

# **EXHIBIT A**

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16 Attorneys for Defendant eBay Inc.

17 UNITED STATES DISTRICT COURT  
18 CENTRAL DISTRICT OF CALIFORNIA  
19 WESTERN DIVISION

20 GIBSON GUITAR CORP., a Delaware  
21 corporation,

22 Plaintiff,

23 v.

24 WOWWEE USA, INC., ET AL.

25 Defendants.

No. 2:10-cv-08884-RGK (RZx)

**DECLARATION OF KAI CURTIS  
IN SUPPORT OF OPPOSITION  
TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION  
BY DEFENDANT EBAY, INC.**

Judge: Hon. R. Gary Klausner  
Courtroom: 850

1 **DECLARATION OF KAI CURTIS**

2 I, Kai Curtis, declare:

3 1. I have been employed by eBay Inc. (“eBay”) for approximately eleven  
4 years and currently serve as Program Manager - VeRO Program. I am well-versed  
5 in eBay’s Verified Rights Owner (“VeRO”) Program and, for over nine years, I  
6 have helped to manage it. I have extensive experience in responding to claims of  
7 intellectual property infringement on behalf of eBay and do so on a daily basis.

8 **eBay’s Business**

9 2. eBay, which has become one of the most highly-regarded companies  
10 in the world, provides an online marketplace where roughly 93 million active users  
11 offer for sale and purchase hundreds of millions of items across tens of thousands  
12 of categories. Hundreds of thousands of sellers in the United States use eBay as a  
13 significant source of income or to help support their small businesses.

14 3. eBay itself is not a retailer. It does not sell merchandise and never  
15 offers any items for sale. The electronic listings on eBay are created and posted by  
16 third-party users of eBay’s service. It is those users that sell the merchandise listed  
17 on eBay.

18 4. At no point does eBay take ownership, possession, custody, or control  
19 of items sold over its site. Accordingly, eBay cannot and does not inspect or  
20 examine any item offered for sale by a third party on its site. Moreover, eBay lacks  
21 the expertise -- and has very limited means -- to determine whether or not items  
22 offered for sale on its site are authentic. It simply is not feasible for eBay to  
23 become an expert in each of the hundreds of millions of products, trademarks,  
24 copyrights, patents, publicity rights, licenses, and pricing structures of the  
25 numerous rights owners whose items are listed for sale on eBay.

26 5. When posting items for sale on eBay, subject to eBay policies, a seller  
27 is solely responsible for creating the title and description of the items being sold  
28 and choosing the appropriate category in which to list the items. In addition, the

1 seller is solely responsible for setting the parameters and conditions for the sale,  
2 such as the minimum acceptable bid and the duration of the listing. eBay does not  
3 create, approve, or edit the content or any title or description provided by the seller,  
4 though it will remove certain listings that violate eBay policies.

5 6. While anyone can browse listings on eBay, a user must register before  
6 buying or selling. Registration for eBay is free. During the registration process,  
7 users are required to provide eBay with personally identifying information,  
8 including their name, address, telephone number, and email address. Users also  
9 must agree to the terms of the eBay User Agreement. By accepting the terms of  
10 the User Agreement, sellers agree, among other things, that their listings will not  
11 violate any laws and will not infringe any third party's rights, including intellectual  
12 property rights. The User Agreement alerts sellers about the consequences of  
13 engaging in fraudulent activity on the site, including the removal of listings from  
14 the site, alerting other eBay users of the seller's actions, issuing a warning,  
15 suspending the seller, and terminating the seller's membership. In addition, the  
16 User Agreement provides information about eBay's VeRO Program.

17 7. Sellers have several options for selling items on eBay. First, sellers  
18 choose the appropriate category for their listed item. In addition, sellers, subject to  
19 certain restrictions, may list an item for sale on the site at a fixed price, in an  
20 auction-style listing, or through the "Buy It Now" option. For most posted listings,  
21 sellers pay an initial insertion fee plus a final value fee based upon the final price  
22 for the item. Sellers may opt for additional features to differentiate their listings,  
23 such as borders or bold face type, for additional fees.

24 8. When a listing ends successfully, eBay automatically sends the buyer  
25 and seller an email identifying each to the other. It is then up to the buyer and the  
26 seller to consummate the transaction on their own terms, and if ultimately sold, the  
27 item passes directly from the seller to the buyer without eBay's assistance. eBay is  
28 not involved in the final exchange of the item between the buyer and seller.

**eBay's VeRO Program**

1  
2 9. eBay is committed to protecting the intellectual property rights of  
3 third parties and to providing its users with a safe place to trade. Acting both in its  
4 business interests and respectful of its legal obligations, more than a decade ago,  
5 eBay established a set of procedures, now known as the VeRO Program, to address  
6 listings offering potentially infringing items posted on the eBay website. eBay  
7 created the VeRO Program to enable intellectual property rights owners to report  
8 listings of merchandise that potentially infringe their rights and request removal of  
9 such listings from eBay's site.

