

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FPX, LLC d/b/a FIREPOND, §
Individually and on Behalf of All Others §
Similarly Situated, §
Plaintiff, §
v. §
GOOGLE, INC., YOUTUBE, LLC, AOL, §
LLC, TURNER BROADCASTING §
SYSTEM, INC., MYSPACE, INC. AND §
IAC/INTERACTIVECORP, §
Defendants. §

Civil Action No. 2:09-cv-00142-TJW

CLASS ACTION COMPLAINT

JURY TRIAL REQUESTED

THE RODNEY A. HAMILTON LIVING §
TRUST and JOHN BECK AMAZING §
PROFITS, LLC, Individually and on Behalf §
of All Others Similarly Situated, §
Plaintiffs, §
v. §
(1) GOOGLE INC.; AND §
(2) AOL LLC, §
Defendants. §

Civil Action No. 2:09-cv-00151-TJW-CE

CLASS ACTION COMPLAINT

JURY TRIAL REQUESTED

DECLARATION OF CARL C. BUTZER

A. My name is Carl C. Butzer, I am over the age of 21, of sound mind, have never been convicted of a felony, am competent to make this Declaration, and every statement herein is within my personal knowledge and is true and correct.

B. I am an attorney of record for Defendants. In that capacity, I have gained personal knowledge of the facts contained herein, each of which is true and correct.

C. Attached to this declaration are the following:

1. Exhibit 1 is a true and correct copy of the 07/27/02 letter response by the Federal Trade Commission to Gary Ruskin, Executive Director, Commercial Alert re: Complaint Requesting Investigation of Various Internet Search Engine Companies for Paid Placement and Paid Inclusion Programs (GOOG-00000013 – 00000015);
2. Exhibit 2 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,499,737, for “Configurator” (production reference GOOG000057270);
3. Exhibit 3 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,365,977 for “Configurator” (production reference GOOG000057269);
4. Exhibit 4 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,364,574 for “Configure One” (production reference GOOG000057266);
5. Exhibit 5 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,078,720 for “Webcom” (production reference GOOG000057265);
6. Exhibit 6 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,618,122 for “BigMachines” (production reference GOOG000057267);
7. Exhibit 7 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,923,323 for “Big Machines” (production reference GOOG000057268);
8. Exhibit 8 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,016,919 for “Robert Allen Institute” (production reference GOOG000057256);
9. Exhibit 9 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,282,921 for “Robert Allen” (production reference GOOG000057253);
10. Exhibit 10 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,948,234 for “Robert Allen” (production reference GOOG000057254);

11. Exhibit 11 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,621,910 for “Robert Allen” (production reference GOOG000057255);
12. Exhibit 12 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,626,750 for “Robert Allen” (production reference GOOG000057252);
13. Exhibit 13 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,663,065 for “UK” (production reference GOOG000057260);
14. Exhibit 14 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,207,910 for “UK” (production reference GOOG000057261);
15. Exhibit 15 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 1,610,804 for “UK” (production reference GOOG000057259);
16. Exhibit 16 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,126,454 for “California Real Estate” (production reference GOOG000057231);
17. Exhibit 17 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,907,734 for “Carleton Sheets” (production reference GOOG000057232);
18. Exhibit 18 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,277,219 for “Intellectual Property” (production reference GOOG000057248);
19. Exhibit 19 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,661,816 for “Intellectual Property” (production reference GOOG000057249);
20. Exhibit 20 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,404,016 for “Moore” (production reference GOOG000057251);
21. Exhibit 21 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 552,753 for “Vulcan” (production reference GOOG000056178);
22. Exhibit 22 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 666,878 for “Vulcan” (production reference GOOG000056179);

23. Exhibit 23 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 674,532 for “Vulcan” (production reference GOOG000056180);
24. Exhibit 24 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 1,148,708 for “Vulcan” (production reference GOOG000056182);
25. Exhibit 25 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 1,179,853 for “Vulcan” (production reference GOOG000056183);
26. Exhibit 26 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 1,291,019 for “Vulcan” (production reference GOOG000056184);
27. Exhibit 27 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 1,631,280 for “Vulcan” (production reference GOOG000056185);
28. Exhibit 28 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 1,609,678 for “Vulcan” (production reference GOOG000056186);
29. Exhibit 29 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 1,702,855 for “Vulcan” (production reference GOOG000056187);
30. Exhibit 30 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 1,928,459 for “Vulcan” (production reference GOOG000056188);
31. Exhibit 31 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 1,750,911 for “Vulcan” (production reference GOOG000056189);
32. Exhibit 32 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 1,973,892 for “Vulcan” (production reference GOOG000056190);
33. Exhibit 33 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,224,286 for “Vulcan” (production reference GOOG000056192);
34. Exhibit 34 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,358,686 for “Vulcan” (production reference GOOG000056193);

