

Bruce S. Rosen  
McCUSKER, ANSELM, ROSEN, & CARVELLI, P.C.  
210 Park Avenue, Suite 301  
Florham Park, New Jersey 07932  
Tel: (973) 635-6300 | Fax: (973) 635-6363  
E-mail: [brosen@marc-law.com](mailto:brosen@marc-law.com)

F. Ross Boundy, WSBA #00403  
Eric M. Stahl, WSBA #27619  
DAVIS WRIGHT TREMAINE LLP  
Suite 2200  
1201 Third Avenue  
Seattle, WA 98101-3045  
Tel: (206) 622-3150 | Fax: (206) 757-7148  
E-mail: [rossboundy@dwt.com](mailto:rossboundy@dwt.com)  
[ericstahl@dwt.com](mailto:ericstahl@dwt.com)

*Pro hac vice application pending*

*Attorneys for Plaintiff Ergometrics & Applied Personnel Research, Inc.*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ERGOMETRICS & APPLIED PERSONNEL )  
RESEARCH, INC., a Washington )  
corporation, )

Plaintiff, )

v. )

DR. JEFF BERNSTEIN & ASSOCIATES, )  
INC., a Florida corporation, d/b/a )  
BERNSTEIN TEST PREP; JEFF )  
BERNSTEIN, individually, and JANE DOE )  
BERNSTEIN, his wife, and the marital )  
community composed thereof; and JOHN )  
DOES 1-10, individually, and JANE DOES 1- )  
10, individually, and any marital communities )  
composed thereof, )

Defendants. )

No. \_\_\_\_\_

**COMPLAINT AND JURY  
DEMAND**

Plaintiff Ergometrics & Applied Personnel Research, Inc., for its complaint against the  
above-named Defendants, hereby states and alleges as follows:

## I. THE PARTIES

1. Plaintiff Ergometrics & Applied Personnel Research, Inc. (“Ergometrics”) is a human resource management firm specializing in personnel selection and training. Among other things, Ergometrics creates, markets and administers professional video-based simulation exams used to hire public safety personnel across the country. Relevant to this action, Ergometrics is the developer and owner of all rights in the FrontLine Video Test for law enforcement candidates (“FrontLine”), a secure video-based exam given to police officer candidates nationwide, including in New Jersey. Ergometrics contracts with State of New Jersey to provide the New Jersey State Police Written Test Battery, the exam used to screen and select candidates for the State Police (hereinafter, the “NJSP Exam”). FrontLine is a component of the NJSP Exam.

2. Upon information and belief, Defendant Dr. Jeff Bernstein & Associates, Inc. (“JBA”) is a Florida corporation having its corporate officers at 5210 S. University Drive, Suite 101, Davie, Florida, 33328. JBA does business as “Bernstein Test Prep” and offers instructional courses and course material intended to prepare candidates to take the NJSP Exam and similar police screening exams nationwide.

3. On information and belief, Defendant Jeff Bernstein is President, owner and operator of JBA. On information and belief, all activities alleged herein were carried out under his direction and control and were done for the benefit of his marital community.

4. John Does 1-10 and Jane Does 1-10, individually, and any marital community composed thereof, are Defendants presently unknown to Plaintiff but who, upon information and belief, are implicated in and liable to Plaintiff under the claims alleged herein. Once Plaintiff has conducted discovery to determine the persons and communities specifically, as well as their respective liabilities, Plaintiff intends to amend the complaint to identify these Defendants with

particularity.

## **II. JURISDICTION**

5. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this is an action arising under the Copyright Act of 1976, 17 U.S.C. §§ 101 et seq. The Court also has diversity jurisdiction over the matter pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and the action is between citizens of different States. This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a).

