is true for MasterCard, which also didn't return our calls and emails. Discover does offer some benefits to card holders who experience medical benefits while traveling. But even here, reading and understanding the fine print is key. In its online description of emergency medical benefits, Discover says, "If adequate medical facilities are not locally available in the event of an accident or illness, we'll arrange for an emergency evacuation to the nearest facility capable of providing necessary treatment." The important verb here is "arrange." Notice that this means something different than "pay." Which mean Discover may help you find an emergency flight to a hospital, but you'll still have to pay for it. "The point is you get what you pay for," Durazo says. "You're not paying a lot for that coverage [from credit cards], so the benefits will be rather limited."

October 26, 2011 - Yahoo

Loews Corp Third Quarter Earnings Sneak Peek

S&P 500 component Loews Corp will unveil its latest earnings on Monday, October 31, 2011. Through its subsidiaries, Loews is involved in commercial property and casualty insurance, operation of offshore oil and gas drilling rigs, production of natural gas and liquids, operation of interstate natural gas pipeline, and operation of hotels. Loews Corp Earnings Preview Cheat Sheet Wall St. Earnings Expectations: The average estimate of analysts is for net income of 51 cents per share, a rise of 920% from the company's actual earnings for the same quarter a year ago. During the past three months, the average estimate has moved down from 73 cents. Between one and three months ago, the average estimate moved down. It also has dropped from 61 cents during the last month. For the year, analysts are projecting profit of $2.85 per share, a decline of 6.6% from last year. Past Earnings Performance: The company is hoping to beat estimates after missing the mark for two straight quarters. Last quarter, it reported net income of 59 cents per share against an estimate of profit of 75 cents per share. The quarter before that, it missed forecasts by 2 cents. Investing Insights: Here's Why Chipotle's Stock Keeps Winning. A Look Back: In the second quarter, profit fell 31.1% to $252 million (62 cents a share) from $366 million (87 cents a share) the year earlier, missing analyst expectations. Revenue rose 1.6% to $3.54 billion from $3.49 billion. Key Stats: A year-over-year revenue increase in the second quarter snapped a streak of three consecutive quarters of revenue declines. Revenue fell 1.2% in the first quarter, 2.8% in the fourth quarter of the last fiscal year and 1% in the third quarter of the last fiscal year. The company has seen net income fall in each of the last two quarters. Net income dropped 9% in the first quarter. Competitors to Watch: CNA Financial Corporation , The Chubb Corporation , The Travelers Companies, Inc. , W.R. Berkley Corporation , Markel Corporation , American Financial Group , American Intl. Group, Inc. , Old Republic Intl. Corp. , Cincinnati Financial Corp. , and RLI Corp. . Stock Price Performance: During September 27, 2011 to October 25, 2011, the stock price had risen $3.24 (9.1%) from $35.51 to $38.75. The stock price saw one of its best stretches over the last year between January 4, 2011 and January 12, 2011 when shares rose for seven-straight days, rising 3.8% (+$1.49) over that span. It saw one of its worst periods between July 21, 2011 and August 2, 2011 when shares fell for nine-straight days, falling 6.9% (-$2.82) over that span. Shares are up 2 cents (+0.1%) year to date.

EXHIBIT F

Certificate of Registration

This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
TX 7-461-521

Effective date of registration:
December 29, 2011

Title

Title of Work: Sri Lankan fruit traders protest new basket rule

Completion/Publication

Year of Completion: 2011

Date of 1st Publication: December 14, 2011 **Nation of 1st Publication:** United States

Author

- **Author:** The Associated Press

Author Created: text

Work made for hire: Yes

Citizen of: United States **Domiciled in:** United States

Copyright claimant

Copyright Claimant: The Associated Press

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Rights and Permissions

Organization Name: The Associated Press

Name: Laura Malone

Address: 450 West 33rd Street

New York, NY 10001 United States

Certification

Name: Amanda Morrison

Date: December 29, 2011

Applicant's Tracking Number: Sri Lankan fruit

Sri Lankan fruit traders protest new basket rule

Sri Lanka's fruit and vegetable traders take to streets protesting new plastic basket rule

COLOMBO, Sri Lanka (AP) _ Thousands of produce traders at Sri Lanka's main market are protesting in the streets demanding that the government withdraw a new rule requiring all vegetables and fruits be transported in plastic baskets instead of sacks.

Business came to a standstill Wednesday at the central market in Colombo, the capital, when the traders started a sit-in protest on a main road. They were protesting a rule that makes compulsory the use of plastic baskets in transporting vegetables and fruits.

The government says the move was to stop colossal wastage through damage while transporting perishable produce in sacks. But the traders say the rule is not practical because the plastic baskets hold smaller quantities of vegetables they take up too much space in their shops.

EXHIBIT G

Certificate of Registration

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Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
TX 7-460-774

Effective date of registration:
December 29, 2011

Title

Title of Work: Help wanted at new casino for Toledo, Ohio

Completion/Publication

Year of Completion: 2011

Date of 1st Publication: December 14, 2011 **Nation of 1st Publication:** United States

Author

- **Author:** The Associated Press

Author Created: text

Work made for hire: Yes

Citizen of: United States **Domiciled in:** United States

Copyright claimant

Copyright Claimant: The Associated Press

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Organization Name: The Associated Press

Name: Laura Malone

Address: 450 West 33rd Street

New York, NY 10001 United States

Certification

Name: Amanda Morrison

Date: December 29, 2011

Applicant's Tracking Number: Help wanted at

Help wanted at new casino for Toledo, Ohio

Casino being built in Toledo is latest in Ohio to post hundreds of job openings

TOLEDO, Ohio (AP) _ Job seekers can roll the dice to land work at another of the four casinos coming soon to Ohio.

Hollywood Casino Toledo has posted more than 600 job listings on its website this week. Multiple media outlets report the positions include bar and restaurant workers, slots and table games supervisors, groundskeepers and security officers.

The casino is scheduled to open in the spring with 1,200 employees.

The Cleveland casino, which will open first, advertised for 750 non-gaming jobs on Monday, while the Columbus casino posted openings for executive positions.

Cincinnati also is getting a casino. All four were approved by Ohio voters in 2009.

EXHIBIT H

Certificate of Registration

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Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
TX 7-461-520

Effective date of registration:
December 29, 2011

Title

Title of Work: Portugal highway toll booths torched, shots fired

Completion/Publication

Year of Completion: 2011

Date of 1st Publication: December 14, 2011 **Nation of 1st Publication:** United States

Author

- **Author:** The Associated Press

Author Created: text

Work made for hire: Yes

Citizen of: United States **Domiciled in:** United States

Copyright claimant

Copyright Claimant: The Associated Press

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Organization Name: The Associated Press

Name: Laura Malone

Address: 450 West 33rd Street

New York, NY 10001 United States

Certification

Name: Amanda Morrison

Date: December 29, 2011

Applicant's Tracking Number: Portugal highway toll

Portugal highway toll booths torched, shots fired

Portugal highway toll booths torched, shots fired in apparent anti-austerity protest

LISBON, Portugal (AP) _ Portuguese authorities say unidentified attackers torched highway toll booths and shot at an employee in what police suspect is part of ongoing protests against new charges for road users.

The government last week introduced tolls on four highways as part of austerity measures it agreed to in return for a euro78 billion ($101.5 billion) bailout earlier this year.

Police told national news agency Lusa that attackers set fire to an unmanned toll booth in the southern Algarve region late Tuesday. An employee called to the scene suffered slight injuries from a gunshot.

Another toll booth in the same region was damaged by arson and gunfire on Monday night.

Portugal has not so far witnessed any violent street demonstrations against the austerity measures.

EXHIBIT I

Certificate of Registration

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Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
TX 7-460-773

Effective date of registration:
December 29, 2011

Title

Title of Work: Former Alaska Sen. Ted Stevens dies in plane crash

Completion/Publication

Year of Completion: 2010

Date of 1st Publication: August 10, 2010 **Nation of 1st Publication:** United States

Author

- **Author:** The Associated Press

Author Created: text

Work made for hire: Yes

Citizen of: United States **Domiciled in:** United States

Copyright claimant

Copyright Claimant: The Associated Press

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Organization Name: The Associated Press

Name: Laura Malone

Address: 450 West 33rd Street

New York, NY 10001 United States

Certification

Name: Amanda Morrison

Date: December 29, 2011

Applicant's Tracking Number: Former Alaska Sen.

