

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**WREN TIDWELL d/b/a
LAKEHOUSE.COM**

Plaintiff

vs.

**LAKESearcher.COM,
OUTSELL MEDIA, LLC,
MICHAEL WITTRY, and
REDALKEMI**

Defendants

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CIVIL ACTION NO. 3:12-cv-4195

**COMPLAINT FOR COPYRIGHT INFRINGEMENT
AND UNFAIR COMPETITION**

COME NOW Wren Tidwell d/b/a Lakehouse.com, Plaintiff, complaining of LakeSearcher.com, Outsell Media, LLC and Redalkemi, Defendants, and for cause of action, Plaintiff would show the Court the following:

I.

This action arises under the Federal Copyright Act.

II.

PARTIES

Plaintiff, a United States citizen, developed and published a website, Lakehouse.com.

Defendant, LakeSearcher.com, is an internet advertising service operated by Outsell Media, LLC, a Wisconsin limited liability company, who can be served with process through its registered agent, Michael Wittry, 1399 Chippewa Trail, Mosinee, Wisconsin 54455.

Defendant, Outsell Media, LLC, is a Wisconsin limited liability company, who can be served with process through its registered agent, Michael Wittry, 1399 Chippewa Trail, Mosinee, Wisconsin 54455. This Defendant was involved in the development of the LakeSearcher.com website.

Defendant Michael Wittry, is a Wisconsin resident, who can be served with process at 1399 Chippewa Trail, Mosinee, Wisconsin 54455. This Defendant was involved in the development of the LakeSearcher.com website.

Defendant, RedAlkemi, is an India web development company, who can be served with process through, Atul Gupta and/or Anuja Lath, co-founders, at SCO 343-345, Sector 34 A, Chandigarh, 160022, India. They developed the LakeSearcher.com website.

III.

JURISDICTION AND VENUE

This Court has jurisdiction over this matter because it is a federal question case brought under the Federal Copyright Act.

IV.

FACTS

The contents of the website were an original work that could be copyrighted under United States law. Plaintiff applied to the copyright office and received a certificate of registration for the Lakehouse.com website.

Since 1997, the Plaintiff has published the Lakehouse.com website in compliance with the copyright laws and has remained the sole owner of the copyright.

V.

CAUSES OF ACTION

After the Lakehouse.com copyright was issued, the Defendants infringed the Lakehouse.com copyright by publishing the content and design of the Lakehouse.com website under another domain name, LakeSearcher.com and under demo.demolocation.com/lakesearcher. Moreover, the Lakehouse.com copyright was infringed when it was copied and used as a shell or a template for the LakeSearcher.com website.

The Plaintiff has notified the Defendants in writing of the infringement.

The Defendants continue to infringe the Lakehouse.com copyright by continuing to publish in violation of the Lakehouse.com copyright, and further has engaged in unfair trade practices and unfair competition in connection with its publication of their website.

VI.

ATTORNEY'S FEES

Plaintiff has been required to retain the services of the undersigned attorney in the prosecution of this claim. Pursuant to the Copyright Act, Plaintiff seeks to recover her attorney's fees and costs expended in prosecuting this matter.

VII.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests Defendants be cited to appear and answer and that on final trial Plaintiff prays that:

- (a) Until this case is decided, and then permanently, the Defendants and the Defendants' agents be enjoined from using Lakehouse.com contents and infringing Plaintiff's Lakehouse.com copyright;
- (b) The Defendants account for and pay as damages to the Plaintiff all profits and advantages gained from unfair trade practices and unfair competition in using the

contents of Plaintiff's Lakehouse.com website, and all profits and advantages gained from infringing the Plaintiff's Lakehouse.com copyright (but no less than the statutory minimum);

- (c) The Defendants pay the Plaintiff's interest, costs, and reasonable attorney's fees; and,
- (d) The Plaintiff be awarded any other just relief.

Respectfully submitted,

THE JOECKEL LAW OFFICE

/s/ David B. Joeckel, Jr.
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