

Gregory D. Phillips (USBN 4645)
Jared L. Cherry (USBN 11534)
Phillips Winchester
4001 South 700 East, Suite 500
Salt Lake City, Utah 84107
Tel: (801) 935-4932
gdp@phillipswinchester.com
jlc@phillipswinchester.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

MEDICAL PRIORITY
CONSULTANTS, INC. dba
PRIORITY DISPATCH CORP., a Utah
corporation,

Plaintiff,

vs.

RADIOREFERENCE.COM, LLC, a
Texas limited liability company, and
LINDSAY BLANTON, an individual,

Defendants.

Complaint

Case No. 2:22-cv-00594-CMR

Judge: Cecilia M. Romero

Plaintiff Medical Priority Consultants Inc. dba Priority Dispatch Corp.
("Priority Dispatch" or "Plaintiff") hereby complains against defendants
Radioreference.com, LLC ("Radioreference") and Lindsay Blanton ("Blanton")
(collectively "Defendants"), and for its causes of action alleges as follows:

NATURE AND SUBSTANCE OF THE ACTION

1. Priority Dispatch files this complaint against Defendants for copyright infringement of Priority Dispatch's registered copyrights for its protocol systems licensed to emergency dispatch centers and Public Safety Answering Points ("PSAP") throughout the world. The protocols include, among other things, key questions, pre-arrival instructions, post-dispatch instructions, determinant codes and descriptors, and emergency dispatch codes for three disciplines: Medical, Fire, and Police.

2. Without previously notifying or receiving authorization from Priority Dispatch, Defendants have copied and posted these protocol systems on its website *radioreference.com* where Defendants sell paid subscriptions to over 7,000 audio streams from public safety, rail, and marine audio transmissions. Priority Dispatch seeks statutory damages, an injunction, recovery of its attorneys' fees and costs, and other appropriate relief.

JURISDICTION AND VENUE

3. This action involves infringement of United States Copyright Registration Nos. TX0008333136, TX0007934163, and TX0008333140 (the "Copyright Registrations").

4. This Court has subject matter jurisdiction over the claims relating to the Copyright Act (17 U.S.C. §§ 101, 501) pursuant to 28 U.S.C. § 1331 (federal subject matter jurisdiction) and 28 U.S.C. §1338(a) (any act of Congress relating to copyrights, patents and trademarks).

5. This action arises out of wrongful acts committed by Defendants that are intentionally targeted at Priority Dispatch in this District such as marketing and selling paid subscriptions on interactive websites to citizens of the State of Utah where Priority Dispatch's copyrights are being infringed, and that subject Defendants to personal jurisdiction here.

6. Defendants operate interactive websites, namely *radioreference.com* and *broadcastify.com* (the "Websites") that are available to residents of the State of Utah.

7. The Websites allow users to purchase "premium" subscriptions and to complete transactions entirely online. The Websites accept payment using credit cards, PayPal, and cryptocurrency, as shown in the following screen capture.

The screenshot shows the RadioReference.com website header with the logo and tagline "Your Complete Reference Source". A hamburger menu icon is visible in the top right. Below the header is a payment section with a total of \$30.00. It features logos for MasterCard, VISA, American Express, and DISCOVER. The form includes a "Credit card number" field with the value "4111 1111 1111 1111", "Expiration" and "CVV" fields with values "MM / YY" and "123" respectively, and a "Cardholder Name" field with the placeholder "Name as it appears on your card". A prominent blue "Pay with Card" button is centered below the form. Underneath, the "Additional Payment Methods" section displays logos for PayPal and Coinbase.

8. *Radioreference.com* boasts 1,676,537 registered users, as shown in the following screen capture.

RadioReference.com - Scanner Fr x +

radioreference.com

ASIRDBOTH (LOGOUT) · MOBILE · PREMIUM

RadioReference.com
Your Complete Reference Source

WOW!
The All-New Uniden SDS200 Scanner
SCANNER MASTER
Order Now!

Home Databases Live Audio Forums Wiki Classifieds Submit Info About

Welcome to Radio Reference

RadioReference.com is the world's largest radio communications data provider, featuring a complete frequency database, trunked radio system information, and FCC license data.

Registration and access is free, and advanced features are available to Premium Subscribers of the site.

Click Here to register for a free account to get started.