Former Alaska Sen. Ted Stevens dies in plane crash

Former Alaska Sen. Ted Stevens dies in plane crash during fishing trip

DILLINGHAM, Alaska (AP) _ An amphibious plane carrying former Republican Sen. Ted Stevens crashed into a remote mountainside during a fishing trip, killing Alaska's most beloved political figure and four others and stranding the survivors on a rocky, brush-covered slope overnight.

Stevens and the eight other people in the single-engine plane were on a fishing trip when the flight experienced sudden fog and rain in a rugged section of southwestern Alaska.

Three teenagers and their parents, including the former head of NASA, were on the plane when it plowed into the mountain Monday afternoon with so much force that it left a 300-foot (90-meter) gash on the slope, federal investigators said.

A doctor and two emergency medical technicians hiked to the scene Monday evening and tended to the survivors' broken bones, cuts and bruises during a cold and frightening night on the mountain with the pungent odor of jet fuel wafting through the air.

A 13-year-old boy survived but had to spend the night near his dead father and the senator. A mother and her 16-year-old daughter died. Former NASA chief Sean O'Keefe survived along with his teenage son.

The 86-year-old Stevens' death stunned lawmakers and residents alike because of his pre-eminence in Alaska history: A decorated World War II pilot who survived a deadly 1978 plane crash, he was the longest-serving Republican senator in history and became the patron saint of Alaska politics as he brought billions of federal dollars home.

One failed effort _ the infamous "Bridge to Nowhere" _ became part of his national legacy, as did corruption convictions that helped foil his 2008 campaign after 40 years in office. The case was later tossed out.

"He is one of the real giants," said Paul Brown, a consultant who was having lunch at an outdoor cafe in Anchorage. "He dedicated his life to this state."

Investigators with the National Transportation Safety Board arrived Tuesday at the crash site outside Dillingham, located on Bristol Bay about 325 miles (525 kilometers) southwest of Anchorage. The cause was not immediately known, but weather is one area investigators will examine.

The flights at Dillingham are often perilous through the mountains, even in good weather. NTSB chairwoman Deborah Hersman

said weather conditions at the time of the accident included light rain, clouds and gusty winds.

Hersman said the group had eaten lunch at a lodge and boarded a 1957 red-and-white float plane between 3 p.m. and 3:15 p.m. local time for a trip to a salmon fishing camp. The FAA had previously said the plane took off between 1 p.m. and 2 p.m.

Lodge operators called the fishing camp at 6 p.m. to inquire when the party would be returning for dinner, but were told that they never showed up. Civilian aircraft were dispatched, and pilots quickly spotted the wreckage a few miles (kilometers) from the lodge, Hersman said.

The doctor and EMTs were flown to the area and hiked to the wreckage as fog and rain blanketed the area and nightfall set in, making it impossible for rescue officials to reach the scene until daybreak.

Pilot Tom Tucker helped shuttle the medical personnel to the scene.

He said the survivors were all in relative good condition. It was rainy and cold, and he believes their heavy duty fishing waders protected them when they went into shock.

"We covered them up with blankets and made them as comfortable as we could," he said.

He said there was no rhyme or reason to how some survived the crash. The pilot was killed, but a passenger in the co-pilot's seat survived. "The front of the aircraft was gone," he said. "He was just sitting in the chair."

They made a tarp tent over the missing cockpit to keep him dry.

The Federal Aviation Administration said the DeHavilland DHC-3T was registered to Anchorage-based General Communications Inc., a phone and Internet company.

Four survivors were taken to Providence Hospital in Anchorage with "varying degrees of injuries," Alaska State Troopers said. Former NASA spokesman Glenn Mahone said O'Keefe, 54, and his son had broken bones and other injuries.

Sean O'Keefe was listed in critical condition late Tuesday afternoon, while son Kevin was listed in serious condition and sleeping.

The other survivors were William "Willy" Phillips Jr., 13; and Jim Morhard, of Alexandria, Virginia.

The victims were identified as Stevens; pilot Theron "Terry" Smith, 62, of Eagle River; William "Bill" Phillips Sr.; Dana Tindall, 48, an executive with GCI; and her 16-year-old daughter Corey Tindall.

Stevens and O'Keefe were fishing companions and longtime Washington colleagues who worked together on the Senate Appropriations Committee that the Republican lawmaker led for

several years. Stevens became a protege to the younger O'Keefe and they remained close friends over the years. Morhard and the elder Phillips also worked with Stevens in Washington.

Plane crashes in Alaska are somewhat common because of the treacherous weather and mountainous terrain. Many parts of the state are not accessible by roads, forcing people to travel by air to reach their destinations.

Stevens was one of two survivors in a 1978 plane crash at Anchorage International Airport that killed his wife, Ann, and several others.

Alaska Sen. Lisa Murkowski said the state had lost a hero and "I lost a dear friend," praising Stevens' service during World War II. He flew cargo planes over "the hump" in the Himalayas and was awarded the Distinguished Flying Cross.

"Alaska has lost one of its greatest statesmen and a true pioneer of our state with the passing of Senator Ted Stevens," said Murkowski's counterpart, Mark Begich, who defeated Stevens in 2008 and who lost his politician father in a plane crash in 1972.

A White House spokesman said President Barack Obama called Stevens' widow, Catherine, on Tuesday afternoon to express his condolences.

"A decorated World War II veteran, Sen. Ted Stevens devoted his career to serving the people of Alaska and fighting for our men and women in uniform," Obama said in prepared remarks.

Stevens was appointed in December 1968 and became the longest-serving Republican in Senate history. (The late Strom Thurmond was in the Senate longer than Stevens, but he spent a decade there as a Democrat before switching to the Republicans.)

The wiry octogenarian was a legend in his home state, where he was known as "Uncle Ted."

He was named Alaskan of the Century in 1999 for having the greatest impact on the state in 100 years. He brought in "Stevens money" that literally helped keep the remote state solvent. The Anchorage airport is also named in his honor.

But one of his projects _ infamously known as the "Bridge to Nowhere" _ became a symbol of wasteful spending in Congress and a target of taxpayer groups who challenged an appropriation for hundreds of millions of dollars for bridge construction in Ketchikan.

Stevens' standing in Alaska was toppled by corruption allegations and a federal trial in 2008. He was convicted of all seven counts _ and narrowly lost to Begich in the election the following week. But five months later, Attorney General Eric Holder dropped the indictment and declined to proceed with a new trial because of prosecutorial misconduct.

Stevens never discussed the events publicly.

The Stevens crash is the latest in a long line of aviation accidents to claim political figures over the years in the U.S., including Pennsylvania Sen. John Heinz in 1991, South Dakota Gov. George Mickelson in 1993, Missouri Gov. Mel Carnahan in 2000 and Minnesota Sen. Paul Wellstone in 2002.

EXHIBIT J

Certificate of Registration

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Maria A. Pallante

Register of Copyrights, United States of America

Registration Number
TX 7-460-772

Effective date of registration:
December 29, 2011

Title

Title of Work: Modern pentathlon tightens anti-doping policy

Completion/Publication

Year of Completion: 2011

Date of 1st Publication: December 12, 2011 **Nation of 1st Publication:** United States

Author

- **Author:** The Associated Press

Author Created: text

Work made for hire: Yes

Citizen of: United States **Domiciled in:** United States

Copyright claimant

Copyright Claimant: The Associated Press

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Organization Name: The Associated Press

Name: Laura Malone

Address: 450 West 33rd Street

New York, NY 10001 United States

Certification

Name: Amanda Morrison

Date: December 29, 2011

Applicant's Tracking Number: Modern pentathlon tightens

Modern pentathlon tightens anti-doping policy

Modern pentathlon passes 'no needle' rules to tighten anti-doping ahead of London Olympics

MONACO (AP) _ Modern pentathlon has joined other sports in adopting a "no needles" policy as part of its anti-doping rules ahead of the 2012 London Olympics.

Governing body UIPM says athletes can receive injections only from a "certified medical professional" after an appropriate diagnosis and only if there is no alternative.

The UIPM says all injections must be reported to competition doctors.

Governing bodies in cycling, gymnastics and rowing have also introduced "no needles" rules this year.

