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 Attorneys for Defendants

11 UNITED STATES DISTRICT COURT
 12 CENTRAL DISTRICT OF CALIFORNIA

14 TRAFFICSCHOOL.COM, INC., a
 15 California corporation; DRIVERS ED
 16 DIRECT, LLC., a California limited
 liability company,

17 Plaintiffs,

18 v.

19 EDRIVER, INC., ONLINE GURU,
 20 INC., FIND MY SPECIALIST, INC.,
 and SERIOUSNET, INC., California
 21 corporations; RAVI K. LAHOTI, an
 individual; RAJ LAHOTI, an
 individual; DOES 1 through 10,

22 Defendants.

Case No. CV067561 PA (CWx)
The Hon. Percy Anderson

**JOINT STIPULATION RE
 ADMISSION OF TRIAL EXHIBITS
 AND LIST OF REMAINING
 OBJECTIONS AND RESPONSES**

Complaint Filed: November 28, 2006
 Trial Commenced: November 6, 2007

1 **STIPULATION RE ADMISSION OF TRIAL EXHIBITS**

2 The parties hereby stipulate to the admission of the following trial
3 exhibits (whether or not the exhibits were used during trial):

4 **Deposition Exhibits (in Trial Binders):** 1, 2, 4-20, 20a, 21-28, 32-45,
5 48-49, 51-58, 60-62, 65, 67-69, 72, 73 (not in trial binder; attached hereto for the
6 convenience of the Court), 74-75, 77-87, 89-90, 94-97, 101-105, 109-112, 114-116,
7 124, 126, 127-131, 133-136, 138-139, 142, 144, 149-150, 158, 161-162, 172-173,
8 182-198, 1000, and 1001.

9 **Plaintiffs' Exhibits (in Trial Binders):** 300-315, 316-333, 339-345,
10 350, 352-358, 360, 362, 365, 367, 371-372, 379-383, 385-387, 389-390, 392, 394,
11 395 (not in trial binder; to be lodged upon the Court's request¹), 396-399, 401-402,
12 404-407, 409-411.

13 **Plaintiffs' Impeachment Exhibits (attached hereto):**

14 412 (introduced for impeachment on November 6, 2007 at 92:17-95:2
15 of transcript, but not identified then as Ex. 412), and 413. Impeachment exhibits are
16 attached hereto for the convenience of the Court.

17 **Defendants' Exhibits (in Trial Binders):** 600-659, 661, 663, 665-679,
18 681-689.

19 **Defendants' Demonstrative Exhibits (attached hereto):** 690-691.

20 Impeachment exhibits are attached hereto for the convenience of the Court.
21 (Plaintiffs object to Defendants' impeachment exhibits 692-694, and the objections
22 and responses thereto are listed below.)

23
24
25
26
27 ¹ This "Exhibit" consists of three boxes of consumer emails to DMV.ORG with the
28 following Bates range: Box 1: DEF-04319-7179; Box 2: DEF-07180-9393;
Box 3: DEF-01143-1921, 2747-3621, 2170-2402, 2455-2518, 3622-4252.

1 **LIST OF REMAINING OBJECTIONS (AND RESPONSES)**

2 The parties also hereby submit the following list of objections and
3 responses pertaining to the remainder of exhibits.

4

EXH. NO.	DESCRIPTION	OBJECTION	RESPONSE TO OBJECTION
5 63a	TS Income Analysis 2006 through June 2007 (Prepared by Defendants)	6 <u>Plaintiffs</u> : This is Defendants' own summary of Plaintiffs' Financials-Best Evidence (FRE 1002) in that it purports to prove the contents of Plaintiffs' own financial documents; Lacks Foundation as to term "Referral Income"; FRE 403 (Grossly misleading and inaccurate to extent it implies that the income of Plaintiffs derived through its third party referral relationships is less than 1% of gross income).	7 Adoptive admission (801(d)(2)(b)); Foundation laid and information confirmed by Eric Creditor in deposition; FRE 1002 does not apply since the exhibit is not a duplicate of any document.
16 64	DED Income Analysis 2006 through June 2007 (Prepared by Defendants)	17 <u>Plaintiffs</u> : Same as above.	18 Same as above.
18 143	Advertising Research Issues from FTC versus Stouffer Foods Corporation, Journal of Public Policy and Marketing	19 <u>Plaintiffs</u> : Hearsay (802).	20 Hearsay exception: learned treatise, 803(18).
21 145	A Reading Test or a Memory Test; Which Survey Methodology is Correct? , By Jerre B. Swann, Vol. 95 Trademark Reporter	22 <u>Plaintiffs</u> : Hearsay (802).	23 Not hearsay: prior statement by witness (Maronick), 801(d)(1).

