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COOLEY LLP
MICHAEL G. RHODES (SBN 116127) (rhodesmg@cooley.com)
GAVIN L. CHARLSTON (SBN 253899) (gcharlston@cooley.com)
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

ANNE H. PECK (SBN 124790) (peckah@cooley.com)
JEFFREY T. NORBERG (SBN 215087) (jnorberg@cooley.com)
3175 Hanover Street
Palo Alto, CA 94304-1130
Telephone: (650) 843-5000
Facsimile: (650) 849-7400

Attorneys for Plaintiff
FACEBOOK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EMC

CV 10-5048 EMC
Case No.

FACEBOOK, INC.,
Plaintiff,
v.
LAMEBOOK, LLC,
Defendant.

COMPLAINT SEEKING DAMAGES AND INJUNCTIVE RELIEF FOR:
(1) FEDERAL TRADEMARK DILUTION, 15 U.S.C. § 1125;
(2) TRADEMARK DILUTION UNDER CAL. BUS. & PROF. CODE § 14247;
(3) FALSE DESIGNATION OF ORIGIN, 15 U.S.C. § 1125;
(4) FEDERAL TRADEMARK INFRINGEMENT, 15 U.S.C. § 1114 (FACEBOOK);
(5) COMMON LAW TRADEMARK INFRINGEMENT (FACEBOOK);
(6) VIOLATION OF THE ANTI-CYBERSQUATTING CONSUMER PROTECTION ACT, 15 U.S.C. § 1125(d).
(7) FEDERAL TRADEMARK INFRINGEMENT, 15 U.S.C. § 1114 (WALL);
(8) COMMON LAW TRADEMARK INFRINGEMENT (WALL);
(9) COMMON LAW UNFAIR COMPETITION; AND
(10) UNFAIR COMPETITION UNDER CAL. BUS. & PROF. CODE §§ 17200, ET SEQ.
JURY TRIAL DEMANDED

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ADR
RICHARD W. WELKING
U.S. DISTRICT COURT
SAN JOSE, CALIFORNIA

Filing

1 Social Plugins and other tools, hundreds of millions of Facebook users enjoy personalized and
2 relevant internet experiences. As of the filing of this Complaint, more than 500 million Facebook
3 users spend more than 700 billion minutes per month on mobile Facebook applications and
4 www.facebook.com, making the site the second most trafficked website in the United States and
5 worldwide. And more than one million websites have implemented tools that Facebook makes
6 available to engage users and to make their sites more social and relevant. Through Facebook,
7 users can interact with over 900 million objects (individual and community pages, groups, and
8 events) and 30 billion pieces of content (web links, news stories, blog posts, notes, photo albums,
9 etc.).

10 9. Facebook has permeated the web and Facebook users are accustomed to seeing
11 and expect to encounter Facebook and its products and services across the web, not just on
12 www.facebook.com. Facebook, and its FACEBOOK trademark, are recognized and renowned in
13 the U.S. and internationally.

14 THE FAME OF THE FACEBOOK MARKS

15 10. Since its launch in February 2004, Facebook has continuously used the mark
16 FACEBOOK in interstate commerce in the United States in connection with its goods and
17 services. FACEBOOK is an arbitrary mark, which is highly distinctive with regard to online
18 networking services.

19 11. For more than five years, Facebook has used the FACEBOOK logo in interstate
20 commerce in the United States in connection with its goods and services. The FACEBOOK logo,
21 as depicted below, is highly distinctive and uniquely associated with Facebook's online
22 networking services.

23 The image shows the Facebook logo, which consists of the word "facebook" in a white, lowercase, sans-serif font, centered within a solid black rectangular background.

24
25
26 12. Facebook owns a number of U.S. registrations for the mark FACEBOOK. These
27 registrations cover a wide variety of goods and services, including, but not limited, to:

- 28 • Online networking services, online chat functions for transmission of messages,

- 1 user-defined content, and online forums;
- 2 • Online journals featuring user-defined content and electronic publishing services;
- 3 and
- 4 • Software to enable uploading, tagging, and sharing of user-defined content or
- 5 information.

6 True and correct copies of registration certificates for the FACEBOOK mark are attached hereto
7 as Exhibit A, and are hereby incorporated by reference as though set forth in full herein.

8 13. In addition, Facebook has U.S. common law rights in the FACEBOOK mark and
9 logo in connection with various other goods and services, including as identified in pending U.S.
10 trademark applications. These applications cover a wide variety of goods and services, including:

- 11 • Online computer databases in the fields of classified ads, collegiate life, general
12 interest, classifieds, virtual community, social networking, photo sharing, and
13 transmission of photographic images;
- 14 • Customized web pages featuring user-defined information, personal profiles and
15 information; and
- 16 • Hosting online web facilities for others for organizing and conducting online
17 meetings, gatherings, and interactive discussions.

18 True and correct copies of the U.S. Patent and Trademark Office online status pages for these
19 trademark applications are attached hereto as Exhibit B, and are hereby incorporated by reference
20 as though set forth in full herein.

21 14. Facebook also owns a number of other pending U.S. applications to register other
22 marks that incorporate the FACEBOOK mark, many of which currently are in use in U.S.
23 commerce. All of Facebook's marks that consist of or incorporate the term FACEBOOK,
24 including but not limited to the FACEBOOK logo, will hereafter be referred to as the
25 "FACEBOOK Marks."

26 15. The Facebook Platform is made available to application developers, enabling them
27 to develop games and other tools for Facebook users. More than one million software developers
28 hailing from over 180 countries have developed applications on Facebook Platform.

1 16. The Facebook Platform has enabled Facebook to broaden its reach beyond the
2 Facebook website. Facebook Platform allows third party websites to integrate aspects of the
3 Facebook experience into their sites, and lets Facebook users interact and connect in other places
4 across the web. In turn, these third party websites increase the visibility of Facebook and the
5 FACEBOOK Marks. More than one million third party websites have integrated with the
6 Facebook Platform. Two-thirds of comScore’s U.S. Top 100 websites and half of comScore’s
7 Global Top 100 websites have integrated with Facebook. More than 150 million people engage
8 with Facebook on external websites every month.

9 17. As a result of Facebook’s widespread use of the FACEBOOK Marks worldwide,
10 its prolific presence on third party websites, the continuous media coverage of Facebook, the high
11 degree of recognition of the FACEBOOK Marks, and the broad base of users that enjoy
12 Facebook’s services, among other factors, the FACEBOOK Marks are famous within the
13 meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. §1125(c).

14 **DEFENDANT’S USE OF THE LAMEBOOK NAME AND MARK**

15 18. Defendant uses the name and mark LAMEBOOK in connection with a business
16 and online social networking website, accessible at www.lamebook.com, that contains content
17 that has been taken from the Facebook site. Defendant’s LAMEBOOK mark (including as used
18 in connection with the lamebook.com website) and the lamebook.com domain name are referred
19 to collectively herein as the “LAMEBOOK Mark.”

20 19. Facebook is informed and believes, and based thereon alleges, that the initial
21 version of the Lamebook site presented the LAMEBOOK Mark in a manner nearly identical to
22 the FACEBOOK logo. This initial version of the Lamebook site featured the LAMEBOOK Mark
23 in white lower case letters against a blue background, as depicted below.

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27 20. While the Lamebook site has changed somewhat over time, Defendant continues
28 to use the LAMEBOOK Mark in a manner that is nearly identical to the FACEBOOK Mark.