EXHIBIT K

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Register of Copyrights, United States of America

Registration Number
TX 7-460-574

Effective date of registration:
December 29, 2011

Title

Title of Work: Albert King gets marker on Mississippi Blues Trail

Completion/Publication

Year of Completion: 2011

Date of 1st Publication: December 13, 2011 **Nation of 1st Publication:** United States

Author

- **Author:** The Associated Press

Author Created: text

Work made for hire: Yes

Citizen of: United States **Domiciled in:** United States

Copyright claimant

Copyright Claimant: The Associated Press

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Name: Laura Malone

Address: 450 West 33rd Street

New York, NY 10001 United States

Certification

Name: Amanda Morrison

Date: December 29, 2011

Applicant's Tracking Number: Albert King gets

Albert King gets marker on Mississippi Blues Trail

Late singer and guitarist Albert King honored with Mississippi Blues Trail marker in Indianola

INDIANOLA, Miss. (AP) _ The late guitarist and singer Albert King is being honored on the Mississippi Blues Trail.

A marker commemorating King's career is being dedicated Tuesday in Indianola.

The Mississippi Development Authority says King gave his year of birth sometimes as 1923 and sometimes as 1924. Applying for a Social Security card in 1942, he listed his name as Albert Nelson. When he recorded his first record in 1953, he went by Albert King.

He claimed to be a half brother of blues legend B.B. King, but B.B. King has said they were friends but not relatives.

Albert King's most famous recordings were the album "Live Wire/Blues Power," and the singles "Born Under a Bad Sign," "Cross Cut Saw," "The Hunter" and "I'll Play the Blues for You."

EXHIBIT L

Certificate of Registration

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Title

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Certification

Name: Amanda Morrison

Date: December 29, 2011

Applicant's Tracking Number: Polls open in second

Polls open in second wave of Egypt parliament vote

Polls open in second round of Egypt's first parliamentary vote since Mubarak ouster

CAIRO (AP) _ Egyptians in nine provinces have begun voting in the second stage of the first parliamentary elections since a popular uprising ousted President Hosni Mubarak in February.

Dozens of people are lining up under campaign posters outside a school near the Pyramids in Giza on Wednesday, waiting to cast their ballots and dip their finger in purple ink to prevent double voting.

Islamist parties dominated the first round of voting which started last month, with the Muslim Brotherhood's political arm taking 47 percent of the contested seats and the ultraconservative Al-Nour party taking 21 percent. The liberal Egyptian Bloc took nine percent.

The second round, which continues through Thursday, will decide 180 seats in the 498-seat lower house. The third and final round is scheduled for early January.

EXHIBIT M

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Copyright Claimant: The Associated Press

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Organization Name: The Associated Press

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Certification

Name: Amanda Morrison

Date: December 29, 2011

Applicant's Tracking Number: Senate upset erases Alaska

Senate upset erases Alaska seniority

Alaska loses long-held Senate seniority that brought billions of dollars to state

ANCHORAGE, Alaska (AP) _ The defeat of Republican U.S. Sen. Lisa Murkowski by an upstart fiscal conservative in Alaska's GOP primary could mark a significant shift for a state that has so long relied on federal pork to survive. The outcome was also an unexpected blow to the seniority Alaska has enjoyed in the Senate.

Even as the far northern state stubbornly adheres to its reputation for independence, it relies more heavily on federal spending than any other state, thanks largely to congressional powerhouses such as the late Republican Sen. Ted Stevens.

But a shift in that approach could come in the form of Joe Miller, who defeated Murkowski with the strong backing of Sarah Palin and the Tea Party Express as he campaigned against runaway government spending.

Noting that Alaska has long depended on federal largesse, Miller says the state could work toward self-reliance with more control of its own resources and a reduction in federal regulatory burdens.

He is favored to win in November over Democrat Scott McAdams, a little-known mayor of the southeast Alaska town of Sitka.

Alaska's sole representative in the U.S. House, Don Young, has been adept at bringing federal dollars to the state for almost four decades and no one expects his goals to change.

But Stevens, who was killed in a plane crash last month, brought home billions from Washington to fund highways, pipelines, ports. Alaska lost his formidable seniority and some power to capture a huge share of federal money when he was defeated by Democratic Sen. Mark Begich in 2008 following a corruption conviction that was later dropped.

For many longtime political observers in Alaska, Murkowski's defeat continues a trend of losing Senate seniority and influence _ key elements in the state capturing hundreds of millions of federal dollars each year.

Without Murkowski and with Begich still building tenure, Alaska has virtually no pull in the Senate, said University of Alaska Fairbanks political science professor Jerry McBeath.

"And the Senate has served Alaska marvelously over the 50-year period of statehood," he said.

University of Alaska Anchorage political science professor Carl Shepro noted that in post-victory interviews, Miller has toned down his anti-spending stance a bit, probably to appeal to less conservative Republicans.

"So this is not a Joe Miller comes to D.C. and Social Security is gone, Medicare is gone," he said. "But what Joe Miller does do, and what those that I think are joining in this message do is get this government back from the fiscal brink, back from bankruptcy so that we can ensure that the contracts that we've made with our seniors, that we can honor those."

Still, Shepro believes Miller means to sharply cut the flow of federal money coming to Alaska. Shepro expects there would be plenty of senators more than happy to accommodate such a freshman.

Many Alaskans just don't realize how significant the federal government is to the state, where federal government bashing is a state pastime, said Clive Thomas, a political science professor at the University of Alaska Southeast.

"I think what people want is, they don't want the regulation, but they want the money," he said. "But you've got to walk a fine line and Ted Stevens realized that."

The importance of the federal government is recognized by many in Alaska's interior, where Stevens and Young have been revered for years by many, including Alaska Natives living in remote locations.

Tanana, a largely Athabascan community of 300, relies on federal funding for as much as 75 percent of the its economy, said Bear Ketzler, its city administrator. Ketzler, a Murkowski supporter, said it's too soon to feel the repercussions of losing Stevens. He fears Murkowski's loss will only add to an expected cut in federal aid.

"In the short term, we're going to be OK," he said. "In the long term, our future in Alaska looks very, very bleak."

Patti Higgins, state chair of the Alaska Democratic Party, said she disagrees. If Democrats retain their Senate majority, Alaskans would be better off to elect a second Democrat to the Senate, she said.

"With the Democrats in power, I think we're sitting pretty."

EXHIBIT N

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Title

Title of Work: AP Exclusive: Inside Romania's secret CIA prison

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Certification

Name: Amanda Morrison

Date: December 29, 2011

Applicant's Tracking Number: AP Exclusive: Inside

AP Exclusive: Inside Romania's secret CIA prison

AP Exclusive: In basement of Romanian government building, CIA ran secret prison

WASHINGTON (AP) _ In northern Bucharest, in a busy residential neighborhood minutes from the center of Romania's capital city, is a secret that the Romanian government has tried for years to protect.

For years, the CIA used a government building _ codenamed Bright Light _ as a makeshift prison for its most valuable detainees. There, it held al-Qaida operatives Khalid Sheik Mohammad, the mastermind of 9/11, and others in a basement prison before they were ultimately transferred to Guantanamo Bay in 2006, according to former U.S. intelligence officials familiar with the location and inner workings of the prison.

The existence of a CIA prison in Romania has been widely reported but its location has never been made public until a joint investigation by The Associated Press and German public television, ARD Panorama. The news organizations located the former prison and learned details of the facility where harsh interrogation tactics were used. ARD's program on the CIA prison will air Dec 8.

The Romanian prison was part of a network of so-called black sites that the CIA operated and controlled overseas in Thailand, Lithuania and Poland. All the prisons were closed by May 2006, and the CIA's detention and interrogation program ended in 2009.

Unlike the CIA's facility in Lithuania's countryside or the one hidden in a Polish military installation, the CIA's prison in Romania was not in a remote location. It was hidden in plain sight, a couple blocks off a major boulevard on a street lined with trees and homes, along busy train tracks.

The building is used as the National Registry Office for Classified Information, which is also known as ORNISS. Classified information from NATO and the European Union is stored there. Former intelligence officials both described the location of the prison and identified pictures of the building.

In an interview at the building in November, senior ORNISS official Adrian Camarasan said the basement is one of the most secure rooms in all of Romania. But he said Americans never ran a prison there.

"No, no. Impossible, impossible," he said in an ARD interview for its "Panorama" news broadcast, as a security official monitored the interview.

The CIA prison opened for business in the fall of 2003, after the CIA decided to empty the black site in Poland, according to former U.S. officials, who spoke on condition of anonymity

because they were not authorized to discuss the detention program with reporters.