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EXH. NO.	DESCRIPTION	OBJECTION	RESPONSE TO OBJECTION
163	Various Whois Records for IP Address 216.65.86.48.	<u>Defendants:</u> Character Evidence (404/405).	Habit and routine practice, intent, etc.(FRE 406; 404(b) of registration of confusing domains, including LASuperiorcourts.org; Ustreasury.org; Usdepartement ofhomelandsecurity.org; texas-department-of-public-safety.org; progressive.org lapolice.org; internalrevenueservices.org; hyutt.com; flick-r.com; federaltradecommunication.com;coldstoneicecream.org; cnbc.net;carlsjunior.com;bahafresh.com; aaa-ca.com; whiethouse.com
165	8/20/2007 printout of Domain Statute-UDRP Dispute; National Arbitration Forum Decision	<u>Defendants:</u> Character Evidence (404/405).	Same as above.
166	8/20/2007 National Arbitration Forum Decision	<u>Defendants:</u> Character Evidence (404/405).	Same as above.
167	4/3/02 Letter from LBBS to SeriousNet and 3/20/02 letter re: TrafficSchool.com's Mark	<u>Defendants:</u> Character Evidence (404/405).	Same as above.
169	8/20/2007 Internet Archive Wayback Machine 1996-2007 Search results for lasuperiorcourts.org and 2004 archive pages.	<u>Defendants:</u> Character Evidence (404/405).	Same as above.
171	Domains for IP Address 216.65.86.48 (SeriousNet)	<u>Defendants:</u> Character Evidence (404/405).	Same as above.

EXH. NO.	DESCRIPTION	OBJECTION	RESPONSE TO OBJECTION
334	Selected e-mails from confused consumers (DEF-01568-69; 1571; 1577-89; 1595-97; 1601; 1610-1613; 1615; 1632-33; 1635; 1651; 2747; 2785; 2816; 2973; 2987; 3559; 3622-26; 3643; 4177; 4246 (Color highlighted).	<u>Defendants</u> : Incomplete Compilation.	Plaintiffs have over three boxes of emails (Ex. 395 referenced above) that it will lodge if the Court feels it necessary, but Plaintiffs are being selective of the emails in this exhibit to show the Court representative samples of the emails; there is nothing improper or cumulative about that approach.
335	E-mails produced from State Agency Employees referencing incorrect information on DMV.ORG (Selection from Ex. 4: DEF-00278, 279, 299-304, 305-, 308, 311, 312, 313, 315-316, 320, 336, 337, 339-340, 343-344).	<u>Defendants</u> : Incomplete Compilation.	Plaintiffs have over three boxes of emails (Ex. 395 referenced above) that it will lodge if the Court feels it necessary, but Plaintiffs are being selective of the emails in this exhibit to show the Court representative samples of the emails related to complaints about <i>incorrect information</i> on the DMV.ORG website; there is nothing improper or cumulative about that approach.
346	12/14/06 John Wright letter to CA DMV including 2/4/04, 10/27/06, 12/12/06 letters (PL01716-1727).	<u>Defendants</u> : Hearsay (802); Opinion (701).	Non-hearsay or subject to exceptions; percipient witness opinion based on personal knowledge, supported by trial declaration.
347	January 26, 2004 e-mail from Wright to CA DMV.	<u>Defendants</u> : Hearsay (802); Opinion (701).	Same as above.
348	Correspondence between CA DMV and Barbara Broyles re: official complaint about DMV.ORG re: complaint.	<u>Defendants</u> : Hearsay (802); Opinion (701); Authentication (901)	Non-hearsay and subject to exception (state of mind); opinions based on personal knowledge; authenticated as public record produced under subpoena by CA DMV.
349	CA DMV 8/10/05 letter to Michael Corbett re: his complaints about DMV.ORG.	<u>Defendants</u> : Hearsay (802); Opinion (701).	Non-hearsay and subject to exception (state of mind); opinions based on personal knowledge


