

# EXHIBIT A



## Trademark Complaint Procedures

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### AdSense for Domains Trademark Complaint Procedure

Through its AdSense for Domains program, Google provides domain name registrars and other holders of large numbers of inactive domain names with an opportunity to display ads and links on the parked web pages. Please note that Google is not in any way involved with the selection or registration of these domain names, and is not in a position to arbitrate trademark disputes between the registrants, our partners, and trademark owners. Accordingly, we encourage trademark owners to resolve their disputes directly with the registrants or registrars.

As a courtesy to trademark owners, however, we are willing to perform a limited investigation of reasonable complaints. If you are a trademark owner and you object to the Sponsored Links appearing on a web site served by AdSense for Domains, please send the following information via email to [adsense-domains-trademark@google.com](mailto:adsense-domains-trademark@google.com):

1. Name of Company
2. Contact information (including email address)
3. List of trademark(s) at issue and the country/countries in which it is registered. If the trademark is registered, provide the country and registration number.
4. The identity of the parked domain(s) at issue.
5. Include the following statement: "I have a good faith belief that use of the trademarks described above with the advertisements described above are not authorized by the trademark owner or its agent, nor is such use otherwise permissible under law."
6. Include the following statement: "I represent that the information in this notification is true and correct and that I am authorized to act on behalf of the trademark owner."
7. Your signature.

v. 052005



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# EXHIBIT B

# FOOTE, MEYERS, MIELKE & FLOWERS, LLC

ATTORNEYS AT LAW

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May 7, 2008

Defense Counsel  
(See Service List)

Dear Counsel:

As you are aware, it is Lead Plaintiffs' position that despite knowledge of our Distinctive and Valuable Marks, as well as explicit notice and demands to stop, some and/or all of the Defendants have continued the unauthorized use and monetization of Deceptive Domains that infringe Lead Plaintiffs Distinctive and Valuable Marks.

Unfortunately, history in this case makes it impossible for us to simply accept Defendants' collective assurances that they will immediately stop use/monetization upon notice by Lead Plaintiffs of specific Deceptive Domains. Not only have Defendants failed to cease said conduct after notice, we further believe that Defendants have an affirmative duty in the operation of their respective businesses to implement blocking and filtering techniques, and otherwise monitor the domains used to generate revenue, to prevent blatant ACPA, Lanham Act, and common law trademark violations. We believe more is required from each Defendant than just agreeing to stop when we catch it with its "hand in the cookie jar."

In an effort at resolving this issue, Lead Plaintiffs propose the following written agreement be entered into by the Parties, in the form of a stipulation, and filed with the Court:

1. All Defendants agree to immediately cease and desist tasting, kiting, registration, licensing, parking, monetizing, sale, trafficking in, cybersquatting, typosquatting, cyberpiracy, and/or other use of Deceptive Domains that infringe Lead Plaintiffs' Distinctive and Valuable Marks;
2. All Defendants agree to implement sufficient filtering and blocking technology, or other acceptable monitoring methods, sufficient to identify and prevent its use and monetization of any Deceptive Domains that infringe Lead Plaintiffs' Distinctive and Valuable Marks;
3. All Defendants agree to pay, as a sanction/penalty, one hundred thousand dollars (\$100,000.00) per domain, for each Deceptive Domain that it tastes, kites, registers, licenses, parks, monetizes, sells, traffics in, and/or otherwise uses, after the date the stipulation is entered by the Court, that infringes Lead Plaintiffs' Distinctive and Valuable Marks.

Defense Counsel

FOOTE, MEYERS, MIELKE & FLOWERS, LLC

Defense Counsel  
May 7, 2008  
Page TWO

As an initial starting point, Lead Plaintiffs propose that the stipulation/agreement would define "Deceptive Domain" as any Domain that contains:

- a. The full Distinctive and Valuable Mark of any of the Lead Plaintiffs plus any additional characters or words, for example, [www.vulcangolfclubs.com](http://www.vulcangolfclubs.com)
- b. Any "www" domain and TLD domain, such as "com.com", "net.net", "org.org", etc. For example, [www.wwwvulcangolf.com](http://www.wwwvulcangolf.com)
- c. Any domain that is less than 2 character deviations from Lead Plaintiffs Distinctive and Valuable Mark, for example, [www.vulcongolf.com](http://www.vulcongolf.com)
- d. An agreed list of "typo" Domains for each Lead Plaintiff, such as [www.bulcangolf.com](http://www.bulcangolf.com)

Very truly yours,

FOOTE, MEYERS, MIELKE & FLOWERS, LLC

Robert M. Foote  
RMF

FOOTE, MEYERS, MIELKE & FLOWERS, LLC

**EMAIL SERVICE LIST**

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# EXHIBIT C

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FAX (415) 397-7188  
WWW.KVN.COM

