

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:09-CV-00636-REB-KLM

VIDEO PROFESSOR, INC.,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant Amazon.com, Inc. (“Amazon”), through counsel, in support of its Motion for Summary Judgment and Memorandum in Support Thereof (Doc. No. 30, filed Oct. 27, 2009) and its Response to Plaintiff’s Cross-Motion for Summary Judgment (Doc. No. 47, filed Dec. 21, 2009), submits as supplemental authority a decision issued by the United States Court of Appeals for the Second Circuit, on April 1, 2010, captioned *Tiffany (NJ) Inc. v. eBay, Inc.*, __ F.3d __, No. 08-3947-cv, 2010 WL 1236315, *6-8 (2d Cir. Apr. 1, 2010), which affirmed the ruling of the Southern District of New York in *Tiffany Inc. v. eBay, Inc.*, 576 F. Supp. 2d 463, 497 (S.D.N.Y. 2008).

A copy of the Second Circuit’s decision is attached hereto as Exhibit A.

Respectfully submitted this 7th day of April, 2010.

s/ Jared B. Briant

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CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on April 7, 2010, I electronically filed the foregoing **NOTICE OF SUPPLEMENTAL AUTHORITY** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following persons at the given email addresses:

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/s/ Jared B. Briant

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