EXH. NO.	DESCRIPTION	OBJECTION	RESPONSE TO OBJECTION
364	Webtraffic Report of Plaintiffs [=Ex. 28 but referenced in Creditor Trial Decl. at 364].	<u>Defendants:</u> Hearsay (802).	This web traffic summary is not an out of court "statement" or assertive conduct and thus is not "hearsay".
388	Summary of Selected Emails and Emails from one week production in August, 2007.	<u>Defendants:</u> Hearsay (802); Authentication (901); Incomplete (106)	Plaintiffs selected emails in this exhibit (Ex. 395 referenced above) which are samples of emails received in August 2007 after additional changes were made to the site to <i>show continued confusion</i> ; the summary was prepared to assist the Court and simply quotes the emails that are attached; the Court is free to refer to both or only the emails. The emails are non-hearsay and offered to prove the continued confusion only.
391	Selected pages from the California Driver Handbook 2006	<u>Defendants:</u> Hearsay (802); Incomplete (106).	Non-hearsay as not offered to show truth of matter asserted, but as circumstantial evidence of intent to confuse by DMV.ORG; only a portion of handbook (slogan "Don't stand in LINE Go on..." slogan.) is relevant.
400	Collection of consumer emails	<u>Defendants:</u> Incomplete (106).	Plaintiffs selected emails in this exhibit (Ex. 395 referenced above) are samples of emails received to the site to show that consumers from "non-DMV" states refer to their state agency as the "DMV".
408	Collection of Consumer Emails to DMV.ORG.	<u>Defendants:</u> Incomplete (106).	Plaintiffs' selected emails in this exhibit (Ex. 395 referenced above) are samples of emails received to the site.

EXH. NO.	DESCRIPTION	OBJECTION	RESPONSE TO OBJECTION
680	2006 and 2007 Gross Profit and Net Income (Updated) DEF 9786	<u>Plaintiffs</u> : Discovery Violation (FRCP 26, 37); Further Briefing Requested at Trial by Judge	Voluntary production to update Ex. 115 re profits and costs (no discovery violation); Further Briefing Requested at Trial by Judge
692	U.S. Census Data- Population of CA TX FL	<u>Plaintiffs</u> : Relevancy (402) (no evidence of what the market is in Texas and Florida); Foundation (901).	Authentication as public "data compilation" (901(7)); Population sizes relevant to relative market sizes of each state; Summarizing information from Second Request for Judicial Notice, Item No. 14.
693	TrafficSchool.com Visitor Sources	<u>Plaintiffs</u> : Foundation (901); Inaccurate according to testimony at trial.	Adoptive admission (801(d)(2)(b)); Foundation laid and information confirmed by trial testimony.
694	DriversEdDirect.com Visitor Sources	<u>Plaintiffs</u> : Foundation (901); Inaccurate according to testimony at trial.	Adoptive admission (801(d)(2)(b)); Foundation laid and information confirmed by trial testimony.

DATED: November 12, 2007

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By

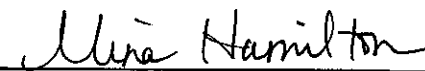

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Attorneys for Defendants

DATED: Nov. 13, 2007

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By


 MINA I. HAMILTON
 DANIEL C. DECARLO

Attorneys for Plaintiffs

Exhibit 73



The Next Generation of Drivers Ed

State Requirements (for minors)

Time to get your California driver's license? Then you probably have plenty of questions about what steps you need to take. Well, you're in luck – the answers to those important questions are below!