6. This Court has personal jurisdiction over the Defendants because they regularly transact business in this judicial district and thereby avail themselves to the laws and benefits of the State of New Jersey; and because they purposefully directed their unlawful activities at New Jersey and Ergometrics' claims arise from those activities. Without limitation, Defendants solicit candidates for the NJSP Exam; give test preparation courses for the NJSP Exam in this judicial district; and distribute their infringing exam review material in this judicial district.

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and § 1400(a).

## **III. FACTUAL BACKGROUND**

8. Ergometrics' business includes developing and marketing FrontLine, a high-quality video-based law enforcement screening exam used by over 1,300 public safety clients nationwide to help them identify suitable police officer candidates. FrontLine took years, and hundreds of thousands of dollars, to develop and validate.

9. The State of New Jersey incorporates FrontLine into the NJSP Exam, the screening exam used to evaluate and select potential State Troopers.

10. As used in the NJSP Exam, FrontLine consists of 54 videotaped police-related

scenarios. The videos are presented in a timed portion of the exam, designed to assess candidates' judgment in realistic law enforcement situations. Candidates must watch each video and, very quickly, answer a multiple-choice question regarding the best response.

11. FrontLine is confidential and comprises proprietary information of Ergometrics. The only time the video test material is disclosed is during the taking of an examination by an applicant, or by an authorized client department representative or examination administrator. In all such cases, the recipient is subject to an explicit agreement requiring strict confidentiality for all exam material. Applicants are warned, in writing and in a video shown at the outset of the exam, that they may not copy any exam material, including by writing or repeating to others the content of such material after the exam is complete. Before they take any FrontLine exam (including the NJSP Exam), applicants must sign a certification agreeing, among other things, that their only purpose in taking the exam is to obtain employment through the administrating agency, and that they will not discuss test materials with anyone after the exam.

12. The validity of the FrontLine material, and the consequent value of the examinations, is seriously impaired if Ergometrics' proprietary video tests, scenarios, questions, or answers are available in advance to persons who may take the examinations. FrontLine is available only in video form as shown to applicants only during the course of the test administered by the governing public agency. Transcripts and descriptions of the FrontLine scenarios are not available to the public or to police officer applicants.

13. Ergometrics has expended considerable effort and expense in researching, producing, marketing, and evaluating the FrontLine material. Ergometrics takes great care to maintain the high quality of its tests, and expends considerable effort and expense to protect the security and integrity of its tests. Because of this, various public jurisdictions, including the State

of New Jersey, rely upon the result of the Ergometrics' exams in evaluating the aptitude of applicants to be state troopers and other law enforcement personnel.

14. Ergometrics is the author and copyright owner of all components of FrontLine, each of which is an original work subject to copyright under United States law.

15. FrontLine is registered with the United States Copyright Office under certificate of registration PAu002145997 ("Frontline Entry Level Law Enforcement Test Motion Picture," effective November 21, 1996). A true and correct copy of this registration is appended as Attachment 1 hereto.

16. The foregoing FrontLine material has been published only in connection with the exams and only with an appropriate notice of copyright that appears during the opening credits of the video.

17. The scenarios, questions, and multiple-choice answers used in FrontLine constitute trade secrets under the Uniform Trade Secrets Act, N.J.S.A. 56:15-1 et seq. ("UTSA"), and contain information that derives substantial independent economic value from not being generally known, and not being readily ascertainable by others through proper means. At all relevant times, Ergometrics has exerted and continues to exert reasonable efforts to maintain the secrecy of its FrontLine materials.

18. Defendants operate a test preparation business, one of the main purposes of which is ostensibly to prepare potential applicants for taking and successfully passing the NJSP Exam and other police officer examinations around the country that include Ergometrics' FrontLine material.

19. Defendants offer instructional classes for the NJSP Exam in New Jersey, and similar classes in other states for other police officer examinations that include FrontLine material.

