

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) QUILL INK BOOKS LIMITED, a
foreign corporation,

Plaintiff,

v.

(1) ABCD GRAPHICS AND DESIGN,
INC., D/B/A BLUSHING BOOKS
PUBLISHING, a foreign corporation,
(2) [REDACTED] a/k/a ADDISON
CAIN, an individual, and
(3) JOHN and JANE DOE, unknown
individuals and online participants,

Defendants.

Case No.: CIV-18-920-G

JURY TRIAL DEMANDED

AMENDED COMPLAINT

Plaintiff, Quill Ink Books Limited (“Quill”), for its Amended Complaint filed pursuant to this Court’s Order of October 11, 2018 [Doc. No. 5], alleges as follows:

NATURE OF ACTION

1. Plaintiff brings this action against Defendants, ABCD Graphics and Design, Inc., (“ABCD”) d/b/a Blushing Books Publishing (“Blushing”), [REDACTED] a/k/a Addison Cain (“Cain”), and John and Jane Does (“Does”), seeking injunctive relief for malicious interference with contract and for copyright misuse; and for damages for misrepresentation of copyright claims under the Digital Millennium Copyright Act, tortious interference with prospective and existing business relationships, defamation, false light, negligence, civil conspiracy; and for declaratory relief.

BACKGROUND

2. The literary world, especially within the romance genre and its sub-genres, has experienced anti-competitive behavior by certain bad actors attempting to monopolize the industry through misuse of trademark and copyright law. Ranging from misuse of “take-down” notices to litigation over the use of a common word in a book title,¹ unlawful practices are becoming more and more prevalent.

3. This case is about protecting Plaintiff’s publications from Defendant Blushing and Cain’s deliberate misuse of copyright law to inflict harm to Plaintiff’s reputation and economic interests. Blushing and Cain’s efforts to destroy Plaintiff’s publications include the publication of false claims of plagiarism against those works in online reader communities and the encouragement, solicitation, and coordination of negative reviews and comments anywhere those works are published. Incredibly, one of those books that Blushing and Cain attacked was not even in publication at the time their “take-down” notice. Blushing and Cain’s misconduct, including their “surround and strangle” tactic, is unlawful and should be enjoined. Further, Plaintiff should be awarded all damages resulting from Blushing and Cain’s deceitful and malicious conduct.

¹ *In Hop Hop Productions, Inc., et al., v. Kevin Kneupper, et al.*, 18 CV 4670 (S.D. N.Y. 2018), Plaintiff, Faleena Hopkins, applied for a trademark for the use of the word “cocky” in romance titles and sued other authors who refused to retitle their works. Hopkins’s attempt to block the sale of those books by other romance writers ultimately failed.

4. Additionally, public policy mandates judgment against Blushing and Cain for their unlawful conduct to prevent future misuse of copyright law to defame and stifle the works of others.

JURISDICTION AND VENUE

5. This court has subject matter jurisdiction over the federal claims pursuant to the Copyright Act (17 U.S.C. §§ 101 *et seq.*), 28 U.S.C. §§ 1331 and 1338 and the Declaratory Judgment Act (28 U.S.C. § 1367(a)) in that the state law claims form part of the same case or controversy as the federal claims.

6. Upon information and belief, Defendants, and each of them, have sufficient contacts with this judicial district generally and, in particular, with the events herein alleged, that each such Defendant is subject to the exercise of jurisdiction of this court over the person and such Defendant.

7. Upon information and belief, based on the national reach of Defendants, and each of them, a substantial part of the events giving rise to the claims herein alleged occurred in this judicial district.

PARTIES

8. Quill is a foreign, international corporation organized and existing under the laws of England with its principal place of business in London, England. Quill publishes works in print and electronic form. Quill's publications are sold internationally through Amazon and other online vendors, including Barnes and Noble, Apple iTunes, Rakuten-Kobo, Google Play, and Draft2Digital, a distributor whose principal address is in Oklahoma City, Oklahoma.

9. The name “Zoey Ellis” is a pseudonym used by Plaintiff in the publication of certain books it publishes. This litigation involves a fictional romance series, published by Plaintiff, that is set against the backdrop of paranormal and epic fantasy drawing influences from an alternative universe (“AU”) known as “omegaverse.”

10. Blushing publishes works by various authors primarily in the romance, dark romance and domestic discipline genre. Blushing is a fictitious name for ABCD. Under Virginia law, an entity doing business using a fictitious name must file a certificate with the corporation commission. No certificate appears on the records of the commission. Blushing represents itself as being a registered trademark of Defendant ABCD [*See* Blushing Information, Ex. 1], according to application number 85897591. ABCD’s application was dismissed by the Trademark Office in early 2014 [*See* Trademark Dismissal, Ex. 2]. However, ABCD is a corporation organized under the State of Virginia with its principal place of business in Charlottesville, Virginia.

11. Cain is an author residing in Stafford, Virginia. “Addison Cain” is a pseudonym used in the publication of her books. Cain also writes across several literary genres. Cain classifies her series as “dark romance without the romance,” “gothic,” “horror,” “suspense-filled omegaverse” and “mystery suspense thrillers.” Cain’s books are set in a dystopian society and her stories borrow concepts from “omegaverse” fan fiction. Cain published a similar fan fiction story under the pseudonym of “Itzy Strange” in 2015.

12. The Does refer to anonymous participants and other actors acting in concert with Blushing and Cain to harm Plaintiff’s reputation and, ultimately, end Plaintiff’s publications. This does not, *in any way*, involve online book reviewers merely expressing

their opinions about Plaintiff's publications. Upon ascertaining the Does' identities, Plaintiff will promptly obtain leave to name those individuals herein.

E-BOOK INDUSTRY AND "INDIE" WRITERS IN ROMANCE

13. Book publishing and distribution for years was dominated by the "Big 5" publishing houses *Macmillan*, *Hachette*, *HarperCollins*, *Penguin Random House Books* and *Simon & Schuster*. The advent of the Internet and development of small publishing houses and vanity presses have created new distribution opportunities for independent, or "indie" authors. Additionally, the availability of self-publishing software and related platforms gave "indie" authors the means to publish and profit from the delivery of their own works published in electronic format.

14. According to the *Romance Writers of America*, the estimated annual total sales value of the romance market in 2013 was approximately \$1.08 billion. In 2015, the romance novel share of the United States fiction market was roughly 34%.²

15. The surge of self- and small-press publishing has increased the number of self-publishing authors in the romance genre. To demonstrate, until methods used to choose best-sellers were changed by the *New York Times*, its e-book bestseller list from 2014 to early 2017 was consistently dominated by "indie" authors, *i.e.*, independent authors who do not have a "Big Five" publisher and self-publish their books.

16. The opportunity created by self-publishing has changed the way romance readers buy books, their expectations about books, pricing and distribution, and the ways

² Nielsen, *BookScan/PubTrack Digital*. 2015. Available <http://www.rwa.org>.

readers interact with authors. Author visibility, reputation, and credibility are critical to self-publishing success. An author's social media presence on Facebook, Instagram, Twitter, and other social media websites correlates directly with how well their books sell.

17. Many authors run Advance Reader Copy ("ARC") programs. Such programs allow readers to get a free book in exchange for, hopefully, book reviews that would help establish the book. Authors also use specialized public relations firms to help promote their books and obtain reviews. Selling books in the romance genre, especially for "indie" authors or authors with small publishing houses, has become extremely competitive. This market is generally self-regulated through industry standards, peer review, and compliance with the terms of service given by book vendors.

LITERARY GENRE

18. Omegaverse (or Alpha/Beta/Omega, A/B/O, or Alpha/Beta/Omega Dynamics, as its slightly broader category is called) is a collection of related tropes that tend to correlate in many stories. A/B/O defines stories in which humans are not only categorized by gender but also by a second dynamic, namely whether they present as alphas (dominant, physically large, quick-tempered, natural leader) or omegas (submissive, delicate, calm, peace maker), with an undetermined number of humans being default betas.

19. Omegaverse is considered a "perfect storm" of several popular fan fiction (and romance) tropes,³ including shifters (especially werewolves), soulmates, breeding and

³ Kristina Busse. 2013. "Pon Farr, Mpreg, Bonds, and the Rise of the Omegaverse." In Anne Jamison, ed., *Fic: Why Fanfiction is Taking over the World*, 293. Dallas, TX: BenBella.

hypersexuality, empathic or telepathic bonds, and biologically deterministic hierarchical societies. As a term of folksonomy (rather than taxonomy), omegaverse is collectively created and used by fans, who are at liberty to include or exclude any aspect they like.

20. To be recognized as an omegaverse, at least some of a vast number of potential characteristics need to be present. These include:

- Imprinting (the mythology within omegaverses often assumes there are true alpha/omega mate pairings, a perfect match of eternal love, and the alpha often imprints on his mate)
- Scenting (pheromones are excessive for alphas and omegas often displaying their moods and affection)
- Omega Heat Cycles and Alpha Rut (The biologic necessity to procreate)
- Mate Bonding (a permanent bond between the partners, often because of imprinting and claiming bite)
- Claiming Bite (The alpha marks the omega during mating)
- Knotting (A physiological condition experienced by the alpha during mating to aid in impregnation.)
- Pregnancy (male and female)

21. Omegaverses share commonly used terms and ideas, such as nesting (the need to prepare a place for heat and conception), heat suppressants (often used to hide one's omega status or simply to not have to experience heats), and omega sanctuaries (a place where omegas may experience their heat without the intrusion of alphas). Not every story must use all the characteristics. Two stories "tagged" online as A/B/O Dynamics may share little in common.

22. By most accounts, omegaverse was created as a specific sub-genre in 2010-2011 and acquired its name in late 2011. A/B/O started in an anonymous fan fiction community for the TV show *Supernatural*, and quickly grew popular enough to become an identifiable genre with its own recognizable tropes. Within two years, the sub-genre had spread to dozens of other fandoms. For example, on the multi-fandom collection, *Archive of Our Own*, by 2013 about 2,000 stories were tagged A/B/O. The sub-genre's popularity grew exponentially; and, by 2018 more than 40,000 works had been tagged A/B/O.

23. Omegaverse statistics for *Archive of Our Own* in 2013 show that about 10% are labeled male/female. Additionally, a June 13, 2011 story is recognized as the first male/female story that followed clear omegaverse tropes and terminology.⁴ *Archive of Our Own* hosts several longer omegaverse stories about alpha males and omega female written in 2012,⁵ including novel-length stories from 2014.⁶ In 2014, mainstream feminist blogging site *Jezebel* features an article explaining omegaverse to its readers.⁷

⁴ Tebtosca. 2012. "Just Keep Breathing With Me." *Livejournal*. Available <https://tebtosca.livejournal.com/20794.html>.

⁵ Tristesses. 2012. "All Reason Aside, I Just Can't Deny." *Archive of Our Own*. <https://archiveofourown.org/works/583600>. Hotchoco195. 2013; "Strangers and Soulmates." *Archive of Our Own*. Available <https://archiveofourown.org/works/605274>.

⁶ Rector. 2014. The Encounter Series. *Archive of Our Own*. Available <https://archiveofourown.org/series/106793>. KristinStone. 2015-. Living and Breathing in Flint Series. *Archive of Our Own*.

⁷ Mark Shrayber. "'Knotting' Is the Weird Fanfic Sex Trend That Cannot Be Unseen." *Jezebel*. June 18. Available at <https://jezebel.com/knotting-is-the-weird-fanfic-sex-trend-that-cannot-be-u-1606931767>.

24. The quick dissemination of omegaverse across most popular fan fiction fandoms helped spread the popularity of omegaverse to male/male commercial romances (often written by fan fiction authors). Meanwhile, some established male/female commercial romance also grew in popularity in the 2000s, including that of the shifter (often werewolves, such as Patricia Briggs' ALPHA AND OMEGA Series [2007–15]) and that of the hypermasculine alpha hero, which romance writer Doreen Owens Malek describes as a “strong, dominant, aggressive male brought to the point of surrender by a woman.”⁸

MYTH OF OMEGA VS. ALPHA'S CLAIM

25. Both stories contain similarities that are already determined by their various genre categories. The similarities found between the two stories lie exclusively within their use of the A/B/O's recognized tropes.

26. As fantasy novels, both novels are expected to feature elements beyond our contemporary worlds, though the setting of the two series is quite different. As omegaverses, the societies of MYTH OF OMEGA and ALPHA'S CLAIM are both structured as hierarchical cultures, in which omegas are rare and segregated (justified as protection). This is a common setup for omegaverses, which authors often use to explore intrinsic gender imbalances.⁹

⁸ Doreen Owens Malek. 1992. “Mad, Bad, and Dangerous to Know: The Hero as Challenge.” In Jayne Ann Krentz, ed. *Dangerous Men and Adventurous Women: Romance Writers on the Appeal of the Romance*. University of Pennsylvania Press. 74.

⁹ Elliot Aaron Director. 2017. “Something Queer in his Make-Up: Genderbending, Omegaverses, and Fandom's Discontents.” Ph.D. Thesis, Bowling Green State University. Marianne Gunderson. 2017. “Rewriting sex and gender in omegaverse fanfiction.” M.A. Thesis, University of Oslo, Blindern, Norway.

27. The fantasy world in ALPHA'S CLAIM follows the trope of a futuristic dystopia, in which the society lives in domes on an unspecified Earth after a cataclysmic event and, in addition, deals with the aftermath of a biological plague. The novel is set in one of the domes shortly after the successful prisoner revolution spearheaded by the main alpha protagonist. Omegas are common in this world, but the recent social upheavals have created chaos ripe for abuse that manifests itself through the exploitation of weaker beings.

28. MYTH OF OMEGA is set in an undetermined fantasy setting inhabited by warring aristocratic factions. Omegas are a myth in this world and haven't been seen by the public in more than a century. After having conquered large parts of the known world, the alpha—the main protagonist—is looking to solve the omega mystery. Magic is known in the world as “talent,” but is feared and forbidden by the alpha hero.

29. While both series employ the enemies-to-lovers trope and, likewise, feature an omegaverse-type pairing, the ending to ALPHA'S CLAIM is akin to the tragedy of Shakespeare's *Romeo and Juliet* where the lovers commit suicide. In contrast, MYTH OF OMEGA uses the enemies-to-lovers trope consistent with a more traditional romance and comparable to the relationship of Ike Graham (Richard Gere) and Maggie Carpenter (Julia Roberts) in *Runaway Bride* where the story has a happy ending. More simply, using a common trope does not make the stories the same, *i.e.*, *Sleeping Beauty* and *Snow White* are different fairytales with separate, distinct plots.

30. Consistent with the AU in omegaverse fan fiction, both series write of an alpha male anti-hero commanding a group of alpha warriors, *e.g.*, ruling over a dystopian

futurist rebellion of prisoners in ALPHA'S CLAIM and an expansionist quasi-medieval society in MYTH OF OMEGA.

31. In both series, the omega women use suppressants/blocks to hide their pheromones. In ALPHA'S CLAIM the omega uses chemicals and dresses in smelly clothes to approach the alpha male to ask him for food for her fellow omegas in hiding after the rebellion. In MYTH OF OMEGA the omega blocks sensory responses by magic to access the library that houses information on the disappearance of omegas for the past century. These precautions fail as they often do in omegaverse stories to get the plot going, and the alpha protagonists scent the veiled omegas, and realize they are in heat and remove them from the other alphas. In ALPHA'S CLAIM the hero must fight and kill several competitors whereas in MYTH OF OMEGA the status of the alpha hero allows him to segregate her from the rest of the castle.

32. In both series, the alphas eventually claim the omegas by force and knot them; in both stories, omegas fight both the alphas and their own biological desires; in both stories, the omegas nest and the alphas purr—all consistent with A/B/O tropes. These tropes often and repeatedly occur in omegaverse stories; yet, the timelines in the stories are quite different as are the specific encounters. Whereas the biological imperatives attributed to both alphas and omegas are common for omegaverse fiction, it is the specific implementations that distinguishes one story from another.

33. In ALPHA'S CLAIM, the first, quite violent encounter occurs within the first chapter, followed by a prolonged imprisonment of the omega during which she nests. The alpha claims the omega by biting her and establishing the bond forcibly. Thereafter, the

omega describes repeatedly the psychological pull of that bond. In contrast, MYTH OF OMEGA follows more traditional romance tropes by letting the central pair spar verbally for several chapters. Once the omega's blocks fail and the alpha removes her, she creates a magical barrier and waits out her heat. Only toward the end of her heat (called "haze" in the series) do the barriers fail and the alpha claims and knots her. While MYTH OF OMEGA's central alpha/omega pairing will eventually bond and procreate, it is a decision that is much delayed.

34. Both alphas are exceptionally possessive of their omegas and hostile to other alphas, which is a common feature in omegaverse fiction. Both are morally ambiguous as heroes, and only slowly are revealed as more emotionally appealing characters to readers and the heroines. In ALPHA'S CLAIM a lot of the alpha's behavior is explained by his past. In contrast, MYTH OF OMEGA's alpha hero is mostly conflicted by the competing drives of his warrior and his alpha instincts that he does not understand. Unlike ALPHA'S CLAIM, MYTH OF OMEGA switches points of view every chapter, so that the reader is more aware of the alpha's feelings and reasoning. ALPHA'S CLAIM, on the other hand, places the reader at first fully in the position of the omega female, trying to decipher the alpha's actions.

35. A more important distinction between the two stories is the dynamic between the central pairing. While both couples start out hostile and eventually give in emotionally to their biological connection, ALPHA'S CLAIM has a much steadier development toward that goal with both characters slowly and repeatedly reconsidering their positions. MYTH OF OMEGA's central characters, on the other hand, truly hate one another for the majority of the novels as their political struggles often have to take precedence over their

relationship. Likewise, the emotional obstacles function differently in both series with ALPHA'S CLAIM's complication of the alpha's original love who continues to reject the pair's potential love.

36. Both series feature one central pairing, so it can be expected that there are several obstacles before the alphas and omegas bond and admit their love for one another. While most novels require some form of complication to develop a plot, not all romance fiction finds that complication within the love story itself. The obstacle could be external (shipwreck, going bankrupt, war, etc.) with the central love pairing between strangers or friends. However, the enemy-to-lovers trope is one of the more popular in romance fiction, allowing for an internal narrative thrust in which both need to overcome their resentments and discover their similarities and love for one another—whether Beatrice & Benedick in Shakespeare's *Much Ado About Nothing*, Elizabeth Bennett & Mr. Darcy in *Pride and Prejudice*, Scarlett O'Hara & Rhett Butler in *Gone with the Wind*.

37. Both series clearly share a dynamic in which the central pairing begins with a contentious if not hostile relationship. Moreover, the dark romance trope already posits the main male character as a powerful anti-hero or outlaw with a moral compass, which the heroine will ultimately recognize, and which will lead to her accepting her feelings for him. ALPHA'S CLAIM and MYTH OF OMEGA share a variety of scenarios that are common in omegaverse stories. Given that emotional attachment and physical attraction are often not in sync, many scenes in omegaverse fiction will explore the omega (but sometimes also the alpha) battling nature versus nurture, mind versus body. Ultimately, however, the

biological imperative of mating and bonding will win out, a central aspect of the omegaverse trope.

38. Beyond that internal obstacle of trying to come to terms with their destiny, or pairing, there are external obstacles in the post-revolution society of ALPHA'S CLAIM and the warring kingdoms of MYTH OF OMEGA. Consistent with the genre, these battles, injuries, misunderstandings, escapes, and kidnappings ultimately serve to impede the true goal of the novels—namely, the acceptance by both mates that they are destined to be together and the eventual acceptance of their pairing.

39. Several typical omegaverse plot points occur in both series, but the different setting and the different pacing makes the two novels distinct reading experiences. More importantly, the plot with respect to the alpha/omega reconciliation plays out differently. For example, in ALPHA'S CLAIM the omega fights a lonely battle against the alpha's army. The series ends with the alpha in a standoff with the government he had initially overthrown. MYTH OF OMEGA's central plot has the alpha fighting against another kingdom, and then against a long-term omega conspiracy that has deceived everyone to protect omegas. The series ends happily with the alpha and omega about to become parents while overseeing their kingdom.

40. Cain's series puts a strong emphasis on non-consensuality and power exchange, which tilts the overall tone: sexual encounters (often non-consensual) are extensive, violent, and frequent in ALPHA'S CLAIM. The non-consensual sexual encounters are not always tempered by the alpha's regret as in MYTH OF OMEGA, where the point-of-view shifts to allow us to see the assailant's immediate regret. The role of the bond is

different as well: where ALPHA'S CLAIM focuses greatly on the animalistic and physical nature of the bond (such as the omega feeling the alpha in her mind after he bonds her against her will), MYTH OF OMEGA uses an interpretation of the soul bond that balances physicality with emotion and must be bilateral to function properly. There is also less focus on monogamous exclusivity in ALPHA'S CLAIM, where the alpha male has sex with another woman in front of his omega. Finally, ALPHA'S CLAIM focuses heavily on its dark genre aspects: the omega is violently raped resulting in the loss of her child near the end of the series and a potential re-unification of the alpha and omega, both believed dead, is delayed beyond the third book.

FACTUAL ALLEGATIONS

41. On January 18, 2018, Quill published *Crave to Conquer*, the first book in an omegaverse series entitled MYTH OF OMEGA. This book chronicles the dark-edged epic fantasy romance between a female heroine (omega) and a male anti-hero (alpha). On March 20, 2018, Quill published *Crave to Capture*, the second book in the MYTH OF OMEGA series. It is a continuation of the first book and follows the alpha and omega's journey. The third book, *Crave to Claim*, was published on May 23, 2018, concluding the series consistent with the character of a romance where the main couple lives happily ever after.

42. Each book in the MYTH OF OMEGA series was registered pursuant to the Copyright Act of 1976, the Designs and Patents Act of 1988, and subject to the protection of the Berne Convention for the Protection of Literary and Artistic Works.

43. The MYTH OF OMEGA series was released through Draft2Digital, Amazon, Barnes and Noble, iTunes Apple, Rakuten-Kobo and Google Play. These online vendors sell e-books and print books to customers.

44. After the release of the first two books, *Crave to Conquer* and *Crave to Capture*, Blushing and Cain directed a “take-down” notice to Draft2Digital and other vendors on or about April 19, 2018. Blushing and Cain asserted the MYTH OF OMEGA series infringed on Cain’s copyrights and demanded Draft2Digital remove the MYTH OF OMEGA books from sale. [See “Take-Down” Notice dated April 19, 2018, Ex. 3].

45. The “take-down” notice represented Cain possessed validly registered copyrights. While Cain applied for a copyright for her first book, it was not done until two years following the book’s publication. The remaining books in Cain’s series remain unregistered.

46. Around the same time of their initial “take-down” notice, Defendants also sent additional “take-down” notices to Barnes and Nobles, iTunes Apple, Rakuten-Kobo and Amazon. [See Additional “Take-Down” Notices, Ex. 4]

47. Thereafter, from April 24, 2018, to May 16, 2018, Plaintiff received multiple reader inquiries stating the MYTH OF OMEGA books were missing from online vendors. Through these communications, Plaintiff learned of Defendants continuing efforts to disrupt Plaintiff’s book sales.

48. On May 16, 2018, Draft2Digital’s representatives advised Plaintiff that Draft2Digital and Barnes and Noble had removed the MYTH OF OMEGA series from sale because of the “take-down” notices.

49. During the week of May 16, 2018, Plaintiff received communications from the vendors that “take-down” notices were now filed against all three books, including *Crave to Claim* which had not been published at the time the “take-down” notices were filed.

50. Further communications with vendors revealed that all three books of the MYTH OF OMEGA series were removed from sale. [*See Vendor Communications, Ex. 5*]. iTunes even removed Plaintiff’s entire library of publications solely based on Blushing and Cain’s false claims.

51. Blushing and Cain’s “take-down” notices—while only referencing the first book, *Crave to Conquer*—made allegations against the entire MYTH OF OMEGA series without identifying how book two, *Crave to Capture*, was infringement and, more incredibly, asserted infringement by book three, *Crave to Claim*, falsely claiming it had been reviewed. *Crave to Claim* was not even in publication at the time of Blushing and Cain’s notices.

52. Blushing and Cain filed numerous “take-down” notices—at a minimum twelve (12) but up to fifteen (15) or more—in their effort to cause leading vendors to remove the entire MYTH OF OMEGA series from sale.

53. Upon learning of the “take-down” notices, Plaintiff promptly delivered counter-notices under Section 512(g) of the Copyright Act (“Counter-Notices”). [*See Counter-Notices dated May 14 & 16, 2018, Ex. 6*].

54. The Counter-Notices prompted vendors to restore all of Plaintiff’s publications; however, the restoration process in some instances took months.

55. Plaintiff showed in the Counter-Notices that Blushing and Cain made material, false representations. [*See* Draft2Digital Correspondence, Ex. 7].

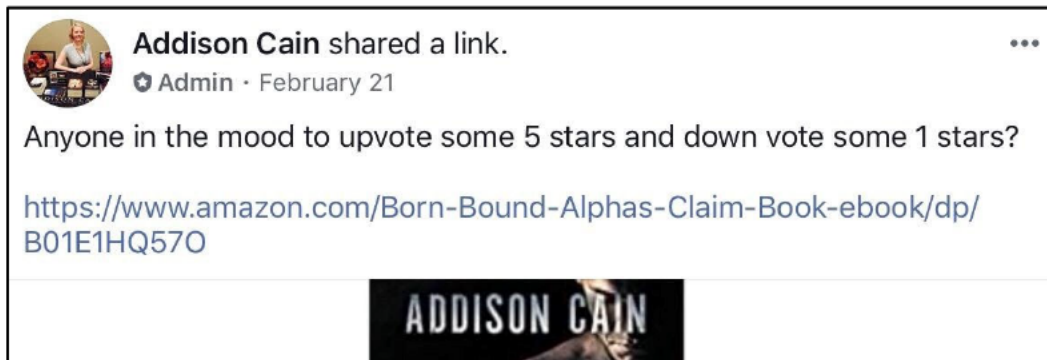
56. Blushing and Cain’s “take-down” notices violated the Copyright Act, damaged Plaintiff’s reputation and resulted in financial losses, including, but not limited to, pre-release and ordinary book sales in the United States and internationally.