Shuttling detainees into the facility without being seen was relatively easy. After flying into Bucharest, the detainees were brought to the site in vans. CIA operatives then drove down a side road and entered the compound through a rear gate that led to the actual prison.

The detainees could then be unloaded and whisked into the ground floor of the prison and into the basement.

The basement consisted of six prefabricated cells, each with a clock and arrow pointing to Mecca, the officials said. The cells were on springs, keeping them slightly off balance and causing disorientation among some detainees.

The CIA declined to comment on the prison.

During the first month of their detention, the detainees endured sleep deprivation and were doused with water, slapped or forced to stand in painful positions, several former officials said. Waterboarding was not performed in Romania, they said.

After the initial interrogations, the detainees were treated with care, the officials said. The prisoners received regular dental and medical check-ups. The CIA shipped in Halal food to the site from Frankfurt, Germany, the agency's European center for operations. Halal meat is prepared under religious rules similar to kosher food.

Former U.S. officials said that because the building was a government installation, it provided excellent cover. The prison didn't need heavy security because area residents knew it was owned by the government. People wouldn't be inclined to snoop in post-communist Romania, with its extensive security apparatus known for spying on the country's own citizens.

Human rights activists have urged the eastern European countries to investigate the roles their governments played in hosting the prisons in which interrogation techniques such as waterboarding were used. Officials from these countries continue to deny these prisons ever existed.

"We know of the criticism, but we have no knowledge of this subject," Romanian President Traian Basescu said in a September interview with AP.

The CIA has tried to close the book on the detention program, which Obama ended shortly after taking office.

"That controversy has largely subsided," the CIA's top lawyer, Stephen Preston, said at a conference earlier this month.

But details of the prison network continue to trickle out through investigations by international bodies, journalists and human rights groups. "There have been years of official denials," said Dick Marty, a Swiss lawmaker who led an

investigation into the CIA secret prisons for the Council of Europe. "We are at last beginning to learn what really happened in Bucharest."

During the Council of Europe's investigation, Romania's foreign affairs minister assured investigators in a written report that, "No public official or other person acting in an official capacity has been involved in the unacknowledged deprivation of any individual, or transport of any individual while so deprived of their liberty." That report also described several other government investigations into reports of a secret CIA prison in Romania and said: "No such activities took place on Romanian territory."

Journalists and human rights investigators have previously used flight records to tie Romania to the secret prison program. Flight records for a Boeing 737 known to be used by the CIA showed a flight from Poland to Bucharest in September 2003. Among the prisoners on board, according to former CIA officials, were Mohammad and Walid bin Attash, who has been implicated in the bombing of the USS Cole.

Later, other detainees _ Ramzi Binalshibh, Abd al-Nashiri and Abu Faraj al-Libi _ were also moved to Romania. A deceptive Al-Libi, who was taken to the prison in June 2005, provided information that would later help the CIA identify Osama bin Laden's trusted courier, a man who unwittingly led them the CIA to bin Laden himself.

Court documents recently discovered in a lawsuit have also added to the body of evidence pointing to a CIA prison in Romania. The files show CIA contractor Richmor Aviation Inc., a New York-based charter company, operated flights to and from Romania along with other locations including Guantanamo Bay and Morocco.

For the CIA officers working at the secret prison, the assignment wasn't glamorous. The officers served 90-day tours, slept on the compound and ate their meals there, too. Officers were prevented from the leaving the base after their presence in the neighborhood stoked suspicion. One former officer complained that the CIA spent most of its time baby-sitting detainees like Binalshibh and Mohammad whose intelligence value diminished as the years passed.

The Romanian and Lithuanian sites were eventually closed in the first half of 2006 before CIA Director Porter Goss left the job. Some of the detainees were taken to Kabul, where the CIA could legally hold them before they were sent to Guantanamo. Others were sent back to their native countries.

EXHIBIT O

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Certification

Name: Amanda Morrison

Date: December 30, 2011

Applicant's Tracking Number: Former Sen. Ted Stevens

Cold night crept by after crash killed senator

Survivors of Alaska plane crash that killed former US senator spent cold night amid wreckage

DILLINGHAM, Alaska (AP) _ Former Sen. Ted Stevens lay dead in the mangled fuselage of the plane. A 13-year-old boy escaped death but his father died a few feet away. Medical workers spent the miserable night tending to survivors' broken bones amid a huge slick of fuel that coated a muddy mountainside.

The gruesome details of the plane crash that killed Stevens and four others emerged as investigators tried to figure out how the float plane crashed into a mountain during a fishing trip. Three teenagers and their parents were on the plane.

Among those who survived is former NASA chief Sean O'Keefe, who is now the CEO of defense contractor EADS North America. Former NASA spokesman Glenn Mahone said O'Keefe, 54, and his teenaged son had broken bones and other injuries.

Authorities were studying weather patterns to understand if overcast skies, rain and gusty winds played a role in a crash that claimed the life of the most revered politician in Alaska history.

Stevens, a Republican, was remembered as a towering political figure who brought billions of dollars to the state during his 40 years in the Senate _ a career that ended amid a corruption trial in 2008. The case was later tossed out.

A pilot who was one of the first to arrive at the scene described a horrific scene of airplane wreckage, fuel, rainy weather, dead bodies and frightened survivors.

As he helped shuttle a doctor and two emergency medical technicians to the scene about three hours after the crash, Tom Tucker described seeing a survivor still strapped in the front seat with the nose of the plane disintegrated. His head was cut, and his legs appeared to be broken.

"The front of the aircraft was gone," Tucker said. "He was just sitting in the chair."

He and other responders made a tarp tent over the missing cockpit to keep him dry. It was rainy and cold, and he believes the passengers' heavy duty waders protected them when they went into shock. Temperatures ranged from about 48 degrees to 50 degrees (around 10 Celsius) overnight at Dillingham.

Master Sgt. Jonathan Davis, one of the first National Guardsmen to reach the crash site, told ABC television that the waders helped the injured by acting "as sort of a survival-type blanket," keeping body heat in and water out.

The flights at Dillingham are often perilous through the mountains, even in good weather. NTSB chairwoman Deborah Hersman

said weather conditions at the time of the accident included light rain, clouds and gusty winds.

The federal investigation is still in its early stages, and it's too early to say what caused the crash, Hersman said. Hersman told CNN on Wednesday morning that investigators had not yet been able to talk to the crash survivors.

Hersman said the group had eaten lunch at a lodge and boarded a 1957 red-and-white float plane between 3 p.m. and 3:15 p.m. local time for a trip to a salmon fishing camp.

Lodge operators called the fish camp at 6 p.m. to inquire when the party would be returning for dinner, but were told that they never showed up. Civilian aircraft were dispatched, and pilots quickly spotted the wreckage a few miles from the lodge, Hersman said.

The doctor and medics were flown to the area and hiked to the wreckage as fog and rain blanketed the area and nightfall set in, making it impossible for rescue officials to reach the scene until daybreak.

The Federal Aviation Administration said the DeHavilland DHC-3T was registered to Anchorage-based General Communications Inc., a phone and Internet company.

The victims were identified as Stevens; pilot Theron "Terry" Smith, 62; William "Bill" Phillips Sr.; Dana Tindall, 48, an executive with GCI; and her 16-year-old daughter Corey Tindall.

The four survivors were O'Keefe and his son, Kevin; William "Willy" Phillips Jr., 13; and Jim Morhard, of Alexandria, Virginia. They were taken to Providence Hospital in Anchorage with "varying degrees of injuries," Alaska State Troopers said on Tuesday.

Sean O'Keefe was listed in critical condition Wednesday. His son, Kevin O'Keefe, and Morhard were listed in serious condition. The hospital said the younger Phillips was not listed in its directory, and it wasn't immediately clear where he was.

Stevens and O'Keefe were fishing companions and longtime Washington colleagues who worked together on the Senate Appropriations Committee that the Republican lawmaker led for several years. Morhard and the elder Phillips also worked with Stevens in Washington.

Plane crashes in Alaska are somewhat common because of the treacherous weather and mountainous terrain. Many parts of the state are not accessible by roads, forcing people to travel by air to reach their destinations.