1 Like the FACEBOOK mark, the LAMEBOOK Mark is presented to Lamebook users in the upper
2 left-hand corner of Lamebook's splash page, and on each of Lamebook's other pages. Also like
3 Facebook's famous FACEBOOK mark, the LAMEBOOK Mark is presented in all lower case
4 white letters on a blue background, and in a font that is identical or nearly identical to the
5 FACEBOOK mark, as depicted below.



9 21. Defendant touts on its website that Lamebook is “the funniest and lamest of
10 facebook®.” In the “FAQ” section of Defendant’s site, Defendant references Facebook without
11 actually mentioning Facebook’s name: “Lamebook is for fun and the name says it all: We post
12 lame and funny pictures, status updates, and other gems found on your favorite social networking
13 site.” Under the “Advertise Here” section of the Lamebook site, Defendant notes that Lamebook
14 is “dedicated to the best and worst posts found on facebook.”

15 22. Facebook is informed and believes, and based thereon alleges that Defendant is
16 generating substantial commercial revenue through its operation of the Lamebook website.
17 Advertising permeates the Lamebook site, including but not limited to prominent advertising at
18 the top of each page, directly next to the LAMEBOOK Mark. These advertisements are for
19 leading consumer brands including UNIVERSAL ORLANDO, JEEP, KINDLE, TIVO,
20 CONTINENTAL AIRLINES, PROGRESSIVE INSURANCE, AT&T, FINGERHUT, BARE
21 ESSENTUALS, PITNEY BOWES, AOL, QUIZNOS, NETWORK SOLUTIONS, ALLSTATE
22 INSURANCE, BOWFLEX, GOOGLE, and others. Lamebook t-shirts are also made available
23 for sale on the website. In short, the Lamebook site is simply a commercial endeavor built on the
24 famous FACEBOOK Marks.

25 23. The content and functionality that appears on the Lamebook site is essentially
26 derived entirely from the Facebook site. Facebook is informed and believes and based thereon
27 alleges that Lamebook originates very little of its own content, instead publishing screenshots of
28 Facebook content. This Facebook content is filtered and consolidated by Lamebook into a

1 compilation of content selected by Lamebook, in effect creating a “mini” version of Facebook.
2 Defendant uses the LAMEBOOK Mark in connection with offering and/or promoting the
3 aforementioned services.

4 **24.** This copying and posting of Facebook content on the Lamebook site contributes to
5 the likelihood of confusion by making the Lamebook site appear even more like Facebook.
6 Because content is copied directly from Facebook, it appears on Lamebook exactly as it does on
7 the Facebook site. Moreover, like Facebook, the Defendant’s site includes functionality that
8 allows users to “like” each post. At the bottom of each Lamebook post, the Defendant provides a
9 “like” button in the form of a small “thumbs up” that is identical to the “thumbs up” icon used on
10 the Facebook site. This icon appears directly next to a “thumbs down” icon that is presented in
11 the same color and format as the Facebook “thumbs up” icon. Compounding the confusion, the
12 Defendant’s site also uses a “Like” button social plug-in provided by Facebook, which includes
13 the Facebook “F” logo, and allows any Lamebook user who has a Facebook account to post on
14 his or her Facebook profile that he or she likes a particular Lamebook post.

15 **25.** As part and parcel of its social networking features, the Lamebook site encourages
16 its users to post their current status. Defendant describes this social networking feature as
17 follows:

18 Our readers are one of the best things about Lamebook and as a
19 reader this is your chance to tell us what’s REALLY on your mind.
20 Think of it as your chance to write on our wall. So go ahead. Make
 up your own lame or funny status, submit a thought of yours, or just
 tell us what you are up to!

21 In the FAQ section of the Lamebook site, Defendant writes about the status feature: “This feature
22 allows you to write on our wall! Tell us what you are up to, how you feel about something, really
23 whatever the hell you want.” The Facebook site promotes a similar feature under its registered
24 WALL trademark. A true and correct copy of Facebook’s WALL registration is attached hereto
25 as Exhibit D, and is hereby incorporated by reference as though set forth in full herein.

26 **26.** Attached as Exhibit C are true and correct copies of the home page and other pages
27 from the Lamebook.com website as they appeared on or about June 10, 2009 and on November 8,
28 2010, and are hereby incorporated by reference as though set forth in full herein.

1 **27.** On November 24, 2009, Defendant filed its first application to register the
2 LAMEBOOK trademark with the United States Patent and Trademark Office in International
3 Class 41 (on-line journals, namely, blogs featuring commentary regarding social networking)
4 (Serial No. 77/880,306). In March of 2010 Facebook notified Lamebook that Facebook objected
5 to Lamebook's application and, on or about May 10, 2010, Lamebook filed an express
6 abandonment of this application. A true and correct copy of the U.S. Patent and Trademark
7 Office online status page for this application is attached hereto as Exhibit E, and is hereby
8 incorporated by reference as though set forth in full herein.

9 **28.** On May 6, 2010, Lamebook filed a second application to register the
10 LAMEBOOK mark, again in Class 41 ("Entertainment services, namely, providing a web site
11 featuring information and commentary regarding social network content and pop culture") (Serial
12 No. 85/031,994). A true and correct copy of the U.S. Patent and Trademark Office online status
13 page for this application is attached hereto as Exhibit F, and is hereby incorporated by reference
14 as though set forth in full herein.

15 **29.** Between March and November of 2010, Facebook and Lamebook engaged in
16 lengthy discussions regarding changes to the LAMEBOOK Mark and site. On July 1, 2010, at
17 the request of counsel for Lamebook, Facebook sent Lamebook a letter outlining Facebook's
18 objections. Prior to November 4, the parties engaged in extensive negotiations, which included e-
19 mail exchanges and more than 10 telephone calls. As recently as October 20, 2010, counsel for
20 Lamebook represented that Lamebook had completed the necessary clearance work to change
21 Lamebook's mark and was in the process of market testing a new mark.

22 **30.** On November 4, 2010 Defendant Lamebook filed a declaratory relief action
23 against Facebook concerning this matter in the U.S. District Court for the Western District of
24 Texas, Austin Division, *Lamebook, LLC v. Facebook, Inc.*, Civil Action No. 1:10-cv-00833.
25 Lamebook provided no notice to Facebook that it intended to file suit in Texas, and because the
26 parties were continuing to engage in settlement discussions, Facebook had no reason to believe
27 that such a filing was imminent. As of the date of the Texas filing, Lamebook had never
28 indicated that it had decided not to proceed with its proposed change to a new mark. Indeed, just

1 two days before filing the Texas action, counsel for Lamebook left counsel for Facebook a voice
2 message requesting that the parties continue the ongoing discussions on the afternoon of
3 November 4—the day of the Texas filing. Because Lamebook’s Texas filing was made in the
4 course of discussions between Facebook and Lamebook concerning resolution of this matter and
5 was made without prior notice, threat, or warning, Lamebook’s Texas filing was anticipatory and
6 made in order to obtain an unfair procedural and logistical advantage over Facebook, which is the
7 actual and rightful plaintiff in this dispute.

8 **31.** In an interview appearing on an Austin local news station (KTBC), Lamebook
9 founder Jonathan Standefer admitted that the LAMEBOOK Mark and the FACEBOOK Marks
10 are “very similar.” Indeed, the LAMEBOOK Mark is no more than a knock-off of the
11 FACEBOOK Marks. Facebook is informed and believes, and based thereon alleges, that
12 Defendant adopted the LAMEBOOK Mark with the intention of capitalizing on the fame of the
13 FACEBOOK Marks, and avoiding the “drudgery” of building its own brand.