57. Following Blushing and Cain’s notices to Draft2Digital and other vendors, Plaintiff has been subjected to online harassment and defamation, including false and malicious claims of plagiarism. The forums in which the harassment and defamation occurred are both public and private online forums, which are all well-known within the dark romance fan communities.

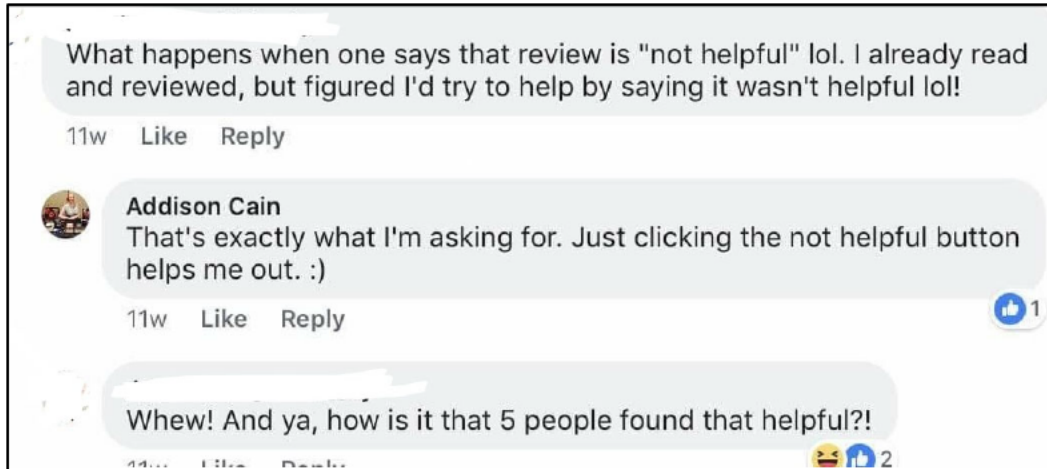
58. Blushing and Cain—consistent with their long-standing practices of manipulating commentary on their own publications in violation of industry guidelines—used the same technique to solicit negative reviews of Plaintiff’s publications. [*Compare* Cain Review Manipulation, Ex. 8 *with* Cain’s Online Posts targeting Plaintiff’s Publications, Ex. 9; *see also* Amazon Guidelines, Ex. 10].

59. Those participating and associated with Blushing and Cain also made baseless claims that the MYTH OF OMEGA series copied Cain’s writings and shamed Plaintiff and its author with accusations of plagiarism. [*See* Disparaging Posts, Ex. 11]. Such commentary had the intended effect of harming Plaintiff’s reputation as a publisher, driving away potential readers interested in its publications, and causing Plaintiff financial loss and hardship.

60. Consistent with these efforts and as part of concerted efforts to monopolize the market, Cain has often used social media to manipulate and change ratings on her own books in derogation of vendor guidelines (see example below). Such guidelines direct that consumers, authors, and/or publishers “*should not offer any other incentive for a Customer Review*” as it would be deemed improper compensation. Further, vendor guidelines provide that authors should not “*attempt to drown out other people’s opinions*”. [Compare Amazon Guidelines, Ex. 8, with Review Manipulation Posts, Ex. 12].



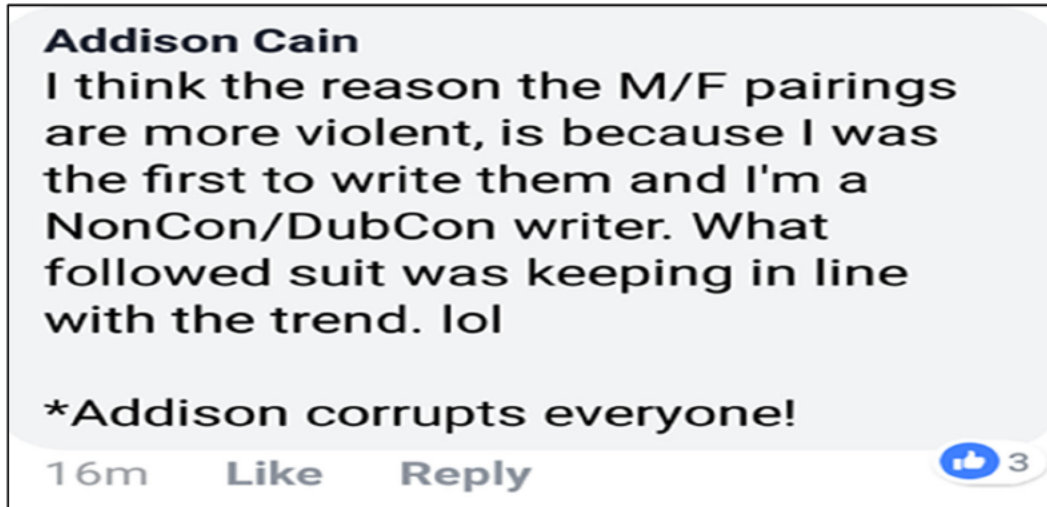
61. Cain also prompts the manipulation of reviews by encouraging readers to down vote other readers and drown those reader’s opinions (see example below). All of this in derogation of vendor guidelines and demonstrates Cain’s efforts to manipulate and monopolize. Blushing and Cain’s practices subverts practices designed to ensure “honest reviews.” This pattern and practice is deliberate and designed to harm competitors.



62. After attempts to remove Plaintiff's works failed after the Counter-Notices were filed and the books were reinstated, Cain continued a campaign to defame Plaintiff's publications with accusations of plagiarism.

63. In further attempts to harm Plaintiff, Cain claims on social media that anyone who writes in the male/female omegaverse is copying her and asserts ownership of the genre stating "she was the one who created the male/female genre" (see example below). Cain makes these untenable claims despite another author having already published a book, which was sold on Amazon in 2014, that is recognized as one of the first, published omegaverse fan fictions.¹⁰ Moreover, there are thousands of stories in omegaverse fan fictions that depict male/female pairings. [See Kristina Busse, Ph. D. Analysis, Ex. 13].

¹⁰ Nora Ash. Taken by Darkness. 2014. Available https://www.goodreads.com/book/show/22828176-taken-by-darkness?from_search=true.



64. Blushing published another omegaverse series by an author named Carolyn Faulkner called the ALPHA’S WOMAN Series (*The Alpha’s Woman* (July 12, 2017), *Kosh’s Omega* (Alpha’s Woman Book 2) (Nov. 1, 2017), *Red’s Mate* (Alpha’s Woman Book 3) (July 4, 2018)). The same allegations of alphas being big, omegas being rare, omegas fighting their heat, dystopian society, omegas hiding from the alphas and trying to escape are all in these later published books, even though they accuse Plaintiff of infringement.

65. Throughout the filing of the “take-down” notices and counter-notices, Blushing continued to harass Plaintiff and its author through emails to intimidate, embarrass, and to cause harm. [See Blushing Emails, Ex. 14].

COUNT I – MISUSE OF COPYRIGHT
(Against Blushing and Cain)

Plaintiff adopts and re-alleges each and every paragraph and title above as if set forth verbatim herein.

66. The MYTH OF OMEGA series is an original work of authorship, not infringement. [*See* Cease and Desist Letter, Ex. 15].

67. The MYTH OF OMEGA series was independently created and employed a degree of creativity consistent with other “fan fictions” written in omegaverse fiction.

68. The MYTH OF OMEGA series is a dark-edged romance that draws upon established omegaverse tropes and immerses the reader in a stirring tale of a yearning erotic desire amidst a heroine’s epic journey. However, Cain’s dark erotic suspense thriller, while also drawing upon omegaverse tropes, is a story of brutal rape, murder, and death—a horrific tragedy of loss.

69. And, though there is no single, accepted set of rules for stories written in the omegaverse genre, such stories usually include strong themes of dominance, submission, and possessiveness. Most stories focus on alphas bonding and mating with omegas, and there is a strong use of the “soul mate” trope as well as the concept of sex (or mating) as a biological imperative. As demonstrated above, some stories build alternate societal and cultural traditions, while others insert omegaverse conventions into an otherwise “real world” or canonical story.

70. The MYTH OF OMEGA and ALPHA’S CLAIM both assimilate dominant omegaverse tropes.

71. Blushing and Cain’s motivation, however, in demanding the removal of the MYTH OF OMEGA series was not to protect any copyright, but instead was intended to stifle competition.

72. Blushing and Cain have engaged in similar acts with other authors writing omegaverse fan fiction. [*See* Cain’s Dragon Maiden Post, Ex. 16].

73. In this instance, Blushing and Cain used false copyright claims in their “take-down” notice because the “safe harbor” provisions of the Digital Millennium Copyright Act, 17 U.S.C. § 512, provides a mechanism by which it could demand expeditious takedown of materials alleged to infringe copyright.

74. Blushing and Cain never intended to pursue litigation in good faith because the only similarities between the MYTH OF OMEGA and Cain’s ALPHA’S CLAIM were the persistent and dominant tropes found in all omegaverse fan fiction.

75. Cain’s assertion of ownership with respect to the male/female omegaverse sub-genre and false claim of authoring the first male/female story arc are unfounded, claims. Such deceit can only be maintained by willfully and purposefully ignoring catalogued omegaverse fan fiction publications beginning in 2010 that predate Cain’s 2016 series.

COUNT II – MISREPRESENTATION, 17 U.S.C. § 512(f)
(Against Blushing and Cain)

Plaintiff adopts and re-alleges each and every paragraph and title above as if set forth verbatim herein.

76. Blushing and Cain knowingly and materially misrepresented to Draft2Digital, Amazon, Barnes and Noble, iTunes-Apple and Rakuten-Kobo and other parties that the MYTH OF OMEGA series infringes upon Cain's copyright while falsely claiming review of all three books of the series.

77. Blushing and Cain knowingly and inaccurately represented the standard to vendors that "ideas" "plots" and "arcs" are copyrightable.

78. Out of the supposed similarities, Blushing and Cain misrepresented eight of them as copyrightable, without noting that they are tropes of omegaverse, in no way novel or unique to Cain's work, and thus not subject to copyright protection. In particular, Defendants misleadingly alleged that they hold copyright on the concepts of (a) alphas being big, (b) suppressants being used by omegas to hide their dynamics, (c) protagonist couple be an alpha male and an omega female, (d) omegas are rare and valued as mates to provide children, (e) that in a dark romance the main character is an anti-hero, (f) that the omega fights and wants to escape the relationship, (g) that the omega is unhappy, and (h) that biology predetermines the finding of mates (most shifter romance works include this). These are concepts that cannot be copyrighted.

79. Ten of the allegations of why Cain's work was copyrightable were presented in a misleading way that ignores the context, logic, and circumstances of the books.

80. Twelve of the allegations were outright false statements made about the story of *Crave to Conquer* to make it seem like it had been copied from Cain. These allegations are not only incorrect, but purposefully inaccurate. And, much of the information provided by Blushing and Cain about its own work was presented incorrectly and/or out of context

to make it similar to *Crave to Conquer* for the purposes of the “take-down” notices. A side-by-side comparison demonstrates that Blushing and Cain liberally misquote their own work.

81. Blushing and Cain represented that they had conducted an independent review of a book that had not been published (established law required that for copyright violation to occur there must be “text” or “work” that infringes the copyrighted work). Blushing and Cain still represented that in *Crave to Claim* where the two main characters mate, have an infant daughter, rule their world together, and live happily ever after violated the copyrighted text of Cain’s third book wherein the heroine gets raped as orchestrated by the ex-lover of the anti-hero (with who the anti-hero had cheated with), she loses her baby and is left for dead, the anti-hero is presumed to be dead, and at the end of the book it is unclear whether or not both main characters are alive.

82. Blushing and Cain made all of these allegations under penalty of perjury and represented they had satisfied the requirements under the Copyright Act and that they were filing “take-down” notices in good faith.

83. Blushing and Cain’s actions have caused Plaintiff injuries as set forth above and they are entitled to all relief afforded by law.

COUNT III – NEGLIGENCE
(Against Blushing and Cain)

Plaintiff adopts and re-alleges each and every paragraph and title above as if set forth verbatim herein.

84. Blushing and Cain had a duty to Plaintiff to exercise good faith and due diligence in evaluating and filing any “take-down” notice with respect to the MYTH OF OMEGA series.

85. Blushing and Cain breached its duty to Plaintiff. And, in one egregious instance, filed “take-down” notices—under penalty of perjury—in which they represented they had reviewed the third book in the MYTH OF OMEGA series that was neither published or available to anyone.

86. Because of Cain’s and Blushing’s breach, Plaintiff suffered financial losses by losing pre-order and pre-sales plus harm to their reputation.

COUNT IV - TORTIOUS INTERFERENCE WITH
PROSPECTIVE ECONOMIC ADVANTAGE
(Against Blushing and Cain)

Plaintiff adopts and re-alleges each and every paragraph and title above as if set forth verbatim herein.

87. Plaintiff had prospective business relations and expectancies involving the sale of the MYTH OF OMEGA series as distributed through the vendors.

88. Blushing and Cain had knowledge of Plaintiff’s prospective business relations and expectancies.

89. Blushing and Cain intentionally interfered with Plaintiff’s prospective business relations and expectancies causing a breach and termination of those relationships and expectancies.

90. Blushing and Cain’s interference caused Plaintiff to suffer economic losses and other damages as set forth herein.

91. Plaintiff is entitled to all relief afforded by law resulting from Blushing and Cain's wrongful and intentional interference with their prospective business relations and expectancies.

COUNT V – MALICIOUS INTERFERENCE WITH CONTRACT
OR BUSINESS RELATIONS
(Against Blushing and Cain)

Plaintiff adopts and re-alleged each and every paragraph and title above as if set forth verbatim herein.

92. Plaintiff had existing business relations involving the sale of the MYTH OF OMEGA series as distributed through the vendors.

93. Blushing and Cain intentionally interfered with Plaintiff's existing business relations causing a breach and termination of those relationships.

94. Blushing and Cain's interference was malicious, wrongful, and neither justified, privileged, nor excusable.

95. Blushing and Cain's interference proximately caused Plaintiff to suffer economic losses and other damages.

96. Plaintiff is entitled to all relief afforded by law resulting from Blushing and Cain's malicious and wrongful interference with Plaintiff's existing business relations.

COUNT VI – DEFAMATION
(Against Blushing, Cain, and Does)

Plaintiff adopts and re-alleges each and every paragraph and title above as if set forth verbatim herein.

97. Blushing, Cain, and the Does made false and defamatory statements concerning Plaintiff and its publications.

98. Blushing, Cain, and the Does anonymously conspired and colluded to publish and communicate these false and defamatory statements concerning Plaintiff and its publications to third parties without privilege or authorization, including accusations Plaintiff's author is engaging in harassment, and are presently maintaining and continuing their tortious activities.

99. Blushing, Cain, and the Does anonymously created and/or contributed to multiple online forums that published and communicated these false and defamatory statements concerning Plaintiff and its publications. Such forums continue in operation.

100. Blushing, Cain, and the Does published the false and defamatory statements concerning Plaintiff with actual malice, with knowledge of the statements' falsity, and/or with reckless and negligent disregard for the falsity of the statements.

COUNT VII – FALSE LIGHT
(Against Cain, Blushing, and Does)

Plaintiff adopts and re-alleges each and every paragraph and title above as if set forth verbatim herein.

101. Blushing, Cain, and the Does broadcast to the public in general and/or to a large number of people information that would be highly objectionable to a reasonable

person by attributing to Plaintiff and its publications false characteristics, conduct, and/or beliefs that place Plaintiff and its publications in a highly offensive and false light and position.

102. Blushing, Cain, and the Does placed Plaintiff and its publications in a false light even though they knew of and/or acted in reckless disregard of the falsity of the publicized information.

103. Plaintiff has incurred damages and other harm as a result of Blushing, Cain, and the Does's tortious conduct.

COUNT VIII – CIVIL CONSPIRACY
(Against Cain, Blushing, and Does)

Plaintiff adopts and re-alleges each and every paragraph and title above as if set forth verbatim herein.

104. Blushing, Cain, and the Does form a confederation of two or more people or entities.

105. On information and belief, Blushing, Cain, and the Does together facilitated and furthered, and continue to facilitate and further, the misuse of copyright to stifle competition and harm Plaintiff financially.

106. On information and belief, Blushing, Cain, and the Does together facilitated and furthered, and continue to facilitate and further, the posting of defamatory statements online about Plaintiff and have and continue to cause Plaintiff to be cast in a false light to stifle competition and harm Plaintiff financially.

107. Blushing, Cain, and the Does's misconduct and unlawful activities caused, and continue to cause, Plaintiff actual harm for which it is entitled to recover damages.

COUNT IX – DECLARATORY JUDGMENT

(Against Blushing, Cain, and Does)

Plaintiff adopts and re-alleges each and every paragraph and title above as if set forth verbatim herein.

108. A real and actual controversy exists between Plaintiff and Blushing and Cain regarding whether the MYTH OF OMEGA series infringes upon any copyrights claimed by Cain.

109. Plaintiff seeks a declaratory judgment pursuant to 28 U.S.C. §§ 2201-2202 and Rule 57 of the Federal Rules of Civil Procedure to determine and adjudicate questions of actual controversy between parties.

110. Plaintiff contends as it relates to Blushing and Cain, consistent with the Copyright Act, judicial decisions construing such laws, doctrines, and provisions, publication of the MYTH OF OMEGA series is lawful.

111. Blushing and Cain contend the contrary of the above-stated proposition.

112. Plaintiff request that the court determine and adjudge that each and every of the above-stated propositions states the law applicable to the facts involved in this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Quill Ink Books Limited, prays for the following relief:

1. A declaratory judgment that publication of the MYTH OF OMEGA series is lawful;

2. Injunctive relief restraining Blushing and Cain, their agents, servants, employees, successors and assigns, and all others in concert and privity with them, from bringing any lawsuit or threat against Plaintiff, its author, or any other person or entity for copyright infringement relating to publication of the MYTH OF OMEGA series;

3. Damages from copyright misuse, misrepresentation, negligence, tortious interference with existing and prospective business relations, defamation, false light, and civil conspiracy;

4. Punitive damages as allowable by law;

5. Attorney's fees pursuant to 17 U.S.C. § 512(f), other portions of the COPYRIGHT ACT, or as otherwise allowed by law;

6. Plaintiff's recoverable costs; and

7. Any further relief as the Court deems just and equitable.

Respectfully submitted,

s/ Gideon A. Lincecum

Gideon A. Lincecum, OBA No. 19674

Dylan D. Erwin, OBA No. 31987

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**ATTORNEYS FOR PLAINTIFF
QUILL INK BOOKS LIMITED**

Exhibit 1

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No part of the book may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the publisher.

Published by Blushing Books®,
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ABCD Graphics and Design
977 Seminole Trail #233
Charlottesville, VA 22901

The trademark Blushing Books®
is registered in the US Patent and Trademark
Office.

Cain, Addison
Born to be Broken

Print ISBN: 978-1-68259-623-4

Cover Art by ABCD Graphics & Design

This book is intended for adults only. Spanking and other sexual activities represented in this book are fantasies only, intended for adults. Nothing in this book should be interpreted as Blushing Books' or the author's advocating any non-consensual spanking activity or the spanking of minors.

Chapter 1

By the time she'd found his home, Claire could little more than crawl. Scratching at the portal, fingers numb, she slumped to the floor. When the door cracked and squinting eyes showed in the dark, had she the capacity, Claire would have laughed. Never had a man looked more shocked.

She was filthy; stringy hair wet from snow and sweat, limbs badly scraped from her fall. About her throat, a bruise tellingly shaped in a handprint circled like a sad necklace. That was nothing compared to the state of her feet when he tried to help her stand. Torn and bleeding, more skin had been worn away than was sound. Corday hoisted her from the ground, her freezing body flush to his, and locked the door.

"Claire!" He vigorously rubbed his hands up and down the trembling woman's back. "I have you."

It's a good thing he did; once the door locked her eyes rolled back in her skull, Claire unconscious. Corday rushed her to his shower, cranked on the heat, and stood with her under the spray. Her lips were blue, and no wonder considering that temperatures on this level of the Dome had grown near freezing. The Beta stripped off her ruined dress and washed every rivulet of blood from his friend, finding more bruises, more wounds, more reasons to hate Shepherd.

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Published by Blushing Books®,
a subsidiary of
ABCD Graphics and Design
977 Seminole Trail #233
Charlottesville, VA 22901

The trademark Blushing Books®
is registered in the US Patent and Trademark
Office.

Addison Cain

Born to be Bound: Alpha's Claim, Book One

Print ISBN: 978-1-68259-398-1

Cover Art by ABCD Graphics & Design

This book is intended for adults only. Spanking and other sexual activities represented in this book are fantasies only, intended for adults. Nothing in this book should be interpreted as Blushing Books' or the author's advocating any non-consensual spanking activity or the spanking of minors.

Dedication

For Chey, whom I adore

Exhibit 2

APPLICANT: ABCD Graphics and Design, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET
NO:**

N/A

CORRESPONDENT E-MAIL ADDRESS:
blushingbooks@gmail.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 7/25/2013

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Summary of Issues that Applicant Must Address

- Registration Refused – Likelihood of Confusion
- Disclaimer Statement

Registration Refused – Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration Nos. 3439056, 3850583 and 3990219. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

The applied-for mark is BLUSHING BOOKS for “multimedia publishing of books, magazines, journals, software, games, music, and electronic publications.”

The registrant's mark in Registration No. 3990219 is BLUSH for “romance novels.”

The registrant's mark in Registration No. 3439056 is BLUSH for “magazines devoted to women and women's issues.”

The registrant's mark in Registration No. 3850583 is BLUSH for services including “providing an Internet website featuring non-downloadable publications in the nature of articles in the fields of beauty, fashion, celebrity, health and fitness, entertainment, family and children, pets, dieting, and cooking and recipes; Online journals, namely, blogs, featuring information regarding beauty, fashion, celebrity, health and fitness, entertainment, family and children, pets, dieting, and cooking and recipes.”

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and services of the applicant and registrant. *See* 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and services, and similarity of the trade channels of the goods and services. *See In re Viterra Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

Comparison of the Marks

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation, and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534,

1535 (TTAB 1988); *see In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

The applicant's mark is BLUSHING BOOKS.

The registered marks are BLUSH.

The first word of the applicant's mark merely adds the suffix "ing" to the registered marks. This suffix does not change the overall meaning of the marks, namely, all of the marks give the commercial impression of a person that is flushed. Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F. 3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) ("it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered" when making purchasing decisions).

The addition of the descriptive term BOOKS does not preclude the likelihood of confusion. Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. *See In re Viterro Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Descriptive or generic matter is typically less significant or less dominant in relation to other wording in a mark. *See In re Chatam Int'l Inc.*, 380 F.3d 1340, 1342-43, 71 USPQ2d 1944, 1946 (Fed. Cir. 2004); *In re Binion*, 93 USPQ2d 1531, 1534 (TTAB 2009).

In the present case, the attached evidence shows that the wording BOOKS in the applied-for mark is merely descriptive in relation to or generic for applicant's goods and services. Thus, this wording is less significant in terms of affecting the mark's commercial impression, and renders the wording BLUSHING the more dominant, source-indicating element of the mark.

The average consumer would retain a general impression of the mark and would believe the goods and services come from the same source.

Comparison of the Goods and services

The goods and services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient to show that because of the conditions surrounding their marketing, or because they are otherwise related in some manner, the goods and services would be encountered by the same consumers under circumstances such that offering the goods and services under confusingly similar marks would lead to the mistaken belief that they come from, or are in some way associated with, the same source. *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984); TMEP §1207.01(a)(i).

The applicant's services comprise "multimedia publishing of books, magazines, journals, software, games, music, and electronic publications."

The services in Registration No. 3990219 comprise romance novels.

The services in Registration No. 3439056 comprise "magazines devoted to women and women's issues."

The services in Registration No. 3850583 comprise "providing an Internet website featuring non-downloadable publications in the nature of articles in the fields of beauty, fashion, celebrity, health and fitness, entertainment, family and children, pets, dieting, and cooking and recipes; Online journals, namely, blogs, featuring information regarding beauty, fashion, celebrity, health and fitness, entertainment, family and children, pets, dieting, and cooking and recipes."

It is common for publishers to also provide the goods they publish under the same mark. The attached Internet evidence consists of webpages found using the Google® search engine showing books are published, searched for and sold under a publishers mark. This evidence establishes that the same entity commonly produces and provides the relevant goods and services and markets the goods and services under the same mark and the relevant goods and services are sold or provided through the same trade channels and used by the same classes of consumers in the same fields of use. Therefore, applicant's and registrant's goods and services are considered related for likelihood of confusion purposes. *See, e.g., In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1202-04 (TTAB 2009); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1268-69, 1271-72 (TTAB 2009).