EXHIBIT P

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Title

Title of Work: Sun shines on the mountain and Pearce rides again

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Certification

Name: Amanda Morrison

Date: December 29, 2011

Applicant's Tracking Number: Sun shines on

Sun shines on the mountain and Pearce rides again

A picture perfect day and a comeback on the mountain for snowboarder Kevin Pearce

BRECKENRIDGE, Colo. (AP) _ Basking in the sun and snow, surrounded by his fans and friends, Kevin Pearce carved sweet turns down a gentle run called "Springmeier" _ kicking up just enough powder behind him to remind people that, yes, this kid can still ride.

The three trips he took down that hill, some might say, were a storybook ending to a life-altering journey that began when Pearce nearly died during a training accident while preparing for the Olympics.

Or was it a new beginning?

"That's kind of my goal," Pearce said, "is to continue to have special days like this."

Yes, Tuesday was a special day _ the 24-year-old champion snowboarder's first trip down the mountain since Dec. 31, 2009, which is when he banged his head on the halfpipe in Utah while trying a difficult trick that, had he pulled it off a few months after that, might have won him a gold medal at the Vancouver Olympics.

The accident left him in a coma and his life hung in the balance for several days. When he finally awoke, severe head trauma turned the most basic of activities _ walking, talking, seeing straight _ into pressing challenges for the young athlete.

In the back of his mind, though, as he labored through his grueling rehabilitation, Pearce never gave up hope that he might ride again _ if not across a rail or through a halfpipe, then at least down a mountain.

On a sunsplashed afternoon in the Colorado high country, 712 days after the accident, he did.

The day began with a trip to Vail, where Pearce hooked up with snowboarding mogul Jake Burton and the close-knit group of pro snowboarders who call themselves the "Frends" _ because there is no `I' in friendship.

After a few mellow trips on that mountain, Pearce came to Breckenridge to ride with other friends, along with the public, a few hundred of whom cheered when he walked out of the lunchroom and toward the lift, ready to ride again.

"I didn't know if anyone was going to show up today," Pearce said. "When I walked out there and there were all these people there to support me and have my back the way they have for the last two years, it brings this feeling. It's a hard feeling to explain."

Instead of sporting the old "I Ride For Kevin" stickers that dotted every mountainside after the accident, those on the slopes with him on this day wore stickers and T-shirts with a new message: "Ride With Kevin."

The return to the snow wasn't without the most minor of falls, a very small tipping that came courtesy of a rider who bumped him on the hill. No damage done, though. Only smiles at the bottom, where two years of hard, emotional work _ filled with hundreds of tiny steps forward and a fair share of tiny steps back, as well _ culminated in a day that was never guaranteed.

"The doctors said to me, `Don't take his hope away,'" said Pearce's mother, Pia. "And that's the message. It's about doing it, but doing it safely. It's about him making good choices. It's about him being a role model and a mentor for all those ... athletes who get concussions. To be smart about it. Enjoy life. Have fun. But when he needs to make a hard choice and not do something, as his life goes on, we need to see. Can he stop himself when he wants to take that jump?"

Indeed, the future holds many more questions for Pearce, who, to those who don't know him, seems as healthy and happy as any 20-something on the mountain.

Even he concedes everything is not all perfect.

"I don't think anyone in this room except my mom and my brother have any idea what's really going on with me right now," Pearce said, a few hours after the ride. "There's so much more than what you see."

But on this day, it wasn't so much about the road ahead as the celebration at hand. Out on the mountain in a bright blue jacket, Pearce was the star, even with dozens of world-class riders practicing nearby for the Dew Tour event that will take place on the same mountain later this week.

Pearce will be on hand for that, though he knows joining those guys at the top is not in his future.

"Jumps and halfpipes and rails and that stuff aren't important to me anymore," he said. "What's important to me is to be able to get up there and be happy with what I'm doing. Riding powder. Riding with all my friends. There are so many things you can do up on the mountain that don't involve competition. That stuff, that's the stuff I'm looking forward to the most."

Exhibit Q

-APPLICATION-

Title

Title of Work: Wednesday is 1-year mark of border agent's death

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Name: Amanda Morrison

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Wednesday is 1-year mark of border agent's death

Wednesday marks 1 year since border agent was killed by bandits in Arizona desert

PHOENIX (AP) _ Wednesday marks one year since Border Patrol Agent Brian Terry was killed in a shootout with a crew of border outlaws in the Arizona desert.

The 40-year-old former Marine and a native of Detroit was a member of an elite Border Patrol unit and came across the bandits while on patrol Dec. 14, 2010. Terry was killed and all but one of the bandits got away.

Fellow agents and friends have described Terry as a warrior and a patriot who died doing what he loved most: fighting for his country.

His killing drew additional attention when two guns found at the scene were connected to a botched federal operation known as Fast and Furious in which illegally obtained weapons were allowed across the border into Mexico.

Exhibit R

-APPLICATION-

Title

Title of Work: WikiLeaks suspect's trial near super-secure NSA

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Date of 1st Publication: December 15, 2011 **Nation of 1st Publication:** United States

Author

- **Author:** The Associated Press

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Address: 450 West 33rd Street

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Certification

Name: Amanda Morrison

Date: January 3, 2012

Applicant's Tracking Number: WikiLeaks suspect's trial near

Registration #:

Service Request #: 1-706092768

Priority: Routine

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WikiLeaks suspect's trial near super-secure NSA

Suspect in WikiLeaks case to be tried near secret-collecting National Security Agency

FORT MEADE, Md. (AP) _ The military intelligence complex an hour outside Washington where the WikiLeaks case goes to court this week is known as a cloak-and-dagger sanctum off-limits to the public _ a reputation that's only partly true.

Maryland's Fort Meade is, for the most part, an ordinary Army post, its 5,000-acres mostly made up of neat rows of army barracks and homes, a PX, and a golf course.

Only one small part of the base houses the super-secure compound of the code-breaking National Security Agency.

Yet that juxtaposition still provides the greatest irony: Pfc. Bradley Manning, the soldier accused of one of the largest intelligence heists in U.S. history, will stand trial in a military courtroom on the same post as the intelligence agency charged with covertly collecting and cracking secrets.

Manning's case, a cause celebre for anti-secrecy activists, hackers and even human rights groups, is subject to unprecedented security restrictions.

The military says Fort Meade was chosen for the Manning hearing not because of its secure location but because the garrison's Magistrate Court has the largest military courtroom in the Washington area. It's where you would go to argue your case if military police pulled you over for breaking the 15 to 35 mph speed limit.

Like any Army post, Fort Meade does have security. If you're on the entry list at the garrison's front gate, you can drive in unescorted after a routine check of your vehicle.

NSA is located on a separate, far-harder-to-enter compound, contiguous with the main base. Entry requires the highest of clearances or the most diligent of escorts, and NSA's own elite detail provides security. The compound is equipped with various electronic means to ward off an attack by hackers.

The compound's experts include cryptologists, computer hackers and "siginters," the signals intelligence experts who can track a conversation inside an Iranian nuclear scientist's office from the vibrations of the windows.

Yet despite their focus on cracking secrets, the agency itself is hardly hidden. NSA's main complex is visible from a major highway, and features a U-shaped building with a couple of 1980s-style glass office blocks attached, surrounded on all sides by a parking lot and a chain-link fence.

You can study the buildings at your leisure, in photos posted to the NSA's own online photo gallery. And you can test your own

code-breaking skills at the agency's National Cryptologic Museum, open to the public just outside the NSA compound. After punching a code or two into a genuine World War II German Enigma code-making machine, you can pick up a "No Such Agency" T-shirt at the gift shop.

The throngs of reporters covering the Manning trial probably won't have time to see any of that. They'll be busy following the case against a defendant alleged to be so devious and creative that he came up with a way to spirit away hundreds of thousands of classified files, armed only with guile, a low-level clearance and a Lady Gaga CD.

The prosecution can only hope that their arguments, or the evidence, will reveal the secrets of how, and why, so much classified information ended up online, for all the world to read.

Even the NSA's experts might want to know that.

Exhibit S

-APPLICATION-

Title

Title of Work: Shoplifter chops off Wash. security guard's ear

Completion/Publication

Year of Completion: 2011

Date of 1st Publication: December 12, 2011 **Nation of 1st Publication:** United States

Author

- **Author:** The Associated Press

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Organization Name: The Associated Press

Name: Laura Malone

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Certification

Name: Amanda Morrison

Date: January 3, 2012

Applicant's Tracking Number: Shoplifter chops off

Registration #:

Service Request #: 1-706092732

Priority: Routine

Application Date: January 3, 2012 05:34:23 PM

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Shoplifter chops off Wash. security guard's ear

Police in Longview, Wash., say shoplifter with hatchet slices off most of security guard's ear

LONGVIEW, Wash. (AP) _ Police in Washington state say a shoplifter with a hatchet sliced off most of a store security guard's ear.