10 10. The core of the VeRO Program is a "notice-and-takedown" system  
11 that embodies eBay's view as to the appropriate respective roles to be played by  
12 intellectual property rights owners on the one hand and eBay on the other in  
13 rooting out infringements by third parties. Through the VeRO Program, rights  
14 owners, who are legally responsible for policing potential infringements of their  
15 right's and are most knowledgeable about the products they sell, can request that  
16 eBay remove listings that the rights owners claim, under penalty of perjury and  
17 based upon good-faith belief, offer an item or contain material that infringes their  
18 intellectual property rights. These rights include trademark, copyright, and other  
19 legal rights.

20 11. Underlying the creation of the VeRO Program was eBay's desire to  
21 encourage rights owners to report instances of potentially infringing listings; eBay,  
22 in turn, was committing itself to developing a more efficient process for responding  
23 to such notifications and specifically to take down reported listings. Several  
24 thousand rights owners, ranging from Fortune 500 companies to industry trade  
25 associations to small businesses, currently participate in the VeRO Program.

26 12. eBay has created a simple reporting form, known as a Notice of  
27 Claimed Infringement ("NOCI"), by which rights owners can report challenged  
28 listings to eBay. The NOCI is designed both to enable eBay to correctly identify

1 the listing to be removed and to ensure that the rights owner reporting the listed  
2 item is authorized to do so. Rights owners are deemed to be participants in the  
3 VeRO Program simply by submitting a NOCI; they are not required to separately  
4 sign up or register to participate in the program. To facilitate reporting of  
5 potentially infringing items, rights owners may submit a NOCI in several ways,  
6 including via email, facsimile, and letter.

7 13. In a further effort to promote efficiency in reporting potential  
8 infringements and responding to those reports, eBay developed a software tool  
9 called the VeRO Reporting Tool, which enables rights owners to report listings  
10 directly through the eBay website. The VeRO Reporting Tool causes a "Report  
11 Listing" button to appear on every listing. In order to report a listing to eBay, the  
12 rights Owner clicks the "Report Listing" button, selects the most appropriate  
13 "reason" for the claimed infringement from a list of choices and clicks "Send  
14 Report." The report is transmitted electronically to eBay's VeRO team for  
15 response.

16 14. eBay employs customer service representatives ("CSRs") to cover the  
17 range of activities encompassed in its Trust and Safety operations (certain other  
18 aspects of which I discuss below). A number of these CSRs are deployed to  
19 respond to the NOCIs received from rights owners. On receipt of a NOCI (sent by  
20 any means), CSRs, after verifying that the NOCI contains all of the required  
21 information and has indicia of accuracy, remove the challenged listing and send an  
22 email to the seller and all bidders notifying them of the action taken. Listings are  
23 removed expeditiously upon a NOCI having been submitted.

24 15. eBay generally refunds to the seller any fees that may have been  
25 associated with a listing that is removed, directs the seller to eBay's relevant  
26 policies or guidelines, and warns the seller that re-listing the same or similar item  
27 could result in further measures by eBay, including suspension. eBay has no desire  
28 to profit from listings that offer counterfeit items. The health of the eBay brand

1 depends upon the trust generated from positive user experiences, and listings for  
2 counterfeit items destroy that trust.

3 16. eBay provides information about the operation of the VeRO Program  
4 on the eBay website, which contains numerous links to eBay webpages pertaining  
5 to intellectual property issues.

6 17. Gibson has made use of the VeRO Program since at least February  
7 2004. Over the past fourteen months, Gibson has reported to eBay approximately  
8 500 listings. I am not aware of any of these reports relating to Paper Jamz items.  
9 In addition, based on a preliminary review of eBay's records over the past fourteen  
10 months, I am not aware of any failures by eBay to remove reported items or any  
11 other concerns by Gibson regarding the operation and efficacy of the VeRO  
12 program.

13 **Additional eBay Anti-Fraud/Anti-Infringement Measures**

14 18. The VeRO Program is designed to fulfill -- indeed, exceed -- eBay's  
15 legal requirements in relation to listings of potentially infringing items.  
16 Nonetheless, eBay has implemented significant other proactive initiatives to  
17 minimize incidences of infringement and to promote a safe and positive trading  
18 environment on its site. These additional activities supplement in important ways  
19 the anti-counterfeiting measures embodied in the VeRO Program. Indeed, they  
20 serve the added benefit of thwarting potential infringing activity at an even earlier  
21 point in time than do the notice-and-takedown procedures embodied in the VeRO  
22 Program.

23 **eBay's Fraud Engine**

24 19. While it is my understanding that eBay has no affirmative duty to  
25 monitor its website for infringing activity, eBay also has recognized that to  
26 maximize user satisfaction and trust in the site, it has an interest in doing what it  
27 practically can in this regard. Accordingly, eBay has taken various steps over the  
28 years to contain infringements by means of proactive monitoring of listings on its

1 site. That monitoring has been undertaken within the limits of the nature of eBay's  
2 business model and technical feasibility, including the reality that eBay's  
3 monitoring efforts occur in a "real time" environment involving hundreds of  
4 millions of listings.

