

1 Neil A. Goteiner (State Bar No. 083524)
 2 Dennis M. Cusack (State Bar No. 124988)
 3 Carly O. Alameda (State Bar No. 244424)
 4 Farella Braun & Martel LLP
 5 235 Montgomery Street, 17th Floor
 6 San Francisco, CA 94104
 7 Telephone: (415) 954-4400
 8 Facsimile: (415) 954-4480
 9 E-mail: ngoteiner@fbm.com, dcusack@fbm.com,
 10 calameda@fbm.com

11 Attorneys for Plaintiff
 12 COUPONS, INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

16 COUPONS, INC.,

17 Plaintiff,

18 vs.

19 JOHN STOTTMIRE, and DOES 1-10,

20 Defendants.

Case No. 5:07-CV-03457 HRL

**DECLARATION OF JEFFREY
 WEITZMAN**

Date: December 4, 2007
 Time: 10:00 a.m.
 Courtroom: 2
 Judge: Honorable Howard R. Lloyd

21 I, Jeffrey Weitzman, declare as follows:

22 1. I am the Chief Marketing Officer at Coupons, Inc., located in Mountain View,
 23 California. I have personal knowledge of the facts set forth herein and, if called as a witness,
 24 could and would testify competently thereto.

25 2. At this time there has been no discovery conducted in this matter, and the parties
 26 have not yet exchanged initial disclosures. Coupons, Inc. has not yet had the opportunity to serve
 27 any written discovery or subpoenas, or to depose Defendant John Stottlemire ("Stottlemire") or
 28 other witnesses. Such discovery will allow Coupons, Inc. to collect evidence to support its claims
 and to make its prima facie case against Defendants. Discovery will also allow Coupons, Inc. to
 address more thoroughly the issues raised by Stottlemire's Motion for Summary Judgment.

1 3. Coupons, Inc. expects that discovery will include, but not be limited to, the
2 following documents and information relevant to the issues raised in Stottlemire's motion:

- 3 a. Documents in Stottlemire's possession or in the possession of third parties
4 confirming that Stottlemire created and offered a method and a software
5 program primarily designed for the purpose of circumventing Coupons,
6 Inc.'s security features;
- 7 b. Documents in Stottlemire's possession or in the possession of third parties
8 confirming that Stottlemire marketed to others a method and a software
9 program primarily designed for the purpose of circumventing Coupons,
10 Inc.'s security features;
- 11 c. Documents in Stottlemire's possession or in the possession of third parties
12 and/or admissions from Stottlemire confirming that the Coupon Queen
13 forum member identified by the handle "virtually_john" is John
14 Stottlemire;
- 15 d. Documents in Stottlemire's possession or in the possession of third parties
16 and/or admissions from Stottlemire confirming the degree to which
17 Stottlemire assisted third parties with the installation of his software
18 program and the removal of Coupons, Inc.'s security features; and
- 19 e. Documents in Stottlemire's possession or in the possession of third parties
20 and/or admissions from Stottlemire confirming the degree to which third
21 parties were unable to disable Coupons, Inc.'s security features to print
22 more than the authorized number of coupons without Stottlemire's
23 assistance.

24 4. Coupons, Inc. also cannot address multiple inaccuracies in the motion for
25 summary judgment at this time because there is no protective order in place. For example,
26 Coupons, Inc. cannot provide detailed information concerning its security features, and how they
27 effectively control access to copyrighted works. The details of Coupons, Inc.'s security features
28

1 are proprietary, and therefore cannot be disclosed in a public forum or to any party without an
2 appropriate protective order in place.

3 5. Defendant Stottlemire's motion for summary judgment makes additional incorrect
4 assertions about Coupons, Inc.'s technology, including but not limited to the manner in which
5 Coupons, Inc.'s coupons are delivered to consumers and the nature of the unique identifiers sent
6 to each computer.

7 6. On June 20, 2007, I visited the website www.couponqueen.net and observed an
8 online conversation in the Coupon Queen forum between the user "virtually_john," whom I
9 believe to be Stottlemire, and a user "siageah," discussing the installation and effect of
10 Stottlemire's software. Attached hereto as Exhibit 1 is a true and correct copy of a screenshot
11 that I captured on June 20, 2007, at the Coupon Queen Forum, showing this exchange.