GETTING YOUR PROVISIONAL LICENSE IN CALIFORNIA



Step 1

COMPLETE YOUR ONLINE DRIVERS ED

Are you at least 15 years old? Then you want to start your DMV approved Drivers Ed Direct online drivers ed course. Upon completion of this course, you receive form OL 237 that you present at the DMV in order to take the permit test.



Step 2

SIGN-UP FOR BEHIND THE WHEEL TRAINING

You must sign-up for a minimum of 6-hours with a commercial driving school, such as Drivers Ed Direct, to receive form OL 392. The DMV needs proof that you signed up for behind the wheel training before you can take the permit test.



Step 3

TAKE YOUR PERMIT TEST AT THE DMV

Make an appointment at the DMV, fill out application form DL44, take the written traffic law test, and pass to earn your permit (you must be at least 15½ to do this). Drivers Ed Direct will provide you with form DL 44 upon completion of the online drivers ed course.



Step 4

TAKE YOUR 1ST LESSON WITH A LICENSED INSTRUCTOR

Once you have your permit, you must take your first driving lesson with a licensed instructor before practicing with a parent or guardian!



Step 5

PRACTICE 6 MONTHS WITH YOUR PERMIT

Now you must practice 6 months with a parent, guardian, or licensed driving instructor. Over this 6-month period you must complete at least 50 hours of driving, with 10 of those 50 hours being at nighttime.



Step 6

TAKE YOUR DMV DRIVE TEST

Make an appointment at the DMV, show proof of drivers training completion, your signed permit (by parent, guardian, or instructor), valid vehicle registration, & insurance. Ask about our DMV Test package and take the test in our vehicle!



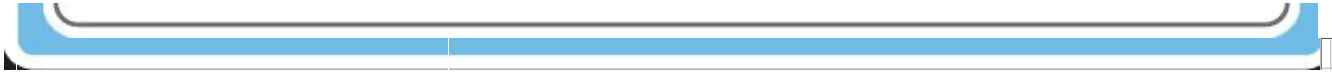
ANY QUESTIONS?

Just follow those 6 simple steps above and you're on your way towards becoming a licensed driver! Of course, California driving laws and regulations change from time to time, so be sure to visit your local DMV website for the most up to date and complete information available regarding obtaining your driver's permit and license. Here's some useful links you might want to

check out:

- [California DMV Official Site](#)
- [California Driver's Handbook](#)
- [License Requirements for Minors](#)

[License Requirements for Adults](#)



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Exhibit 412

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The Unofficial Guide to the United States

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The Unofficial Guide

to the

United States

UnitedStates.org guides you to Web sites and services providing useful information for the American public. We offer a valuable source of information critical to citizens of the United States and those who plan to become citizens, making easy the task of navigating the vast number of private and government sites.

As the concept of e-government has taken center stage in Washington, D.C., private organizations and organizations within the administration have accepted the challenge to make information freely available on the Web. As a privately owned entity, UnitedStates.org has scoured these Web sites in order to offer you a list of its top picks. Find out how you can:

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Count on UnitedStates.org as your portal to information and services that will help you become a better civic participant and fully enjoy the benefits of

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The Unofficial Guide to your Department of Motor Vehicles needs. [more...](#)

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Census.gov

The Web site holds a wide

EX. 412
(not
noted)
11/3/2007

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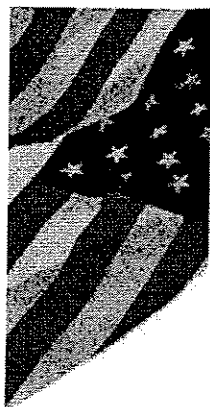
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Environment, Energy, and Agriculture
Weather, farms, gas, electricity, recycling, natural resources...

Family, Home, and Community
Housing, human services, community development...

