



# STRAUGHN & TURNER, P.A.

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April 21, 2011

JACK STRAUGHN  
(1925-2000)

Lance Kerness, President  
MovieWeb, Inc.  
Post Office Box 27740  
Las Vegas, NV 89126

Nevada Corporate Headquarters, Inc., Registered Agent  
Movieweb, Inc.  
Post Office Box 27740  
Las Vegas, NV 89126

Copyright Agent  
MovieWeb, Inc.  
101 Convention Center Drive, Suite 700  
Las Vegas, NV 89109  
fax: (702) 920-8960

VIA E-MAIL: [copyright@movieweb.com](mailto:copyright@movieweb.com)  
VIA FACSIMILE: (702) 920-8960

Re: Notice of Intellectual Property Rights Infringement  
Alachart, LLC (Flickchart) v. Movieweb, Inc.

To Whom It May Concern:

I represent Alachart, LLC ("Alachart") with respect to its website, Flickchart.com ("Flickchart"). It has come to our attention your website, Movieweb.com ("Movieweb"), recently launched a feature called "Face-Off!", that infringes on Alachart's intellectual property rights, constitutes a breach of contract, and represents obvious unfair competition.

The principals of Alachart, Nathan Chase and Jeremy Thompson, have been developing, programming, and perfecting Flickchart since 2006. Flickchart opened for beta testing in May 2008, and has been available to the public since September 9, 2009.

Movieweb has stolen the fruit of years of work by my client in such a blatant manner that it, quite frankly, shocks the conscience.

The attached examples of user interface duplication illustrate not only theft and infringement by Movieweb, but also a complete lack of any attempt by Movieweb to conceal its wrongdoing. It is plainly obvious the concept, functionality, user interface, text, and format are, in most respects, identical. To suggest Face-Off! was created independent of Flickchart would be to blindly ignore all reason.

### **Copyright**

It is well-established a website may constitute a work of authorship fixed in a tangible medium of expression, and copyright protection may extend to both the screen displays and the computer code. Flickchart is clearly an original work of authorship created by Alachart, and is therefore afforded the protection of the United States Copyright Act.

Pursuant to the U.S. Copyright Act, Alachart has the exclusive right to reproduce Flickchart, to prepare derivative works based upon Flickchart, and to display Flickchart publicly. 17 U.S.C. § 106. As demonstrated by the attached screen captures, Face-Off! contains features that are either blatant copies of Flickchart, derivative works of Flickchart, or an amalgamation of both. By infringing on these exclusive rights, Movieweb is subject to liability for damages and injunctive relief as afforded by the Act.

### **Breach of Contract**

In view of Movieweb's wholesale theft of Flickchart's concept, functionality, user interface, text, and format, it is abundantly clear that Movieweb representatives have visited, and logged into, Flickchart. Furthermore, a managing editor of Movieweb registered an account with Flickchart in December 2009, and has logged in as recently as April 6, 2011. It is quite obvious Movieweb was on notice of, and assented to, the Flickchart Terms of Service, which, in part, set forth the following:

#### **License and Site Access**

Flickchart grants you a limited license to access and make personal use of this site and not to download (other than page caching) or modify it, or any portion of it, except with express written consent of Flickchart. **This site or any portion of this site may not be reproduced, duplicated, copied, sold, resold, visited, or otherwise exploited for any commercial purpose without express written consent of Flickchart. This license does not include any resale or commercial use of this site or its contents or any derivative use of this site or its contents.** (Emphasis added).

Face-Off! would not exist but for Movieweb's reproduction, duplication, and copying of Flickchart. The Terms of Service became a binding contract when Movieweb accepted its terms, and, as a result, Movieweb is liable for its breach. See Ticketmaster L.L.C. v. RMG Technologies, Inc., 507 F.Supp.2d 1096 (C.D. Cal. 2007), Craigslist, Inc. v. Naturemarket, Inc., 694 F.Supp.2d 1039 (N.D. Cal. 2010), et. al.

#### **Unfair Competition**

In addition to the above, Movieweb's actions in releasing Face-Off! is the very definition of unfair competition. In copying Flickchart's concept, functionality, user interface, text, and screen display, Movieweb has perfectly exemplified "deceptive or fraudulent conduct." Considering Movieweb has, in effect, published a reproduction of Flickchart on its own website, the likelihood of consumer confusion is high, and an unfair competition claim is obviously supported by the facts. See Third Party Verification, Inc. v. Signaturelink, Inc., 492 F.Supp.2d 1314 (M.D. Fla. 2007).