14 **32.** The social networking services offered under the Defendant’s LAMEBOOK Mark
15 are the same as and/or related to the services provided by Facebook. Lamebook users can create
16 profiles, comment on and indicate their preference for content posted on the site, submit “status
17 updates,” and participate in forums and online communities. Moreover, much of the user
18 generated content that appears on Lamebook originated on Facebook. Defendant’s LAMEBOOK
19 Mark also creates a false suggestion of an affiliation or connection between Defendant and
20 Facebook, where none exists. Users encountering the LAMEBOOK mark and the presentation of
21 content on the Lamebook website (which appears highly similar to the presentation of content on
22 the Facebook website) are likely to be confused as to the source of Lamebook’s services and
23 associate them with Facebook, to Facebook’s detriment. In addition, Defendant’s use of the
24 LAMEBOOK Mark is likely to dilute the famous FACEBOOK Marks.

25 **33.** Facebook began using its FACEBOOK mark at least as early as February 2004,
26 and filed applications resulting in federal registrations well prior to Defendant’s use of the
27 LAMEBOOK Mark. The FACEBOOK Marks also acquired wide recognition in the general
28 consuming public, and became famous, well prior to Defendant’s use of the LAMEBOOK Mark.

**FIRST CAUSE OF ACTION
(FEDERAL TRADEMARK DILUTION)**

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3 **34.** Facebook incorporates by reference paragraphs 1 through 33, inclusive, as if fully
4 set forth herein.

5 **35.** As a result of the enormous publicity afforded the FACEBOOK Marks, and the
6 strong and loyal base of customers that enjoys Facebook's services, the FACEBOOK Marks have
7 a high degree of consumer recognition, are widely recognized by the general consuming public of
8 the United States as a designation of Facebook's services, and are famous.

9 **36.** The FACEBOOK Marks became famous before Defendant adopted the
10 LAMEBOOK Mark.

11 **37.** Defendant's LAMEBOOK Mark incorporates distinctive parts of the FACEBOOK
12 Marks, including the "book" element and stylization of the FACEBOOK Marks, and thus its use
13 is likely to cause an association between Defendant's LAMEBOOK Mark and the FACEBOOK
14 Marks that impairs the distinctiveness of the FACEBOOK Marks and weakens the connection in
15 consumers' minds between the FACEBOOK Marks and Facebook's services. Defendant's use of
16 the LAMEBOOK Mark is likely to cause dilution based on a number of relevant considerations,
17 including:

18 **(a)** Defendant's LAMEBOOK Mark is similar to the FACEBOOK Marks in
19 its overall commercial impression;

20 **(b)** The FACEBOOK Marks are inherently distinctive;

21 **(c)** Facebook is engaging in substantially exclusive use of the FACEBOOK
22 Marks in connection with social networking services;

23 **(d)** The FACEBOOK Marks are widely recognized by the general consuming
24 public; and

25 **(e)** Facebook is informed and believes, and based thereon alleges, that
26 Defendant intends to create an association with the FACEBOOK Marks.

27 **38.** Defendant's acts as alleged above, if not enjoined, will continue. Facebook has no
28 adequate remedy at law in that the amount of its damages is difficult to ascertain with specificity.

1 without Facebook's authorization or consent the LAMEBOOK Mark, which is highly similar to
2 the registered and common law FACEBOOK Marks.

3 48. Such acts are likely to cause confusion and deception among the purchasing public
4 and/or are likely to lead the consuming public to believe that Facebook has authorized, approved
5 or somehow sponsored Defendant's use of the LAMEBOOK Mark in connection with
6 Defendant's services.

7 49. The aforesaid wrongful acts of Defendant constitute the use of a false designation
8 of origin and false description or representation, all in violation of 15 U.S.C. § 1125(a).

9 50. Defendant's false designation of origin and false description through Defendant's
10 use of the LAMEBOOK Mark has caused, and if not enjoined will continue to cause, irreparable
11 and continuing harm to Facebook's marks, business, reputation, and goodwill, for which
12 Facebook has no adequate remedy at law.

13 51. As a direct and proximate result of Defendant's wrongful use of the LAMEBOOK
14 Mark, Facebook has been and will continue to be damaged by, without limitation, the diminution
15 in the value of its trademarks, reputation, business and good will in an amount to be proven at
16 trial.

17 52. Defendant's wrongful use of the LAMEBOOK Mark is deliberate, willful,
18 fraudulent and without any extenuating circumstances, and constitutes a knowing use of
19 Facebook's marks and an exceptional case within the meaning of 15 U.S.C. § 1117. Facebook is
20 therefore entitled to recover three times the amount of its actual damages and the attorneys' fees
21 and costs incurred in this action, and prejudgment interest.

22 **FOURTH CAUSE OF ACTION**
23 **(FEDERAL TRADEMARK INFRINGEMENT)**

24 53. Facebook incorporates by reference paragraphs 1 through 33, inclusive, as if fully
25 set forth herein.

26 54. The LAMEBOOK Mark is highly similar to the registered FACEBOOK Marks in
27 appearance, sound, meaning, and commercial impression.

28 55. Defendant's services are the same as and/or related to some of Facebook's

1 services.

2 **56.** Both Facebook and Defendant offer their services through the same channel of
3 trade, i.e., the internet.

4 **57.** The instantaneous nature of internet navigation, the speed at which people
5 navigate and are presented with advertisements, images and/or data on the internet, and the speed
6 at which consumers perform transactions on the internet, all tend to increase the risk of confusion
7 or mistake about the source of a product or service.

8 **58.** Facebook is informed and believes, and based thereon alleges, that Defendant
9 adopted the LAMEBOOK Mark with knowledge of, and the intent to call to mind and create a
10 likelihood of confusion with regard to, and/or trade off the fame of Facebook and the registered
11 FACEBOOK Marks.

12 **59.** Facebook has given notice of its registrations, applications, and claimed trademark
13 rights pursuant to 15 U.S.C. § 1111. Defendant continues to use the LAMEBOOK Mark despite
14 Facebook's express objection thereto.

15 **60.** Defendant's continued use of the LAMEBOOK Mark will injure Facebook by
16 causing a likelihood that the public will be confused or mistaken into believing that the goods or
17 services provided by Defendant are endorsed or sponsored by Facebook.

18 **61.** Facebook has no control over the nature and quality of the goods or services
19 offered by Defendant under Defendant's LAMEBOOK Mark, and Facebook's reputation and
20 goodwill will be damaged and the value of Facebook's registered and common law marks
21 jeopardized by Defendant's continued use of the LAMEBOOK name and mark. Because of the
22 likelihood of confusion between the parties' marks, any defects, objections, or faults found with
23 Defendant's services marketed under the LAMEBOOK Mark would negatively reflect upon and
24 injure the reputation that Facebook has established for the services it offers in connection with the
25 registered FACEBOOK Marks. As such, Defendant is liable to Facebook for infringement of a
26 registered mark under 15 U.S.C. §1114.

27 **62.** Defendant's acts as alleged above, if not enjoined, will continue. Facebook has no
28 adequate remedy at law in that the amount of its damages is difficult to ascertain with specificity.

1 **63.** As a result of Defendant's infringement of Facebook's registered marks, Facebook
2 has incurred damages in an amount to be proven at trial consisting of, among other things,
3 diminution in the value of and goodwill associated with the marks.

4 **64.** Defendant's infringement of Facebook's registered marks is deliberate, willful,
5 fraudulent and without any extenuating circumstances, and constitutes a knowing use of
6 Facebook's marks and an exceptional case within the meaning of 15 U.S.C. § 1117. Facebook is
7 therefore entitled to recover three times the amount of its actual damages and the attorneys' fees
8 and costs incurred in this action, and prejudgment interest.