20. In October 2014, the New Jersey State Police provided Ergometrics with a copy of the “Bernstein & Associates, Inc.” preparation guide for the NJSP Exam, entitled “State Trooper Entry Exam Review for New Jersey State Police Candidates” (the “Bernstein Guide”). An exam candidate and JBA customer brought this copy of the Bernstein Guide to a session of the August 17, 2014, administration of the NJSP Exam and, when questioned about the document, provided it to an exam proctor.

21. On information and belief, Defendants are responsible for publishing and distributing the Bernstein Guide to its customers, who pay \$599 each for Defendant’s NJSP Exam seminar and course material.

22. Upon review of the Bernstein Guide, Ergometrics discovered that the guide misappropriates and discloses proprietary and copyrighted FrontLine material. Without limitation, the Bernstein Guide contains worksheets revealing the content of 43 of the 54 FrontLine video scenarios and the answers thereto.

23. On information and belief, Defendants present or describe FrontLine video scenarios to students in JBA classes.

24. The Bernstein Guide, Defendants’ lectures, and other Bernstein material are substantially similar to and/or derivative of FrontLine and other Ergometrics copyrighted material.

25. On information and belief, Defendants obtained access to the FrontLine video material by breaching and/or inducing other to breach the examination’s confidentiality, by recreating the video scenarios, and/or through other unlawful means. Plaintiff did not authorize Defendants to use FrontLine or any other Ergometrics copyrighted material.

26. On information and belief, Defendants are using the misappropriated FrontLine material in Bernstein Test Prep material for other police examinations in addition to the NJSP

Exam.

27. On information and belief, based on Defendants' advertising and promotional material for other professional examinations, Defendants have misappropriated and infringed other Ergometrics copyrighted and proprietary test material in addition to the FrontLine material noted above. Once Plaintiff has conducted discovery to determine the extent of Defendants' activity, Plaintiff intends to amend the complaint to identify these additional infringements and misappropriations with particularity.

28. Defendants have infringed and continue to infringe Ergometrics' copyrights, and have misappropriated and continue to misappropriate Ergometrics' trade secrets by reproducing and distributing protected Ergometrics material in the course of their business in New Jersey and elsewhere.

29. Defendants' unlawful actions have affected and continue to affect the public interest and have the potential for repetition. Without limitation, their actions pose a risk to the public that police officer applicants will not adequately be screened for situational judgment, and thus that unqualified applicants will become police officers. Conversely, otherwise qualified applicants who do not have unauthorized access to the exam material may be at an unfair disadvantage in taking the NJSP Exam. Defendant's infringements have caused and, unless restrained by this Court, will continue to cause, irreparable injury to Plaintiff not fully compensable in monetary damages, for which no adequate remedy at law exists. An injunction is warranted considering the balance of hardships, and the public interest will not be disserved by an injunction.

30. Ergometrics has also sustained substantial monetary damages as a result of Defendants' conduct as alleged above, in an amount to be established at trial, including but not limited to: costs associated with developing the exam; investigating and potentially replacing

FrontLine material that has been compromised by Defendants' unlawful activities; harm to reputation; and lost revenues.

**IV. FIRST CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

31. Ergometrics realleges and incorporates by reference all prior allegations above.

32. Ergometrics owns all right, title and interest in and to the copyright in FrontLine. Pursuant to 17 U.S.C. § 106, Ergometrics has the exclusive right to reproduce, distribute, display and/or prepare derivative works in the FrontLine material, and to authorize others to do so.

33. By the actions alleged above, Defendants have infringed and will continue to infringe Ergometrics' copyright.

34. Ergometrics is entitled to recover from Defendants all profits made by it as a result of the infringement, as well as Plaintiff's damages therefrom, or at Plaintiff's election prior to entry of judgment, statutory damages pursuant to 17 U.S.C. § 504.

35. Plaintiff also is entitled to recover from Defendant costs and attorneys' fees pursuant to 17 U.S.C. § 505.

**V. SECOND CLAIM FOR RELIEF: MISAPPROPRIATION OF TRADE SECRETS**

36. Ergometrics realleges and incorporates by reference all prior allegations above.

37. The examination material described above constitutes a trade secret as defined in N.J.S.A. 56:15-2 and at common law. The information derives economic value as a result of not being known to others, and is subject to reasonable efforts to maintain its secrecy.