Evidence obtained from the Internet may be used to support a determination under Trademark Act Section 2(d) that goods and services are related. *See, e.g., In re G.B.I. Tile & Stone, Inc.*, 92 USPQ2d 1366, 1371 (TTAB 2009); *In re Paper Doll Promotions, Inc.*, 84 USPQ2d 1660, 1668 (TTAB 2007).

The trademark examining attorney has also attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and services as those of both applicant and registrant in this case. This evidence shows that the goods and services listed therein, multimedia publishing services and novels, magazines or articles, are of a kind that

may emanate from a single source under a single mark. *See In re Anderson*, 101 USPQ2d 1912, 1919 (TTAB 2012); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

Accordingly, in view of the highly similar nature of the goods and services of the parties and the strong similarity of the marks and their commercial impressions, confusion as to the source of the goods and services is likely under Section 2(d) of the Trademark Act.

Informality

Although the examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration. If applicant chooses to respond to the refusal to register, applicant must also respond to the following informality.

Disclaimer Statement

Applicant must disclaim the descriptive wording “BOOKS” apart from the mark as shown because it merely describes an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); TMEP §§1213, 1213.03(a).

Specifically, the attached evidence from an online dictionary shows this wording means “a set of written, printed, or blank sheets bound together into a volume.” Therefore, the wording merely describes a feature of the applicant’s services, namely, that the applicant is providing publishing services that include books as identified in the recitation of services.

Applicant may submit the following standardized format for a disclaimer:

No claim is made to the exclusive right to use “BOOKS” apart from the mark as shown.

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm’r Pats. 1983).

A “disclaimer” is a statement in the application record that applicant does not claim exclusive rights to an unregistrable component of a mark; a disclaimer of unregistrable matter does not affect the appearance of the mark or physically remove disclaimed matter from the mark. *See Schwarzkopf v. John H. Breck, Inc.*, 340 F.2d 978, 978, 144 USPQ 433, 433 (C.C.P.A. 1965); TMEP §1213. An unregistrable component of a mark includes wording and designs that are merely descriptive of an applicant’s services. 15 U.S.C. §1052(e); *see* TMEP §§1209.03(f), 1213.03 *et seq.* Such words or designs need to be freely available for other businesses to market comparable goods or services and should not become the proprietary domain of any one party. *See Dena Corp. v. Belvedere Int’l, Inc.*, 950 F.2d 1555, 1560, 21 USPQ2d 1047, 1051 (Fed. Cir. 1991); *In re Aug. Storck KG*, 218 USPQ 823, 825 (TTAB 1983).

If applicant does not provide the required disclaimer, the USPTO may refuse to register the entire mark. *See In re Stereotaxis Inc.*, 429 F.3d 1039, 1041, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005); TMEP §1213.01(b).

Closing Information

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant’s only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be

resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Kelly F. Boulton/
Trademark Examining Attorney
Law Office 102
571-272-9247
Kelly.Boulton@uspto.gov (informal questions only)

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

To: ABCD Graphics and Design, Inc. (blushingbooks@gmail.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85897591 - BLUSHING BOOKS - N/A
Sent: 7/25/2013 2:09:34 PM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **7/25/2013** FOR U.S. APPLICATION SERIAL NO. 85897591

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

(1) READ THE LETTER by clicking on this [link](#) or going to <http://tsdr.uspto.gov/>, entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) RESPOND WITHIN 6 MONTHS (*or sooner if specified in the Office action*), calculated from **7/25/2013**, using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions.

(3) QUESTIONS about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/Kelly F. Boulton/
Trademark Examining Attorney
Law Office 102
571-272-9247
Kelly.Boulton@uspto.gov (informal questions only)

WARNING

Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application. For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION: Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that

closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see http://www.uspto.gov/trademarks/solicitation_warnings.jsp.

Side - 1



NOTICE OF ABANDONMENT
MAILING DATE: Feb 21, 2014

The trademark application identified below was abandoned in full because a response to the Office Action mailed on Jul 25, 2013 was not received within the 6-month response period.

If the delay in filing a response was unintentional, you may file a petition to revive the application with a fee. If the abandonment of this application was due to USPTO error, you may file a request for reinstatement. Please note that a petition to revive or request for reinstatement **must be received within two months from the mailing date of this notice.**

For additional information, go to <http://www.uspto.gov/teas/petinfo.htm>. If you are unable to get the information you need from the website, call the Trademark Assistance Center at 1-800-786-9199.

SERIAL NUMBER: 85897591
MARK: BLUSHING BOOKS
OWNER: ABCD Graphics and Design, Inc.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL
U.S POSTAGE
PAID

ABCD GRAPHICS AND DESIGN, INC.
977 SEMINOLE TRL # 233
CHARLOTTESVILLE , VA 22901-2824

Exhibit 3

from: Draft2Digital Support <support@draft2digital.com> via freshdesk.com
reply-to:Draft2Digital Support <support@draft2digital.com>

[REDACTED]
date: Tue, May 15, 2018 at 7:46 PM

subject: Re: [#115909] DMCA Take Down Notice sent on Title: Crave To Claim (Myth of Omega, #3)

Hello,

We've been contacted by the author Addison Cain regarding an infringement on her titles. I will include the DMCA Take Down Notice, in it's entirety, for you to review.

Draft2Digital does not involve ourselves in 3rd party disputes and we encourage you to reach out to this author directly to work towards a mutually satisfactory resolution.

Until such time as this issue can be resolved, this title will be delisted from publishing.

Best Regards,

Tara
Director of Operations
Draft2Digital

We are sending this email as an official DMCA for the following book:

Crave to Claim 2940155361534 - Myth of Omega - Book 3 author - Zoey Ellis

It has been brought to our attention that the book in question (listed above) are in violation of two books that we have published and are under copyright. That book is:

Reborn - Addison Cain- Alpha's Claim book 3 2940157039561

Reborn was submitted to us in August of 2016 and published September 2016. We have documentation of the formal submissions and contracts with this author for this book.

The first two books in this series have already been taken down for copyright violation and this is book three which is the remaining book of the series which concludes the with plot and story arc that was stolen in book one and two from Addison Cain.

As you can see by this date Addison Cain's book was published almost two years BEFORE Zoey Ellis books. We would like Zoe Ellis's two books taken down immediately!

I am including a list of all of the similarities in plot, and actions that take place between the hero and the heroine. There are certain scenes in the book that are almost identical to Addison's book. The only thing different is the POV has changed from female to male. She has taken Addison's sentences and paraphrased them and written a book of her 'own.' I am including some of these sections as well. I am also including reviews, which state that the books by Zoey Ellis are very similar to Addison Cain's books and feel like a 'knock off.'

Our author - Addison is also being harassed in private messages and has been asked by another author, on behalf of Zoe Ellis to make a public statement stating that Zoe's books were not a knock off of her own.

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BTBB: The Omega falls into a deeper depression and desires to die. Worries constantly about missing Omegas.

CtC: The Omega falls into a deeper depression and desires to die. Worries constantly about missing Omegas.

BTBB: Omega goes on hunger strike.

CtC: Omega stops eating.

BTBB: Protagonist is unwilling to change world view, even if it would make the Omega happy.

CtC: Protagonist is unwilling to change world view, even if it would make the Omega happy.

BTBB: Once contacted, the other hidden Omegas betray Claire.

CtC: Once contacted, the other hidden Omegas betray Cailyn.

BTBB: Omega begins to develop Stockholm syndrome, questions her reactions and is confused.

CtC: Omega begins to develop Stockholm syndrome, questions her reactions and is confused.

BTBB: Protagonist tries to make Claire jealous. This in turn breaks her spirit.

CtC: Protagonist tries to make Cailyn jealous. This in turn breaks her spirit.

BTBB: Claire escapes at first opportunity, jumping off a balcony, escapes into city leaving book on cliffhanger.

CtC: Cailyn escapes at first opportunity, floating off a balcony, escapes into city leaving book on cliffhanger.

REVIEWS FROM AMAZON THAT MENTION SIMILARITIES

By [REDACTED] on February 15, 2018

Format: [Kindle Edition](#) Verified Purchase

It reminds me of [Addison](#) Cain's series about Alphas and Omegas.

By [REDACTED] on February 11, 2018

Format: [Kindle Edition](#) Verified Purchase

Loved this new series but very close to [Addison](#) Cain's Alpha story line - could be a coincidence

By [REDACTED] April 3, 2018

Format: [Kindle Edition](#) Verified Purchase

This book is VERY much like [Addison](#) Caine's book. I would consider it well written if I hadn't already read [Addison's](#) book "Alpha's Claim". Hopefully Zoey Ellis simply admires [Addison's](#) work and the story has just accidentally carried over into Zoey's story.

By [REDACTED] on April 10, 2018

Format: [Kindle Edition](#) Verified Purchase

It's ok, cheap writing version of [Addison](#) Cain's Alphas series, will buy book 2

By [REDACTED] on March 24, 2018

Format: [Kindle Edition](#) [Verified Purchase](#)

Don't get me wrong - I enjoyed this book, but in some aspects it's a little too close to Addison Cain's book. To some degree, building on an alpha-omega world with only minor reinvention is OK - you see that a lot in PNR worlds. But the character conflicts are really similar - an alpha who wants to take over the world (although the underlying motivation differs), an omega who wants to save her fellow omegas from badly behaved alphas, and a bond that ties them together, much to the heroine's dismay. The setting was different, and well drawn out - somewhat like GoT. If you enjoyed AC's series, you will enjoy this.

By [REDACTED] March 26, 2018

Format: [Kindle Edition](#) [Verified Purchase](#)

This story was good but Addison Cain wrote it better in Born to be Bound. This is almost the exact same story only the names are different. Even has the same ending with heroine escaping at end of the book. You should be ashamed of yourself Zoe Ellis...i want my money back!

By [REDACTED] on February 18, 2018

Format: [Kindle Edition](#) [Verified Purchase](#)

I want to believe that this author didn't intentionally bite off Addison Cairns Omega verse stories, but the similarities are uncanny. I am still debating on whether to purchase the next book in the series.

[REDACTED] days agoIn reply to an earlier post

Addison Cain's book felt new - this series feels like it is inhabiting her world. Not sure if that is a good or bad thing - authors helping other authors build out space is what happens in sci-fi and PNR. It felt to me like she was robbing Addison Cain so she got her world building for free. So therefore, unoriginal.

By [REDACTED] March 24, 2018

Format: [Kindle Edition](#) [Verified Purchase](#)

I read this back to back with the first book. This was fairly slow moving compared to the first read. It got bogged down in Cailynn's self-righteous angst a few too many times. Having said that, the author did a great job evolving Drocco's character to one with more empathy. Cailynn needed to give in and trust the bond a little sooner and her depression was a slog to read through. The pacing did pick up in the last 3rd of the book. **It also remained strongly reminiscent of Alpha's Control**

Allison

Office Manager

Blushing Books Publication

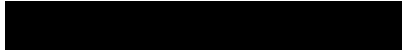
accounting@blushingbooks.com

Exhibit 4

from: Amazon.com <copyright@amazon.com>

reply-to: copyright+A35LZUJ6IH5MVA@amazon.com

to:



date: Tue, May 22, 2018 at 12:39 AM

subject: Your Amazon.com KDP Book

Hello,

We received a notice regarding the content of Crave To Conquer by Ellis, Zoey; ASIN: B0785GFVZ4. In situations such as these, we believe it reasonable for the parties involved to resolve the matter between themselves. We trust you will be able to reach a resolution directly with them.

Claimant's email address:

abcdamazon36@gmail.com

Regards,

Kevin B

Copyright/Trademark Agent

from: iBooks Store Notices <ibooks.store.notices@apple.com>

to: [REDACTED]
cc: accounting@blushingbooks.com
date: Thu, May 17, 2018 at 10:00 PM
subject: Apple Re: IBK95560

Dear Sir or Madam,

****Please include IBK95560 in the subject line of any future correspondence on this matter.****

On 4/19/2018, we received a notice from ABCD Graphics and Design DBA Blushing Books ("Complainant") that Complainant believes the titles listed below infringes its intellectual property rights (see their comments below). Please contact the complainant directly regarding this issue. Additionally, please update us on the status of your communications by cc'ing ibooks.store.notices@apple.com.

Author: Zoey Ellis

Publisher: Quill Ink Books Limited

Book Title: Crave To Conquer

Apple ID: 1321129224

Territories of Assertion: AR, AT, AU, BE, BG, BO, BR, CA, CH, CL, CO, CR, CY, CZ, DE, DK, DO, EC, EE, ES, FI, FR, GB, GR, GT, HN, HU, IE, IT, JP, LT, LU, LV, MT, MX, NI, NL, NO, NZ, PA, PE, PL, PT, PY, RO, SE, SI, SK, SV, US, VE

Territories Available: GR, NZ, AR, AT, SE, CA, DK, AU, GT, DO, MT, IT, FI, LU, SV, CH, EE, DE, RO, HN, BO, GB, CY, BE, VE, US, NL, PT, CO, CL, EC, PE, CR, BG, JP, FR, HU, MX, SI, NI, LT, SK, NO, PY, ES, PA, BR, LV, CZ, IE, PL

Dispute Comment: This book is plagiarized and a copy of a book written by Addison Cain titled Born to be Bound that is under copyright as well as was published by Blushing Books Publications in Jan of 2016 . I have a list of sentences and well as plot lines, story act, etc that are taken from Mrs. Cain's book. The only significant change we see is the POV has been changed from Female to Male. There are also numerous reviews stating the similarities. I will send the remaining upon request.

-

Author: Zoey Ellis

Publisher: Quill Ink Books Limited

Book Title: Crave To Capture

Apple ID: 1332200350

Territories of Assertion: AR, AT, AU, BE, BG, BO, BR, CA, CH, CL, CO, CR, CY, CZ, DE, DK, DO, EC, EE, ES, FI, FR, GB, GR, GT, HN, HU, IE, IT, JP, LT, LU, LV, MT, MX, NI, NL, NO, NZ, PA, PE, PL, PT, PY, RO, SE, SI, SK, SV, US, VE

Territories Available: JP, AU, BR, FR, DK, US, GR, GT, CO, MT, SI, HU, DE, DO, LV, PY, PL, EC, NL, CL, AR, ES, CA, NI, BG, VE, BE, NO, PT, CZ, IE, LU, SE, AT, PA, NZ, RO, BO, EE, CY, SK, LT, CR, CH, PE, HN, GB, MX, SV, FI, IT

Dispute Comment: This book is plagiarized and a copy of a book written by Addison Cain titled Born to be Broken that is under copyright as well as was published by Blushing Books Publications in April of 2016 . I have a list of sentences and well as plot lines, story act, etc that are taken from Mrs. Cain's book. The only significant change we see is the POV has been changed from Female to Male. There are also numerous reviews stating the similarities. I will send the remaining upon request.

-

Sincerely,

Barry

iBooks Store Notices

□ iTunes Legal | Apple | One Apple Park Way Cupertino, CA 95014 | The information in this e-mail and any attachment(s) is intended solely for the personal and confidential use of the designated recipients. This message may be an attorney-client communication protected by privilege. If you are not the intended recipient, you may not review, use, copy, forward, or otherwise disseminate this message. Please notify us of the transmission error by reply e-mail and delete all copies of the message and any attachment(s) from your systems. The use of the sender's name in this message is not intended as an electronic signature under any applicable law. Thank you.

From: **Draft2Digital Support** <support@draft2digital.com>
Date: Fri, May 18, 2018 at 7:51 PM
Subject: Re: [#114566] Books not found
To: [REDACTED]

We received this email from B&N yesterday afternoon at 3:22 PM. It was a new DMCA for the other two books in the series.

Hi Tara,

We've taken 2940155055983 and 2940155428169 off sale due to the below DMCA notice. I sent along the notice for the third book in the series earlier this week.

Title: Crave To Conquer

ebook

<https://www.barnesandnoble.com/w/crave-to-conquer-zoey-ellis/1127582877?ean=2940155055983>

Title: Crave To Capture (Myth of Omega, #2)

<https://www.barnesandnoble.com/w/crave-to-capture-zoey-ellis/1127784484?ean=2940155428169>

From: Blushing Books Accounting <accounting@blushingbooks.com>
Sent: Thursday, April 19, 2018 3:24 PM
To: B&N.com DMCA Notices
Subject: DMCA take down notice

We are sending this email as an official DMCA for the following books:

Crave to Conquer –BN 2940155055983 - Myth of Omega – Book 1 author – Zoey Ellis Published January 18, 2018

Crave to Capture – BN 2940155428169 - Myth of Omega – Book 2 author – Zoey Ellis Published March 20, 2018.

It has been brought to our attention that the books in question (listed above) are in violation of two books that we have published and are under copyright. Those books are:

Born To Be Bound - Alphas Claim Book 1 – author Addison Cain and

Born To Be Broken – BN 2940158532610 Alphas Claim Book 2 – author Addison Cain.

Born to be Bound was submitted to us on January 19th, 2016 and was published on April 8, 2016.

Born to be Broken was submitted to us on April 11, 2016 and published on June 3, 2016. We have documentation of the formal submissions and contracts with this author for these books.

As you can see by these dates Addison Cain's books were published almost two years BEFORE Zoey Ellis books. We would like Zoe Ellis's two books taken down immediately!

I am including a list of all of the similarities in plot, and actions that take place between the hero and the heroine. There are certain scenes in the book that are almost identical to Addison's book. The only thing different is the POV has changed from female to male. She has taken Addison's sentences and paraphrased them and written a book of her 'own.' I am including some of these sections as well. I am also including reviews, which state that the books by Zoey Ellis are very similar to Addison Cain's books and feel like a 'knock off.'

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BTBB: The Omega falls into a deeper depression and desires to die. Worries constantly about missing Omegas.

CtC: The Omega falls into a deeper depression and desires to die. Worries constantly about missing Omegas.

BTBB: Omega goes on hunger strike.

CtC: Omega stops eating.

BTBB: Protagonist is unwilling to change world view, even if it would make the Omega happy.

CtC: Protagonist is unwilling to change world view, even if it would make the Omega happy.

BTBB: Once contacted, the other hidden Omegas betray Claire.

CtC: Once contacted, the other hidden Omegas betray Cailyn.

BTBB: Omega begins to develop Stockholm syndrome, questions her reactions and is confused.

CtC: Omega begins to develop Stockholm syndrome, questions her reactions and is confused.

BTBB: Protagonist tries to make Claire jealous. This in turn breaks her spirit.

CtC: Protagonist tries to make Cailyn jealous. This in turn breaks her spirit.

BTBB: Claire escapes at first opportunity, jumping off a balcony, escapes into city leaving book on cliffhanger.

CtC: Cailyn escapes at first opportunity, floating off a balcony, escapes into city leaving book on cliffhanger.

REVIEWS FROM AMAZON THAT MENTION SIMILARITIES

By [REDACTED] on February 15, 2018

Format: Kindle Edition Verified Purchase

It reminds me of Addison Cain's series about Alphas and Omegas.

By [REDACTED] on February 11, 2018

Format: Kindle Edition Verified Purchase

Loved this new series but very close to Addison Cain's Alpha story line - could be a coincidence

By [REDACTED] on April 3, 2018

Format: Kindle Edition Verified Purchase

This book is VERY much like Addison Caine's book. I would consider it well written if I hadn't already read Addison's book "Alpha's Claim". Hopefully Zoey Ellis simply admires Addison's work and the story has just accidentally carried over into Zoey's story.

By [REDACTED] on April 10, 2018

Format: Kindle Edition Verified Purchase

It's ok, cheap writing version of Addison Cain's Alphas series, will buy book 2

By [REDACTED] March 24, 2018

Format: Kindle Edition Verified Purchase

Don't get me wrong - I enjoyed this book, but in some aspects it's a little too close to Addison Cain's book. To some degree, building on an alpha-omega world with only minor reinvention is OK - you see that a lot in PNR worlds. But the character conflicts are really similar - an alpha who wants to take over the world (although the underlying motivation differs), an omega who wants to save her fellow omegas from badly behaved alphas, and a bond that ties them together, much to the heroine's dismay. The setting was different, and well drawn out - somewhat like GoT. If you enjoyed AC's series, you will enjoy this.

By [REDACTED] March 26, 2018

Format: Kindle Edition Verified Purchase

This story was good but Addison Cain wrote it better in Born to be Bound. This is almost the exact same story only the names are different.

Even has the same ending with heroine escaping at end of the book. You should be ashamed of yourself Zoe Ellis...i want my money back!

By [REDACTED] on February 18, 2018

Format: [Kindle Edition](#) [Verified Purchase](#)

I want to believe that this author didn't intentionally bite off Addison Cairns Omega verse stories, but the similarities are uncanny. I am still debating on whether to purchase the next book in the series.

[REDACTED] days ago In reply to an earlier post

Addison Cain's book felt new - this series feels like it is inhabiting her world. Not sure if that is a good or bad thing - authors helping other authors build out space is what happens in sci-fi and PNR. It felt to me like she was robbing Addison Cain so she got her world building for free. So therefore, unoriginal.

By [REDACTED] on March 24, 2018

Format: [Kindle Edition](#) [Verified Purchase](#)

I read this back to back with the first book. This was fairly slow moving compared to the first read. It got bogged down in Cailynn's self-righteous angst a few too many times. Having said that, the author did a great job evolving Drocco's character to one with more empathy. Cailynn needed to give in and trust the bond a little sooner and her depression was a slog to read through. The pacing did pick up in the last 3rd of the book. **It also remained strongly reminiscent of Alpha's Control**

Allison

Office

and Production

Manager

Blushing Books Publication

[Request received] Blocked Books Index 16802@kobo.com May 14

Kobo Writing Life <support@kobowritinglife.zendesk.com>
to: [REDACTED] May 14

#@- Please type your reply above this line -#@
Hi
Thank you for contacting Kobo Writing Life. We're always happy to hear from you. Your email (16802) has been received and is being reviewed by our support staff.
We are real humans working on your queries, so it can take us 24-72 business hours to get back to you. We sincerely appreciate your patience. In the meantime, you may find the answer to your question on our Help Centre:
<http://bit.ly/kobohelpcentre>
To add additional comments, reply to this email.
Talk soon, and until then, happy writing!
The Kobo Writing Life Team

[REDACTED] May 14, 1:00:16 EDT

Hi Kobo
Three of my books have been blocked on your platform, but I don't know the reason why. One of them hasn't even been released yet.
They are:
Crave To Conquer by Zoey Ellis
Crave To Capture by Zoey Ellis
Crave To Claim by Zoey Ellis (on preorder)
Please can you let me know what the problem is?
Thanks

May 15

Stephanie McGrath (Kobo Writing Life) <support@kobowritinglife.zendesk.com>
to: [REDACTED] May 15

#@- Please type your reply above this line -#@
Your request (16802) has been updated. To add additional comments, reply to this email.

Stephanie McGrath (Kobo Writing Life)
May 15, 10:51 AM EDT

Hi [REDACTED]
Thank you for contacting Kobo Writing.
We received a DMCA complaint about your titles and have removed them from sale.
Sincerely,
Stephanie

[REDACTED] May 15

to: Kobo May 15

Hi Stephanie
Please can you let me know who made this complaint so I can challenge it urgently?

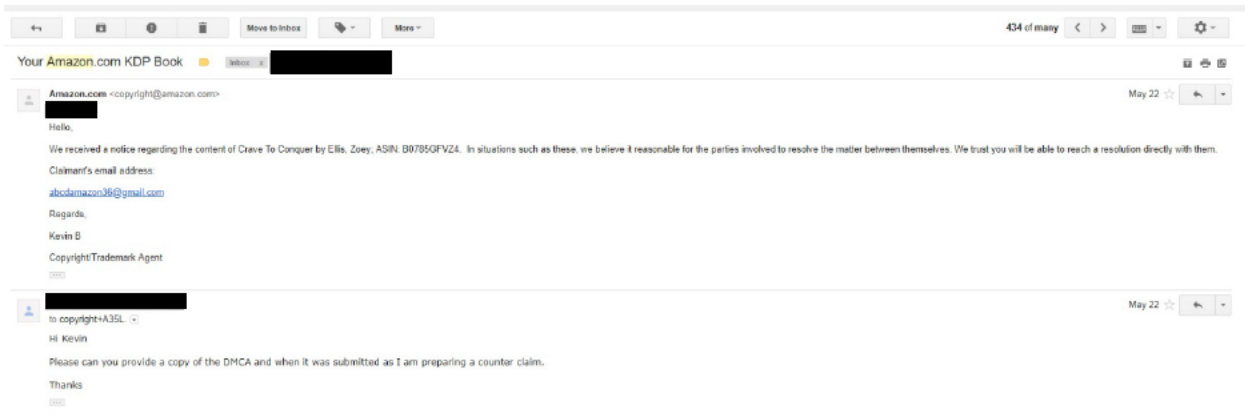
Stephanie McGrath (Kobo Writing Life) <support@kobowritinglife.zendesk.com>
to: [REDACTED] May 15

#@- Please type your reply above this line -#@
Your request (16802) has been updated. To add additional comments, reply to this email.

Stephanie McGrath (Kobo Writing Life)
May 15, 11:23 AM EDT

Hi [REDACTED]
The complaint was made by Blushing Books.
Best,
Stephanie

Exhibit 5



from: Stephanie McGrath (Kobo Writing Life) <support@kobowritinglife.zendesk.com>

reply-to: Kobo Writing Life <support+id16802@kobowritinglife.zendesk.com>

to:

date: Tue, May 15, 2018 at 4:58 PM

subject: [Kobo Writing Life] Re: Blocked Books

Stephanie McGrath (Kobo Writing Life)



May 15, 11:58 AM EDT



Hi [REDACTED],


The complaint was made against your series as whole, specifically referring to all titles. You will have to contact the publisher for more information.


