

EXHIBIT A-9
TO THE DECLARATION OF MARC LEVY
CASE NO. 1:09-CV-00636-REB-KLM

SEP 08 2009

RECEIVED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00636-REM-KLM

VIDEO PROFESSOR, INC. a Colorado corporation,

Plaintiff,

v.

AMAZON.COM, INC., a Delaware corporation,

Defendant.

PLAINTIFF'S ANSWERS TO DEFENDANT'S
FIRST SET OF REQUESTS FOR ADMISSIONS

Plaintiff Video Professor, Inc., by and through its attorneys, Fairfield and Woods, P.C., submits its answers to Defendant's First Set of Request for Admissions as follows:

REQUEST NO. 1:

VPI is unaware of any instance in which a consumer who entered "video professor" in an Internet search engine and then clicked on an Amazon Sponsored Advertisement believed that VPI was the source or sponsor of the products displayed, including without limitation, any "Professor Teaches" products that may have been displayed.

RESPONSE: Denied.

REQUEST NO. 2:

VPI is unaware of any instance in which a consumer who entered "video professor" in an Internet search engine and then clicked on an Amazon Sponsored Advertisement believed that Amazon was a favored or authorized dealer of the VPI products displayed.

RESPONSE: Admitted.

REQUEST NO. 3:

VPI is unaware of any instance of actual confusion on the part of a consumer created by Amazon's bidding on "video professor" to present an Amazon Sponsored Advertisement.

RESPONSE: Denied.

REQUEST NO. 4:

VPI has purchased "video professor" as a keyword to generate Sponsored Advertisements on the www.amazon.com website.

RESPONSE: Admitted.

Dated this 8th day of September, 2009.

FAIRFIELD AND WOODS, P.C.



Gregory C. Smith
Fairfield and Woods, P.C.
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of September, 2009, a true and correct copy of the foregoing **PLAINTIFF'S ANSWERS TO DEFENDANT'S FIRST SET OF REQUEST FOR ADMISSIONS** was sent via hand delivery and addressed as follows to:

Marc C. Levy
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1700 Lincoln Street, Suite 3200
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Email: mlevy@faegre.com


Julie Böling