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10 **FIFTH CAUSE OF ACTION**
 (COMMON LAW TRADEMARK INFRINGEMENT)

11 **65.** Facebook incorporates by reference paragraphs 1 through 33, inclusive, as if fully
12 set forth herein.

13 **66.** Defendant's acts alleged herein and specifically, without limitation, Defendant's
14 use of the LAMEBOOK Mark, infringe Facebook's exclusive trademark rights in the
15 FACEBOOK Marks, in violation of the common law.

16 **67.** Defendant's acts as alleged above, if not enjoined, will continue. Facebook has no
17 adequate remedy at law in that the amount of its damages is difficult to ascertain with specificity.

18 **68.** As a result of Defendant's acts as alleged above, Facebook has incurred damages
19 in an amount to be proven at trial consisting of, among other things, diminution in the value of the
20 goodwill associated with the FACEBOOK Marks.

21 **SIXTH CAUSE OF ACTION**
 (CYBERSQUATTING)

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23 **69.** Facebook incorporates by reference paragraphs 1 through 33, inclusive, as if fully
24 set forth here.

25 **70.** Facebook is informed and believes and thereon alleges that Defendant acquired,
26 and subsequently made use of, the LAMEBOOK.COM domain.

27 **71.** Facebook is informed and believes and thereon alleges that Facebook began using
28 the distinctive and famous FACEBOOK Marks years prior to Defendant's acquisition of the

1 LAMEBOOK.COM domain name. By the time Defendant acquired the LAMEBOOK.COM
2 domain name, the FACEBOOK Marks were widely recognized as an indicator of source for
3 Facebook's services, and were famous.

4 72. Defendant's LAMEBOOK.COM domain name is confusingly similar and/or
5 dilutive of the FACEBOOK Marks.

6 73. Facebook is informed and believes and thereon alleges that Defendant acquired
7 and has used the LAMEBOOK.COM domain name with a bad faith intent to profit from the
8 FACEBOOK Marks.

9 74. Defendant's actions have caused, and continue to cause, great and irreparable
10 injury to Facebook. Unless these acts are restrained by this Court, they will continue, and
11 Facebook will continue to suffer such injury.

12 75. Facebook is entitled to cancellation of Defendant's LAMEBOOK.COM domain
13 name registration and transfer of the domain name to Facebook, along with monetary
14 compensation and statutory penalties pursuant to the Anti-Cybersquatting Consumer Protection
15 Act, 15 U.S.C. § 1125(d).

16 **SEVENTH CAUSE OF ACTION**
17 **(FEDERAL TRADEMARK INFRINGEMENT)**

18 76. Facebook incorporates by reference paragraphs 1 through 33, inclusive, as if fully
19 set forth herein.

20 77. Defendant's social networking services rendered under the designation
21 "WALL"—among other things, online messaging—are the same as the services Facebook
22 renders under its WALL mark.

23 78. Both Facebook and Defendant offer their services through the same channel of
24 trade, i.e., the internet.

25 79. The instantaneous nature of internet navigation, the speed at which people
26 navigate and are presented with advertisements, images and/or data on the internet, and the speed
27 at which internet users perform transactions on the internet, all tend to increase the risk of
28 confusion or mistake about the source of a product or service.

1 **80.** Facebook is informed and believes, and based thereon alleges, that Defendant
2 adopted and is using WALL with knowledge of, and the intent to call to mind, create a likelihood
3 of confusion with regard to, and/or trade off Facebook's registered WALL mark.

4 **81.** Defendant's continued use of the WALL mark will injure Facebook by causing a
5 likelihood that the public will be confused or mistaken into believing that the goods or services
6 provided by Defendant are endorsed or sponsored by Facebook.

7 **82.** Facebook has no control over the nature and quality of the goods or services
8 offered by Defendant in connection with the WALL mark, and Facebook's reputation and
9 goodwill will be damaged and the value of Facebook's registered and common law marks
10 jeopardized by Defendant's continued use of Facebook's WALL mark. Because of the likelihood
11 of confusion between the parties' marks, any defects, faults, or deleterious aspects found with
12 Defendant's services offered under the WALL mark would negatively reflect upon and injure the
13 reputation that Facebook has established for the services it offers in connection with its registered
14 WALL mark. As such, Defendant is liable to Facebook for infringement of a registered mark
15 under 15 U.S.C. §1114.

16 **83.** Defendant's acts as alleged above, if not enjoined, will continue. Facebook has no
17 adequate remedy at law.

18 **84.** As a result of Defendant's infringement of Facebook's registered marks, Facebook
19 has incurred damages in an amount to be proven at trial consisting of, among other things,
20 diminution in the value of and goodwill associated with the marks.

21 **85.** Defendant's infringement of Facebook's registered marks is deliberate, willful,
22 and without any extenuating circumstances, and constitutes a knowing use of Facebook's marks
23 and an exceptional case within the meaning of Lanham Act section 35, 15 U.S.C. § 1117.
24 Facebook is therefore entitled to recover three times the amount of its actual damages and the
25 attorneys' fees and costs incurred in this action, and prejudgment interest.

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**EIGHTH CAUSE OF ACTION
(COMMON LAW TRADEMARK INFRINGEMENT)**

86. Facebook incorporates by reference paragraphs 1 through 33, inclusive, as if fully set forth herein.

87. Defendant's acts alleged herein and specifically, without limitation, Defendant's use of the WALL mark, infringe Facebook's exclusive trademark rights in its WALL mark, in violation of the common law.

88. Defendant's acts as alleged above, if not enjoined, will continue. Facebook has no adequate remedy at law in that the amount of its damages is difficult to ascertain with specificity. As a result of Defendant's acts as alleged above, Facebook has incurred damages in an amount to be proven at trial consisting of, among other things, diminution in the value of the goodwill associated with Facebook's WALL mark.

**NINTH CAUSE OF ACTION
(COMMON LAW UNFAIR COMPETITION)**

89. Facebook incorporates by reference paragraphs 1 through 33, inclusive, as if fully set forth herein.

90. Facebook is informed and believes, and based thereon alleges, that Defendant has engaged in and continues to engage in unfair competition by using the LAMEBOOK Mark, with the intention of interfering with and trading on the business reputation and goodwill engendered by Facebook through hard work and diligent effort.

91. Defendant's acts have caused Facebook competitive injury, as described herein, and specifically have caused Facebook to incur damages in an amount to be proven at trial consisting of, among other things, diminution in the value of and goodwill associated with the FACEBOOK Marks.

92. Defendant's acts as alleged above, and specifically, without limitation, Defendant's use of the LAMEBOOK Mark, if not enjoined, will continue. Facebook has no adequate remedy at law in that the amount of its damages is difficult to ascertain with specificity.

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2 **TENTH CAUSE OF ACTION**
3 **(UNFAIR COMPETITION UNDER CAL. BUS. & PROF. CODE §§ 17200, ET SEQ.)**

4 **93.** Facebook incorporates by reference paragraphs 1 through 33, inclusive, as if fully
5 set forth herein.

6 **94.** By the acts described herein, Defendant has engaged in unlawful and unfair
7 business practices that have injured and will continue to injure Facebook in its business and
8 property, in violation of California Business and Professions Code §§ 17200, *et seq.*

9 **95.** Defendant's acts alleged herein have caused monetary damages to Facebook in an
10 amount to be proven at trial, and have caused, and will continue to cause, irreparable injury to
11 Facebook and its business, reputation, and trademarks, unless and until Defendant is permanently
12 enjoined.

