

Defendant Response to Summons in a Civil Action
United States District Court for the District of Nevada
Civil Action No. 2:10-cv-0691

Rightshaven LLC, a Nevada limited-liability company
Plaintiff

v.

Ecological Internet, Inc., a Wisconsin non-stock corporation
Defendant

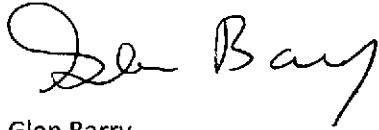
✓
U.S. DISTRICT COURT
DISTRICT OF NEVADA
CLERK'S OFFICE

2010 JUN 11 P 1:03

U.S. DISTRICT COURT
DISTRICT OF NEVADA
SECURITY

1. Ecological Internet, a small non-profit academic organization, has been unable to secure a lawyer able to practice in Nevada on such short notice. For now, Ecological Internet's President Dr. Glen Barry is representing the organization.
2. Ecological Internet makes a motion for a change of venue to Wisconsin. Very little if any of our activity is directed at, or undertaken, in Nevada. We are a small non-profit with very limited resources and will find it highly problematic to mount a spirited defense in Nevada.
3. We wish to settle the matter out of court with Righthaven if possible. The summons was the first we had heard of any concern regarding academic, non-profit archiving of environmental materials for the public good. On several occasions we have resolved matters with other media sources, and would have done so if contacted prior to being sued by Righthaven.
4. These sites were constructed as the recent, successful Ph.D. project of Dr. Glen Barry, and on many occasions we have changed the display of content to meet copyright owners demands. IMMEDIATELY upon receiving the summons, Ecological Internet took down the article in question on both domains. Further, we have ceased to fully display any copyrighted work upon our site.
5. We are able to demonstrate with certainty how few people viewed the article from computer logs, and this information in court would clearly demonstrate that damages including take-over of two long-established website domains (forests.org and ecoearth.info) is far in excess of any damage suffered. The Digital Millennium Copyright Act is very clear regarding the scope of monetary damages to be awarded if violations are proven.
6. Over many years we have taken great pains to remain within the limits of copyright law, and continue to do so. We would welcome the opportunity to show this proud record to a jury of our peers, and to demonstrate actions taken to make sure academic information necessary to solve environmental problems and achieve global ecological sustainability remains archived on the Internet after it is no longer available at the original source.

7. We are certain that a trial will show Ecological Internet has taken all reasonable efforts necessary to ensure copyright owners' rights are protected while providing information for academics and others working for solutions to global ecological crises.

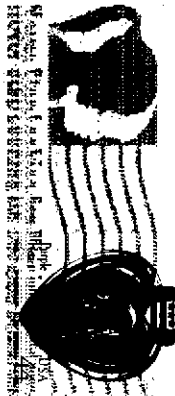
A handwritten signature in black ink that reads "Glen Barry". The signature is written in a cursive style with a large, looped initial "G".

Dr. Glen Barry
President
Ecological Internet, Inc.
N991 Manitowoc Rd.
Denmark, WI 54208

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GREEN BAY WI 541

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District of Nevada
333 S. Las Vegas Blvd.
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