Longview police Sgt. Doug Kazensky tells The Daily News that the shoplifter pulled a small hatchet out of his waistband Monday afternoon and swung, chopping off nearly the entire ear.

The guard was taken to a Portland hospital for emergency plastic surgery in an attempt to reattach the ear.

The attacker remained at large.

The assault took place just outside the garden center entrance of a Fred Meyer supermarket. Kazensky says two security officers were trying to apprehend the man, who was suspected of taking CDs, bike chains and other small items.

The man apparently brought the hatchet to the store with him.

Exhibit T

-APPLICATION-

Title

Title of Work: Young office says he's cleared in DOJ probe

Completion/Publication

Year of Completion: 2010

Date of 1st Publication: August 4, 2010 **Nation of 1st Publication:** United States

Author

- **Author:** The Associated Press

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Citizen of: United States **Domiciled in:** United States

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Name: Amanda Morrison

Date: January 3, 2012

Applicant's Tracking Number: Young office says he's

Registration #:

Service Request #: 1-705981803

Priority: Routine

Application Date: January 3, 2012 02:55:37 PM

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Young office says he's cleared in DOJ probe

Alaska congressman's office says he's cleared in Justice Dept. probe

ANCHORAGE, Alaska (AP) _ Federal prosecutors have decided not to pursue an investigation of U.S. Rep. Don Young, R-Alaska, over connections to an Alaska businessman convicted of bribing state lawmakers.

Young, 77, has been under investigation for several years, but documents filed in federal court last year first publicly linked him to a wide-ranging investigation of corruption in Alaska.

Young has denied any wrongdoing and repeatedly declined to speak on the matter, citing advice of his lawyers. His campaign has spent more than $1 million on his legal expenses.

Young's legal team was notified Wednesday by the Public Integrity Section of the Department of Justice that the case will not be prosecuted, said Young spokeswoman Meredith Kenny. Young's office issued a news release that was short on details but noted Young's "full cooperation" in the probe. It did not say how Young's lawyers were notified.

"I'm not allowed to comment or say anything other than what's in the press release, unfortunately," Kenny said.

DOJ spokeswoman Laura Sweeney said the agency declined to comment.

Young is running for his 20th term this year and has a Republican challenger, political newcomer Sheldon Fisher, in the Aug. 24 Republican primary. Fisher did not see Wednesday's announcement as exoneration. He said Young should release the DOJ correspondence clearing him of federal corruption charges.

"A decision that there is a lack of evidence to prosecute Mr. Young is not the same as being cleared of federal corruption," he said in a statement.

Young first won statewide office in 1973 in a special election after U.S. Rep. Nick Begich, a Democrat and father of current U.S. Sen. Mark Begich, was killed in a plane crash in southeast Alaska.

In the federal documents filed in October, the state's only representative in the House was identified as "United States Representative A" in connection with the sentencing of Bill Allen, a key figure in the corruption probes of state lawmakers and former U.S. Sen. Ted Stevens. Allen is serving a 21-month prison term stemming from his 2007 guilty plea to bribery, conspiracy and tax charges.

The court papers alleged that Young illegally received gifts totaling up to nearly $200,000 over 13 years from VECO Corp.,

Allen's now-defunct oil field services company. According to the documents, Allen and former VECO vice president Rick Smith authorized corporate funds to pay up to $15,000 a year between 1993 and 2006 for expenses associated with Young's annual pig roast fundraiser.

After Young's federal investigation surfaced, he amended his campaign finance reports to show he reimbursed Allen about $38,000 for fundraiser expenses.

Allen was the lead witness in the botched corruption trial of Stevens, who was found guilty in 2008 of failing to disclose gifts from Allen. Charges against Stevens, 86, were thrown out last year after the Justice Department acknowledged that it failed to turn over evidence favorable to the defense prior to trial.

Since the case against Ted Stevens imploded, prosecuting Young became much more unlikely. The entire prosecution team investigating Alaska corruption is under scrutiny for its handling of the case, and the testimony of the key witness has been called into question.

In another matter involving Young, lawmakers in 2008 requested an investigation into an earmark that made its way into the highway spending bill he oversaw as chairman of the House Transportation Committee. The bill included $10 million to widen a Florida highway. The final version, until revised, redirected that money to an interchange that benefited a developer who did some fundraising for Young. There was no active investigation of Young as of last October.

Young's Washington, D.C., attorney, John Dowd, said in an e-mail that the DOJ investigation of Young is over.

A former Young congressional staffer, Fraser Verrusio, was indicted in March 2009 on corruption charges for taking a free trip to the 2003 World Series, another case to come out of the scandal surrounding ex-lobbyist Jack Abramoff. Verrusio, 39, worked under Young when the Alaska congressman was chairman of the House Transportation and Infrastructure Committee.

Mark Zachares, also a former Young aide, pleaded guilty to conspiracy in April 2007. Zachares acknowledged accepting gifts and a golf trip to Scotland from Abramoff's team in exchange for official acts for them.

Young filed early in this current term, in June 2009, to seek another term in office, saying he expected challengers. The subsequent death of his wife, Lu, last year did not change his resolve.

"Lu and I made the decision to run for re-election together, and I will continue to fight for her and for all Alaskans," he said at the time.

Exhibit U

-APPLICATION-

Title

Title of Work: Senator delivered billions for Alaska's future

Completion/Publication

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- **Author:** The Associated Press

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Date: January 3, 2012

Applicant's Tracking Number: Senator delivered billions

Registration #:

Service Request #: 1-705981728

Priority: Routine

Application Date: January 3, 2012 02:51:49 PM

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Senator delivered billions for Alaska's future

Alaska Sen. Stevens called Internet 'series of tubes,' but was 'Uncle Ted' to constituents

ANCHORAGE, Alaska (AP) _ To much of the nation, Ted Stevens was the crotchety senator who famously referred to the Internet as "a series of tubes" and fought to build the "Bridge to Nowhere."

But to his constituents in Alaska, he was "Uncle Ted," the state's political patriarch who for four decades reliably delivered billions in federal dollars for the highways, pipelines and ports that helped move his sparsely populated state into the future.

The wiry octogenarian was built like a birch sapling, but he liked to encourage comparisons with the Incredible Hulk _ an analogy that seemed appropriate for his outsized place in Alaska history.

"Though small of stature, Ted Stevens seemed larger than life, and anybody who knew him, knew him that way, for he built Alaska, and he stood for Alaska, and he fought for Alaskans," said Gov. Sean Parnell. "Ted was a lion, who retreated before nothing."

Stevens was killed Monday at 86 in a plane crash in a remote part of the state while on his way to a fishing trip. More than 30 years ago, he survived the crash of a private jet at Anchorage International Airport that killed his first wife, Ann.

Four others also died in the crash Monday outside Dillingham, about 325 miles (520 kilometers) southwest of Anchorage.

Alaskans loved him, even when the pork-barrel proposals he spearheaded became notorious.

"Ted always said, 'To hell with politics. Do what is best for Alaska.' He never apologized for fighting for his state, and Alaska is better for it today." said Sen. Mary Landrieu, a Louisiana Democrat.

Stevens began his career in the days before Alaska statehood and did not abandon politics until 2008, when he was convicted on corruption charges shortly before Election Day. But a federal judge threw out the verdict because of misconduct by federal prosecutors.

He was appointed in December 1968 and became the longest-serving Republican in Senate history. (The late Strom Thurmond was in the Senate longer than Stevens, but he spent a decade there as a Democrat before switching to the Republican Party.)

Stevens was a legend in his home state, but his standing was hurt by allegations he accepted a bonanza of home renovations and fancy trimmings from VECO Corp., a powerful oil field

services contractor, and then lied about it on congressional disclosure documents.

Indicted on federal charges in July 2008, he asked for an unusually speedy trial, hoping to clear his name before Election Day. Instead, he was convicted in late October of all seven counts _ and narrowly lost his Senate seat to Democrat Mark Begich in the election.

Five months after the election, Attorney General Eric Holder dropped the indictment and declined to proceed with a new trial because of misconduct by federal prosecutors. Stevens never discussed the events publicly.