Best,





Stephanie

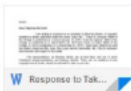
 to Kobo ▾
Thank you. Can you let me know what I need to provide to you in order to correct this? Is it copyright proof or do I take it up with them to remove
Thanks


 **Stephanie McGrath (Kobo Writing Life)** <support@kobowritinglife.zendesk.com>

##- Please type your reply above this line -##
Your request (16802) has been updated. To add additional comments, reply to this email.



 **Stephanie McGrath (Kobo Writing Life)**
May 15, 11:44 AM EDT

Hi 
You will have to contact the publisher and have them remove the complaint from your titles.
Let me know if you have any other questions!
Best,
Stephanie

to Kobo ▾
Thank you for your help

 to Kobo ▾ May 16 
Hi again Stephanie
Please find attached my legal response to this issue. Please can you also let me know your counter notice policies?
Thanks




 **Stephanie McGrath (Kobo Writing Life)** <support@kobowritinglife.zendesk.com> May 16 
##- Please type your reply above this line -##
Your request (16802) has been updated. To add additional comments, reply to this email.

 **Stephanie McGrath (Kobo Writing Life)**
May 16, 1:35 PM EDT
Hi 
Thank you for sending your legal response. It is now with our legal team for further action.
Best,
Stephanie

Stephanie McGrath (Kobo Writing Life) <support@kobowritinglife.zendesk.com> May 17

Hi [redacted]

Thank you for your patience as we looked into this matter.

You can now republish your titles by signing into your account and then navigating to the "Publish your eBook" step of the publishing process.

Please let me know if you have any trouble with this process!

Best,
Stephanie

[redacted] to Kobo -> May 17

Hi Stephanie

That's great, thanks for letting me know.

Gmail - Apple Re: IBK95500 [redacted] [redacted] May 17

Dear Sir or Madam:

"Please include IBK95500 in the subject line of any future correspondence in this matter."

On 4/19/2018, we received a notice from ABCD Graphics and Design DBA Blushing Books ("Complainant") that Complainant believes the titles listed below infringe its intellectual property rights (see the comments below). Please contact the complainant directly regarding this issue. Additionally, please update us on the status of your communications by ccing books.store.notifications@apple.com.

Author: Zoey Ellis
 Publisher: Quill Tree Books Limited
 Book Title: Crave To Conquer
 Apple ID: 132129224
 Territories of Availability: AR, AT, AU, BE, BG, BO, BR, CA, CH, CL, CO, CR, CY, CZ, DE, DK, DO, EC, EE, ES, FI, FR, GB, GR, GT, HN, HU, IE, IT, JP, LT, LU, LV, MT, MX, NI, NL, NO, NZ, PA, PE, PL, PT, PY, RO, SE, SI, SK, SV, US, VE
 Territories Available: GR, NZ, AR, AT, SE, CA, DK, AU, GT, DO, MT, IT, FI, LU, SV, CH, EE, DE, RO, HN, BO, GB, CY, BE, VE, US, NL, PT, CO, CL, EC, PE, CR, BG, JP, FR, HU, MX, SI, NI, LT, SK, NO, PY, ES, PA, BR, LV, CZ, E, PL
 Dispute Comment: This book is plagiarized and a copy of a book written by Addison Cain titled Born to be Bound that is under copyright as well as was published by Blushing Books Publications in Jan of 2016. I have a list of sentences and well as plot lines, story arc, etc that are taken from Mrs. Cain's book. The only significant change we see is the POV has been changed from Female to Male. There are also numerous reviews stating the similarities. I will send the remaining upon request.

Author: Zoey Ellis
 Publisher: Quill Tree Books Limited
 Book Title: Crave To Capture
 Apple ID: 133210358
 Territories of Availability: AR, AT, AU, BE, BG, BO, BR, CA, CH, CL, CO, CR, CY, CZ, DE, DK, DO, EC, EE, ES, FI, FR, GB, GR, GT, HN, HU, IE, IT, JP, LT, LU, LV, MT, MX, NI, NL, NO, NZ, PA, PE, PL, PT, PY, RO, SE, SI, SK, SV, US, VE
 Territories Available: JP, AU, BR, FR, DK, US, GR, GT, CO, MT, SI, HU, DE, DO, LV, PY, PL, EC, NL, CL, AR, ES, CA, NI, BG, VE, BE, NO, PT, CZ, E, LU, SE, AT, PA, NZ, RO, BO, EE, CY, SK, LI, CR, CH, PE, HN, GB, MX, SV, FI, IT
 Dispute Comment: This book is plagiarized and a copy of a book written by Addison Cain titled Born to be Bound that is under copyright as well as was published by Blushing Books Publications in April of 2016. I have a list of sentences and well as plot lines, story arc, etc that are taken from Mrs. Cain's book. The only significant change we see is the POV has been changed from Female to Male. There are also numerous reviews stating the similarities. I will send the remaining upon request.

Sincerely,
Barry
IBooks Store Notices

[redacted] May 17

Dear Barry

Please find attached my legal response to this issue. Please can I get the information for your legal department as it is a counter claim. I would appreciate information on why all of my books have been removed from sale when you have received a DMCA complaint for only two of the books?

Draft2Digital Support support@draft2digital.com ygg freshbooks.com May 18

We received this email from B&N yesterday afternoon at 3:22 PM. It was a new DMCA for the other two books in the series.

Hi Tara,

We've taken 2940155055983 and 2940155428169 off sale due to the below DMCA notices. I sent along the notice for the third book in the series earlier this week.

Title: Crave To Conquer
 book
<https://www.barnesandnoble.com/w/crave-to-conquer-zoey-ellis/1127562077?ean=2940155055983>

Title: Crave To Capture (Myth of Omega, #2)
<https://www.barnesandnoble.com/w/crave-to-capture-zoey-ellis/1127794464?ean=2940155428169>

From: Blushing Books Accounting <accounting@blushingbooks.com>
 Sent: Thursday, April 19, 2018 3:24 PM
 To: B&N.com DMCA Notices
 Subject: DMCA take down notice

We are sending this email as an official DMCA for the following books:

Crave to Conquer - BN 2940155055983 - Myth of Omega - Book 1 author - Zoey Ellis Published January 18, 2018
 Crave to Capture - BN 2940155428169 - Myth of Omega - Book 2 author - Zoey Ellis Published March 20, 2018

It has been brought to our attention that the books in question (listed above) are in violation of two booklists that we have published and are under copyright. Those books are:

Born to be Bound - Alpha's Claim Book 1 - author Addison Cain and
 Born to be Broken - BN 2940159532610 Alpha's Claim Book 2 - author Addison Cain.

Born to be Bound was submitted to us on January 19th, 2016 and was published on April 6, 2016.
 Born to be Broken was submitted to us on April 11, 2016 and published on June 3, 2016. We have documentation of the formal submissions and contracts with this author for these books.

As you can see by these dates Addison Cain's books were published almost two years BEFORE Zoey Ellis's books. We would like Zoey Ellis's two books taken down immediately!

and Production
 Manager
 Blushing Books Publication

to Blushing Books - May 22

Dear Barry

Please can you update me with regards to this issue? I responded with a counter claim on May 17th and have not yet heard anything from you or your legal department. Meanwhile my books are being withheld from sale on a false claim. Please can you respond with a contact for your legal team or with an update about this case.

Thank you.

Zuri

Hi [redacted] - accounting - May 25

"Please include BK9550 in the subject line of any future correspondence on this matter"

Thank you for your response. Please confirm that you have contacted ABCD Graphics and Design DBA Blushing Books (Blushing Books) directly regarding your response to this complaint.

Upon receipt of written notification from Blushing Books agreeing that the issue is resolved, we will close this matter for our records. Please notify Blushing Books directly and have Blushing Books email us at books_store_notices@abebooks.com

Sincerely,

Barry

to Blushing Books - May 25

Hi again Barry

This DMCA is false and subject Blushing Books to civil and criminal action under 512(F) of the Copyright Act. Additionally, you have removed books that were not mentioned in their initial notice.

Please can you urgently give me a contact for your legal team as this lack of action supports their false claims.

Thanks

Draft2Digital Support support@draft2digital.com via freshdesk.com May 18

We received this email from B&N yesterday afternoon at 3:22 PM. It was a new DMCA for the other two books in the series.

Hi Tara,

We've taken 2940155055983 and 2940155428169 off sale due to the below DMCA notice, I sent along the notice for the third book in the series earlier this week.

Title: Crave To Conquer
 ebook
<https://www.barnesandnoble.com/v/crave-to-conquer-zoey-ellis/1127582077?ean=2940155055983>

Title: Crave To Capture (Myth of Omega, #2)
<https://www.barnesandnoble.com/v/crave-to-capture-zoey-ellis/1127704484?ean=2940155428169>

From: Blushing Books Accounting <accounthq@blushingbooks.com>
 Sent: Thursday, April 19, 2018 3:24 PM
 To: B&N.com DMCA Notices
 Subject: DMCA take down notice

We are sending this email as an official DMCA for the following books:

Crave to Conquer - BN 2940155055983 - Myth of Omega - Book 1 author - Zoey Ellis Published January 18, 2018
 Crave to Capture - BN 2940155428169 - Myth of Omega - Book 2 author - Zoey Ellis Published March 20, 2018

It has been brought to our attention that the books in question (listed above) are in violation of two books that we have published and are under copyright. Those books are:

Born To Be Bound - Alphas Cain Book 1 - author Addison Cain and
 Born To Be Broken - BN 2940158532610 Alphas Cain Book 2 - author Addison Cain.

Born to be Bound was submitted to us on January 19th, 2016 and was published on April 8, 2016.
 Born to be Broken was submitted to us on April 13, 2016 and published on June 3, 2016. We have documentation of the formal submissions and contracts with this author for these books.

As you can see by these dates Addison Cain's books were published almost two years BEFORE Zoey Ellis's books. We would like Zoey Ellis's two books taken down immediately!

and Production
 Manager
 Blushing Books Publication

from: Draft2Digital Support <support@draft2digital.com> via freshdesk.com
 reply-to: Draft2Digital Support <support@draft2digital.com>
 to: [redacted]
 date: Fri, May 18, 2018 at 4:31 PM
 subject: Re: [#114566] Books not found

Hello,

Thank you for the updated Counter Notice. Please note: Addison Cain has now submitted DMCA's on all 3 of your titles in this series. Please supply Counter Notices for the other two books in this series. We've already supplied B&N with the Counter Notice for Book 3.

Best Regards,

Tara
 Draft2Digital

Follow us on Social Media!



Exhibit 6

May 29, 2018

Rakuten Kobo, Inc.
Legal Department

Re: Updated Contact Information

Dear Micah Bonte-Gelok:

I am writing in response to a complaint by Blushing Books of copyright violation by books published under the name Zoey Ellis – “Crave to Conquer” (Myth of the Omega 1), published on or about January 18, 2018, “Crave to Capture” (Myth of the Omega 2), published on or about March 20, 2018 and “Crave to Claim” (Myth of the Omega 3), set for publication on or about May 23, 2018. I have been retained by Quill Ink Books Limited and Ms. Zoey Ellis (a pen name) (hereinafter, Ms. Ellis) to represent their interests with regard to this matter.

The representations by Blushing Books are at best false and are at worst intentional misrepresentations and libelous slander. There are no violations of any copyright and all books should be restored for sale on your site.

First, some basic principles. Copyright is a form of protection provided by the laws of the United States to the authors of “original works of authorship” that are fixed in a tangible form of expression. An original work of authorship is a work that is independently created by a human author and possesses at least some minimal degree of creativity. Copyright *does not protect*: 1) ideas, procedures, methods, systems, processes, concepts, principles, or discoveries, or 2) titles, names, short phrases, and slogans. See WORKS NOT PROTECTED BY COPYRIGHT (United States Copyright Office Circular 33).

I have reviewed an email from Blushing Books in which it asserts similarities between works for which they hold a copyright and the works written by Ms. Ellis, which I presume is the reason you removed the books for sale on your site. The issues with this purported DMCA notice are as follows:

1. The assertions of similarities in story arc are simply incorrect, false and/or misleading on several points. Moreover, many of alleged similarities are simply part of the trope. For a more complete description of the trope, please see <https://fanlore.org/wiki/Alpha/Beta/Omega> and other sites. (As above noted an idea – such as a trope – cannot be copyrighted.)

2. The examples of purported text similarities in fact show that Ms. Ellis' titles do not violate Blushing Books alleged copyrights. The examples of text in the complaint show no word-for-word copying of text. And the Blushing Books examples are taken out of context, with text both before and after the selected quotes being completely different. All of the examples do not support a copyright violation, and in fact subject Blushing Books to civil and criminal action under 512(f) of the Copyright Act.
3. The reviews cited by Blushing Books refer to "feelings" and "impressions" that the involved books are similar. Similarities in stories do not constitute a violation of copyright. (Example: EL James- 50 Shades of Grey and Sylvia Day – Crossfire series are very similar stories and there is no violation of copyright.) Further, these "reviews" are extremely dubious in light of evidence that Ms. Cain (Blushing Books' author) has manipulated such reviews in the past. (Please see attached Exhibit A, posts by Ms. Cain on Facebook.)
4. Most incredibly, Blushing Books falsely quotes a third book, which is *not yet published* and thus cannot even have been reviewed by Blushing Books, much less to determine whether its alleged copyright was violated. Blushing Books attributes text to "Crave to Claim" that simply does not appear in that work.
5. Furthermore, all claims and examples provided by Blushing Books are sourced from only one book by Ms. Ellis, Crave to Conquer, but were used as evidence to allege violations of three of Ms. Cain's books (one of Ms. Ellis's books which hasn't been published yet but was set for preorder). Upon information and belief these claims are misleading and a clear violation of the DMCA.
6. As to other allegations on the DMCA they are irrelevant and provide no legal basis for a take down notice.

No intellectual property or copyright material of Blushing Books has been used in Ms. Ellis' books. As noted above, an idea nor a trope can be copyrighted. To be sure, each of these books involves a love story between a man and a woman, which ends happily in Ms. Ellis's books (due for publication May 23, 2018) but ends unhappily in Ms. Cain's third book. (Ms. Cain kills both main characters in Reborn). Ms. Ellis's books are set in an epic fantasy setting with magic, while Ms. Cain's books are set in a sci fi world with technology. Allegations of copyrights violations are unfounded and in fact all the plot lines and the characters in the Myth of the Omega were written by and belong to Ms. Ellis. Ms. Ellis has applied for copyrights subject to the Copyright Act and at no time has she been associated with Blushing Books. Moreover, the "Omegaverse" trope is an

established sub-genre with multiple publications written under the genre, both before and after the Blushing Books works.¹

Ms. Ellis intends to pursue all avenues against Blushing Books for all misrepresentations in the false and misleading DMCA take-down notices and pursue penalties under Section 512(f) of the DMCA. The take down of these books so close to the publication of Ms. Ellis' third book is extremely suspicious and appears to be part of a campaign.

Furthermore, subject to the DMCA, please take this communication as the Counter-Notice per Section 512(g) and be on notice that consistent with U.S. law, Ms. Ellis is obliged to make the statement: "I swear, under penalty of perjury, that I have a good-faith belief that the material was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled." Please be advised that this letter is such notice.

You can contact me at 214-213-5554 and/or margarita.coale@gmail.com or my client Zoey Ellis if you have any questions. And please contact me if you require an additional information or material you need to resolve this matter, aside of this counter-notice and the information you already have.

This matter is of utmost importance and I appreciate you expediting the republication of these books as soon as possible.

Identified materials and dates of publication:

- (1) Crave to Conquer (Myth of the Omega 1), published on or about January 18, 2018;
- (2) Crave to Capture (Myth of the Omega 2), published on or about March 20, 2018; and
- (3) Crave to Claim (Myth of the Omega 3), set for publication on or about May 23, 2018.

¹ The Omegaverse trope has been clearly established as a fan fiction creation and has been used by many authors including Patricia Briggs. Omegas are rare, Alphas are the largest, Betas are the second in command. This universe doesn't belong to a particular author nor can any entity hold copyright of it. *See, e.g.*, <http://the.omegaverse.tumblr.com/Rundown/> and many other sites that describe this trope.

Subject to the requirement to under Copyright law on Counter-Notices Section 512(g) we agree that service can be made to Ms. Ellis's attorney and by her digital signature hereby attach Ms. Ellis gives consent of such service to the following place:

Law Office of Margarita T.B. Coale
3419 Westminister Suite 298
Dallas, Texas 75205

Ms. Ellis also gives consent to the jurisdiction of a federal in the federal district where Rakuten Kobo Inc. is located.

Digitally Signed By:

Zoey Ellis

May 29, 2018

Margarita T.B. Coale

May 29, 2018

Exhibit A



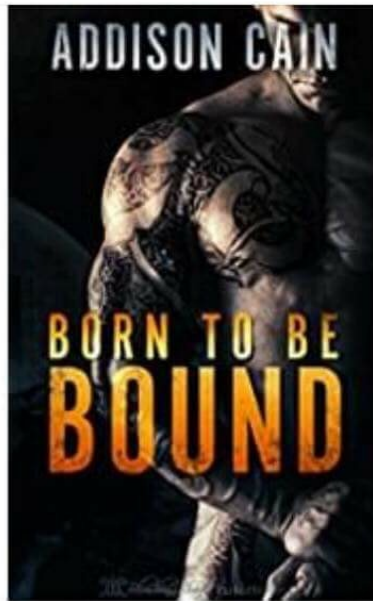
Addison Cain shared a link.



Admin · February 21

Anyone in the mood to upvote some 5 stars and down vote some 1 stars?

<https://www.amazon.com/Born-Bound-Alphas-Claim-Book-ebook/dp/B01E1HQ570>



★★★★★ (313 Reviews)

AMAZON.COM

Born to be Bound (Alpha's Claim Book 1)

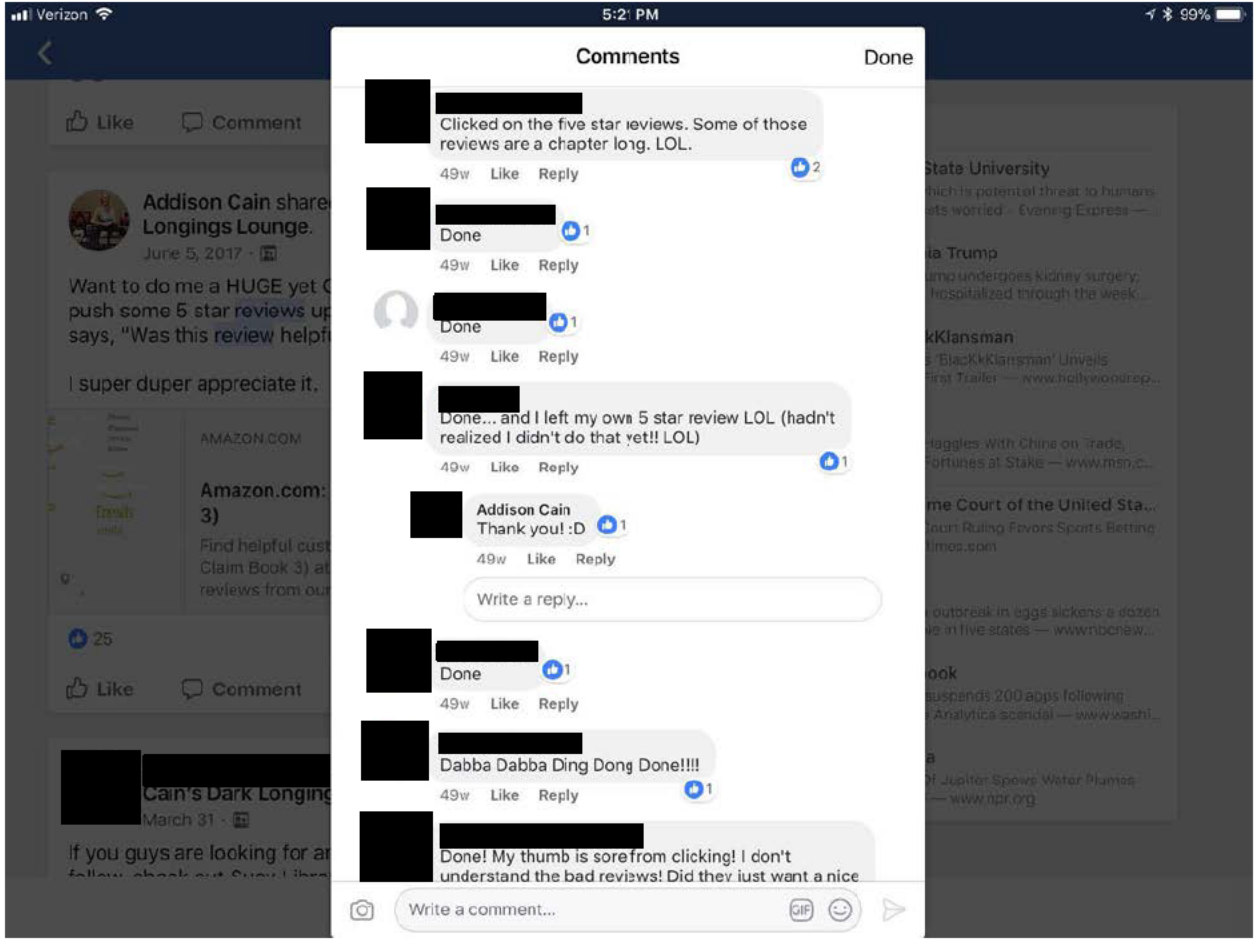
Surrender is not survival. Claire is desperate. Her once thriving city lies in ruins. The str...

39

67 Comments

Like

Comment



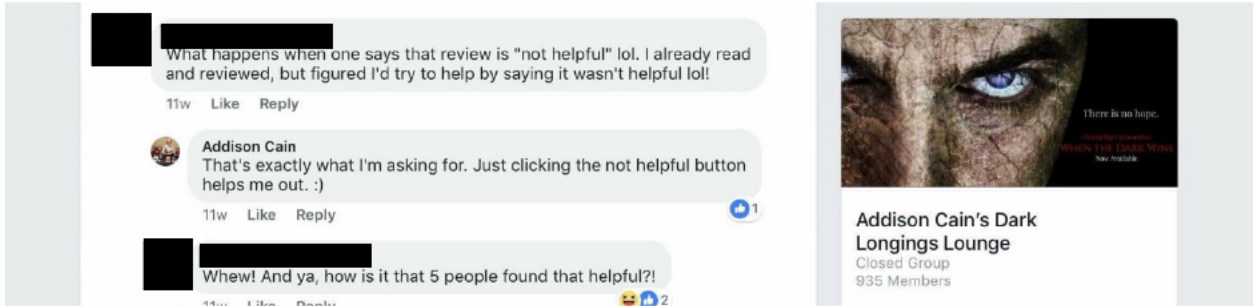
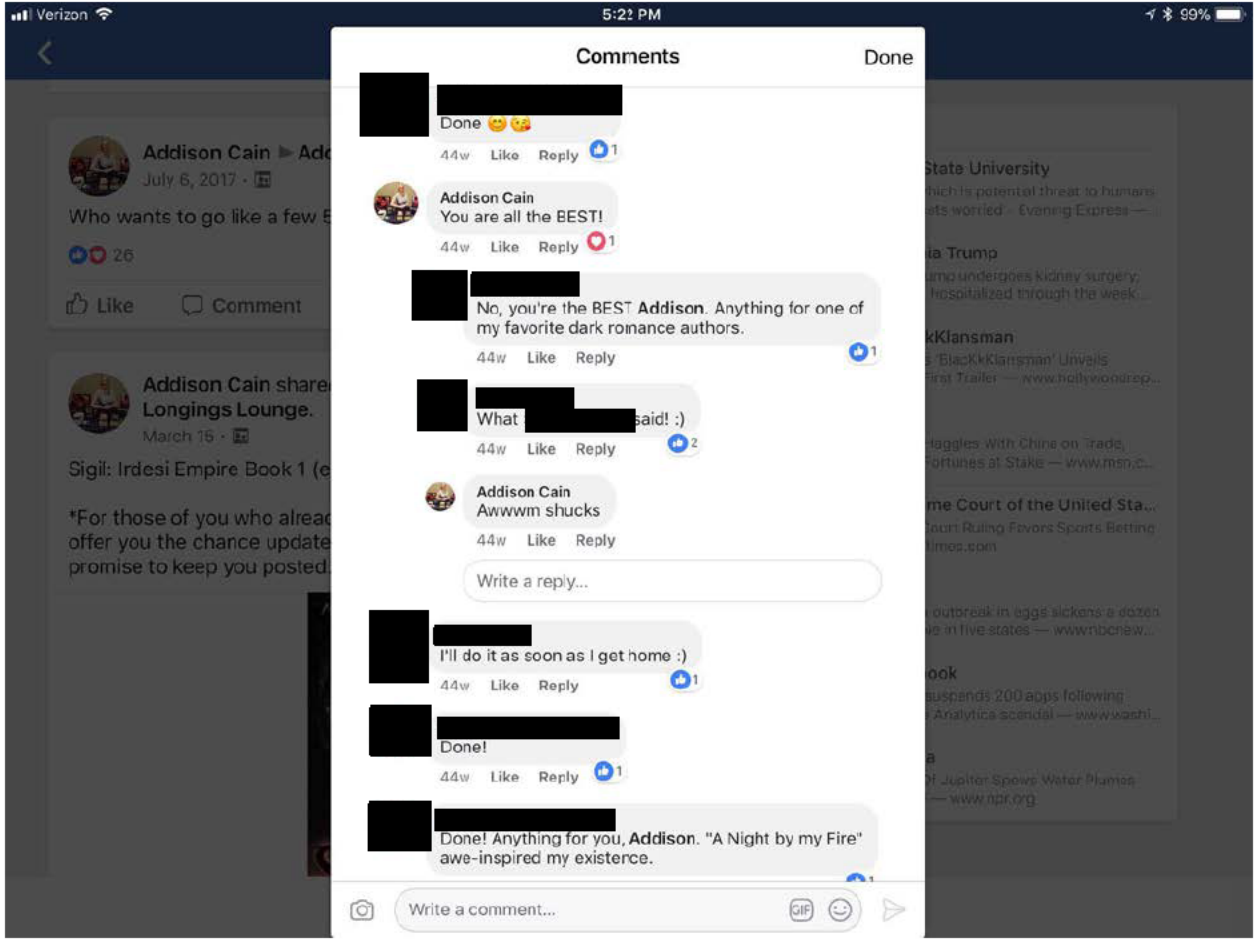


Exhibit 7

from: Draft2Digital Support <support@draft2digital.com> via freshdesk.com
reply-to: Draft2Digital Support <support@draft2digital.com>
to: [REDACTED]
date: Wed, May 16, 2018 at 3:46 PM
subject: Re: [#115909] DMCA Take Down Notice sent on Title: Crave To Claim (Myth of Omega, #3)

Hello,

Thank you for your swift and thorough response. By law, we are required to remove content upon receiving a DMCA Take Down Notice, and then investigate to ensure claims are legal and accurate.