5 20. eBay currently uses a fraud engine that consists of rules and complex  
6 models that automatically search for activity that violates eBay policies. The fraud  
7 engine is designed in part to capture listings that contain indicia of counterfeiting  
8 apparent on the face of the listings and not requiring expertise in rights owners'  
9 brands or products. The fraud engine thus has been developed to monitor the site  
10 and flag or remove listings that, among other things, explicitly offer counterfeit  
11 items, contain blatant disclaimers of genuineness, or include statements that the  
12 seller cannot guarantee the authenticity of the items. For example, eBay  
13 proactively monitors its site for and removes listings that expressly offer "knock-  
14 off," "counterfeit," "replica," or "pirated" merchandise and listings in which the  
15 seller states he "cannot guarantee the authenticity" of the items being offered  
16 (although the system cannot make determinations as to whether a listed item is  
17 actually counterfeit).

18 21. The fraud engine also contains numerous other data elements designed  
19 to evaluate listings based on, for example, the seller's Internet protocol address,  
20 any issues associated with the seller's account on eBay, and the feedback the seller  
21 has received from other eBay users. eBay modifies and updates its fraud engine at  
22 least weekly. For example, eBay has adapted its system in response to eBay users  
23 that have learned which terms eBay utilizes as keywords in the models and rules.

24 22. Listings flagged by eBay's fraud engine are sent to eBay's CSRs for  
25 review and further action. On listings where potentially infringing, fraudulent, or  
26 problematic activity is detected, the CSR that reviews the listing may: (1) remove  
27 the listing from eBay; (2) send a warning to the seller; (3) place restrictions on the  
28



1 seller's account, such as a selling restriction, temporary suspension, or indefinite  
2 suspension; and/or (4) refer the matter to law enforcement.

3 23. eBay also undertakes initiatives to educate its users about eBay  
4 policies, intellectual property rights, and the like. These initiatives largely are  
5 aimed at stopping infringing or other problematic activity before a potentially  
6 counterfeit item is listed by a seller on eBay.

7 24. At the most fundamental level, eBay has implemented policies  
8 prohibiting the listing of items that infringe upon intellectual property rights or are  
9 otherwise prohibited from being offered for sale on eBay. These policies, which  
10 prohibit not just counterfeit items but also, for instance, guns, are posted on eBay's  
11 website and apply to all users, who must agree to abide by them as part of eBay's  
12 User Agreement.

13 25. eBay policies expressly prohibit sales of counterfeit items. These  
14 policies further advise sellers that if they are selling a product bearing the name or  
15 logo of a company, but that product was not made or endorsed by that company,  
16 the sellers should not list the items on eBay. eBay warns that listings offering  
17 replica, counterfeit, or otherwise unauthorized items may be ended by eBay, and  
18 multiple violations of the policy could result in suspension of the user's account.

19 26. As an additional educational tool, eBay encourages rights owners to  
20 create an "About Me" webpage on the eBay website to inform eBay users about  
21 their products, intellectual property rights, and legal positions. In effect, eBay  
22 provides a free informational/advertising platform for such rights owners. Sellers  
23 that have listings removed from eBay are directed to the relevant rights owner's  
24 "About Me" webpage for information about why their listings were removed and  
25 how they can avoid posting listings for infringing items in the future. Aside from  
26 monitoring for some limited content, such as profanity, eBay does not exercise any  
27 control over the content on a rights owner's "About Me" page.  
28

1           27. Users that list infringing items or otherwise violate eBay policies face  
2 suspension from eBay. Users specifically may be suspended for repeat offenses,  
3 for more serious violations, or under any other appropriate circumstances where  
4 indicia of user fraud or otherwise suspicious activity are present. As a general rule,  
5 eBay will not tolerate willful counterfeiters no matter what their level of  
6 dependence on eBay; conversely, usually responsible sellers of good reputation can  
7 inadvertently run afoul of eBay policies. eBay attempts to evaluate each situation  
8 on its merits, with the ultimate objective of promoting lawful commerce on its site  
9 conducted by reputable users.

10           28. eBay has implemented several forms of suspension. These include, as  
11 one of the less severe sanctions, restrictions on the user's account, under which the  
12 user is limited as to what that user can do on the site. An account restriction can be  
13 a limitation on the number of items that a seller is allowed to have listed on eBay at  
14 a given time, the monetary value of the merchandise that a seller may offer at a  
15 particular time, or the format (auction-style or fixed-price) by which the seller may  
16 offer items for sale.

17           29. More severe actions include outright suspensions from eBay of  
18 varying length. For example, a user may be suspended on a short-term basis until  
19 the user provides eBay with requested information, such as a credit card, phone  
20 number, or certain documentation. Users also may be indefinitely suspended.  
21 Indefinite suspensions are, as their name indicates, generally of a permanent nature,  
22 and users subject to indefinite suspensions remain bound by the terms and  
23 conditions of eBay's User Agreement.

24           30. eBay also employs a variety of measures in an effort to keep  
25 previously suspended users from returning to the site. Most notably, eBay has  
26 developed sophisticated tools that enable it to profile and detect patterns of  
27 fraudulent activity, including tools that allow eBay to identify previously  
28

1 suspended users and prevent them from re-registering even with different  
2 personally identifying information.