13 **96.** As a direct and proximate result of Defendant's conduct alleged herein, Defendant
14 has been unjustly enriched and should be ordered to disgorge any and all profits earned as a result
15 of such unlawful conduct.

16 **PRAYER FOR RELIEF**

17 **WHEREFORE,** Facebook prays:

18 **A.** That this Court grant preliminary and permanent injunctive relief enjoining
19 Defendant and all others acting in concert with and having knowledge thereof, from using the
20 LAMEBOOK Mark, and any similar trade name or mark or variant thereof, as a trade name,
21 trademark, service mark, domain name, or for any other purpose;

22 **B.** That this Court order Defendant to abandon all LAMEBOOK trademark
23 applications;

24 **C.** That this Court order Defendant to account to Facebook any and all
25 revenues and profits that Defendant has derived from its wrongful actions and to pay all damages
26 which Facebook has sustained by reason of the acts complained of herein, and that such damages
27 be trebled;

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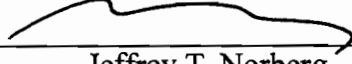
D. That this Court award Facebook the costs of this action and reasonable attorneys' fees and expenses;

E. That the Court order the Registrar of the LAMEBOOK.com domain name to transfer it to Facebook; and

F. That this Court grant such other and further relief as it should deem just.

Dated: November 8, 2010

COOLEY LLP
MICHAEL G. RHODES
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON



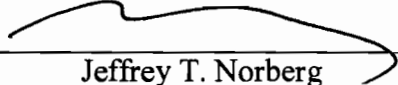
Jeffrey T. Norberg
Attorneys for Plaintiff
FACEBOOK, INC.

DEMAND FOR JURY TRIAL

Plaintiff Facebook, Inc. hereby demands a trial by jury on all issues for which a trial by jury may be had.

Dated: November 8, 2010

COOLEY LLP
MICHAEL G. RHODES
ANNE H. PECK
JEFFREY T. NORBERG
GAVIN L. CHARLSTON



Jeffrey T. Norberg
Attorneys for Plaintiff
FACEBOOK, INC.

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EXHIBIT A

Int. Cls.: 35 and 38

Prior U.S. Cls.: 100, 101, 102 and 104

Reg. No. 3,041,791

United States Patent and Trademark Office

Registered Jan. 10, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

THEFACEBOOK

THEFACEBOOK, INC. (DELAWARE CORPORATION)
471 EMERSON STREET
PALO ALTO, CA 943011605

FOR: PROVIDING AN ONLINE DIRECTORY INFORMATION SERVICE FEATURING INFORMATION REGARDING, AND IN THE NATURE OF, COLLEGIATE LIFE, CLASSIFIEDS, VIRTUAL COMMUNITY AND SOCIAL NETWORKING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-4-2004; IN COMMERCE 2-4-2004.

FOR: PROVIDING ONLINE CHAT ROOMS FOR REGISTERED USERS FOR TRANSMISSION OF

MESSAGES CONCERNING COLLEGIATE LIFE, CLASSIFIEDS, VIRTUAL COMMUNITY AND SOCIAL NETWORKING, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 2-4-2004; IN COMMERCE 2-4-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-574,726, FILED 2-24-2005.

MATTHEW KLINE, EXAMINING ATTORNEY



United States Patent and Trademark Office

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FACEBOOK

Word Mark	FACEBOOK
Goods and Services	IC 035. US 100 101 102. G & S: providing an online directory information service featuring information regarding, and in the nature of, collegiate life, classifieds, virtual community and social networking. FIRST USE: 20040204. FIRST USE IN COMMERCE: 20040204
	IC 038. US 100 101 104. G & S: providing online chat rooms for registered users for transmission of messages concerning collegiate life, classifieds, virtual community and social networking. FIRST USE: 20040204. FIRST USE IN COMMERCE: 20040204
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78574726
Filing Date	February 24, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	October 18, 2005
Change in Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	3041791
Registration Date	January 10, 2006

Owner (REGISTRANT) THEFACEBOOK, Inc. CORPORATION DELAWARE 471 Emerson Street Palo Alto CALIFORNIA 943011605

(LAST LISTED OWNER) FACEBOOK, INC. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Anne H. Peck

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Int. Cls.: 35 and 38

Prior U.S. Cls.: 100, 101, 102, and 104

Reg. No. 3,122,052

United States Patent and Trademark Office

Registered July 25, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

FACEBOOK

FACEBOOK, INC. (DELAWARE CORPORATION)
156 UNIVERSITY AVENUE
PALO ALTO, CA 94301

FOR: PROVIDING AN ONLINE DIRECTORY
INFORMATION SERVICE FEATURING INFORMA-
TION REGARDING, AND IN THE NATURE OF,
COLLEGIATE LIFE, CLASSIFIEDS, VIRTUAL COM-
MUNITY AND SOCIAL NETWORKING, IN CLASS
35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 11-16-2004; IN COMMERCE 11-16-2004.

FOR: PROVIDING ONLINE CHAT ROOMS FOR
REGISTERED USERS FOR TRANSMISSION OF

MESSAGES CONCERNING COLLEGIATE LIFE,
CLASSIFIEDS, VIRTUAL COMMUNITY AND SO-
CIAL NETWORKING, IN CLASS 38 (U.S. CLS. 100,
101 AND 104).

FIRST USE 11-16-2004; IN COMMERCE 11-16-2004.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 78-574,730, FILED 2-24-2005.

MATTHEW KLINE, EXAMINING ATTORNEY



United States Patent and Trademark Office

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FACEBOOK

Word Mark FACEBOOK
Goods and Services (CANCELLED) IC 035. US 100 101 102. G & S: [providing an online directory information service featuring information regarding, and in the nature of, collegiate life, classifieds, virtual community and social networking]. FIRST USE: 20041116. FIRST USE IN COMMERCE: 20041116
 IC 038. US 100 101 104. G & S: providing online chat rooms for registered users for transmission of messages concerning collegiate life, classifieds, virtual community and social networking. FIRST USE: 20041116. FIRST USE IN COMMERCE: 20041116
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78574730
Filing Date February 24, 2005
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition October 4, 2005
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 3122052
Registration Date July 25, 2006

Owner (REGISTRANT) FACEBOOK, INC. CORPORATION DELAWARE 1601 South California Avenue
Palo Alto CALIFORNIA 94304

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Anne H. Peck

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,659,516

Registered July 21, 2009

**TRADEMARK
PRINCIPAL REGISTER**

FACEBOOK

FACEBOOK, INC. (DELAWARE CORPORATION)
156 UNIVERSITY AVENUE
PALO ALTO, CA 94301

FOR: CLOTHING FOR MEN WOMEN, AND
CHILDREN, NAMELY, SHIRTS, T-SHIRTS, JACK-
ETS, TOPS, SWEAT SHIRTS, HEADWEAR, HATS,
CAPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-0-2006; IN COMMERCE 2-0-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,041,791 AND
3,122,052.

SN 78-981,126, FILED 8-29-2006.