Based upon my own research and side-by-side comparison of the Zoey Ellis books to the Addison Cain books, we could not substantiate Ms. Cain's claims of copyright infringement. We will reinstate Ms Ellis books through our service, and forward your Counter DMCA to the Barnes and Noble legal team to request the same from them.

Exhibit 8

 **Addison Cain**
Admin · 6 July 2017


Who wants to go like a few 5 star reviews of Sigil on Amazon? 😊

👍❤️ 26 25 Comments

 Like  Comment


Verizon 5:14 PM 99%

reviews in Addison Cain's Dark Longings...

 **Addison Cain** shared a link to the group: **Addison Cain's Dark Longings Lounge.**
June 5, 2017 · 🌐

Want to do me a HUGE yet QUICK favor? Click on this link and help me push some 5 star reviews up the list. Click on the 5 star reviews. Where it says, "Was this review helpful to you?" click yes.



I super duper appreciate it.


 AMAZON.COM

Amazon.com: Customer Reviews: Reborn (Alpha's Claim Book 3)

Find helpful customer reviews and review ratings for Reborn (Alpha's Claim Book 3) at Amazon.com. Read honest and unbiased product reviews from our users.

👍 25 31 Comments

 Like  Comment

 **Addison Cain** shared a link to the group: **Addison Cain's Dark Longings Lounge.**
October 24, 2017 · 🌐

Want to help out an author? Please go upvote a few 5 star reviews (mark them as helpful), and mark any negative reviews as unhelpful. Please do not comment on any negative reviews. :)

Trending

- Ohio State University**
Pig virus which is potential threat to humans has scientists worried - Evening Express —...
- Melania Trump**
Melania Trump undergoes kidney surgery; will remain hospitalized through the week...
- BlacKkKlansman**
Spike Lee's 'BlacKkKlansman' Unveils Explosive First Trailer — www.hollywoodrep...
- ZTE**
As Trump Haggles With China on Trade, Company Fortunes at Stake — www.msn.c...
- Supreme Court of the United Sta...**
Supreme Court Ruling Favors Sports Betting — www.nytimes.com
- CDC**
Salmonella outbreak in eggs sickens a dozen more people in five states — www.nbcnew...
- Facebook**
Facebook suspends 200 apps following Cambridge Analytica scandal — www.washi...
- Europa**
Icy Moon Of Jupiter Spews Water Plumes Into Space — www.npr.org

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Addison Cain shared a link.



Admin · February 21

Anyone in the mood to upvote some 5 stars and down vote some 1 stars?

<https://www.amazon.com/Born-Bound-Alphas-Claim-Book-ebook/dp/B01E1HQ570>



★★★★★ (313 Reviews)

AMAZON.COM

Born to be Bound (Alpha's Claim Book 1)

Surrender is not survival. Claire is desperate. Her once thriving city lies in ruins. The str...

39

67 Comments

Like

Comment

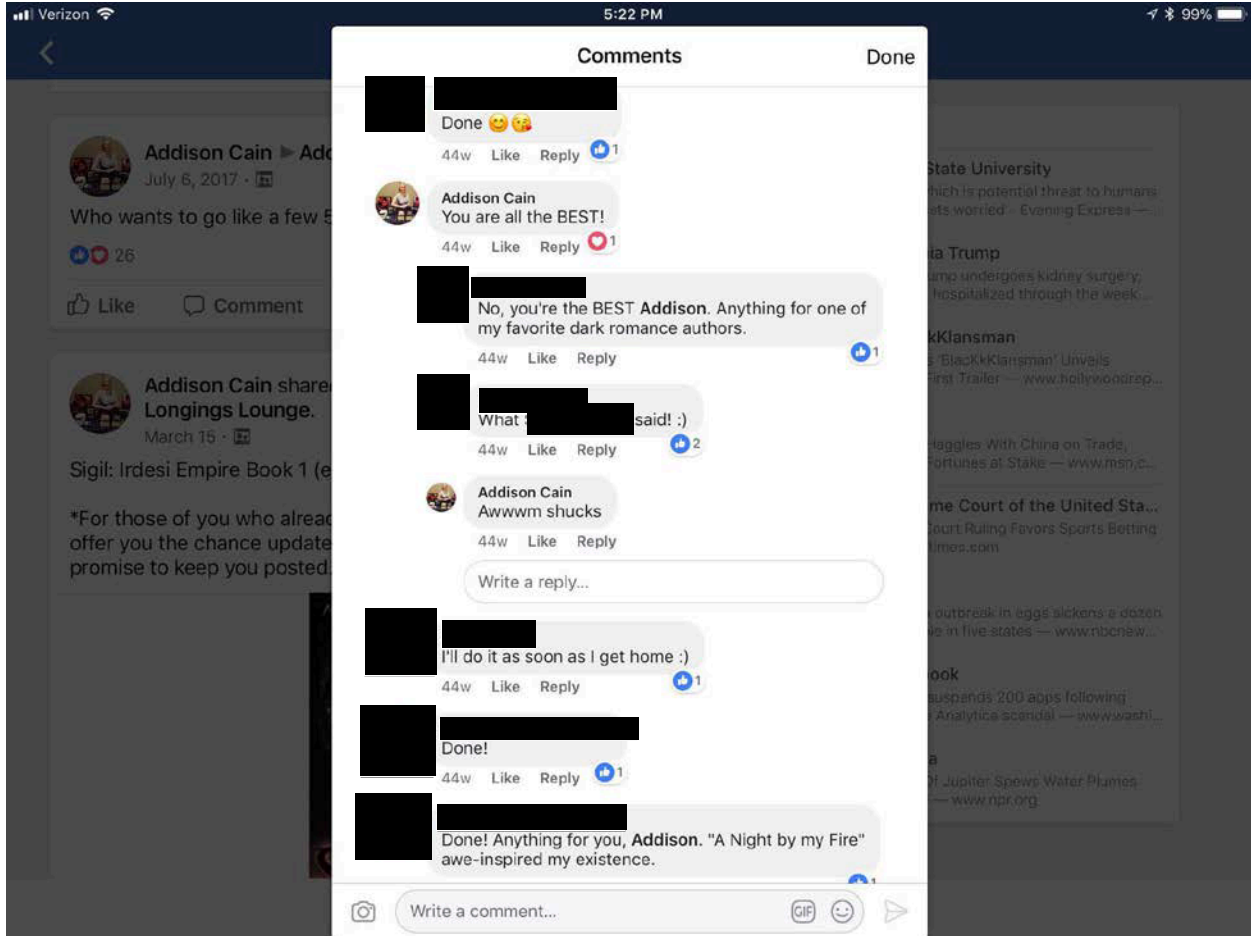














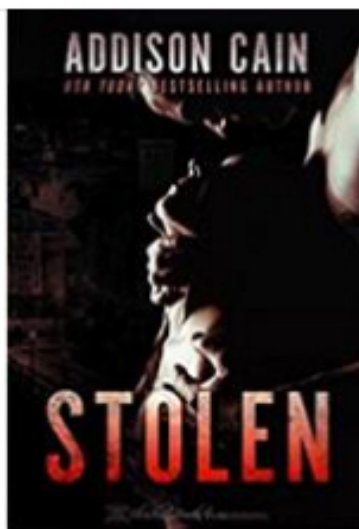
Addison Cain shared a link.



Admin · 24 October 2017

Want to help out an author? Please go upvote a few 5 star reviews (mark them as helpful), and mark any negative reviews as unhelpful. Please do not comment on any negative reviews. 😊

Love ya!



★★★★★ (151 Reviews)

Stolen (Alpha's Control Book 1)

He stole her off the streets in broad daylight—the first Omega discovered in Bernard Dome in generations. He took her with violence while none intervened. He broke her, swearing he'd put her back together. Brenya Perin was ordered to submit. Bernard...

[AMAZON.COM](https://www.amazon.com)

28

24 Comments

Like

Comment

Exhibit 9

This screenshot shows the Facebook interface for the 'Reverse Harem Readers' group. The top navigation bar includes the Facebook logo, a search bar with the group name, and navigation links for Home, Find Friends, and notifications. The left sidebar lists group options: About, Discussion, Announcements, Members, Events, Videos, and Photos. The main content area features a post from a user asking how to get into writing omegaverse books, with a reply from Addison Cain. The right sidebar contains an 'ADD MEMBERS' section, a 'MEMBERS' list showing 7,304 members, and a 'DESCRIPTION' section.

Reverse Harem Readers

Home Find Friends

Closed group

Write a reply...

How did you get into writing omegaverse books? Especially MF omegaverse? I'm not going to lie yours were the first ones that I found that were not mm

Like · Reply · 1w

Addison Cain I was the first for M/F. I LOVED reading Omegaverse FanFiction, but got so frustrated that it never included women. So I made my own Meta (rules of the universe) for M/F Omegaverse and wrote my own.

Like · Reply · 1w · Edited

ADD MEMBERS

+ Enter name or email address...

MEMBERS 7,304 members

DESCRIPTION

Welcome to the Reverse Harem Readers group, a place where reader... See more

CREATE NEW GROUPS

This screenshot shows the Facebook interface for the 'Omegaverse Readers Unite' group. The left sidebar lists group options: About, Discussion, Members, Events, Videos, and Photos. The main content area features a post from a user with 3 likes and a comment from another user. The right sidebar contains two group recommendations: 'Cari Silverwood's Dark Hearts' and 'Author Amelia Hutchins Group'.

Omegaverse Readers Unite

Closed group

About Discussion Members Events Videos Photos

Search this group

She does it do well.

Like · Reply · 13w

Write a comment...

2 May

Thank you Addison Cain for not having vicious people on your pages, lol

Like Comment

DARK HEARTS

Cari Silverwood's Dark Hearts 549 members + Join

Author Amelia Hutchins Group 5,067 members + Join



Addison Cain shared a Page.



Admin · 23 May at 19:02

Contest Closed

🎉🌟🌟🌟🌟SIGNED PAPERBACK GIVEAWAY!🎉🌟🌟🌟🌟

The original M/F Omegaverse can be all yours! I'm giving away a signed copy of BORN TO BE BOUND! All you need to do to enter is like & follow my author page and comment below.

*Contest open internationally.

*Facebook not responsible for giveaway.

<https://www.facebook.com/AddisonICain/>

Addison Cain
Writer

2,270 Likes
230 talking about this

Like Page

There is no hope.

Like

Comment

38



M.D. Pentacles shared a link.



Moderator · 8 hrs

Sooo.. if this is inappropriate for this room, happily delete. And I don't want to stir up a shit-tornado, but I think I kind of needed to vent for a moment? I've been blocked by several prominent authors in the Omegaverse genre, and I've been racking my brains trying to figure out why. What did I do to irritate everyone? Is it enough to simply publish in a genre that makes me the villain here? I don't even know what I'm asking for. Maybe just... confirmation that I'm an asshole, or not totally insane? I don't know!! Someone throw cookies at me and make me feel better! I mean, Christ, I'm not exactly writing books that are going to go main stream unless it's a joke about how fuckity the stories are. 😊 Thanks for letting me wine. ❤️



👍 Like

💬 Comment

👍 11



Addison Cain 🍪 *hands over cookie
What happened?

👀 👍 11



Addison Cain 🌟 *hands over cookie
What happened?

👍 ❤️ 3

Like · Reply · 8h



M.D. Pentacles 🌟 I don't knowwwwww!!! *sobs*

Like · Reply · 8h



Addison Cain 🌟 You're always welcome in here. ❤️ I loved Renegade and I'm looking forward to more.

👍 ❤️ 3

Like · Reply · 8h



M.D. Pentacles 🌟 Addison Cain Thanks so much for your generosity, lady. You're an angel.

👍 1

Like · Reply · 8h



I know what might cheer you up 😊



Sometimes, I just want someone to hug me and say, "I know it's hard. You're going to be okay. Here is chocolate and 6 million dollars."

Like · Reply · 3h



Write a reply...



I like your stuff. Just stay here. I appreciate you and your imagination

❤️ 1

Like · Reply · 8h

the haters 😏

Like · Reply · 1d



M.D. Pentacles ✓ I'm not sure if it's shaming me for writing the weirdest shit I can think of, or more... competitive in a genre where readers are STARVING for more? Either way, I'm in love with Omegaverse and wanted to read more... so I wrote it! 😏 It isn't necessarily good, but it's fun as fuk. 😏

Like · Reply · 1d



Write a reply...



Addison Cain ✓ Unfortunately not all authors are good people. MOST of them are though, so don't let a few bad eggs ruin the fun for you. Message me and we'll chat. I'm happy to introduce you around. ❤️

Like · Reply · 1d



M.D. Pentacles ✓ You, madam, are amazing. Thanks for being one of the good ones!!!! ❤️ ❤️

Like · Reply · 1d



Write a reply...



[Redacted] Screw them!! Do you, babygirl. I loved ur tentacle story but didn't read ur latest since I don't like RH, but it's still all love from over here.

Like · Reply · 1d



M.D. Pentacles ✓ No worries at all, sugar plum!! To each their own!! I'm sure something else will catch my attention and then I'll write that into raunchy porn too! 😏

Like · Reply · 1d



[Redacted] I'd be all over that...white on rice

Like · Reply · 1d



Write a reply...



Write a comment...



Omegaverse Readers Unite
 Closed group

About
Discussion
 Members
 Events
 Videos
 Photos

Search this group

[Redacted] 14 April

So..... I know I'm new here, and if this isn't okay for this group, then pls feel free to delete. But..... I just finished reading a book in the Omegaverse..... and..... It's almost exactly like a more popular series I absolutely adored? Like, don't get me wrong--i was looking for more omegavers steamy goodness. but what I got was basically the same book, with different names, a few minor twists inthe story and "eh" writing style. I guess my question is what are the rules here? I dont wanna call anyone out or get someone in trouble, but it FEELS wrong to me. So SO wrong while I was reading that I just HAD to ask.

Like Comment

2



M/M Book Re
6,978 memb



Jennifer Ben
1,217 memb

Omegaverse Readers Unite
 Closed group

About
Discussion
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Search this group

sometimes?

Like · Reply · 15w

[Redacted] thats a valid thought!! But... wasnt 50 shades already a ripoff of Twilight?? so a fitting example for our convoll and as far as im concerned sylvia day is an incredible author, and el james is..... lucky? maybe thats not the right word but the sentiment is there. ya know??

anyways..... I know this is a touchy subject bc i read through some older posts in this group and saw some that other posters have done a way better job of explaining why i was angry reading crave to conquer(with lists of similarities between the books that are WAY TOO similar, ya know??). so im not the only one who feels like addison got ripped off. just hope the copycat can come up with some original ideas so we can have more omegeverse goodness without hurting the authors....

Like · Reply · 15w

Cari Silverwood's Dark Hearts
549 members + Join

Author Amelia Hutchins Group
5,067 members + Join

Omegaverse Readers Unite
 Closed group

About
Discussion
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Search this group

conclusion that the books may become very similar. I do believe that omegeverse is a relatively new topic and I'm sure we will see newer materials with time. I'm just enjoying all I can read at the moment. Would you mind PMing me the book you read?

Like · Reply · 15w

[Redacted] Sure i get that. but same could be said for the entire scifi genre, couldnt it?? its a new genre, but it doesnt make sense that all the books in that genre are mimicks of the first one. And the book im talking about is more than a little similar.... i mean, famous muscians get sued for fewer similarities in their melodies than the mimick book has. screw it. i don't want to give the copy-cat any more sales, bc the more i think about it, the worse i feel for the original author, but in my opinion, Crave to Conquer is an almost perfect mimick of Born to be Bound.

Like · Reply · 15w

Author Amelia Hutchins Group
5,067 members + Join

Friend Requests See all

[Redacted] mutual friends

Confirm Friend

Exhibit 10

Do you have feedback about Author Central or a question not answered by our documentation?

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Updated: May 13, 2009

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•

Customer Reviews

This topic contains answers to frequently asked questions about Customer Reviews.

- [How are Customer Reviews different from Editorial Reviews?](#)

- [When will I see Customer Reviews in Author Central?](#)
- [How can I sort Customer Reviews?](#)
- [Who can write Amazon.com Customer Reviews?](#)
- [Can I write Customer Reviews for my books?](#)
- [What is not allowed in a review?](#)
- [Why can't my readers post reviews for my Pre-Order title?](#)
- [Other questions about Customer Reviews?](#)

Customer Reviews FAQs

- **How are Customer Reviews different from Editorial Reviews?**

Customer Reviews are a way for readers to share their opinions about books in a public forum. Reviews must meet Amazon's [Community Guidelines](#).

NOTE: Customers also have the ability to start and participate in Discussions on the sales pages for your titles and on the Author Page. Learn more about [Customer Discussions](#).

Editorial Reviews are written either by Amazon Editors or obtained from reputable and relevant publications, including the New York Times Book Review and Publisher's Weekly. [Learn how to add Editorial Reviews of your book](#).

- **When will I see Customer Reviews in Author Central?**

Customer Reviews appear in Author Central 24 to 48 hours after they are entered. This gives us a chance to check that the reviews meet our [Communities Guidelines](#) and contain no inappropriate content.

- **How can I sort Customer Reviews?**

We show reviews for all of your books by default. To see reviews for only one book at a time, hover your mouse over "All Books" above the first review, and select the book you want to see. You can also sort by date and rating using the drop-down menu at the top of the reviews, on the right.

[Site Features](#) › [Your Amazon Community](#) ›

Community Guidelines

Guidelines for Amazon.com Community participation.

Amazon.com wants your voice to be heard! The Amazon Community provides various features for engaging other users and sharing authentic feedback about products and services - positive or negative. These Community Guidelines help you use Community features, including Customer Reviews, Customer Questions & Answers, Amazon Follow, Profile pages, Outfit Compare, Style Check, Spark, Digital and Device Forums, Registries and Lists.

Note: These Guidelines do not apply to content included within products or services sold on Amazon, which are subject to separate policies.

We take the integrity of the Community seriously. Any attempt to manipulate Community content or features, including by contributing false, misleading, or inauthentic content, is strictly prohibited. If you violate our Guidelines, we may restrict your ability to use Community features, remove content, delist related products, or suspend or terminate your account. If we determine that an Amazon account has been used to engage in any form of misconduct, remittances and payments may be withheld or permanently forfeited. Misconduct may also violate state and federal laws, including the Federal Trade Commission Act, and can lead to legal action and civil and criminal penalties.

We encourage anyone who suspects that content manipulation is taking place or that our Guidelines are being violated in any way to [notify us](#). We investigate concerns thoroughly and take any appropriate actions.

By accessing or using our Community features, you agree to our [Conditions of Use](#) and to abide by these Guidelines as modified from time to time. These Guidelines apply to any content (including text, images, video, and links) you submit to Amazon and actions you take (such as voting on helpfulness or smiling at a post) when using Community features. These Guidelines also apply to your interactions with other members of the Community.

Note: Additional guidelines apply to Customer Reviews.

Eligibility

To contribute to Customer features (for example, Customer Reviews, Customer Answers, Idea Lists) or to follow other contributors, you must have spent at least \$50 on Amazon.com using a valid credit or debit card in the past 12 months. Promotional discounts don't qualify towards the \$50 minimum. In addition, to contribute to Spark you must also have a paid Prime subscription (free Prime trials do not qualify). You do not need to meet this requirement to read content posted by other contributors or post Customer Questions, or create or modify Profile pages, Shopping Lists, Wish Lists or Registries.

Be Helpful and Relevant

The Community is intended to provide helpful, relevant content to customers. Content you submit should be relevant and based on your own honest opinions and experience.

- For Community features focused on a specific topic, you should only submit content related to that topic.
- Customer Reviews and Questions and Answers should be about the product. Feedback about the seller, your shipment experience, or packaging can be shared at www.amazon.com/feedback or www.amazon.com/packaging. Comments about pricing, product availability or alternate ordering options are also not about the product and should not be shared in Customer Reviews or Questions and Answers.

Respect Others

Amazon values diverse opinions, so you may disagree with some content that you come across. Keep in mind that something that may be disagreeable to you may not violate our Guidelines. In order to maintain a welcoming environment for all users, your participation in the Community must always be respectful of others. In particular:

- Don't post content that is libelous, defamatory, harassing, threatening, or inflammatory. For example, don't use obscenities or profanity, and don't express hatred or intolerance for people on the basis of race, ethnicity, nationality, gender or gender identity, religion, sexual orientation, age, or disability, including by promoting organizations with such views.
- Don't post content that is obscene, pornographic, or lewd, or that contains nudity or sexually explicit images.
- Don't post content that invades others' privacy. For example, don't post other people's phone numbers, email addresses, mailing addresses, or other personal information, and don't post links to phishing or other malware sites.
- Don't impersonate other people or organizations or pretend to be someone or something you're not.
- Don't repeatedly send messages or requests to other people.
- Don't attempt to drown out other people's opinions, including by posting from multiple accounts or coordinating with others.
- Don't engage in name-calling or attack people based on whether you agree with them.
- You may question the beliefs and expertise of others as long as it is relevant and done in a respectful and non-threatening manner.

Promotions and Commercial Solicitations

In order to preserve the integrity of Community content, content and activities consisting of advertising, promotion, or solicitation (whether direct or indirect) is not allowed, including:

- Creating, modifying, or posting content regarding your (or your relative's, close friend's, business associate's, or employer's) products or services.
- Creating, modifying, or posting content regarding your competitors' products or services.
- Creating, modifying, or posting content in exchange for compensation of any kind (including free or discounted products, refunds, or reimbursements) or on behalf of anyone else.
- Offering compensation or requesting compensation (including free or discounted products) in exchange for creating, modifying, or posting content.
- Posting advertisements or solicitations, including URLs with referrer tags or affiliate codes.

The only exceptions are:

- You may post content requested by Amazon (such as Customer Reviews of products you purchased on Amazon or received through the Vine program, and answers requested through Questions and Answers). In those cases, your content must comply with any additional guidelines specified by Amazon.
- You may post an answer to a question asked through the Questions and Answers feature (but not a question itself) regarding products or services for which you have a financial or close personal connection to the brand, seller, author, or artist, but only if you clearly and conspicuously disclose the connection (for example, "I represent the brand for this product."). We automatically label some answers from sellers or manufacturers, in which case additional disclosure is not necessary.
- You may post content other than Customer Reviews and Questions and Answers regarding products or services for which you have a financial or close personal connection to the brand, seller, author, or artist, but only if you clearly and conspicuously disclose the connection (e.g., "I was paid for this post."). However, no brand or business may participate in the Community in a way (including by advertising, special offers, or any other "call to action") that diverts Amazon customers to another non-Amazon website, service, application, or channel for the purpose of conducting marketing or sales transactions. Content posted through brand, seller, author, or artist accounts regarding their own products or services does not require additional labeling.

Book authors and publishers may continue to provide free or discounted copies of their books to readers, as long as the author or publisher does not require a review in exchange or attempt to influence the review.

For more information and examples, read [About Promotional Content](#).

Sexual Content

Some products containing sexual content and some sex and sensuality products are [permitted to be sold on Amazon](#), and we encourage users to express their opinions about those products. Some sexual content such as nudity and sexually explicit images or descriptions is restricted because audiences within our Community may be sensitive to that content.

Infringing Content

Don't post content or interact with other members of the Community in a way that infringes the intellectual property or other proprietary rights of others. Only post your own content or content that you have permission to use.

Illegal Activity

Don't post content that encourages or supports behavior that is illegal, including violence, fraud, illegal drug use, underage drinking, or child or animal abuse. Examples of prohibited content include:

- Content advocating, threatening, or joking about physical or financial harm to yourself or others, including terrorism.
- Content offering fraudulent goods, services, schemes, or promotions (e.g., make-money-fast schemes, pyramid schemes).
- Content posted intentionally as sarcasm as it relates to self-harm or harm to others.
- Content that encourages or supports the dangerous misuse of a product.