When his party held a majority, Stevens was chairman of several Senate committees, including the powerful Rules and Appropriations panels. For three years, he was majority whip. When the Democrats took back control of the Senate in January 2007, he lost his chairmanships but remained ranking Republican member of the powerful Commerce Committee.

His skill in appropriating military and other federal money for Alaska earned him the reputation among many in Washington as a pork-barrel politician.

"In the history of our country, no one man has done more for one state than Ted Stevens. His commitment to the people of Alaska and his nation spanned decades, and he left a lasting mark on both." said Senate Minority Leader Mitch McConnell, a Republican from Kentucky.

He was named Alaskan of the Century in 1999 for having the greatest impact on the state in 100 years _ he brought in "Stevens money" that helped keep the remote state solvent. The Anchorage airport is named in his honor.

"The only special interest I care about is Alaska," he was fond of saying.

A television reporter once quipped that Stevens could shoot Santa's reindeer and Alaskans would applaud.

He helped shape landmark legislation on Alaska Native land claims, the trans-Alaska oil pipeline, fisheries management and public lands.

The "Bridge to Nowhere" would have connected Ketchikan, Alaska, to an island with just 50 residents at a cost of $200 million to $400 million. The proposal became a symbol of the waste associated with earmarks, which are items inserted into bills, often at the last minute.

Congress scrubbed funding for the bridge in 2005.

The following year, Stevens became the butt of jokes and satirical songs for describing the Internet as "a series of tubes" and for speaking of sending "an Internet" instead of an e-mail.

Most of the wisecracks portrayed Stevens as an old man who did not understand the technology over which he wielded influence as chairman of the Commerce Committee.

Stevens also was known for being easily angered both in private and on the Senate floor. Stevens saw his volatile temperament as a political tool.

"I don't lose my temper," he told the Anchorage Daily News in 1994. "I always know where it is."

When critics called for his resignation after a Los Angeles Times story detailed how Stevens became a millionaire investing in companies he helped secure government contracts, he said: "If they think I am going to resign because of a story in a newspaper, they're crazy."

Stevens also took flak for aiding groups that hired his son, former state Senate President Ben Stevens, as a consultant and for pushing a lease deal with Boeing after it hired his wife's law firm.

In 2007, FBI and Internal Revenue Service agents raided Stevens' four-bedroom house south of Anchorage as part of the probe into his relationship with VECO. Former company chief Bill Allen, who pleaded guilty to bribing Alaska state legislators, testified that he oversaw extensive renovations at Stevens' home and sent VECO employees to work on it.

During the trial, Stevens spent three days on the witness stand, vehemently denying any wrongdoing. He said his wife handled the business of the renovation and paid every bill they received. He said he paid $160,000 for the project and believed that covered everything.

Theodore Fulton Stevens was born Nov. 18, 1923, in Indianapolis. His parents divorced when he was young and, in 1938, he moved to southern California to live with relatives.

After graduating from high school in 1942, he attended college for a semester before joining the Army Air Corps. He flew cargo planes over "the hump" in the Himalayas during World War II and was awarded the Distinguished Flying Cross.

After the war, Stevens finished college at UCLA and in 1950 earned a law degree at Harvard. Fresh out of law school, he moved to Washington, D.C., to work and, in 1953, he drove cross-country to the Territory of Alaska to take a job in Fairbanks.

In 1954, Stevens was named U.S. attorney in Fairbanks and two years later returned to Washington to work on the statehood issue for Interior Secretary Fred Seaton, a statehood supporter. Eventually Stevens rose to become the Interior Department's top lawyer.

He moved back to Alaska in 1961, opening a law practice in Anchorage. After losing the 1962 Senate race to incumbent Gruening, he won a seat in the Alaska House of Representatives.

He was House majority leader when appointed to finish Bartlett's term.

The crash that killed Stevens' first wife happened in 1978, shortly after he was elected to his second full term. Two years later, he married Catherine Chandler, a lawyer from a prominent Democratic family in Alaska.

When Republicans took control of the Senate in 1981, Stevens became assistant majority leader. In 1984, he ran for majority leader, but lost by three votes to Kansas Sen. Bob Dole.

As the most senior Republican in the Senate, Stevens served as Senate president pro tempore and was third in the line of succession for the presidency until Democrats regained control of Congress in 2007.

Exhibit V

-APPLICATION-

Title

Title of Work: Alaska reviewing case against ex-VECO CEO Allen

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Date: January 3, 2012

Applicant's Tracking Number: Alaska reviewing case

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Service Request #: 1-705981693

Priority: Routine

Application Date: January 3, 2012 02:25:21 PM

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Alaska reviewing case against ex-VECO CEO Allen

State attorney general says Alaska officials reviewing case against former VECO CEO

ANCHORAGE, Alaska (AP) _ Alaska Attorney General Dan Sullivan said his office is reviewing police reports compiled in a child sex abuse investigation involving former VECO chief Bill Allen.

The federal government has said it won't pursue charges in the case. Allen was the government's star witness in the corruption trial of the late U.S. Sen. Ted Stevens. The charges were later thrown out because of prosecutorial misconduct.

Allen pleaded guilty to bribing Alaska state lawmakers, and is serving three years in a federal prison.

Anchorage police conducted two investigations into whether Allen had sex with an underage girl in the 1990s. One case was stopped, and federal investigators joined the second investigation.

Sullivan said prosecutors are reviewing police reports and reviewing the matter. He declined to comment further.

Exhibit W

-APPLICATION-

Title

Title of Work: When the most wonderful day of the year comes late

Completion/Publication

Year of Completion: 2011

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- **Author:** The Associated Press

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Certification

Name: Amanda Morrison

Date: January 3, 2012

Applicant's Tracking Number: When the most

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When the most wonderful day of the year comes late

To save money on gifts, some families celebrate Christmas a few days late

NEW YORK (AP) _ When Emily Russell's two young sons wake up on Christmas morning, they'll find that Santa left them a note instead of the videogames they requested.

"Hey, I couldn't get by your house last night," Russell, a single mother from Kernersville, N.C., plans to write to her sons and sign Santa's name. "Your mom is going to take you to the store when she can."

Some people have always postponed Christmas celebrations because their jobs don't pause for the holiday. But in the weak economy, folks are delaying Christmas for another reason: money.

Deloitte's annual holiday survey for the first time asked shoppers whether they planned to wait until January to do the bulk of their shopping for Christmas. Six percent of the more than 5,000 respondents said they did.

The strategy can pay off. After Christmas, retailers offer discounts of up to 75 percent on a wider variety of items than they do in the weeks leading up to the holiday.

It's something cost-conscious shoppers have gotten hip to. Retail sales during the seven days after Christmas rose year-over-year in three of the past five years, according to research firm ShopperTrak. And last year, year-over-year online spending grew by 22 percent on Dec. 26 and 56 percent on Dec. 27, according to computer giant IBM's retail consulting arm.

Elaine Wu and her husband plan to wait until the day after Christmas to shop because they've agreed not to spend more than $150 for each other _ a difficult task given they like to splurge on upscale Marc Jacobs handbags and Armani shoes.

Wu says she's also waiting until after Christmas to shop for some of her friends. Real friends, she figures, wouldn't want her to go through the headache of shopping in the pre-Christmas madness anyway.

"Just because it's a day late doesn't mean it's going to be any less special or didn't come from the same sentiment," says Wu, 36, a marketing manager for the startup website BlogHer in Silicon Valley. "It just means that it's going to save us 60 percent."

Postponing Christmas Day, originally a Christian holiday to celebrate the birth of Christ, is almost unheard of in some circles. About 95 percent of Americans celebrate Christmas _ including 80 percent of non-Christians, according to Gallup polls.

But Bruce David Forbes, author of "Christmas: A Candid History," says those who delay Christmas festivities can take some comfort in the fact that Dec. 25 isn't the date of the birth of Christ.

When Christians started celebrating his birth in the 300s after the Roman emperor Constantine converted to that religion, they didn't know the birthdate, so it appears that they picked a day to coincide with Romans' midwinter celebrations of their own gods. Meanwhile, Christians in more eastern countries, like Turkey and Greece, were already celebrating on Jan. 6.

So, Forbes, who teaches religious studies at Morningside College in Sioux City, Iowa, says if you're celebrating anywhere between Dec. 25 and Jan. 6, "you're not even doing it late."