EDWARD NELSON, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

FACEBOOK

Reg. No. 3,716,926 FACEBOOK, INC. (DELAWARE CORPORATION)
Registered Nov. 24, 2009 1601 SOUTH CALIFORNIA AVENUE
PALO ALTO, CA 94304

Int. Cls.: 18, 20, and 21 FOR: BAGS, NAMELY, ALL PURPOSE SPORTS BAGS, ALL PURPOSE CARRYING BAGS, BAGS AND HOLD-ALLS FOR SPORTS CLOTHING, TOTE BAGS, BOOK BAGS, CARRY-ALL BAGS, TRAVELING BAGS; UMBRELLAS; BRIEFCASE-TYPE PORTFOLIOS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

**TRADEMARK
PRINCIPAL REGISTER**

FIRST USE 9-0-2005; IN COMMERCE 9-0-2005.

FOR: PICTURE FRAMES, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 9-0-2005; IN COMMERCE 9-0-2005.

FOR: INSULATING SLEEVES FOR BEVERAGE CANS; INSULATING SLEEVES FOR BEVERAGE BOTTLES; PORTABLE CAN COOLERS; PORTABLE BOTTLE COOLERS; THERMALLY INSULATED CONTAINERS FOR BEVERAGES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 5-0-2009; IN COMMERCE 5-0-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,041,791 AND 3,122,052.

SN 77-978,174, FILED 3-7-2007.

LINDA LAVACHE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

FACEBOOK

Reg. No. 3,734,637 FACEBOOK, INC. (DELAWARE CORPORATION)
Registered Jan. 5, 2010 1601 SOUTH CALIFORNIA AVENUE
PALO ALTO, CA 94304

Int. Cls.: 9, 38, 41, and 42 FOR: SOFTWARE TO ENABLE UPLOADING, POSTING, SHOWING, DISPLAYING, TAGGING, BLOGGING, SHARING OR OTHERWISE PROVIDING ELECTRONIC MEDIA OR INFORMATION OVER THE INTERNET OR OTHER COMMUNICATIONS NETWORK, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

FOR: AUDIO AND VIDEO BROADCASTING SERVICES OVER THE INTERNET OR OTHER COMMUNICATIONS NETWORK, NAMELY, UPLOADING, POSTING, SHOWING, DISPLAYING, TAGGING AND ELECTRONICALLY TRANSMITTING INFORMATION, AUDIO, AND VIDEO CLIPS; PROVIDING ON-LINE CHAT ROOMS, LISTSERVICES, AND ON-LINE FORUMS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING USER-DEFINED CONTENT; PROVIDING ON-LINE CHAT ROOMS AND ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG USERS IN THE FIELD OF GENERAL INTEREST, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

FOR: ON-LINE JOURNALS, NAMELY, BLOGS FEATURING USER-DEFINED CONTENT, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

FOR: APPLICATION SERVICE PROVIDER (ASP) FEATURING SOFTWARE TO ENABLE UPLOADING, POSTING, SHOWING, DISPLAYING, TAGGING, BLOGGING, SHARING OR OTHERWISE PROVIDING ELECTRONIC MEDIA OR INFORMATION OVER THE INTERNET OR OTHER COMMUNICATIONS NETWORK, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,041,791 AND 3,122,052.

SN 77-189,479, FILED 5-24-2007.

TRACY CROSS, EXAMINING ATTORNEY



David J. Kypas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

FACEBOOK

Reg. No. 3,801,147

Registered June 8, 2010

Int. Cls.: 9, 38, 41, and 42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

FACEBOOK, INC. (DELAWARE CORPORATION)
1601 SOUTH CALIFORNIA AVENUE
PALO ALTO, CA 94304

FOR: COMPUTER SOFTWARE DEVELOPMENT TOOLS FOR SOCIAL NETWORKING; BUILDING SOCIAL NETWORKING APPLICATIONS AND FOR ALLOWING DATA RETRIEVAL, UPLOAD, ACCESS AND MANAGEMENT; APPLICATION PROGRAMMING INTERFACE (API) FOR THIRD-PARTY SOFTWARE AND ONLINE SERVICES FOR SOCIAL NETWORKING; BUILDING SOCIAL NETWORKING APPLICATIONS AND FOR ALLOWING DATA RETRIEVAL, UPLOAD, ACCESS AND MANAGEMENT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

FOR: PROVIDING ACCESS TO COMPUTER DATABASES; ELECTRONIC TRANSMISSION OF INSTANT MESSAGES AND DATA, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

FOR: ELECTRONIC PUBLISHING SERVICES, NAMELY, PUBLISHING OF ONLINE WORKS OF OTHERS FEATURING USER-CREATED TEXT, AUDIO, VIDEO, AND GRAPHICS; PROVIDING ON-LINE JOURNALS AND WEB LOGS FEATURING USER-CREATED CONTENT, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

FOR: PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE SOFTWARE APPLICATIONS FOR CLASSIFIEDS, VIRTUAL COMMUNITY, SOCIAL NETWORKING, PHOTO SHARING, AND TRANSMISSION OF PHOTOGRAPHIC IMAGES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 2-0-2004; IN COMMERCE 2-0-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,041,791 AND 3,122,052.

SN 77-979,375, FILED 11-7-2006.

EDWARD NELSON, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

FACEBOOK

Reg. No. 3,814,888

Registered July 6, 2010

Int. Cl.: 42

SERVICE MARK

PRINCIPAL REGISTER

FACEBOOK, INC. (DELAWARE CORPORATION)
1601 SOUTH CALIFORNIA AVENUE
PALO ALTO, CA 94304

FOR: PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE SOFTWARE APPLICATIONS FOR VIDEO SHARING, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 6-0-2007; IN COMMERCE 6-0-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,041,791 AND 3,122,052.

SN 77-039,123, FILED 11-7-2006.

EDWARD NELSON, EXAMINING ATTORNEY



David J. Kyfas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

FACEBOOK

Reg. No. 3,826,546

Registered July 27, 2010

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

FACEBOOK, INC. (DELAWARE CORPORATION)
1601 SOUTH CALIFORNIA AVENUE
PALO ALTO, CA 94304

FOR: CLOTHING FOR MEN, WOMEN AND CHILDREN, NAMELY, BOTTOMS, PANTS,
LOUNGEWEAR, SWEAT PANTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-6-2010; IN COMMERCE 5-6-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,041,791 AND 3,122,052.

SN 78-962,629, FILED 8-29-2006.

EDWARD NELSON, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

EXHIBIT B



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Word Mark FACEBOOK

Goods and Services IC 041. US 100 101 107. G & S: Providing computer, electronic and online databases in the field of entertainment and in the fields of secondary, collegiate, social and community interest groups; Photosharing and video sharing services; Electronic journals and web logs, featuring user generated or specified content; Electronic publishing services for others; Entertainment services, namely, facilitating interactive and multiplayer and single player game services for games played via computer or communication networks; Providing information about online computer games and video games via computer or communication networks; Arranging and conducting competitions for video gamers and computer game players

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.11.21 - Rectangles that are completely or partially shaded
26.11.25 - Rectangles with one or more curved sides

Serial Number 77896322

Filing Date December 17, 2009

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304

Attorney of Record Anne H. Peck

Description The color(s) blue and white is/are claimed as a feature of the mark. The mark consists of the word

of Mark "FACEBOOK" in white letters with a blue background.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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FACEBOOK

**Word Mark
Goods and
Services**

FACEBOOK

IC 035. US 100 101 102. G & S: Advertising and information distribution services, namely, providing classified advertising space via the global computer network; promoting the goods and services of others over the Internet; providing on-line computer databases and on-line searchable databases in the field of classifieds

IC 038. US 100 101 104. G & S: Providing online chat rooms and electronic bulletin boards for registered users for transmission of messages concerning collegiate life, general interest, classifieds, virtual community, social networking, photo sharing, and transmission of photographic images; provision of on-line forums for the transmission of photographic images; provision of on-line forums for communications on topics of general interest