Additional Guidelines for Customer Reviews

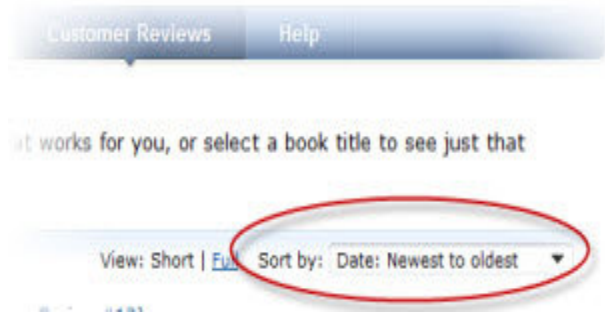
The following guidelines apply to Customer Reviews in addition to the other guidelines given above:

- If your review is removed or rejected because it does not comply with our guidelines concerning promotional content, you may not resubmit a review on the same product, even if the resubmitted review includes different content.
- Reviews may only include URLs or links to other products sold on Amazon.
- Customers in the same household may not post multiple reviews of the same product.
- We may restrict the ability to submit a review when we detect unusual reviewing behavior, or to maintain the best possible shopping experience.
- You may not manipulate the Amazon Verified Purchase badge, such as by offering special pricing to reviewers or reimbursing reviewers.

To learn more about Amazon Verified Purchase views refer to [About Amazon Verified Purchase Reviews](#).

Reporting Abuse

For some types of content, including Customer Reviews and Customer Answers, you can report possible violations of these Guidelines by clicking the "Report abuse" link near the content and entering the reason you believe it violates these Guidelines. If no "Report abuse" link is available, you may email community-help@amazon.com, specifying the location of the content and the reason you believe it violates these Guidelines. If you receive an offer for compensation of any kind (including free or discounted products, refunds, or reimbursements) in exchange for creating, modifying, or posting content in violation of these Guidelines, forward the offer, including contact information and Amazon listing, to community-help@amazon.com



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- **Who can write Amazon.com Customer Reviews?**

Anyone with an active purchasing account who is in good standing with the Amazon.com Community can write reviews. It doesn't matter where an item was purchased, if it was a gift, or if the reviewer just borrowed it for a weekend. If someone wants to write a review of an item, and they are a registered Amazon.com customer, they are welcome to use this feature.

- **Can I write Customer Reviews for my books?**

No, this is not permitted. This feature is designed for customers to give their opinions and feedback. On a related note, we also ask that authors do not submit Customer Reviews for books that are of similar content or subject.

- **What is not allowed in a review?**

While we appreciate customers' time and comments, we reserve the right to remove reviews at any time without notice if the content includes any of the following:

- Objectionable material
 - Obscene or distasteful content
 - Profanity or spiteful remarks
- Promotional content
 - Advertisements, promotional material or repeated posts that make the same point excessively
 - Sentiments by or on behalf of a person or company with a financial interest in the product or a directly

- competing product (including reviews by publishers, manufacturers, or third-party merchants selling the product)
- Reviews written for any form of compensation other than a free copy of the product
- Solicitations for helpful votes
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- **Why can't my readers post reviews for my Pre-Order title?**

We want to hear what your readers have to say about your book, but we don't allow reviews for books that have not yet been published or released. Anticipatory commentary can be fun and general interest, so gather the early Editorial Reviews of your book and add them to its page on Amazon through the Books tab in Author Central.

- **Other questions about Customer Reviews?**

See the [Amazon.com Customer Reviews help page](#).
You can also [contact our Customer Reviews team](#) for assistance.

Exhibit 11

The cliffhanger felt like my kindle died suddenly. It uncomfortably felt too much like the author was copying Addison Cain (who probably doesn't mind but it feels off to me).

I feel like I've read it before

By [redacted] on April 23, 2018

Format: Kindle Edition Verified Purchase

What an interesting book, I feel like I've read it before. Oh, wait, I have. It was Addison Cain's Born to be Bound first. You can't switch character names and add in magic just to change a story and call it yours.

The plot lines of these two books are the same. I can't support this author stealing another's work or ignore it.

Rip off

By [redacted] on March 26, 2018

Format: Kindle Edition Verified Purchase

This story was good but Addison Cain wrote it better in Born to be Bound. This is almost the exact same story only the names are different. Even has the same ending with heroine escaping at end of the book. You should be ashamed of yourself Zoe Ellis...i want my money back!



2.5 stars

World building similar to Addison Cain's [Alpha's Claim Series](#).

Customer Review
★★★★☆ Maybe 3 Stars
[redacted] April 10, 2018
Format: Kindle Edition Verified Purchase
It's ok, cheap writing version of Addison Cain's Alpha's series, will buy book 2

Product Details
Crave To Conquer (Myth of Omega B...
By Zoe Ellis
★★★★☆ 164
4.3 out of 5 stars *
5 star 60%
4 star 25%
3 star 10%
2 star 3%
1 star 4%
\$3.99

Your recently viewed items and featured recommendations

Omegaverse Readers Unite
Closed group

Discussion
Members
Events
Videos
Photos

Search this group

She does it do well. 3
Like · Reply · 13w

Write a comment...

Thank you Addison Cain for not having vicious people on your pages, lol
Like · Comment

DARK HEARTS
Cari Silverwood's Dark Hearts
549 members + Join

Author Amelia
Author Amelia Hutchins Group
5,067 members + Join

Courtney's Reviews > Crave To Conquer


 Read

Rate this book



Crave To Conquer (Myth of Omega, #1)

by Zoey Ellis (Goodreads Author)



review

Apr 23, 2018



bookshelves: to-read

What an interesting book, I feel like I've read it before. Oh, wait, I have. It was Addison Cain's Born to be Bound first. You can't switch character names and add in magic just to change a story and call it yours.

The plot lines of these two books are the same. I can't support this author stealing another's work or ignore it.

[Follow Reviews](#)
[Like](#) · [flag](#)

READING PROGRESS

- January 13, 2018 - Shelved
- January 13, 2018 - Shelved as: to-read

COMMENTS

[Post a comment »](#)

No comments have been added yet.

[Notify me when people comment](#)

I belong to several of Addison Cain's Facebook groups and this new Alpha/Omega series has been a hot topic in the comments. Yes, there are strong similarities to the Alpha Claim series and the rules for the Alpha/Omega pairings are basically the same but both series are different in characters and story. The Alpha Claim series is a dystopian novel and Myth of the Omega is medieval fantasy series. While the Alpha/Omega rules are the same in both books they are very different and both are very enjoyable. By the way I'm Team Drocco all the way!

Exhibit 12

RECENT ACTIVITY ▾



Addison Cain shared a link.



Admin · 29 mins

Just 4 more reviews before Branded Captive hits 100. Have you reviewed yet? 😊



★★★★★ (96 Reviews)

Branded Captive: A Reverse Harem Omegaverse Dark Romance (Wren's Song Book 1)

Wren can't sing like a bird. She can't speak at all. The Alpha kingpin and his pack didn't buy the Omega to hear it talk. Branded Captive: Wren's Song Book 1 is a...

AMAZON.COM

Like

Comment

7

██████████ **██████████** Yep, 😊

Like · Reply · 28m

██████████ **██████████** won the book and already read and reviewed, loved it.

Like · Reply · 18m

██████████ **██████████** Submitted ❤️

Like · Reply · 42m



Ivana B. Kinkee shared a link.



Moderator · 18 July at 22:37

So... I just got my first seriously hateful review on Alpha's Clarity. I know I can't let it get to me, but should I be worried about amazon banning the book? It says the dreaded "R" word in the review and now I'm so nervous.



Addison Cain - I know you dealt with this on BTBB, any tips? I dont have anywhere near your number of reviews to hide this one. 💔



Like

Comment

7



It seems like Amazon customer(who's probably a loser!!) obviously doesn't appreciate this genre of writing. That being said, they should have been aware of what a reverse harem is and did a bit of homework on the subject if they weren't sure it's what they want.

My policy is, if you don't like it, don't read it and don't be a donkeys ass and leave shitty reviews if it's not your cup of tea.

It's one thing if it's badly written and has grammatical errors, that's understandable for a lower rating.

I guess in any industry, not everyone is going to be fan. It seems the good reviews out-way the bad, so carry on and keep doing what you're doing cause I like it!

Ps I left a good review, sorry I'm always behind on them lol 😊😄

5

Like · Reply · 1w



Ivana B. Kinkee Yeah, I looked at some of the other reviews on their acct and they dont seem to like much, but damn... this is harsh. I wish more people would just move on instead of hating on other people's fantasies. IT's just fiction!



Ivana B. Kinkee



New member · 19 June at 13:36

OMG! I got a bestseller tag!! EEEEE!! I'm not crying YOU'RE CRYING! 🤔🤔
🤔🤔

Alpha's Clarity (A Reverse Harem Series Book 1) Kindle Edition

by Ivana B. Kinkee (Author)



1 customer review

#1 Best Seller

in 90-Minute Science Fiction & Fantasy Short Reads



Like



Comment

42



Addison Cain Congrats!!! 1

Like · Reply · 5d



Ivana B. Kinkee 🙌 I still can't believe it even happened!
ALL BECAUSE OF YOU BEING THE NICEST AUTHOR
ON THE PLANET!!

Like · Reply · 5d



1

Write a reply...



[REDACTED] Congrats! You are free from fb jail yeey

Like · Reply · 5d



1



Ivana B. Kinkee 🙌 I totally lost my old account, this is a
new one. 😞 Lost my whole history, and my author page!!

Like · Reply · 5d

██████████ ██████████ Woman, do I feel you! It's not so much that I can't handle people. It's that I am SO much happier if they are no where near me. Does that make any sense? Do you know what I mean? Am I weird? I am weird, aren't I? *sigh*

10w Like Reply

██████████ ██████████ I'm surprised that those people who are mad about having to pay for what they read have not yet discovered libraries! Not the sharpest knives in the drawer, are they? 🗡️

10w Like Reply

Write a reply...

██████████ ██████████ Done 😊

11w Like Reply

██████████ ██████████ I gave it 5 stars and everyone of Addison's books!!!

11w Like Reply 2

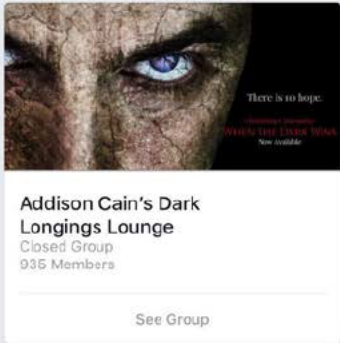
██████████ ██████████ I had already given it 5 stars

10w Like Reply 1

██████████ ██████████ Went through all reviews on Amazon. Less than four star reviews are scarcer than hens' teeth, Addison Cain! ⭐⭐⭐⭐⭐

10w Like Reply 2

Write a comment... GIF 😊



The group card features a close-up image of Addison Cain's face with a blue eye. Text on the card includes: "There is no hope.", "ADDISON CAIN'S DARK LONGINGS LOUNGE", "Closed Group", "935 Members", and a "See Group" button.

News Feed Friend Requests Marketplace Notifications More

Addison Cain's Dark Longings Lounge

Closed group

- About
- Discussion**
- Members
- Events
- Videos
- Photos

Search this group


Addison Cain shared a post.
Admin · 18 July at 23:31


What a great question. Who does read this shit? lol
MEEEE! I do! Click through to the post and comment if you read this shit too.
😄

*No attacking the lady.

Addison Cain
17 July at 16:28

Grinning as he licked his lips, Caspian climbed over her spent body and growled, "Brace yourself, kid. You're about to be rutted like the bad, bad girl you are."
Amazon <https://amzn.to/2JvncAN>





Livia Grant's Passion Vault
233 members

Makin Waves
A writer/reader cruising experience
October 2020

Makin Waves: Writer/Reader Cruise
2020
168 members

Woman, do I feel you! It's not so much that I can't handle people. It's that I am SO much happier if they are no where near me. Does that make any sense? Do you know what I mean? Am I weird? I am weird, aren't I? *sigh*

10w Like Reply

I'm surprised that those people who are mad about having to pay for what they read have not yet discovered libraries! Not the sharpest knives in the drawer, are they? 🤔

10w Like Reply

Write a reply...

Done 😊

11w Like Reply

I gave it 5 stars and everyone of Addison's books!!!

11w Like Reply

I had already given it 5 stars

10w Like Reply

Went through all reviews on Amazon. Less than four star reviews are scarcer than hens' teeth, Addison Cain! ⭐⭐⭐⭐⭐

10w Like Reply


Write a comment...



Addison Cain's Dark Longings Lounge
Closed Group
935 Members


See Group



Addison Cain  The best thing we can do is go leave you our honest, positive reviews! Everyone who read this gem! Let's review!!! 😊👉👉😊


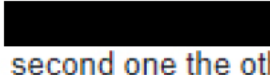
Like · Reply · 1w



Ivana B. Kinkee  I know not everyone can post reviews on books like mine, so its okay, its more that I just dont know why people would go out of their way to just be mean!

Like · Reply · 1w



  I reviewed. I always review. And I read the second one the other night. Holy Hotness Batman.

Like · Reply · 6d



Addison Cain shared a link.



Admin · 2 September at 15:57

So, Branded Captive got slammed by the *oh my god this book has rape in it crowd. (this was my fault. I worked with a company to promo it and their readers did not read the very clear warnings I had listed). Long story short, my organic reviews were amazing before this company got their hands on it. Anyhoo, I need your help getting honest reviews back on the list.

If you have not reviewed Branded Captive yet, please do me a HUGE SOLID and leave your thoughts as soon as you are able.



★★★★☆ (305 Reviews)

AMAZON.COM

Branded Captive: A Reverse Harem Omegaverse Dark Romance (Wren's Song Book 1)

👍❤️😞 86

71 Comments

👍 Like

💬 Comment

[View previous comments](#)

1 of 71

it. Anyhow, I need your help getting honest reviews back on the list.

If you have not reviewed Branded Captive yet, please do me a HUGE SOLID and leave your thoughts as soon as you are able.



★★★★☆ (305 Reviews)

AMAZON.COM

Branded Captive: A Reverse Harem Omegaverse Dark Romance (Wren's Song Book 1)

   86


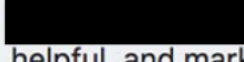
71 Comments

 Like

 Comment


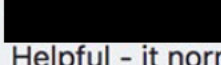
[View previous comments](#)

1 of 71

  reviewed, marked all 4/5 star reviews as helpful, and marked 1/2 star reviews as not helpful. 😊

Like · Reply · 3w



  It's not giving my the option to put Not Helpful - it normally does but Amazon is a law unto itself!



★★★★☆ (305 Reviews)

AMAZON.COM




Branded Captive: A Reverse Harem Omegaverse Dark Romance (Wren's Song Book 1)





   86





71 Comments



 Like

 Comment



  I need to read this. Will get to it as soon as I can.
Like · Reply · 3w  1

  I've already read and reviewed but I'll go and mark 4 and 5 star reviews as helpful or like them, to move them to the top.
Like · Reply · 3w   2


  Omg on it!! How dare they mess with my fav bloody omega!!!
Like · Reply · 3w   4

  Reviewed on amazon x
Like · Reply · 3w


██████████ I really hate it when people don't read the warnings! I absolutely loved the book and reposted my review since Amazon has a habit of making my reviews disappear. lol

Like · Reply · 3w   4


██████████ I'll go mark the high star reviews, since mine was already posted. Sorry to hear about the problems hin 😞

Like · Reply · 3w  1

██████████ I reviewed, marked all 4/5 star reviews as helpful, and marked 1/2 star reviews as not helpful. 😊

Like · Reply · 3w  1

██████████ It's not giving my the option to put Not Helpful - it normally does but Amazon is a law unto itself! I'm doing Goodreads too.

Like · Reply · 3w  1

██████████ same here


Like · Reply · 3w  1

Exhibit 13



UNIVERSITY OF SOUTH ALABAMA

Kristina Busse, Ph.D.

Instructor, Philosophy and Gender Studies, University of South Alabama

kbusse@southalabama.edu

Editor *Transformative Works and Cultures*, journal.transformativeworks.org

kbusse@transformativeworks.org

Discussion of Addison Cain's *Alpha's Claim*, and Zoey Ellis's *Myth of Omega*

The two series in question encompass three books each. Addison Cain's *Alpha's Claim* (AC) trilogy features *Born to be Bound*, *Born to Be Broken*, and *Reborn* (Blushings Books 2016). Zoey Ellis's *Myth of Omega* (MoO) features *Crave to Conquer*, *Crave to Capture*, and *Crave to Claim* (Createspace 2018). On the reader-driven social networking book review site GoodReads.com, both series are tagged by readers under Fantasy, Paranormal, Dark, Romance, Adult Fiction, Erotica, and Omegaverse. On Amazon.com's Kindle Store, both *Born to Be Broken* and *Crave to Conquer* appear on the first page of a search for "omegaverse." In the paratextual material, both series are described as dark, sexually explicit omegaverses, only differing slightly in their emphasis on complete power exchange (in Cain's case) and traditional romance (in Ellis's):

... Addison Cain's exciting, raw, and suspense-filled Omegaverse series is a dark tale with explicit sexual themes and complete power exchange. Though situations may be interpreted as romantic, this is a... not a standard romance. [Alpha's Claim]

Myth of Omega serial [is] a dark, erotic, Omegaverse romance. ... [It] is an explicit reading experience from sexual scenes to violence and language. Includes disturbing situations and romance of a dark nature. [Myth of Omega]

Any question as to how closely the two series resemble one another in terms of plot, setting, characterization, and diction must be understood within the contexts of the specific genres and tropes in which these books position themselves and are positioned by their readers. Counsel asked me to read the six books in question and situate them within the genre categories and accompanying tropes of (Dark) Romance and Omegaverse in particular. Genre theory is a theoretical approach that looks at the creation and use of genre in terms of production, dissemination, and reception as well as an interpretive tool. Tropes are used here not in the meaning of rhetorical figures of speech but rather as a recurrent theme and conceptual narrative shorthand that often function as a subgenre.

MY BACKGROUND

I have a Ph.D. in English from Tulane University (2002) and have been teaching various forms of literature, literary analysis, literary theory, and gender studies at the university level for nearly 25 years. I currently teach in the Department of Philosophy and the Department of Gender Studies at the University of South Alabama. My primary research focus for more than 15 years has been fan fiction and fan communities. Most generally, fan fiction is the fictional extrapolation of an established universe. Such a broad definition would include many literary texts from Virgil's *Aeneid*, in which he takes a minor character from the *Illiad* and *Odyssey* and fashions him into the hero of his own epic to Tom Stoppard's *Rosencrantz and Guildenstern Are Dead* (1966), in which the comic relief from Shakespeare's *Hamlet* get to have their own adventures. More conventionally, fan fiction tends to describe not any derivative work but instead the amateur works of fans of commercially owned intellectual properties, in particular genre TV shows such as science fiction and police procedurals. Often its history is seen to start in the late 1960s with the first narrative responses to *Star Trek: The Original Series* in self-published and distributed fan zines. The rise of the Internet, facilitated fan communication and fan fiction dissemination, and by now fans can easily access and share fan stories in a variety of online forums and archives.

I have published more than 20 essays on the topic in peer-reviewed journals and essay collections. I am co-editor of three essay collections on fan fiction and author of one monograph that connects literary and social aspects of fan fiction.¹ I am founding editor of *Transformative Works and Cultures* (2008–), the first international peer-reviewed fan studies journal and have been primary reader on all submissions for the past decade. In 2013 I wrote the first academic discussion on the trope of omegaverse fan fiction.² In it I studied the various tropes and influences that led to the rise of literary subgenre that had recently become popular in a variety of fandoms called Alpha/Beta/Omega Dynamic, A/B/O, or omegaverse. My current interest continues to be the historical development of fan fiction genres and tropes with a particular focus on influences between different fandoms and on tropes that seem to arise from fannish conventions and not outside cultural influences. I am co-authoring a book that has chapters on mind and soul bonds, on BDSM societies, and on Alpha/Beta/Omega Dynamics, all of which are widely shared popular tropes within fan fiction communities on and offline.

GENRE AND TROPES

Reading the two trilogies within this context, it is obvious that both follow a number of characteristics that have become popularized under the shorthand omegaverse. In fact, though

1 Kristina Busse. 2017. *Framing Fan Fiction: Literary and Social Practices in Fan Fiction Communities*. Iowa City: University of Iowa Press. Karen Hellekson and Kristina Busse, ed. 2014. *The Fan Fiction Studies Reader*. Iowa City: University of Iowa Press. Louisa Ellen Stein and Kristina Busse, ed. 2012. *Sherlock and Transmedia Fandom*. Jefferson, N.C.: McFarland. Karen Hellekson and Kristina Busse, ed. 2006. *Fan Fiction and Fan Communities in the Age of the Internet*. Jefferson, N.C.: McFarland.

2 Kristina Busse. 2013. "Pon Farr, Mpreg, Bonds, and the Rise of the Omegaverse." In Anne Jamison, ed., *Fic: Why Fanfiction is Taking over the World*, 288–94. Dallas, TX: BenBella.

neither of the authors articulates a direct dialogue with fan fiction communities, the similarities suggest that they are familiar with fannish incarnations of the omegaverse or any of the widely published summaries and theoretical pieces that describe and explain the genre. The omegaverse genre was coined as (and now defines) a shorthand among readers and writers to describe a shared understandings of a group of associated tropes.

Genres and tropes are literary categories that often follow the “I know it when I see it” model. While structuralist critics have long tried to create a taxonomy of literary, film, and TV genres where genre boundaries are clearly delineated,³ most current genre theorists discount such attempts.⁴ In its stead, they view genre categories as “constituted by cultural discursive practices of definition, interpretation, and evaluation”;⁵ in other words, authors and readers/viewers collaborate within a given cultural context in the ever-changing and ever-evolving process of defining genres and labelling texts. While this is true for any medium and genre, it is particularly apparent within fan fiction, where writers and readers occupy the same online spaces and where many fan-created norms actively invite genre and trope labelling.

The fan-created and fan-run central fan fiction archive, Archive of Our Own (AO3), for example, has a complex tagging system of shared metatextual markers. These tags illustrate how communities define their own taxonomies to advertise stories as well as warn for certain contents. What is important to note here is that tags indeed function (maybe even primarily) as advertisement, i.e., the existence of the tags Romance, Sexual Content, or Alpha/Beta/Omega Dynamics on the AO3 allows readers to filter stories so they will only see those tagged.⁶ Moreover, it is important to note that fan fiction readers (and, I’d argue, genre readers in general, including romance readers) search actively for generic tropes in their reading. Many of the most read and commented stories seem to be highly generic and quite predictable with that familiarity being their primary appeal.⁷ In other words, they are popular and beloved not in spite but because of their narrative predictability.

3 See Rick Altman. 1999. *Film/Genre*. British Film Institute. London: BFI Press. John Cawelti. 1976. *Adventure, Mystery and Romance. Formula Stories as Art and Popular Culture*. Chicago: University of Chicago Press. Tzvetan Todorov. 1975. *The Fantastic. A Structural Approach to a Literary Genre*. Ithaca: Cornell University Press. Vladimir Propp. 1968. *The Morphology of the Folktale*. Austin: University of Texas Press.

4 See Jason Mittell. 2004. *Genre and Television: From Cop Shows to Cartoons in American Culture*. New York: Routledge. Louisa Stein. 2006. “Fantastic Teen TV: Transgenericism, Television, and Online Reception.” PhD diss., New York University.

5 Louisa Ellen Stein. 2008. “‘Emotions-Only’ versus ‘Special People’: Genre in Fan Discourse.” *Transformative Works and Cultures*, no. 1. <http://dx.doi.org/10.3983/twc.2008.0043>.

6 “Tags.” *Archive of Our Own*. <https://archiveofourown.org/tags>.

7 See Louisa Stein and Kristina Busse. 2009. “Limit Play: Fan Authorship between Source Text, Intertext, and Context.” *Popular Communication* 7.4: 192–207. Kristina Busse. 2017. “Fan Fiction Tropes as Literary and Cultural Practices.” In Sebastian Böck, Julian Ingelmann, Kai Matuszkiewicz, and Friederike Schruhl, ed., *Lesen X.0: Rezeptionsprozesse in der digitalen Gegenwart*, 127–43. Göttingen, Germany: V&R unipress.

These observations on reading patterns and tag searching patterns are important, not only because fan fiction has been the origin of the concept, term, and generic trope of Alpha/Beta/Omega Dynamics (A/B/O) and omegaverse, but also because there exist huge similarities between fan fiction and romance readers.⁸ Whereas most literary theory dismisses genre fiction because of its formulaic plots, limited range of characters, and lack of originality, it is these very aspects of the familiar without unpleasant surprises that appeal to many genre readers. In an early study of romance readers, for example, Janice Radway describes their implicit understanding of genre rules: readers “exhibit fairly rigid expectations about what is permissible [...] and express disappointment and outrage when those convention sare violated.”⁹

The existence of the industry standard abbreviations for the ending of books with Happily Ever After (HEA) and Happy For Now (HFN) indicate that romance readers actively want information on the ending of the book and often reject books that do not fulfill their clear expectations. This is true not only for endings but also for many other aspects of the novels, including plot arcs themselves. Publishers divide their offerings into ever narrower categories and expect authors to follow very specific guidelines when submitting new books.¹⁰ For readers, knowing the exact genre categories and potential tropes involved is a good indicator as to whether a book may fulfill their expectations and, as a result, whether they may enjoy the book.