3 31. eBay also often works with law enforcement agencies -- including the  
4 FBI, U.S. Customs, U.S. Postal Service, U.S. Attorney's offices, local police  
5 departments, and intellectual property task forces -- to offer its assistance. eBay  
6 routinely refers potential matters to such agencies and provides them with  
7 information to enable them to "make cases" or conduct investigations. In several  
8 instances, information that eBay provided has led to the arrest of suspected  
9 counterfeiters.

10 **eBay Cannot Realistically Police Gibson's Shape Trademarks**

11 32. On November 15, 2010, Gibson sent eBay the letter attached as  
12 **Exhibit A**. To my knowledge, that letter was the first time that Gibson informed  
13 eBay about any issue related to Paper Jamz products.

14 33. Gibson uses an "About Me" page on eBay. On that page, as of the  
15 date this declaration was written, Gibson provides two paragraphs about its history,  
16 and lists "some of its trademarks." On the page, Gibson states:

17 Gibson will terminate an auction pursuant to eBay's  
18 Verified Rights Owner (VeRO) Program if it attempts to  
19 auction (1) any items (guitars, decals, merchandise, etc)  
20 that contain the unauthorized use of our trade names,  
21 trade dress, and logos from all of our Gibson family of  
22 brands (see complete list above). This includes  
23 counterfeits and copies, or (2) a guitar, guitar part or  
24 guitar accessory using the phrase "Gibson-style," "Les  
25 Paul-style", "Gibson Replica" or some similar  
26 designation in the title of or description of the auction.  
27 Gibson randomly monitors auctions. Gibson requests  
28 that eBay, under the terms of the VeRO program and

1 pursuant to paragraph 5.4 of your own eBay User  
2 Agreement, terminate that auction when a problem is  
3 discovered.

4 A copy of Gibson's "About Me" page is attached as **Exhibit B**.

5 34. Gibson's "About Me" lists more than 100 trademarks by number  
6 (without description), and shows 28 different shapes (without any trademark  
7 identified). It also contains a link to a page for people who want to "learn how to  
8 spot a fake Gibson." The link reads: "Gibson Leads Industry Fight Against  
9 Counterfeit Guitars." Clicking on the link does not provide any information.  
10 Instead, it takes the user to a page on Gibson's website that says: "We're sorry!  
11 The page you're looking for can't be found." A copy of that page is attached as  
12 **Exhibit C**.

13 35. The frequently asked questions page on Gibson's website, at  
14 <http://www.gibson.com/en-us/Support/FAQs/>, includes only the following advice  
15 to consumers about counterfeit Gibson guitars: "If a guitar is being sold for a  
16 fraction of what it would typically sell for, it is likely not a real Gibson guitar." A  
17 copy of that page is attached as **Exhibit D**. It also provides a telephone number for  
18 inquiries and advice.

19 36. It is my understanding that Gibson's claims of direct infringement  
20 against WowWee relate to the allegedly infringing shape or design of specific  
21 components of particular Paper Jamz product lines, rather than the use of the  
22 Gibson brand itself. As the rights owner most familiar with its own designs and  
23 trademarks, Gibson possesses the necessary expertise for identifying which items  
24 are potentially infringing and which are not and is in the best position to police its  
25 own trademarks.

26 37. Realistically, eBay cannot be responsible for learning and recognizing  
27 the more than 100 trademarks identified by Gibson to determine whether other  
28 similarly shaped products might infringe on Gibson's rights. Moreover, if eBay

1 were to provide such a service for Gibson, potentially thousands of other VeRO  
2 users would expect similar treatment. At any given time, more than 200 million  
3 active listings appear on eBay worldwide, with approximately 8 million new  
4 listings posted each day. eBay cannot reasonably be expected to develop expertise  
5 in all of the millions of products sold on eBay and to police every possible mark  
6 sold on the site.

7 I declare under penalty of perjury under the laws of the United States of  
8 America that the foregoing is true and correct to the best of my knowledge.  
9 Executed on December 7, 2010, at San Jose, California.

10   
11 \_\_\_\_\_

12 Kai Curtis  
13 Program Manager – VeRO Program  
14 eBay Inc.

# EXHIBIT A



**OVER-NIGHT MAIL**

Michael Jacobson  
General Counsel for eBay Inc.  
2145 Hamilton Avenue  
San Jose, CA 95125

November 15, 2010

**Re: Use of Gibson Trademarks by Paper Jamz**

Dear Mr. Jacobson:

We represent Gibson Guitar Corp. ("Gibson"). Gibson owns the well-known United States trademark registrations for the Les Paul Body Design (Reg. No. 1782606), Flying V Body Design (Reg. No. 2051790), SG Body Design (Reg. No. 2215791), Explorer Body Design (Reg. No. 2053805), and Bell Shaped Truss Rod Cover (Reg. No. 1022637) (hereinafter "Trademarks" with copies attached hereto as Exhibit A). Recently, Gibson discovered that WowWee Holdings Inc., a division of 7293411 Canada Inc., has been using all of the above-mentioned Trademarks in connection with their guitar line Paper Jamz without the consent or license from Gibson. A chart of the Paper Jamz line along with the Trademarks is attached hereto as Exhibit B.

It has come to Gibson's attention that your company is allowing third parties to sell and distribute the Paper Jamz instruments through your website. Accordingly, we wish to make you aware of the Trademarks as well as the Paper Jamz issue. Should you have any questions or would like to discuss this matter further, please do not hesitate to contact me at the number below.