Health and Nutrition
Medical, health care, insurance, diet, food stamps, fitness, public health...

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Unclaimed government money, credit, saving, retirement...

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Crime, prison, law enforcement, disasters, emergencies...

Reference and General Government

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Daylight Time Ends
November 4
Turn clocks back one hour on November 4.



Veterans Day is Nov. 11
Federal offices are closed on Nov. 12 to honor our war veterans.



National American Indian Heritage Month
View government web resources for tribal governments and Native Americans.

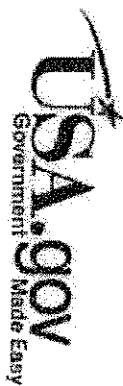
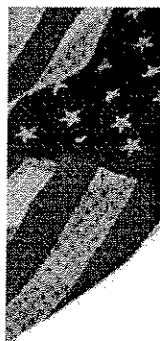
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- [Household Products Health and Safety Information Database](#)

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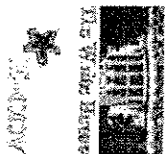
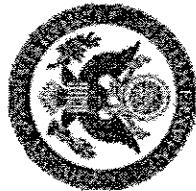
T

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1800 F Street, NW, Washington, DC 20405

Exhibit 413



TEEN DRIVERS EDUCATION

Satisfy your DMV Drivers Ed requirement online or at home in 3 easy steps

1 Enroll in the Online or HomeStudy Course

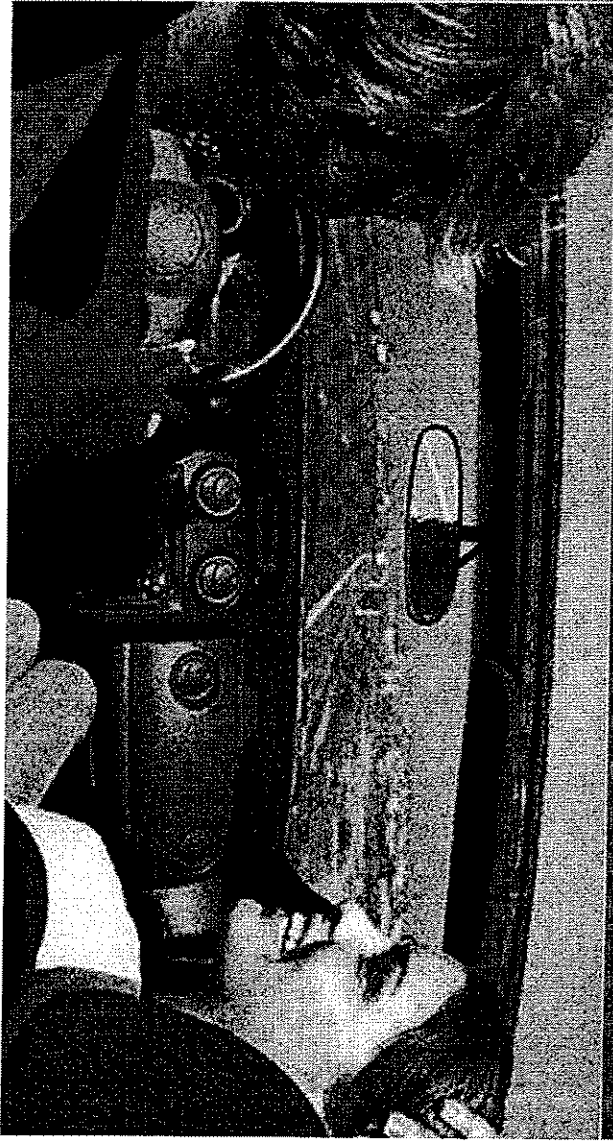
2 Take the course and complete Drivers Ed

3 Receive certificate of completion



1 student login 2 steps to get your driver's license 3 enroll now

- 1 Home
- 2 Online Course
- 3 Home Study Course
- 4 Enroll Now
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Welcome to TeenDriversEducation.com!