JOSEPH C. GRATZ  
JGRATZ@KVN.COM

May 13, 2008

**VIA E-MAIL AND U.S. MAIL**

Robert M. Foote  
Foote, Meyers, Mielke & Flowers, LLC  
28 North First Street, Suite 2  
Geneva, IL 60134

Re: *Vulcan Golf, LLC v. Google Inc., et al.*  
United States District Court, Northern District of Illinois  
Eastern Division, Case No. 07CV3371

Dear Mr. Foote:

I write in response to your letters of May 7, 2008 and May 12, 2008. Google's response is twofold: *first*, Google's current policies eliminate the need for any injunction, and *second*, a filtering scheme, as your letter proposes, would be both unworkable and overinclusive.

**A. Google's policies eliminate the need for an injunction.**

As we have informed you several times before, Google takes seriously all allegations of trademark infringement. Google has implemented a program designed to ensure that domains are excluded from the AdSense for Domains program after a trademark holder informs Google of its objection to those domains. When Google receives a complaint from a trademark holder alleging that a domain is infringing, as a courtesy, Google places that domain name on its "fail list." Google takes reasonable steps to ensure that domains on the "fail list" are excluded from AdSense for Domains. This policy is clearly outlined on Google's website at [http://www.google.com/tm\\_complaint\\_afd.html](http://www.google.com/tm_complaint_afd.html).

Plaintiffs have *never* availed themselves of this procedure, choosing instead to inform Google about domains to which plaintiffs object by naming them for the first time in their pleadings. Before seeking extraordinary relief from the court, Plaintiffs must exhaust all other avenues for relief, including taking simple steps—such as giving notice to Google—that would eliminate any claimed harm. Unless and until Google ceases to place domains on its "fail list" at the request of trademark holders, Plaintiffs have no grounds to seek an injunction.



Google has promptly added every domain you have identified to its “fail list.” We have repeatedly asked you to identify any instance in which you believe we have failed to do so. You have repeatedly ignored those requests, and then reiterated your unfounded accusations in pleading after pleading. We yet again ask you to identify any instance in which you believe Google has failed to add any identified domain to its “fail list.”

**B. Plaintiffs’ proposal to filter domains is unnecessary and unworkable.**

Your letter of May 7, 2008 proposes a set of filtering rules by which you suggest Google could separate objectionable domains from unobjectionable domains. But without any communication from the trademark holder, Google has no way to know whether the trademark holder objects to a given domain name. Many words that are trademarks, such as VULCAN, FISHER, and BLITZ, are used in other contexts. No filter can tell whether a domain name containing the word “VULCAN” refers to Vulcan Golf, or instead to Vulcan (Roman god of fire); Vulcan (the planet whence came *Star Trek’s* Mr. Spock); Black Vulcan (an African American superhero on the animated series *Super Friends*); Vulcan, Michigan; Vulcan, Missouri; Vulcan, Alberta; either of the two cities in Romania named Vulcan; Vulcan (a volcano in Papua New Guinea); vulcanization (a method of strengthening rubber); or Operation Vulcan (an Allied action in Tunisia during World War II).

Similarly, a domain name containing the word “FISHER” could refer to cities in Illinois, Arkansas, or Louisiana; to Fishers, Indiana; to Fishers Island, New York; to Amy Fisher (the so-called “Long Island Lolita”), actress Carrie Fisher, or crooner Eddie Fisher. And a domain name containing the word “BLITZ” could refer not to a small Illinois realty company, but instead to The Blitz (German aerial attacks on Britain during World War II), the blitz (a defensive maneuver in football), Blitz chess (a high-speed variation on the board game), or “Blitz,” mascot of the NFL’s Seattle Seahawks.

Nor could any filter take into account “gripe site” domain names, such as “i-dislike-bo-jackson.com,” which have been found by numerous courts to be noninfringing. *See, e.g., Lamparello v. Falwell*, 420 F.3d 309, 313 (4th Cir. 2005) (fallwell.com did not infringe); *Bosley Med. Inst., Inc. v. Kremer*, 403 F.3d 672 (9th Cir. 2005) (bosleymedical.com and bosleymedicalviolations.com did not infringe); *Taubman v. Webfeats*, 319 F.3d 770 (6th Cir. 2003) (taubmansucks.com, theshopsatwillowbendsucks.com, willowbendmallssucks.com, and willowbendsucks.com did not infringe).