This letter is sent without waiver of or prejudice to Gibson's rights with respect to this matter, all of which are expressly reserved.

Regards,

A handwritten signature in black ink, appearing to read "Andrea E Bates".

Andrea E Bates

---

cc. Bruce Mitchell

## EXHIBIT A

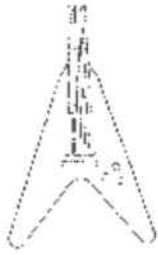


<b>Goods and Services</b>	IC 015. US 036. G & S: GUITARS. FIRST USE: 19521200. FIRST USE IN COMMERCE: 19521200
<b>Mark Drawing Code</b>	(2) DESIGN ONLY
<b>Design Search Code</b>	22.01.06 - Banjos; Guitars; Ukuleles
<b>Serial Number</b>	73675665
<b>Filing Date</b>	July 31, 1987
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	May 9, 1989
<b>Registration Number</b>	<b>1782606</b>
<b>Registration Date</b>	July 20, 1993
<b>Owner</b>	(REGISTRANT) GIBSON GUITAR CORP. CORPORATION DELAWARE 309 PLUS PARK NASHVILLE TENNESSEE 37217  (LAST LISTED OWNER) SHAWMUT CAPITAL CORPORATION CORPORATION CONNECTICUT 6060 J.A. JONES DRIVE CHARLOTTE NORTH CAROLINA 28287
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Andrea E. Bates
<b>Description of Mark</b>	THE MARK CONSISTS OF A UNIQUELY SHAPED CONFIGURATION FOR THE BODY PORTION OF THE GUITAR AS ILLUSTRATED IN THE DRAWING BY THE SOLID LINES. THE LINING OF THE DRAWING IS NOT INTENDED TO INDICATE COLOR.
<b>Type of Mark</b>	TRADEMARK

---

<b>Register</b>	PRINCIPAL-2(F)
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20031009.
<b>Renewal</b>	1ST RENEWAL 20031009 LIVE





**Goods and Services** IC 015. US 036. G & S: stringed instruments, namely guitars. FIRST USE: 19581231.  
FIRST USE IN COMMERCE: 19581231

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 22.01.06 - Banjos; Guitars; Ukuleles

**Serial Number** 74570030

**Filing Date** September 6, 1994

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** April 16, 1996

**Registration Number** **2051790**

**Registration Date** April 15, 1997

**Owner** (REGISTRANT) Gibson Guitar Corp. CORPORATION DELAWARE 309 PLUS PARK BOULEVARD Nashville TENNESSEE 37217

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Andrea E. Bates

**Description of Mark** The mark comprises a fanciful configuration of a guitar body.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070414.

**Renewal** 1ST RENEWAL 20070414

**Live/Dead Indicator** LIVE



**Goods and Services** IC 015. US 036. G & S: stringed instruments, namely guitars. FIRST USE: 19581231.  
FIRST USE IN COMMERCE: 19581231

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 22.01.06 - Banjos; Guitars; Ukuleles

**Serial Number** 74570078

**Filing Date** September 6, 1994

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for  
Opposition** May 21, 1996

**Registration  
Number** 2053805

**Registration Date** April 22, 1997

**Owner** (REGISTRANT) Gibson Guitar Corp. CORPORATION DELAWARE 1818 Elm Hill Pike  
Nashville TENNESSEE 37210

**Assignment  
Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Andrea E. Bates

**Description of Mark** The mark comprises a fanciful configuration of a guitar body.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070414.

**Renewal** 1ST RENEWAL 20070414

**Live/Dead Indicator** LIVE



**Goods and Services** IC 015. US 002 021 036. G & S: stringed instruments, namely, guitars. FIRST USE: 19611231. FIRST USE IN COMMERCE: 19611231

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 22.01.06 - Banjos; Guitars; Ukuleles

**Serial Number** 75272182

**Filing Date** April 10, 1997

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** October 13, 1998

**Registration Number** **2215791**

**Registration Date** January 5, 1999

**Owner** (REGISTRANT) Gibson Guitar Corp. CORPORATION DELAWARE 309 Plus Park Blvd Nashville TENNESSEE 37217

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Andrea E. Bates

**Description of Mark** The mark comprises a fanciful design of a guitar body.

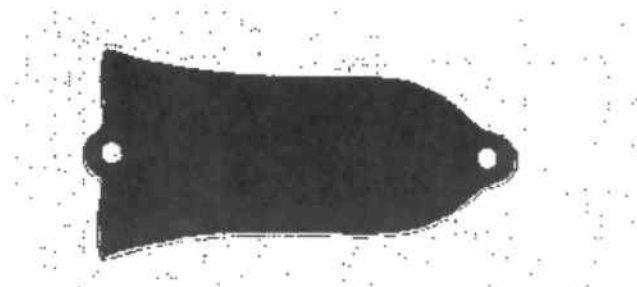
**Type of Mark** TRADEMARK

**Register** PRINCIPAL-2(F)

**Affidavit Text** SECT 8 (6-YR). SECTION 8(10-YR) 20090121.

**Renewal** 1ST RENEWAL 20090121

**Live/Dead Indicator** LIVE



**Goods and Services** IC 015. US 036. G & S: STRING INSTRUMENTS. FIRST USE: 19220000. FIRST USE IN COMMERCE: 19220000

**Mark Drawing Code** (2) DESIGN ONLY

**Design Search Code** 22.03.24 - Bells, hand; Hand bells; Single bells

**Serial Number** 73016410

**Filing Date** March 20, 1974

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Registration Number** 1022637