Statistics

Registered Users: 1,676,537

Live Audio Feeds Online: 7,232

Live Audio Listeners: 48,549

Top Feed: Franklin County Fire Operations (408 Listeners)

Reference Database Discussion Forums Wiki Reference Live Audio

News and Announcements

22 Aug 2022 The Scanner Guys LIVE: Wednesday August 24: Scanner Programming Tips & Tricks 2022

19 Aug 2022 RadioReference Web Host Receives DCMA Takedown Notice from Priority Dispatch Corp

08 Aug 2022 The Scanner Guys LIVE - Unusual Uses for Scanners

04 Aug 2022 Palo Alto, CA Police Department Reverses Decision to Encrypt General Routine Dispatch Communications

Featured Item

Uniden Bearcat SDS200 Police Scanner

The All New Revolutionary Scanner

9. *Radioreference.com* also boasts that it has 47,923 premium subscribers.

The screenshot displays the RadioReference.com Premium Subscription Pricing page. At the top, the website logo and navigation menu are visible. The main heading is "Premium Subscription Pricing" with a subtext "Join 47,923 current premium subscribers". Below this, there are logos for payment methods: PayPal, MasterCard, VISA, and Discover. Three subscription cards are presented side-by-side:

180 Days Premium	360 Days Premium	720 Days Premium
\$15	\$30	\$60
180 days of premium access	360 days of premium access Most Popular	720 days of premium access
Get Started	Get Started	Get Started

10. On information and belief, a substantial number of the 1,676,537 registered users of *RadioReference.com* are residents of the State of Utah.

11. On information and belief, a substantial number of the 47,923 premium subscribers to *RadioReference.com* are residents of the State of Utah.

12. Venue is proper in this judicial district under 28 U.S.C. § 1391.

THE PARTIES

13. Priority Dispatch is, and at all times herein mentioned was, a corporation organized and existing under the laws of the State of Utah, with its principal place of business at 110 South Regent Street, Suite 500, Salt Lake City, UT 84111.

14. Defendant Radioreference.com is a Texas limited liability company. The address identified as Radioreference.com's principal place of business at 1150 N Loop 1604 W STE 108, San Antonio, TX 78248-4504. This location is a UPS Store.

15. Defendant Lindsay Blanton resides in Shavano Park Texas, and is the owner, founder, and CEO of defendant Radioreference.com. Blanton is actively participating in the ongoing infringement of Priority Dispatch's Copyright Registrations.

16. Defendant Blanton is personally liable for the ongoing infringement of Priority Dispatch's Copyright Registrations because "corporate officers and limited liability members who participate in a corporation's tortious acts are personally liable" for such acts under Utah law. *Armed Forces Ins. Exch. v. Harrison*, 2003 UT 14, ¶20, 70 P.3d 35.

FACTS COMMON TO ALL CLAIMS

Priority Dispatch's Intellectual Property

17. Priority Dispatch is the exclusive world-wide proprietor of the Priority Dispatch System (“PDS[®]”) for emergency disciplines. The PDS[®] is an emergency protocol system licensed to emergency dispatch centers and Public Safety Answering Points (“PSAP”) throughout the world. The PDS[®] includes, among other things, key questions, pre-arrival instructions, post-dispatch instructions, determinant codes and descriptors, and emergency dispatch codes for three disciplines: Medical, Fire, and Police. Priority Dispatch’s products and services include its software solutions such as its flagship products ProQA[®] and AQUA[®], as well as training, certification, continuing education and re-certification, and quality assurance review, among other technical assistance.

18. The PDS and Priority Dispatch’s solutions are currently in use in over 4,000 PSAPs, in 59 countries, and is available in 28 languages. Licensed users of the PDS[®] include the entire countries of Australia, Bahrain, Canada, Georgia, Ireland, Lithuania, Malaysia, New Zealand, Qatar, and Saudi Arabia; the United States Department of Defense; the United States National Park Service; the National Aeronautics and Space Administration (“NASA”) space flight programs

at Cape Canaveral; the States of Delaware, Maine, Maryland, New Hampshire, and Rhode Island; universities such as Massachusetts Institute of Technology (“MIT”) and California Institute of Technology (“Cal Tech”); and over 60 cities in China.

19. The Medical Priority Dispatch System (“MPDS[®]”) is the original and most advanced emergency call-taking system in the world. It allows emergency communication centers to eliminate the impractical and dangerous practice of freelance call-taking. The structured approach guides call takers to quickly gather the right information, dispatch the right help, and when necessary, provide lifesaving support. The MPDS[®] is protected by copyright and fourteen United States, Canadian, or other international patents. There are approximately 25 additional patents pending worldwide. Only authorized and properly licensed users may use or have access to the MPDS[®].