#### **Demand**

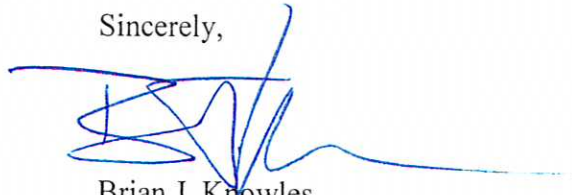
If Movieweb does not immediately remove Face-Off! from its website, Alachart will be forced to file suit to enforce its rights, including, at a minimum, the causes of action set forth above. If forced to take this action, Alachart will seek statutory damages, actual damages, punitive damages, disgorgement of Movieweb's profits, injunctive relief, and an award of attorney's fees and costs.

Alachart  
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Please be aware, this demand additionally applies to any attempt by Movieweb to launch a derivative of Face-Off! at a future date.

If Face-Off! remains accessible, in any manner, as of April 22, 2011, at 5:00 PM EST, my client will file suit. Please govern yourselves accordingly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian J. Knowles", with a long horizontal flourish extending to the right.

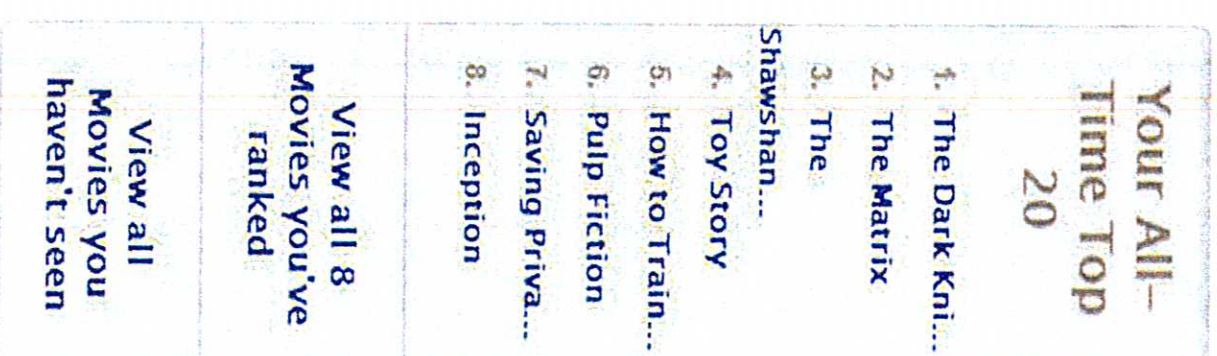
Brian J. Knowles

BJK/tly  
Enclosures  
Cc: Client

# User Interface Duplication



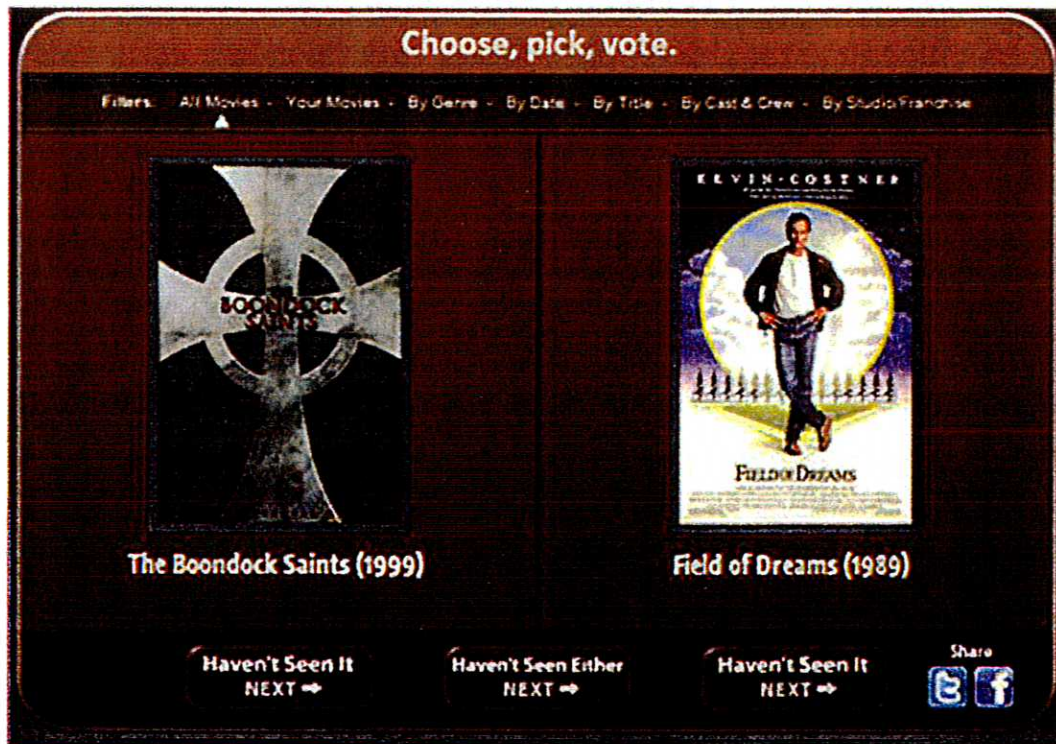
Flickchart's



MovieWeb's



# User Interface Duplication



Flickchart's

## Face-Off! Which one is better? You decide!



MovieWeb's

# User Interface Duplication



Flickchart's



MovieWeb's

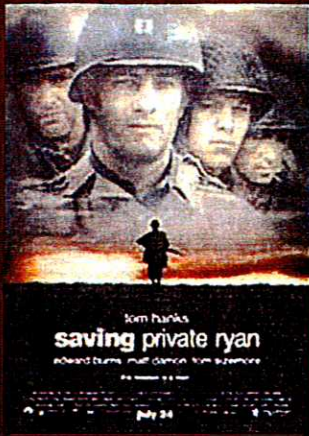


## The Choice of a New Generation.

Filters

Now Ranking: Saving Private Ryan

100% 



Congratulations!  
**Saving Private Ryan**  
is now **#3** on your Flickchart!



Tweet It



Share on Facebook



Rank More Movies

## Flickchart's

# Face-Off!

Now Ranking: Saving Private Ryan

Done!



*Saving Private Ryan*  
is now **#3** on your list!

#113 global rank

952 total ranks

96% of users have seen it



