

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TIMELINES, INC.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: _____
)	
FACEBOOK, INC.)	Jury Trial Demanded
)	
Defendant.)	

**DECLARATION OF BRIAN HAND IN SUPPORT OF
PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER**

I, Brian Hand, declare that I have personal knowledge of the facts set forth in this declaration.

1. I am over the age of 21 and am competent to make this Declaration. I am the Co-Founder and Chairman of Timelines, Inc. ("Timelines").

2. Timelines is a Delaware corporation with its principal place of business in Chicago, Illinois and does business in Illinois under the name Timelines of Illinois, Inc.

3. Timelines is the owner of Federal Trademark Registration Nos. 3,684,074 for "Timelines," 3,764,134 for "Timelines.com," and 3,784,720 for its "Timelines & design" logo (collectively the "Timeline Marks").

4. Timelines uses the Timelines Marks in connection with "[p]roviding a web site that gives users the ability to create customized web pages featuring user-defined information about historical, current and upcoming events" and "managing web sites of others in the fields of historical, current and upcoming events."

5. Timelines owns and operates, among other things, Timelines.com. This website

allows users to record and share events, and contribute descriptions, photos, videos, geographic locations and links (collectively for ease of reference “Content”) related to events. Anyone can gain access and be able to post Content to Timelines.com simply by creating an account.

6. Thus, by way of illustration, on Timelines.com, a user can record a personal or historic event that he or she wants to share with the world, ranging from a daughter’s one year birthday party or a family wedding to an obscure basketball game or a much more public event like the Inauguration of President Obama. In connection with any such posted event, any user who accesses the website can add additional or new Content for that event. For example, USER A, a student, accesses Timelines.com and posts information about the American Civil War. USER B, a professor with no relation to USER A, may access the website and post additional Content about one or more of the battles of the Civil War. USER B may also post additional information about the Civil War, perhaps about the existing technology of the day.

7. Timelines is also an application service provider (ASP) for several large publishers including, The Boston Globe, The St. Louis Post-Dispatch and The Milwaukee Journal Sentinel. *See* <http://timelines.boston.com/redsox>. In connection with these offerings, users of those publishers’ websites can review content organized by event similar to the way content is organized on Timelines.com. The content for these publishers is all created by the particular publisher and does not contain user Content. For example, at <http://timelines.boston.com/redsox>, a visitor to the website can access information about, among other things, a particular Red Sox game, about the entire season, or about historical match-ups against particular opponents.

8. As the world’s largest social media site, Facebook allows individuals and entities to maintain “Facebook pages.” Interested Internet users can access those “Facebook pages” to

obtain information posted on those pages either by visiting those web pages or by registering to be notified when Content is posted to those pages.

9. Timelines had maintained a Facebook page at www.facebook.com/timelines, but it can no longer find that page. In the past, when an Internet user visited Facebook and searched for Timelines, the search results returned Timelines' Facebook page and a partial logo that the user could click on and be linked to Timelines' Facebook page. Provided herewith is a cd/dvd video clip showing this change (with all the different ways that Facebook is redirecting) (marked as Group Exhibit D).

10. On or about September 22, 2011, Timelines learned that Facebook is planning to launch (and recently has learned that the launch may occur as early as Saturday October 1, 2011), a service available to Facebook users called "Timeline." *See* www.facebook.com/about/timeline. A true and correct screen shot of this service is attached hereto as Exhibit A. This service is identical or nearly identical to what Timelines offers. *See* www.timelines.com.