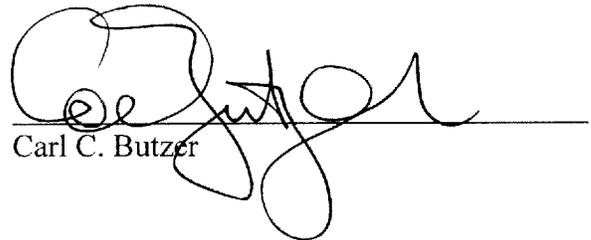
35. Exhibit 35 is a true and correct certified copy of the 11/12/02 Certificate of Registration for U.S. Trademark Reg. No. 2,649,794 for “Vulcan” (production reference GOOG000056195);
36. Exhibit 36 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,800,567 for “Vulcan” (production reference GOOG000056196);
37. Exhibit 37 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,657,580 for “Vulcan” (production reference GOOG000056199);
38. Exhibit 38 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,469,373 for “Vulcan” (production reference GOOG000056200);
39. Exhibit 39 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,988,313 for “Vulcan” (production reference GOOG000056201);
40. Exhibit 40 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,963,751 for “Vulcan” (production reference GOOG000056202);
41. Exhibit 41 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,322,951 for “Vulcan” (production reference GOOG000056203);
42. Exhibit 42 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,685,039 for “Vulcan” (production reference GOOG000056204);
43. Exhibit 43 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,880,268 for “Vulcan” (production reference GOOG000056205);
44. Exhibit 44 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,336,867 for “Vulcan” (production reference GOOG000056213);
45. Exhibit 45 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,258,428 for “Vulcan” (production reference GOOG000056214);
46. Exhibit 46 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,294,711 for “Vulcan” (production reference GOOG000056209);

47. Exhibit 47 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,956,974 for “Vulcan” (production reference GOOG000056207);
48. Exhibit 48 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,248,458 for “Vulcan” (production reference GOOG000056210);
49. Exhibit 49 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,197,288 for “Vulcan” (production reference GOOG000056208);
50. Exhibit 50 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,753,194 for “Vulcan” (production reference GOOG000056206);
51. Exhibit 51 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 1,802,211 for “Texas Pride” (production reference GOOG000056255);
52. Exhibit 52 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 2,940,858 for “Texas Pride” (production reference GOOG000056256);
53. Exhibit 53 is a true and correct certified copy of the Certificate of Registration for U.S. Trademark Reg. No. 3,280,754 for “Texas Pride” (production reference GOOG000056257);
54. Exhibit 54 is a true and correct copy of printouts of the website www.NoBootLeg.com as they appeared on July 27, 2010 (GOOG000056285 – 000056318);
55. Exhibit 55 is a true and correct copy of printouts of pages from the website www.ProgramCritique.com as they appeared on July 27 and 28, 2010 in connection with which Beck is claiming infringement (GOOG000056319 – 000056351, GOOG000056366 – 000056374);
56. Exhibit 56 is a true and correct copy of printouts of pages from the website www.Real-Estate-Made-Easy.com as they appeared on July 27, 2010 in connection with which Beck is claiming infringement (GOOG000056375 – 000056380);
57. Exhibit 57 is a true and correct copy of printouts of the website JohnTReed.com as they appeared on July 27, 2010 in connection with which Beck is claiming infringement (GOOG000056381 – 000056415);

58. Exhibit 58 is a true and correct copy of printouts of pages from the website www.GurusExposedNow.com as they appeared on July 27, 2010 in connection with which Beck is claiming infringement (GOOG000056416 – 000056419);
59. Exhibit 59 is a true and correct certified copy of the 11/17/09 Order Granting in Part the Federal Trade Commission's Motion for Preliminary Injunction with Asset Freeze and Other Equitable Relief in Case No. 2:09-cv-4719-FMC-FFMX, *Federal Trade Commission v. John Beck Amazing Profits, LLC, et al.*, United States District Court Central District of California (production reference GOOG000055979 – 000056011); and
60. Exhibit 60 is a true and correct copy of the 02/08/07 Complaint for Declaratory Relief in Case No. CV07-00926 FMC, *Family Products, LLC and John Beck Amazing Profits, LLC v. Infomercial Ventures Partnership*, United States District Court, Central District of California (GOOG000056506-56512).
61. Exhibit 61 is a true and correct copy of documents produced by Plaintiff John Beck Amazing Profits, LLC as BEK000042-43, BEK000051-52, BEK000054-55.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of October, 2010.


Carl C. Butzer