Share on Facebook!



Share on Twitter!



Share via Email!

Rank more Movies!





# User Interface Duplication



▲ Buy This Poster ▲

**#185**  
on your Flickchart

How You Should  
Rate It Elsewhere

★★★★☆

**56**  
out of 100

**5.6**  
out of 10

**#1**  
Global Ranking

  
**93%**  
Have Seen It

  
Wins **80%**  
Of The Time

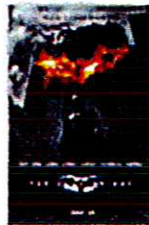
**658579**  
Total Times Ranked

**1506**  
Have It At #1

**14478**  
Have It In Their Top 20

You've Ranked It  
**3**  
Times

Flickchart's



Buy this poster!

Summary  
Cast & Crew  
Synopsis  
Reviews

## The Dark Knight: Ranks

✓ **Ranked** This movie is currently **#41** in **your flickchart**

Global rank  
of this movie

**#41**

Users with this  
movie in Top 20

**828**

Total times this  
movie is ranked

**1,065**

This movie's  
win rate

**69%** 

Users with this  
movie at #1

**706**

Users that have  
seen this movie

**99%** 

MovieWeb's

# User Interface Duplication



1

0

## The Dark Knight

2008 • Christopher Nolan • Rated PG13  
Action • Fantasy • Comic-Book Superhero Film

185 on Your Flickchart • Rank This Movie

Buy from amazon.com

+ NETFLIX

Like 62

iTunes



2

0

## Inception

2010 • Christopher Nolan • Rated PG13  
Action • Caper • Drama

Unranked • Add To Your Flickchart

Buy from amazon.com

+ NETFLIX

Like 26

iTunes

## Flickchart's

#1



### The Dark Knight

Global Rank #40	Ranked: 1,068 times	In Top 20: 830 lists
At Number 1: 708 lists	Have Seen It: 99%	Win rate: 69%

#2



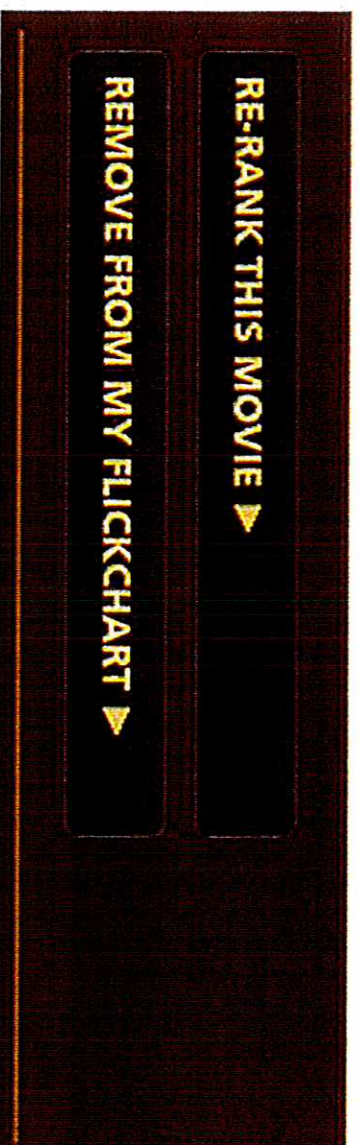
### The Matrix

Global Rank #99	Ranked: 997 times	In Top 20: 462 lists
At Number 1: 17 lists	Have Seen It: 98%	Win rate: 44%

## MovieWeb's



## User Interface Duplication



## Flickchart's



## MovieWeb's