11. Facebook has reported in the press that the launch of Facebook's "Timeline" offering will occur in the next few days. At the time of the filing of this motion, publicly available websites and information, including disclosure from a Facebook engineer, reflected that the "Timeline" service was not yet live. *See, e.g.*, [www.quora.com / when-will-facebook-timeline-be-publicly-available](http://www.quora.com/when-will-facebook-timeline-be-publicly-available) (engineer says Timeline not yet launched) (a copy of this is attached hereto as Exhibit C); [www.pcworld.com / article / 240449 / hack your way into facebooks new timeline feature.html](http://www.pcworld.com/article/240449/hack-your-way-into-facebooks-new-timeline-feature.html) ("Most users will have to wait a few weeks before they get to see Facebook's most drastic changes to the service since the company was founded, but you can use a developers' workaround to gain access to the Timeline feature right now.").

12. Facebook understands that this has created confusion, because Timelines recently learned that Facebook is re-directing Internet users attempting to access Timelines' Facebook page to Facebook's new product offering which Facebook has confusingly named "Timeline." Put another way, a user who tries to access Timelines' Facebook page is, instead, redirected to Facebook's "Timeline" offering. See www.facebook.com/timelines. Attached hereto as Exhibit B are the true and correct screen shots showing this process. When a user clicks on the "Find Us on Facebook" link (circled on the exhibit) located at the top right of the timelines.com page, that user is directed as the following pages reflect to facebook.com/about/timeline – Facebook's offering instead of Timelines' Facebook page www.facebook.com/timelines.

13. Timelines and its users, and Facebook's users, can no longer access Timelines' Facebook page.

14. Timelines filed its first application for the Timelines Marks on May 23, 2008, its first use was September 15, 2008, its first use in commerce was April 20, 2009, and its subsequent registration for "TIMELINES" issued on September 15, 2009.

15. Timelines filed for the Timelines.com mark on May 23, 2008, its first use was September 15, 2008, its first use in commerce was April 20, 2009 and the registration date was March 23, 2010.

16. Timelines filed for the "Timelines & *design*" mark on October 5, 2009, its first use was April 20, 2009, its first use in commerce was April 20, 2009 and the registration date was May 4, 2010.

17. Timelines has continuously and consistently used the Timelines Marks for the services enumerated in the foregoing registrations since on or about September 15, 2008 to promote and endorse its business.

18. In 2011, the Timelines.com website has averaged approximately 97,000 visitors per month (based upon Google Analytics).

19. Timelines has actively promoted Timelines.com on Twitter and Facebook through posting events of the day, and reaching out to bloggers and others. Timelines also launched an iPhone application called "Disaster of the Day," which includes Content from Timelines.com.

20. Timelines has been nominated or recognized for numerous awards and accomplishments, including by way of example, an Open Web Award nomination, a Mashable.com recommendation for web-savvy families, recognition on Television Channel G4's "Attack of the Show" program, a named finalist for the Illinois Technology Association's CityLights Award in the Newcomer category, and as a finalist for the 2010 Chicago Innovation Awards.

21. Timelines has invested several million dollars into its business, and has taken swift action to protect its Marks.

22. On September 22, 2011, Timelines learned that Facebook was promoting Facebook "Timeline" and on September 26, 2011, Timelines learned that Facebook is imminently planning to make that offering available to its more than 750 million users.

23. True and correct copies of the registrations for the Timelines Marks are attached hereto as Exhibit E.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Brian Hand

Executed this 30th day of September, 2011.