IC 041. US 100 101 107. G & S: Providing on-line computer databases and on-line searchable databases in the field of collegiate life concerning college athletics, concerts, entertainment events, art, performing arts, music, dance and academics; providing on-line computer databases and on-line searchable databases featuring collegiate student groups concerning subjects in the fields of academics and entertainment

IC 042. US 100 101. G & S: Computer services, namely, hosting online web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions; and computer services in the nature of customized web pages featuring user-defined information, personal profiles and information; computer services, namely, creating an on-line community for registered users to participate in discussion, get feedback from their peers, form virtual communities, and engage in social networking; peer-to-browser photo sharing services namely, providing a website featuring technology enabling users to upload, view and download digital photos

IC 045. US 100 101. G & S: Internet based introduction and social networking services; providing on-line computer databases and on-line searchable databases in the field of social networking

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78920322

Filing Date June 29, 2006

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition June 1, 2010

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304

Attorney of Record Anne H. Peck

Prior Registrations 3041791;3122052

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead indicator LIVE

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FACEBOOK

Word Mark FACEBOOK

Goods and Services IC 018. US 001 002 003 022 041. G & S: Bags, namely, duffle bags, backpacks, beach bags, belt bags, clutch bags, cosmetic bags sold empty, gym bags; leather and imitations of leather; animal skins and hides; trunks for traveling; parasols; walking sticks; pocket books; handbags; wallets; credit card cases; drawstring pouches; attaché cases

IC 020. US 002 013 022 025 032 050. G & S: Plastic key rings; plastic novelty license plates; indoor and outdoor furniture; wood boxes; pillows; cushions; inflatable plastic signs; plastic boxes; non-electric fans for personal use; mirrors; figurines made of plastic, wood, ivory, fabric, plaster, wax, bone, and cold-cast resin; non-metal clips for bags

IC 021. US 002 013 023 029 030 033 040 050. G & S: Thermally insulated containers for food; portable plastic coolers; portable metal coolers; coasters not of paper and not being table linen; bottle openers; pitchers; plastic buckets; plastic cups; serving trays not of precious metal; bottle stands; mugs; cups; foam drink holders; storage jars; glass and porcelain giftware, namely, vases, ornaments, plates, cups, jars, and decorative boxes; figurines made from glass, porcelain, ceramics, earthenware, and china; beverage glassware

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77125103

Filing Date March 7, 2007

Current Filing Basis 1B

Original Filing 1B

Basis

**Published for
Opposition** October 2, 2007

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304

**Attorney of
Record** Anne H. Peck

**Prior
Registrations** 3041791;3122052

Type of Mark TRADEMARK

Register PRINCIPAL

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Indicator** LIVE

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Word Mark FACEBOOK
Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software development tools; Computer software for use as an application programming interface (API); Application programming interface (API) for computer software which facilitates online services for social networking, building social networking applications and for allowing data retrieval, upload, download, access and management; Computer software to enable uploading, downloading, accessing, posting, displaying, tagging, blogging, streaming, linking, sharing or otherwise providing electronic media or information via computer and communication networks
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.11.21 - Rectangles that are completely or partially shaded
 26.11.25 - Rectangles with one or more curved sides
Serial Number 77896312
Filing Date December 17, 2009
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition May 25, 2010
Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304
Attorney of Record Anne H. Peck
Prior Registrations 3041791;3122052;3734637;AND OTHERS
Description of The color(s) blue and white is/are claimed as a feature of the mark. The mark consists of the word

Mark "FACEBOOK" in white letters with a blue background.
Type of Mark TRADEMARK
Register PRINCIPAL
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Word Mark FACEBOOK

Goods and Services IC 035. US 100 101 102. G & S: Marketing, advertising and promotion services; Market research and information services; Promoting the goods and services of others via computer and communication networks; Facilitating the exchange and sale of services and products of third parties via computer and communication networks; Online retail store services featuring delivery of digital media; Charitable services, namely, promoting public awareness about charitable, philanthropic, volunteer, public and community service and humanitarian activities; Contest and incentive award programs designed to recognize, reward and encourage individuals and groups which engage in self-improvement, self-fulfillment, charitable, philanthropic, volunteer, public and community service and humanitarian activities and sharing of creative work product

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.11.21 - Rectangles that are completely or partially shaded
26.11.25 - Rectangles with one or more curved sides

Serial Number 77896315

Filing Date December 17, 2009

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304

Attorney of Record Anne H. Peck

Description of Mark The color(s) blue and white is/are claimed as a feature of the mark. The mark consists of the word "FACEBOOK" in white letters with a blue background.

Type of Mark SERVICE MARK

Register PRINCIPAL

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Word Mark FACEBOOK
Goods and Services IC 036. US 100 101 102. G & S: Financial transaction processing services, namely, clearing and reconciling financial transactions via computer and communication networks; Electronic processing and transmission of bill payment data for users of computer and communication networks; Electronic funds transfer services; Bill payment services; Financial exchange services, namely, providing a virtual currency for use by members of an online community via computer and communication networks
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.11.21 - Rectangles that are completely or partially shaded
 26.11.25 - Rectangles with one or more curved sides
Serial Number 77896317
Filing Date December 17, 2009
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition May 25, 2010
Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304
Attorney of Record Anne H. Peck
Prior Registrations 3041791;3122052;3734637;AND OTHERS
Description of Mark The color(s) blue and white is/are claimed as a feature of the mark. The mark consists of the word "FACEBOOK" in white letters with a blue background.

Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark FACEBOOK

Goods and Services IC 038. US 100 101 104. G & S: Providing access to computer, electronic and online databases; Telecommunications services, namely, electronic transmission of data, messages and information; Providing online forums for communication on topics of general interest; Providing online communications links which transfer web site users to other local and global web pages; Facilitating access to third party web sites via a universal login; Providing online chat rooms and electronic bulletin boards; Audio, text and video broadcasting services over computer or other communication networks, namely, uploading, posting, displaying, tagging, and electronically transmitting data, information, audio and video images

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.11.21 - Rectangles that are completely or partially shaded
26.11.25 - Rectangles with one or more curved sides

Serial Number 77896318

Filing Date December 17, 2009

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304

Attorney of Record Anne H. Peck

Description The color(s) blue and white is/are claimed as a feature of the mark. The mark consists of the word

of Mark "FACEBOOK" in white letters with a blue background.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark FACEBOOK

Goods and Services IC 042. US 100 101. G & S: Computer services, namely, creating virtual communities for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking; Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; Application service provider (ASP) services, namely, hosting computer software applications of others; Application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing or otherwise providing electronic media or information over communication networks; Providing an online network service that enables users to transfer personal identity data to and share personal identify data with and among multiple websites; Providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; Providing information from searchable indexes and databases of information, including text, electronic documents, databases, graphics and audio visual information, on computer and communication networks; Providing temporary use of non-downloadable software applications for social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; Computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio, video, photographic images, text, graphics and data

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.11.21 - Rectangles that are completely or partially shaded
26.11.25 - Rectangles with one or more curved sides

Serial Number 77896323

Filing Date December 17, 2009

Current 1B

Filing Basis

Original Filing Basis 1B

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304

Attorney of Record Anne H. Peck

Description of Mark The color(s) blue and white is/are claimed as a feature of the mark. The mark consists of the word "FACEBOOK" in white letters with a blue background.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark FACEBOOK
Goods and Services IC 041, US 100 101 107. G & S: Providing computer, electronic and online databases in the field of entertainment and in the fields of secondary, collegiate, social and community interest groups; Photosharing and video sharing services; Electronic journals and web logs, featuring user generated or specified content; Electronic publishing services for others; Entertainment services, namely, facilitating interactive and multiplayer and single player game services for games played via computer or communication networks; Providing information about online computer games and video games via computer or communication networks; Arranging and conducting competitions for video gamers and computer game players