12 7. Coupons, Inc. has received registrations from the U.S. Copyright Office for its
13 coupons. Attached hereto as Exhibit 2 are true and correct copies of registration certificates
14 reflecting two such registrations.

15 8. After a Coupons, Inc. user has printed any single coupon the authorized number of
16 times, further attempts to print the coupon elicit a display in a browser window of a message
17 including the product image from the applicable coupon which states the coupon has been printed
18 the allowed number of times. Attached hereto as Exhibit 3 is a true and correct copy of a
19 screenshot captured on October 18, 2007, showing the print limit message. The same or a similar
20 message has been displayed, to the best of my knowledge, since at least 2001.

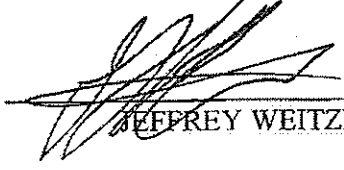
21 9. The technological expertise required to identify and locate the unique identifiers
22 used as a part of Coupons's security features is such that very few consumers either attempt or are
23 capable of deleting these features.

24 10. Based on the print limitation notice that appears on web screens, on direct
25 consumer feedback, and on my experience monitoring various online coupon websites, it is my
26 belief and understanding that consumers in the online coupon market do not expect to be allowed
27 to print and use an unlimited number of coupons.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed this 12th day of November, 2007 in Mountain View, California.



JEFFREY WEITZMAN

EXHIBIT 1

TO

DECLARATION OF JEFFREY WEITZMAN

The Coupon Queen



- [Home](#)
- [Cart](#)
- [Link To Us](#)
- [Forum](#)
- [Decoder](#)
- [Organizer](#)
- [Logout](#)
- [Forum Home](#)
- [Search](#)
- [Profile](#)
- [Members List](#)
- [Blogs](#)
- [New Posts](#)
- [My Forums](#)
- [My Blog](#)
- [Private Messages \(0\)](#)
- [Chat](#)

[New Topic](#) [Post Reply](#)

»Forums Index »Coupons »Internet Printed Coupons »Printing Coupons.

Author **Topic: Printing Coupons. (3 messages, Page 1 of 1)**

virtually_john
-Cool Junior Member-
Posts: 21
Joined: May 20, 2007

Posted: Jun 16, 2007 05:45 PM   Msg. 1 of 3
IF you are logged in...
try this...
<http://www.thecouponqueen.net/couponscom.cfm>




You must download and install the file at the top of the page. It is provided as a zip file. Just unzip it and then double click the setup.bat file.

After installing, you can print directly from that page.



Let me know if anyone has any problems with it.

PLEASE NOTE: You must have the coupon printer from coupons.com installed on your computer to use the above referenced page.

siageah
-Cool Member-
Posts: 28
Joined: May 29, 2007

Posted: Jun 17, 2007 02:34 AM   Msg. 2 of 3
No go, but we all know that I have problems. 

virtually_john
-Cool Junior Member-
Posts: 21
Joined: May 20, 2007

Posted: Jun 17, 2007 08:08 AM   Msg. 3 of 3
Things to check on your end to ensure this works:

LaunchinIE.dll is located in your windows\system32 directory (winnt\system32 on Windows 2000)
bricks.bat is located in your windows directory (winnt on Windows 2000)
bricks.reg is located in your windows directory (winnt on Windows 2000)

The following entry is in your registry:
HKEY_Local_Machine\Software\RockinFew\LaunchinIE\Approved url1 =
<http://www.thecouponqueen.net/couponscom.cfm>

-john

[New Topic](#) [Post Reply](#)

Time: Wed June 20, 2007 0959

EXHIBIT 2

TO

DECLARATION OF JEFFREY WEITZMAN

CERTIFICATE OF REGISTRATION



OFFICIAL SEAL

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

REGISTER OF COPYRIGHTS
United States of America

FORM TX

For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

TX 5-776-192



78005776192

EFFECTIVE DATE OF REGISTRATION

July 30 2003
Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

1

TITLE OF THIS WORK ▼

ONLINE COUPON AND ADVERTISING FOR MAYBELLINE FOREVER LIPCOLOR

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodic, l or serial give	Volume ▼	Number ▼	Issue Date ▼	On Pages ▼
--	----------	----------	--------------	------------

2

a NAME OF AUTHOR ▼

Coupons Inc

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a work made for hire? Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR Citizen of USA
Domiciled in USA

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

If the answer to either of these questions is Yes, see detailed instructions.