EXHIBIT A



https://www.facebook.com/about/timeline



Google



facebook



Search



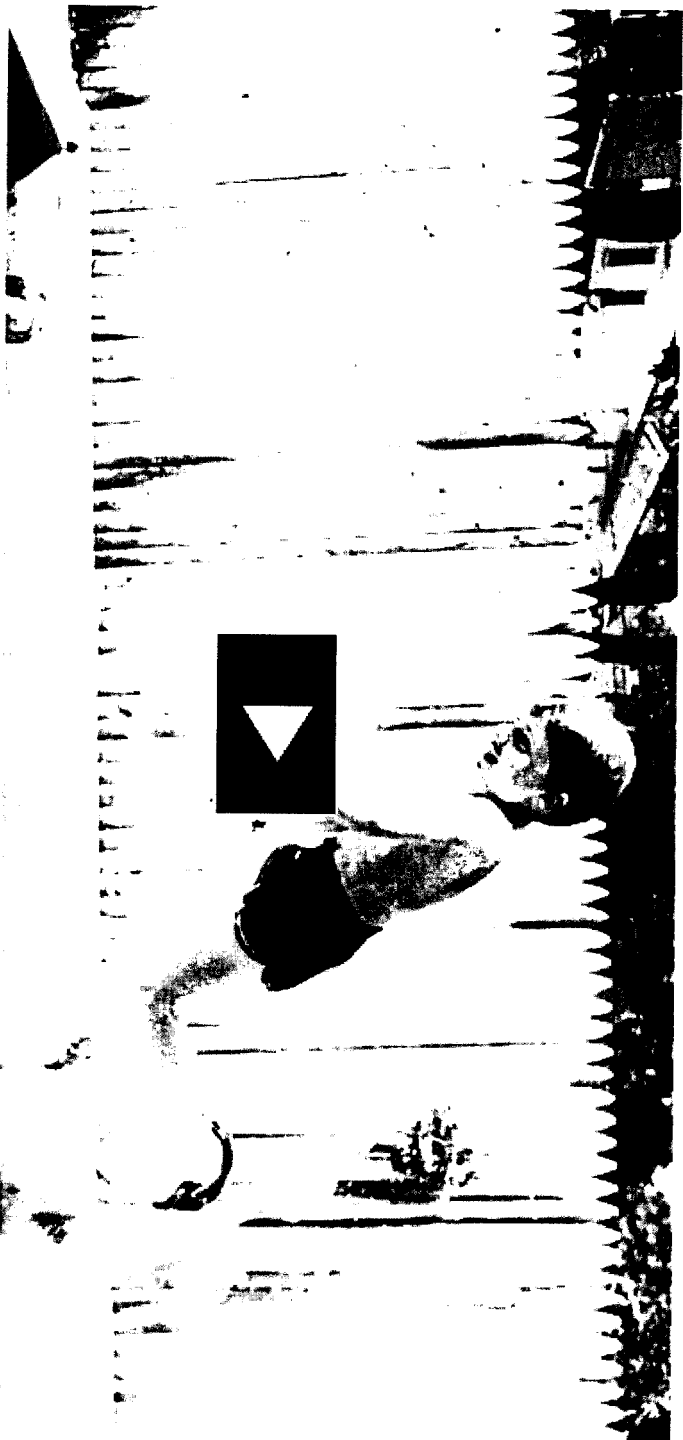
Scott McMillin

Find Friends

Home

Introducing Timeline

Tell your life story with a new kind of profile.



Cover



Stories



Apps

Sign Me Up

Chat (Offline)



COVER PHOTOS



Entourage South Park The Simpsons

Activities and Interests

Activity



Timeline

ABOUT

Boston Red Sox, BorVoyou: Exclusive Sales on Luxury and Bou Rooms, Incredible Edible Egg, The Talent Code, LifeSnozz.com, Law, LLC, Lucid Realty, Perillo's, Hamilton Chang, David Orsz, Timelines, James Joyce, RodBingo, even.com, hpjChicago, Gaztro Wagon and 56 more



Like

Timelines
 466 people like this
 20+ friends like this

Basic Information

About Me

Check out Timelines.com (http://timelines.com/), our blog (http://blog.timelines.com/) & our iPhone app - "Disaster of the Day" (http://timelines.com/iphone_disasters)

Relationships

Married

Sex

Male



Bob Armour

CEO at Timelines, Inc. Stud ed Finance at Northwestern University Lives in Winnetka, Illinois Married From Norwood, Massachusetts Born on April 14



You and Bob

See Friendship

14 Mutual Friends

14 Mutual Friends

14 Mutual Friends

Sponsored

Create an Ad

Phones for a Penny

phones.com



Choose a TDS Voip solution and you'll get an all-inclusive business communications tool, with high end features & phones for a penny!