OMEGAVERSE

Omegaverse (or A/B/O or Alpha/Beta/Omega Dynamics, as its slightly broader category is called) is less a well defined genre as it is a collection of related tropes that tend to correlate in many stories. Alpha/Beta/Omega defines stories in which humans are not only categorized by gender but also by a second dynamic, namely whether they present as alphas (dominant, physically large, quick-tempered, natural leader) or omegas (submissive, delicate, calm, peace maker), with an undetermined number of humans being default betas. Kristina Busse describes omegaverse as a “perfect storm” of a number of popular fan fiction (and romance) tropes,¹¹

⁸ See Katherine Morrissey 2008. “Fanning the Flames of Romance: An Exploration of Fan Fiction and the Romance Novel.” M.A. Thesis, Georgetown University.

⁹ Janet Radway. 1984. *Reading the Romance: Women, Patriarchy, and Popular Literature*. Chapel Hill: University of North Carolina Press. 63. See also Tania Modleski. 1982. *Loving with a Vengeance: Mass Produced Fantasies for Women*. London: Routledge. Ramsdell, Kristin. 1999. *Romance Fiction: A Guide to the Genre*. Santa Barbara, CA: Libraries Unlimited. Pamela Regis. 2003. *A Natural History of the Novel*. Philadelphia: University of Pennsylvania Press. Katherine Morrissey. 2016. “Romance Networks: Aspiration and Desire in Today’s Digital Culture.” Ph.D. Thesis, University of Wisconsin-Milwaukee.

¹⁰ For a discussion on “the romance industry’s own discussion of what constitutes a successful romance novel,” see An Goris. 2012. “Loving by the Book: Voice and Romance Authorship.” In Sarah S. G. Frantz and Eric Murphy Selinger, ed., *New Approaches to Popular Romance Fiction*, 77–83. Jefferson, N.C.: McFarland. For a discussion of the industrial impact of digital publishing on erotic romance, see Katherine E. Morrissey. 2015. “Steamy, Spicy, Sensual: Tracing the Cycles of Erotic Romance.” In Kristen Phillips, ed., *Women and Erotic Fiction: Critical Essays on Genres, Markets, and Readers*, 42–58. Jefferson, N.C.: McFarland.

¹¹ Busse 2013, 293. *Supra*.

including shifters (especially werewolves), soulmates, breeding and hypersexuality, empathic or telepathic bonds, and biologically deterministic hierarchical societies.

Fan author Nora Bombay begins her “Alphas, Betas, Omegas: A Primer” with the disclaimer that “omegaverses ... are a shared idea, interpreted differently by each author.”¹² As a term of folksonomy (rather than taxonomy), it is collectively created and used by fans, who are at liberty to include or exclude any aspect they like. However, in order to be recognized as an omegaverse, at least some of a vast number of potential characteristics need to be present. These include

- * omega heat cycles and alpha rut
(a biologic necessity to procreate taken directly from animals)
- * scenting
(pheromones are excessive for alphas and omegas often displaying their moods but are excessive during heat where they can often heat can smell their prospective partner)
- * imprinting
(mythology within omegaverses often assumes that there are true alpha/omega mate pairings, a perfect love match, and the alpha often imprints on his mate)
- * claiming bite
(Often assert their dominance the alpha bites the omega during intercourse)
- * mate bonding
(a permanent bond between the partners, often as a result of imprinting and claiming bite)
- * knotting
(a swelling at the base of the penis found in canines after ejaculation that forces the penis to stay inside to ensure impregnation, for alphas it tends to enlarge their already supersized penis)
- * mpreg
(male pregnancy in which omega may have altered sexual organs allowing him to become impregnated by an alpha)

In addition there are commonly used terms and ideas, such as nesting, the need to prepare a place for heat and conception), heat suppressants (often used to hide one’s omega status or simply to not have to deal with heats), and omega sanctuaries (a place where omegas may experience their heat without the intrusion of alphas). It is important that not every story must use all the characteristics so that two stories tagged as A/B/O Dynamics may share little in common. One A/B/O story may be a short pornographic account of a male omega, whose suppressants fail him, whereupon he going into heat, releasing pheromones and becoming senseless. A male alpha scents the omega, is driven wild and goes into rut, knotting and impregnating the omega. Another story might feature a world in which omegas are cherished and their first heat cycle

12 Nora Bombay. 2013–15. “Alphas, Betas, Omegas: A Primer.” *Archive of Our Own*. <https://archiveofourown.org/works/403644>.

outside of the sanctuary is a coming of age. At a choosing ceremony the alpha imprints, takes the omega to nest, then he mates, knots, claims by bite, and soul bonds.

By most accounts created as a specific trope in 2010/11 and named in late 2011, A/B/O started in an anonymous fan fiction community for the TV show *Supernatural* and quickly became popular enough to become a named and recognizable trope.¹³ Within two years, the trope had spread to dozens of other fandoms and grown to a substantially sized trope.¹⁴ On the multi-fandom archive *Archive of Our Own*, for example, by 2013 about 2,000 stories were tagged Alpha/Beta/Omega Dynamic (though that number dwarves when compared to the more than 40,000 works tagged 5 years later).¹⁵ Fan statistician Destinationtoast, who gathered Omegaverse statistics for *Archive of Our Own* in 2013, shows that about 10% of these are labelled male/female, and netweight's 2013 omegaverse time line lists a June 13, 2011 story as the first male/female story that followed clear omegaverse tropes and terminology.¹⁶ *Archive of our Own* hosts several longer omegaverse stories with alpha males and omega female 2012,¹⁷ and several novel-lengths stories by 2014.¹⁸ In fact, 2014 mainstream feminist blogging site *Jezebel* already features an article explaining omegaverse to its readers.¹⁹

The quick dissemination of omegaverse across most popular fan fiction fandoms helped spread the popularity of omegaverse to male/male commercial romances (often written by fan fiction authors). Meanwhile, some established male/female commercial romance tropes grew in popularity in the 2000s included that of the shifter (often werewolves, such as Patricia Briggs' Alpha and Omega Series [2007–15]) and that of the hypermasculine Alpha hero, which romance writer Doreen Owens Malek describes as a "strong, dominant, aggressive male brought to the point of surrender by a woman."²⁰

13 See "Alpha/Beta/Omega." 2012-. Wiki Entry. *Fanlore*. <https://fanlore.org/wiki/Alpha/Beta/Omega>. Netweight. 2013. "The nonnies made them do it!" *Archive of Our Own*. <https://archiveofourown.org/works/1022303>.

14 Destinationtoast. 2013. "It's Time for Fandom Stats: Omegaverse edition in." Blog entry. *Tumblr*. <http://destinationtoast.tumblr.com/post/59371807212/its-time-for-fandom-stats-omegaverse-edition-in>.

15 See *Archive of Our Own*. https://archiveofourown.org/tags/Alpha*s*Beta*s*Omega%20Dynamics/works.

16 Tebtosca. 2012. "Just Keep Breathing With Me." *Livejournal*. <https://tebtosca.livejournal.com/20794.html>.

17 Tristesses. 2012. "All Reason Aside, I Just Can't Deny." *Archive of Our Own*. <https://archiveofourown.org/works/583600>. Hotchoco195. 2013. "Strangers and Soulmates." *Archive of Our Own*. <https://archiveofourown.org/works/605274>.

18 Rector. 2014. The Encounter Series. *Archive of Our Own*. <https://archiveofourown.org/series/106793>. KristinStone. 2015-. Living and Breathing in Flint Series. *Archive of Our Own*. <https://archiveofourown.org/series/618040>.

19 Mark Shrayber. "'Knotting' Is the Weird Fanfic Sex Trend That Cannot Be Unseen." *Jezebel*. June 18. <https://jezebel.com/knotting-is-the-weird-fanfic-sex-trend-that-cannot-be-u-1606931767>.

20 Doreen Owens Malek. 1992. "Mad, Bad, and Dangerous to Know: The Hero as Challenge." In Jayne Ann Krentz, ed. *Dangerous Men and Adventurous Women: Romance Writers on the Appeal of the Romance*. University of Pennsylvania Press. 74.

COMPARISON BETWEEN THE TWO SERIES

In order to compare the two series and to respond to the allegation of plagiarism or in the context of plagiarism, it is important to find similarities above and beyond the characteristics mandated by genre. As **Male/Female Fantasy Omegaverse Dark Romance** stories, both contain a large number of similarities that are already determined by their various genre categories. In fact, the similarities found between the two series lie exhaustively in their generic similarities.

I. Setting

As fantasy novels, both novels are expected to feature elements beyond our contemporary worlds, though the particular setting of the two series is quite different. As omegaverses the societies of AC and MoO both are structured as hierarchical cultures, in which omegas are rare and segregated (justified as protection). This is a fairly common setup for omegaverses, which authors often use to explore intrinsic gender imbalances.²¹

The fantasy world in AC follows the trope of a futuristic dystopia, in which the society lives in domes on an unspecified Earth after a cataclysmic event and, on top of that, deals with the aftermath of a biological plague. The novel is set in one of the domes shortly after the successful prisoner revolution spearheaded by the main alpha protagonist. Omegas are common in this world, but the recent social upheavals have created chaos ripe for abuse and exploitation of the physically weaker.

MoO is set in an undetermined fantasy setting inhabited by warring aristocratic factions. Omegas are a myth in this world and haven't been seen by the public in more than a century. After having conquered large parts of the known world, the alpha main protagonist is looking to solve the omega mystery. Magic (called "Talent") is known in the world though feared and forbidden by the alpha hero.

II. Characters

As marketed romance novels, both series are expected to feature a main heterosexual pairing. omegaverse. Both alpha male anti-heroes command over a military structure of alphas, ruling over a dystopian futurist rebellion of prisoners in AC and an expansionist quasi-medieval society in MoO.

In both series, the omega women use suppressants/blocks to hide their pheromones. In AC the omega uses chemicals and dresses in smelly clothes in order to approach the alpha male to ask him for food for her fellow omegas in hiding after the rebellion. In MoO the omega blocks sensory responses on both sides via magic in order to access the library that houses information

21 Elliot Aaron Director. 2017. "Something Queer in his Make-Up: Genderbending, Omegaverses, and Fandom's Discontents." Ph.D. Thesis, Bowling Green State University. Marianne Gunderson. 2017. "Rewriting Sex and Gender in Omegaverse Fanfiction." M.A. Thesis, University of Oslo, Blindern, Norway. Milena Popova. 2018. "Dogfuck Rapeworld: Omegaverse Fanfiction as a Critical Tool in Analyzing the Impact of Social Power Structures on Intimate Relationships and Sexual Consent." *Porn Studies* 5(2): 175–91.

on the disappearance of omegas for the past century. These precautions fail as they often do in omega stories to get the plot going, and the alpha protagonists scent them and realize they are in heat and remove them from the other alphas. (In AC the hero has to fight and kill a number of competitors whereas in MoO the status of the alpha hero allows him to segregate her from the rest of the castle.)

Both alphas eventually claim the omegas by force and knot them; both omegas fight both the alphas and their own biological desires; in both stories the omegas nest and the alphas purr. All of these tropes are tropes that often and repeatedly occur in omegaverse stories. And yet the time lines are quite different as are the specific encounters. Whereas the biological imperatives attributed to both alphas and omegas is fairly common for omegaverse fiction, it is the specific implementations that distinguishes one story from another.

In AC, the first, quite violent encounter occurs within the first chapter, followed by a prolonged imprisonment of the omega during which she nests. The alpha claims the omega by biting her, and establishing the bond forcibly. Thereafter, the omega describes repeatedly the psychological pull of that bond. In contrast, MoO follows more traditional romance tropes by letting the central pair spar verbally for several chapters. Once the omega's blocks fail and the alpha removes her, she creates a magical barrier and waits out her heat. Only toward the end of her heat (called Haze in the series) do the barriers fail and the alpha claims and knots her. While MoO's central alpha/omega pairing will eventually bond and procreate, it is a decision that is much delayed.

Both alphas are exceptionally possessive of their omegas and hostile to other alphas, which is a common feature in omegaverse fiction. Both are morally ambiguous as Dark Romance heroes, and only slowly are revealed as more emotionally appealing characters to readers and the heroines. In AC a lot of the alpha's behavior is explained by his past. In contrast, MoO's alpha hero is mostly conflicted by the competing drives of his warrior and his alpha instincts that he does not understand. Unlike AC, MoO switches points of view every chapter, so that the reader is more aware of the alpha's feelings and reasoning. AC, on the other hand, places the reader at first fully in the position of the omega female, trying to decipher the alpha's actions.

A more important distinction between the two trilogies, however, is the dynamic between the central pairing. While both couples start out hostile and eventually give in emotionally to their biological connection, AC has a much steadier development toward that goal with both characters slowly and repeatedly reconsidering their positions. MoO's central characters, on the other hand, truly hate one another for the majority of the novels as their political struggles often have to take precedence over their relationship. Likewise, the emotional obstacles function differently in both texts with AC's complication of the alpha's original love who continues to boycott the pair's potential love.

III. Plot

Both series are trilogies featuring one central pairing, so it can be expected that there are a number of obstacles before they get together and both admit their love for one another. While

most novels require some form of complication to develop a plot, not all romance fiction finds that complication within the love story itself. The obstacle could be external (shipwreck, going bankrupt, war,...) with the central love pairing strangers or already friends. However, the enemy-to-lovers trope is one of the more popular ones in romance fiction, allowing for an internal narrative thrust in which both need to overcome their resentments and discover their similarities and love for one another. Whether Beatrice & Benedick in Shakespeare's *Much Ado About Nothing*, Elizabeth Bennett & Mr. Darcy in *Pride and Prejudice*, Scarlett O'Hara & Rhett Butler in *Gone With the Wind* or *The Shop Around the Corner* (1940)/*You've Got Mail* (1998).

As dark romance, both novels clearly share a dynamic in which the central pairing begins with a contentious if not hostile relationship. Moreover, the dark romance trope also already posits the main male character as an anti-hero, often powerful and outlaw but usually with a sense of inner moral compass, which the heroine will ultimately recognize and which will lead to her accepting her feelings for him. AC and MoO share a variety of scenarios that are fairly common in omegaverse stories. Given that emotional attachment and physical attraction are often not in sync, many scenes in omegaverse fiction will explore the omega (but sometimes also the alpha) battling nature versus nature, mind versus body. Ultimately, however, the biological imperative of mating and bonding will win out, a central aspect of the omegaverse trope. Beyond that internal obstacle of trying to come to terms with the facts of their meant-to-be-ness, their true mate-ness, there are external obstacles of the post-revolution (AC) and warring kingdoms (MoO) settings, respectively. Like much romance, these battles, injuries, misunderstandings, escapes, kidnappings, ultimately serve to impede the true goal of the novels, namely the acceptance of both mates that they are meant to be together and their eventual happily ever after.

Several typical omegaverse plot points occur in both trilogies, but the different setting and, even more so, the extremely different pacing make the two novels quite distinct reading experiences. More importantly, the plot against which the alpha/omega reconciliation plays out differs substantially in small and large aspects. For example, in AC the main omega fights an often lonely battle against the alpha's army and the series ends with the alpha in a standoff with the government he had initially overthrown. MoO's central plot has the alpha fighting against another kingdom and then against a long-term omega conspiracy that has deceived everyone in an attempt to protect omegas. The series ends with the happy couple about to become parents again and overseeing their kingdom.

Finally, Cain's series puts a strong emphasis on nonconsensuality and power exchange, which tilts the overall tone: sexual encounters (often not quite consensual) are extensive and frequent in AC. (Also, they are not always tempered by the alpha's regret as in MoO, where the point of view shifts allow us to see the assailant's immediate regret). The role of the bond is different as well: where AC focuses a lot on the animalistic and physical nature of the bond (such as the fact of the omega feeling the alpha in her mind after he bonds her against her will), MoO uses an interpretation of the soul bond that balances physicality with emotion and must be bilateral to function properly. There is also less focus on monogamous exclusivity in AC, where the alpha male has sex with another woman in front of his omega. Finally, AC focuses heavily on its dark

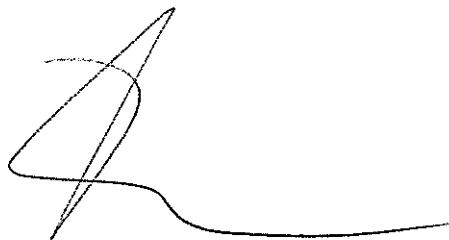
genre aspects: the omega loses her child towards the end of the series and a potential happy ending is delayed beyond the third book.

CONCLUSION

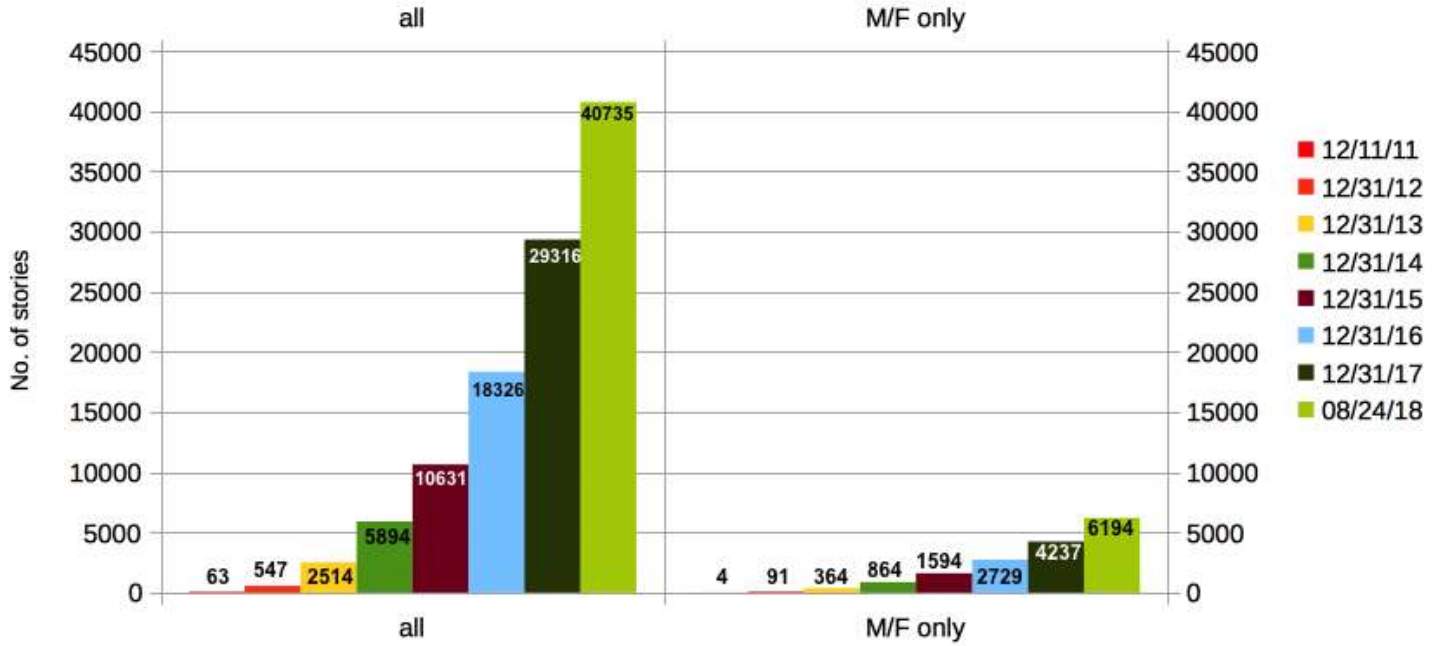
Clearly, any similarities between AC and MoO in terms of setting, characterization, and plot must be understood within the contexts of the specific genres and tropes in which these books position themselves and are positioned by their readers. When choosing a book to read, readers are guided by paratextual material, reviews, and genre tags and the tropes associated with them. These together establish a reader/writer contract that allows the reader to anticipate various aspects of the book in broad outlines, an aspect that is of vital importance for genre readers. Rather than wanting to be surprised, genre readers want to know in broad strokes what will happen in a novel and return to a familiar author, named series, or labelled genre for the explicit purpose to read what they signed up (and paid) to read. In order to establish and control those expectations, however, authors, publishers, book sellers, reviewers, and readers collaborate in creating genre categories and generic tropes to have a clearly shared vocabulary. And if an experienced reader decides to read a Male/Female Fantasy Omegaverse Dark Romance, they should expect something quite like Addison Cain's *Alpha's Claim* or Zoey Ellis's *Myth of Omega*. Because both series play out the very tropes a dark omegaverse romance should contain. After having read hundreds of Alpha/Beta/Omega stories and thousands of stories that employ a subset of of omegaverse's myriad tropes, both series satisfyingly fulfilled my expectations set as they were by their genre tags and metatextual description and summaries.

Sincerely,

Kristina Busse

A handwritten signature in black ink, appearing to be 'Kristina Busse', with a long horizontal flourish extending to the right.

Stories Tagged Alpha/Beta/Omega Dynamics on AO3



How has the popularity of Omegaverse changed over time? (A03)

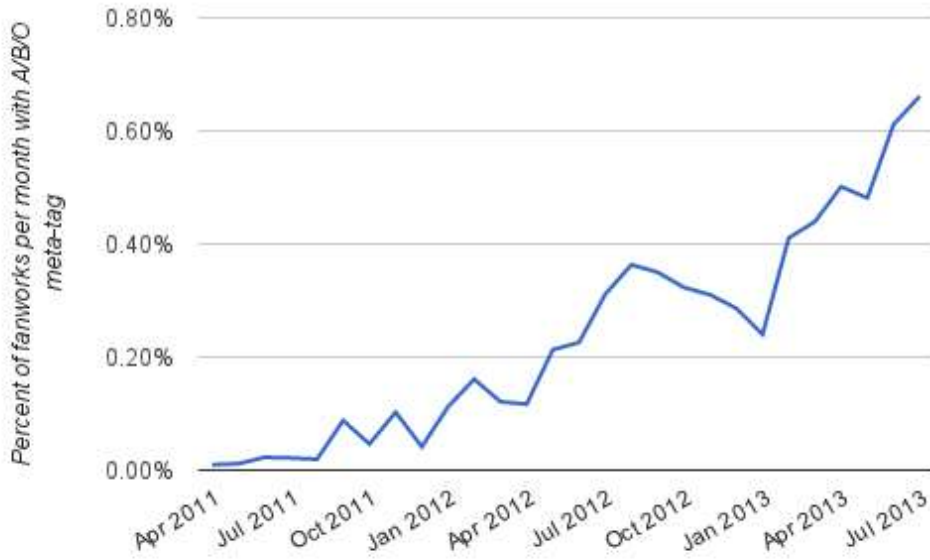


Exhibit 14

From: **Bethany Burke** <bethany@blushingbooks.com>

Date: Tue, May 29, 2018 at 9:44 PM

Subject: Amazon titles

I have received your contact information from Barry and I-Books, (regarding case #IBK95560).

I am assuming that you are either Zoey Ellis or, because you contacted Apple in this matter, are authorized to represent her.

As you are well aware, ABCD Graphics and Design, a Virginia company (DBA Blushing Books) has published the following titles:

Born To Be Bound (ASIN: B01E1HQ57O – Alpha’s Claim - Book 1 – author Addison Cain – Published April 8, 2016) (https://www.amazon.com/Born-Bound-Alphas-Claim-Book-ebook/dp/B01E1HQ57O/ref=asap_bc?ie=UTF8)

Born To Be Broken (ASIN: B01GLVJ0GQ Alpha’s Claim - Book 2 – author Addison Cain – Published June 3, 2016) (https://www.amazon.com/Born-Broken-Alphas-Claim-Book-ebook/dp/B01GLVJ0GQ/ref=asap_bc?ie=UTF8)

Reborn (ASIN: B01LG31JAE – Alpha’s Claim - Book 3 – author Addison Cain - Published September 1, 2016) (https://www.amazon.com/Reborn-Alphas-Claim-Book-3-ebook/dp/B01LG31JAE/ref=asap_bc?ie=UTF8)

Zoey Ellis, in conjunction with Quill Ink Books Limited (not listed on Amazon but listed on Apple) has published:

Crave to Conquer (ISBN: 1983661627 – ASIN: B0785GFVZ4 - Myth of Omega – Book 1 author – Zoey Ellis - Published January 15, 2018).

Crave to Capture (ISBN: 1986613518 - ASIN: B078VDD5NL - Myth of Omega – Book 2 author – Zoey Ellis - Published March 20, 2018)

Crave to Claim (ASIN:B07BH29WQJ - Myth of Omega - Book 3 author Zoey Ellis - Published May 23, 2018)

We are in consultation with our attorney regarding this matter. We believe that Addison Cain's books' similarities with your titles go beyond what is permissible in writing in the fan world of "OmegaVerse." We believe that the plot similarities are so many and so striking that your works essentially follow an identical plot, with only point of view changed, and we believe that in court, we could persuade a judge of this.

We intend to defend our author's rights to the fullest extent permissible under American copyright law. However, before we proceed I wished to reach out directly to you and ask you to voluntarily remove the infringing material from sale, specifically Crave to Conquer, Crave to Capture, Crave to Claim. If you do so, you will keep all revenue

these titles have earned so far (at least on Amazon) and your Amazon account should not be impacted in any way.

We both know that Amazon is unpredictable, but if the books are removed from sale as a result of our legal action, you will almost certainly lose the revenue and your account may be shut down. The risks to you are great.

I believe you plagiarized Ms. Cain's titles. However, in order to prevent a costly legal battle, I will agree to this compromise.

Please contact me by noon Eastern Time on May 30, 2018 and let me know if you agree to my terms. If you do not, we will advise our attorney to move forward with all legal avenues open to us.