That may be a relief to Mujtaba Al-Qudaihi of Baltimore, Md., who plans to spend Dec. 25 watching a movie, catching up on reading or killing time on the Internet. His real Christmas celebration _ which includes his dad dressing up as Santa and the extended family exchanging gifts and eating a big meal _ will happen a few days later.

That's because it's cheaper for Al-Qudaihi and other relatives to fly to his parents' home in Indianapolis after Christmas. Besides, Al-Qudaihi figures that the prices on gifts he plans to buy will be much cheaper after Christmas.

"Nothing changes," says Al-Qudaihi, 27, who works in information-technology consulting for a public university. "Just the date."

Danielle McCurley of Lacey, Wash., also is planning to postpone Christmas a couple days. She wants to wait until her financial aid check for her school tuition arrives so she can spend the extra money on gifts.

In normal years, McCurley would have finished her Christmas shopping weeks ago. But this year is different: After losing her job as a home health aide, McCurley, 32, returned to school to study social work this fall. Adding to that, her husband, Mario, was out of work for a year and a half, though he recently found a job as a security guard.

McCurley, who has three children ages 4, 5 and 11, thinks her youngest two won't really notice. Her oldest will, but she already bought his present: a secondhand netbook that she got for a third of the original price at $100. And she figures her mom, her three brothers and her husband won't really mind the late presents.

"They're adults," McCurley says. "I don't think they'll be too upset."

Meanwhile, Russell, the North Carolinian mom, isn't sure how her sons, ages 8 and 10, will react when they learn Christmas will come late for them.

Postponing the celebration is the only way Russell, a customer service worker, can manage to afford Christmas this year because she had to take two weeks off without pay recently when her youngest had his tonsils removed. She figures if she waits until after Christmas to go shopping, she'll be able to scrounge up money to buy each boy a video game, a board game and one piece of clothing.

"It might be a little upsetting to start with," says Russell, 41. "I'll tell them, `I'm sorry Santa didn't come by today. Maybe he'll come by next week.'"

Exhibit X

-APPLICATION-

Title

Title of Work: WikiLeaks suspect seen as hero, traitor

Completion/Publication

Year of Completion: 2011

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Author

- **Author:** The Associated Press

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Certification

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Date: January 3, 2012

Applicant's Tracking Number: WikiLeaks suspect seen

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Service Request #: 1-705981582

Priority: Routine

Application Date: January 3, 2012 02:01:26 PM

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WikiLeaks suspect seen as hero, traitor

Soldier charged in WikiLeaks case seen as hero or traitor, depending on who you ask

FORT MEADE, Md. (AP) _ The document in which Pfc. Bradley Manning allegedly confessed to giving classified information to WikiLeaks also includes a rationale that has made him a hero among peace and anti-secrecy activists worldwide: "I want people to see the truth."

But Manning also apparently understood that if any connection to WikiLeaks was revealed, he might be seen as a traitor, "like Nidal Hassan," the Army major accused of killing 13 soldiers preparing for deployment at Fort Hood, Texas.

Both portraits will be on display during a military hearing starting Friday at this locked-down Army base between Baltimore and Washington, D.C. The hearing, which could run for days, will determine whether Manning will be court-martialed on charges that could bring life imprisonment. Prosecutors say they won't seek the maximum penalty of death for the most serious charge of aiding the enemy.

The basis for the 22 counts that Manning faces are t

ranscripts of online chats the Army intelligence analyst purportedly initiated in May 2010 with confidant-turned-government-informant Adrian Lamo.

The chats also foreshadowed the divergent public perceptions of the 23-year-old Crescent, Okla., native: Is he a freedom-of-information idealist who rightfully exposed abuses of power? Or a soldier who betrayed his country and comrades-in-arms?

The chat logs, which the military says are authentic, were first published by Wired.com, which got them from Lamo. In them, a writer using the screen name "bradass87" reveals much more than his reasons for divulging classified files to WikiLeaks, an anti-secrecy website. He discusses his disdain for feeble computer security at his post in Baghdad, his wrenching breakup with a boyfriend in Boston and his struggles as a "super-intelligent, awkwardly effeminate" homosexual trying to survive his conservative upbringing, a broken family, British schooling and military service in the era of "don't ask, don't tell."

"I'm a mess," bradass87 confided to Lamo. "I'm in the desert, with a bunch of hyper-masculine trigger happy ignorant rednecks as neighbors. And the only safe place I seem to have is this satellite internet connection."

Manning's civilian defense attorney, David Coombs, aims to present evidence of Manning's mental and emotional distress to highlight failings in the military chain of command. Prosecutors contend such testimony is irrelevant to the investigation.

The material Manning is suspected of leaking includes hundreds of thousands of diplomatic cables, Iraq and Afghanistan war logs and a 2007 video clip of a laughing U.S. helicopter crew gunning down 11 men later found to include a Reuters news photographer and his driver. The Pentagon concluded the troops acted appropriately, having mistaken the camera equipment for weapons.

Coombs contends the leaked material didn't hurt national security and caused little damage to U.S. interests abroad, despite U.S. government claims that it endangered lives and security. Manning supporters say the leaks exposed war crimes and triggered pro-democracy uprisings in the Middle East.

Daniel Ellsberg, who revealed the secret U.S. expansion of the Vietnam War by leaking the Pentagon Papers 40 years ago, says Manning is "unreservedly a hero."

"I think that Bradley Manning, if he is found to be the source of this, will deserve our thanks and our admiration," Ellsberg said.

Others say Manning's alleged crimes amount to selling out his fellow soldiers, and that he should be punished as a traitor.

U.S. Rep. Mike Rogers, R-Mich., said in August 2010 that execution would be an appropriate punishment for what he regarded as treason.

In a more temperate statement last week to The Associated Press, Rogers said he trusts in the military judicial process. Nevertheless, he said: "Leaking classified information and compromising U.S. national security is always an extremely serious offense. The ramifications of leaking classified material can be deadly for our men and woman on the front lines."

Manning's arrest in May 2010 made global headlines and his case has engendered strong sympathy in Europe. In Britain, where WikiLeaks founder Julian Assange has largely been based for the past 18 months, many view WikiLeaks favorably for having exposed the gruesome reality of the deeply unpopular war in Iraq.

But it was the conditions of Manning's eight months in pretrial confinement at a Marine Corps base near Washington that caused his support base to swell. The Quantico brig commander, citing safety and security concerns, kept Manning confined 23 hours a day in a single-bed cell. For several days in March, he was forced to sleep naked. Amnesty International and the American Civil Liberties Union objected, the United Nations' torture investigator began an inquiry and chief State Department spokesman P.J. Crowley resigned after calling the confinement conditions "ridiculous" and "stupid."

British opposition lawmaker Ann Clwyd asked the British government to intervene in Manning's case, saying that "his treatment is cruel and unnecessary and we should be saying so."

Coombs says the conditions at Quantico were illegal; President Barack Obama has defended them as appropriate.

Manning was transferred in April to a medium-security facility at Fort Leavenworth, Kan.

Jeff Paterson of the Bradley Manning Support Network called that a victory for Manning supporters.

"That really did motivate people that, whether they appreciated Bradley's alleged actions or not, they realized that his treatment was wrong, and people spoke out," he said.

Paterson said about 5,000 donors worldwide have given about $400,000. The funds are to cover Coombs' estimated fee of $120,000, plus costs for any appeals and expenses linked to demonstrations on Manning's behalf, he said.

Criticism of Manning's treatment hasn't gone away. Last month, 54 members of the European parliament signed an open letter to the U.S. government raising concerns about his pretrial confinement. United Nations chief torture investigator Juan Mendez is preparing to release a report on Manning.

While Europeans are divided on WikiLeaks' confrontational tactics, the view that Manning was motivated by a crisis of conscience holds sway with many international observers.

"We are indebted to him," Swiss human rights investigator Dick Marty said in September. If Manning is guilty as charged, he said, then he "acted as a whistleblower and should be treated as such."

Lamo, whose fame as a former outlaw computer hacker may have prompted Manning to contact him, said he doesn't regret turning him in. He said his actions may have prevented Manning from leaking more classified information.

In the chat logs, bradass87 told Lamo he hoped his leaks would provoke "worldwide discussion, debates and reforms." He said he didn't know how people would see him, as "`hacker, `cracker,' `hacktivist,' `leaker' or what. I'm just me, really."

But he rejected Lamo's suggestion he might be labeled a spy: "Spies don't post things up for the world to see."