38. Defendants have misappropriated Ergometrics' trade secretes through improper means, in violation of N.J.S.A. 56:15-1 et seq. or, alternatively, under the common law.

**VI. THIRD CLAIM FOR RELIEF: UNFAIR COMPETITION**

39. Ergometrics realleges and incorporates by reference all prior allegations above.



40. Defendants' conduct described herein constitutes unfair competition and deceptive acts and practices in violation of the common law.

41. Defendants' unfair competition and use of the Ergometrics' proprietary information has deceived the public and the State of New Jersey.

42. As a result of Defendants' unfair competition, Ergometrics has lost and will continue to lose the value of the confidential information that Defendants now possess, the value of Ergometrics' contractual obligations, and the value of the goodwill and the economic relationships that Ergometrics would have enjoyed but for Defendants' unlawful activities.

#### **VII. FOURTH CLAIM FOR RELIEF: CONVERSION**

43. Ergometrics realleges and incorporates by reference all prior allegations above.

44. Defendants engaged in tortious conduct by which they appropriated test material and other Ergometrics' property for their own financial advantage.

45. At no time did Ergometrics consent to Defendants' use of its proprietary examination materials.

46. The actions of Defendants constitute conversion of Ergometrics' property, to the loss and damage of Ergometrics.

#### **VIII. FIFTH CLAIM FOR RELIEF: TORTIOUS INTERFERENCE**

47. Ergometrics realleges and incorporates by reference all prior allegations above.

48. Defendants have wrongfully interfered with Ergometrics' contractual and business relations between Ergometrics and its licensees.

49. Defendants' actions have affected and pose an ongoing risk to Ergometrics' contractual and business relations with state, county, and local organizations and agencies in New Jersey and elsewhere.

50. The actions of Defendants constitute tortious interference, for which Ergometrics is entitled to damages and injunctive relief.

#### **IX. PRAYER FOR RELIEF**

WHEREFORE, Ergometrics prays for the following alternative and cumulative relief:

1. A temporary restraining order, preliminary injunction, and permanent injunction, as specifically provided by 17 U.S.C. § 502, the UTSA and other applicable law, prohibiting Defendants, their agents, representatives, employees, and all persons acting in concert with them, from infringing in any manner Ergometrics' existing or future copyrights or misappropriating any trade secrets of Ergometrics, and from publishing, selling, marketing, distributing, displaying, disposing of, or in any way communicating to any person the substance of any scenarios, video, questions, or any other information obtained from any secure exam developed by Ergometrics, or any derivative goods or material of any kind containing any such material from any Ergometrics exam material.

2. Judgment against Defendants for the amount of all damages incurred by Ergometrics as a result of Defendants' actions, and as provided by 17 U.S.C. § 504, the UTSA and other applicable law, including an accounting for all profits of Defendants attributable to their infringement and misappropriation, and exemplary and punitive damages.

3. Alternatively, if Plaintiff elects prior to judgment, judgment against each separately liable Defendant for statutory damages as provided by 17 U.S.C. § 504(c).

4. An award to Plaintiff of his reasonable costs and attorneys' fees;

5. An order, as specifically provided by 17 U.S.C. § 503, requiring Defendants and their agents, representatives, employees, servants, associates, to deliver to this Court for impounding and destruction or other disposition all goods or materials of any kind in the custody

or control of any such persons that describe FrontLine video scenarios or contain scenarios, questions, or other information obtained from any secure exam developed by Ergometrics or that otherwise infringe any of Ergometrics' copyrights, together with all plates, matrices, masters, digital media, and other means in their possession or under their control by which such infringing copies may be reproduced.