Bethany Burke
CEO - Blushing Books Publications

Exhibit 15

Law Office of
Margarita T.B. Coale, PLLC

May 29, 2018

Via Electronic Email

Sarah Ludlow McCurry
1324 Sycamore Square 202C
Midlothian, VA 23113
Phone: (804) 423-1382
Facsimile: (804) 423-1383

Blushing Books Publications
Allison (“Office Manager”)
977 Seminole Trail #233
Charlottesville, VA 22901

Fax number: 1-877-826-2310

Re: *Cease and Desist of filing of Copyright Violation Claims against Zoey Ellis and the Myth of Omega books.*

Dear Ms. Ludlow

Attached please find a copy of the letter sent to your client on May 17, 2018. Please note new contact information and service address. Please feel free to give me a call at your convenience.

Blushing Books Publications:

I have been engaged by Zoey Ellis to represent her in the Counter-Notice to your claims of copyright infringement filed about her and her books in various emails to vendors and providers:

- (1) “Crave to Conquer” (Myth of the Omega 1), published on or about January 18, 2018,
- (2) “Crave to Capture” (Myth of the Omega 2), published on or about March 20, 2018;
- and
- (3) “Crave to Claim” (Myth of the Omega 3), set for publication on or about May 23, 2018.

Attached hereto, as Exhibit 1, is the Counter-Notice filed with D2D, Kobo, iTunes and other vendors. Please be advised that you need to CEASE AND DESIST your persistent action, including but not limited to filing “false and misleading copyright violation claims” under the

01:11
Page 2

Copyright Act. We request that you stop such activities immediately as they are interfering significantly with Ms. Ellis's business and her ability to publish her books. In fact, your misleading and false claim filed with iTunes resulted in all of Ms. Ellis's books being taken down, including some for which you didn't provide any documentation. The loss of income and inconvenience to restore these accounts are actionable against you and your company pursuant to section 512(f) of the Copyright Act. Furthermore, any further harassment online or otherwise would also be actionable.

Please be advised that Ms. Ellis will pursue any legal remedies available to her against Blushing Books Publications if these activities continue. You risk incurring some very severe legal consequences if you fail to comply with this demand. This letter acts as your final warning to discontinue this unwanted conduct before we pursue legal action against you. At this time, we are not pursuing any formal legal action, as we hope we can resolve this matter without judicial involvement.

We are not under any circumstances, however, waiving any legal rights we presently have, or any future legal remedies against you by sending this letter. This letter acts as your notice to cease your activities before we exercise those rights. Please have your counsel contact me as soon as possible to discuss any questions.

Regards,

/s/ Margarita T.B. Coale

01:11
Page 3

Exhibit 1

[next page]

01:11
Page 4

I am writing in response to a complaint by Blushing Books of copyright violation by books published under the name Zoey Ellis – “Crave to Conquer” (Myth of the Omega 1), published on or about January 18, 2018, “Crave to Capture” (Myth of the Omega 2), published on or about March 20, 2018 and “Crave to Claim” (Myth of the Omega 3), set for publication on or about May 23, 2018. I have been retained by Quill Ink Books Limited and Ms. Zoey Ellis (a pen name) (hereinafter, Ms. Ellis) to represent their interests with regard to this matter.

The representations by Blushing Books are at best false and are at worst intentional misrepresentations and libelous slander. There are no violations of any copyright and all books should be restored for sale on your site.

First, some basic principles. Copyright is a form of protection provided by the laws of the United States to the authors of “original works of authorship” that are fixed in a tangible form of expression. An original work of authorship is a work that is independently created by a human author and possesses at least some minimal degree of creativity. Copyright *does not protect*: 1) ideas, procedures, methods, systems, processes, concepts, principles, or discoveries, or 2) titles, names, short phrases, and slogans. *See* WORKS NOT PROTECTED BY COPYRIGHT (United States Copyright Office Circular 33).

I have reviewed an email from Blushing Books in which it asserts similarities between works for which they hold a copyright and the works written by Ms. Ellis, which I presume is the reason you removed the books for sale on your site. The issues with this purported DMCA notice are as follows:

1. The assertions of similarities in story arc are simply incorrect, false and/or misleading on several points. Moreover, many of alleged similarities are simply part of the trope. For a more complete description of the trope, please see <https://fanlore.org/wiki/Alpha/Beta/Omega> and other sites. (As above noted an idea – such as a trope – cannot be copyrighted.)
2. The examples of purported text similarities in fact show that Ms. Ellis’ titles do not violate Blushing Books alleged copyrights. The examples of text in the complaint show no word-for-word copying of text. And the Blushing Books examples are taken out of context, with text both before and after the selected quotes being completely different. All of the examples do not support a copyright violation, and in fact subject Blushing Books to civil and criminal action under 512(f) of the Copyright Act.
3. The reviews cited by Blushing Books refer to “feelings” and “impressions” that the involved books are similar. Similarities in stories do not constitute a violation of copyright. (Example: EL James- 50 Shades of Grey and Sylvia Day – Crossfire series are very similar stories and there is no violation of copyright.) Further, these “reviews” are extremely dubious in light of evidence that Ms. Cain (Blushing Books’ author) has manipulated such reviews in the past. (Please see attached Exhibit A, posts by Ms. Cain on Facebook.)
4. Most incredibly, Blushing Books falsely quotes a third book, which is *not yet published* and thus cannot even have been reviewed by Blushing Books, much less to determine whether its alleged copyright was violated. Blushing Books attributes text to “Crave to Claim” that simply does not appear in that work.

01:11
Page 5

5. Furthermore, all claims and examples provided by Blushing Books are sourced from only one book by Ms. Ellis, *Crave to Conquer*, but were used as evidence to allege violations of three of Ms. Cain's books (one of Ms. Ellis's books which hasn't been published yet but was set for preorder). Upon information and belief these claims are misleading and a clear violation of the DMCA.
6. As to other allegations on the DMCA they are irrelevant and provide no legal basis for a take down notice.
7. As a result of this DMCA, Ms Ellis' other books; *Claimed By Power*, *Ruined By Power* and *Awakened by Power* have been removed from sale on the iTunes store, even though these were not included in the take down notice.

No intellectual property or copyright material of Blushing Books has been used in Ms. Ellis' books. As noted above, an idea nor a trope can be copyrighted. To be sure, each of these books involves a love story between a man and a woman, which ends happily in Ms. Ellis's books (due for publication May 23, 2018) but ends unhappily in Ms. Cain's third book. (Ms. Cain kills both main characters in *Reborn*). Ms. Ellis's books are set in an epic fantasy setting with magic, while Ms. Cain's books are set in a sci fi world with technology. Allegations of copyrights violations are unfounded and in fact all the plot lines and the characters in the *Myth of the Omega* were written by and belong to Ms. Ellis. Ms. Ellis has applied for copyrights subject to the Copyright Act and at no time has she been associated with Blushing Books. Moreover, the "Omegaverse" trope is an established sub-genre with multiple publications written under the genre, both before and after the Blushing Books works.¹

Ms. Ellis intends to pursue all avenues against Blushing Books for all misrepresentations in the false and misleading DMCA take-down notices and pursue penalties under Section 512(f) of the DMCA. The take down of these books so close to the publication of Ms. Ellis' third book is extremely suspicious and appears to be part of a campaign. If you enable Blushing Bookings' wrongful allegations by failing to reinstate Ms. Ellis' books, you potentially expose yourself to liability and damages.

Furthermore, subject to the DMCA, please take this communication as the Counter-Notice and be on notice that consistent with U.S. law, Ms. Ellis is obliged to make the statement: "I swear, under penalty of perjury, that I have a good-faith belief that the material was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled." Please be advised that this letter is such notice.

You can contact me at 214-213-5554 or margarita.coale@gmail.com or my client Zoey Ellis if you have any questions. And please contact me if you require an additional information or material you need to resolve this matter, aside of this counter-notice and the information you already have. This matter is of utmost importance and I appreciate you expediting the republication of these books as soon as possible.

¹ The Omegaverse trope has been clearly established as a fan fiction creation and has been used by many authors including Patricia Briggs. Omegas are rare, Alphas are the largest, Betas are the second in command. This universe doesn't belong to a particular author nor can any entity hold copyright of it. See, e.g., <http://the.omegaverse.tumblr.com/Rundown/> and many other sites that describe this trope.

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Page 6

Identified materials and locations:
Crave To Conquer: Apple ID 1321129224
Crave To Capture: Apple ID 1332200350
Crave To Claim: Apple ID 1360523538

Subject to the requirement to under Copyright law on Counter-Notices we agree that service can be made to Ms. Ellis's attorney and by her digital signature hereby attach Ms. Ellis gives consent of such service to the following place:

Law Office of Margarita T.B. Coale
3419 Westminister Suite 298
Dallas, Texas 75205

Ms. Ellis also gives consent to the jurisdiction of a U.S. Federal Court in the federal district where Apple iTunes is located.

Digitally Signed By:
Zoey Ellis
May 29, 2018

Margarita T.B. Coale
May 29, 2018

01:11
Page 7

Exhibit A



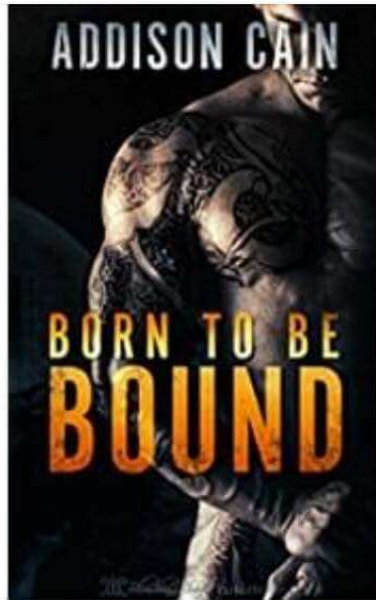
Addison Cain shared a link.



Admin · February 21

Anyone in the mood to upvote some 5 stars and down vote some 1 stars?

<https://www.amazon.com/Born-Bound-Alphas-Claim-Book-ebook/dp/B01E1HQ570>



★★★★★ (313 Reviews)

AMAZON.COM

Born to be Bound (Alpha's Claim Book 1)

Surrender is not survival. Claire is desperate. Her once thriving city lies in ruins. The str...

39

67 Comments

Like

Comment

01:11
Page 8



01:11
Page 9

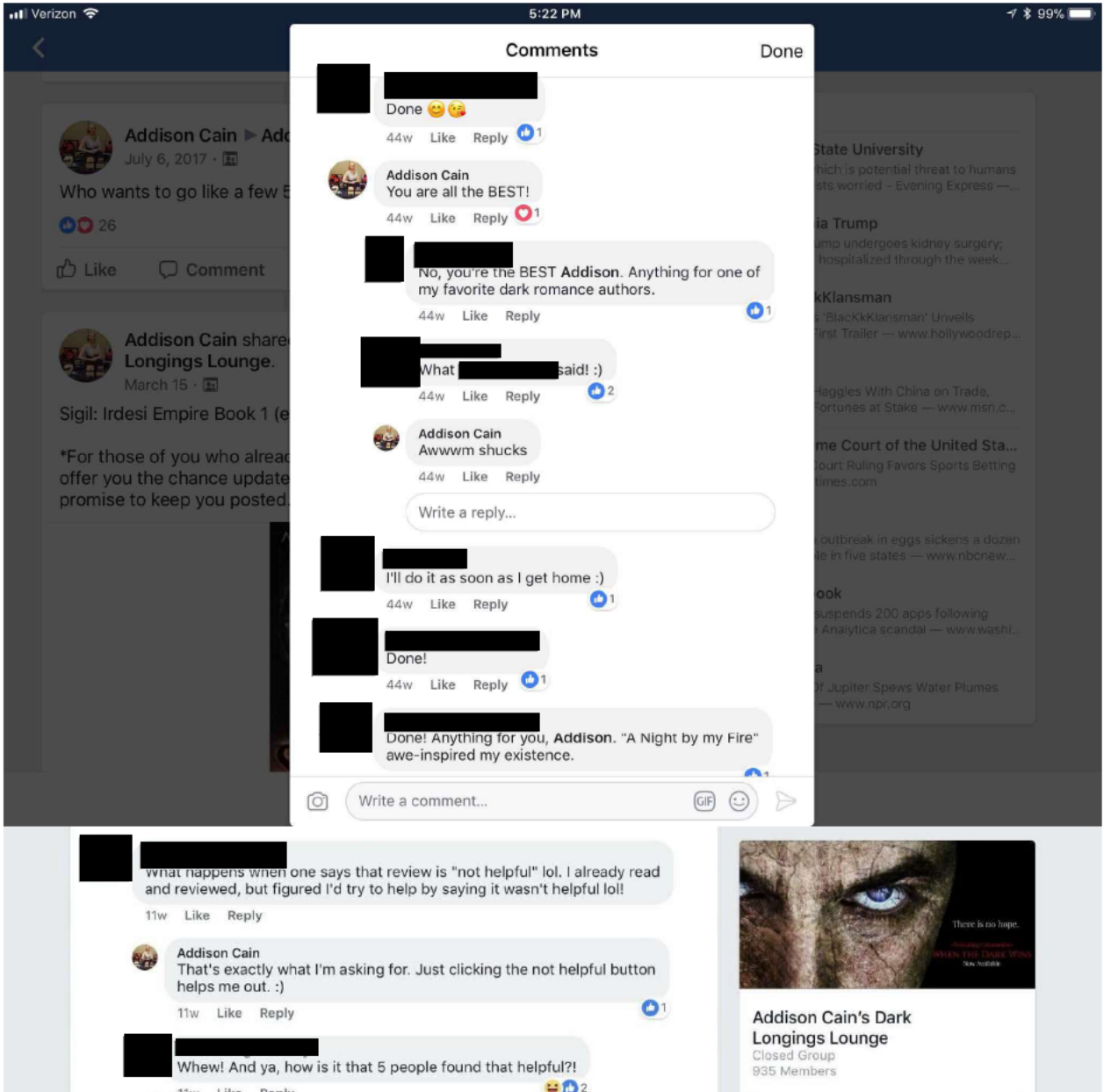


Exhibit 16



Addison Cain

@AddisonICain

Home

Posts

Photos

About

Community

Events

Groups

Info and ads

Create a Page



Like Follow Share ...



Addison Cain

27 March 2016 · 🌐

Just so you don't believe her hype. I have tried to be lighthearted about this but it has been a nightmare. I finally posted a response to the plagiarism of BTBB by TheDragonsMaiden' in her story To Mate an Omega. This was my post which was taken down within 30 minutes. After the post will be her response:

"I've done my best to ignore this mess from day one. Usually things like this blow over, so I just waited it out and refuse to engage with drama. We'll get to the issue of whether or not this story was plagiarized in a moment, but first I want to discuss facts.

Fact one: TheDragonsMaiden posted in the comments on her first chapter that she had never heard of me or of BTBB on the date of 3/4/16. She then claimed to have been directed to my story on another site, reading BTBB to completion to assure herself and her readers that she had not in any way plagiarized my manuscript. This is impossible. My story has been removed from every website since 2/15/2016 because it is getting published.

Literotica takes a bit longer to remove a story after the request is made, so it was removed a few days later. There is no way she could have read it when she claimed she did.

Fact two: I received an unsolicited email from her on 3/24/16 which I will post here:

-Hello.

I'm the one writing To Mate an Omega.

I just wanted to let you know that I am in no way copying your story. My story is actually just a bunch of short stories I've written over the past few years that I am finally stinging together to make an actual story. I didn't even read BTBB until after I had written most of my story. Someone was nice enough to send me the link to the story on another site before it was taken down.

I will admit that there are some similarities, but I honestly believe that they don't go beyond common Lycan traits or actual wolf behavior. EX: One of the things pointed out was the den vs nest. Real wolves den, and both the male and female assist in it's creation. Another was the vitamin. I was an army medic. I saw MANY soldiers and Iraqis with vitamin deficiencies. I take vitamins, my kids take vitamins, if I would supply vitamins for the world I would. lol. As for Omega heat, Mating bite, increased sense of smell and speed, those are all common Lycan traits.

Having read your whole BTBB, I can promise you that beyond the common

Write



Com



About



Relate





Addison Cain
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Posts

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would. for. He for Omega heat, making site, increased sense of smell and speed, those are all common Lycan traits.

Having read your whole BTBB, I can promise you that beyond the common themes in any government take over and Lycan stories, there are very few similarities. I think 2 chapters, one of which is under 3 thousand words and the second of which is mainly a sex scene, and honestly a few may have seen chapter 3 before it was taken down for "plagiarism") is a little soon to be screaming "plagiarism". For instance, BTBB your female is kept secluded, where as my main theme is Daddy Dom with constant contact.

This isn't meant to sound snide, so please don't take it that way, but I am not going to stop writing because I know 100% that I am not copying you.

But, to the main reason I am messaging you. If I keep getting rude and THREATENING messages from your readers I will start reporting them. I woke up to several this morning. I sincerely hope you aren't encouraging that kind of behavior, but if I find out you are I will feel it necessary report you as well.

If you would like to discuss this farther, feel free to email me at (Email removed to protect her privacy)-

My point in showing you this is that It is absolutely impossible that TheDragonsMaiden could have read it Born to be Bred at this time. This means she was dishonest. Whether or not she's read the story before writing hers or fibbed about reading the story afterward, she lied. This is one of many lies.

I did not respond to this email.

Reading her comments posted here, how she's playing to you for sympathy as if she attacked, is the reason I am writing this. Making claims that she's been threatened are very serious charges. So, I'd like to see proof. I don't believe that she's had people say anything beyond the fact that they think she stole my work. TheDragonsMaiden changes her stories to suit her audience and plays a victim for the purpose of garnering attention. I am not going to analyze her every comment or do more than touch on the fact that posting links to websites about wolves does not means her writing is original, it just means she was trying to cover her ass. Anyone could have googled that in five minutes and put links up. I am not even going to tell you that she plagiarized my work. I am going to let you decide that for yourself. Because my work is copyrighted, and because there are Digital Media Copyright Act laws set to protect writers (and massive fines for breaking them), and publishers I have to answer to, I had to make a list of anything that could be construed as plagiarism. I am going to attach that list here; you can read it and decide for yourself.

Key facts of her plot are practically identical to mine - an Alpha storms a city's government headquarters hanging all his political enemies (she calls them counselors, I called them senators). Arik's soldiers are called

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Page



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Posts

Photos

About

Community

Events

Groups

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Key facts of her plot are practically identical to mine - an Alpha storms a city's government headquarters hanging all his political enemies (she calls them counselors, I called them senators). Arik's soldiers are called Followers, just like in my story. The Alpha comes across an Omega in heat. He goes into a rut and makes her choose being mated by him or being raped by everyone else.

Here are examples of sentence by sentence/scene for scene parallels. Passages from the first two chapters of my book will be labeled BTBB. TheDragonsMaiden's will be labeled TMO:

1. BTBB: "Either you submit willingly to me where I will rut you through your heat, or you may leave out that door where my men will, no doubt, mount you in the halls once they smell you."

TMO: "You've two choices, little girl. I will transport you to my home, where I will tend your needs and see you through this heat. Or," The smirk turned dangerous, "I will leave you here, with that door wide open. When heat hits you, your scent will saturate this entire area and every Alpha within miles will flock here to mount and fuck you into oblivion. You will be harmed and possibly killed."

2. BTBB: There was something so infinitely soothing in that low rumble that she sighed audibly and did not bolt at his slow, measured approach.

TMO: The simple gesture was infinitely soothing, more so than anything else she could remember.

3. BTBB: A rending of fabric preceded cool air over fevered skin.

TMO: The next thing she was able to process was cool air on her flushed skin.

4. BTBB: No, she wanted the thing that was supposed to happen. He was supposed to be fucking her. Why was he waiting? - Every part of her was screaming out that he should be stroking her and easing the need. THAT IT WAS HIS JOB!

TMO: She was in heat. He was supposed to be fucking her! It was the natural order of the hierarchy. Why wasn't he?

5. BTBB: Claire felt every single muscle in her pussy jump to life, saw his eyes grow vicious and feral, felt his knot expand as he ground in, hooking behind her pelvic bone, locking them as deep as he could go.

TMO: He thrust forward, burying his cock as deep as he was able, allowing his knot to grow and anchor behind her pelvic bone.

6. BTBB: The instant the knot began to diminish she registered the loss of precious fluid, felt his seed leaking out of her, and whined. As if knowing her thoughts, Shepherd dragged his fingers in the little river and brought his ejaculate to her mouth. The smell alone drove her wild, the taste a thousand times more.

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thoughts, Shepherd dragged his fingers in the little river and brought his ejaculate to her mouth. The smell alone drove her wild, the taste a thousand times more.

TMO: It was while she was in that dreamlike state that Arik's knot began to ease and precious fluid began to drip from her body. Without even opening her eyes, Morgyn snarled her displeasure at the loss when his flaccid cock slid out of her still needy body. Arik brought his fingers to the plump lips that were coated in both of their juices, allowed them to glide through such a perfect concoction. He watched the little female's eyelids flutter as he brought them to her mouth.

7. BTBB: Sharp teeth came to her shoulder, Shepherd's knot growing bulbous until the Alpha could no longer thrust and she could not squirm away. She screamed in pain and pleasure, sobbing as his teeth ripped into her skin, Shepherd growling long and low with her flesh torn from his bite.

TMO: Without warning, his teeth clamped down on the sensitive flesh at the crook of her neck. He growled savagely in satisfaction when he felt his teeth pierce flesh and the exquisite taste of her blood flow into his mouth, over his tongue.

8. BTBB: She was sleeping, nesting deep into the blankets covered in his semen and her slick - blissed out. Toying with a strand of her sooty black hair, Shepherd mulled over just what to do with what was now his possession, impressed that the little female was plucky enough to dress in corpse's clothes and parade into a pack of Alphas just to speak to him. (The following excerpt is from chapter 3) Naked and so covered in Shepherd's semen it was caked in her hair, Claire looked shattered. In the hazy, blissful high of their frenzy, he'd fed it to her, rubbed it into her skin - saturated her inside and out with that viscous liquid. If Shepherd had not spent so much time running his fingers through her hair, she was certain it would have been a matted mess.

TMO: He stroked her hair back, fingers untangling it the best he was able with sweat and semen coating the thick mass. Days' worth of semen and cream coated her skin where his hands had massaged it into her skin, slid it through her hair, in his desire for her to be so marked as his. Every inch of her body was covered. He had no idea how much she had swallowed as he pressed it between her lips and she'd sucked his fingers clean.

9. BTBB: Silver eyes ran over the lithe dancer's body she possessed, the Alpha growling at the obvious fact his Omega was underfed. It was getting him into such a mood that when a knock came to the door, Shepherd covetously grabbed what was his and roared.

TMO: He wondered when the last time she'd had a proper meal was. She was small, her hips poking gently from beneath her skin, showing that she was underweight, even if just slightly. He snarled in anger. It had been done purposely. Omega's did not conceive if they were unhealthy, and she was



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Posts

Photos

About

Community

Events

Groups

Info and ads

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arrangement she had woken up in.

TMO: Everything on the bed, including the man and woman on it, was crusted with a mixture of bodily fluids, tinting the black bedding a sickly looking grey.

14. BTBB: Claire would also be sore now that estrous had ended and her mind was not clouded with the insatiable drive to mate. He was certain she would also be resentful of the binding he'd forced. But that was the lot for Omegas, the way of nature. He wanted her, he took. End of story.

TMO: His little Omega would be lethargic for a day or two, having had no more sleep than a few short naps throughout her estrus.

15. BTBB: Sitting like an overgrown hulk at the small desk, Shepherd accessed his COMscreen and ignored her.

TMO: A desk held an InfoScreen

Finally I want to say, that I do not own the concept of Omegaverse and I enjoy reading stories in that genre. Omegaverse is also not lycan/werewolf stories. Shifter stories are different and follow their own meta – and I also love reading them. If any of you want to write an Omegaverse story, please do! I'd read it, comment on it, and encourage you, so long as it's your own original thought and not an unauthorized derivative of an author's original work being passed off as another's individual work. I also grasp that erotica is a genre with established tropes, and dystopian non-con is a subgenre with even more familiar tropes, so there's bound to be some crossover.

I have one last point I want to make. I have not EVER stirred up my fans against another writer. In fact, this was becoming such a bother that I posted this on FB in response to TheDragonsMaiden's claims she was being harassed:

-I've been getting a lot of emails and PM's from Lit readers regarding a story they feel was plagiarized from Born to be Bred. I am aware of the situation and I love you for reaching out to me with your concerns. Yes, the story is similar; imitation is the sincerest form of flattery after all, so I don't want to stir up trouble. That's why I intend to focus my energy on fun, happy things instead - like working on a new story that takes place in the BTBB universe under Bernard Dome. I'm also about to submit Dark Side of the Sun into a contest. Wish me luck!

I know a lot of you are my readers, and you know I love you. I also trust your judgment. Do I believe she plagiarized my story. Yes. Do I expect everyone to agree with me. No. The DMCA will be the final judge of the matter. I just had to say my piece and I know you can respect that."

HER RESPONSE was to shut down all comments and write this:

"Sorry.

Due to the number of comments that are either borderline threatening

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HER RESPONSE was to shut down all comments and write this:
"Sorry.

Due to the number of comments that are either borderline threatening (you're going to regret / be sorry etc) or outright threatening (a threat to trace my IP and MAKE me stop writing) it was recommended to me that I remove my work.

Because some of those threats also went to the FB I made, it was recommended that I delete that too. I will keep adding chapters to my other story unless it becomes necessary for me to delete this account all together. I hope that doesn't happen.

As it stands right now, I have filed a police report due to the harassment."
People like this believe their own lies. Her story is being taken down for plagiarism plain and simple.

31
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