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.11.21 - Rectangles that are completely or partially shaded
 26.11.25 - Rectangles with one or more curved sides

Serial Number 77896322

Filing Date December 17, 2009

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304

Attorney of Record Anne H. Peck

Description The color(s) blue and white is/are claimed as a feature of the mark. The mark consists of the word

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Word Mark FACEBOOK

Goods and Services IC 042. US 100 101. G & S: Computer services, namely, creating virtual communities for registered users to organize groups and events, participate in discussions, and engage in social, business and community networking; Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; Application service provider (ASP) services, namely, hosting computer software applications of others; Application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing or otherwise providing electronic media or information over communication networks; Providing an online network service that enables users to transfer personal identity data to and share personal identify data with and among multiple websites; Providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple websites; Providing information from searchable indexes and databases of information, including text, electronic documents, databases, graphics and audio visual information, on computer and communication networks; Providing temporary use of non-downloadable software applications for social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; Computer services in the nature of customized web pages featuring user-defined or specified information, personal profiles, audio, video, photographic images, text, graphics and data

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.11.21 - Rectangles that are completely or partially shaded
26.11.25 - Rectangles with one or more curved sides

Serial Number 77896323

Filing Date December 17, 2009

Current 1B

Filing Basis

Original Filing Basis 1B

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304

Attorney of Record Anne H. Peck

Description of Mark The color(s) blue and white is/are claimed as a feature of the mark. The mark consists of the word "FACEBOOK" in white letters with a blue background.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark FACEBOOK

Goods and Services IC 045. US 100 101. G & S: Social introduction, networking and dating services; Providing access to computer databases in the fields of social networking, social introduction and dating; Providing social services and information in the field of personal development, namely, self-improvement, self-fulfillment, charitable, philanthropic, volunteer, public and community services, and humanitarian activities

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.11.02 - Plain single line rectangles; Rectangles (single line)

Serial Number 77896325

Filing Date December 17, 2009

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) Facebook, Inc. CORPORATION DELAWARE 1601 South California Avenue Palo Alto CALIFORNIA 94304

Attorney of Record Anne H. Peck

Description of Mark The color(s) blue and white is/are claimed as a feature of the mark. The mark consists of the word "FACEBOOK" in white letters with a blue background.

Type of Mark SERVICE MARK

Register PRINCIPAL

of Mark "FACEBOOK" in white letters with a blue background.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Wednesday, June 10, 2009

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Monday, November 8, 2010

In Vain Pains



God Gave me it

For the album
Mobile Upload by Justin [pic]

2 people like this.

David chick... Can we get a whole moon shot-if this is a
October 23 at 4:11pm Flag

Jarily Hmm I wonder who that is?
October 23 at 4:12pm Flag

Linda I can't believe you damned God. Sorry Justin, I can't believe you have grown that far away from Him. You can include me if you want, but What the Lord thinks is most important. :)

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Eating Cap'n Crunch

xanax4me
FML(FOR SMOKERS)-find my lighter
FML(FOR potheads)-fu+ck my lastbag!!!
FML(FOR BUSY COUPLES)-f+ck me later?

axis
The after dinner cigarette is one of the forty best cigarettes of the day.

djm5450
If you're supposed to dress as something you're not on Halloween...then why do most girls still dress like sluts...?

Jimmy Hunt
likes movies where the guy gets the girl in the end. That's why I like porno

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Dislike
(-34)

Like
Dislike
(-14)

Like
Dislike
(26)

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(62)

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Thursday, September 9, 2010

Win & Out



Isabela



Nadame Heg's prediction for Isabela:

"Isabela, I bring you GOOD news: The future looks very bright for you. (I had something to do with the colour red and a woman.)"



Ramon looks like your period's coming up.



Veronica

Ole Christopher: Today, I read many posts about people naming their iPods "The Titanic", so when they sync it, it says "syncing the titanic". Well, today I also named my iPhone "The Titanic". But I didn't sync it. I backed it up. "Backing up The Titanic". I feel like a hero.



Chris to host or not to host a couchsurfer... hmm???



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WALL

Reg. No. 3,723,894 FACEBOOK, INC. (DELAWARE CORPORATION)
Registered Dec. 8, 2009 1601 SOUTH CALIFORNIA AVENUE
PALO ALTO, CA 94301

Int. Cls.: 38, 42, and 45 FOR: PROVIDING ONLINE CHAT ROOMS AND ELECTRONIC BULLETIN BOARDS FOR REGISTERED USERS FOR TRANSMISSION OF MESSAGES CONCERNING COLLEGIATE LIFE, GENERAL INTEREST, CLASSIFIEDS, VIRTUAL COMMUNITY, SOCIAL NETWORKING, PHOTO SHARING, AND TRANSMISSION OF PHOTOGRAPHIC IMAGES, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).
SERVICE MARK
PRINCIPAL REGISTER

FIRST USE 9-0-2004; IN COMMERCE 9-0-2004.

FOR: COMPUTER SERVICES, NAMELY, HOSTING ONLINE WEB FACILITIES FOR OTHERS FOR ORGANIZING AND CONDUCTING ONLINE MEETINGS, GATHERINGS, AND INTERACTIVE DISCUSSIONS; AND COMPUTER SERVICES IN THE NATURE OF CUSTOMIZED WEB PAGES FEATURING USER-DEFINED INFORMATION, PERSONAL PROFILES AND INFORMATION, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-0-2004; IN COMMERCE 9-0-2004.

FOR: INTERNET BASED INTRODUCTION AND SOCIAL NETWORKING SERVICES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 9-0-2004; IN COMMERCE 9-0-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-920,335, FILED 6-29-2006.

EDWARD NELSON, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT E



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Word Mark LAMEBOOK
Goods and Services (ABANDONED) IC 041. US 100 101 107. G & S: On-line journals, namely, blogs featuring commentary regarding social networking. FIRST USE: 20081024. FIRST USE IN COMMERCE: 20090511
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 02.11.14 - Finger pointing (gesture); Fingers walking (gesture) ; Gestures (OK, thumbs up, thumbs down, fingers walking, handshake, finger pointing); Hands and fingers forming the following: handshake, finger pointing, fingers walking, OK sign, and thumbs up or thumbs down; Handshake (gesture); OK gesture; Thumbs up or thumbs down (gesture)
Serial Number 77880306
Filing Date November 24, 2009
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition April 20, 2010
Owner (APPLICANT) Lamebook, LLC LIMITED LIABILITY COMPANY TEXAS 5008 Rowena Ave. #A Austin TEXAS 78751
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized word "Lamebook". A graphic image of a "thumbs down" to the left of the text.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator DEAD



Abandonment
Date May 10, 2010

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LAMEBOOK

Word Mark LAMEBOOK

Goods and Services IC 041. US 100 101 107. G & S: Entertainment services, namely, providing a web site featuring information and commentary regarding social networking content and pop culture. FIRST USE: 20090423. FIRST USE IN COMMERCE: 20090423

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85031994

Filing Date May 6, 2010

Current Filing Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) Lamebook, LLC LIMITED LIABILITY COMPANY TEXAS 5008 Rowena Ave. #A Austin TEXAS 78751

Attorney of Record Conor Civins

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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