Luxury Men's Clothing

trunkclub.com



Upgrade your style with Trunk Club, a premium personal shopping service for men. Free shipping, both ways!

Explore Yearbooks

shopyearbook.com



See if we have your yearbook!

198 Chat (Offline)

Work and Education

Timelines, Inc.

CEO. Aug 2008 to present Chicago, Illinois
Timelines, Inc. helps people and entities record and share important events and milestones using the web. The company has two web sites: Timelines.com and ...see more

ShopLocal

CEO of Workshop Drivers Jul 2007 to present

ShopLocal, LLC

State School



Northwestern University
Class of 1992 - BSA Finance - Marketing

Chicago

University of Notre Dame
Class of 1987 - Economics

- Wall
- Info
- Photos
- Friends
- Subscriptions

Friends (432)



Brian Hand
Hedden, NJ



Mark Wegener



Nick Kennedy



Armando Pedroso



Carter Cast

EXHIBIT B

Timeline

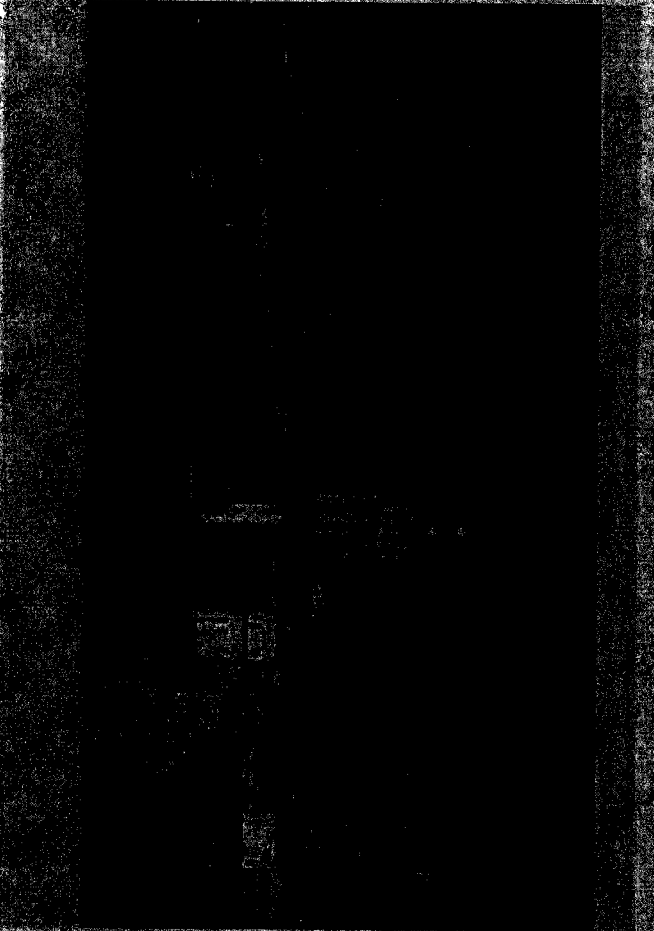
POPULAR TIMELINES & KNOWLEDGE QUIZZES

 Find Us on Facebook

2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024

Discovery: Record of World War II History

This Week in History



27 Sep 1774

Parliament passed the Intolerable Acts, also known as the Coercive Acts, in response to the Boston Tea Party.

On September 27, 1774, the British Parliament passed the Intolerable Acts, also known as the Coercive Acts, in response to the Boston Tea Party. The acts were designed to punish the colony and to restore British authority. The acts included the Boston Port Act, the Massachusetts Government Act, the Administration of Justice Act, and the Quartering Act. The acts were widely unpopular in the colonies and led to the outbreak of the American Revolutionary War.