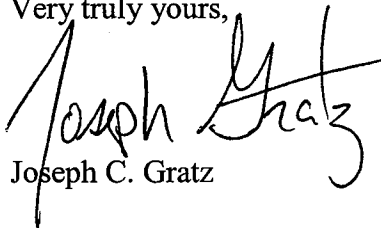
Plaintiffs’ other suggested filtering methods are similarly unworkable. Google cannot block all domains that are “less than 2 character deviations” from Plaintiffs’ marks, as such a rule would ban “www.Blatz.com” (referring, perhaps, to the storied Milwaukee brewery) or “www.volcan.com” (having to do with Volcan Mountain, near San Diego), or “www.fishes.com.” Nor can Google block any domain ending, for example, in “net,” as such a rule would ban domains like “www.fishercabernet.com” (referring to Fisher Vineyards Cabernet, which has a 90-point rating from *Wine Advocate*) or “www.blitzclarinet.com” (referring to clarinet cleaning products made by Blitz Manufacturing, Inc.).

Robert M. Foote  
May 13, 2008  
Page 3

Plaintiffs' fourth and final suggested filtering method is to block ads from appearing on "an agreed list of 'typo' Domains for each Lead Plaintiff." This is precisely what Google already does: blocks ads from domains identified by trademark holders. No injunction is needed for this practice to continue; all that is needed is for Plaintiffs to use the reasonable means Google already provides for removing from AdSense for Domains any domain names to which Plaintiffs object.

We suggest that the parties schedule a conference call to discuss this matter further, as contemplated by Judge Manning's May 5, 2008 Order.

Very truly yours,

A handwritten signature in black ink that reads "Joseph C. Gratz". The signature is written in a cursive style with a large, sweeping initial "J" and a long horizontal stroke at the end.

Joseph C. Gratz

JCG/ajt

# EXHIBIT D

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**From:** Mark Bulgarelli [mbulgarelli@foote-meyers.com]  
**Sent:** Saturday, August 23, 2008 8:35 AM  
**To:** Steven Borgman; Joseph C. Gratz; Misty Martin; Steven Atlee; Thomas Wiegand; CARISSIV@pepperlaw.com; Brett August; Michael Page; Mariah Moran; Kenneth Held; bcohn@pattishall.com; Alison Conlon; aep@pattishall.com; Jeffrey Singer; afoukas@SMSM.com; Michael Dockterman; swiehle@velaw.com; Adam Lauridsen; hbasker@stetlerandduffy.com; Jonathan Cyriuk; Joseph Duffy; Aaron Van Oort; MLutfiyya@winston.com; Joanna Cline; Robert Hickok  
**Cc:** Kathleen Chavez Home; wharte@williamharteltd.com; rmf assistant; Craig Mielke; Robert Foote; Matt Herman  
**Subject:** Vulcan Golf, LLC et al v. Google Inc. et al  
**Attachments:** Previously identified infringing domains 8\_23\_08.doc

Dear Counsel:

In regards to Plaintiffs' email of August 9, 2008, we have received responses to the aforementioned email from the majority of Defendants, in which those Defendants have agreed to block all domain names identified within that correspondence, and to furthermore block and/or continue to block all domain names previously identified within Plaintiffs' pleadings, motions, briefs, and correspondences. Please see the attached list of all domain names to be blocked by Defendants.

If all Defendants agree to the terms stated above, Plaintiffs shall deem this satisfactory to alleviate, at this time, the issues and concerns raised by Plaintiffs in their Motion for Preliminary Injunction. As a result, upon Defendants agreement to abide by the aforementioned terms, Plaintiffs will withdraw their Motion for Preliminary Injunction.

Pursuant to the Court's order of August 13, 2008, Plaintiffs must apprise the Court of their intention to proceed with the Motion for Preliminary Injunction by noon on Monday, August 25, 2008. Therefore, in order to prevent the unnecessary presence of all parties before the Court on August 26, 2008, Plaintiffs respectfully ask that all Defendants respond to this correspondence as soon as possible so that Plaintiffs may inform the Court on Monday as to whether there is a need to proceed with the Motion for Preliminary Injunction. Thank you for your cooperation.

Mark A. Bulgarelli  
Foote, Meyers, Mielke & Flowers, LLC  
28 North First Street  
Suite 2  
Geneva, Illinois 60134  
(630) 232-6333

## **DOMAINS PREVIOUSLY IDENTIFIED**

### **COMPLAINT**

vulcangolfcalderaz440.com  
vulcangolfcalderaz440sale.com  
vulcangolfclub.com  
vulcangolfclubs.com  
vulcangolfllc.com  
vulcangolfqpointeironsirons.com  
vulcangolfstorelocation.com  
vulcangolftechnology.com  
vulcangolfwoody.com  
vulcangolfz3hybridironsirons.com  
volcangolfclubs.com  
volcangolfshop.com  
wwwvulcangolf.com  
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vulcangolftechnology.com  
vulcongolf.com  
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vulcanogolf.com  
wwwfishernuts.com  
fishersnuts.com  
fisherpeanuts.com  
fisherpeanut.com  
fishernutrecipes.com  
fischernuts.com  
wwwjbssinc.com  
johnsanfilliposons.com  
nobojackson.com  
aintnobojackson.com  
blitzrealty.com