**Registration Date** October 14, 1975

**Owner** (REGISTRANT) NORLIN MUSIC, INC. CORPORATION DELAWARE 7373 N. CICERO AVE. CHICAGO ILLINOIS 60646

(LAST LISTED OWNER) GIBSON GUITAR CORP. CORPORATION ASSIGNEE OF DELAWARE 309 PLUS PARK BOULEVARD NASHVILLE TENNESSEE 37217

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Andrea E. Bates

**Description of Mark** THE MARK CONSISTS OF A TRUSS COVER PLATE IN A BELL SHAPE.

**Type of Mark** TRADEMARK






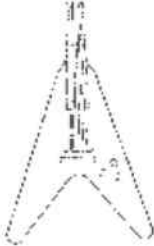



**Register** PRINCIPAL



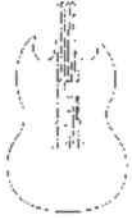
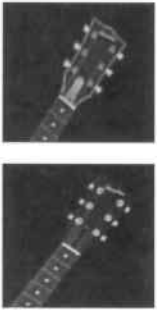
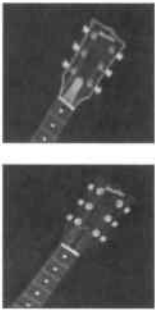

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20050819.

**Renewal** 2ND RENEWAL 20050819

**Live/Dead Indicator** LIVE

## EXHIBIT B

Paper Jamz Guitar Series 1	Paper Jamz Guitar Series 2	Gibson Trademark
Style 1 	Style 1 	
Style 4 	Style 4 	
Style 5 	Style 5 	

<p>Style 6</p> 	<p>Style 6</p> 	
<p>Styles 1 and 6</p> 	<p>Styles 1 and 6</p> 	

# EXHIBIT B



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## Gibson Guitar Corp.



### The History

For more than 100 years, Gibson Guitar Corp. has been engaged in the business of designing, manufacturing and distributing for sale a variety of musical instruments, including string instruments such as mandolins and banjos, as well as accessories, such as amplifiers and strings, throughout the United States and internationally. Gibson is best known for its guitars, including both acoustic and electric guitars.

Gibson has designed and produced industry-standard models in every major style of fretted instrument, the most famous of which is the LES PAUL guitar, introduced in 1952. The Gibson F-5 Master Model mandolin, Mastertone banjo, Flying V, Explorer, ES-335, SG and SJ-200 guitars and DOBRO brand resonator guitar are among Gibson best-known and most influential models. Gibson has been headquartered in Nashville since 1984.

### Our Registered Trademarks

Over the years, Gibson has developed goodwill in its instruments and the trademarks for those instruments. Gibson's trademarks are so valuable and important because guitar buyers associate these trademarks with the high quality of Gibson products. Gibson provides the following list of some of its trademarks:

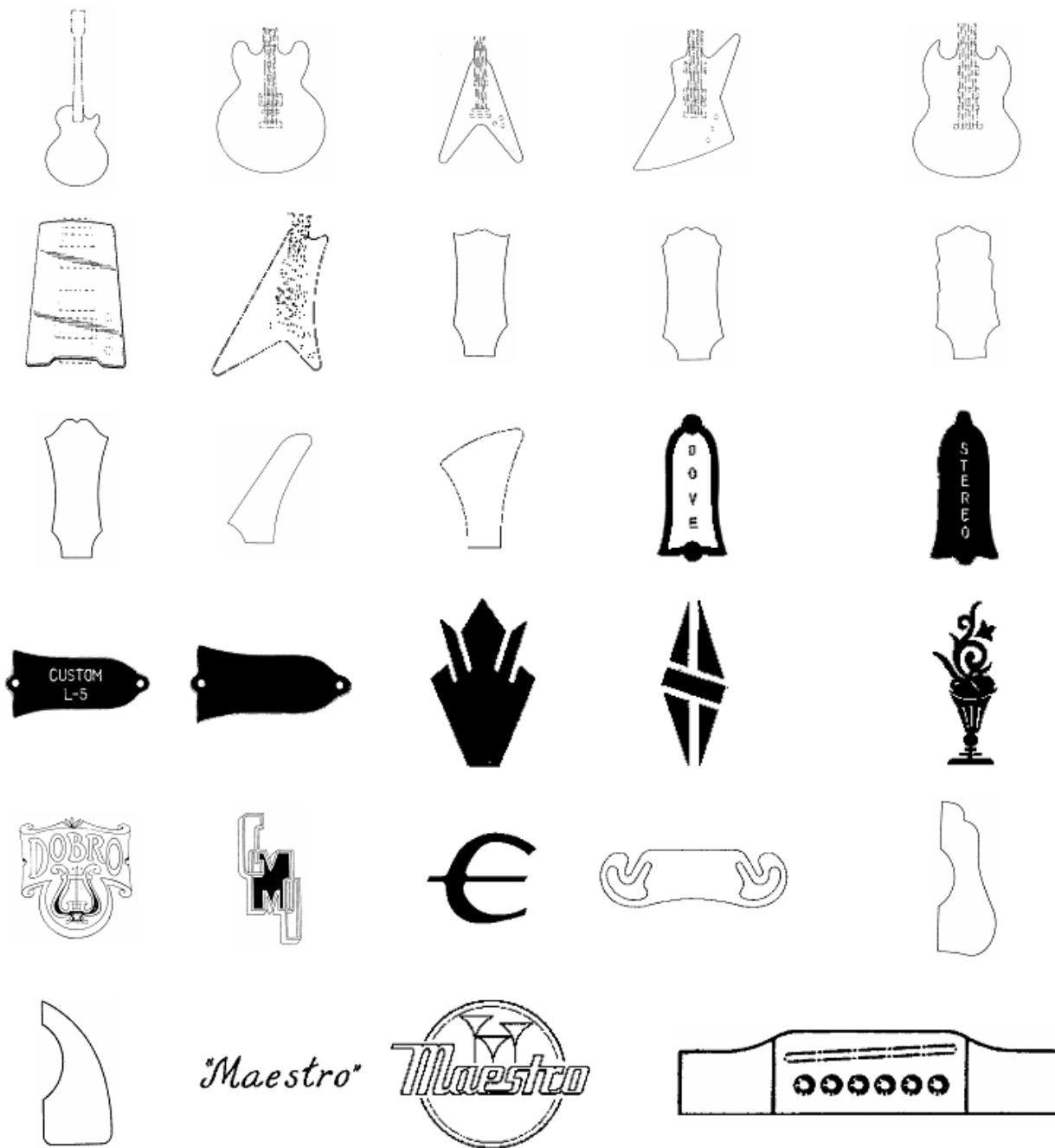
MARK	U.S. TRADEMARK REGISTRATION NUMBER
Maestro & Design	328,690
Gibson	510,594
Slingerland	615,793
Fretless Wonder	626,204



Gibson	866,698
Dove & Design	898,315
Stereo & Design	905,145
Les Paul	918,934
Dobro	950,801
Epiphone	964,189
Gibson	989,617
The Ripper	1,005,289
Design Split Diamond	1,008,797
Design Pineapple	1,008,798
Design Split Diamond	1,008,799
Duolian	1,009,338
"EPI"	1,016,321
Design Peghead (Dove Wing)	1,020,485
Custom L-5 & Design	1,021,477
Design Bell	1,022,637
Citation	1,027,899
S-G	1,045,872
Dobro and Design	1,134,094
The Paul	1,147,147
Byrdland	1,167,202
Flying V	1,216,644
Striped Guitar	1,288,465
Challenger	1,318,020
Magnum	1,322,068
Victory	1,324,389
Map	1,391,541
Design Guitar (Steinberger)	1,394,829
Steinberger	1,441,155
Les Paul	1,539,282
CMI	1,541,051
CMI & Design	1,543,093
Gibson	1,545,311
Chet Atkins	1,557,887
Country Gentlemen	1,557,888
Design Peghead Profile (Explorer)	1,567,052
Power Lines	1,677,559
Maestro	1,706,618
Brite Wires	1,725,491
American Made/World Played	1,745,731
Design Guitar Body (Les Paul)	1,782,606
Historic Collection	1,798,959
Tour Wear	1,815,966
E Stylized	1,833,789
Headjammer	1,842,807
Legrand	1,866,940
The Mark of a Great Guitarist	1,870,490
Accu-Voice	1,870,491
OB-MX	1,871,892
Drummer	1,872,083
Vintage Re-issue	1,872,419
Tobias	1,885,979
Kramer	1,888,387
OBL	1,899,598
"Moustache" Bridge Design	1,911,282
Flatiron	1,913,232
El Capitan	1,928,040

	1,931,670
Dove	1,931,671
Design Peghead (Reverse Explorer)	1,934,543
Custom L-5	1,937,145
Epiphone	1,957,393
Design Peghead (Stairstep)	1,967,503
Radio King	1,969,929
Wes Montgomery	1,973,045
Orville	1,979,647
Design Pickguard (Terraced)	1,997,678
Design Guitar (ES-335)	2,007,277
OB Logo	2,008,143
Design Peghead (Cropped Ear)	2,016,857
'57 Classic	2,034,846
Design Guitar (Flying V)	2,051,790
Design Guitar (Explorer)	2,053,805
Nighthawk	2,069,841
GMI	2,092,075
Blues Hawk	2,094,848
Studio King	2,135,333
Design Cloud	2,150,184
Gibson	2,177,027
Design Guitar Body (SG)	2,215,791
Spirit	2,273,225
Dual-Rail	2,293,467
Burstbucker	2,295,545
Quad-Rail	2,298,816
Ear Plug	2,363,070
Design Guitar Peghead	2,367,539
Oberheim	2,374,612
Mo' Baby	2,386,273
Direct Connect	2,395,086
Swingmaster	2,419,785
J-45	2,482,205
J-50	2,482,206
Musicyo.com	2,485,085
Design Guitar Pickguard	2,501,101
Goldentone	2,508,455
"Top Belly" Bridge Design	2,528,669
Design Guitar Body (Mo' Baby)	2,534,993
Valley Arts	1,319,300
Custom Direct	2,568,567
ES	2,599,297
FV	2,599,298
Goldtone	2,611,145
Maestro and Design	2,624,523
Maestro	2,624,578
Design Guitar Body (Moderne)	2,633,416
Explorer	2,641,548
Pure	2,644,117
Design of a Guitar Peghead	2,679,139
Magic	2,684,617
Banana Headstock	2,696,053
Headstock Design	2,705,574
SJ	2,731,881
AJ	2,731,882
GIBSON PURE	2,738,824