27 Sep 27 Events

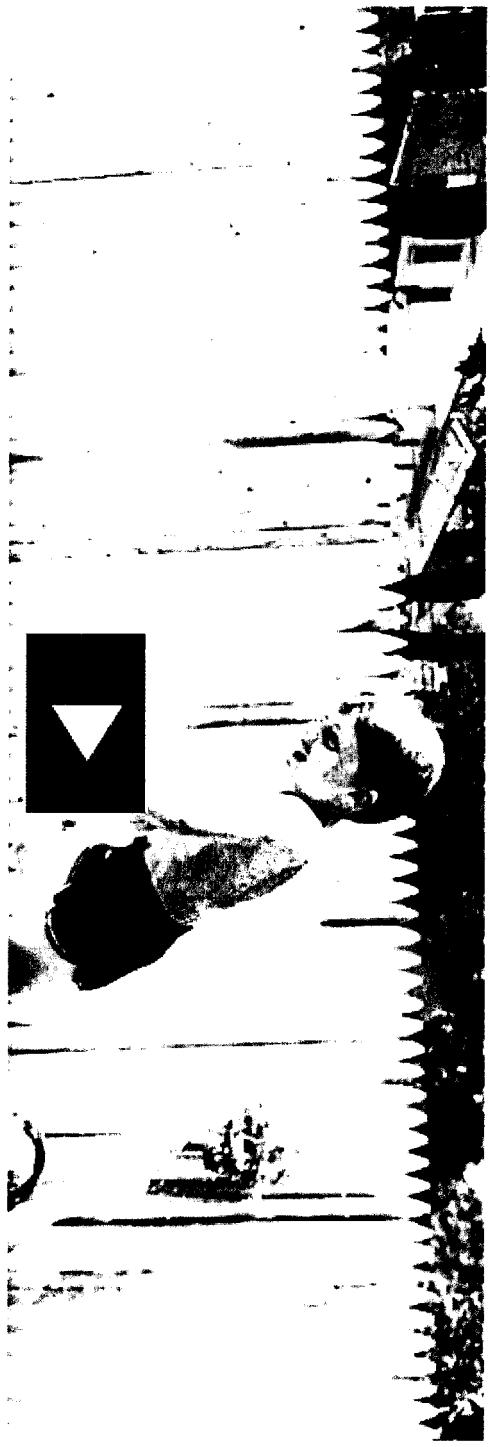
facebook

Sign Up

Facebook helps you connect and share with the people in your life.

Introducing Timeline

Tell your life story with a new kind of profile.



 Cover

 Stories

 Apps

Log In

Lillian Frances (1)

<https://www.facebook.com/profile.php?id=746692781>

Google

Scott McMillin Find Friends Home

Friends Subscribed Message



Wall

Info

Photos 600

Notes

98 Friends

Abuzzed to

Scott McMillin



Friends (606)

Raymal W Dennis



Bruce McCoy



Freddie Sullit



Timelines Lists Timelines, Inc.

Pages Timelines Education 486 people like this

Timelines Design Medical News Publishing

NO Timelines Community

Timelines Interest

Profile Timelines Website

Places Timeline Theatre Company 615 W. Wellington Avenue, Chicago...

See more results for Timelines

Gwyn Ashley's Photos

Steph, A... Lisa, Maybe you had a... in... in... in...

You and Lillian See Friendship



3 Photos of You and Lillian

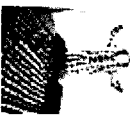
Zapruder Point

Sponsored Chicago Spartan Sprint! Create an Ad



The Chicago Spartan Sprint 5k race is coming on October 15th! Grab your friends and get signed up for the toughest 5k on the planet!

Happy Day Great days begin with great nights



Visa SavingsEdge



Save your business money by enrolling

Chat (Offline)

EXHIBIT C



Search Questions, Topics and People

Facebook Facebook Platform Facebook Timeline

When will Facebook Timeline be publicly available?