Sign up now for only \$69.95

TeenDriversEducation.com offers online driver's education courses to high school students throughout California. Our courses are developed by Golden State Private Schools, an institution licensed by the California board of education and recognized by the Department of Motor Vehicles. To-date we have helped over 60,000 California residents obtain their driver's license

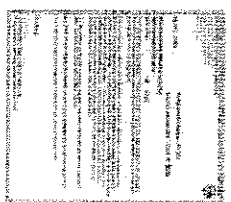
This is documentation that shows our DMV

When You complete the class you receive a completion certificate

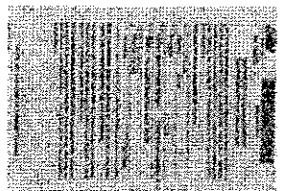
DRIVER'S TIP:

The zero tolerance law states that any driver under the age of 21 who has any measurable amount of alcohol in their system will automatically lose their license for a year.

413



Identifier and board of education licensing. (zoom in)



(DL387) that is issued by the California DMV. (zoom in)

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TEEN DRIVERS EDUCATION

Satisfy your DMV Drivers Ed requirement online or at home in 3 easy steps

1 Enroll in the Online or Home Study Course

2 Take the course and complete Drivers Ed

3 Receive certificate of completion



student login steps to get your driver's license enroll now

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About TeenDriversEducation.com

TeenDriversEducation.com's home study course is developed by Golden State Private Schools.

It's Curriculum of driver's education and drug and alcohol awareness is created by the licensed instructor, operator, and owner of the San Francisco Bay Areas premier driving instructional school.

Upon completion of our course, students will receive official certificates issued by the California Department Of Motor Vehicles.

We offer our online and home study courses to students at least 15 years of age or current high school students.

This course has helped students through out California from Eureka to San Diego. Our services have helped over 60 thousand California residents obtain their drivers license.

DRIVER'S TIP:

If you see a school bus with its red lights flashing, you must stop your vehicle and not proceed until the lights stop flashing. If you ignore the flashing lights you will face a sleep fine and will receive a 2 point count on your driving record.



TEEN DRIVERS EDUCATION

Satisfy your DMV Drivers Ed requirement online or at home in 3 easy steps

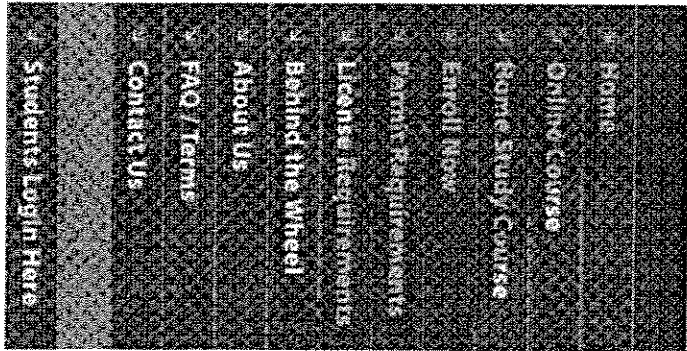
1 Email in the Online or HomeStudy Course

2 Take the course and complete Driver Ed

3 Receive certificate of completion



student login steps to get your driver's license enroll now



Legal Information

TERMS OF USE

ACCEPTANCE OF DRIVER ED COURSE CONTRACT TERMS

The following are terms of a legal agreement between you and "TeenDriversEducation.com," (hereinafter referred to as "Driver Ed Course"). Driver Ed Course offers drivers education in California. By using this site, you acknowledge that you have read, understood, and agree to be bound by the terms of this agreement:

(1) Use of the Driver Ed Course web site: By enrolling in the Driver Ed Course and receiving a certificate of completion, you are stating that you studied the material in the Driver Ed Course and completed the final examination at the end of the course.

(2) Copyright and Proprietary Rights: This Web site is the property of Driver Ed Course. You may not reproduce, transmit, or distribute any part of the Driver Ed Course other than printing out or saving portions of the text and images for your own personal and non-commercial use. You may not use the Driver Ed Course site in any manner that infringes the rights of any person or entity.