NOTE

Under the law, the author of a work made for hire is generally the employer, not the employee (see instructions). For a part of this work that was made for hire, check Yes in the space provided, give the employer's (or other person for whom the work was prepared) as Author of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

Compilation, arrangement/presentation of text elements and data comprising coupon and advertising

b NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a work made for hire? Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR Citizen of _____
Domiciled in _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

If the answer to either of these questions is Yes, see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

c NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a work made for hire? Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country

OR Citizen of _____
Domiciled in _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

If the answer to either of these questions is Yes, see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

3

a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
2003

This information must be given in all cases.

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Month: May Day: 1 Year: 2003
USA

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2 ▼

Coupons Inc
1301 Shoreway Rd
Belmont, CA 94002

TRANSFER If the claimant(s) named here in space 4 (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright ▼

APPLICATION RECEIVED

JUL 30 2003
ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

JUL 30 2003

FUNDS RECEIVED

DO NOT WRITE HERE
OFFICE USE ONLY

Amended by C O authority phone call to Joseph Adams on 8/11/03

EXAMINED BY	FORM TX
CHECKED BY	
<input type="checkbox"/> CORRESPONDENCE	FOR COPYRIGHT OFFICE USE ONLY
Yes	

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work or for an earlier version of this work, already been made in the Copyright Office?

Yes No If your answer is Yes why is another registration being sought? (Check appropriate box) ▼

a This is the first published edition of a work previously registered in unpublished form

b This is the first application submitted by this author as copyright claimant

c This is a changed version of the work, as shown by space 6 on this application

If your answer is Yes give Previous Registration Number ▶

Y of registration ▶

5

DERIVATIVE WORK OR COMPILATION

Presenting Material Identify any preexisting work or works that this work is based on or incorporates ▼

a 6

Material Added to This Work Give a brief general statement of the material that has been added to this work and in which copyright is claimed ▼

Selection arrangement coordination of text data unique 2 D bar code UPC and EAN or other special code manufacturer's trademark and/or logo author's trademark and promotional language

b See instructions before completing this space

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office give name and number of Account Name ▼ Account Number ▼

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt./City/State/ZIP ▼

Joseph Adams c/o Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto CA 94304 1050

b

Area code of daytime telephone number ▶ 650-493 9300

Fax number ▶ 650-493 6811

Email ▶ jsadams@wagr.com

CERTIFICATION I the undersigned hereby certify that I am the

Check only one ▶

- author
- other copyright claimant
- owner of exclusive right(s)
- authorized agent of Coupons, Inc

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

Name of author or other copyright claimant, or owner of exclusive right(s) A

8

Typed or printed name and date ▼ If this application gives a date of publication in space 3 do not sign and submit it before that date

Steven Boal

Date ▶ July 29 2003

Handwritten signature (X)

Certificate will be mailed in window envelope to this address

Name ▼	Joseph Adams c/o Wilson Sonsini Goodrich & Rosati
Number/Street/Floor ▼	650 Page Mill Road
City/State/ZIP ▼	Palo Alto CA 94304-1050

Complete all necessary spaces Sign your application in space 8

1. Application form
2. Non-refundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

Library of Congress Copyright Office 101 Independence Avenue SE Washington DC 20540-4000

Fee schedule to accompany this form is available on the Copyright Office website at www.copyright.gov

9

17 U.S.C. § 508(a) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408 or in any written statement filed in connection with the application shall be fined not more than \$2,000

CERTIFICATE OF REGISTRATION



OFFICIAL SEAL

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
REGISTER OF COPYRIGHTS
United States of America

FORM TX

For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NO. TX 5-776-191

DATE OF REGISTRATION
July 30 2003
Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

1

TITLE OF THIS WORK
ONLINE COUPON AND ADVERTISING FOR TONE BODY WASH

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give: Volume Number Issue Date On Pages

2

NAME OF AUTHOR

a Coupons Inc

Was this contribution to the work a work made for hire?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR { Citizen of USA
Domiciled in USA