1 Answer

▲ **Stefan Parker, Facebook UI Engineer**

▼ 5 votes by Dan Tran, Luke Bornheimer, Chris Thomson, (more)

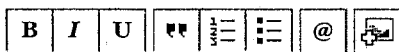


We are aiming to start letting users opt into Timeline in the next two to four weeks. There is no set date though.

Add Comment - Sep 24, 2011

1 Answer Collapsed

Add Answer



Add Answer

[R V d V V F V a V a S J C S S J C L T h a 5 #

EXHIBIT D

Video Not Filed

EXHIBIT E

United States of America

United States Patent and Trademark Office

Timelines.com

Reg. No. 3,764,134 TIMELINES, INC. (DELAWARE CORPORATION)
Registered Mar. 23, 2010 1802 WEST BERTEAU AVENUE, SUITE 203
CHICAGO, IL 60613

Int. Cl.: 42 FOR: PROVIDING A WEB SITE THAT GIVES USERS THE ABILITY TO CREATE CUSTOM-
IZED WEB PAGES FEATURING USER-DEFINED INFORMATION ABOUT HISTORICAL,
CURRENT AND UPCOMING EVENTS; AND APPLICATION SERVICE PROVIDER, NAMELY,
SERVICE MARK MANAGING WEB SITES OF OTHERS IN THE FIELDS OF HISTORICAL, CURRENT AND
PRINCIPAL REGISTER UPCOMING EVENTS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-15-2008; IN COMMERCE 4-20-2009.

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

SN 77-482,646, FILED 5-23-2008.

AISHA CLARKE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Timelines

Reg. No. 3,684,074 TIMELINES, INC. (DELAWARE CORPORATION)
Registered Sep. 15, 2009 1802 WEST BERTEAU AVENUE, SUITE 203
CHICAGO, IL 60613

Int. Cl.: 42 FOR: PROVIDING A WEB SITE THAT GIVES USERS THE ABILITY TO CREATE CUSTOM-
IZED WEB PAGES FEATURING USER-DEFINED INFORMATION ABOUT HISTORICAL,
CURRENT AND UPCOMING EVENTS; AND APPLICATION SERVICE PROVIDER, NAMELY,
SERVICE MARK MANAGING WEB SITES OF OTHERS IN THE FIELDS OF HISTORICAL, CURRENT AND
PRINCIPAL REGISTER UPCOMING EVENTS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-15-2008; IN COMMERCE 4-20-2009.

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

SN 77-482,582, FILED 5-23-2008.

AISHA CLARKE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

timelines

Reg. No. 3,784,720

Registered May 4, 2010

Int. Cl.: 42

SERVICE MARK

PRINCIPAL REGISTER

TIMELINES, INC. (DELAWARE CORPORATION)
1802 WEST BERTEAU AVENUE, SUITE 203
CHICAGO, IL 60613

FOR: PROVIDING A WEB SITE THAT GIVES USERS THE ABILITY TO CREATE CUSTOMIZED WEB PAGES FEATURING USER-DEFINED INFORMATION ABOUT HISTORICAL, CURRENT AND UPCOMING EVENTS; AND APPLICATION SERVICE PROVIDER, NAMELY, MANAGING WEB SITES OF OTHERS IN THE FIELDS OF HISTORICAL, CURRENT AND UPCOMING EVENTS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 4-20-2009; IN COMMERCE 4-20-2009.

OWNER OF U.S. REG. NO. 3,684,074.

THE MARK CONSISTS OF THE STYLIZED LETTERS FOR THE WORD "TIMELINES" WITH DESIGN ELEMENTS OF A SLIGHTLY CURVED RECTANGULAR SHAPE FOR THE DOT ABOVE THE LETTER "I" AND COMPONENTS OF THE LETTERS "T", "I", "M", "L", "N" AND "S".

SER. NO. 77-841,615, FILED 10-5-2009.

AMY HELLA, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office