(3) Exclusions of Warranties: The materials on this site are "As Is". No warranties of any kind are made with respect to Driver Ed Course site. Driver Ed Course does not warrant that the Driver Ed Course site will meet your requirements, will be accurate at all times, or will be uninterrupted or error free. We expressly exclude and disclaim all express and implied warranties of merchantability and fitness for a particular purpose. We shall not be responsible for any damage or loss of any kind arising out of or related to your use of the Driver Ed Course site, including without limitation data loss or corruption, regardless of whether such liability is

DRIVER'S TIP:

On Jan. 1, 2004 teenage drivers are required, along with the certificate of completion of driver education (OL 237 or

OL 387), to present a certificate from a driving school that states they are enrolled in a driver training course (OL 392) before they take their permit test.

based in tort, contract or otherwise.

(4) The information provided on this World Wide Web site is accurate to the best of our knowledge. Some of the information may be incorrect or an opinion. You should refer to your state's vehicle code for exact accuracy.

(5) Choice of Law and Jurisdiction. This Driver Ed Course website is operated from the Golden State Private School office in the State of California, Santa Clara County, United States of America. This Agreement shall be governed by and construed in accordance with the laws of the State of California, without reference to any conflict of law principles.

PRIVACY POLICY

THE INFORMATION ABOUT YOU COLLECTED ON THIS WEB SITE IS SUBJECT TO THIS PRIVACY POLICY. BY DISCLOSING THE INFORMATION TO US, YOU AGREE TO THE TERMS OF THE POLICY.

TeenDriversEducation.com (hereinafter Driver Ed Course) recognizes the importance of protecting the privacy of our clients and visitors to our web site while allowing us to provide a legitimate business by providing relevant information and services our clients and visitors. Our privacy policy is stated below:

Collection and Storage of Customer Information:

We will collect certain personal information, including your name, address, e-mail address, telephone number, and other personal information, that will change from time-to-time, when you register for our course. We maintain this information in our customer database.

Use of Information:

This information is used to provide you with our products and services as requested; to enable billing and shipping; to provide you with information about relevant products and services; and to improve our Web site. We will not share your personal information with any 3rd parties outside of our company.

Your Rights:

You may review and approve your personal information collected upon registration in our customer database. Upon request, we will remove that information from our customer database or change/correct personal information that you state is erroneous.

Privacy Contact:

Questions regarding this policy should be directed to TeenDriversEducation.com. We are not responsible for the privacy policies of Web sites to which this site may link.

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Exhibit 690

Domain Names Owned by TrafficSchool.Com

	Reg. Date	Trial Exhibit
DMVLICENSERenewal.com	4/27/2000	82
DMVRegistrationRenewal.com	4/27/2000	83
DMVRenewals.com	4/19/2000	84
InternetDMV.com	2/8/2001	85
DMVI.com	1/12/2000	86
TrafficSchool.US	4/24/2002	81

Exhibit 691

Domain Names Owned by Plaintiffs (cont'd)

	Reg. Date	Trial Exhibit
Online-DMV.org	8/28/2006	77
Internet-DMV.org	8/28/2006	78

Exhibit 692

U.S. Census Data – Population CA TX FL

State	Population – 2000	% Size Compared to CA
CA	33,871,648	100%
TX	20,851,820	61.5%
FL	15,982,378	47%

Exhibit 693

TrafficSchool.com Visitor Sources

<u>Source</u>	<u>Percent</u>
Domain name typing	50%
Search engines	
• Organic	10%
• Pay-per-click marketing	10%
Court websites	10%
TrafficSchool.com Affiliates	5%
Other	15%

Exhibit 694

DriversEdDirect.com Visitor Sources

<u>Source</u>	<u>Percent</u>
Domain name typing	15%
Search engines	
• Organic	20%
• Pay-per-click marketing	10%
3 rd party gaming websites	30%
DriversEdDirect.com Affiliates	5%
Brand Ambassador	5%
TrafficSchool.com link	7.5%
Other	7.5%