6. For an order of seizure to recover and impound all things including any video material, written material, digitally maintained material, or other things used in the creation of the copies or descriptions of Ergometrics' FrontLine material, that may be found in the possession or under the control of said Defendants or any of their respective officers, agents, servants, employees, attorneys, or any other person acting in concert or participation with Defendants.

7. For an order preventing Defendants' destruction, concealment, transfer or attempt to render in any way inaccessible by discovery any of the materials referenced under paragraph 5 above.

8. For an order authorizing expedited discovery; and

9. Such other and further relief as the Court deems just.

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a trial by jury on all issues so triable.

DATED this 16 day of January, 2015.

By:  /s/ Bruce S. Rosen

Bruce S. Rosen  
McCUSKER, ANSELM, ROSEN, &  
CARVELLI, P.C.  
210 Park Avenue, Suite 301  
Florham Park, New Jersey 07932  
Tel: (973) 635-6300 | Fax: (973) 635-6363

F. Ross Boundy, WSBA #00403  
Eric M. Stahl, WSBA #27619  
Davis Wright Tremaine LLP  
Suite 2200  
1201 Third Avenue  
Seattle, WA 98101-3045  
Tel: (206) 622-3150 | Fax: (206) 757-7148  
E-mail: [rossboundy@dwt.com](mailto:rossboundy@dwt.com)  
[ericstahl@dwt.com](mailto:ericstahl@dwt.com)

*Pro hac vice application*

*Attorneys for Plaintiff Ergometrics &  
Applied Personnel Research, Inc.*

JS 44  
(Rev. 3/99)

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I (a) PLAINTIFFS**

**Ergometrics & Applied Personnel Research, Inc., a Washington corporation**

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
**Bruce S. Rosen, Esq., McCusker, Anselmi, Rosen & Carvelli, P.C.**  
**210 Park Ave., Suite 301, Florham Park, New Jersey 07932**  
**(973) 635-6300**

**DEFENDANTS**

**Dr. Jeff Bernstein & Associates, Inc., a Florida corporation, d/b/a Bernstein Test Prep; Jeff Bernstein, individually, and Jane Doe Bernstein, his wife, and the martial community composed thereof**

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Broward County, FL  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

ATTORNEYS (IF KNOWN)

**II. BASIS OF JURISDICTION (PLACE AN [x] IN ONE BOX ONLY)**

- 1 U.S. Government Plaintiff  
 3 Federal Question Plaintiff (U.S. Government Not a Party)  
 2 U.S. GOVERNMENT Defendant  
 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN [x] IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)**

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT (PLACE AN [x] IN ONE BOX ONLY)**

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury- Med. Malpractice <input type="checkbox"/> 365 Personal Injury- Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Reqs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions

**V. ORIGIN**

(PLACE AN [x] IN ONE BOX ONLY)

- 1 Original Proceeding  
 2 Removed from State Court  
 3 Remanded from Appellate Court  
 4 Reinstated or Reopened  
 5 Transferred from Another District (specify)  
 6 Multidistrict Litigation  
 7 Appeal to District Judge From Magistrate Judgment

**VI. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Copyright Act of 1976, 17 U.S.C. §§ 101 et seq. Violation of Plaintiff's copyright and related torts by test prep defendants.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$**

Check YES only if demanded in complaint  
**JURY DEMAND:**  YES  NO

**VIII. RELATED CASE(S)**

(See Instructions):

IF ANY DATE: 1/16/15  
SIGNATURE OF ATTORNEY OF RECORD: *Bruce S. Rosen*  
JUDGE: \_\_\_\_\_  
DOCKET NUMBER: \_\_\_\_\_

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

# Attachment 1

# FORM PA

For a Work of the Performing Arts  
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

PAU 2-145-997



PAU002145997

EFFECTIVE DATE OF REGISTRATION

NOV 21 1996

Year

## 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.

*Marybeth Peters*

REGISTER OF COPYRIGHTS  
United States of America

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK  
FRONTLINE™ Video Testing System for Law Enforcement

PREVIOUS OR ALTERNATIVE TITLES

NATURE OF THIS WORK See instructions  
Motion Picture

2

NAME OF AUTHOR  
a Ergometrics & Applied Personnel Research, Inc.