	2,751,275
Gibson Pure (and design)	2,843,434
Design of Shield and Dog	2,843,677
LPX	2,860,682
Original Hound Dog	2,867,454
Double Ball	2,870,036
Miscellaneous Design of Guitar Body	2,885,394



Gibson will terminate an auction pursuant to eBay's Verified Rights Owner (VeRO) Program if it attempts to auction (1) any items (guitars, decals, merchandise, etc) that contain the unauthorized

use of our trade names, trade dress, and logos from all of our Gibson family of brands (see complete list above). This includes counterfeits and copies, or (2) a guitar, guitar part or guitar accessory using the phrase "Gibson-style," "Les Paul-style", "Gibson Replica" or some similar designation in the title of or description of the auction. Gibson randomly monitors auctions. Gibson requests that eBay, under the terms of the VeRO program and pursuant to paragraph 5.4 of your own eBay User Agreement, terminate that auction when a problem is discovered.

Further information about Gibson, and its products, including answers to frequently asked questions, may be found at Gibson web-site, [www.Gibson.com](http://www.Gibson.com).

To learn how to spot a fake Gibson read this feature at [Gibson.com](http://Gibson.com).



007 Gibson Guitar Corp

The above page is maintained by: [gibsonvero \(0\)](#)

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SEARCH

# LIFESTYLE

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- [Gibson Amphitheatre](#)
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# EXHIBIT D



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## LIFESTYLE

Gibson Support

## The Customer Service and Support FAQ

We talk to Gibson Family owners and enthusiasts all over the world, and have compiled the most often asked questions with answers for you to view. If you have a specific topic that you do not see addressed here, call 1.800.4GIBSON OR [email.us](mailto:email.us). We will respond as quickly as possible.

- [Counterfeit guitars](#)

In our constant effort to stand by our consumers, protect them, and bring them the finest products in the world, Gibson Guitar takes a firm and aggressive stance against all makers of counterfeit guitars and their distribution channels. These low-budget, inferior guitars are pale imitations of the quality, performance, and craftsmanship of real Gibsons. We continue to hear complaints from consumers and fans who have purchased one of these guitars from websites and auction sites thinking they were getting a real Gibson. The makers and sellers of counterfeits are scamming our global family of musicians and Gibson does not take it lightly. We would like to urge all our consumers not to be taken in by the works of dishonest sellers.

If a guitar is being sold for a fraction of what it would typically sell for, it is likely not a real Gibson guitar. The best way for consumers to protect themselves against fraud is to purchase your Gibson guitar from an [authorized dealer](#), or consult one in advance. You can also call [Gibson Guitar Customer Service](#) at 1-800-444-2766—24 hours a day, seven days a week—for any inquiries or advice. We strongly urge all consumers to be careful and aware of this worldwide problem. At Gibson, we care about our consumers, our legacy, and our name. Remember, only a real Gibson is good enough.

- [Is the warranty transferable?](#)
- [I did not receive an owner's manual with my instrument - is one available?](#)
- [How do I obtain warranty service?](#)
- [My instrument has small cracks in the finish - what causes this? Is it covered under the warranty?](#)
- [What is "stand damage"?](#)
- [What can I do to prevent tarnish on the hardware?](#)
- [How much is my Gibson guitar, amplifier, or mandolin worth?](#)
- [How can I date/ID my instrument by serial number?](#)
- [How can I find a dealer in my area?](#)
- [Do you have an online warranty registration?](#)
- [I've placed my order through an authorized dealer, but how do I check on it's status?](#)
- [Does Gibson sell direct to the public?](#)
- [Does Gibson offer factory tours?](#)
- [Why are there not more left handed models?](#)
- [I have a Gibson instrument or amplifier and need a schematic - are they available?](#)
- [How can I locate parts for instruments that are no longer in production?](#)
- [The combination lock on my case won't open, how can I open it without damaging or removing the lock?](#)
- [I would like a replacement COA \(certificate of authenticity\) for my instrument. How can I obtain this?](#)
- [Does Gibson offer product donations?](#)
- [I purchased an Epiphone Les Paul Pee Wee model and it won't stay in tune - how do I keep this in tune?](#)
- [How do I receive a product endorsement from Gibson?](#)
- [How do I become an authorized dealer?](#)
- [Which strings do you recommend for my Epiphone instrument?](#)

Customer Service 24 hours 7 days a week

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