DATES OF BIRTH AND DEATH
Year Born Year Died

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? Yes No
Pseudonymous? Yes No

NOTE

Under the law the author of a work made for hire is generally the employer not the employee (see instructions). For any part of this work that was made for hire check Yes the space provided for the employee (or other person for whom the work was prepared) as Author of that part and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed
Compilation arrangement/presentation of text elements and data comprising coupon and advertising

NAME OF AUTHOR

b

Was this contribution to the work a work made for hire?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR { Citizen of
Domiciled in

DATES OF BIRTH AND DEATH
Year Born Year Died

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? Yes No
Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed

NAME OF AUTHOR

c

Was this contribution to the work a work made for hire?
 Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR { Citizen of
Domiciled in

DATES OF BIRTH AND DEATH
Year Born Year Died

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? Yes No
Pseudonymous? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
2003

This information must be given in all cases

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
Month: April Day: 30 Year: 2003
USA

b

Complete this information ONLY if this work has been published

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2

Coupons Inc
1301 Shoreway Rd
Belmont CA 94002

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2 give a brief statement of how the claimant(s) obtained ownership of the copyright

APPLICATION RECEIVED

JUL 30 2003

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

JUL 30 2003

FUNDS RECEIVED

DO NOT WRITE ABOVE THIS LINE OFFICIAL USE ONLY

MORE ON BACK Complete all applicable spaces (numbers 5-9) on the reverse side of this page See detailed instructions on the form at 4-8

DO NOT WRITE HERE
Page 1 of 2 pages

Amended by C O authority phone call to Joseph Adams on 8/11/03

EXAMINED BY	FORM TX
CHECKED BY	
<input type="checkbox"/> CORRESPONDENCE	FOR COPYRIGHT OFFICE USE ONLY
Yes	

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration on this work or for an earlier version of this work already been made in the Copyright Office?

Yes No If your answer is Yes why is another registration being sought? (Check appropriate box) ▼

a This is the first published edition of a work previously registered in unpublished form

b This is the first application submitted by this author as copyright claimant

c This is a changed version of the work, as shown by space 6 on this application

If your answer is Yes give Previous Registration Number ▶

Year of Registration ▶

5

DERIVATIVE WORK OR COMPILATION

Free-standing material identify any preexisting work or works that this work is based on or incorporates ▼

a 6

Material Added to This Work Give brief general statement of the material that has been added to this work and in which copyright is claimed ▼

Selection arrangement coordination of text data unique 2 D bar code UPC and EAN or other special code manufacturer's trademark and/or logo author's trademark and promotional language

b See instructions before completing this space

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office give name and number of Account Name ▼ Account Number ▼

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name/Address/Apt/City/State/ZIP ▼

Joseph Adams c/o Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto CA 94304 1050

b

Area code and daytime telephone number ▶ 650-493 9300

Fax number ▶ 650-493 6811

Email ▶ jadams@wsgr.com

CERTIFICATION I the undersigned hereby certify that I am the

Check only one ▶

- author
- other copyright claimant
- owner of exclusive right(s)
- authorized agent of Coupons, Inc

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

Name of author or other copyright claimant or owner of exclusive right(s) ▲

8

Typed or printed name and date ▼ If this application gives a date of publication in space 3 do not sign and submit it before that date

Steven Boal

Date ▶ July 29 2003

Handwritten signature (X) ▼

X

Certificate will be mailed in window envelope to this address

Name ▼	Joseph Adams c/o Wilson Sonsini Goodrich & Rosati
Number/Street/Apt ▼	650 Page Mill Road
City/State/ZIP ▼	Palo Alto CA 94304-1050

Complete all necessary spaces Sign your application in space 8

1. Application form
2. Nonrefundable filing fee in check or money order payable to Registrar of Copyrights
3. Deposit material

Library of Congress Copyright Office 101 Independence Avenue S E Washington D C 20540-8000

9

17 U.S.C. § 506(a) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408 or in any written statement filed in connection with the application shall be fined not more than \$2,500

EXHIBIT 3

TO

DECLARATION OF JEFFREY WEITZMAN



THANK YOU!

Sorry! You have already printed this coupon the number of times allowed.

You may close this window.



©2007 Coupons, Inc.
Help | Privacy Policy
English | Español | Français