DATES OF BIRTH AND DEATH  
Year Born Year Died

### NOTE

Under the law the "author" of

a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this

Was this contribution to the work a "work made for hire"?

Yes  
 No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR { Citizens of > U.S.A.  
Domiciled in > U.S.A.

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.  
Entire Motion Picture excluding sample scenario and Director of Photography contributions

NAME OF AUTHOR  
b Associates Production Service

DATES OF BIRTH AND DEATH  
Year Born Year Died

Was this contribution to the work a "work made for hire"?

Yes  
 No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR { Citizens of > U.S.A.  
Domiciled in > U.S.A.

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.  
Director of Photography

NAME OF AUTHOR

DATES OF BIRTH AND DEATH  
Year Born Year Died

Was this contribution to the work a "work made for hire"?

Yes  
 No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country

OR { Citizens of > U.S.A.  
Domiciled in > U.S.A.

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED  
1994

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month > Day > Year >

< Nation

4

See instructions before completing this space.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Ergometrics & Applied Personnel Research, Inc.  
4939 N.E. 65th Street  
Seattle, WA 98115

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

By Written Agreement

APPLICATION RECEIVED  
NOV 21 1996  
ONE DEPOSIT RECEIVED  
NOV 21 1996 MPX  
TWO DEPOSITS RECEIVED  
FUNDS RECEIVED

DO NOT WRITE IN THIS OFFICE USE ONLY

MORE ON BACK >

• Complete all applicable spaces (numbers 5-8) on the reverse side of this page.  
• See detailed instructions. • Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY <i>[Signature]</i>	FORM PA
CHECKED BY <i>[Signature]</i>	
CORRESPONDENCE Yes	FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes  No If your answer is "Yes," why is another registration being sought? (Check appropriate box) 5

a.  This is the first published edition of a work previously registered in unpublished form.

b.  This is the first application submitted by this author as copyright claimant.

c.  This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number  Year of Registration

DERIVATIVE WORK OR COMPILATION Complete both space 6a & 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. 6

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. See instructions before completing this space.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name  Account Number  7

N/A

N/A

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/ZIP

Faye L. Mattson

Christensen O'Connor Johnson & Kindness<sup>PLLC</sup>

1420 Fifth Avenue, Suite 2800, Seattle, WA 98101-2347

ERGO-4-2012

Area Code & Telephone Number >(206) 224-0717 Be sure to give your daytime < phone number

CERTIFICATION <sup>®</sup> I, the undersigned, hereby certify that I am the

Check only one

author 8

other copyright claimant

owner of exclusive right(s)

authorized agent of Ergometrics & Applied Personnel Research, Inc.

Name of author or other copyright claimant, or owner of exclusive right(s)

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date  If this application gives a date of publication in space 3, do not sign and submit it before that date.

Faye L. Mattson

date > 11/13/96

Handwritten signature (X)

*Faye L. Mattson*

MAIL CERTIFICATE TO

Certificate will be mailed in window envelope

Name <input type="checkbox"/>
Christensen O'Connor Johnson & Kindness <sup>PLLC</sup>
Number/Street/Apartment Number <input type="checkbox"/>
1420 Fifth Avenue, Suite 2800
City/State/ZIP <input type="checkbox"/>
Seattle, WA 98101-2347

**NOTES:**

- 1. Complete all necessary spaces
- 2. Sign your application in space 8
- 3. Application fee
- 4. Non-refundable \$28 filing fee in check or money order payable to Registrar of Copyrights
- 5. Deposit material

Registrar of Copyrights  
Library of Congress  
Washington, D.C. 20540-8000