20. The Fire Priority Dispatch System (“FPDS[®]”) the most comprehensive, up-to-date Fire/Rescue Protocols, pre-arrival and post-dispatch instructions in the world. The Police Priority Dispatch System (“PPDS[®]”) is the leading structured police call-taking system of protocols and instructions, designed to assist emergency dispatchers gathering and relaying additional critical

information to law enforcement personnel to increase officer, victim, and bystander safety.

21. Priority Dispatch has invested tremendous effort and expense in creating and developing the PDS[®] systems described above.

Defendants' Violations of Priority Dispatch's Intellectual Property Rights

22. Defendants operate various websites including *radioreference.com* and *broadcastify.com* where Defendants sell paid subscriptions to over 7,000 audio streams from public safety, rail, and marine audio transmissions. At these websites, Defendants post for its subscribers Priority Dispatch's copyrighted protocol systems and their determinant levels, codes, and descriptors.

23. Priority Dispatch's copyrighted protocol systems and their determinant levels, codes, and descriptors are intended for use by various licensed and trained governmental PSAP's for medical, police, and fire emergencies. For example, when one calls 9-1-1 for a medical, police, or fire emergency, the dispatcher has been trained to properly use Priority Dispatch's copyrighted content.

24. Use of Priority Dispatch's copyrighted systems by untrained users causes significant and substantial safety concerns to the emergency responders

(firemen, EMDs, and police officers), bystanders, the victims undergoing the emergency, and the general public.

25. Dissemination of Priority Dispatch's copyrighted materials also undermines the marketability of such materials.

26. Priority Dispatch has sent a Takedown Notice pursuant to § 202 of the Digital Millennium Copyright Act of 1998 (the "DMCA"), *17 U.S.C. § 512 (c)(1)(3)*, to the Internet Service Providers for Defendants' websites.

27. Defendants have sent a counter notice falsely claiming that Defendant's dissemination of Priority Dispatch's copyrighted materials does not infringe Priority Dispatch's copyrights.

28. Defendants' Internet Service Providers have refused to takedown the copyrighted material based on Defendants' assertions made in the counter notice.

FIRST CLAIM FOR RELIEF

(Copyright Infringement under 17 U.S.C. §§ 101 et seq.)

29. The allegations set forth above are incorporated herein by this reference.

30. Defendants continue to make the copyrighted protocols available on their websites in spite of their knowledge of Priority Dispatch's copyrights.

31. Defendants' actions constitute willful violations of Priority Dispatch's copyrights.

32. Unless Defendants are enjoined, they will continue to infringe Priority Dispatch's copyrights and reduce their marketability and value.

33. Defendants' actions reduce the market for undermines Priority Dispatch's copyrighted materials.

34. As a direct result of such copyright infringement, Priority Dispatch has sustained, and will continue to sustain, substantial and irreparable injury, loss, and damages in an amount to be proven at trial.

Prayer for Relief

WHEREFORE, Priority Dispatch prays for judgment against Defendants as follows:

1. For an order awarding Priority Dispatch damages for each of Priority Dispatch's copyrighted works infringed by Defendants and an increased award of statutory damages of \$150,000 for each copyrighted work for willful infringement pursuant to 17 U.S.C. § 504.

2. For an order that Priority Dispatch recover the costs of this action together with reasonable attorneys' fees, investigators' fees, and pre-judgment interest pursuant to 17 U.S.C. § 505.

3. For an order requiring Defendants to file with the Court and provide to Priority Dispatch an equitable accounting and disgorgement of all revenues and/or profits wrongfully realized by Defendants.

4. For an order enjoining any future violations of Priority Dispatch's rights in the Copyright Registrations.

5. For an order directing that this court retain jurisdiction of this action for the purpose of enabling Priority Dispatch to apply to the Court at any time for such further orders and interpretation or execution of any order entered in this action, for the modification of any such order, for the enforcement or compliance therewith, and for the punishment of any violations thereof.

6. For such other and further relief as the Court may deem just and proper.

Dated: September 12, 2022

Respectfully submitted,

GREGORY D. PHILLIPS
JARED L. CHERRY
PHILLIPS WINCHESTER

By: /s/ Gregory D. Phillips
Attorneys for Plaintiff

Plaintiff's Address:

110 Regent St
Salt Lake City, UT 84111