### **CORRESPONDENCES**

www.vulcanwoody.com  
www.vulcangolfwoody.com  
www.vulcanwoodyhybridironirons.com  
www.lvulcangolf.com  
www.lvulcangolf.com  
www.wwwvulcangolf.com  
www.wvulcangolf.com  
www.culcangolf.com

www.cvulcangolf.com  
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www.vulcangoltf.com  
www.vulcangolft.com  
www.vulcangolg.com  
www.vulcangolgf.com  
www.volcanogolf.com  
www.vulcangolfg.com  
www.vulcangolv.com



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www.vulcangolc.com  
www.vulcangolcf.com  
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www.vulcangof.com  
www.vulcangofl.com  
www.vulcangol.com  
www.vulcangolfcalderez440.com  
www.vulcangolfcalderez440sale.com  
www.vulcanocalderas.com  
www.vulcangolfclub.com  
www.vulcangolfclubs.com  
www.vulcangolflc.com  
www.vulcangolfstorelocation.com  
www.vulcangolftechnology.com  
www.vulcangolftecnology.com  
www.vulcangolfwoody.com  
www.vulcancaldereiiputters.com  
www.vulcancalderez440.com  
www.vulcangolfcom.com  
www.volcangolf.com  
www.vulcongolf.com  
www.volcungolf.com  
vulcangolf.biz  
vulcangolf.cn  
vulcangolf.com.cn  
vulcangolf.hk  
vulcangolf.info  
vulcangolf.mobi  
vulcangolf.tw  
blitzrealty.com  
blitzreatlygroup.com  
blizrealtygroup.com  
blitzerealtygroup.com  
blitzrealtygroup.com  
fishernuts.com  
fishersnuts.com



nobojson.com  
aintnobojson.com  
fishernutrecipes.com  
bojsoninjury.com  
Jbssin.com  
Bljson.com  
Bojsonracing.com  
Bwjson.com  
Johnbsanfilippo.com  
Vulcan-golf.com  
Vulcanogolf.com  
Blitsrealtygroup.com  
Bojson.com  
Bojsonpics.com  
Bojsonposters.com  
Fisherfusions.com  
Mail2vulcangolf.com  
Vulcangolf.com  
Countryhoney.com

#### **INJUNCTIVE MOTIONS**

nudebojson.com  
bojsonnaked.com  
blitzrealtygrouphomes.com  
fishernutsgiftbaskets.com  
vulcanputters.com  
wwwavonsnuts.com  
wwwvulcongolf.com  
bojson.net  
bojsonelitesports.com  
blitzrealtygeneva.com  
blitzrealtygroupillinois.com  
blitzrealtygrup.com  
bojsonnude.com  
bojsonsex.com  
bojsonporn.com  
nakedbojson.com  
bojsonjersies.com  
bojsonposters.com  
bojsonshirts.com  
chefsnaturals.com  
fisherchefsnaturals.com  
fishernutsonline.com  
jbssince.com  
saladbuddies.com  
buyfishernuts.com

evvonsnuts.com  
fisherflavortree.com  
fisherfusions.com  
fishernutscompany.com  
fishernutsjobs.com  
jobsfishernuts.com  
jobsjbssinc.com  
joimbosanfilliposandsons.com  
orderfishernuts.com  
vulgangolf.com  
salladbuddies.com  
saladbuddies.com  
vulcingolf.com  
vulcengolf.com  
buyevonsnuts.com  
blitzrealtygrop.com  
bojacksonpics.com  
jbssi8nc.com  
blitzrealtygrup.com  
bojacksonnude.com  
bojacksonsex.com  
bojacksonporn.com  
buyfishernuts.com  
vulgangolf.com  
vulcingolf.com  
vulcengolf.com  
blitzrealtygrop.com  
vulkangolf.com  
bojacksonxxx.com  
fishernutscompany.com  
xxxbojackson.com  
bojacksonpics.com  
bojacksoninjury.com  
fihsernuts.com  
jbssiinc.com  
fisherntus.com  
fishernuts.com  
bojacksonfootball.com  
fisherspeanuts.com  
bojacksontrainershoe.com  
bojacksoncars.com  
vulcangolfgifts.com  
wwwblitzrealtygroup.com  
fisshernuts.com  
vulcaingolf.com  
foshernuts.com

bojacksonfootballcamp.com  
bojacksoncleats.com  
fishernutssales.com  
bojacksonsporn.com  
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